

The Role of Child Rehabilitation as an Alternative to Criminal Punishment in the Child Criminal Justice System in Indonesia

Nidatunnisa¹, Padrisan Jamba²

^{1,2}Putera Batam University

Email: pb220710012@upbatam.ac.id

The juvenile criminal justice system in Indonesia is designed to provide special protection for children in conflict with the law by prioritizing the best interests of the child. One form of such protection is the implementation of rehabilitation as an alternative to punishment. Rehabilitation views children not merely as offenders, but as individuals who are still in the process of development and possess significant potential for change. This study aims to analyze the role of child rehabilitation as an alternative form of punishment within the juvenile criminal justice system in Indonesia and to examine the obstacles in its implementation. This research employs a normative legal research method using statutory and conceptual approaches, supported by relevant primary and secondary legal materials. The findings indicate that, normatively, child rehabilitation has been recognized as an alternative punishment consistent with the objectives of the juvenile criminal justice system and the principles of restorative justice. However, in practice, rehabilitation has not yet become the primary option in handling cases involving children in conflict with the law. The main obstacles include limited facilities and infrastructure, differing interpretations among law enforcement officials, and social stigma against child offenders. Therefore, strengthening the implementation of child rehabilitation is essential through a shift in punitive paradigms, enhancement of rehabilitation institutions, and active involvement of families and communities to ensure that rehabilitation functions effectively as a humane and future-oriented alternative to punishment.

Keywords: Child Rehabilitation, Alternative Punishment, Juvenile Criminal Justice System, Restorative Justice, Child Protection

This is an open access article under the [CC BY-NC](#) license



Corresponding Author:

Nidatunnisa

Putera Batam University

pb220710012@upbatam.ac.id

1. Introduction

Children are legal subjects with a special status due to their immature physical, psychological, emotional, and social development. From a modern criminal law perspective, children's capacity to understand the consequences of their actions differs from that of adults, so criminal responsibility for children cannot be equated absolutely. Various criminological studies show that children's involvement in criminal acts is often influenced by external factors such as suboptimal family parenting, a social environment permissive of violence, and limited access to education and welfare. These conditions position children not only as perpetrators but also as individuals vulnerable to social system failures. Therefore, a criminalization approach that emphasizes retribution is considered inconsistent with children's developmental needs. The juvenile criminal justice system is required to prioritize a protective and restorative approach as a manifestation of the state's responsibility for children's future. The principle of the best interests of the child serves as the normative and ethical foundation for all policies and legal actions regarding children in conflict with the law (Azizah, 2025). Indonesia's commitment to protecting children in conflict with the law is reflected in the enactment of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which remains the primary reference in juvenile criminal justice practices. This law marks a significant paradigm shift from a repressive approach to a rehabilitative and restorative one. Punishment for children is no longer positioned as the primary goal, but rather as a last resort, used only when non-criminal

measures are ineffective. The affirmation of the principle of *ultimum remedium* in the Juvenile Criminal Justice System demonstrates the state's awareness of the negative impacts of juvenile imprisonment, both psychologically and socially, as well as on the child's future. This approach requires law enforcement officials to be more selective and proportional in imposing criminal sanctions on children. Thus, the Juvenile Criminal Justice System provides ample scope for the implementation of alternative punishments oriented toward child development and rehabilitation (Ministry of Women's Empowerment and Child Protection, 2022).

Juvenile rehabilitation is an alternative punishment that occupies a strategic position in the juvenile criminal justice system. Rehabilitation is defined as a holistic recovery process, encompassing the psychological, emotional, social, educational, and moral aspects of the child. Rehabilitation programs are designed to help children understand the impact of their actions, build moral awareness, and develop positive social skills. The rehabilitative approach focuses on addressing criminogenic factors that drive children to commit crimes, such as childhood trauma, environmental pressures, and family dysfunction. Rehabilitation also provides opportunities for children to continue accessing education and character development. Therefore, rehabilitation aims not only to prevent recurrence of crimes but also to prepare children to function socially after completing the judicial process (Putri & Nugroho, 2023).

The rehabilitative approach to children in conflict with the law aligns with developments in international standards over the past five years. Various international studies emphasize that the juvenile criminal justice system must be oriented toward social reintegration and developing children's capacities as individuals. States are encouraged to limit the use of imprisonment and develop more humane, community-based alternatives to sentencing. Rehabilitation is seen as an instrument capable of bridging the interests of child protection and the public interest in maintaining social order. This approach is also considered more effective in preventing recidivism than conventional sentencing. Thus, rehabilitation has strategic value not only for children but also for the criminal justice system as a whole (Hutagalung, 2023).

Although juvenile rehabilitation has gained strong normative legitimacy, its implementation in juvenile criminal justice practice in Indonesia still faces various challenges. Several empirical studies show that law enforcement officers still tend to impose imprisonment or closed-door counseling on children. This indicates that the rehabilitative paradigm has not been fully internalized in judicial practice. Differences in law enforcement officials' understanding of the concept of rehabilitation also influence the consistency of its implementation. Consequently, there is a gap between the normative objectives of the Juvenile Justice System (SPPA) and the reality of practice on the ground. This situation raises questions about the effectiveness of rehabilitation as an alternative to punishment in the juvenile criminal justice system (Safira & Susila, 2023).

Barriers to implementing juvenile rehabilitation are also related to limited supporting facilities and infrastructure. The availability of professional staff such as child psychologists, social workers, and counselors remains uneven across Indonesia. In some regions, rehabilitation programs cannot be implemented optimally due to budget and facility constraints. Furthermore, the number of community-based juvenile rehabilitation institutions remains relatively limited. This inequality means that not all juveniles in conflict with the law have equal access to rehabilitation services. This situation has the potential to create disparities in legal treatment for juveniles based on geographic location and local institutional capacity (Rizq et al., 2025).

Social and cultural factors also play a significant role in determining the success of juvenile rehabilitation. The negative stigma held by society toward juvenile offenders is often a major obstacle to social reintegration. Children who have undergone rehabilitation often face social rejection, which impacts their

psychological well-being and self-confidence. A lack of family support and a conducive social environment can hinder a child's recovery process. Under these circumstances, rehabilitation risks failing to achieve its intended goals. In fact, continued social exclusion can increase the potential for children to reoffend (Aisyah & Fahrudin, 2024).

In a legal context, judges play a strategic role in determining the effectiveness of rehabilitation as an alternative to sentencing. Judges' decisions not only reflect the application of legal norms but also demonstrate a philosophical orientation toward the goals of sentencing children. The lack of detailed technical guidelines regarding the implementation of rehabilitation often leads to variations in decisions between courts. Furthermore, differences in judges' backgrounds and perspectives influence the choice of sanctions imposed. As a result, rehabilitation has the potential to remain merely a written norm without substantive implementation. This situation emphasizes the importance of strengthening judicial officials' understanding of rehabilitative principles in the juvenile criminal justice system (Safira & Susila, 2023).

The urgency of strengthening child rehabilitation is increasing in line with the complexity of children's issues in the modern era. The development of digital technology, changes in social structures, and economic pressures have given rise to increasingly diverse forms of juvenile delinquency and crime. In this context, conventional criminal justice approaches are deemed less adaptive and unable to address the root causes. Rehabilitation that is comprehensively designed, based on the child's individual needs, and involving the family and community is considered more effective in encouraging long-term behavioral change. This approach also contributes to sustainable crime prevention and strengthened child protection (Indonesian Institute for Counseling, Education and Therapy, n.d.).

Based on this explanation, a study on the role of child rehabilitation as an alternative to punishment in the juvenile criminal justice system in Indonesia is highly urgent. This research is needed to examine the effectiveness of rehabilitation implementation in juvenile criminal justice practice. Furthermore, this study also aims to identify various normative, institutional, and social barriers that influence rehabilitation implementation. It is hoped that the results of this study can produce applicable policy recommendations based on empirical findings, so that the juvenile criminal justice system in Indonesia can increasingly reflect the principles of humanistic justice, be oriented towards protecting children's rights, and be sustainable.

2. Method

The research method used in this study is normative legal research with both a legislative and a conceptual approach. The legislative approach is conducted by analyzing relevant regulations related to the juvenile criminal justice system, specifically Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and its implementing regulations, to understand the legal basis governing the punishment and rehabilitation of children. This analysis aims to examine the normative principles underlying child protection, including the principle of *ultimum remedium* and the best interests of the child.

The conceptual approach is conducted by reviewing relevant scientific literature and secondary legal documents, including books, journals, scientific articles, research reports, and policy documents that discuss the implementation of juvenile rehabilitation in criminal justice practice. This secondary legal literature is used to develop a conceptual framework regarding the objectives, mechanisms, and challenges of implementing juvenile rehabilitation as an alternative to punishment, while also reviewing developments in international standards related to juvenile justice.

The primary data in this study consisted of laws and regulations, court decisions, and technical guidelines issued by relevant institutions. Secondary data was obtained through a literature review of various national and international scientific sources published in the last five years to ensure the relevance of the findings to

current legal practice. The data collection process was conducted systematically by selecting documents that directly address aspects of rehabilitation, restorative justice principles, and child sentencing strategies within the context of Indonesian criminal law.

Data analysis was conducted qualitatively using interpretive methods. Each regulation, decision, and literature was analyzed to identify the relevance, consistency, and gaps between the normative objectives of the legislation and the practice of rehabilitation implementation in the field. The analysis also emphasized the influence of institutional, social, and cultural factors on the effectiveness of child rehabilitation, including the availability of facilities and professional personnel and the social stigma against child offenders. Furthermore, the analysis results were synthesized to develop a holistic understanding of child rehabilitation as an alternative to punishment, emphasizing protection, recovery, and social reintegration as the primary objectives of the juvenile criminal justice system.

This approach is supported by expert opinions in the past five years, including Azizah (2025), who emphasizes the best interests of children as the normative basis for juvenile criminal justice; Putri and Nugroho (2023), who highlight rehabilitation as a means of social learning and capacity building for children; and Hutagalung (2023), who links child rehabilitation with the principles of restorative justice to prevent recidivism and restore social relationships between perpetrators, victims, and the community. These expert opinions serve as important references in interpreting legal regulations and child rehabilitation practices in Indonesia, as well as in formulating applicable policy recommendations.

3. Results and Discussion

Discussions on the role of child rehabilitation as an alternative to punishment in the Indonesian juvenile criminal justice system must be placed within the framework of child protection as legal subjects still in the process of growth and development. Children in conflict with the law cannot be treated the same as adults because they are not yet psychologically, emotionally, and socially mature enough to understand the consequences of their actions. Therefore, punishment for children should not be directed at retribution, but rather at fostering and rehabilitating them so they can return to normal social life, as emphasized in a study of the juvenile criminal justice system based on the protection of children's rights (Azizah, 2025).

In this context, rehabilitation is the most relevant and rational approach. Rehabilitation views children not merely as perpetrators of crimes but also as individuals in need of support, recovery, and guidance to prevent them from falling into repeated deviant behavior. This rehabilitative approach aligns with the objectives of the juvenile criminal justice system, which prioritizes fostering and social reintegration as the primary goals of juvenile punishment (Awe et al., 2025). Thus, rehabilitation cannot be understood as a form of reducing criminal responsibility, but rather as a form of accountability tailored to the child's circumstances and needs.

Conventional sentencing, such as imprisonment, often has negative impacts on children. Placing children in correctional institutions has the potential to sever ties with their families, hinder access to education, and create social stigma that is difficult to eradicate. This situation can reinforce the child's identity as a criminal and increase the risk of reoffending, as demonstrated in research on the effectiveness of child sentencing in Indonesia (Flora et al., 2025). In situations like this, rehabilitation offers a more constructive approach because it focuses on behavioral recovery and capacity building for children.

Child rehabilitation is also closely related to the principle of restorative justice, which emphasizes restoring relationships between the perpetrator, victim, and community. This approach views justice not solely as punishment for the perpetrator, but as a process of social recovery. For children, restorative justice provides a space to assume moral responsibility without having to experience the negative impacts of imprisonment.

Rehabilitation serves as a primary instrument for realizing restorative justice through psychological support and family and community involvement (Hutagalung, 2023b).

Although rehabilitation has been recognized as an alternative to sentencing, its implementation in Indonesian juvenile justice practices still faces various obstacles. Several studies indicate that law enforcement officers still tend to impose prison sentences or closed-door counseling, thus preventing rehabilitation from becoming a primary option. This situation reflects a gap between legal policy and juvenile justice practices in the field (Sagita, 2022).

Barriers to the implementation of juvenile rehabilitation are also related to limited supporting facilities and infrastructure. The availability of professionals such as child psychologists, social workers, and community counselors is not evenly distributed across Indonesia. As a result, not all children in conflict with the law receive equal access to rehabilitation. Furthermore, social factors such as societal stigma also hinder the reintegration process for children after rehabilitation (Sari & Prasetyo, 2024).

From the perspective of the objectives of punishment, juvenile rehabilitation demonstrates a shift in orientation from a retributive approach to a corrective and preventive approach. Juvenile punishment no longer focuses on retribution, but on preventing recurrence of criminal acts and protecting the child's future. This approach is considered more effective in fostering long-term behavioral change in children in conflict with the law (Effectiveness of Restorative Justice Study, 2025).

Juvenile Rehabilitation as a Future-Oriented Approach to Punishment

Juvenile rehabilitation as an alternative to punishment reflects a punishment orientation that focuses on the child's future, not solely on the crime committed. This approach is based on the assumption that children have a high capacity for change if provided with appropriate intervention. Conventional punishment, such as imprisonment, has the potential to harm a child's development by severing their connection to family, education, and a healthy social environment. Furthermore, prisons are often unsuitable for child development due to the lack of psychological and educational approaches.

Rehabilitation presents a more constructive approach because it positions punishment as a means of social learning. Through rehabilitation, children are not only held accountable for their actions but are also guided to understand the impact of the crime on themselves, the victim, and society. Therefore, rehabilitation is not a form of avoidance of criminal responsibility, but rather a form of accountability tailored to the child's circumstances and needs (Putri & Nugroho, 2023).

The Relationship between Child Rehabilitation and the Principles of Restorative Justice

Child rehabilitation is inextricably linked to the principles of restorative justice, which form the philosophical foundation of the juvenile criminal justice system in Indonesia. Restorative justice emphasizes resolving criminal cases through the restoration of social relationships damaged by the crime. In the context of children, this approach is highly relevant because it allows for resolution of cases without having to isolate the child from their social environment for a long period of time.

Rehabilitation plays a key role in realizing restorative justice for children. Through rehabilitation, children are encouraged to recognize their mistakes and take moral responsibility, while victims and society are given space to recover. This approach demonstrates that the goal of justice does not always have to be achieved through imprisonment, but can be achieved through a more humane and sustainable recovery process. Research shows that the application of rehabilitation within a restorative justice framework tends to result in lower recidivism rates than conventional sentencing (Hutagalung, 2023).

Implementation of Child Rehabilitation in Juvenile Criminal Justice Practice

Although rehabilitation has been recognized as an alternative to punishment, its implementation in juvenile criminal justice practice in Indonesia still faces various challenges. In many cases, rehabilitation has not been considered a primary option by law enforcement officials. Children are still frequently sentenced to imprisonment or rehabilitated in closed institutions, even though rehabilitation is more aligned with child protection goals. This indicates that the rehabilitative paradigm has not been fully internalized in judicial practice.

Furthermore, rehabilitation is often administrative in nature and not based on the child's individual needs. Rehabilitation programs that are implemented generally without considering the child's psychological condition, family background, and social environment have the potential to reduce the effectiveness of rehabilitative programs. This situation demonstrates a gap between the normative objectives of the juvenile criminal justice system and the reality of implementation on the ground (Sagita, 2022).

Structural and Social Barriers to the Implementation of Child Rehabilitation

Barriers to the implementation of child rehabilitation stem not only from law enforcement but also from structural and social limitations. The availability of adequate rehabilitation institutions and professional staff, such as child psychologists and social workers, remains uneven across Indonesia. As a result, access to rehabilitation is unequal, meaning that not all children in conflict with the law receive equal treatment.

In addition to structural barriers, social factors, such as societal stigma against child criminals, also pose a serious obstacle. Children who have undergone rehabilitation often experience social rejection, which hinders the reintegration process. Without the support of their families and social environment, rehabilitation risks failing to achieve its primary goal of helping children return to normal social life. Research shows that the success of rehabilitation is greatly influenced by the active involvement of families and communities (Sari & Prasetyo, 2024).

Child Rehabilitation as an Instrument for Preventing Reoffending

One of the main advantages of rehabilitation as an alternative to punishment is its ability to prevent reoffending by children. Rehabilitation focuses on addressing the root causes that drive children to commit crimes, such as emotional problems, environmental pressures, and family dysfunction. With a more personalized and sustainable approach, rehabilitation enables deeper behavioral changes.

The rehabilitative approach also demonstrates that crime prevention does not always have to be achieved through the threat of severe punishment. In the context of children, appropriate guidance is even more effective in shaping behavior that adheres to social norms. Thus, rehabilitation not only benefits children as individuals but also provides long-term benefits to society by reducing recidivism rates (Effectiveness of the Implementation of Restorative Justice, 2025).

4. Conclusion

Based on the overall discussion outlined, it can be concluded that child rehabilitation plays a crucial role as an alternative to punishment in the Indonesian juvenile criminal justice system. Rehabilitation represents a paradigm shift in child punishment, moving from a repressive approach to a more humane, corrective approach oriented toward the protection and development of children. In this context, children in conflict with the law are no longer viewed solely as perpetrators of crimes, but as individuals still in the process of growing and developing with significant potential for change if given appropriate intervention.

Rehabilitation as an alternative to punishment also aligns with the primary objectives of the juvenile criminal justice system, namely preventing recurrence of crimes and protecting children's futures. A rehabilitative approach allows for a more comprehensive approach to handling children in conflict with the law, taking into account the child's psychological, social, and environmental aspects. Therefore, rehabilitation cannot be understood as a form of leniency or avoidance of criminal responsibility, but rather as a form of accountability tailored to the child's characteristics and needs.

Furthermore, child rehabilitation is closely linked to the principle of restorative justice, which emphasizes restoring relationships between the perpetrator, victim, and community. Through rehabilitation, children are encouraged to understand the impact of their actions and assume moral responsibility, while victims and society gain a fairer and more balanced healing space. This approach demonstrates that justice in juvenile cases is not solely measured by the severity of criminal sanctions, but rather by the extent to which the judicial process is able to encourage behavioral change in children and restore disrupted social order.

However, this research also shows that the implementation of juvenile rehabilitation as an alternative to punishment in juvenile criminal justice practices in Indonesia still faces various obstacles. Rehabilitation has not yet been fully adopted as a primary option by law enforcement officials, limited supporting facilities and infrastructure remain problematic, and social stigma against juvenile offenders also hinders the rehabilitation and social reintegration process. These conditions indicate a gap between normative regulations and the practice of rehabilitation implementation in the field.

Therefore, it can be emphasized that juvenile rehabilitation is a conceptually and normatively relevant penal instrument, but requires strengthening in its implementation to function optimally. This strengthening includes a paradigm shift among law enforcement officials, increased capacity of rehabilitation institutions, and active involvement of families and communities in supporting the child's recovery process. With continued strengthening, child rehabilitation has the potential to become a key pillar in realizing a just, humane, and best-interest-oriented juvenile criminal justice system for children and social sustainability in Indonesia.

5. Reference

- Aisyah, S., & Fahrudin, M. H. (2024). THE IMPACT OF RESTORATIVE JUSTICE ON ADDRESSING JUVENILE OFFENSES. In *Awang Long Law Review* (Vol. 7, Issue 1).
- Awe, W., Priyana, D., Wiratny, N. K., & Dedy Suryana, K. (2025). Diversion and Restorative Justice for Children Facing the Law. *Asian Journal of Social and Humanities*, 3.
- Azizah, R. F. (2025). TINJAUAN PELAKSANAAN REHABILITASI UNTUK ANAK YANG BERHADAPAN DENGAN HUKUM DALAM SUDUT PANDANG PENOLOGI. *Jurnal Hukum Dan Kewarganegaraan*, 11.
- Flora, H. S., Harmono, H., & Alves, L. (2025). Effectiveness of the Implementation of Restorative Justice in the Juvenile Criminal Justice System. *Rechtsnormen: Journal of Law*, 3(1), 33–44.
- Hamamah, F., Sukardi, D., & Kulkarni, S. (2025). The Application of Restorative Justice in Domestic and Child Violence Cases in Indonesia and Finland. *SASI*, 31(1), 44.
- Hutagalung, T. S. (2023). The Effectiveness of Restorative Justice Implementation in the Juvenile Criminal Justice System in Indonesia. *Jurnal Smart Hukum (JSH)*, 2(1).
- Rahayuningsih, U., Hikmah, A. N., & Nurcahyati, S. (n.d.). *Pendekatan Restorative Justice dalam Perlindungan Hukum Anak sebagai Pelaku Tindak Pidana: Menyeimbangkan Keadilan dan Pembinaan*.

- Safira, I. A., & Susila, M. E. (2023). Penyelesaian Perkara Tindak Pidana Narkotika dengan Pelaku Anak Melalui Pendekatan Restorative Justice. *Media of Law and Sharia*, 4(4), 343–360.
- Sudewo, A., Suryaarga Indrajaya, C., Kurniawati, E., Fuky Lukmanta, H., Hassanah, N., Widya Permana, Y., Ras, H., & Durahman, D. (n.d.). Menakar Efektivitas Sistem Peradilan Pidana Anak dalam Perspektif Restorative Justice di Indonesia. *Themis: Jurnal Ilmu Hukum*, 3(1), 2025