


## The Criminalisation of Children in the Juvenile Criminal Justice System: a Human Rights Protection Perspective

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Article Info	ABSTRACT
<p><b>Keywords:</b> Juvenile punishment, Juvenile justice system, Human rights</p>	<p>Juvenile justice is a complex subject since it covers multiple interconnected topics, including law, justice, and the protection of children's rights. In Indonesia, the criminal justice system's approach to juvenile crimes has shifted from a focus on punishment for misconduct to one that prioritizes rehabilitation and reintegration into society. The purpose of this study is to examine the criminalisation of children in the juvenile criminal justice system, as outlined in Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law), and to assess the extent to which the principle of human rights protection is applied. The methodology employed is normative legal analysis with a regulatory and conceptual focus. This study examines the applicable legal rules, the basic principles of child protection, and the theory of restorative justice that forms the basis of juvenile criminal justice. The results show that, in terms of regulations, the UU SPPA already provides protection for children through diversion mechanisms, restrictions on prison sentences, and the affirmation of children's rights in the judicial process. However, implementation in the field still faces several obstacles, such as a lack of understanding among legal officials, limited guidance facilities, and a lack of cooperation between institutions. This has resulted in the principle of human rights protection not being fully realised in the practice of juvenile punishment. Therefore, it is necessary to improve the application of restorative justice principles, enhance the capacity of juvenile justice institutions, and conduct continuous monitoring to ensure that the juvenile justice system is truly oriented towards the protection, rehabilitation, and fulfilment of children's rights in a comprehensive manner.</p>
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### INTRODUCTION

The Government of the Republic of Indonesia adopted the 1989 International Convention on the Rights of the Child by Presidential Decree No. 36 of 1990, emphasizing that all parties, including law enforcement personnel, have an obligation to provide protection for children (Mongkaren, 2015). In essence, this protection aims to equip the younger generation to be ready to take over the leadership of the country in the future. Because children occupy the position of heirs to the nation, any form of action that has the potential to disrupt their physical, mental or emotional development must be prevented, including in the criminal justice

process. As future leaders of the nation, children need optimal protection so that they can develop naturally into quality human assets who support national progress. With the issuance of Law No. 17 of 2016, changes to Law No. 35 of 2014 began in the realm of legal regulations. These changes began with the issuance of Government Regulation in Lieu of Law (Perpu) No. 1 of 2016, which is an executive legal instrument issued by the President without the approval of the House of Representatives (DPR). Law No. 17 of 2016, which was the product of cooperation between the legislative and executive branches, legally ratified the Perpu. Essentially, Law No. 23 of 2002 on Child Protection was strengthened, particularly by increasing the criminal penalties for those who commit sexual violence against children (Sambas, 2012). Regulations have changed, yet the prevalence of sexual violence against children is still significant. In order to alter Law No. 23 of 2002 on Child Protection once more, the President released Government Regulation in Lieu of Law No. 1 of 2016. Furthermore, every kid has the right to protection from their parents, family, community, and the state, according to Law No. 39 of 1999 on Human Rights, specifically Article 52 paragraph (1). The state's responsibility to care for, educate, and provide access to education for children is part of its commitment to ensuring their welfare (Amalia et al., 2024). However, if a child faces legal problems, the handling of the case must still be based on the principle of the child's welfare. In line with Maidin Gultom's view, the administration of juvenile criminal justice is an integral part of the child welfare system and must be carried out with full consideration of children's rights (Eleanora, 2013).

Abuse of authority by parents means that the authority that should be used to protect and guide children is instead misused for interests that harm children. In this context, parental obligations such as providing care and education are often neglected, and children often become victims of exploitation, both economically and sexually (Susanti, 2022). The laws in force in Indonesia provide solid protection for children, not only through Law No. 17 of 2016, but also through various other legal regulations. Specifically, Law No. 17 of 2016 includes provisions on castration for perpetrators of sexual violence against children as a form of stricter law enforcement. To guarantee children's human rights, the government also issued Law No. 11 of 2012 on the Juvenile Criminal Justice System, which introduced changes through a diversion mechanism. This mechanism aims to shift the criminal justice process towards guidance and rehabilitation, rather than simply punishment, so that children can recover without having to face the social stigma of criminalisation. This approach is based on the fact that punishing children, especially with imprisonment, often has a negative effect on their psychological development and future prospects due to the label of being a criminal.

However, the implementation of diversion in the field still faces various obstacles, particularly limitations in facilities, infrastructure, and coordination between judicial institutions and social agencies in the process of restoring children to society ((Pinangkaan, 2013). Based on observations at the Manado District Court, the diversion system has been implemented before cases proceed to trial, and several cases have shown success. However, obstacles remain regarding the readiness of experts in the fields of child psychology and psychiatry to support mental recovery after the legal process. Barda Nawawi Arief argues that in social protection law, the concept of criminal responsibility needs to be replaced with

a view of anti-social behaviour that emphasises rehabilitation rather than repression. The findings of the UN Committee on the Rights of the Child also show that the recidivism rate is higher among children, reaching around 50 per cent, especially after they have served prison sentences compared to non-custodial sanctions. This high rate is due to the practice of sentencing children for minor offences, mixing child prisoners with adults, and the age of criminal responsibility for children being too low (8 years), which needs to be raised to 12 years in accordance with the Beijing Rules (Andree Washington Hasiholan, Hendri Jayadi, 2022) . The reality on the ground shows that children who commit crimes are often stigmatised as a social burden and considered useless. However, special treatment for child offenders is still not a priority in the Indonesian legal system, partly because there are no independent juvenile courts or law enforcement agencies specifically handling child cases (Eleanora & Masri, 2018) . In addition, there are no standardised procedures or mechanisms for implementing diversion. The success of child protection also depends heavily on the participation of the community and the immediate environment, including economic factors, which have a significant influence in reducing crime and child trafficking. The higher the level of education and welfare of the community, the more rational their view of child protection as part of a shared social responsibility. (Pangalila, 2018) .

## METHOD

The research method used in this journal refers to the legal research approach as described by Prof. Dr. Peter Mahmud Marzuki, S.H., LL.M., which consists of the following approaches:

- a. Juridical Approach: This approach aims to examine and analyse the applicable legal norms related to child protection in the criminal justice system. In addition, this approach also reviews the legal position of parents and the role of the state in protection efforts.
- b. Normative Approach: Through this approach, the research examines the legal principles that form the basis of child protection, both those derived from international law and national legislation. This includes provisions in the Child Protection Law and the Child Criminal Justice System Law (SPPA Law) that are relevant to the research topic.
- c. Legislative Approach: This approach is used to examine legal regulations that specifically govern child protection and the criminal justice process. The analysis also covers the implementation of these rules in practice, including policies and regulations issued by relevant institutions, such as the Ministry of Women's Empowerment and Child Protection.
- d. Conceptual Approach: In this approach, the study utilises various theories, such as child protection theory and restorative justice theory, to understand the relationship between children, parents, and the state in the juvenile criminal justice system. This analysis aims to explore and clarify the basic concepts of legal protection for children.

## RESULTS AND DISCUSSION

Article 53 paragraph (1) of Law Number 39 of 1999 concerning Human Rights states that every child, from the moment of conception, has the right to a decent life and treatment that supports their growth and welfare (Rustam, 2017) This provision is closely related to the

juvenile punishment system in the juvenile criminal justice system, as it emphasises that children must retain their basic right to a decent life and treatment that supports their growth, even when they are in . The principle of protection and the restorative justice approach used in Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law) reflect the spirit of this article. This approach shifts the objective of punishment from retribution to rehabilitation so that children can play a positive role in society again. This protects the rights of children who have committed offences to improve their standard of living. In addition, the UU SPPA emphasises that imprisonment for children is a last resort and should be for the minimum duration possible, with placement in a Special Child Guidance Institution (LPKA) that provides adequate education, guidance and health services, as a tangible manifestation of children's right to life and development in accordance with the mandate of the Human Rights Law. The criminal justice system can be defined as the entire legal mechanism that implements criminal law so that a person can be charged. This system is an important component of the criminal justice system, which consists of three interrelated subsystems: Substantive Criminal Law, Formal Criminal Law (criminal procedure), and Criminal Enforcement Law. Criminal law enforcement cannot function properly without these three components (Pangemanan, 2015) . To safeguard children who are in legal trouble, the Indonesian government passed Law No. 3 of 1997 on Juvenile Courts. It was changed in 2012 to become the SPPA Law, which went into force two years after it was passed. This statute constituted the particular legal foundation for juvenile criminal proceedings in accordance with the idea of *lex specialis derogat legi generali*, which states that specific laws supersede general rules. Furthermore, minors between the ages of 12 and 18 who are suspected of committing a crime are referred to as "children in conflict with the law" under the SPPA Law, which replaced the term "delinquent children" (Article 1 paragraph 3). Key principles including protection, fairness, non-discrimination, the child's best interests, respect for the child's opinion, survival and growth, guidance, proportionality, restriction of liberty as a last option, and prevention of retaliation are established in Article 2 of this law.ch (Ferdiansya & Suherman, 2024) .

In terms of criminal sanctions, Articles 79, 80, 81, and 84 of the SPPA stipulate that the penalties imposed on children are limited to half of the criminal penalties imposed on adults. Children who are detained must be placed in a Special Child Guidance Centre (LPKA) or Temporary Child Placement Centre (LPAS) with guaranteed access to adequate education, training and care. Imprisonment is a last resort. In addition, Law No. 39 of 1999 on Human Rights protects the rights of children, particularly Article 66, which prohibits torture, brutal punishment, or detention without valid reasons. Meanwhile, Law No. 23 of 2002 on Child Protection, which was later amended to Law No. 35 of 2014, provides a strong legal basis for ensuring comprehensive protection of children, including those involved in the legal system. Children are entitled to humane treatment, effective legal assistance, and a fair and non-public trial process (Kapojos, 2017) According to this law, the state is committed to protecting children's rights comprehensively, both during the judicial process and in everyday life. Many national laws, including Law No. 35 of 2014 on Child Protection, which was drafted after a lengthy legislative process involving many parties, have been enacted to improve the

overall protection of children. Based on Article 64 of Law No. 35 of 2014, the government and society have a responsibility to protect children who are involved in legal problems or are victims of crime. To protect children from stigma, special assistance, adequate facilities, continuous monitoring of children's development, maintaining relationships with families, and protecting children's identities from the media are required. In addition, children who are victims of crime are entitled to protection such as rehabilitation (both inside and outside institutions), identity protection, physical and mental security, and access to information related to the development of their cases. Prior to the existence of clear regulations, several operational policies were already in place, such as the 1957 Verbal Agreement between the Police, the Attorney General's Office, the Ministry of Justice, and the Ministry of Social Affairs, which emphasised special treatment for children; SEMA Number 6 of 1959, which requires children's trials to be held in closed session; and Minister of Justice Regulation Number M.06-UM.01.06 of 1983 and SEMA Number 6 of 1987, which require children's trials to be conducted in a family atmosphere and focus on the welfare of the child. In Law No. 4 of 1979 concerning Child Welfare, Article 2 Chapter II explains various children's rights, such as the right to welfare, care, nurturing, and guidance with love, both in the family and in special institutions; the right to develop socially in accordance with Indonesian culture; the right to protection from the womb until after birth; and the right to a safe living environment for child growth. According to Arif Gosita, children's rights must be considered as a manifestation of the principle of justice, which is a condition in which every child can exercise their rights and obligations in a balanced manner (Nugroho, 2017). Therefore, discussions about children's rights cannot be separated from the responsibilities of the child, which must be adjusted to the mental, physical, and social conditions of the child. Thus, every demand made of a child must take into account their abilities and stage of development. Every child has the right to receive assistance and services aimed at fulfilling their welfare without discrimination based on gender, religion, political views, or social status (Article 8). In the criminal justice process, child protection covers all stages, namely before, during, and after the trial. In practice, children often find it difficult to exercise their rights optimally due to various obstacles, so comprehensive support and protection are needed. Child protection is defined as efforts to enable children to exercise their rights and obligations in a balanced and humane manner. These forms of protection include guidance, assistance, supervision, counselling, regulation, and guarantees that are educational, constructive, integrative, and take into account the mental, physical, and social aspects of children. Children's rights in the criminal justice process can be divided based on the stages involved:

- a. Before the trial takes place, children have the right to be presumed innocent, to be protected from actions that could harm them, to have legal counsel, and to receive facilities that support the examination process.
- b. During the trial, children have the right to understand the legal process they are undergoing, receive legal assistance, be treated humanely, express their opinions, and seek compensation if they feel they have been treated unfairly.
- c. Children's trials must be conducted in private to protect the best interests of the child.

- d. After the trial, children have the right to receive guidance or punishment in accordance with human values, be protected from harmful actions, and remain in contact with their families.

In addition, Law No. 11 of 2012 on the Juvenile Criminal Justice System explains the various rights of children in the judicial process, such as being treated humanely according to their age, being separated from adults, receiving effective legal assistance, and having the opportunity to engage in recreational activities. Every child involved in a legal case is entitled to basic rights that must be respected by the government and law enforcement agencies. Children shall not be subjected to any kind of cruel treatment, torture, or punishment that could diminish their dignity. Children may only be arrested, detained, or imprisoned as a last resort and for the smallest amount of time; they cannot be sentenced to death or life in prison. Children also have the right to justice through an objective and impartial court, and hearings must be held in private to protect their identity. Other rights include being accompanied by parents, guardians, or trusted parties, receiving social assistance, education, health services, and access to special facilities, especially for children with disabilities. Children also have the right to a decent private life in accordance with applicable laws and regulations (Widodo, 2016) . According to Article 4 of Law Number 11 of 2012, children serving sentences are entitled to various forms of reduction and relief, such as remission, assimilation, family visit leave, parole, and other rights stipulated in laws and regulations. This law also states that prison sentences for children may only be imposed for half of the maximum sentence for adults, and for crimes punishable by death or life imprisonment, the maximum sentence that may be imposed is 10 years (Kayus Kayowuan Lewoleba, Mulyadi, 2023) . The age of criminal responsibility for children is one of the important elements in determining the type of punishment to be imposed. Based on Law Number 3 of 1997, children aged 8 years and above can be brought to juvenile court, but criminal punishment can only be imposed on children aged 12 years and above. If the child is below that age, then what can be given is guidance such as returning them to their parents, placing them in state care, or enrolling them in job training. Under Law No. 11 of 2012, the age limit for children who can be prosecuted in court is 12 years old, and detention can only be imposed on children who are at least 14 years old and have committed a criminal offence with a minimum prison sentence of 7 years. Warnings, conditional punishments such community service, out-of-institution guidance, supervision, job training, guidance in institutions, and incarceration are the primary forms of punishment for minors. Meanwhile, additional penalties may include confiscation of the proceeds of crime or fulfilment of customary obligations. In addition, children may also be subject to non-criminal legal measures, such as being returned to their parents, handed over to certain parties, treated in a mental hospital or LPKS, required to attend formal education or job training, having their driving licence revoked, and being required to remedy the consequences of their criminal acts. Some of these measures can be imposed for a maximum of one year in accordance with Article 82 of Law Number 11 of 2012 (Simatupang, 2024) . There are several fundamental differences between the main penalties in Law Number 3 of 1997 concerning Juvenile Courts and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

- a. First, in Law No. 3 of 1997, imprisonment was the primary punishment, while in Law No. 11 of 2012, imprisonment is the last resort after lighter forms of punishment.
- b. Second, the detention penalty previously contained in Law No. 3/1997 has been removed in Law No. 11/2012.
- c. Third, if a child faces a sentence consisting of imprisonment and a fine, the fine is replaced with work training.
- d. Fourth, Law No. 11 of 2012 introduces a new type of punishment, namely a warning, which is a light punishment because it does not restrict the child's freedom.
- e. Fifth, in terms of punitive measures, Law 11/2012 adds a new type, namely the revocation of a driving licence (SIM).

The protection of children's welfare is the juvenile criminal justice system's main goal. The Beijing Rules, which emphasize that the juvenile justice system must prioritize the welfare of the child and the appropriateness of the severity of the crime in relation to the child's circumstances, are consistent with the principles of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. (Tatilu, 2015) Rule 17.1 of the Beijing Rules states that:

- a. Reactions or sanctions against children must take into account the balance between the severity of the offence and the needs of the child and the interests of society.
- b. Restrictions on a child's freedom should only be imposed after careful consideration and within the most minimal limits.
- c. The deprivation of a child's personal liberty shall not be used unless the child has committed serious violence or repeatedly committed serious offences, and when no other sanctions are more appropriate.
- d. The welfare of the child must be the primary consideration in every decision.

Therefore, sanctions imposed on children must focus on legal protection and the best interests of the child. The aim is not to punish, but to rehabilitate and ensure the welfare of the child. Based on various international instruments, there are guidelines for avoiding the negative impacts of the criminal justice system through diversion policies, which divert the resolution of children's cases from formal channels to more humane alternative resolutions. A comparison between Law No. 3 of 1997 and Law No. 11 of 2012 shows that the latest system provides more comprehensive protection to children involved in legal cases. However, in practice, many children still have to serve sentences in adult correctional institutions due to the lack of Special Child Guidance Institutions (LPKA). Based on various international instruments, juvenile delinquency can be categorised as a criminal act or a status offence. However, children's behaviour should not only be viewed as a moral issue but also as a result of an imbalance in the social environment. Thus, the objectives of sentencing children cannot be equated with those of sentencing adults, as children's motivations and characteristics differ psychologically and socially. Repressive punishment can actually have a negative impact (Ahmad et al., 2023) . This view is in line with the Convention on the Rights of the Child (CRC), which emphasises that the interests of children must be the top priority in any legal action involving children. The main differences between Law No. 3 of 1997 and Law No. 11 of 2012 in providing protection to children include:

- a. The term "delinquent child" was changed to "child in conflict with the law", which includes children as perpetrators, victims, and witnesses of criminal acts.
- b. The use of restorative justice, which involves resolving cases by engaging perpetrators, victims, and the community to restore the original conditions.
- c. Diversion is applied, which involves transferring the legal process from formal channels to non-litigation channels.
- d. Involving social workers and social welfare professionals.
- e. Establishing the LPKA (Special Child Guidance Institution), LPAS (Temporary Child Placement Institution), and LPKS (Social Welfare Institution).
- f. Add principles to the juvenile criminal justice system, such as protection, justice, guidance, proportionality, and punishment as a last resort.
- g. Children's rights are divided into rights in the criminal process and rights while serving a sentence.
- h. The system must prioritise restorative justice and diversion (Article 5 of Law Number 11 of 2012).
- i. The objectives of diversion include reconciliation, out-of-court settlement, prevention of deprivation of liberty, community participation, and fostering responsibility in children.

Only crimes carrying a maximum penalty of seven years are eligible for diversion; repeat offenses are not. Considering the victim's interests, the child's welfare, and communal peace, the diversion process is carried out through discussions with a variety of stakeholders, including family, victims, community counselors, and social professionals. The high percentage of children incarcerated with adults shows that, despite laws governing child safety, execution in the field is still subpar. This demonstrates that Indonesia's juvenile justice system is still not entirely compliant with human rights norms and the child's best interests. (Nofitasari, 2014) Human rights are universally acknowledged as the inherent rights of every individual, regardless of nationality, race, gender, religion, or social status. This universality signifies that human rights transcend geographical, political, and cultural boundaries, reflecting the shared moral values and dignity of humankind. Many national and international legal systems, such the 1948 Universal Declaration of Human Rights (UDHR), which states that all people are born free and equal in dignity and rights, embody the concept of universality. These tools give states the basis to create domestic laws and policies that guarantee the defense and advancement of human rights in all spheres of life. Fundamentally, human rights are not privileges granted by the state or society but are intrinsic to human existence, derived from the moral and natural order established by God Almighty. Thus, every person, by virtue of being human, possesses these rights that cannot be taken away, limited arbitrarily, or violated under any circumstance. In Indonesia, the recognition of human rights is constitutionally enshrined in the 1945 Constitution and further elaborated through Law No. 39 of 1999 on Human Rights. However, despite the strong normative framework, the implementation of human rights, particularly concerning children, remains inconsistent. Violations of children's rights continue to occur in various forms, especially against those who are in conflict with the law. These children often face discriminatory treatment, physical and

psychological violence, and neglect of their fundamental rights throughout the criminal justice process. Such violations not only undermine the principles of justice and equality but also contradict Indonesia's obligations under international conventions, including the Convention on the Rights of the Child (CRC), which emphasizes that children must be treated with dignity and given special protection due to their vulnerability. One of the most overlooked violations within this context is the denial of a child's right to receive assistance from a social worker during legal proceedings. The presence of social workers is crucial to ensuring that children understand the legal process, their rights, and the consequences of their actions. Social workers also provide emotional support and advocate for the child's best interests, acting as a bridge between the child, their family, and legal authorities. In the absence of such support, children often face intimidation, confusion, and fear, which can lead to coerced confessions or unfair judgments. This neglect reflects systemic shortcomings in law enforcement and judicial practices that fail to prioritize the best interests of the child as mandated by national and international standards. Furthermore, the lack of proper assistance contributes to the perpetuation of inequality and injustice within the juvenile justice system. Many children in conflict with the law come from marginalized or economically disadvantaged backgrounds, making them more vulnerable to rights violations. Without adequate legal and social support, these children risk being trapped in a cycle of criminalization rather than rehabilitation. Addressing this issue requires a holistic approach involving law enforcement, judicial authorities, and social institutions to strengthen child protection mechanisms. In conclusion, the universality of human rights must not remain a theoretical ideal but should be reflected in concrete actions that uphold the dignity and welfare of every individual, especially children. Ensuring the presence of social workers and implementing child-centered legal procedures are essential steps toward realizing justice that is humane, fair, and consistent with the fundamental principles of human rights. Only through genuine commitment and institutional reform can Indonesia fully uphold its constitutional and moral responsibility to protect the rights of all its citizens, particularly its most vulnerable—children. (Megawati Iskandar Putri, 2024) .

This right is essentially a form of protection and guarantee for children to obtain justice, but it is often ignored by law enforcement officials, resulting in children becoming victims of physical and psychological violence. During the investigation stage, for example, children are often treated like adults. They are yelled at, pressured, and even forced to confess to acts they did not commit. Several cases show physical violence, such as beatings and torture during interrogations, which clearly violate the provisions of Articles 42 and 45 of Law Number 3 of 1997 concerning Juvenile Courts. In addition, the practice of arresting children without official documents and mixing them with adult prisoners in police stations still often occurs, indicating the weak implementation of child protection in the early stages of law enforcement. At the prosecutor's office level, violations also frequently occur. Prosecutors more often choose the path of criminal prosecution rather than returning children to their parents or guardians as mandated by Article 24 of the Child Court Law. The judicial process involving children in conflict with the law often reveals a series of procedural and substantive shortcomings that undermine the principles of justice and child protection. As stated, one of the main problems

lies in the lengthy judicial proceedings, which are frequently conducted by a panel of judges instead of a single judge, thereby contradicting Article 11 paragraph (1) of Law No. 3 of 1997 on Juvenile Courts. This provision clearly mandates that cases involving children should be handled in a simple, fast, and non-intimidating manner by judges who possess special competence and sensitivity toward children's psychological conditions. However, in practice, the judicial process often mirrors adult criminal procedures, characterized by formalism, lengthy hearings, and intimidating atmospheres. Such conditions place immense psychological pressure on children, who often experience anxiety, stress, and fear throughout the process.

The prolonged nature of trials also delays the rehabilitation and reintegration of children into society. Instead of serving as an avenue for correction and protection, the judicial process often becomes a traumatic experience that stigmatizes children as offenders. This contradicts the fundamental philosophy of juvenile justice, which prioritizes restorative justice over retributive punishment. In many cases, the presence of multiple judges and legal personnel in the courtroom intimidates child defendants, who may not fully comprehend the proceedings or their rights. This procedural rigidity weakens the child's ability to participate meaningfully in their own defense, thereby violating the principle of due process and the right to be heard. Moreover, the issue extends beyond the courtroom. After sentencing, children are frequently placed in correctional facilities that are not adequately separated from adult inmates. Such placements directly contradict the spirit of national and international legal frameworks, including the Convention on the Rights of the Child (CRC), which Indonesia has ratified. The exposure of children to adult prisoners increases their vulnerability to physical and psychological abuse, exploitation, and moral corruption. Reports of violence and mistreatment within correctional institutions highlight the urgent need for reform in the juvenile correctional system. When children are subjected to such inhumane conditions, their chances of rehabilitation and reintegration diminish drastically, and instead of reforming, they risk internalizing criminal behavior. From a human rights perspective, children constitute a group that requires special protection due to their physical and mental immaturity. The state, therefore, bears a constitutional and moral obligation to guarantee that every child, including those in conflict with the law, is treated humanely and fairly. This obligation stems from both national law and international commitments, which emphasize that justice for children must always prioritize their best interests. Failure to uphold this principle not only constitutes a violation of children's rights but also reflects systemic injustice within the legal system. To ensure a truly child-centered justice system, reforms must focus on reducing procedural delays, training specialized juvenile judges, and improving detention conditions. Diversion programs, restorative justice approaches, and community-based rehabilitation should be strengthened to replace punitive measures. Protecting children's rights in the justice system is not merely a legal responsibility but also an ethical imperative to safeguard their dignity, development, and future contribution to society. Thus, a humane, efficient, and rights-based judicial process is essential to uphold justice for children and fulfill the state's constitutional mandate. (Shulton Asnawi, 2015) .

## CONCLUSION

The juvenile justice system in Indonesia plays a crucial role in law enforcement initiatives that go beyond mere punishment, focusing instead on safeguarding and supporting children while upholding human rights principles. Regulatory reforms, including Law No. 11 of 2012 concerning the Juvenile Justice System (SPPA Law), have shifted the juvenile justice approach from punitive measures to a more restorative and rehabilitative framework. The SPPA underscores the priority of children's interests, the necessity of restorative justice, and the adoption of diversion strategies as the primary method for addressing cases involving minors. Furthermore, the safeguarding of children engaged in the legal process is bolstered by additional laws, such as Law No. 39 of 1999 on Human Rights, Law No. 35 of 2014 on Child Protection, and Law No. 4 of 1979 on Child Welfare. These statutes affirm that all children are entitled to humane treatment, freedom from physical abuse, fair handling, and access to legal and social support throughout the judicial proceedings. Moreover, the doctrine of *lex specialis derogat legi generali* indicates that specialized legislation pertaining to children overrides general laws. Nevertheless, practical implementation often falls short of these rights, evidenced by instances of severe treatment, incarceration with adults, or inadequate provision of social and legal aid. This disparity highlights the disconnect between established regulations and their real-world enforcement. Therefore, Indonesia's juvenile justice system ought to be grounded in the tenets of child protection, fairness, and well-being, guaranteeing that all legal actions prioritize nurturing, rehabilitation, and education over mere retribution. The government, via its law enforcement bodies, bears the responsibility to ensure that every child entangled in legal conflicts receives optimal safeguarding aligned with their status as precious individuals.

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