

Ratio Legis System Law Related Child Criminal Justice Qualification Of Criminal Sanctions And Actions

Fransiska Novita Eleanora¹, Widya Romasindah Aidy²

Faculty of Law , Universitas Bhayangkara Jakarta Raya

Email: fransiska.novita@dsn.ubharajaya.ac.id

**corresponding author*

Article info

Received: Sep 24, 2022

Revised: Nov 12, 2024

Accepted: Dec 10, 2024

DOI: <https://doi.org/10.31599/krtha.v18i3.1363>

Abstract : *The arrangement of a direction points to be able to control additionally be able to organize the presence of life in a country where within the life of a society that's moreover controlled by the law to be able to get certainty, as well as benefits conjointly equity in life within the state. It moreover incorporates controls concerning criminal equity for children in struggle with the law or commonly alluded to as children as perpetrators of criminal acts, where children, indeed as culprits, must pay consideration to their human rights whereas within the Uncommon Child Improvement Institution (LPKA) and the law infers there are criminal sanctions that contain the most and additional disciplines that will be forced on children, but within the birth of the SPPA law it has not clarified which criminal acts are within the frame of infringement and wrongdoings, in any case of the age restrain of the child, at slightest the classification between infringement and violations ought to be included within the law on the adolescent equity framework since it is related to child security since fundamentally discipline is the final resort forced on children when the settlement of preoccupation does not reach an understanding between the culprit and the casualty, what is the lawful proportion within the arrangement of the law on the adolescent equity framework without counting any classification of infringement and wrongdoings committed by children*

Keywords : *ratio legis, criminal, justice, children*

Abstrak : Penataan suatu arah dimaksudkan untuk dapat mengatur pula dapat mengatur tata kehidupan dalam suatu negara dimana dalam kehidupan bermasyarakat itupun diatur oleh hukum agar dapat memperoleh kepastian, serta manfaat juga pemerataan dalam kehidupan bernegara. Bahasa Indonesia: Terlebih lagi memuat ketentuan tentang keadilan pidana bagi anak yang berhadapan dengan hukum atau yang biasa disebut anak sebagai pelaku tindak pidana, dimana anak memang sebagai pelaku tindak pidana harus memperhatikan hak asasinya sedangkan dalam Lembaga Pembinaan Anak Langka (LPKA) dan Undang-Undang tersebut mengandung sanksi pidana yang memuat sanksi pidana yang paling banyak dan lebih berat yang akan dijatuhkan kepada anak, namun dalam lahirnya Undang-Undang SPPA belum menjelaskan secara jelas tindak pidana mana saja yang



termasuk dalam kerangka pelanggaran dan perbuatan melawan hukum, apalagi mengenai batasan usia anak, setidaknya penggolongan antara pelanggaran dan pelanggaran seharusnya dicantumkan dalam Undang-Undang tentang Kerangka Keadilan Anak karena berkaitan dengan keselamatan anak karena pada hakikatnya hukuman merupakan jalan terakhir yang dijatuhkan kepada anak ketika penyelesaian masalah tidak mencapai kata sepakat antara pelaku dan korban, bagaimanakah proporsi yang sah dalam pengaturan Undang-Undang tentang Kerangka Keadilan Anak tanpa memperhitungkan adanya penggolongan pelanggaran dan perbuatan melawan hukum yang dilakukan oleh anak

Kata kunci : ratio legis, pidana, keadilan, anak

I. INTRODUCTION

The life of the people in a country is inseparable from the regulations that are made and can be used as a reference and also a guide in behaving in life where in principle that people in acting must also pay attention to¹ of the norms and values that live in society, and these norms are a limitation in social life to behave with each other peacefully and mutually maintain harmony with one another in social interactions. The regulations that are made are indeed aimed at protecting and prospering citizens which basically also contain sanctions or punishments that regulate if an act is violated, the state can take action by paying attention to the human rights of every citizen even though it contains² things that are prohibited and allowed in a rule, but also paying attention to sanctions that contain threats of punishment. The judge's decision must have an assessment and include and also have a rational and actual nature and contain human values, as well as etiquette and propriety. As well as focusing on philosophical aspects that must play a role in upholding justice and upholding morality for or for those seeking justice that has permanent legal force³.

The arrangement of existing laws and controls must moreover take under consideration the viability of these laws and controls in society, both logically, moreover sociologically and juridically. The philosophical component is additionally translated as a thought or reason which too outlines that the controls that are

¹ Anwar, Y., 2008. *Pengantar Sosiologi Hukum*. Jakarta : Grasindo, p.82

² Nashriana. 2011. *Perlindungan Hukum Pidana Bagi Anak di Indonesia*, Cetakan 2, Jakarta : Rajawali Pers, p.56

³ Adhyaksanti, F.W., Kadek Wiwik Indrayanti, 2023. *Ratio Decidendi Penafsiran Klausula Eksonerasi Dalam Perjanjian Baku di Indonesia*, KRTHA BHAYANGKARA, 17 (1), p. 175-190

undoubtedly shaped can take into consideration sees of life, as well as mindfulness, as well as lawful beliefs which incorporate the climate of supernatural quality and the reasoning of the Indonesian country which moreover starts from Pancasila and the Introduction of the Law, the 1945 Constitution.

The sociological reason for forming statutory regulations too outlines that directions are moreover shaped to be able to meet inside needs society in different viewpoints⁴. At that point the juridical component too outlines that controls are shaped to be able to overcome legitimate issues or too fill within the crevices within the law by moreover taking into consideration existing rules, which can moreover be corrected, or will moreover be repudiated in arrange to ensure legitimate certainty and and the sense of equity in society.

Within the application of the directions, it moreover applies to criminal arrangements for children in strife with the law, where from the viewpoint of children in strife with the law, it gives 3 (three) definitions such as children in strife with the law, moreover children who are in strife with the law⁵ and children who are witnesses of criminal acts, where children are moreover indistinguishable from child assurance related to the human rights of these children where the placement of children is additionally exceptionally distinctive from the arrangement of grown-ups in general Discipline for children and their situation within the Uncommon Child Improvement Institution (LPKA) also that placement is the last resort if the settlement through diversion does not find a solution or way out so that law enforcement officials try their best to seek a settlement through diversion so that children do not get stigma/stamp negative for the environment or association.

Amendments to Law Number 3 of 1997 concerning Adolescent Courts give a detailed revision of the understanding of children and diversion in resolving disputes or conflicts experienced by children, including the rights of children which are regulated in more detail in the Juvenile Court Law, in amendments or the revision refers more to the development of society which is dynamic in nature meaning that it

⁴ Anwar., M. 2021. *Primum Remedium Action Sanctions Against Children In Conflict With The Law*. CEPALO. 5 (2), p. 107-120

⁵ Mulyadi. L., 2014. *Wajah Sistem Peradilan Pidana Anak Indonesia*, Alumni. : Bandung,, p. 28

cannot just be silent or not moving but follows the development of the times for criminal acts or actions committed by a person or community.

At least in an act that is violated there must be rules or sanctions that regulate it in the life of the nation and state. The Law on the Criminal Justice System (SPPA) provides for limits on the age of children, namely 12 to 18 years where in the classification of crimes committed by children, of course there is something called crimes and offences, where⁶ a crime is a crime in the form of an act that is in the serious category, while a violation is called a crime or an act that is included in the light category.

Besides that, the SPPA Law also recognizes the existence of a double track system, namely the existence of 2 (two) sanctions in application to children based on their age, namely crime and action. Where the age between 14 to 18 years can be submitted to juvenile justice while under 14 years it is implemented with sanctions in the form of actions for children, the application of sanctions for children in the classification or qualifications of what is meant by violations and crimes has not been explained in the SPPA Law⁷ What are the qualifications and classification of criminal sanctions and actions that have not been regulated in the SPPA Law, meaning that those who are given criminal sanctions are the size or criteria and the sanctions for actions given to children so that they can provide an explanation and meaning of the sanctions submitted to criminal justice child.

Ratio legis in the formation of laws on the juvenile justice system must also pay attention to the principles of child protection as well as in imposing sanctions must always realize the best interests of the child and also prioritize justice and legal certainty for children, especially regarding rights of the child, at least there must be a qualification or indicator of which crime was given⁸ Criminal sanctions and action sanctions, at least not only from criminal acts committed by children, but also

⁶ Yanto, O., Darusman, Y. M., Susanto, S., & Harapan, A. D. 2020. *Legal Protection of the Rights of the Child Victims in Indonesian Juvenile Criminal Justice System*. Jurnal Yustika: Media Hukum Dan Keadilan. 23 (1), p. 24-35

⁷ *Hukuman Bagi Pelaku Tindak Pidana Anak*, <https://nasional.kompas.com/read/2022/05/25/05000001/hukuman-bagi-pelaku-tindak-pidana-anak>, accessed 6 July 2023

⁸ Sutedjo. W., 2017, *Hukum Pidana Anak*, Cetakan Ke lima edisi revisi. Bandung : Refika Aditama, p. 28

punishment can provide a deterrent effect for children without forgetting their rights related to child protection.

The application of the ratio legis or the formation of rules provides certainty for the community, especially children, to get rights to guarantee their fulfillment and protection while they are in and placed in special fostering institutions for children and also entitled children will get other rights while in LPKA and also the right to get education and reduction of other rights, with due regard to the welfare of the child itself without any differences from other children.

II. RESEARCH METHOD

This study uses normative juridical by basing⁹ or referring to normative juridical research, namely basing it on theories as well as principles and opinions from experts who are studied by library research on literature as well as laws and regulations.

III. DISCUSSION

Juvenile Criminal Justice System

The Juvenile Criminal Justice System is the entire process of resolving cases of children in conflict with the law, from the investigation stage to the mentoring stage after serving a crime. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System article (1) number 1. The SPPA Law replaces the Law -Law No. 3 of 1997 concerning Juvenile Court. The Law on Juvenile Justice was replaced because it has not paid attention to and guaranteed the interests of the child, both the perpetrator's child, the witness' child, and the victim's child. And also in the Child Protection¹⁰ Act it only protects children as victims, while children as perpetrators are sometimes in the same position as adult perpetrators, meaning that children must also receive the same treatment without any difference between one child and another because it concerns the child's welfare and their human rights.

The term juvenile justice system is a translation of the term The Juvenile Justice System, which is a term which is also used in definition with a number of institutions that are members of the courts, which also includes law enforcers such as the police, as well as public prosecutors and also legal advisers, as well as

⁹ Mamudji S. & Soerjono S., 2014. *Penelitian Hukum Normatif*, Jakarta: Radja Grafindo Persada, p. 50

¹⁰Sutatiek. Sri., 2013. *Rekonstruksi Sistem Sanksi Dalam Hukum Pidana Anak Di Indonesia*. Jakarta : Aswaja Pressindo, p. 31

institutions that will supervision, child detention centers, as well as facilities for child development which also seeks to pay attention to the welfare of children¹¹ Related to the settlement of criminal acts committed by children, of course, it is not only limited to the age of the child, but the maximum application of criminal acts for children is a sentence with a threat of 10 years because children are the next generation of the nation and in fact the child is a victim because of what the child did because lack of supervision and attention¹² and does not provide protection for him, for example children who watch television broadcasts or social media need to be accompanied by their parents so that what children watch and see is naturally given advice on what is allowed and what is not to be shown.

Without this assistance, the child will do what he sees because the child is still vulnerable¹³ to existing actions and treatment, so he likes or imitates the treatment or actions of adults, in other words, what is done by adults or what he sees imitates and follows these actions, so much needed guidance and supervision from the closest family at least from their parents. Supervision and assistance is carried out so that children do not take the wrong way in carrying out actions and do not become children as perpetrators of criminal acts, where children are still vulnerable and very easily influenced by the surrounding environment.

Children as perpetrators of crimes in the criminal justice system are sought in dispute resolution through diversion¹⁴ in court proceedings because placement in LPKA is a last resort but at least children should not be punished because it will have an impact on the stigma or stamp for children and what is given by society, but must given qualifications which include crimes and violations related to the crime committed. Because sanctions for children are double track systems but actions given to children under the age of 14 but over 18 years are placed in LPKA when diversion is not found an agreement, meaning that there¹⁵ must be a qualifier for actions that

¹¹ Fitriani, R. 2016. *Peranan penyelenggara perlindungan anak dalam melindungi dan memenuhi hak-hak anak*. Jurnal Hukum Samudera Keadilan, 11 (2), p. 250-258

¹²Forde, Louise. 2022. *The Role of the Courts in Protecting Children's Rights in the Context of Police Questioning in Ireland and New Zealand*. *The Howard Journal of Crime and Justice*, 61 (2) p. 240–60

¹³Djamil. M. N., 2013. *Anak Bukan Untuk Dihukum Catatan Pembahasan UU Sistem Peradilan Pidana Anak*, Jakarta: Sinar Grafika, p. 25-27

¹⁴Sholehuddin., M. 2003, *Sistim Sanksi Dalam Hukum Pidana. Ide Dasar Double Track System & Implementasinya*, Jakarta : Raja Grafindo Persada, p. 51

¹⁵ Supriyanti, O., Tarigan, E. A., Mudiyanti, R., & Wahyuni, R. T. 2020. *Crime and Street Children (Study on Emas Indonesia Foundation)*. *Law Research Review Quarterly*. 6 (4), p. 399-420.

include crimes and violations imposed on children and included in the SPPPA Law , because a child under the age of 14 commits a crime is given a sanction of action.

Punishment for Children

Criminal acts or actions committed by children or perpetrators of children being given punishment are the last resort, meaning that law enforcement officials are trying or trying to carry¹⁶ out dispute resolution outside the court so that children are not placed in the Special Child Development Institution and this is done as a last resort when the settlement is through diversion, no agreement was reached between the parties, namely the perpetrator and the victim, that the settlement had just been carried out or punishment for children was carried out. If punishment is carried out for children, it means that children are entitled to their rights where the fulfillment of children's rights must take precedence over everything and not just in theory but in practice must also always pay attention to something that children really need.

Examinations for juvenile¹⁷ trials are also carried out by special judges, namely juvenile judges, and where in the appointment of juvenile judges in accordance with Article 52 paragraph (1) which also stipulates that the judge who handles child cases is a judge who is also appointed by the head of the court, which in the decision will be made no later than 3 (three) days after the receipt of the case file from the public prosecutor and also in the examination of the trial in the child case by the judge, the judge who has been appointed based on the decision of the chief justice of the supreme court at the suggestion of the chairman of the district court who concerned

By fulfilling every requirement that has been fulfilled, the juvenile judge as stipulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System in a provision of Article 43 paragraph (2), then in the presence of examination and termination of cases from children which at the first level will even reach the cassation level which also uses a single judge who decides there will be a stipulation of sanctions from the child that must be given and in handling also with the presence

¹⁶ *Ibid.* p. 62

¹⁷ Kostyuk, Mikhail Fedorovich, and Elena Vladimirovna Kunts. 2022. *The Impact of Deviant Behavior on Juvenile Delinquency: Current State of the Problem. Ius Humani*. Law Journal. 1 (1), p.15–27.

of a single judge it is indeed the goal that the trial of children can be completed in a timely manner fast¹⁸

Examination of child cases besides that also aims to provide a sense of justice for children and all parties, justice which is primarily and most importantly obtained by children in the realization of the principles of child protection and impartiality between one another and prioritizing rights. Children humanely and also intact and comprehensive. Trials for children, which basically also adhere to the In Absentia Justice System, are an attempt to try someone and convict him without being present or inviting the accused and in hearing child cases where the juvenile judge does not use a toga, meaning that the men wear or wear batik while the women wear a blazer and are in a room that is different from the room in court so as not to affect the psychology or psyche of the child. Victims of crime are parties who suffer from physical, psychological and material losses when a crime occurs, and it is very necessary to provide protection for children who are victims of a crime that occurs¹⁹.

During the trial hearing witness statements can be heard even though the child defendant is not present and although in principle every witness heard at trial is also attended by the defendant so that he can refute the testimony of the witness for things that are not true, but in cases involving children this is not always the case, at the level of witness²⁰ examination, the defendant may not be present, which in accordance with the provisions of Article 58 paragraph of the Law on the Juvenile Criminal Justice System, the judge can order the child below to leave the courtroom with the intention of avoiding anything that could affect the soul of the child. If in a settlement where the victim asks for an examination to be carried out and the case is stopped, then it would be wiser for the case to be stopped by the judge and the judge can also submit a minutes of transfer of the Agreement together with the Head of the Court so that a decision can be issued²¹.

Qualification of Criminal Sanctions and Action Sanctions

¹⁸ Ali., M. 2015, *Dasar-Dasar Hukum Pidana*, Jakarta : Sinar Grafika, p. 126

¹⁹ Rakhmatika, D., Sami'an. 2024. *Ratiodecidenti of Judge in Imposing Warning Punishment Against Children in Conflict with the Law from the Perspective of Child Protection*, Rechtsnormen Journal of Law, 2 (1), p. 70-77

²⁰ Sahetapy., A. J. 2023. *Penerapan Sanksi Pidana dan Tindakan terhadap Anak Menurut Undang-Undang No. 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak*, Jurnal Sains, Sosial dan Humaniora, 3 (1), p.53-58

²¹ Karangan, I. 2016. *Implementation Of Law Number 11 Of 2012 Concerning Child Related Criminal Justice System Concept Restorative Justice*, PATTIMURA Law Journal, 1 (1), p. 67-78

Punishment for children is a last resort where law enforcement officials try to be able to carry out diversion so that children are not placed in prison where prison is a last resort if the agreement does not get results thus if the child who commits a crime is not solely given retaliation but also action in the form of the goal so that the child does not repeat his actions again and also indeed has a deterrent effect for the child²².

Prohibited acts are criminal acts or commonly known as delicts and can be in the form of violations and crimes which are often not only faced by adults but also by children, where in its implementation the handling is very different between adults and children including also in its placement not combined with adults even in juvenile trials are also closed and not open concerning decency and children not being open because of maintaining the privacy of victims and perpetrators and for children of judges not wearing black clothes or gowns and related to lighter offenses than crimes.

Violations committed by children have not been given what are the qualifications where the child will qualify for criminal sanctions and actions referring to the child's age limit, at least children over 14 years old can also be given action sanctions and at least by imposing action sanctions can also release children from criminal sanctions in in the Special Child Development Institute (LPKA). Qualifications in criminal acts committed by children are not solely based on age limits but also on the protection of the human rights of children, meaning that even though they are not obtained through diversion, sanctions can be carried out in the form of action as a form of fulfilling child protection to get protection from stigma or stigma. obtained for the child by not placing him in prison.

The difference between a crime in the form of a crime and also a violation is that imprisonment is only threatened with crime, if in the face of a crime that occurs then the form of an act of error and intentional or also negligence is required there and must be proven by the prosecutor whereas if dealing with violations is not necessary, and the qualifications of sanctions in the form of actions can actually be assessed by the actions taken if the actions are not burdensome and not very harmful

²² Basri., H. 2021. *Perlindungan Hukum terhadap Pelaku Tindak Pidana berdasarkan Sistem Peradilan Pidana Indonesia*. SIGn Jurnal Hukum, CV. Social Politic Genius (SIGn), 2 (2), p. 104-121

to others, sanctions can be imposed. In addition, the imposition of sanctions for these actions is the first time a child commits a crime. and not repeating what he has done if the child is in the position of a victim and does not dare to refuse²³ because of a threat from someone. So that in this way the child does not merely not get punishment directly and can still get his rights outside and is not disturbed by the psychology and psychology of the child.

In a clearer and more detailed manner, the criteria for a crime are if the acts committed by children where the crimes committed by children are seen or examined, that the actions committed actually²⁴ cause harm or suffering to other people and also feel that the actions committed are also troubling. the community still has to go through a diversion agreement but is subject to criminal sanctions not sanctions within the shape of activity, but in placing children in sanctions within the shape of discipline they still pay consideration to the welfare of the child.

Since criminal sanctions are frequently seen as enduring or obnoxious sentiments for children as culprits or in other words children who are in struggle with the law, where law requirement authorities moreover arrange with community advisors related to litmas or community investigate in this case whereas in adolescent jail great behavior so that the application of the law on the criminal equity framework for children is more based on respectable character and profound quality due to changes for children as culprits of criminal acts some time recently and after being in uncommon child improvement teach

Proportion Legis Act Adolescent Criminal Equity Framework

The arrangement²⁵ or history of the birth of the Criminal Equity Framework Act Number 11 of 2012 could be a amendment of the Juvenile Court Act number 3 of 1997 within the law which was set up that child sanctions are twofold or commonly alluded to as a double track framework, where criminal sanctions and activities are contained within the arrangements of Article 69 and Article 70 of the SPPA Lawpart one which contains regarding :

²³ Moeljatno, 2015. *Asas-Asas Hukum Pidana*, Cet. 9, Jakarta : Rineka Cipta.p. 84

²⁴ Anjari., W. 2020. *Perlindungan Anak Yang Bermasalah Dengan Hukum Dalam Perspektif Pemidanaan Integratif Pancasila*. Jurnal YUDISIAL, 13 (3), p. 351-372

²⁵ Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA)

- (1) Children can as it were be sentenced or subject to activity based on the arrangements of this law
- (2) Children who are not however 14 (fourteen) a long time ancient can as it were be subject to activity

At that point in Article 70 of the SPPA Law the gentility of the act, the individual circumstance of the child, or the circumstances at the time the act was committed or what happened afterward can be utilized as a premise for the judge's thought not to force a sentence or take activity by considering the perspectives of equity and humankind. Separated from that, in the provisions²⁶ contained in Article 82 of the SPPA Law *it is expressed that what is implied by activity sanctions is returning to parents/guardians, giving over to somebody, treatment in a mental clinic, treatment in LPKS, commitment to go to formal education/training held by the government or private bodies, disavowal of driver's permit and repairs due to criminal acts.*

Another thing that's also directed within the SPPA Law is the presence of children's rights in a handle of criminal equity, where the rights while serving a criminal period conjointly the correct to get legitimate help. With respect to detainment, where a child who also commits a wrongdoing can moreover be confined with the condition that the child is additionally 14 (fourteen) a long time ancient or is suspected of having committed a wrongdoing with a risk of detainment of 7 (seven) a long time or more. The existence of the SPPA Law moreover points to form a legal that can also ensure the protection of the finest interests of children in struggle with the law. Wherein one of the essential substances or components within the SPPA Law is additionally a strict course of action with respect to the presence of helpful equity conjointly redirection which points to dodge stigmatization or labeling children in strife with the law.

The best interest for children is to realize their protection both juridically and non-juridically where the interests of²⁷ children are everything compared to the interests of adults, in practice always prioritizing the interests of children who are always at the forefront and there is no selfish attitude, in realizing the future the

²⁶ 2 Sanksi Dalam Tindak Pidana Anak https://indonesiabaik.id/motion_grafis/2-sanksi-dalam-tindak-pidana-anak, accessed 5 July 2023

²⁷ Perry-Hazan, Lotem, and Natali Lambrozo. 2018. *Young Children's Perceptions of Due Process in Schools' Disciplinary Procedures*. *British Educational Research Journal*, 44 (5), p. 827–846

brightest for a child and in his detention the child is also always considered not to be considered as an actor who must be faced with treatment that has experienced violence or torture and other actions that violate his human rights including the right to life.

The ratio legis in the²⁸ formation Another thing that's also directed within the SPPA Law is the presence of children's rights in a prepare of criminal equity, where the rights while serving a criminal period conjointly the proper to get lawful help. With respect to detainment, where a child who also commits a wrongdoing can moreover be confined with the condition that the child is additionally 14 (fourteen) a long time ancient or is suspected of having committed a wrongdoing with a danger of detainment of 7 (seven) a long time or more. The existence of the SPPA Law too points to make a legal that can also guarantee the assurance of the most excellent interests of children in strife with the law.

Wherein one of the fundamental substances or components within the SPPA Law is additionally a strict course of action with respect to the presence of therapeutic equity additionally redirection which points to dodge stigmatization or labeling children in struggle with the law. it is necessary to provide limits²⁹ or criteria for children who get criminal sanctions and also actions by looking at criminal for acts by children committed because the child is actually a victims who commit criminal acts or events without thinking twice, so it is also necessary to always get supervision from their family or parents

The birth of a law cannot be separated from the participation of society where sociologically the rules that apply must not conflict with the rules and norms and values that live in society, in practice this law has theoretically been born to provide punishment without forgetting the welfare and best for the child, and also after the child has wrapped up serving his sentence, when he returns to the environment or society he is ready to accept the child again with the belief that the child will be better than his initial attitude and actions. Where also the community is ready to accept children to return to adapt to their environment and not to stay away from children or not to accept children because they are criminals but still prioritize the protection of their rights in their environment.

²⁸ Wiyono., R. 2016. *Sistem Peradilan Pidana Anak di Indonesia*, Cetakan ke-1, Jakarta : Sinar Grafika, p. 48

²⁹ *Ibid*, p. 63

IV. CONCLUSION

The qualifications of criminal sanctions and actions for children do not only refer to the age limit, but also from the acts or wrongdoings committed by children, in arrange to fulfill children's rights and the most excellent interface of children where if a committed by a child isn't included in a genuine can be subject to sanctions without having to place and drop the child in prison. Even though the child has received his/her rights while in prison, to remove the stigma and stamp attached to the child, in other words, for the good of the child, they are not placed in juvenile prisons but are only subject to sanctions, activities are in understanding with the contemplations and approaches of the adolescent judge.

REFERENCES

- Adhyaksanti, F.W., Kadek Wiwik Indrayanti, 2023. *Ratio Decidendi Penafsiran Klausula Eksonerasi Dalam Perjanjian Baku di Indonesia*, KRTHA BHAYANGKARA, 17 (1), 175-190
- Ali., M. 2015. *Dasar-Dasar Hukum Pidana*, Jakarta : Sinar Grafika
- Anwar, Y., 2008. *Pengantar Sosiologi Hukum*. Jakarta : Grasindo
- Anwar., M. 2021. *Primum Remedium Action Sanctions Against Children In Conflict With The Law*. CEPALO. 5 (2), 107-120
- Basri., H. 2021. *Perlindungan Hukum terhadap Pelaku Tindak Pidana berdasarkan Sistem Peradilan Pidana Indonesia*. SIGn Jurnal Hukum, CV. Social Politic Genius (SIGn), 2 (2), 104-121
- Djamil. M. N., 2013. *Anak Bukan Untuk Dihukum Catatan Pembahasan UU Sistem Peradilan Pidana Anak*, Jakarta: Sinar Grafika
- Fitriani, R. 2016. *Peranan Penyelenggara Perlindungan Anak Dalam Melindungi Dan Memenuhi Hak-Hak Anak*. Jurnal Hukum Samudera Keadilan, 11 (2), 250-258
- Forde, Louise. 2022. *The Role of the Courts in Protecting Children's Rights in the Context of Police Questioning in Ireland and New Zealand*. *The Howard Journal of Crime and Justice*, 61 (2), 240–60
- Karangan, I. 2016. *Implementation Of Law Number 11 Of 2012 Concerning Child Related Criminal Justice System Concept Restorative Justice*, PATTIMURA Law Journal, 1 (1), 67-78
- Kostyuk, Mikhail Fedorovich, and Elena Vladimirovna Kunts. (2022). *The Impact of Deviant Behavior on Juvenile Delinquency: Current State of the Problem*. *Ius Humani*. Law Journal. 1 (1), 15–27.
- Mamudji S. & Soerjono S., 2014. *Penelitian Hukum Normatif*, Jakarta: Radja Grafindo Persada.
- Mulyadi. L., 2014. *Wajah Sistem Peradilan Pidana Anak Indonesia*, Bandung : Alumni.
- Nashriana. 2011. *Perlindungan Hukum Pidana Bagi Anak di Indonesia*, Cetakan 2, Jakarta : Rajawali Pers.

- Perry-Hazan, Lotem, and Natali Lambrozo. 2018. *Young Children's Perceptions of Due Process in Schools' Disciplinary Procedures*. *British Educational Research Journal*, 44 (5), 827–846
- Rakhmatika, D., Sami'an. 2024. *Ratiodecidendi of Judge in Imposing Warning Punishment Against Children in Conflict with the Law from the Perspective of Child Protection*, *Rechtsnormen Journal of Law*, 2 (1), 70-77
- Sahetapy., A. J. 2023. *Penerapan Sanksi Pidana dan Tindakan terhadap Anak Menurut Undang-Undang No. 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak*, *Jurnal Sains, Sosial dan Humaniora*, 3 (1), 53-58
- Sholehuddin., M. 2003. *Sistim Sanksi Dalam Hukum Pidana. Ide Dasar Double Track System & Implementasinya*, Jakarta : Raja Grafindo Persada
- Supriyanti, O., Tarigan, E. A., Mudiyaniti, R., & Wahyuni, R. T. 2020. *Crime and Street Children (Study on Emas Indonesia Foundation)*. *Law Research Review Quarterly*. 6 (4), 399-420.
- Sutedjo. W., 2017. *Hukum Pidana Anak*, Cetakan Ke lima edisi revisi. Bandung : Refika Aditama.
- Sutatiek. Sri., 2013. *Rekonstruksi Sistem Sanksi Dalam Hukum Pidana Anak Di Indonesia*. Jakarta : Aswaja Pressindo.
- Wiyono., R. 2016. *Sistem Peradilan Pidana Anak di Indonesia*, Cetakan ke-1, Jakarta : Sinar Grafika
- Yanto, O., Darusman, Y. M., Susanto, S., & Harapan, A. D. 2020. *Legal Protection of the Rights of the Child Victims in Indonesian Juvenile Criminal Justice System*. *Jurnal Yustika: Media Hukum Dan Keadilan*. 23 (1), 24-35.
- 2 Sanksi Dalam Tindak Pidana Anak https://indonesiabaik.id/motion_grafis/2-sanksi-dalam-tindak-pidana-anak, accessed 5 July 2023
- Hukuman Bagi Pelaku Tindak Pidana Anak, <https://nasional.kompas.com/read/2022/05/25/05000001/hukuman-bagi-pelaku-tindak-pidana-anak>, accessed 6 July 2023
- Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA)