

**THE JUDGE'S CONSIDERATION OF THE CHILD AS THE PERPETRATOR OF  
SEXUAL VIOLENCE THAT RESULTED IN THE VICTIM'S DEATH: AN  
ANALYSIS OF DECISION NUMBER 50/PID. SUS-ANAK/2024/PN PLG & 51/PID.  
SUS-ANAK/2024/PN PLG**

**Muhammad Bukhori Setiawan<sup>1</sup>**

**Abstract**

This article seeks to achieve two objectives: first, to analyze the various legal frameworks that govern the treatment of children in such cases, and second, to identify the factors that the court considers when deciding a child offender to be guilty of sexual violence resulting in death. This research focuses on two court decisions: Decision Number 50/Pid.Sus-Anak/2024/PN Plg and Decision Number 51/Pid.Sus-Anak/2024/PN Plg. The research approach used is normative juridical, and involves an analytical descriptive methodology. Judges considered the age, role, and opinions of community counselors when making decisions about ABH cases, according to the study. The principles of restorative justice and the best interests of children as outlined in the Law on the Juvenile Criminal Justice System are the basis of the decision.

**Keywords:** *Children Facing the Law, Juvenile Justice System, Criminal Offenses.*

**INTRODUCTION**

As a gift from God, His children are entrusted to us by the One True God to be cared for, nurtured, and loved. Ensuring the welfare and personal growth of children is a noble mandate entrusted to humanity.<sup>2</sup> Children are the most basic, imaginative, impressionable, and still crave acceptance from the world.

During the growth period, there are major changes in a person's physical, emotional, cognitive, social, and personality characteristics. Children with this disease are more likely to exhibit behaviors that adults consider strange or undesirable due to their high susceptibility to emotional instability and stress.<sup>3</sup> Maria Montessori, a well-known educator, argues that children are transformative agents whose identities are shaped by the surrounding environment. Montessori argues that children need certain stimuli so that their physical, mental, and moral development occurs.<sup>4</sup>

"Every child has the right to survival, growth and development and the right to protection from violence and discrimination". The clause in Article 28B paragraph (2) of the 1945 Constitution ensures that children can fully exercise their rights as citizens. Children are considered subjects of the law, according to Soerjono Soekanto, who gives a legal view, although their age and maturity have not yet allowed them to fully bear the consequences of their actions. Therefore, children demand special legal protection to ensure the preservation of their rights in all areas of life, especially in legal matters.<sup>5</sup>

<sup>1</sup> Master of Law Student, Jenderal Soedirman University, email: [bukhori.setiawan@mhs.unsoed.ac.id](mailto:bukhori.setiawan@mhs.unsoed.ac.id)

<sup>2</sup> Syamsul Haling et al., "Protection of the Human Rights of Street Children in the Field of Education According to National Law and International Conventions," *Journal of Law & Development* 48, no. 2 (2018): 361–78, <https://doi.org/http://dx.doi.org/10.21143/jhp.vol48.no2.1668>.

<sup>3</sup> Dewi Mulyati and Ali Dahwir, "Legal Protection of Children as Criminals," *Solution* 20, no. 1 (2022): 31–48, <https://doi.org/https://doi.org/10.36546/solusi.v20i1.469>.

<sup>4</sup> Supian Azhari et al., "Analysis of Increasing Children's Independence Through Montessori Learning Methods," *Journal Of Early Childhood Education Studies* 4, no. 1 (2024): 166–98, <https://doi.org/https://doi.org/10.54180/joeces.2024.4.1.166-198>.

<sup>5</sup> Soerjono Soekanto, *Fundamentals of Legal Sociology* (Yogyakarta: Raja Grafindo Persada, 2010). p. 76.

Based on data from the Directorate General of Corrections of the Ministry of Law and Human Rights, there are worrying indications that the number of children involved in the judicial process will increase in the 2020-2023 period. As of August 26, 2023, the justice system has involved around 2,000 children. There are 1,467 children currently awaiting trial and 526 children serving sentences.<sup>6</sup> These figures show that the child protection system in Indonesia fails to protect children from legal problems.

Recently, there was an epidemic of violence in Palembang involving children. The victims of the sexual and physical violence that led to the death of a girl named A.A. were a thirteen-year-old girl named ABH, who was seventeen, and her three best friends, ABH I, ABH II, and ABH III, all of whom were thirteen.

At first, the victim and ABH connected through Instagram. After correspondence online, they made plans to meet at a horse riding festival in Palembang City. The victims were encouraged by ABH to take a walk around the crematorium and Chinese cemetery after they met at the event site. The victim was strangled and hugged until he fainted because of the torture he experienced at the hands of ABH and three of his friends. Because the victims were helpless, ABH took turns committing sexual violence against their bodies. After completing the work, the body was moved and buried next to one of the tombs. Acting as if nothing had happened, ABH continued his search to find the braided horse. The next day, the victim's body was found, so this incident became public knowledge. After further investigation, authorities managed to arrest ABH along with three of his colleagues on September 4, 2024. After the trial was over, the Palembang District Court announced that ABH and three other defendants were found guilty of a criminal act involving the use of deliberate force to force the victim, who was a minor, to have sexual intercourse either with themselves or with another party, causing the victim's death.

In the Palembang District Court Case with case number 50/Pid.Sus-Anak/2024/PN Plg., ABH was found guilty and sentenced to 10 years in prison with one year of job training imposed by the Palembang City Social Service. The decision with case registration number 51/Pid.Sus-Anak/2024/PN Plg., which is separate from *the a quo* case, requires ABH I, ABH II, and ABH III to undergo formal education and/or training organized by the government for one year at LPKS Dharmapala Indaralaya Ogan Ilir. The judge in this case gave different sanctions to ABH. Many parties consider that there will be legal chaos if correct legal considerations are ignored. To ensure that no one can abuse his position, legal certainty is an important part of our legal system. There is a strong correlation between legal certainty and proactive state involvement through consistent and predictable law enforcement and a positive legal toolkit.<sup>7</sup> To ensure legal certainty, every court decision must adhere to the applicable laws and regulations and is based on objective and accountable legal considerations. In order for the verdict not only to reflect personal opinions, but also to prioritize the principles of fairness and proportionality in

---

<sup>6</sup> Harris Y.P. Sibuea, "Efforts to Strengthen the Protection of Children's Rights in Conflict with the Law," 2023.

<sup>7</sup> Nyoman Gede Remaja, "The Meaning of Law and Legal Certainty," *Kertha Widya Journal of Law* 2, no. 1 (2014): 1–26, <https://doi.org/10.37637/kw.v2i1.426>.

sentencing, it is important to examine the judge's considerations in Decision Number 50/Pid.Sus-Anak/2024/PN Plg and Decision Number 51/Pid.Sus-Anak/2024/PN Plg. Because the perpetrators have not reached psychological and legal maturity, they must still be processed legally in order to protect children's rights and uphold justice for the victim.

## **METHODS**

The legal approach used in this article is a normative, doctrinal, or research-based approach. The research presented in this paper is descriptive-analytical. Juvenile delinquency is the subject of Decision No. 50/Pid.Sus-Anak/2024/PN Plg and Decision No. 51/Pid.Sus-Anak/2024/PN Plg. This page seeks to outline relevant laws, rules, and legal conceptions. Secondary data are taken from the literature materials for this article. Primary, secondary, and tertiary sources are the three main categories of legal materials that make up secondary data. The foundation of legal literature is binding legal material. In responding to this article, it is necessary to refer to the following primary legal materials: the Criminal Code, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Law Number 12 of 2022 concerning the Crime of Sexual Violence, and the Palembang District Court Decision Number 50/Pid.Sus-Anak/2024/PN Plg and Number 51/Pid.Sus-Anak/2024/PN Plg. Examples Secondary legal materials are books, scientific articles, research results, and other legal works written by legal practitioners. Tertiary legal materials are legal materials that complement primary and secondary legal writings. Examples of tertiary legal materials are encyclopedias, dictionaries, cumulative indexes, and the like.<sup>8</sup> After the completion of data collection, a qualitative analysis was carried out by the author to determine the attributes and relevance of legal norms that are the basis for solving the legal problems discussed in this study.

## **RESULTS AND DISCUSSION**

### **Criteria for Judge's Decision Number 50/Pid.Sus-Anak/2024/PN Plg from a Legal Perspective**

The Palembang District Court Judge in the ABH decision in case 50/Pid.Sus-Anak/2024/PN Plg cited Article 76D of Law Number 17 of 2016 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection (Child Protection Law) as the basis for making his decision. "Everyone is prohibited from committing violence or threats of violence against children to have sexual relations with themselves or with other people," reads Article 76D of the Child Protection Law. Specifically, the law prohibits "Everyone" from coercing minors into sexual intercourse using physical force or the threat of physical violence. As decided by the Panel of Judges, "Everyone" includes all persons who are considered to be "subjects of law" in relation to a criminal offence. Criminal acts target everyone who commits unlawful acts. For Muladi and Barda Nawawi Arief, what is meant by "subject of criminal acts" is not only the

---

<sup>8</sup> Zainuddin Ali, *Legal Research Methods* (Jakarta: Sinar Grafika, 2022). p. 105-106

perpetrator of a criminal act, but also anyone who gives orders, provides assistance, or in other ways related to criminal acts.<sup>9</sup>

"We're all small businesses." The Child Protection Law explains this in the sixteenth paragraph of article one. The definition of "person" itself is "human" (KBBI). [Kamus Indonesian (Jakarta: Ministry of National Education, 2008)] is a product of the Great Dictionary of the Indonesian Language. Since "everyone" includes all individuals, regardless of status, age, gender, or nationality, ABH meets the criteria of "everyone" as stated in Article 76D of the Child Protection Law, which in this case includes not only Indonesian citizens but all human beings in general.

To answer the prohibition of violence or the threat of violence as outlined in Article 76D of the Child Protection Law, the panel of judges a quo also determined that "using violence" is a noun that indicates a process, action, or method of destruction. The Panel of Judges in a quo case stated that an act of violence cannot be considered violence according to the law if it is not visible to the naked eye. According to them, acts of violence must be in the form of persecution, violence against others, destruction, or ordinary damage. However, it does not have to be done in a public place.

According to the Panel of Judges, the term "violence" is not specifically defined in the laws and regulations. Article 89 of the Criminal Code states that violence is defined as an act that causes the victim to become unconscious or helpless. Therefore, the judge emphasized that to prove the existence of an element of a violent crime, it is necessary to submit clear evidence about the incident, such as the presence of victims or other witnesses.

Furthermore, regarding ABH's act of forcing AA to have sexual relations, the Panel of Judges in the a quo case described sexual relations as a process involving a man and a woman. According to Article 287 paragraph (1) of the Criminal Code, "Any person who has sexual intercourse with a woman outside of marriage, even though he knows or should suspect that the woman is not yet fifteen years of age, or if her age is unclear, that she is not ready to be married, is threatened with imprisonment for a maximum of nine years." In accordance with Article 1 paragraph (1), "a child is a person who is not yet 18 (eighteen) years old, including a child who is still in the womb." The letter from the victim's autopsy from Bhayangkara M. Hasan Hospital became evidence that corroborated ABH's actions against A.A. in the case a quo. The signature of dr. I. S. N., Sp.FM. is stated on the examination result letter with report number VRJ/90/IX/2024/Rumkit. The victim was thirteen years old. The results of the examination are as follows:

- Patients come with red, swollen areas on the back and around the eyes.
- Cyanosis is seen as a bluish color on the lips, skin, and limbs.
- Clearing the nasal passages and lips of that little foam is a big challenge.
- Bruises on the right cheek and abrasions on the right side of the neck were injuries I had.
- Use one finger to gently insert the genitals, and two fingers to insert firmly.

---

<sup>9</sup> Muladi and Barda Nawawi Arief, *Criminal Theories and Policy* (Bandung: Alumni, 1998). p. 97

- At six o'clock on the inside of the labia, you can see reddish blisters.
  - Tears appear at four and seven o'clock in the hymen at the base.
  - An examination of the anal plug shows the presence of blood; One or two fingers can be used to insert gently or firmly into the anus.
1. A thorough physical examination showed pulsations in the upper airways, muscles and skin on the right side of the neck, and on both sides of the scalp. - Enlarged brain blood vessels. The fine foam clogs the upper respiratory tract and its lower branches, which are the main obstacles. The lungs contain foam mixed with dilute black blood, and there are bleeding spots in the heart and lungs. The doctor's report showed that the victim's airway was blocked, which led to his death, by an object with a slippery and large surface.

It was decided that ABH violated Article 76D of the Child Protection Law based on the description. In addition, Article 81 paragraph (5) of the Child Protection Law states: "In the event that a criminal act as referred to in Article 76D results in more than 1 (one) victim, resulting in serious injury, mental disorders, infectious diseases, disorders or loss of reproductive function, and/or the victim dies, the perpetrator shall be sentenced to death, life imprisonment, or imprisonment for a minimum of 10 (ten) years and a maximum of 20 (twenty) years." The panel of judges, after weighing all the points that have been presented along with the mitigating and aggravating factors, decided to sentence ABH to 10 years in prison in a pro quo case. In addition, the judge also required ABH to attend one-year job training organized by the Palembang City Social Service. In accordance with the provisions of Article 79 paragraph (1) of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, the restriction of independence is applied to children who commit serious crimes or violence, and this decision has followed these rules. Furthermore, Article 1 paragraph (2) stipulates that the criminal duration of restricting liberty for children is a maximum of half of the highest prison sentence for adults.

### **Criteria for Judge's Decision Number 51/Pid.Sus-Anak/2024/PN Plg from a Legal Perspective**

The three ABH colleagues, namely ABH I, ABH, and ABH III, were sentenced separately in Decision 51/Pid.Sus-Anak/2024/PN Plg. Decision 50/Pid.Sus-Anak/2024/PN Plg and 51/Pid.Sus-Anak/2024/PN Plg. ABH and three other defendants were declared legally and convincingly proven guilty of the crime of intentional violence, coercing a child to have sexual relations with another person, and resulting in the death of a child. The three ABH brothers were each sentenced to one year in prison at LPKS Dharmapala Indaralaya Ogan Ilir, a public school, while ABH was sentenced to ten years in prison. In the Criminal Code, it is stated, "Whoever commits, orders to do, and participates in committing the act, is convicted as a criminal perpetrator." The judge's decision on the punishment for ABH is based on this provision. The following persons can be designated as "the perpetrators of the Act in accordance with the provisions stipulated in Article 55 paragraph (1) number 1 of the Criminal Code as stated below:

- a) Criminal perpetrators (*plegers*);
- b) The person who orders the perpetrator of the crime to commit the crime (*doenplegen*);

c) The person who provides assistance in carrying out the action (*medeplegen*).

*Apleger*, or criminal, is someone who meets the legal requirements to commit a crime. According to Hazewinkel Suringa, a *pleger* is someone who knows all the components of a crime when the crime occurs. It is possible to determine who is responsible for the crime by looking at whether it is a formal, material, or perpetrator-specific offense.<sup>10</sup>

Both the perpetrator and those who incite or assist in criminal acts can be subject to punishment under the Criminal Code. As long as they order others to do so, they themselves do not engage in any criminal behavior. This form is invalid unless the ordering party and the ordered party have the legal capacity to sign it. However, *doenpleger* can only be imposed on those who cannot be held legally or criminally accountable, such as those who do not have the mental capacity to assume responsibility. The role of the person who is ordered changes to a persuader or *uitlokker* when they face criminal charges. The real-world actor is not the only person who can give orders in *doenplegen*; Third parties can do that as well.<sup>11</sup>

Further, *meddling*, or co-operation, occurs when many people knowingly and voluntarily work together to commit a criminal act. Since they are all closely and equally involved in the crime, all the perpetrators of the crime in the *medeplegen* case are *madedaders*, or co-conspirators. The doctrine establishes two main requirements that must be met for an action to be considered *complicit*.<sup>12</sup> the Battle of the

1. A group of criminals who commit their acts together; 2. Persons who know each other and have a common intention to cooperate, as evidenced by a written agreement or prior planning.

The fact that the perpetrators of the crime are working together to commit the crime proves that they have the same goal and demands that they all face the same consequences.

The panel of judges reviewed the evidence from the trial and determined whether the minor killers, ABH I, ABH II, and ABH III, cooperated. In particular, the assignment of roles and responsibilities creates an organizational structure for cooperation, A.A. ABH engages in sexual relations because of the common intention to commit the crime, as will be explained later. Because they were all intimately involved in the crime, they all fulfilled the element of complicity, or participated in the crime, according to Article 55 paragraph (1) number 1 of the Criminal Code. "As a person who commits an act" is a legally proven aspect, according to a panel of judges who have examined evidence and descriptions. Because ABH I, ABH II, and ABH III are those involved in criminal acts in

<sup>10</sup> Joice Yokhebet Demina Sitepu, Eko Raharjo, and Fristia Berdian Tamza, "Implementation of Criminal Law as a Primum Remedium for the Crime of Trade in Protected Animals," *A Journal of Politics, Social, Law and Humanities* 3, no. 2 (2025): 188–99, <https://doi.org/https://doi.org/10.59246/aladalah.v3i2.1287>.

<sup>11</sup> Kiki Saraswati, "The theory of participating in (intervening) government officials in the crime of social assistance corruption," *Domain Research: Journal of Multidisciplinary Research and Development* 6, no. 6 (2024): 2469–85, <https://doi.org/https://doi.org/10.38035/rj.v6i6.1057>.

<sup>12</sup> Siswantari Pratiwi, "Delik Inclusion in the Criminal Code (KUHP)," *Binamulia Hukum* 11, no. 1 (2022): 69–80, <https://doi.org/10.37893/jbh.v11i1.677>.

a quo case with ABH, all provisions of Article 76D and Article 81 paragraph (5) of the Child Protection Law have been fulfilled.

After reviewing the incriminating and mitigating matters, the Panel of Judges handed down Decision Number 51/Pid.Sus-Anak/PN Plg. Even worse, ABH I, ABH II, and ABH III were never prosecuted for their actions, never regretted their actions, and consistently denied knowing that their actions could harm others. The Panel of Judges considered the recommendation of Community Guidance that the child receive treatment at LPKS Dharmapala Indralaya, Ogan Ilir Regency when making a decision. The proposal is based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Article 82 paragraph 1 letter (d). The Panel of Judges also took into account that the ages of ABH I, ABH II, and ABH III are still at a young age, so they have many opportunities to develop and change. Based on the judge's description and considering legal factors, the Panel of Judges in Decision Number 51/Pid.Sus-Anak/PN Plg imposed sanctions on ABH I, ABH II, and ABH III by requiring them to take formal education or training at LPKS Dharmapala Indaralaya Ogan Ilir for one year.

### **The Role of Law in Holding Minors Accountable for Sexual Violence That Causes Death**

Based on the information provided, it seems that all ABH were found guilty of the same criminal act, namely having sexual relations with minors, both with the child himself and with other people, which resulted in the death of the minor. However, the punishment given to them varies. Unlike ABH who was sentenced to 10 years in prison, ABH I, ABH II, and ABH III were only ordered to undergo a period of compulsory education and/or training, respectively. After reviewing the case quo, the Panel of Judges concluded that ABH and his three associates qualified as "persons who committed" under Article 55 paragraph (1) number 1 of the Criminal Code. Given that ABH is still a minor and still has a lot of time to change, the judge considers what is best for the child when deciding to grant leniency to ABH I, ABH II, and ABH III. The victim and ABH, in their role as the perpetrator, may feel disadvantaged by the difference in punishment imposed on each ABH. In his quest to find the perfect law, Gustav Radbruch based his work on three pillars: justice, legal certainty, and profit.<sup>13</sup> Given the restrictions outlined in the SPPA Law, the author would like to use this debate to outline the legal responsibilities of children who commit serious crimes, especially sexual violence that results in death. According to the SPPA Law, article 1 paragraph (2), "Children who are in conflict with the law are children who are in conflict with the law, victims of crimes, and witnesses of crimes." "Children Facing the Law" is defined more broadly in this article, this provision includes not only children who are suspected of being criminals, but also those who play the role of victims or witnesses. Article 1 paragraph (3) of the SPPA Law sets the minimum age limit for perpetrators of criminal acts who are still minors, namely: "Children Facing the Law, hereinafter referred to as Children, are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old who are suspected of committing criminal acts." The evidence in this article, along with the fact that the ABH in question is still a minor (12–17 years old), makes people believe that they can be subject to criminal

---

<sup>13</sup> M. Muslih, "The Indonesian Legal State in the Perspective of Gustav Radbruch's Legal Theory," *Legality: Journal of Law* 4, no. 1 (2013): 130–52, <https://doi.org/http://dx.doi.org/10.33087/legalitas.v4i1.117>.



responsibility under the SPPA Law. Regarding child protection, the SPPA Law deviates from the general view. The law emphasizes restorative justice and rejects punishment as a last resort.<sup>14</sup>

The restorative justice approach is highlighted in the opening paragraph of article five: "The Child Criminal Justice System must prioritize the Restorative Justice approach." If these conditions are met, then a diversion program can be used to keep children's cases away from the court: "Diversion is carried out for criminal cases that are committed: (a) threatened with imprisonment of less than 7 (seven) years; and (b) does not constitute a repetition of a criminal act." Legal proceedings must be taken in accordance with these provisions, and cases involving criminal acts of sexual violence resulting in death cannot be transferred. Here is the sentence: "A child who is not yet 14 (fourteen) years old can only be punished." Since ABH I, ABH II, and ABH III are still under fourteen years of age, they cannot be convicted but only convicted, even though they have been legally and convincingly convicted in a quo case. This is relevant to the subject of this article. Based on Article 82 paragraph (1), legal actions that can be taken against children are: "Actions that can be imposed on children include: (a) return to parents/guardians; (b) submission to a person; (c) treatment in a mental hospital; (d) treatment at LPKS; (e) the obligation to attend formal education and/or training; (f) revocation of driver's license; and/or (g) guidance for criminal acts." Reprimands, punishments with conditions such as coaching outside the institution, community service, supervision, job training, institutional development, or prison confinement are the authority of judges based on Article 71 paragraph (1) for perpetrators of child crimes who are 14 years old and older. However, the severity of the punishment imposed on perpetrators of child crimes is limited. Based on Article 81 paragraph (2), the maximum penalty threat for juvenile offenders must not exceed half of the maximum penalty threat for adult offenders. Although a child can face the death penalty or life imprisonment without parole if the crime he committed is a crime punishable by death or life imprisonment, according to Article 81 paragraph 6, the maximum sentence that can be imposed is 10 years in prison. According to Article 81 paragraph 5, "Child detention is only used as a last resort." It is important to note that the detention of minors should only be carried out in very urgent cases. Strategies that prioritize child protection and rehabilitation over retribution are a characteristic of handling children's legal responsibilities in the SPPA Law. Judges and law enforcement officials are obliged to consider the findings of community research and the best interests of the child in all judicial procedures.<sup>15</sup>

---

<sup>14</sup> Ghisca Putri Anjar Sari and Elfrida Ratnawati Gultom, "Restorative Justice for Children in Conflict with the Law," *Unes Law Review* 5, no. 3 (2023): 735–44, <https://doi.org/https://doi.org/10.31933/unesrev.v5i3>.

<sup>15</sup> Nur Muhammad et al., "Implementation of the Best Interests Principle for Children in the Juvenile Justice System Through Educational Criminalization," *Sharia Journal of Islamic Law* 1, no. 1 (2022): 1–39, <https://doi.org/https://doi.org/10.47902/jshi.v1i1.242>.



## **CONCLUSION**

The court in imposing its decision considers the results of the study and discussion of the provisions in the Criminal Code, the SPPA Law, and the Child Protection Law in imposing criminal penalties on perpetrators of sexual violence crimes that result in the death of children. Based on the evidence submitted, the panel of judges in Decision Number 50/Pid.Sus-Anak/2024/PN Plg. sentenced ABH I, ABH II, and ABH III to ten years in prison for their roles in the crime. In Decision Number 51/Pid.Sus-Anak/2024/PN Plg., the judge sentenced ABH I, ABH II, and ABH III who are all under the age of 14 separately to attend LPKS. After the decision, the SPPA Law, especially Article 69 paragraph (2). The criminal sentencing process for children of criminal offenders uses a restorative justice approach, recommendations from community companions, principles of justice, and proportionality as stated in Article 5 paragraph (1) of the SPPA Law. For the sake of public trust in the juvenile criminal justice system and the uniformity of law enforcement, I urge judges and law enforcement officials to better understand the complexity of cases involving children of criminal offenders, especially cases of serious crimes. Criminal sentencing decisions must be based on more comprehensive and measurable criteria in order to uphold the law and realize true justice for victims, perpetrators, and the wider community. To assist in the implementation of rehabilitation programs, the government needs to provide financial support to professional, integrated, and recovery-oriented child development institutions.

**REFERENCES**

- Ali, Zainuddin. *Legal Research Methods*. Jakarta: Sinar Grafika, 2022.
- Azhari, Supian, Azizah Nurul Fadlilah, Novi Sutrisna Astini, Shopiatun Rudiah, and Nanik Astuti Fujianti. "Analysis of Increasing Children's Independence through Montessori Learning Methods." *Journal Of Early Childhood Education Studies* 4, no. 1 (2024): 166–98. <https://doi.org/https://doi.org/10.54180/joeces.2024.4.1.166-198>.
- Haling, Syamsul, Paisal Halim, Syamsiah Badruddin, and Hardianto Djanggih. "Protection of the Human Rights of Street Children in the Field of Education According to National Law and International Conventions." *Journal of Law & Development* 48, no. 2 (2018): 361–78. <https://doi.org/http://dx.doi.org/10.21143/jhp.vol48.no2.1668>.
- Language Center Dictionary. "Indonesian Dictionary." Jakarta: Ministry of National Education, 2008.
- Muhammad, Nur, Rofiatun Azizah, Anggun Juliantoro, and Bagus Dian Mahendra. "Implementation of the Principle of the Best Interests for Children in the Juvenile Justice System through Educational Punishment." *Journal of Sharia Islamic Law* 1, no. 1 (2022): 1–39. <https://doi.org/https://doi.org/10.47902/jshi.v1i1.242>.
- Muladi, and Barda Nawawi Arief. *Theories and Criminal Policy*. Bandung: Alumni, 1998.
- Mulyati, Dewi, and Ali Dahwir. "Legal Protection of Children as Criminals." *Solution* 20, no. 1 (2022): 31–48. <https://doi.org/https://doi.org/10.36546/solusi.v20i1.469>.
- Muslih, M. "The Indonesian Legal State in the Perspective of Gustav Radbruch's Legal Theory." *Legality: Journal of Law* 4, no. 1 (2013): 130–52. <https://doi.org/http://dx.doi.org/10.33087/legalitas.v4i1.117>.
- Practical, Student. "Delik Inclusion in the Criminal Code (KUHP)." *Binamulia Law* 11, no. 1 (2022): 69–80. <https://doi.org/10.37893/jbh.v11i1.677>.
- Teenager, Nyoman Gede. "Legal Meaning and Legal Certainty." *Kertha Widya Jurnal Hukum* 2, no. 1 (2014): 1–26. <https://doi.org/https://doi.org/10.37637/kw.v2i1.426>.
- Saraswati, Kiki. "The theory is to participate in (meddling) government officials in the crime of corruption of social assistance." *Domain Research: Journal of Multidisciplinary Research and Development* 6, no. 6 (2024): 2469–85. <https://doi.org/https://doi.org/10.38035/rj.v6i6.1057>.
- Sari, Ghisca Putri Anjar, and Elfrida Ratnawati Gultom. "Restorative Justice for Children in Conflict with the Law." *U.S. Law Review* 5, no. 3 (2023): 735–44. <https://doi.org/https://doi.org/10.31933/unesrev.v5i3>.
- Sibuea, Harris Y.P. "Efforts to Strengthen the Protection of Children's Rights in Conflict with the Law," 2023.
- Sitepu, Joice Yokhebet Demina, Eko Raharjo, and Fristia Berdian Tamza. "Implementation of Criminal Law as a Primum Remedium for the Crime of Trade in Protected Animals." *Aladalah: Journal of Politics, Social, Law and Humanities* 3, no. 2 (2025): 188–99. <https://doi.org/https://doi.org/10.59246/aladalah.v3i2.1287>.
- Soekanto, Soerjono. *Fundamentals of Legal Sociology*. Yogyakarta: Raja Grafindo

Persada, 2010.