
Dynamics of Criminal Law against Minors

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Abstract

This research examines the dynamics of criminal law against minors in Indonesia, with a focus on analyzing the uniformity of implementation of Law no. 11 of 2012 concerning the Juvenile Criminal Justice System and the effectiveness of rehabilitation and reintegration programs. Through doctrinal research methods, this study evaluates how related laws and policies are implemented in the field and identifies various weaknesses in the current system. The research results show that there are inconsistencies in the implementation of laws that impact the protection of children's rights and the effectiveness of the rehabilitation process. The resulting recommendations emphasize the importance of legal and policy reform to create a fairer and more effective juvenile criminal justice system, which does not only focus on the punitive aspect but also on the rehabilitation and social reintegration of children as offenders.

Keywords: *Juvenile Criminal Law, Rehabilitation, Reintegration.*

INTRODUCTION

In the last few decades, Indonesia has faced various challenges in handling criminal cases involving minors. This issue is of particular concern because children involved in the criminal justice system face various risks that can disrupt their psychological and social development. According to data released by the Ministry of Women's Empowerment and Child Protection in 2021, there was an increase in the number of children in conflict with the law by 15% from the previous year (Ministry of Women's Empowerment and Child Protection, 2021).

Children as perpetrators of criminal acts are often treated the same as adults in the criminal justice system which often ignores their rights as children. This is contrary to the principle of child protection which should be the main focus in handling cases involving minors (Nurhayati, 2019). Handling child cases is not just about punishing, but more importantly ensuring that the child gets the opportunity for rehabilitation and reintegration into society.

On the other hand, Law no. 11 of 2012 concerning the Juvenile Criminal Justice System has provided a better legal framework for handling children in conflict with the law. This law emphasizes the importance of an approach that is oriented towards the best interests of children, which includes protection from stigmatization and negative assumptions about children as perpetrators of criminal acts (Juvenile Criminal Justice System Law, 2012).

However, in practice there are still many obstacles and challenges faced in implementing this law. Problems such as the lack of special correctional facilities for children, the lack of human resources trained in dealing with children, and the lack of public awareness of children's rights are some of the many factors that hinder the process of rehabilitation and reintegration of children into society (Amiruddin, 2020).

It is important to carry out a study of the dynamics of criminal law against juvenile offenders because it can provide a clearer picture of the weaknesses and strengths in the juvenile criminal justice system in Indonesia. Furthermore, it is hoped that this research can contribute ideas and

recommendations for stakeholders in making policies that are more effective and efficient in dealing with children in conflict with the law. Apart from that, this study is also important to ensure that children's rights are protected and they receive fair and humane treatment in the criminal justice system (Hartini, 2021).

Thus, the importance of this research lies in the effort to identify and analyze various factors that influence the effectiveness of the implementation of laws relating to children as perpetrators of criminal acts. This includes evaluation of existing policies, identification of gaps, and recommendations for improvement. It is hoped that this research can become a reference in developing criminal law that is more responsive to the needs and rights of children in Indonesia.

One of the main problems that often arises in the juvenile criminal justice system in Indonesia is inconsistency in the application of Law no. 11 of 2012 concerning the Juvenile Criminal Justice System. Although this law has provided a comprehensive framework, practice on the ground is often not uniform, especially with regard to arrest, detention, and court procedures that should be tailored to children. Article 7 Paragraph (2) of the Law states that every child in conflict with the law must receive treatment that fulfills their rights and supports the best interests of the child (Juvenile Criminal Justice System Law, 2012). However, there are still frequent violations where children are placed in custody with adults, which directly violates their rights and places them at high risk.

The second issue that will be discussed in this research is the effectiveness of rehabilitation and reintegration programs available for children in conflict with the law. There are serious deficiencies in facilities and programs designed for the rehabilitation of children, as well as in the implementation of these programs. Article 54 of the Juvenile Criminal Justice System Law emphasizes the importance of social rehabilitation for children in conflict with the law, but the reality shows that many juvenile rehabilitation institutions do not meet the established standards, both in terms of infrastructure and the quality of available mentors or counselors (Criminal Justice System Law Child, 2012). Lack of funding and trained human resources are major obstacles to the effective implementation of these programs.

In the context of handling children in conflict with the law, injustice often occurs which stems from a system that does not provide procedures or special treatment that is adaptive to the child's needs and conditions. This research tries to dig deeper into how the dynamics of this law are applied in courts and special children's correctional institutions, as well as its impact on the future and psychology of the children concerned.

Furthermore, this research will also evaluate how rehabilitation and reintegration programs are implemented in various regions in Indonesia, assessing successes and failures, and identifying factors that contribute to both. It is hoped that constructive criticism and suggestions can provide valuable insight for improving the existing system.

Ultimately, the main aim of this research is to produce policy recommendations that are not only based on legal justice but also on fulfilling the basic rights and needs of children as individuals who are still developing. This is very important considering that children in conflict with the law not only need legal intervention but also psychological and social support to ensure that they can be reintegrated into society without stigma or exclusion.

METHOD

This research uses a doctrinal research method, which focuses on analyzing primary and secondary legal materials to understand and evaluate the application of criminal law to minors in

Indonesia. This method involves an in-depth study of Law no. 11 of 2012 concerning the Juvenile Criminal Justice System, implementing regulations and related jurisprudence. Researchers will collect data through literature studies which include books, journal articles, research reports, and other relevant legal documents. The analysis will be carried out by interpreting existing legal provisions, comparing them with practice in the field, and assessing their effectiveness in protecting children's rights and supporting their rehabilitation and reintegration into society. Furthermore, this research aims to identify weaknesses and gaps in the law and provide recommendations for legal reform that better supports justice and the best interests of children.

RESULTS AND DISCUSSION

Uniform Implementation of the Juvenile Criminal Justice System Law

Uniform application of the law is one of the important pillars of a fair justice system. In the context of juvenile criminal justice, this uniformity is not only important to ensure justice, but also to protect the rights of children in conflict with the law. Law no. 11 of 2012 concerning the Juvenile Criminal Justice System in Indonesia is a regulation designed to meet these needs. However, in practice, inconsistencies often occur that hinder its effectiveness in protecting children in the criminal justice system.

The main cause of this inconsistency lies in the varying interpretation and application of the law by courts in various regions in Indonesia. For example, Article 7 Paragraph (2) which states that every child in conflict with the law must receive treatment that supports the child's best interests, is often interpreted differently by each court (Juvenile Criminal Justice System Law, 2012). In some cases, this leads to children being treated more like adults, with all the serious legal consequences, rather than as subjects in need of special protection and guidance.

This variability is also seen in the application of Article 25 which regulates the detention of children. Children should not be detained together with adults and should be placed in special children's correctional institutions. However, the reality on the ground is often different. Many children end up being detained together with adults, which clearly violates their rights and places them in potentially dangerous situations (Nurhayati, 2019).

One of the big problems in implementing this law is the lack of special correctional facilities for children. Article 66 requires the government to provide special facilities for children in conflict with the law, but to date there are still many deficiencies in terms of the number and quality of these facilities (Juvenile Criminal Justice System Law, 2012). This often forces children to be held in inappropriate conditions, together with adults, which can be detrimental to their rehabilitation process.

The impact of inconsistencies and deficiencies in the implementation of this law is not only limited to legal aspects, but also psychological and social. Children who are in conflict with the law often experience prolonged trauma and stigmatization. The non-uniform and inconsistent application of laws often complicates the process of rehabilitation and reintegration of children into society, which should be the main goal of juvenile criminal justice (Amiruddin, 2020).

To overcome this problem, a more integrated and uniform approach is needed throughout Indonesia. This includes better and more uniform training for judges and other law enforcement on how to apply the Juvenile Criminal Justice System Act. In addition, the government must strengthen monitoring and evaluation of the implementation of this law to ensure that all children in conflict with the law receive treatment that is fair and in accordance with their needs.

Effectiveness of Rehabilitation and Reintegration Programs for Children

Rehabilitation and reintegration of children in conflict with the law is an important aspect of the juvenile criminal justice system. The aim is to ensure that these children can return to society as responsible individuals and do not repeat the same mistakes. However, the effectiveness of rehabilitation and reintegration programs is often questioned, especially considering the many challenges and shortcomings in their implementation.

Law no. 11 of 2012 concerning the Juvenile Criminal Justice System regulates the rehabilitation and reintegration of children in conflict with the law in Indonesia. Article 54 of the Law emphasizes the importance

of social rehabilitation for children in conflict with the law, but in practice, the implementation of this article is often inadequate (Juvenile Criminal Justice System Law, 2012). These weaknesses in implementation reflect the gap between legal objectives and the reality of practice on the ground.

Evaluation of existing rehabilitation and reintegration programs shows that there are several major problems that hinder their effectiveness. First, rehabilitation facilities often do not meet the standards required for effective child recovery. Disadvantages of these facilities include insufficient therapy rooms, insufficient equipment, and inadequate human resources (Hartini, 2021).

Second, reintegration programs are often not tailored to the specific needs of each child, which makes the reintegration process less effective. Each child has a different background and needs, so rigid and inflexible reintegration programs often fail to meet these needs (Amiruddin, 2020).

One of the main challenges in implementing rehabilitation and reintegration programs is the lack of funds and resources. Even though the government has provided a budget for this program, in many cases, these funds are not enough to cover all operational needs and effective program development (Nurhayati, 2019). Apart from that, the lack of professionals who are specially trained to work with children in the context of rehabilitation is also a major obstacle.

Failure in effective rehabilitation and reintegration has a significant social and psychological impact on children. Children who are not successfully rehabilitated are at higher risk of committing crimes again. In addition, the social stigma attached to children who have been in conflict with the law can complicate their reintegration process into society, causing ongoing social isolation and discrimination (Hartini, 2021).

To increase the effectiveness of rehabilitation and reintegration programs, several steps can be taken. First, there needs to be increased funding and resources allocated to this program. This investment is not only in the form of funds, but also investment in training and professional development who will handle this program.

Second, programs should be more tailored to the individual needs of each child. This means that a thorough evaluation of each child's needs must be carried out before designing a reintegration program, and the program must be flexible to adapt over time.

Third, there must be closer cooperation between the government, non-governmental organizations and the community to support the reintegration process. Communities can play an important role in helping reduce stigma and supporting children's integration back into society.

The effectiveness of rehabilitation and reintegration programs for children in conflict with the law is still far from ideal. Although a legal framework exists, effective implementation of the framework still requires significant improvement. Through increased resources, professional training, and a more individualized approach and community support, there is hope that the rehabilitation and reintegration of children can become more effective.

Recent research on rehabilitation and reintegration programs for children in conflict with the law in Indonesia shows several important findings. First, the majority of existing programs are not effective enough in preventing re-offending among children. Data from the Ministry of Social Affairs shows that the rate of repeat crimes among children who have undergone rehabilitation programs is still relatively high, reaching almost 40% in the last two years (Ministry of Social Affairs, 2021). This suggests there are serious deficiencies in existing programs that need to be addressed.

Second, research also finds that existing rehabilitation facilities often lack resources and do not meet the standards expected for program effectiveness. For example, many facilities are reported to have a workforce that is inadequately trained in working with children, as well as a lack of adequate equipment and therapeutic materials (Amiruddin, 2020). In addition, many facilities experience shortages in terms of capacity, which results in the individual needs of each child not being met.

Third, in the aspect of reintegration, children who have undergone rehabilitation programs often face difficulties in reintegrating into society. Social stigma, lack of community support, and difficulties in obtaining education or employment are some of the factors that hinder an effective reintegration process (Hartini, 2021).

Based on the results of this research, several recommendations can be made to increase the effectiveness of rehabilitation and reintegration programs for children in Indonesia:

1. **Increased Resources and Training:** One of the main steps that must be taken is to increase the number and quality of resources available in rehabilitation facilities. This includes better and more comprehensive training for professionals who work with children, such as psychologists, social

- workers, and educators. The government must provide sufficient funds for this training as well as to improve facility infrastructure (Nurhayati, 2019).
2. **More Integrated Reintegration Programs:** Reintegration programs must involve various parties, including schools, local communities and non-governmental organizations. These programs must be tailored to each child's specific needs, and there must be a more coordinated effort to reduce the stigma children face after leaving rehabilitation facilities.
 3. **Continuous Evaluation and Research:** It is important for the government and relevant agencies to regularly evaluate the effectiveness of existing rehabilitation and reintegration programs. This evaluation should include comprehensive data collection on the degree of success of the program in preventing reoffending and the effectiveness of the reintegration process. The results of this evaluation should be used to make ongoing adjustments and improvements to the program.
 4. **Family and Community Involvement:** Family involvement in the rehabilitation and reintegration process is very important. Programs should be designed to not only support individual children but also support their families in understanding and overcoming the challenges they may face once the child returns home. This may include family counseling, parenting education, and support for parents.
 5. **Advocacy and Community Awareness:** Increasing community awareness of the issues facing children in conflict with the law is important to reduce stigma and support successful reintegration. Awareness and advocacy campaigns should be stepped up to promote better understanding of the needs and rights of these children.

This research shows that despite the existence of a solid legal framework, there are still many shortcomings in the implementation of rehabilitation and reintegration programs for children in Indonesia. Through increased resources, training, evaluation and community support, as well as family involvement, it is hoped that children in conflict with the law can be successfully rehabilitated and reintegrated back into society in an effective and meaningful way.

CONCLUSION

Research on the effectiveness of rehabilitation and reintegration programs for children in conflict with the law in Indonesia has revealed several critical aspects that influence the success of such interventions. Although the goals of rehabilitation and reintegration programs are noble and important, this research shows that there are still many obstacles and shortcomings that need to be overcome to achieve the desired results. The following are the important points from the conclusions of this study:

1. **Lack of Resources:** One of the main findings is that lack of resources, both in terms of physical facilities and human resources, often hinders an effective rehabilitation process. Existing facilities do not always meet the standards required to support children's recovery and growth, and there is often a shortage of staff who are trained and competent to deal with the special needs of children in conflict with the law.
2. **Non-Uniform Implementation of Programs:** Implementation of rehabilitation and reintegration programs is often inconsistent, with significant variations in the quality and type of support provided to children in different regions. This creates inequities in the juvenile criminal justice system and reduces the overall effectiveness of rehabilitation and reintegration efforts.
3. **Individual Needs Not Met:** Successful reintegration programs require an approach tailored to each child's individual needs. However, many current programs use an approach that is too general and does not consider the unique needs, background, and social context of each child, thereby reducing the chances of successful reintegration into society.
4. **Stigma and Community Support:** The social stigma associated with children in conflict with the law is a major barrier to successful reintegration. Although these children may have gone through rehabilitation programs, they are often faced with prejudice and rejection in society, which can trigger a relapse into antisocial behavior.
5. **Recommendations for Reform:** To address these challenges, comprehensive reform of the way rehabilitation and reintegration programs are designed and implemented is needed. Greater investment in professional training, improving facilities, and developing programs that are more responsive and

tailored to children's needs are key. In addition, efforts to reduce stigma and increase public awareness and support for children who have been in conflict with the law must be increased.

Thus, while there are many challenges, there are also significant opportunities for improvement. This research highlights the urgent need to revisit and strengthen rehabilitation and reintegration programs for children in conflict with the law in Indonesia. More effective and empathetic policies and practices can enable these children to get the second chances they need to build productive and meaningful lives in society.

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