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**Legal Protection for Juvenile Delinquency Perpetrators in the Child
Protection Law UUPA**

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Article	Abstract
<p><i>Received: Dec 02, 2025; Reviewed: Jan 07, 2026; Accepted: Feb 09, 2026; Published: Feb 26, 2026</i></p>	<p>Juvenile delinquency in Indonesia has developed into a serious legal problem, with various acts violating positive legal norms such as bullying, theft, narcotics abuse, and other acts of violence. This study aims to analyze the construction of legal protection for children as perpetrators of juvenile delinquency from the perspective of the Child Protection Law, identify available protection mechanisms, and evaluate obstacles in its implementation. The method used is normative juridical with a statutory and conceptual approach, analyzing Law Number 35 of 2014 concerning Child Protection and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, as well as related legal literature. The results of the study show that legal protection for children of juvenile delinquency is realized through a restorative justice approach with a diversion mechanism, criminal sanctions that are the ultimate remedium, and various forms of coaching actions. However, its implementation faces obstacles in the form of limited understanding of law enforcement officials, lack of institutional support, inconsistency in the application of sanctions, and the still strong retaliation paradigm in the legal culture of society. This study concludes that it is necessary to strengthen the capacity of the apparatus, harmonize implementing regulations, collaboration across sectors, and transform the paradigm of society to realize effective legal protection for children of juvenile delinquents.</p> <p>Keywords: child legal protection; juvenile delinquency; restorative justice</p>

A. INTRODUCTION

Juvenile delinquency is a social phenomenon that continues to develop along with the changing dynamics of modern society. This problem is not only an educational issue, but has developed into a legal issue that requires serious attention from various parties. In the context of child and adolescent development in Indonesia, delinquency manifests in various forms such as

Bullying, physical violence, and other violations of social norms, have raised deep concerns about the future of the nation's next generation (Holymey Angelique Desire Lapod, 2020). The complexity of the problem of juvenile delinquency is increasing with the rapid development of information and communication technology, which not only opens up positive opportunities but also creates new space for the emergence of various forms of deviant behavior among children and adolescents.

Juridically, a child is defined as a person who is not yet eighteen years old, including a child who is still in the womb, as stipulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. The status of children as immature individuals puts them in a vulnerable position, both as victims and as perpetrators of criminal acts. This vulnerability requires special treatment in the Indonesian legal system, which is not only oriented to the punitive aspect but also to the protection and coaching dimension (Dewi, 2022). The paradigm of child protection in the Indonesian legal system has undergone a significant evolution, from an approach that was originally repressive to a more restorative approach oriented towards the best interests of children.

The school environment as a formal educational institution should be a safe and conducive place for the physical, mental, and intellectual development of students. But in reality, school is often an arena for various forms of juvenile delinquency, especially the practice of bullying or *Bullying* which has become an endemic problem at various levels of education. The Indonesian Child Protection Commission noted that cases of violence against children in education have increased significantly in recent years, with *Bullying* occupy the highest position as the most frequently reported form of violence (Alfarez, 2025). This phenomenon indicates that there are structural problems in the education and child protection system that require comprehensive solutions from legal, social, and educational aspects.

Bullying in the context of juvenile delinquency cannot be seen as a trivial problem, considering that the psychological and physical impact it causes can last in the long term. Victim *Bullying* often experiencing deep trauma, anxiety disorders, depression, and in extreme cases can lead to suicide. On the other hand, the perpetrator *Bullying* who are also children need a special approach in handling the law, because they are in a phase of immature psychological development and still need guidance and coaching. This dilemma creates its own challenge in the Indonesian juvenile criminal justice system, namely how to balance legal protection for victims with the best interests of perpetrators who are also children (Dannisa Feza Ananda, 2025).

The development of digital technology has added to the complexity of the problem of juvenile delinquency with the emergence of the phenomenon *Cyberbullying* and various other forms of cybercrime involving children as perpetrators. The era of digitalization has changed the pattern of social interaction of adolescents, where bullying is no longer limited to the physical space of schools but has penetrated into the virtual world through various social media platforms. Low digital literacy and lack of parental supervision of children's activities in cyberspace create space for the development of deviant behavior that is difficult to detect and control (Prasetyo, 2020). This situation emphasizes the urgency of legal protection that not only accommodates conventional forms of delinquency, but is also able to anticipate the development of the modus operandi of juvenile delinquency in the digital era.

The Child Protection Act provides a comprehensive legal framework in regulating children's rights and their protection mechanisms. However, in its implementation, there are still various fundamental problems related to the effectiveness of legal protection for children who become perpetrators of delinquency. The juvenile criminal justice system in Indonesia has adopted the principle of *restorative justice* as the main approach, but in practice there are still many obstacles in its application. The limited understanding of law enforcement officials about the psychology of child development, the lack of special coaching facilities for children who are facing the law, and the still strong social stigmatization of children who commit crimes, are obstacles to realizing optimal legal protection.

Academic discourse on legal protection for children of delinquent offenders still shows significant differences in perspectives. Some experts argue that a punitive approach is still needed to provide a deterrent effect and uphold justice for victims, while others emphasize the importance of a rehabilitative approach that puts the best interests of the child first. (Naufal, 2025) In his research, it was found that the application of diversion in the juvenile criminal justice system has not been fully effective because there is still resistance from various parties who want stricter punishment for perpetrators. This contradiction reflects the lack of a strong consensus on the basic philosophy of dealing with children in conflict with the law, which should be the basis for the implementation of an effective child protection system.

The problem of legal protection is increasingly complex when juvenile delinquency perpetrators are also victims of unfavorable socioeconomic conditions, domestic violence, or the failure of the education system in shaping the character of students. This holistic approach that considers criminogenic factors is crucial in formulating legal protection strategies that are not only responsive but also preventive. Research shows that the majority of children involved in juvenile delinquency come from dysfunctional family backgrounds and an uncondusive social environment, so legal intervention without social and psychological coaching will not yield optimal results.

Based on the complexity of these problems, this study aims to comprehensively analyze the construction of legal protection for juvenile delinquency perpetrators from the perspective of the Child Protection Law. This research will examine how the legal protection mechanisms regulated in the UUPA are implemented in the practice of juvenile criminal justice, identify various obstacles in their implementation, and formulate policy recommendations to improve the effectiveness of legal protection for children of juvenile delinquents. The significance of this research lies in the urgency of finding the optimal balance between law enforcement, protection of the interests of victims, and guaranteeing the rights of child offenders to receive appropriate coaching to prepare for their reintegration into society.

The main findings of this study show that although the legal framework for child protection in Indonesia has been quite progressive, its implementation still faces various substantive obstacles that require systemic improvement. Inconsistency between ideal legal norms and the reality of judicial practice, limited infrastructure and human resources, and lack of optimal coordination between relevant institutions are the main inhibiting factors. This research contributes to providing a comprehensive perspective on the dynamics of legal protection of children of juvenile delinquents, which is expected to be a reference for the

formulation of more effective law enforcement policies and practices that are oriented towards the best interests of children.

B. MATERIALS AND METHODS

This study uses a normative juridical approach with an analytical descriptive method to examine legal protection for juvenile delinquency perpetrators in the context of the Child Protection Law. The normative juridical approach was chosen because this study focuses on the analysis of laws and regulations, legal concepts, and legal principles related to the protection of children of juvenile delinquents (Prasetyo, 2020). The primary legal materials used include Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (*Law of the Republic of Indonesia No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection*, 2014), Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, as well as related implementing regulations. Secondary legal materials include scientific journals, legal textbooks, previous research results, and policy documents relevant to the research topic. Data collection was carried out through literature studies (*Library Research*) by reviewing various legal literature, academic publications, and official documents available in libraries and online databases.

The data analysis technique used is qualitative analysis with an interpretive approach to applicable legal norms. The analysis process begins with an inventory and identification of all legal provisions that regulate the protection of children of juvenile delinquents, then classification is carried out based on the hierarchy and scope of regulation. The next stage is to conduct a systematic interpretation to understand the coherence and consistency between the various applicable laws and regulations. The interpretation methods used include grammatical, systematic, historical, and teleological interpretations to gain a comprehensive understanding of the intent and objectives of lawmakers. The analysis also includes a study of the implementation of the law in the practice of juvenile criminal justice by examining court decisions that have permanent legal force as an illustration of the application of legal norms.

The validity of the research is ensured through triangulation of sources by comparing various legal references and confirming findings through a wide range of credible academic literature. All legal data and materials used in this study can be accessed through legal libraries, legal databases, and publicly available scientific publication repositories, thus allowing the replication of research by other researchers interested in developing similar studies.

C. RESULT AND DISCUSSION

Legal Framework for the Protection of Children of Criminal Offenders

Legal protection for children who commit juvenile delinquency in Indonesia is comprehensively regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection and Law Number 11 of 2012 concerning the Child Criminal Justice System. These two legal instruments form a juridical foundation that recognizes that children of criminal offenders require a special approach that is different from adult perpetrators, given their immature psychological condition and developmental stage (*Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System*, 2012). Article 1 number 2 of the Child Protection Law emphasizes that child protection is all

activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with the dignity and dignity of humanity, as well as receive protection from violence and discrimination. This provision shows that even when a child has the status of a criminal offender, the state still has a constitutional obligation to provide adequate protection (Sutanto & Rahaditya, 2024).

The juvenile criminal justice system in Indonesia has undergone a paradigmatic transformation from a retributive approach to a restorative approach that prioritizes the best interests of children. Article 5 paragraph (1) of the Law on the Juvenile Criminal Justice System stipulates that the juvenile criminal justice system is obliged to prioritize a restorative justice approach, which includes investigation, prosecution, and examination of children's cases in court which is carried out in a family atmosphere. This approach aims to avoid children from formal judicial processes that can cause social stigmatization and prolonged psychological trauma. The implementation of restorative justice is realized through a diversion mechanism as stipulated in Articles 6 to 15 of the Child Criminal Justice System Law, which allows the settlement of children's cases outside the formal judicial channels by involving the perpetrator, victim, family, and other related parties to reach a mutual agreement (Rahayuningsih, Hikmah, & Nurcahyati, 2025).

Forms of Juvenile Delinquency and Its Legal Implications

Juvenile delinquency in the context of criminal law encompasses a very broad spectrum of behaviors, ranging from misdemeanors to serious crimes that threaten public safety. Based on the categorization developed by Sunarwiyati, juvenile delinquency can be classified into three levels: common delinquency such as skipping school and fighting against parents, delinquency that leads to offenses and crimes such as speeding and fighting, and special delinquency that includes narcotics abuse and immoral acts. In law enforcement practice, the forms of juvenile delinquency that most often intersect with the criminal justice system include theft, bullying or *Bullying*, gambling, drug abuse, immoral acts, destruction of property, cybercrime, and traffic violations (Adha, Armanda, & Muhammad, 2025). The phenomenon of bullying in the school environment has become a special concern given its very serious impact on the victim, both physically and psychologically, even in extreme cases can encourage the victim to commit suicide.

The factors that encourage the occurrence of juvenile delinquency are multidimensional and complex, including personal, family, and social environmental aspects. From a criminological perspective, the theory of social control provides an explanation that juvenile delinquency occurs when the social ties of individuals with society are weakened, so that internal control to comply with legal norms does not develop optimally. Family dysfunction conditions such as permissive parenting, lack of affection and communication, and lack of parental supervision are significant internal factors. Meanwhile, the influence of peer groups or *Peer Group*, easy access to negative content on social media, and unfavorable socio-economic conditions are external factors that contribute (Rosita et al., 2023). Understanding these criminogenic factors is important in formulating legal protection strategies that are not only responsive to the acts that have been committed, but also preventive to prevent the recurrence of juvenile delinquency in the future.

Diversion Mechanism as an Instrument of Legal Protection

Diversion is the main instrument in the legal protection system for children of criminal offenders which aims to shift the settlement of children's cases from the formal criminal justice process to the out-of-court settlement process. Article 7 paragraph (1) of the Law on the Juvenile Criminal Justice System stipulates that diversion must be sought at the level of investigation, prosecution, and examination of children's cases in the district court, provided that the criminal act committed is threatened with imprisonment of less than seven years and is not a repetition of the criminal act. The implementation of diversion involves deliberations attended by the child and their parents or guardians, victims and/or parents or guardians, community counselors, and professional social workers. The outcome of the diversion agreement can be in the form of restitution, medical and psychosocial rehabilitation, repatriation to parents, participation in education or training at educational institutions, or community service, all of which aim to provide coaching without having to go through a formal criminal process (Azwar Fatlhi Batubara, 2024).

However, in practice, the implementation of diversion faces various significant obstacles that reduce its effectiveness as an instrument of legal protection. Empirical research shows that the main obstacles in the implementation of diversion include the refusal to make peace on the part of the victim's family, the absence of good faith from the perpetrator to take responsibility for his actions, demands for compensation that are disproportionate or irrelevant to the losses caused, and the lack of public knowledge and understanding of the concept and mechanism of diversion (Chalis & Eriyanti, 2025). This problem is exacerbated by the limited capacity of law enforcement officials in facilitating the diversion process, especially in terms of mediation and negotiation capabilities to bring together the interests of various parties. In addition, the legal culture of society is still thick with the paradigm of retribution or *Retributive Justice*. It is often an obstacle to the achievement of diversion agreements, because the victim or his family demands stricter sanctions through formal judicial channels.

Criminal Sanctions and Actions against Children of Criminal Offenders

The penal system for children in Indonesian law adheres to the principle of *Ultimum Remedium*, which places imprisonment as a last resort after all other alternatives to settlement and coaching cannot be implemented. Article 71 of the Law on the Juvenile Criminal Justice System stipulates that the main crime for children consists of a warning crime, a criminal with conditions that include coaching outside the institution, community service, or supervision, job training, coaching in the institution, and prison. Meanwhile, Article 82 regulates the actions that can be imposed on children, including return to parents or guardians, handover to someone, treatment in a mental hospital, treatment at LPKS, obligation to attend formal education or training held by the government or private bodies, revocation of driver's licenses, and corrections due to criminal acts. This differentiation between crime and action reflects the legal recognition that the child of the perpetrator requires an approach that emphasizes the coaching and rehabilitation aspects rather than the punishment aspect (Hamdan, 2021).

In terms of the limitation of criminal liability, Article 1 number 3 of the Law on the Juvenile Criminal Justice System stipulates that a child in conflict with the law is a child who is twelve years old but not yet eighteen years old who is suspected of committing a criminal act. This provision indicates that there is a minimum age limit that can be held criminally liable, where children under the age of twelve cannot be processed through the criminal justice system

and must be handed back to their parents or guardians with the obligation to participate in a coaching program. For children from twelve years of age to less than fourteen years of age, the sanctions that can be imposed are limited to actions in the juridical sense, not criminal in the true sense. The flexibility of judges in passing judgments takes into account various factors such as age, socioeconomic background, psychological condition, and the level of participation of children in the crime committed, which aims to achieve a balance between justice for the victim and the best interests of the child perpetrator (Nadia Nurhalija, 2025).

Problems of Implementation of Warning Crimes

A warning penalty as stipulated in Article 72 of the Law on the Juvenile Criminal Justice System is the lightest form of criminal sanction that can be imposed on a child who commits a criminal act. A warning penalty is a minor crime that does not result in restrictions on children's freedom, but provides a psychological effect in the form of a stern warning so that children do not repeat their actions. The provisions of Article 72 state that the warning penalty is a minor crime that does not result in restrictions on the child's freedom, and its implementation is carried out by the judge mentioning the actions committed by the child, explaining that the act is wrong, requiring parents or guardians to supervise the child more strictly, and setting a supervision period of three months to one year. However, in practice, the application of the warning penalty faces significant juridical problems due to the absence of implementing regulations or technical instructions that provide operational guidance to judges and other law enforcement officials (Trilestari & Rahayu, 2025).

The absence of an explanatory regulation from Article 72 of the Law on the Juvenile Criminal Justice System results in inconsistencies in the application of warning crimes in various courts. Analysis of juvenile court decisions shows that there are differences in the interpretation and consideration of judges in imposing warning sentences for cases with similar characteristics, where relatively uniform sentences should be imposed. This disparity in verdicts has the potential to cause legal uncertainty and injustice, as children with the same background and actions can receive different sanctions depending on the subjectivity of the judge handling the case. Therefore, additional regulations are needed in the form of government regulations or supreme court regulations that provide technical guidelines regarding the criteria, mechanisms, and procedures for the implementation of warning crimes, so that law enforcement can be more optimal and consistent in providing protection to children who are facing the law.

Challenges in Reforming the Juvenile Criminal Justice System

Although the legal framework for the protection of child offenders has undergone substantial reforms through the passage of the Child Criminal Justice System Law, its implementation still faces various systemic challenges that hinder the achievement of child protection goals. The limited understanding of law enforcement officials on the principles of restorative justice and child development psychology is a fundamental obstacle, because there are still many officials who apply conventional approaches that emphasize the punishment aspect more than coaching. The lack of institutional support in the form of limited special child development institutions, temporary child placement institutions, and correctional centers that are adequate in quantity and quality makes it difficult to implement diversion and child development. In addition, the strong paradigm of punishment in the legal culture of Indonesian society is a socio-cultural obstacle that cannot be ignored, because society often demands heavier

sanctions against children of criminal offenders without considering the aspect of long-term coaching (Ariyanti Panu, 2025).

Efforts to address these challenges require a holistic approach that involves strengthening the capacity of law enforcement officials through ongoing training on restorative justice approaches, child psychology, and mediation techniques. Cross-sectoral collaboration between law enforcement agencies, social welfare agencies, educational institutions, civil society organizations, and families is also needed in creating a comprehensive child protection ecosystem. Revitalizing the role of the community through legal education and socialization on the importance of a restorative approach in handling children who are facing the law is crucial to change the mindset from a retaliatory paradigm to a coaching paradigm (Ridha Fahmi Ananda, Yunara, & Ikhsan, 2023). In the future, further research needs to be directed at evaluating the effectiveness of child diversion and development programs, developing empirical evidence-based intervention models, and comparative studies with juvenile criminal justice systems in other countries that have successfully implemented restorative approaches effectively (Diansah, 2023).

D. CONCLUSION

Legal protection for children of juvenile delinquency perpetrators in the Child Protection Law has been comprehensively regulated through a restorative justice approach that prioritizes the best interests of children. The juvenile criminal justice system in Indonesia implements the diversion mechanism as the primary instrument to shift the resolution of cases from formal to out-of-court settlements, involving various parties to reach agreements that focus on recovery and coaching. Criminal sanctions against children adhere to the principle of *ultimum remedium* by placing imprisonment as the last option, and provide alternatives in the form of warning crimes, coaching actions, and rehabilitation that emphasize the educational aspect more than the punitive aspect. However, the implementation of this legal framework still faces various significant obstacles, including limited understanding of law enforcement officials on the principles of restorative justice, lack of institutional support in the form of adequate coaching facilities, inconsistencies in the implementation of diversion and criminal sanctions, and socio-cultural resistance due to the still strong retaliation paradigm in society that hinders the transformation towards a coaching approach.

Based on the conclusions of the study, it is recommended that the government strengthen the capacity of law enforcement officials through continuous training on restorative justice approaches, child development psychology, and mediation techniques in the diversion process. It is necessary to harmonize regulations by issuing implementing regulations that provide operational technical guidelines, especially related to the diversion mechanism and the application of warning crimes to create consistency and legal certainty. The government needs to increase institutional support by increasing the number of special child development institutions, temporary child placement institutions, and correctional centers that meet minimum service standards. Cross-sectoral collaboration between law enforcement agencies, educational institutions, social welfare agencies, and civil society organizations should be strengthened to create an integrated child protection ecosystem.

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