

AN ANALYTICAL STUDY OF JUDICIAL CONSIDERATIONS IN THE IMPOSITION OF CRIMINAL SANCTIONS ON JUVENILE OFFENDERS OF NARCOTICS CRIMES: A CASE STUDY OF DECISION NUMBER 12/PID.SUS-ANAK/2024/PN.SAK

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Abstract

The phenomenon of child involvement in narcotics crimes, whether as users, dealers, or couriers, is a very complex legal and social problem in Indonesia. Children are often exploited by narcotics distribution networks because they are considered safer from legal threats. This creates its own problems in the criminal justice system, considering that children are in the position of perpetrators and victims who need special protection. Based on these problems, this study was conducted to analyze the judge's considerations in imposing criminal sanctions on child perpetrators of narcotics crimes and to determine the results of the legal analysis of the judge's considerations in Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak based on the principles of child protection and the principles of restorative justice. This study uses a normative legal research method, with the object of research in the form of Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak. The approaches used in the study are the statutory approach and the case approach. The results of the study indicate that the judge's sentencing of children in Decision No. Case No. 12/Pid.Sus-Anak/2024/PN.Sak reflects an effort to balance punishment and rehabilitation. Although the judge has considered age, social background, and provided job training, child protection and restorative justice approaches have not been comprehensively implemented. Children as victims of exploitation have not received adequate psychological recovery, education, or social reintegration. Therefore, the juvenile criminal justice system needs to prioritize rehabilitation and the best interests of the child, rather than solely punishment. The judge's decision in case No. 12/Pid.Sus-Anak/2024/PN.Sak does not fully reflect the principles of child protection and restorative justice. The child only acts as a courier, is under the influence of an adult perpetrator, and comes from an unsupportive social environment. Despite showing remorse and cooperation, the judge still sentences him to imprisonment without considering alternatives such as diversion, rehabilitation, or social rehabilitation. The legal approach taken is more repressive and formalistic, inconsistent with the educational and restorative objectives of child punishment. Therefore, this decision shows the need to strengthen the application of more humane principles of justice towards children in the criminal justice system.

Keywords: *Judge's Considerations, Children, Narcotics, Child Protection, Restorative Justice.*

INTRODUCTION

The phenomenon of juvenile delinquency refers to behavior by children that violates legal norms as well as social norms within society. Advances in technology and science have influenced children's behavior, especially when a lack of parental supervision and attention encourages children to imitate negative behaviors in their surroundings. This situation can provoke children to act on misguided impulses, such as experimenting with narcotics or engaging in other deviant acts, whether consciously or unconsciously, ultimately harming themselves and others. Childhood is a transitional period—the phase of moving from childhood to adulthood. During this transition, children's mental conditions remain unstable, making them vulnerable to negative influences. Deviant behavior among children is a frequent concern. In fact, some children violate the law, including through narcotics abuse (Sujud et al., 2025). Narcotics abuse among children and adolescents constitutes a complex and multidimensional legal and social problem. This phenomenon not only threatens the future of the younger generation but also presents significant challenges to the national criminal justice system, particularly in providing legal protection to children in conflict with the law (ABH) (Agustin et al., 2025).

The rate of narcotics use and abuse in Indonesia has reached alarming levels, posing serious threats to national security and sovereignty. Narcotics-related cases are increasingly frequent, even in regions previously free from narcotics trafficking, which are gradually becoming centers of narcotics crime. This situation is worsened by the rising number of adolescents under 21 years old involved as narcotics users, despite their age group being expected to avoid such illegal substances. Narcotics themselves are substances or drugs, whether derived from plants or non-plant sources, including synthetic or semi-synthetic types, that have effects of reducing or altering consciousness, causing numbness, relieving pain, and causing dependence, as stipulated in Article 1 paragraph (1) of Law Number 35 Year 2009 concerning Narcotics. The ease of narcotics production today makes it increasingly difficult for the public, especially users, to recognize and distinguish these harmful substances (Hariadi, 2023). Global data currently shows that narcotics abusers have reached 296 million people, an increase of 12 million compared to the previous year. This figure represents 5.8% of the global population aged 15-64 years. Meanwhile, the 2023 National Narcotics Abuse Prevalence Survey indicates a prevalence rate of 1.73%, equivalent to 3.3 million Indonesians aged 15-64 years. The data also indicates a significant increase in narcotics abuse among the 15-24 age group (bnn.go.id). These data indicate a rising trend of children's involvement in narcotics offenses, whether as users, couriers, or part of distribution networks.

This shows that the narcotics problem is no longer limited to adults but has also permeated those under 18 years old, who are still undergoing physical, mental, and social development. The influences on children and adolescents trapped in narcotics abuse stem from their environment, peer groups, and close acquaintances. Parents need to be vigilant regarding inappropriate actions. Regulating children's activities can reduce narcotics influences on children. Handling juvenile criminal cases involves various institutions playing important roles in ensuring fair legal processes and protecting children's rights. The first institution involved is the police, whose primary duty is to investigate and conduct inquiries into cases involving children, whether as victims or perpetrators. The police must ensure that children involved in criminal cases receive special protection, especially regarding the right to be accompanied by parents or legal counsel and to avoid inhumane treatment during legal processes. The police also collaborate with social institutions and child protection agencies to provide psychological support for children who are victims of crimes. After investigation, the case files are submitted to the prosecutor's office, which will prosecute the cases. The prosecutor's office is obligated to consider the child's best interests and conduct prosecutions carefully and sensitively regarding the child's situation (Barus et al., 2025).

Recent trends indicate a surge in criminal behavior among children, demanding urgent attention from families, communities, and the government. This includes narcotics-related offenses, which encompass not only the use or abuse of narcotic substances but also the broader context of children's relationships with narcotics. Such involvement is typically not driven by the children's own awareness but rather influenced by their social interactions. The increasing presence of illegal narcotics groups in society is a significant factor contributing to the growing participation of children in drug trafficking, often resulting in their role as couriers of these substances (Buana et al., 2024). The involvement of children in narcotics-related crimes, particularly as couriers, represents a disturbing pattern of organized schemes designed to facilitate the distribution of illegal drugs. Categorizing these children as couriers raises serious concerns, especially when they are subjected to legal consequences and treated as offenders under narcotics law (Buana et al., 2024). Children are frequently exploited by adults within narcotics distribution networks because they are perceived as being legally safer to use. Therefore, approaches toward children involved in narcotics cases must take into account psychological, sociological, and proportional legal protection aspects.

Anyone who violates the law is subject to criminal sanctions, whether in the form of imprisonment, fines, or even capital punishment. The imposition of such sanctions is closely related to the principle of criminal responsibility, under which perpetrators must be held accountable for their actions before the law. A child who commits a criminal act must still bear responsibility for their conduct, so that they become aware of their wrongdoing and refrain from repeating similar acts in the future. Since the act committed falls within the category of a serious crime, legal proceedings must still be carried out. Nevertheless, the child remains entitled to protection. The Indonesian legal framework guarantees such protection through Law No. 35 of 2014 on Child Protection, as well as Law No. 11 of 2012 on the Juvenile Criminal Justice System (Sistem Peradilan Pidana Anak, SPPA), which ensures the rights of children in conflict with the law (Barus et al., 2025). Child protection is further regulated under Law No. 39 of 1999 on Human Rights, particularly Article 58, which stipulates that "every child shall have the right to obtain legal protection." Furthermore, Law No. 11 of 2012 on the Juvenile Criminal Justice System defines a "child in conflict with the law" as a person aged at least twelve (12) years and not yet eighteen (18) years who is alleged to have committed a criminal act. In practice, some argue that imposing criminal penalties on children is unwise, while others contend that such punishment remains necessary to prevent deviant behavior from continuing into

adulthood. In criminal proceedings involving children, the judicial system often treats them as convicts, which has a profound impact on their development and growth. Sentencing through criminal court mechanisms that result in imprisonment frequently fails to produce constructive outcomes, and may even exacerbate the situation by exposing children to environments where they acquire greater criminal skills during incarceration. Children involved in narcotics offenses—whether as users or distributors—receive special protection within the juvenile justice system. The law emphasizes rehabilitation and recovery rather than mere punishment. Its primary objective is to safeguard the rights of the child and provide a second chance to reintegrate into society. However, upon reintegration, children must be subject to structured supervision from both internal and external environments. They should not simply be released into society without adequate monitoring, as proper supervision is crucial to prevent recidivism.

The role of those surrounding the child greatly influences the behavior of narcotics-using children. Positive attention and guidance can transform them for the better. Many factors contribute to children becoming entangled in narcotics-related crimes, one of which is the lack of sufficient attention and affection. When children feel dissatisfied with the attention they receive, they may become vulnerable to involvement in narcotics offenses (Buana *et al.*, 2024). The enactment of Law No. 11 of 2012 on the Juvenile Criminal Justice System constitutes an alternative measure in protecting the rights of children, particularly those undergoing legal proceedings (Wiratny, 2018). This development marks a new phase in Indonesia's criminal justice system. One of its major reforms lies in the regulation of criminal justice processes that focus not solely on punishment but also on recovery and the restoration of conditions following a criminal act through the restorative justice approach.

This concept differs from retributive justice, which emphasizes punishment, and from restitutive justice, which centers on compensation. Restorative justice aims to fulfill victims' rights by bringing together victims, offenders, and the community to collectively find fair and balanced solutions for all parties involved (Sudewo, 2021). Law No. 11 of 2012 has introduced significant changes in handling children in conflict with the law, particularly through explicit provisions on the application of restorative justice and the implementation of diversion procedures. Diversion seeks to prevent children from undergoing formal criminal proceedings to avoid stigmatization as offenders, with the hope that they can readjust and live normally within society without bearing the burden of negative labeling (Chandra, 2023). Judges constitute one of the principal pillars in the system of law enforcement and justice, playing a vital role in judicial processes. Every time a judge renders a decision, they must consider three fundamental aspects: justice, legal certainty, and utility. This principle is reflected in Article 1(1) of Law No. 48 of 2009 on Judicial Power, which stipulates that judges are responsible for upholding law and justice based on the values of Pancasila and the 1945 Constitution.

In exercising their authority, judges are expected to internalize and apply legal principles that embody moral, ethical, and equitable values consistent with Pancasila and the 1945 Constitution. Consequently, judicial enforcement must not only focus on formal aspects but also produce substantive justice that aligns with public expectations (Davis & Maharani, 2024). During the adjudication process, judges require evidence as the foundation for their legal reasoning and decision-making. This evidentiary stage constitutes the most crucial element of a trial. The purpose of evidence is to ensure that the alleged events or facts truly occurred, enabling a just and accurate verdict. A judge must not decide a case until convinced of the truth of the facts presented, as this is essential for clarifying the legal relationships between the parties involved. Judges hold a central role in interpreting legal provisions and delivering just decisions, particularly in cases involving children as perpetrators of criminal acts. In such cases, judges are not merely law enforcers but also protectors of moral and substantive justice values. When sentencing a child in a narcotics-related case, judges must consider various critical aspects, such as the child's age, mental and psychological condition, social background, and potential for rehabilitation—ensuring that the verdict does not destroy the child's future.

Judicial reasoning forms an integral component of legal decision-making, as it must reflect both justice and legal certainty. This process involves a comprehensive examination of all facts revealed during trial proceedings and the application of relevant legal norms. Judges are obliged to evaluate all evidence and arguments meticulously to ensure that the verdict is fair and accountable. In cases involving juvenile offenders, judges must prioritize elements of guidance and restoration, ensuring that judicial decisions are not purely punitive but also serve educational and rehabilitative purposes (Azmii *et al.*, 2025). Fundamentally, judicial decisions that fail to align with appropriate sentencing objectives may have adverse effects on crime prevention efforts and offer no meaningful benefit to the convicted individual. Law No. 11 of 2012 on the Juvenile Criminal Justice System (Undang-Undang Sistem Peradilan Pidana Anak / UU SPPA) marks a major turning point in the reform of Indonesia's juvenile justice system. This legislation emphasizes that the handling of cases involving children should not be solely oriented toward the imposition of punishment, but must prioritize protection, guidance, and education for the child concerned

(Rahayu *et al.*, 2025). The UU SPPA explicitly regulates the implementation of the principles of diversion, restorative justice, and the protection of children's rights throughout the criminal justice process. The provisions governing juvenile cases focus primarily on resolving matters outside of penal measures, by taking into account the best interests of the child, promoting social rehabilitation, and supporting the reintegration of children into community life (Agustin *et al.*, 2025). In practice, however, the enforcement of these principles continues to face numerous obstacles. There remains a lack of harmony between the provisions of the Narcotics Law (Undang-Undang Narkotika), which adopts a repressive and punitive approach, and those of the UU SPPA, which emphasize protection (Djehamad, 2023). Several judicial decisions have imposed imprisonment on children without considering alternative measures such as rehabilitation or placement in specialized institutions. This inconsistency raises concerns about the effectiveness of the UU SPPA in realizing a child-friendly and equitable juvenile justice system.

Rehabilitation constitutes a crucial element in the implementation of restorative justice, particularly because most cases of juvenile narcotics abuse are not committed with deliberate intent or malicious purpose. Such behavior commonly arises from ignorance, environmental influence, or psychological vulnerability. This lack of awareness may be triggered by misinformation on social media, inadequate education on the dangers of drug use, and insufficient attention from family members or educational institutions. Family dysfunction—such as internal conflict or parental divorce—often drives children to seek escape, which can lead to substance abuse. Furthermore, trauma and psychological distress significantly contribute to a child's susceptibility to engaging in high-risk behavior (Hariadi, 2023). The adjudication process for cases involving children is conducted in closed court sessions, as stipulated in Article 42 paragraph (3) of Law No. 11 of 2012 on the Juvenile Criminal Justice System, which mandates confidentiality at every stage of the investigation without exception. Although Indonesian legislation has not yet comprehensively defined the general age threshold for criminal liability, Article 4 of Law No. 11 of 2012 establishes the age range of children eligible to undergo judicial proceedings. The implementation of guidance and supervision for children in conflict with the law must be grounded in several legal frameworks, including the 1945 Constitution of the Republic of Indonesia, Law No. 11 of 2012 on the Juvenile Criminal Justice System, Law No. 23 of 2002 as amended by Law No. 35 of 2014 on Child Protection, Law No. 12 of 1995 on Correctional Institutions, Law No. 39 of 1999 on Human Rights, and Law No. 35 of 2009 on Narcotics.

The handling of children in narcotics-related cases has become increasingly complex due to the criminalization of children who are, in fact, narcotics abusers rather than traffickers. Articles 54 and 55 of Law No. 35 of 2009 on Narcotics explicitly stipulate that addicts and victims of narcotics abuse are entitled to medical and social rehabilitation services and should not be treated as criminal offenders. However, in practice, children found in possession of or using narcotics are often immediately charged as suspects and subjected to severe criminal sanctions, equating them with adult drug dealers. This situation reflects a shift in law enforcement orientation from a rehabilitative to a repressive approach (Agustin *et al.*, 2025). Such conditions raise serious issues concerning substantive justice and the protection of children's human rights. Children involved in narcotics abuse should not be viewed solely as perpetrators of legal violations but must also be recognized as victims of inadequate parental supervision, adverse social environments, and the state's failure to provide effective protection (Hakim, 2023). When law enforcement authorities and legislative frameworks fail to respond in accordance with the principles of child protection, they inadvertently heighten children's vulnerability and risk permanently damaging their futures. Moreover, differences in interpretation and practice among law enforcement institutions—such as the police, prosecutors, courts, correctional guidance agencies (Balai Pemasyarakatan / BAPAS), and rehabilitation centers—demonstrate the lack of institutional synergy and coordination in implementing the principles of diversion and restorative justice as mandated by the UU SPPA (Anam *et al.*, 2024).

Many cases continue to be addressed through purely punitive approaches without due regard for children's developmental needs or multidisciplinary considerations. The discrepancy between the legal framework and its practical implementation highlights the weakness of Indonesia's juvenile criminal justice system in safeguarding the rights of children in conflict with the law, particularly in narcotics-related offenses. A major concern that requires serious attention is the absence of clear and standardized criteria to distinguish between children as perpetrators and children as victims in narcotics offenses. Although Law No. 35 of 2009 on Narcotics regulates addicts and victims of abuse eligible for rehabilitation, it does not provide an explicit distinction between a child acting as a genuine offender and one exploited by narcotics syndicates. This ambiguity invites subjective and biased interpretations during law enforcement, leading to equal treatment of child users and adult traffickers without prioritizing the child protection principles that should prevail. Furthermore, the implementation of diversion as mandated by Law No. 11 of 2012 on the Juvenile Criminal Justice System remains suboptimal at the pre-trial level, particularly during the

stages of investigation and prosecution. In fact, diversion is intended to keep children away from formal judicial processes and to restore social harmony through restorative justice. However, in many cases, diversion is neglected, applied only during trial, or bypassed entirely in favor of punitive proceedings. This reflects a lack of coordination among law enforcement agencies, as well as insufficient understanding and commitment to upholding child protection as a central tenet of the juvenile justice system (Afrizal, 2021). In addition, the absence of clear technical regulations governing the implementation of restorative justice in juvenile narcotics cases constitutes a crucial legal issue. Although the Juvenile Criminal Justice System Law (Undang-Undang Sistem Peradilan Pidana Anak / UU SPPA) normatively regulates the principle of restorative justice, in the context of narcotics abuse, no specific and comprehensive implementing regulations have been issued to guide law enforcement officers in applying this approach. As a result, restorative justice remains merely a normative concept without consistent implementation, particularly in cases involving narcotics abuse or distribution by minors. This condition hinders efforts toward rehabilitation and social reintegration, which should be the primary objectives in handling children in conflict with the law (Chandra, 2023).

Furthermore, it is important to highlight the fact that in many cases, children involved in narcotics offenses are first-time offenders. This circumstance should serve as a significant consideration in the imposition of criminal sanctions, given that first-time juvenile offenders still possess a substantial potential for correction and development, particularly through non-punitive approaches such as rehabilitation and social reintegration. The imposition of repressive criminal sanctions on children who have committed their first offense carries the risk of causing psychological trauma, stigmatization, and deep psychosocial damage, thereby contradicting the spirit of child protection enshrined in Law No. 11 of 2012 on the Juvenile Criminal Justice System (Salsabila & Rustamaji, 2024). The fact that the child has no prior criminal record should encourage law enforcement officials—especially judges—to prioritize the restorative justice approach when adjudicating such cases. This principle emphasizes the restoration of social relations among the offender, the victim, and the community, while positioning the child as an individual who remains capable of rehabilitation and reintegration into a lawful and constructive life path. Therefore, an examination of judicial considerations in sentencing juvenile narcotics offenders—in relation to the restorative justice principle—becomes highly relevant. Such a study is expected to provide insight into whether the judiciary has internalized child protection values in practice and to assess the extent to which the implementation of the UU SPPA aligns with the mandate of protecting children's rights within the national criminal justice system (Chandra, 2023).

A relevant case to be examined in this context is the Decision of the Siak Sri Indrapura District Court No. 12/Pid.Sus-Anak/2024/PN.Sak. In this case, a 15-year-old child was convicted for acting as an intermediary in the distribution of methamphetamine (*sabu*). The child, together with two peers, was charged with violating Article 114 paragraph (1) in conjunction with Article 132 paragraph (1) of Law No. 35 of 2009 on Narcotics in conjunction with Article 1 point 3 of the UU SPPA. Based on the court's verdict, the judge imposed a two-year imprisonment sentence at the Special Child Development Institution (*Lembaga Pembinaan Khusus Anak / LPKA*) in Pekanbaru and ordered the child to undergo three months of vocational training at the Abiseka Rumbai Center, while maintaining the detention order. During the trial, the child admitted the offense, demonstrated cooperative behavior and remorse, and stated that his involvement in narcotics distribution was influenced by peer association. Given these circumstances, Decision No. 12/Pid.Sus-Anak/2024/PN.Sak requires further analysis to determine the extent to which the judge's considerations align with the principles of child protection and restorative justice as stipulated in Law No. 11 of 2012 on the Juvenile Criminal Justice System. Reviewing this decision is crucial to ascertain whether the judge has genuinely considered the best interests of the child and prioritized the resolution of cases through non-penal measures.

The court plays a pivotal role in resolving cases involving children, whether as offenders or victims. In handling children in conflict with the law, Indonesia has adopted a juvenile criminal justice system oriented toward rehabilitation and social reintegration, rather than mere punishment. Juvenile proceedings are conducted in District Courts through special panels of judges assigned to handle child cases, consistent with the provisions of Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA). During trial proceedings, every effort is made to ensure that the child does not experience psychological distress or trauma, with the assistance of professional experts such as psychiatrists or child protection specialists. The court also has the authority to impose rehabilitative sanctions, such as placement in educational or vocational training institutions, aimed at facilitating recovery and reintegration of the child into society (Obinaru & Hammar, 2024). Based on the foregoing discussion, it can be concluded that the imposition of criminal sanctions on children involved in narcotics cases not only concerns the formal aspects of law but also has a profound impact on the child's development and future. Therefore, a comprehensive legal analysis

of judicial considerations in such cases is necessary, particularly concerning the application of child protection and restorative justice principles as mandated by the Juvenile Criminal Justice System Law. This study is thus essential to examine whether, in Decision No. 12/Pid.Sus-Anak/2024/PN.Sak, the judge has proportionally and fairly incorporated these two principles in rendering the verdict.

METHOD

The type of research employed in this study is normative legal research, namely a scientific method aimed at discovering truth based on logical reasoning and the normative principles of legal science (Ibrahim, 2006). Normative legal research is conducted by examining and analyzing theoretical aspects concerning legal principles, legal norms, and legal systems relevant to the issues under study. In this research, the normative legal method is utilized to analyze the judicial considerations in Decision No. 12/Pid.Sus-Anak/2024/PN.Sak in sentencing a child involved in a narcotics offense, as well as to examine the judge's reasoning from a juridical perspective based on the principles of child protection and restorative justice. This study employs two approaches: the statute approach and the case approach. The statute approach involves reviewing and examining all laws and regulations relevant to the legal issue being studied (Marzuki, 2005). In this study, the statute approach is used to analyze and interpret various legal provisions forming the basis for imposing criminal sanctions on children convicted of narcotics-related offenses. Through this approach, the researcher evaluates the judge's reasoning against the prevailing legal norms, particularly those relating to the principles of child protection and restorative justice, which constitute the foundation of Indonesia's juvenile criminal justice system.

Furthermore, this research also applies the case approach, which in normative legal research aims to study the application of legal norms and principles in judicial practice. This approach is typically employed to examine cases that have already been adjudicated (Fajar & Achmad, 2010). In this study, the case approach is used to conduct an in-depth analysis of Decision No. 12/Pid.Sus-Anak/2024/PN.Sak as the primary object of research. Through this method, the researcher analyzes the legal reasoning adopted by the judge in sentencing the child offender in a narcotics case. The case approach enables the researcher to understand the concrete implementation of legal norms in judicial practice and to assess whether the judicial considerations reflect the relevant legal principles, particularly those concerning child protection and restorative justice. The data collection technique employed in this study is library research, which constitutes the main method in normative legal studies. This technique involves collecting and reviewing legal materials relevant to the research problem, including legislation, court decisions, and legal scholarship. According to Soerjono Soekanto and Sri Mamudji (2006), library research in normative legal inquiry aims to identify applicable legal norms as the analytical foundation for a given legal issue.

To ensure data validity, the study employs source triangulation and logical consistency testing, as the data consist primarily of secondary legal materials, both primary and secondary. Data validity is ensured by comparing and cross-examining primary legal materials (statutes and judicial decisions) with secondary legal materials (legal opinions, books, journals, and prior studies). This process ensures that the researcher's interpretations are well-grounded and relevant, minimizing the risk of biased or unilateral conclusions (Soekanto, 1983). The data analysis technique applied in this study is qualitative-normative analysis, which involves systematically examining the substance of legal materials collected and analyzing them to answer the research questions. The purpose of this analysis is to reveal how the judicial considerations in Decision No. 12/Pid.Sus-Anak/2024/PN.Sak correspond with existing legal provisions and to assess them within the framework of child protection and restorative justice principles in the juvenile criminal justice system. According to Soerjono Soekanto and Sri Mamudji (2006), analysis in normative legal research focuses on the content of statutory provisions, legal principles, and doctrines relevant to the issue under examination. The data obtained from primary and secondary legal sources are not statistically processed but are analyzed through legal interpretation and legal reasoning to draw conclusions based on juridical logic. Marzuki (2005) further explains that normative legal analysis may involve grammatical, systematic, and teleological interpretations, depending on the objectives and legal context being analyzed. In this study, the researcher employs legal reasoning to evaluate whether the judge's considerations align with the principles of child law, as stipulated in statutory provisions and legal doctrines. Therefore, the data analysis technique used in this research is descriptive-analytical, aiming to describe the content of the decision and relevant legal provisions, and then critically analyze them to formulate conclusions regarding the issues discussed.

RESULTS AND DISCUSSION

Overview of the Research Object

Decision Number 12/Pid.Sus-Anak/2024/PN.Sak is decision Court Country Siak Sri Indrapura which handle case action criminal narcotics with defendant a child Which face to face with law. Children the with the initials (Child) aged 15 year, born in Rank, Sumatra North on 3 February 2009, type sex men, and domiciled in Regency Siak. Child This No work and separated school since 4th grade elementary school. In this case, the child was accompanied by a legal advisor from the PAHAM Legal Aid Organization, Counselor Community from BAPAS Pekanbaru, as well as his mother during trial process. Chronology case started on date 17 July 2024 around o'clock 20.00 WIB, witness RG request Child and witnesses MR For deliver narcotics type crystal methamphetamine to region West Nias. Upon arrival in location, narcotics was submitted to buyer, And Child accept Money as big as Rp. 200,000 Which Then handed over to witness RG. Then, on o'clock 22.00 WIB in day Which The same, witness RG return request Child And witness MR to deliver the crystal methamphetamine to Group One. After the transaction was carried out, the witness MR received Rp . 200,000 And hand it over to witness RG. Temporary That, on date 17 July 2024 o'clock 21.30 WIB, the police, that is witness DR And witness SR, accept information from public about suspicion often the occurrence of drug abuse on the road Siak Regency. Based on the information, on July 18, 2024 approximately o'clock 01.15 WIB, apparatus police from Police Station Kandis do arrest to three person man namely RG, MR, And Children at home RG. In process search, found five package plastic clear clip sized small one contains colored crystals white clear allegedly narcotics types of crystal methamphetamine with heavy net 0.28 grams Which saved in in box cigarette brands Exist Bold. Besides That, participate confiscated goods proof in the form of cash as big as Rp1,884,000, three unit cellphone android each brand Infinix 110S color black, Oppo A16 blue color, Vivo Y12 red black, as well as One motorcycle units brand Honda Supra Fit without hood body and without a police number.

Based on the information in trial, child confess his actions as courier or intermediary in sale buy narcotics. Child together with MR deliver crystal methamphetamine to buyer on order RG, in return in the form of money amounting to Rp. 100,000 to Rp. 200,000 as well as given chance For consuming narcotics in a way free. Child Also use cellphone his For communicate related drug transactions And use bicycle motor owned by person his parents For deliver goods forbidden the. From the inspection laboratory forensics, crystal white Which found proven to contain methamphetamine and including in narcotics group I as listed in Law Number 35 Year 2009 about Narcotics. Furthermore, urine tests showed that all suspects, including Anak, tested positive for methamphetamine. Prosecutor Prosecutor General submit two indictment alternative to Child Which conflict with law. The first charge based on Chapter 114 verses (1) in conjunction with Article 132 verses (1) Law Republic Indonesia Number 35 Years 2009 about Narcotics jo Article 1 number 3 Laws Justice System Child Crime. In the indictment This, Child allegedly do action criminal in the form of test or agreement wicked, without right or against law, offer For for sale, sell, buy, accept, become intermediary in sell buy, exchange, or submit narcotics group I in non-plant form. The child is an individual who has 12 years old (twelve) years but not yet 18 years old (eighteen) year. Deeds the accused is that Child together with witness RG And witness MR in a way together And collude to do agreement wicked with become intermediary sell buy narcotics type crystal methamphetamine. Child accept wages in the form of Money a number of Rp. 100,000.00 And crystal methamphetamine for personal consumption free.

In addition, the Public Prosecutor also filed a second charge as an alternative charge, namely based on Chapter 112 paragraph (1) jo Chapter 132 Article (1) Constitution Republic Indonesia Number 35 Year 2009 about Narcotics jo article 1 Article 3 of the Law on the System Justice Criminal Child. In indictment This, The child is suspected do test or agreement wicked, without right or oppose law, own, store, control, or providing non-plant class I narcotics. The act that the charge is that the Child together with witness RG And witness MR allegedly do agreement wicked to have and master crystal methamphetamine Which found moment done search by police officers Kandis. Goods proof which was found in the form of 5 package crystal methamphetamine with heavy clean 0.28 grams. In trial, child No submit object on indictment And Also No present the witness who relieve. Witnesses Which presented by prosecutor general, like DR (member Police), RG, And MR, explained that role Child is as introduction narcotics to buyer with objective earn money And crystal methamphetamine to wear Alone. Child confess his actions and stated regret and promise not to repeat it his actions. Child admit to his actions because it is affected bad company until involved in circulation narcotics. Her mother, as witness family, convey that his son often comes home late at night and is known to be friends with people who use narcotics, even though the Mother not knowing in detail it is certain that his son follow using crystal methamphetamine. Advisor Child Law in its defense (plea) convey a number of matter as request for leniency. In the plea, Legal Advisor stated that the child behaved cooperative during the trial And No make things difficult the way process law. Besides That, Child Also confess his mistake, stating regret, as

well as promise No will repeat his actions in the past front. Actions done by the child also mentioned caused by influence of social environment who does not well, so Children involved in network drug trafficking. On the basis of that, Advisor Law begging so that assembly The judge gave the child a leniency sentence. Meanwhile, the Class II Pekanbaru Correctional Center (BAPAS) through its Community Guidance Officer First give recommendation so that Child sentenced criminal prison based on Chapter 71 paragraph (1) letter e Constitution Number 11 of 2012 concerning System Criminal Justice Child (SPPA). This recommendation given with reason that in the matter Child proven become intermediary in buying and selling narcotics group I in the form of crystal methamphetamine, that is from seller or owner crystal methamphetamine Which named witness RG to crystal methamphetamine buyers at the direction of the witness RG. By Therefore, the child is assessed has involved direct in the illicit trafficking of narcotics, whereas action criminal narcotics Alone including in category extra ordinary crime (external crime) normal). After consider all over fact trial, judge decide:

1. Declaring that the child has been legally and convincingly proven guilty of committing criminal act “Without the right to do agreement wicked become intermediary in sale buy Narcotics Group I” as in the first alternative indictment.
2. Imposing criminal penalties on children in the form of:
 - a. Criminal prison during 2 (two) year in Institution Coaching Special Child (LPKA) Pekanbaru, minus time arrest And detention Which has lived Child.
 - b. Criminal training Work during 3 (three) month in Center Abiseka Tassel Pekanbaru.
3. Set goods proof in the form of:
 - a. 1 (One) unit Mobile phone Android brand Oppo A16 color blue (seized For destroyed).
 - b. 1 (One) unit Motorcycle brand Honda Supra Fit without body hood and without number police (returned to the rightful person through the child).
4. Charge cost case to Child as big as Rp. 5,000.00.

Consideration Judge in Dropping Sanctions Criminal to Child of the Perpetrator Action Narcotics Crimes

Chapter 54 Constitution Number 35 Year 2009 about Narcotics confirm that addict narcotics and victims of drug abuse must undergo rehabilitation medical and social. Provision the in line with theory restorative justice , which prioritizes process justice which restores connection between the perpetrator and the victim, And public, as well as put crime as violation to connection, No just the norm law. Howard Zehr (2003) emphasize that criminalization No just about perpetrator get what Which proper, but about how damage caused by perpetrator can be repaired through responsibility answer, dialog, And reintegration. In context child perpetrator narcotics, Which generally become victims of environmental influences or exploitation network, criminalization Which nature repair And guide to become more relevant compared repressive criminalization. In line with In this view, Muladi (2015) stated that restorative justice very important to implement in system juvenile criminal justice, because children have special characteristics as individuals who are still developing and vulnerable. According to him, the purpose of criminalization to child must directed on rehabilitation, resocialization, And reintegration social, No solely on revenge or effect deterrent. In Lots case, child perpetrator narcotics is user or victim Which need medical help and social, not just punishment. By because of that, the judge was sued to use an approach that corrective and educational in nature with the future in mind child, And choose sanctions Which capable repair, No destroy. Rehabilitation, coaching in the Institution Coaching Special Child (LPKA), as well as involvement family And public in the coaching process becomes form concrete implementation justice restorative appropriate in essence child as individual who are entitled to protection.

In imposing criminal sanctions on children who commit narcotics crimes, judges are required to consider the provisions of the Law. Number 11 years old 2012 about Juvenile Criminal Justice System (UU SPPA), Which emphasize that system justice criminal child must nature special And different from the adult criminal justice system. This law stipulates that the judicial process for children must prioritize approach justice restorative And implementation diversion, as well as put criminalization as an effort final (ultimate remedium). Approach This in line with theory protection child, Which assume that child is individual Which Not yet ripe in a way physical or psychic, so that need legal treatment Which protect And foster, No solely punish. In matter This, judge sued to assess in a way comprehensive age aspects, condition social, the role of children in action criminal, as well as the child's possibility of improvement through coaching. Janusz Korczak (in Krishna & Liza, (2012) emphasize that child is man completely Which own dignity and rights Which equal to person mature, so it must be treated with respect and full of responsibility answer by the state, including in process law. Criminal justice child not only aims to enforce the law, but furthermore is a means of legal and social protection for children who are facing with the law. Therefore

that, sanctions criminal towards children must adapted to development needs And time front child, No based on on encouragement revenge. Furthermore, Wise Gosita (in Gultom, (2013) have an opinion that the child who do crime on basically is children who are experiencing problem social and psychological. So from That, approach which is conducted to child perpetrators of crimes must has the properties of repairing, healing and protecting, not to make things worse by criminalization Which hard. System justice criminal child must designed For educate, foster, and integrate child return to in public through approach rehabilitative And resocialization. In system justice criminal child as regulated in Constitution Number 11 Year 2012 on the System Juvenile Criminal Justice (SPPA Law), judge's considerations In imposing criminal sanctions on children, the principles of child protection and restorative justice must be adhered to, and punishment must be considered a last resort (*ultimum remedium*). This differs from the conventional approach to punishment to person mature. Immanuel Kant (in Muladi & Arief, (2007), with theory retributive, argues that criminal is must moral as reply on crime Which done. However, in case child, implementation theory This must interpreted in a way proportional and contextual, Because child not completely responsible answer in a way moral and law. Temporary That, Hegel (in Muladi & Arief, (2007) is of the view that punishment is a means of recovery against legal norms which is violated and aims to restore social order, deep child cases, must achieved through mechanisms that foster, not just punishing. Herbart (in Muladi & Arief, (2007) stated that criminal theory as a means of education moral (pedagogical), Which very relevant with handling case child. According to him, criminalization of children must be interpreted as educational efforts and form character children so that do not repeat the act Which harm. Then, Karl O. Christiansen (in Utrecht, (2000) argues that the criminal purpose is For resocialization and rehabilitation, in where perpetrator, specifically child, given the opportunity to be repaired and returned to the community in a healthy manner. This support principle in Child Protection Act which encourages diversion And rehabilitation as solution main. Pellegrino Rossi (in Muladi & Arief, (2007) state that the purpose of criminal law is to protect the community and give opportunities for perpetrators to improve himself. In case child, judge's considerations must see child No just as perpetrator, but also as individuals who still have hope to change and develop into a productive part of society.

Constitution Number 11 of 2012 about System Criminal Justice Child (UU SPPA) in a way explicit put restorative justice as approach main Which put forward settlement case through dialogue, recovery social relations, and return children to the environment which supports. In this case, Howard Zehr (2003) emphasizes that justice is not just about imposing punishment, but also improving damage caused by crime, and involve perpetrator, victim, And community in finding the best solution. This approach is very relevant to apply to child perpetrators. narcotics, where the focus is recovery And rehabilitation, not revenge. Muladi (2015) stated that in judicial context children, restorative justice emphasize justice which are more humanistic, participatory, And preventive. He thinks that child Which involved in action criminal narcotics often time is victim from social system And network criminal, so that country must ensure that process law to child No repressive , but corrective. By Because That, judge in drop sanctions criminal must considering aspects of age, condition psychological child, level involvement in crime, as well as possibility rehabilitation. Forms of sanctions such as diversion, rehabilitation, and coaching in outside correctional institutions become primary choice in line with the law SPPA and restorative principles justice . The goal is not just avoid child of stigmatization and effect negative imprisonment, but Also ensure child get chance For repair self and back to life Which Healthy And productive.

In imposing criminal sanctions on children who commit narcotics crimes, judges are obliged to consider the principle protection child as stated in Law Number 35 2014 about Protection Child. Constitution This confirm that every children have the right to protection from abuse narcotics And from all form violence or treatment Which No human. Therefore That, approach law to perpetrator's child action criminal narcotics No can equalized with the approach to adults. Judge own responsibility for ensure that decision that was dropped not only impose sanctions, but also protects rights child For grow and develop reasonable, with put forward effort rehabilitative, No repressive. Janusz Korczak (in Krishna & Liza, (2012) confirms that the child is human the whole thing must be treated with flavor respect and protected from system law can damage time in front of him. The judicial system child criminal law must be based on on the paradigm protection child, where is the child not seen solely as an actor crime, but rather as a person growing and still it is very possible to repaired. Temporary That, Wise Gosita (in Gultom, (2013) see that child involved in criminal act often is victim from negligence social And environment Which bad. By Because That, criminal sanctions to child must notice condition psychosocial, And more directed on process recovery and coaching, no punishment. Protection child in process justice criminal law requires a comprehensive approach comprehensive and interdisciplinary, in where judge must consider all over aspects of child development , including right on education, health, And time front Which worthy. In drop sanctions criminal to child perpetrator action narcotics crimes, judge must refer to principle main Which contained in Constitution Number 35 Years 2014 about Child

Protection, namely that every legal decision concerning children should consider best interests for children (the best interest of the child). Although violation law Which done child still have to be processed juridical, sanctions criminal Which imposed must not ignore the protection of children's rights as human being who Still is at in stage development. In theory criminalization, Immanuel Kant (in Muladi & Arief, 2007) carry the concept of punishment as form moral retribution Which must upheld for the sake of justice. However, implementation theory This towards children must customized with proportionality, remember child not completely own capacity not quite enough moral responsibility Which The same with people mature. Hegel (in Muladi & Arief, (2007) adding that the crime is form recovery against legal norms Which violated, but the recovery in the case children must done in various ways who does not ruin the time in front of the child, but rather to improve and build it. Meanwhile, Herbart (in Muladi & Arief, 2007) views that criminal must nature pedagogical namely educating And form the perpetrator's morals. In child cases drug offenders , criminal must made into means coaching to direction Which more Good, No solely imprisonment. Karl O. Christiansen (in Utrecht, 2000), with modern criminal perspective, States that criminal must directed on resocialization And rehabilitation, Which very in accordance with spirit protection children, especially in the case of abuse narcotics Which demand handling medical And psychosocial. Pellegrino Rossi (in Muladi & Arief, 2007) sees that criminal law aims to protect society and provide effect deterrent, However to child, effect deterrent must achieved through process recovery, No the punishment that destroy opportunity children to improve themselves.

Constitution Number 35 Year 2014 about Protection Child confirm that child Which face to face with law must get protection special, including from threat imprisonment which has an impact bad for development psychological And social theory restorative justice become very relevant, Because put justice No Again focus on revenge, but on recovery social relations , not quite enough answer perpetrator, And recovery victim as well as community. Howard Zehr (2003) emphasize that the restorative justice approach aims to heal the wounds caused by crime and provide opportunities for perpetrators, especially children, to improve oneself through the process Which participatory And dialogic. In child perpetrator case narcotics, This approach encourages judges to consider non-imprisonment options, such as rehabilitation, coaching social, or diversion involving family and society. Muladi (2015) have an opinion that justice restorative is form justice Which more human and holistic, which integrates legal, social, and moral aspects. According to him, this approach is most appropriate to apply in case child criminal law, Because more put forward process coaching than punishment. He Also emphasize importance role country in create system justice child Which oriented on protection, No criminalization solely. By Because That, in drop sanctions criminal, judge should consider the background behind child, level of involvement in action criminal narcotics, as well as potential children for restored through social intervention and psychological. The sanctions that nature restorative, such as rehabilitation in the institution medical or social, coaching in the environment family, and involvement in program education and skills, more reflect Spirit Law Protection Children and principle restorative justice That Alone.

In the case of criminal child Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak, assembly the judge sentenced him to prison for 2 (two) year to Child Which proven legally and convincing violation Chapter 114 paragraph (1) in conjunction with Article 132 Article (1) Law Number 35 2009 about Narcotics, with participation establish training Work during three months. Although in his considerations judge state that the Child still 15 years old, showed remorse, and was cooperative during the trial process, and committed the act the Because influence socializing bad, but substance decision the Not yet fully reflects the spirit of child protection should be base main in dropping sanctions for child perpetrators. System justice criminal child in Indonesia as arranged in Law Number 11 In 2012 about System Juvenile Criminal Justice (UU SPPA) firmly placing diversion and restorative justice as the main principle that distinguishes the system juvenile justice with the system adult criminal justice. This approach aims to protect child from impact negative criminalization, as well as encouraging case resolution children through dialog, recovery, and responsibility social responsibility. However, in Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak, No considerations found judge about diversion efforts, good in form process recording diversion and reason non-implementation. Absence this aspect show that the judge not prioritizing approach Which in accordance with principle base protection child as mandated SPPA Law . Whereas, Chapter 7 Law SPPA with clear state that every case child must attempted diversion at the investigation, prosecution and examination levels in court. Pattern This approach is a deviation from the principles of social development and reintegration, as well as giving rise to concerns that criminalization has made into as means revenge, No as means educative or coaching. However, in the context child, punishment should be is the ultimum remedium , or effort the last one only applied If all over mechanism non-penal has fail. In evaluate aspect This, theory protection child developed by Janusz Korczak is very relevant. Korczak (in Krisna & Liza, (2012) looking at the child as a legal subject equal in terms of morals with

adults. He emphasize that child is not just an individual in the process of growth and development, but a complete human being who has the right to humane treatment and respect on his dignity, as well as chance For Study from error without being stigmatized. Korczak even stated that child have the right For err And No must immediately sentenced the punishment that remove right basically For Study from error the. A number of principle important Korczak What appears to be ignored in this decision includes:

1. Rights Child for Take Results

Decision This No reflect existence effort participatory from child in determine road resolution of the case. Diversion, as forum dialog, precisely give room for child For involved in decision -making in a way active. Non-implementation diversion close right the.

2. Respect against Dignity Child

Criminalization two year prison, although lived in LPKA, still reflect approach repressive. Matter this shows disregard for child dignity which should respected as an individual unique that deserves to get approach Which empathetic And restore, No punishment Which isolate.

3. Education Centered on Child

Criminalization in LPKA Not yet Of course ensure education Which in accordance with need child. Educational approach Which flexible and oriented towards interest child will more effective if done through social rehabilitation programs outside correctional institutions.

4. Protection from Violence and Neglect

Drop criminal offense without consider alternative like rehabilitation social or restitution potentially enlarge risk child experience violence structural in form impoverishment time front, social stigma, and psychological trauma due to the prison environment.

In corner view Wise Gosita (in Gultom, 2013), child Which involved in action criminal law, in particular case narcotics, on basically is victim from system social Which damaged. Inequality social, weak supervision family, And the bad environment socializing become factors dominant Which push children fall into the world narcotics. Child No are in position parallel or equal to adult perpetrators in chain circulation narcotics, but rather more often utilized And exploited by parties which has power or authority more high. In case this, child only operate order, receive rewards in the form of Money as big as Rp. 100,000.00 And consumption narcotics in a way free. Matter This show that the child's position is more appropriate seen as a victim from the structure criminals who more big. However thus, in the Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak, judge No put child as victim social, but still emphasizes its considerations on not quite enough answer law. Aspect protection and recovery social no looks dominant in decision the.

Whereas, as confirmed that judicial system child criminals must directed at rehabilitation and reintegration social, not just punishment. Sentence of imprisonment for two years, even though carried out in LPKA, in substance it is can hinder the process of social reintegration of children, especially because the child will facing isolation from environment social, loss access to education regular, And experience stigmatization social after undergo punishment. Approach Which done by judge in decision this, which more put forward punishment than recovery, no in line with spirit Law Number 11 Year 2012 and with principles protection child according to Wise Gosita. In fact, alternative punishments such as rehabilitation should be social, counseling psychological, guidance family, and monitoring social more prioritized, considering characteristics of children who Still easy formed and directed to positive path. By therefore, coaching based public and programs social reintegration long term will be much better effective compared to just training formal work of a nature technical. Protection against not enough children given in form of decision light punishment, but it must be based on on a deep understanding of child's position as a victim social, psychological and structural in action criminal offenses that he did.

In a way substance, approach used by judge in drop sanctions criminal to Child in Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak tend lean on model criminalization retributive, without showing adequate consideration of principles objective contemporary criminalization, in particular in context child as perpetrators of criminal acts. Matter This can seen from method the judge sentenced imprisonment for two years to the child solely because proven in a way valid and convincing has committed a crime narcotics, without show in-depth consideration of the conditions Child psychosocial aspects , rehabilitation potential, and other more humanistic alternatives to punishment. This approach has similarities with the theory of absolute punishment (retributive) as put forward by Immanuel Kant. According to Kant, criminal is something must moral Which must dropped solely Because has happen crime. The purpose of punishment is not to improve perpetrator, prevent crime, or protect society, but rather to uphold justice That alone. Some main points in theory of punishment according to Kant is as follows (Muladi & Arief, 2007)

Legal Analysis Considerations Judge in Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak Based on the Principles of Child Protection and the Principles of Restorative Justice

Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak actually shows the judge's efforts in considering condition social And psychological child Which face to face with law. However, If analyzed in critical through approach legislation, specifically Chapter 28B paragraph (2) Constitution NRI Year 1945 and the principles of child protection and restorative justice Which described in Law No. 11 of 2012 concerning the Criminal Justice System Child (UU SPPA), then it appears that the decision judge Not yet fully reflects implementation principles the in a way maximum. Although child sentenced sanctions training Work during three months, the judge still imposed a sentence prison for two year in Pekanbaru Penitentiary Institution. This contrary to the spirit main Law SPPA Which confirm that imprisonment to child must become ultimate remedium , not the main choice.

Justice criminal child must emphasize on aspect protection, coaching, And recovery social. Criminal prison during two year to child aged 15 year Which proven become intermediary drug trafficking Because influence environment, without effort real For mediation or diversion, show the approach that more retributive than restorative. Should, by looking fact that children do not own dominant role in circulation narcotics, judges can prioritize approach diversion or coaching non- imprisonment as arranged in Chapter 7 Law SPPA. Janusz Korczak (in Krishna & Liza, (2012) emphasize that child must treated as subject law Which intact And valued his dignity, especially in situations where the child is a victim of the system and environment. In this decision, although the judge took into account the background social child, still just a decision For imprison child during two years potential ignore right child on care, education, And life social Which Healthy. Prison for children precisely often become place Which counterproductive to process rehabilitation. From perspective Arif Gosita (in Gultom, 2013), child Which committing a crime often also a victim of failure protection social. Child in case this comes from from environment who does not support healthy growth and development, no longer attending school from an early age, and socializing in an environment of drug abuse. However, this consideration was not fully accommodated in the judge's ruling, which should have been emphasize on recovery child And empowerment social, No criminalization Which tends to be repressive. Implementation principle ultimum remedium in justice criminal child is form must to guarantee time in front of the child. Decision judge which still prioritizes imprisonment, without emphasizing recovery through mediation between child, family, and society, or without alternative criminalization based community, become indication that principle restorative justice Not yet fully applied. Whereas, restorative justice aim For repair connection Which damaged consequence action criminal, with put children as subjects can changed And repaired.

Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak If analyzed from perspective theory restorative justice, show existence mismatch between consideration judge with principles justice that restores. Restorative justice on in essence is approach alternatives in handling criminal acts, which aim For restore connection between perpetrator, victim, And public, with emphasize responsibility, dialog, And reintegration social perpetrator, especially in case child. Although judge in the case This insert sanctions in the form of training Work, still just criminal prison during 2 (two) year that was dropped to child show domination approach retributive And No fully reflect values of justice restorative. According to Howard Zehr (2003), the justice system conventional criminal law too focus on violation law And punishment to perpetrator, without caring need recovery And social relations that broken. Zehr emphasize that question main should No "law What that was violated and punishment What Which proper?", but "Who the aggrieved, What his needs, and who responsible For fulfill it?" In context This, child Which only play a role as courier and be in under the influence environment socializing negative, Actually more need protection And coaching than imprisonment.

However, the decision judge No reflect effort for dialogue, accountability in a way social, or settlement based community, Which is core approach Zehr. Hal This Also confirmed by Muladi (2015), Which state that restorative justice is paradigm new in enforcement criminal law Which emphasize on reintegration perpetrator to in public and recovery loss victim as well as community. Muladi evaluate that restorative justice is very suitable applied in child cases because of its nature Which No repressive, flexible, and prioritize resolution non-formal. In the case of this, fact that children still aged 15 years, no longer in school, and act because environmental pressure should become base Which Enough for judge for apply mechanism diversion or settlement alternative like program coaching social, supervision person old, or service community rehabilitation. However, criminal prison still made into sanctions main, Which precisely risky make things worse child's psychosocial condition And strengthen his identity as the perpetrator crime. From corner view law national, provisions Chapter 5 Law No. 11 Year 2012 about System Justice Criminal Child in a way firm mention that system This built on the basis of the principle justice restorative, which include avoidance of imprisonment and resolution outside the courts criminal. So, when judge still impose a prison sentence without implementing diversion mechanisms which become part of system, then things this shows

neglect to principle base system justice criminal child That Alone. Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak shows that even though the judge has considered a number of aspect coaching in drop sanctions to child perpetrator action narcotics crimes , However If analyzed based on principle protection child and principles restorative justice , and approach legislation, specifically Law Number 35 Year 2009 about Narcotics, then there are mismatch between consideration judge and objective protection law against child. In Article 127 paragraph (3) Law Narcotics mentioned that in terms of abuser narcotics done rehabilitation medical and social. However, in the decision this, child sentenced criminal prison during 2 (two) year in LPKA as well as training work during 3 (three) months, without prioritizing medical or social rehabilitation efforts as mandated by law. Whereas, in trial facts revealed that child involved as courier due to environmental influences And get reward small as well as use narcotics in a way free, Which signify that he Also is an abuser and victims of exploitation.

The juvenile criminal justice system must prioritize the principle of protection by prioritizing development. and recovery, not punishment. Judge in this decision should place more emphasis on forms of treatment that are oriented towards the child's future, such as social rehabilitation, skills education, or community-based development programs. Janusz Korczak (in Krisna & Liza, 2012) emphasized that children are complete human beings who have the right to be respected, guided, and protected. from system damage law Which No child friendly. Imposition of imprisonment in This case reflects that permanent child positioned as perpetrator main, not as child which is vulnerable to influence environment And need recovery social. Wise Gosita (in Gultom, (2013) Also confirms that child Which do crime often time is victim from condition And structure social Which not protecting him. Child in this matter stop school since class 4 Elementary school, have an environment social the bad, and utilized by person mature in network narcotics. However, consideration judge no in a way concrete show there is recognition of status child as social victims. No there are also initiatives to refer the child to drug rehabilitation as ordered Narcotics Law. Criminal imprisonment against children may only be dropped as a way ultimate remedium), and must based on in-depth analysis of possibility other Which more restorative. In the case This, judge looks put aside the principle, because it does not apply alternative in the form of diversion, mediation, or rehabilitation community which are more right for perpetrator's child narcotics with background behind social and psychological fragile.

In case decision number 12/Pid.Sus-Anak/2024/PN.Sak, fact that child use narcotics and become courier Because influence person mature And get reward small show that the child including in category abusers and victim exploitation, which should placed in a rehabilitation program, not imprisoned. According to Howard Zehr (2003), the concept of restorative justice emphasizes on recovery loss, recovery social relations, and moral responsibility, not in retaliation or punishment formal. Within the framework this, system justice should ask "Who who are harmed and How fix it?", not "what is the law that was violated and what punishment Which appropriate?". Implementation criminal prison in the case of This actually confirms the retributive approach that contradictory with the spirit of restorative justice . The judge did not show any facilitation efforts dialogue between children, families and society, or refer to on mechanism rehabilitative can foster child For return function properly social. This become weakness fundamental in aspect consideration juridical judge. Muladi (2015) also emphasized that restorative justice in law Indonesian criminal law is a model approach which is participatory and oriented towards recovery, not punishment. He strongly emphasized the importance of implementing this approach. especially towards child perpetrators, because of the child still in mental and social development phases which is greatly influenced by environment. Child imprisonment No only impact negative psychological and his future, but also hinders the process more coaching human. In the case of This, judge looks No consider alternative settlement case which are more in accordance with the principle recovery, such as diversion, rehabilitation, or penal mediation.

Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak shows that the judge's considerations do not fully reflect the principles of child protection. and principles restorative justice as regulated in the Law Number 11 years old 2012 about System Justice Criminal Child (UU SPPA). Law SPPA in general firmly placed interest best for child (the best interest of the child) as principle main in the entire juvenile justice process, which requires the juvenile justice system to avoid imprisonment and prioritize diversion, rehabilitation, as well as reintegration social. In case This, child proven become part from the network narcotics due to influence environment And No own role as a controller main, so it should be focused on coaching And recovery, No on criminal prison. System justice child must be built based on approach coaching Which notice time front child And No merely punishment. The imposition of a prison sentence in this case actually shows that the judge still prioritizes approach retributive than approach restorative Which more educative. In line with that, Janusz Korczak (in Krisna & Liza, 2012) emphasized that children must treated as a subject that has dignity and the right to be protected from a system that could damage his future. Imprisonment of children of age growth is actually at risk big destroy potential children and make them more fall into in behavior criminal in time front, instead of cure it from involvement early in crime. Wise Gosita (in

AN ANALYTICAL STUDY OF JUDICIAL CONSIDERATIONS IN THE IMPOSITION OF CRIMINAL SANCTIONS ON JUVENILE OFFENDERS OF NARCOTICS CRIMES: A CASE STUDY OF DECISION NUMBER 12/PID.SUS-ANAK/2024/PN.SAK

Achmad Ario Miftaql Rochman **et al**

Gultom, 2013) Also emphasize that child in criminal cases often times are victim from condition social Which fail protect it, No perpetrator criminal Which fully aware and responsible answer. In decision This, revealed that child originate from background family vulnerable, no Again go to school since age early, And socialize in environment negative. However, matter This Not yet completely become a strong basis for judges to take a rehabilitative approach, such as diversion or counseling based on public. Whereas, matter the become runaway important in system justice child according to SPPA Law . Criminalization to children must be ultimate remedium , and court must consider all alternatives to imprisonment. In this case, the imposition of a three-year prison sentence shows that ultimum principle remedium is not completely applied. Whereas, taking into account the conditions child as users at a time victim exploitation network narcotics, as well as limitations of responsibility his morals consequence age And condition environment, should judge more prioritize settlement non- imprisonment as emphasized in Chapter 7 Law SPPA about mechanism diversion.

Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak show that consideration judge Not yet fully reflect principle protection child And principle restorative justice as mandated in Constitution Number 35 Year 2014 about Protection Child. Law This, especially in Chapter 59, confirms that country, government, And institution justice must give protection special to children in conflict with the law, including protection from treatment that hinders the child's growth and development. However, in this matter, judge still choose drop imprisonment without shows the existence of effort maximum For apply alternative Which more in accordance with protection right child, such as social rehabilitation, coaching outside of correctional institutions, or parental supervision, even though children play a role as a courier in network narcotics Because influence environment And immaturity thinking. Approach justice to child should nature educative, coaching, And protection, No repressive. This decision actually shows the tendency to emphasize the retributive aspect, while the main function of justice children are prevent disconnection time in front of the child because of the process law which is destructive. Janusz Korczak (in Krishna & Liza, (2012) emphasize that children not a miniature person mature, but rather the individual who Still in process develop And entitled on treatment full love, understanding, and appreciation for his rights. Decision to impose a penalty prison without consider alternatives family-based or community contradictory with Spirit Korczak who put child as the subject to be guided, not punished. Arif Gosita (in Gultom, 2013) is of the opinion that child perpetrator of the crime criminal law in Lots the case is victim from system social fail protect it. In case this, child came from background behind low education, No Again go to school, and no own family development strong. This condition indicates protection system failure social And should be made strong foundation for the judge to prioritize recovery steps rather than criminalization. Criminalization of children should be made the ultimum remedium , and only may be dropped if the alternative other absolutely not possible. However, in consideration judge No found argumentation deep Why approach alternatives such as rehabilitation or diversion no can applied.

Decision Number: 12/Pid.Sus-Anak/2024/PN.Sak Not yet fully reflect principle protection children and principle restorative justice , as mandated in Constitution Number 35 of 2014 concerning Child Protection. This law emphasizes that children in conflict with the law, including children who are victims of drug abuse, must receive special protection through coaching, mentoring, And rehabilitation. However, the judge in case this chooses For impose a sentence prison without explicitly show consideration why recovery steps like rehabilitation social or diversion No applied. Matter This potential cause violation to right child on protection and grow flower as guaranteed in Article 3 And Article 17 Law Protection Child. From corner view theory restorative justice according to Howard Zehr (2003), justice restorative No only for the purpose For punish perpetrator, but Also For repair damage Which arise from criminal act , restore connection social, and involving perpetrator, victims, as well as community in the process of resolution. In context this, the judge did not clearly considering aspect loss social, recovery connection social between children and the environment, as well as possible involvement family and society in accompanying children's recovery. On the contrary, imprisonment that dropped precisely isolate child from environment social and has the potential to strengthen stigma and worsen psychological conditions and social aspects of children. Muladi (2015) stated that restorative justice in child matters emphasize in rehabilitation efforts, reintegration social, and approach Which humanistic. He criticize that criminal system child should No may focus on revenge, but on protection rights child And recovery efforts time in front of him. In the case of This, although judge mention existence mentoring by mentor community And legal advisor , However No there are indications that mechanism diversion or penal mediation ever explored in a way optimal before drop verdict criminal. Absence alternative settlement the strengthen suspicion that principle restorative justice only become complement formal in process justice, without implemented in a manner substantive.

CONCLUSION

Based on the analysis of Decision No. 12/Pid.Sus-Anak/2024/PN.Sak, the following conclusions can be drawn:

1. The sentencing of the child in Decision No. 12/Pid.Sus-Anak/2024/PN.Sak reflects an attempt to balance punishment with rehabilitation. Although the judge took into account the child's age, social background, and imposed a work-training program, the principles of child protection and restorative justice were not fully implemented. The child, who was arguably a victim of exploitation, did not receive adequate psychological recovery, educational support, or social reintegration. Therefore, the juvenile criminal justice system should place greater emphasis on rehabilitation and the best interests of the child, rather than focusing merely on punitive measures.
2. The judicial decision in Case No. 12/Pid.Sus-Anak/2024/PN.Sak does not fully embody the principles of child protection and restorative justice. The child acted merely as a courier, was influenced by adult offenders, and came from a socially disadvantaged environment. Despite demonstrating remorse and cooperative behavior during trial, the judge imposed a prison sentence without considering alternative measures such as diversion, rehabilitation, or social guidance. The legal approach taken was more repressive and formalistic, failing to align with the educational and restorative purposes that should underlie juvenile sentencing. Consequently, this decision highlights the urgent need to strengthen the implementation of a more humanistic and restorative justice approach toward children within Indonesia's juvenile criminal justice system.

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