

# Juvenile Apprehension and Prosecution Process of Indonesia and Philippines: A Comparative Study

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**Abstract:** *This study aims to compare find out the similarities and differences of the Juvenile Apprehension Prosecution Process of the Philippines and Indonesia. The researchers utilized the descriptive comparative analysis in conducting this study. This research is conducted using secondary data by utilizing the Republic Act 9344 of the Philippines and the Law No. 11 of 2012 of Indonesia as sources. The researcher has the following criteria in comparing if there are provisions under the Republic Act 9344 of the Philippines and the Law No.11 of 2012 of Indonesia that provides for the (a) Apprehension Process (b) Prosecution Process and (c) Ensuring the Confidentiality of the Information Regarding the CICL. The researchers found out that (1) there two (2) similar and (4) different provisions that pertains to the Apprehension Process (2) there are (1) similar and (3) different provisions that pertains to Prosecution Process and (3) that the Republic Act 9344 and Law No. 11 of 2012 have similar provisions that pertains to Ensuring the Confidentiality of the Information Regarding CICL.*

**Keywords:** *Juvenile Apprehension, Juvenile Prosecution, Philippines and Indonesia*

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## INTRODUCTION

Over the recent years, the cases regarding juvenile delinquency are constantly arising. Juvenile delinquency has become a global concern due to its prevalence. In addition to that, juvenile delinquency has become a serious social problem worldwide with negative consequences on individuals, family, and society. Moreover, juvenile delinquency is a long-lasting dilemma globally. Plus, the cases concerning juvenile delinquency has continues to increase in global scale and puts immense pressure to the judicial system. Based on the aforementioned sources, juvenile delinquency has become global issue that needed to be addressed. In order to address this issue, states started to develop and enhance their domestic juvenile justice system.<sup>1</sup>

Indonesia currently experiencing a drastic increase in the rate of juvenile delinquency related cases. According to, the delinquency rate in Indonesia continues to increase every year and also there is a development of the criminal acts committed by juvenile offenders in Indonesia in terms of quality of the crime committed as well as the modus operandi. In addition to that, the number of the offenses done by juvenile offenders in Indonesia has increased as well as the severity of the crimes.<sup>2</sup> Moreover, Indonesia experienced a rapid increase in the rate of juvenile delinquency cases. Based on the aforementioned sources, juvenile delinquency has become a serious issue in the Indonesian government. In order to address this issue, the Indonesian legislated the Law No.11 of 2012 which established the juvenile justice system in Indonesia and became the primary regulation that regulates the juvenile apprehension and prosecution methods of Child in Conflict with the Law in Indonesia.<sup>3</sup>

In the recent years, Philippines experienced an increase in the rate of the juvenile delinquency cases. Philippine is a country that has a high rate of juvenile delinquency. In addition to that, the number of children offenders in the Philippines specifically in drug related offenses has become more prevalent. Moreover, the rate of juvenile delinquency in the Philippines is constantly on the rise specially in drug related offenses committed by juveniles.<sup>4</sup> Based on the data aforementioned, the Philippines is currently undergoing an issue regarding the arising rate of juvenile delinquency. In order to address this issue, the Philippine government legislated the Republic Act 9344 which establishes the juvenile justice system in

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<sup>1</sup> Julianto Asis And M. Irwan, Protecting The Rights Of Children In The Indonesian Juvenile Justice System, (2019).

<sup>2</sup> Indah Rufiatun, Juvenile Delinquency Criminogenic Factor, (2021).

<sup>3</sup> Tegan George, What Is A Theoretical Framework? | Guide To Organizing, (2023).

<sup>4</sup> Rhemrick, Corpuz, Kyla Beatrice, C. Yutuc, Saynoding L. Dimaronsing, Shan Nico, G. Meneses, The Moderating Effect Of Parenting Styles Towards The Relationship Of Self-Esteem And Friendship Quality On Juvenile Delinquency In Angeles City, (2023).

the Philippines and become the primary regulation for regulating the juvenile apprehension and prosecution methods of Philippines.

There are numerous studies about the analysis Apprehension and Prosecution Process of Philippines and Indonesia. However, there is still a gap for the comparative analysis the juvenile apprehension and prosecution process between Philippines and Indonesia. We, the researchers, would conduct a study that will develop new knowledge about the existing gap in the comparative analysis of the juvenile apprehension and prosecution process between Indonesia and Philippines. To establish the intellectual context for the study, the researchers found out a theoretical framework for guidance. A theoretical framework is an overview of current theories that serves as guide for developing arguments that will be utilized in research paper. This study anchored on Social Comparison Theory by Leon Festinger in 1954.

This study is anchored on Social Comparison Theory. Social comparison theory states that individuals tend to compare themselves to others and try to incorporate traits they had observed from different individuals that will enable them to develop or grow as an individual is that they will try to incorporate those traits to themselves. This theory serves as framework for this study because this study will be comparing the juvenile judicial proceedings of Indonesia and Philippines and point out differences and similarities and will give recommendations thereof that will allow Indonesia and Philippines to enhance their juvenile judicial proceedings.<sup>5</sup>

This study will be significant to the following; Specifically, for the Philippine Government: this study will be significant the Philippine government because this study will analyze the juvenile judicial proceedings and will provide recommendations based on the results of the study. For the Indonesian Government; this study will be beneficial to the Indonesian government because this study will thoroughly analyze the juvenile judicial proceeding methods and will provide recommendations based on the results thereof. For the Future Researchers; this study will be significant to future researchers because the result of this study can be used by the future researchers in conducting their own study.

Research Objectives. This study aims to determine the differences and similarities of Apprehension and Prosecution Methods in Philippines and Indonesia in terms of;

1. Detention and Apprehension Process
2. Prosecution Process
3. Ensuring the Confidentiality of the Information about the Child in Conflict with the Law

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<sup>5</sup> Hillier, Will, *What Is Secondary Data? A Complete Guide.*, (2022)

## RESEARCH METHODS

**Research Design.** This study will be utilizing the Descriptive Comparative Analysis. According to Miri, Seyed Mojtaba & Dehdashti Shahrokh, Zohreh. (2019), Descriptive Comparative Analysis is a type of research that describes and explains the similarities and differences of situations, phenomena, regulations and etc. Descriptive Comparative Analysis is advantageous for accurately comparing and contrasting the chosen papers, themes, studies, regulations and etc as well as accurately determining their strengths and weaknesses. This study aims to compare and contrast the juvenile apprehension and prosecution process of the Philippines and Indonesia and by utilizing the Descriptive Comparative Analysis, the researcher will be able to provide accurate results.<sup>6</sup>

**Data Collection.** This study will be utilizing secondary data. Secondary data refers to any dataset collected by any person rather than the one utilizing it. The Republic Act 9344 and the Law. No. 11 of 2012 will be utilized as the sources of data for this study. Republic Act 9344 or Juvenile Justice and Welfare System took effect on 2006 and become the primary regulation in handling with juvenile related cases and institutionalize the Juvenile Justice System in Philippines. On the other hand, The Law No. 11 of 2012 about the Juvenile Criminal Justice System took effect on 2012 and became the primary regulation in handling juvenile related cases and establishes the Juvenile Justice System in Indonesia. This study will be utilizing these two regulations as sources of data in comparing the Apprehension and Prosecution process in Indonesia and Philippines.

**Data Analysis.** The data gathered from the Republic Act 9344 and Law No. 11 of 2012 will be analyzed within the following categories. (a) if there are provisions, chapters, sections, and paragraphs in the Republic Act 9344 and Law No. 11 of 2012 that pertains to the Detention/Apprehension Process of Child in Conflict with the Law. (b) if there are provisions, chapters, sections, and paragraphs in the Republic Act 9344 and Law No. 11 of 2012 that pertains to the Prosecution Process for the Child in Conflict with the Law. (c) if there are provisions, chapters, sections, and paragraphs in the Republic Act 9344 and Law No. 11 of 2012 that pertains to Ensuring the Information Regarding the Child in Conflict with the Law.

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<sup>6</sup> Muhammad Hassan, Descriptive Research Design – Types, Methods and Examples, (2024)

## DISCUSSIONS

### Apprehension Process

Upon thorough analysis of the Republic Act 9344, the researchers found out the following provisions pertaining to the Detention/Apprehension Process of the Child in Conflict with the Law;

1. Under the Title 5, Chapter 1, Section 21, Paragraph A, B, and C, provided that upon apprehension the apprehending law enforcement officer has the duty to (a) explain to the Child in Conflict with the Law in simple language and in a dialect that he/she can understand why he/she is being placed in custody, (b) inform the Child in Conflict with the Law in simple language and in a dialect that he/she can understand the reason of such custody and inform him/her of her constitutional rights, and (c) properly identify himself/herself and present proper identification to the Child in Conflict with the Law.
2. Under Title 5, Chapter 1, Section 21, Paragraphs D, E, F, and G, provided for the limits in the application of force during the apprehension process such as (d) the law enforcement officer who executes the initial contact (apprehension) shall refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the Child in Conflict with the Law (e) the apprehending law enforcement officer shall refrain from displaying or using any firearm, weapon, handcuffs, or other instruments of force or restraint unless absolutely necessary and only after all methods of control have been exhausted and failed (f) the law enforcement officer who executes the initial contact (apprehension) on the Child in Conflict with the Law shall refrain from subjecting the Child in Conflict with the Law to greater restraint than necessary for his/her apprehension and (g) the apprehending law enforcement officer shall refrain from using violence or unnecessary force upon apprehending the Child in Conflict with the Law.
3. Under Title 5, Chapter 1, Section 21, Paragraph H, the law enforcement officer who executes initial contact (apprehension) upon the Child in Conflict with the Law shall immediately determine the age of the Child in Conflict with the Law in order to determine the proper disposition of the case.
4. Under Title 5, Chapter 1, Section 21, Paragraph I, the law enforcement officer who apprehended the Child in Conflict with the Law has the duty to turn over

the custody of the Child in Conflict with the Law to the Social Welfare and Development Office not later than eight (8) hours.

5. Under Title 5, Chapter 1, Section 21, Paragraph J, provided that the law enforcement that initiated the initial contact (apprehension) of the Child in Conflict with the Law has the duty to take the Child in Conflict with the Law to proper medical and health officer for thorough physical and mental examination.
6. Under Title 5, Chapter 1, Section 21, Paragraph K, provided that the apprehending law enforcement officer has the duty to ensure that the detention of the Child in Conflict with the Law is necessary and the Child in Conflict with the Law should be placed in a quarter separate from adult offenders and of opposite sex.
7. Under Title 5, Chapter 1, Section 21, Paragraph L, provided that the law enforcement officer that initiated the initial contact (apprehension) of the Child in Conflict with the Law should record the following in the initial investigation (a) If there are handcuffs or other instruments of restraints used upon the apprehension process (b) that the law enforcement officer had already informed the parents and/or the legal guardians of the Child in Conflict with the Law, the Department of Social Welfare and Development (DSWD), and the Public Attorney's Office (PAO) about the apprehension of the Child in Conflict with the Law.

Upon thorough analysis of the Law No. 11 of 2012, the researchers found out the following provisions pertaining to the Detention/Apprehension Process of the Child in Conflict with the Law;<sup>7</sup>

1. Under Article 30, Paragraph 1, provided that the arrest of the Child in Conflict with the Law is carried out for investigation purposes for a maximum of twenty-four (24) hours.
2. Under Article 30, Paragraph 2, provided that the Child in Conflict with the Law that is being detained should be placed in the special children's service room.

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<sup>7</sup> Muhammad Hassan, *Descriptive Research Design – Types, Methods and Examples*, (2024)

3. Under Article 30, Paragraph 3, provided that in case there is no special children's service room in the area concerned, the Child in Conflict with the Law is entrusted in the LPKS.
4. Under Article 30, Paragraph 4, provided that the apprehension process of the Child in Conflict with the Law should be executed in most humane way possible and taking into account the needs of the Child in Conflict with the Law according to their age.
5. Under Article 32, Paragraph 1, provided that the detention of the Child in Conflict with the Law may not be carried out if the child obtains guarantees from his/her parents/legal guardians, and/or institutions that the child will not run away, will not lose or destroy evidence and/or will not repeat criminal acts.
6. Under Article 34, Paragraph 1, provided that in case that the detention is carried out for the purposes of prosecution, the detention may be carried out for the maximum of five (5) days.
7. Under Article 35, Paragraph 1, provided that in the case that the detention is carried out for the purposes of examination at a court hearing, the detention may be carried out for the maximum of ten (10) days.
8. Under Article 37, Paragraph 1, provided that in the case that the detention is carried out for the purpose of examination at the appeal level, the detention may be carried out for a maximum of ten (10) days.
9. Under Article 38, Paragraph 1, provided that in the case that the detention is forced to be carried out for the purposes of an examination at the cassation level, detention may be carried out for the maximum of fifteen (15) days.
10. Under Article 40, Paragraph 1, provided that the apprehending law enforcement officer is obliged to inform the Child in Conflict with the Law as well as his/her parents and/or legal guardians regarding the right to obtain legal aid and if not performed the apprehension process will become null or void.

### **Similarities**

Upon thoroughly analyzing the provisions of the Republic Act 9344 of the Philippines and Law No.11 of 2012 of Indonesia, the researchers found out two (2) similar provision under the two regulations that pertains to the Apprehension Process of the Child in Conflict

with the Law. (1) Both of the regulations have provisions that provides that the Child in Conflict with the Law should be placed in a separate detention facility from the adult offender.<sup>8</sup>

Under Title 5, Chapter 1, Section 21, Paragraph K of the Republic Act 9344 of the Philippines, provided that the apprehending law enforcement officer has the duty to ensure that the detention of the Child in Conflict with the Law is necessary and the Child in Conflict with the Law should be placed in a quarter separate from adult offenders and of opposite sex and under Article 30, Paragraph 2 of Law No. 11 of 2012 of Indonesia, provided that the Child in Conflict with the Law that is being detained should be placed in the special children's service room. (2) Both regulations have provisions that pertains to the duty of the apprehending law enforcement officer to inform the Child in Conflict with the Law of his/her rights. Under the Title 5, Chapter 1, Section 21, Paragraph A, B, and C, provided that upon apprehension the apprehending law enforcement officer has the duty to (a) explain to the Child in Conflict with the Law in simple language and in a dialect that he/she can understand why he/she is being placed in custody, (b) inform the Child in Conflict with the Law in simple language and in a dialect that he/she can understand the reason of such custody and inform him/her of her constitutional rights, and (c) properly identify himself/herself and present proper identification to the Child in Conflict with the Law and Under Article 40, Paragraph 1, provided that the apprehending law enforcement officer is obliged to inform the Child in Conflict with the Law as well as his/her parents and/or legal guardians regarding the right to obtain legal aid and if not performed the apprehension process will become null or void.

## Differences

Upon the thorough analysis of the Republic Act 9344 of the Philippines and Law No. 11 of 2012 of Indonesia, the researcher found out provisions that are different from both of the regulations in terms of the Apprehension Process of the Child in Conflict with the Law. (1) The Republic Act 9344 of the Philippines have provisions that specifically provides for the limits of the Application of Force during the Apprehension/Detention Process of the Child in Conflict with the Law. Under Title 5, Chapter 1, Section 21, Paragraphs D, E, F, and G, provided for the limits in the application of force during the apprehension process

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<sup>8</sup> Republic Act 9344 Comprehensive Juvenile Justice System And Welfare Act of 2006. Republic of the Philippines



such as (d) the law enforcement officer who executes the initial contact (apprehension) shall refrain from using vulgar or profane words and from sexually harassing or abusing, or making sexual advances on the Child in Conflict with the Law (e) the apprehending law enforcement officer shall refrain from displaying or using any firearm, weapon, handcuffs, or other instruments of force or restraint unless absolutely necessary and only after all methods of control have been exhausted and failed (f) the law enforcement officer who executes the initial contact (apprehension) on the Child in Conflict with the Law shall refrain from subjecting the Child in Conflict with the Law to greater restraint than necessary for his/her apprehension and (g) the apprehending law enforcement officer shall refrain from using violence or unnecessary force upon apprehending the Child in Conflict with the Law while under the provisions of Law No. 11 of 2012 there are no provisions that specifically provides for the limits of the application of force during the Apprehension/Detention Process of the Child in Conflict with the Law. (2) Under the Law No. 11 of 2012 of Indonesia have provisions that provides for the time allotted for the detention based on different purposes of detention such as Under Article 30, Paragraph 1, provided that the arrest of the Child in Conflict with the Law is carried out for investigation purposes for a maximum of twenty-four (24) hours, Under Article 34, Paragraph 1, provided that in case that the detention is carried out for the purposes of prosecution, the detention may be carried out for the maximum of five (5) days, Under Article 35, Paragraph 1, provided that in the case that the detention is carried out for the purposes of examination at a court hearing, the detention may be carried out for the maximum of ten (10) days, Under Article 37, Paragraph 1, provided that in the case that the detention is carried out for the purpose of examination at the appeal level, the detention may be carried out for a maximum of ten (10) days, Under Article 38, Paragraph 1, provided that in the case that the detention is forced to be carried out for the purposes of an examination at the cassation level, detention may be carried out for the maximum of fifteen (15) days while there are no provisions under the Republic Act 9344 of the Philippines that provides for the time allotted for detention of the CICL based on various purposes. (3) Under the Republic Act 9344 of the Philippines has provision that pertains to the duty of the law enforcement officers to ensure the physical and mental safety of the Child in Conflict with the Law during the apprehension process. Under Title 5, Chapter 1, Section 21, Paragraph J, provided that the law enforcement that initiated the initial contact (apprehension) of the Child in Conflict with the Law has the duty to take the Child in Conflict with the Law to proper medical and health officer for thorough physical and mental examination. (4) The Law No.11 of 2012 of Indonesia has provision that pertains to

ensuring the needs of the Child in Conflict with the Law is fulfilled during the Apprehension Process. Under Article 30, Paragraph 4, provided that the apprehension process of the Child in Conflict with the Law should be executed in most humane way possible and taking into account the needs of the Child in Conflict with the Law according to their age.

### **Prosecution Process**

Upon thorough analysis of the Republic Act 9344, the researchers found out the following provisions pertaining to the Prosecution Process of the Child in Conflict with the Law;

1. Under Title 5, Chapter 3, Section 32, Paragraph 1, provided that there should be a specially trained prosecutor to conduct inquest, preliminary investigation and prosecution of cases regarding Child in Conflict with the Law as well as the specially trained prosecutor has the duty to investigate if there is torture or ill-treatment during the arrest or detention process of the Child in Conflict with the Law.
2. Under the Title 5, Chapter 3, Section 33, Paragraph 1, provided that the there are only three (3) cases that the prosecution can conduct preliminary investigation specifically the following; (a) when the Child in Conflict with the Law does not qualify for diversion (b) when Child in Conflict with the Law and his/her parents and/or legal guardians does not agree to the diversion program and (c) when considering the assessment and recommendation of the social worker, the prosecutor determines that diversion is no appropriate for the Child in Conflict with the Law.
3. Under the Title 5, Chapter 3, Section 33, Paragraph 2, provided that upon serving the subpoena and affidavit of complaint, the prosecutor has the duty to inform the Public Attorney's Office (PAO) of such actions as well as the personal information of the CICL and the place where the Child in Conflict with the Law is detained.
4. Under the Title 5, Chapter 3, Section 33, Paragraph 3, provided that the prosecutor should file the information against the Child in Conflict with the Law within forty-five (45) days from the start of Preliminary investigation.

Upon thorough analysis of the Law No. 11 of 2012, the researchers found out the following provisions that pertains to the Prosecution Process of the Child in Conflict with the Law;<sup>9</sup>

1. Under Article 41, Paragraph 2, provided that the prosecutor that will handle the cases related to Child in Conflict with the Law should possess the following requirements (a) has experience as a public prosecutor (b) has interest, attention, dedication, and understand children's problems and (c) has attended technical training on juvenile justice.
2. Under Article 42, Paragraph 1, provided that the prosecutor is obliged to seek Diversion not later than seven (7) days after receiving the case.
3. Under Article 42, Paragraph 3, provided that if the diversion process is successful, the prosecutor shall submit the diversion minutes along with the diversion agreement to the chairman of the district court for a determination to be made.
4. Under the Article 42, Paragraph 4, provided that if the diversion process is unsuccessful, the prosecutor is obliged to submit an official report on Diversion and submit the case to court by attaching the report on the results of social research.

### Similarities

Upon thoroughly analyzing the provisions of the Republic Act 9344 of the Philippines and Law No.11 of 2012 of Indonesia, the researcher found out similar provisions that pertains to the prosecution process of the Child in Conflict with the Law. (1) Both regulations have provisions that there should be a specially trained prosecutor that will handle juvenile related cases. Under Article 41, Paragraph 2, of Indonesia, provided that the prosecutor that will handle the cases related to Child in Conflict with the Law should possess the following requirements (a) has experience as a public prosecutor (b) has interest, attention, dedication, and understand children's problems and (c) has attended technical training on juvenile justice and under Title 5, Chapter 3, Section 32, Paragraph 1 of the Republic Act 9344 of the Philippines, provided that there should be a specially trained prosecutor to conduct inquest, preliminary investigation and prosecution of cases regarding Child in Conflict with the Law

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<sup>9</sup> Undang Undang No. 11 Tahun 2012 Sistem Peradilan Pidana Anak. Republik Indonesia, 2012

as well as the specially trained prosecutor has the duty to investigate if there is torture or ill-treatment during the arrest or detention process of the Child in Conflict with the Law.

## Differences

Upon thoroughly analyzing the Republic Act 9344 of the Philippines and the Law No.11 of 2012 of Indonesia, the researcher found several provisions that are different from the both of the regulations in terms of the Prosecution Process of the Child in Conflict with the Law. (1) Under the Republic Act 9344 of the Philippines, clearly defined the cases wherein the prosecutor can conduct preliminary investigation. Under the Title 5, Chapter 3, Section 33, Paragraph 1, provided that there are only three (3) cases that the prosecution can conduct preliminary investigation specifically the following; (a) when the Child in Conflict with the Law does not qualify for diversion (b) when Child in Conflict with the Law and his/her parents and/or legal guardians does not agree to the diversion program and (c) when considering the assessment and recommendation of the social worker, the prosecutor determines that diversion is no appropriate for the Child in Conflict with the Law. (2) Under the Law No.11 of 2012 of Indonesia, the prosecutor has the duty to seek diversion for the Child in Conflict with the Law unlike in the Philippines Diversion is done during the apprehension process. Under Article 42, Paragraph 1, provided that the prosecutor is obliged to seek Diversion not later than seven (7) days after receiving the case. (3) The Republic Act 9344 of the Philippines have provisions that pertains to the duties of the prosecutor in filing the case and against Child in Conflict with the Law.<sup>10</sup>

Under the Title 5, Chapter 3, Paragraphs 2 and 3, provided that (2) upon serving the subpoena and affidavit of complaint, the prosecutor has the duty to inform the Public Attorney's Office (PAO) of such actions as well as the personal information of the CICL and the place where the Child in Conflict with the Law is detained and under the Title 5, Chapter 3, Section 33, Paragraph 3, provided that the prosecutor should file the information against the Child in Conflict with the Law within forty-five (45) days from the start of Preliminary investigation while in the Law No. 11 of 2012, the prosecutor will wait upon on the results of the diversion programs imposed on the Child in Conflict with the Law. Under Article 42, Paragraph 3, provided that if the diversion process is successful, the prosecutor shall submit the diversion minutes along with the diversion agreement to the chairman of

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<sup>10</sup> Nashriana, Nashriana & Banjarani, Desia & Rosario, Marwin & Novianti, Vera. (2023). Enhancing Restorative Justice in Indonesia: Exploring Diversion Implementation for Effective Juvenile Delinquency Settlement. *Sriwijaya Law Review*. 7. 318. 10.28946/slrev.Vol7.Iss2.2427.pp318-334.

the district court for a determination to be made and Under the Article 42, Paragraph 4, provided that if the diversion process is unsuccessful, the prosecutor is obliged to submit an official report on Diversion and submit the case to court by attaching the report on the results of social research.

### **Ensuring The Confidentiality Of The Information Regarding The Child**

Under the Republic Act 9344, the following are the provision/s that pertains to Ensuring the Confidentiality of the Information about the Child in Conflict with the Law.

1. Under Title V Chapter 5 Section 43 Paragraph 1, provided that all the records and proceedings involving Children In Conflict with the Law from initial contact (apprehension) until the final disposition of the case shall be considered privileged and confidential.
2. Under Title V Chapter 5 Section 43 Paragraph 2, provided that the competent authorities have the duty to undertake all measures in order to protect the confidentiality of proceedings, including non-disclosure of records to the media, maintaining a separate police blotter for cases involving Child In Conflict with the Law and adopting a system coding to conceal material information which will lead the child's identity.

Under Law No. 11 of 2012, the following are the provision/s that pertains to Ensuring the Confidentiality of the Information about the Child in Conflict with the Law. Under Article 19 Paragraph 1, provided that the identities of the Child in Conflict with the Law, Child Victims, and Child witnesses must be kept confidential in reports in print or in electronic media.<sup>11</sup> The researchers, upon through analysis of the two regulations, found out that there are no significant differences but only similarities in The Republic Act 9344 and The Law No. 11 of 2012 in terms of Ensuring the Confidentiality of the Information About the Child in Conflict with the Law. Under the Title 5 Section 43 Chapter 5 Paragraphs 1 and 2 are provisions under Republic 9344 of the Philippines that pertains to Ensuring the Confidentiality of the Information About the Child in Conflict with the Law. All records and proceedings involving Child in Conflict with the Law from initial contact (apprehension period) until the final imposition of the case shall be considered privileged and confidential (Paragraph 1). The competent authorities shall undertake all measures to protect the

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<sup>11</sup> Susan Young, Ben Greer, and Richard Church, *Juvenile delinquency, welfare, justice and therapeutic interventions: a global perspective*, (2019).

confidentiality of proceedings, including the non-disclosure of records regarding the Child in Conflict with the Law to media, and maintains a separate police blotter records for the Child in Conflict with the Law and adopt to a coding system in order to conceal the materials that contains the identity of the Child in Conflict with the Law (Paragraph 2). Under the Article 19 of Law No. 11 2012 of Indonesia are provision that pertains to Ensuring the Confidentiality of the Information of the Child in Conflict with the Law. The identities of the Child in Conflict with the Law, Child Victims and/or Child witnesses must be keep confidential in reports, in print and even in electronic media.

## **CONCLUSION**

Philippines and Indonesia continue to struggle against the major issue regarding juvenile delinquency. The two countries legislated two regulations that became the cornerstone for combatting the issue of juvenile delinquency specifically these are; the Republic Act 9344 for the Philippines and the Law No.11 of 2012 for Indonesia. This study aims to compare the differences the similarities and differences of the apprehension process and prosecution process of juvenile offenders for the countries Philippines and Indonesia by analyzing the Republic Act 9344 for Philippines and Law no.11 of 2012 for Indonesia with the following criterions (a) Apprehension Process (b) Prosecution Process and (c) Ensuring the Confidentiality of the Information about the Child in Conflict with the Law. The researchers found out that the following; (1) that there are (2) similar provision under the Republic Act 9344 of the Philippines and Law No. 11 of Indonesia that pertains to the Apprehension Process of the Child in Conflict with the Law (2) there are 4 provisions under the Republic Act 9344 of the Philippines and Law No.11 of 2012 of Indonesia that are distinct in terms of Apprehension Process of the Child in Conflict with the Law (3) there is one (1) similar provision under the Republic Act 9344 and Law No.11 of 2012 of Indonesia that pertains to the prosecution process (4) there are three (3) distinct provisions under the Republic Act 9344 of Philippines and Law No.11 of 2012 of Indonesia that pertains to the prosecution process of the Child in Conflict with the Law and (5) that the Republic Act 9344 of the Philippines and Law No.11 of 2012 of Indonesia has provisions that pertains to Ensuring the Confidentiality of the Information of the Child in Conflict with the Law. The results of this study is significant in pointing out the strengths and weaknesses of the juvenile apprehension process and prosecution process in Philippines and Indonesia thus enabling them to further enhance their regulations in dealing with juvenile cases.

## RECOMMENDATION

The researcher recommends to the government of Indonesia that; (a) there should be a specific provision that provides for the limitations in the use of force of the law enforcement officers during the apprehension process of the child in conflict with the law just as the same as the Philippines and (b) there should be a specific provision that provides for the time when the prosecutor will begin the preliminary investigation just as the same as the Philippines. The researcher recommends to the government of the Philippines that there should a regulation that provides for the fulfilment of the needs according to the age of the Child in Conflict with the Law just as the same as the Indonesia during the apprehension process. The researcher recommends to the future researchers that would want to conduct the same study that we the researchers have conducted to not limit their sources of data by also utilizing another regulations from Philippines and Indonesia that pertains to handling juvenile related cases not just limited to Republic Act 9344 of the Philippines and Law No.11 of 2012 of Indonesia.

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