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Legal Protection for Child Offenders in Conflict with the Law at the West Java High Prosecutor's Office: A Quantitative Study Based on 2022–2024 Case Data

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Abstract

Children in conflict with the law constitute a vulnerable group that requires special legal treatment to safeguard their rights and mitigate the adverse effects of criminal proceedings on their physical, psychological, and social development. In Indonesia, this protection is primarily governed by Law Number 11 of 2012 on the Juvenile Criminal Justice System, which prioritizes restorative justice and diversion as the main approaches for resolving juvenile cases. This study examines the regulatory framework, implementation, and effectiveness of legal protection for children in conflict with the law, with particular attention to the application of restorative justice and diversion and the fulfillment of children's rights at each stage of the criminal justice process. The research employs a normative juridical approach, supported by empirical case data from the West Java High Prosecutor's Office covering 2022–2024 (n = 788), with cases predominantly involving boys. The findings indicate that although the existing legal framework provides relatively comprehensive safeguards, implementation remains suboptimal due to inconsistent application of norms, weak inter-agency coordination, and limited social support for rehabilitation and reintegration. Strengthening institutional coordination, improving procedural compliance, and expanding community-based support are therefore essential to enhance the effectiveness of child protection within the juvenile justice system.

Keywords: Legal Protection, Children in Conflict with the Law, Restorative Justice.

Introduction

Children occupy a strategic position in ensuring the continuity of the family, society, and the state. At the same time, contemporary social dynamics expose children to various risks, including involvement in criminal behavior and contact with the criminal justice system. The phenomenon of children involved in legal problems has become an important issue in Indonesia's criminal justice system because it relates not only to law enforcement but also to the protection and developmental well-being of children as future generations. The term *children in conflict with the law* refers to individuals under the age of 18 who come into contact with the justice system as a consequence of being suspected of, charged with, or convicted of a criminal offense.



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Children who become involved in criminal acts are in a highly vulnerable position. Consequently, the legal process they face must guarantee the protection of fundamental rights in accordance with Law Number 11 of 2012 on the Juvenile Criminal Justice System (*Undang-Undang Sistem Peradilan Pidana Anak—UU SPPA*). This law emphasizes restorative justice and diversion as primary approaches in resolving juvenile cases. Restorative justice is an alternative approach within criminal law that prioritizes repairing harm and restoring relationships among offenders, victims, and the community rather than focusing solely on punitive sanctions. In practice, however, child offenders frequently experience justice processes that may generate psychological and social burdens, including stigma and lengthy proceedings, particularly when cases are not managed in a child-sensitive manner. This concern becomes even more relevant in light of fluctuations in juvenile case trends across regions, including West Java Province, where case characteristics and patterns vary over time.

This study therefore adopts a scientific approach that not only examines the normative framework of legal protection for child offenders but also employs quantitative support based on empirical case data. Specifically, the research draws on juvenile case records handled by the West Java High Prosecutor’s Office from 2022 to 2024 to provide a clearer understanding of how child protection principles are implemented in criminal proceedings. Based on the West Java High Prosecutor’s Office data, a total of 788 cases involving children in conflict with the law were recorded during the 2022–2024 period. In Indonesian law, a child is generally defined as an individual under 18 years of age, including a child who is still in the womb. Children are positioned as strategic subjects of national development whose growth and protection are essential for achieving the nation’s constitutional ideals. Nonetheless, empirical realities demonstrate that juvenile offending remains a significant concern in West Java. Of the recorded cases, the overwhelming majority of perpetrators were boys (779), while girls accounted for only 9 cases. This disparity indicates possible differences in social roles, behavioral patterns, and environmental factors that influence children’s involvement in criminal conduct based on sex.

Legal protection for children who act as offenders requires the involvement of multiple actors, including families, communities, educational institutions, social institutions, and law enforcement agencies, to ensure that criminal proceedings are aligned with the principle of the best interests of the child. The regulatory framework, particularly the UU SPPA, incorporates this principle by mandating diversion, restorative justice mechanisms, and the fulfillment of children’s rights from the investigation stage through post-adjudication processes. In addition, Law Number 35 of 2014 on Child Protection (UU PA) underscores the obligations of the state, government, and society to provide special protection for children in conflict with the law, including protection from stigma, violence, and discriminatory treatment during criminal proceedings. Law enforcement authorities are also guided by Government Regulation Number 65 of 2015 on the Implementation of Diversion and the Handling of Children Under 12 Years of Age, as well as Supreme Court Regulation Number 4 of 2014 on Guidelines for Diversion in the Juvenile Criminal Justice System, both of which serve as important references in prosecution and adjudication.



Effective legal protection in juvenile cases also depends on broader social support systems. Schools, as primary institutions for character formation, should develop preventive policies, provide accessible reporting mechanisms, and conduct early monitoring and intervention when behavioral risks emerge. Communities play a vital role in building collective awareness, supporting legal education initiatives, and reporting situations that endanger children, thereby fostering a safe and child-sensitive environment. Meanwhile, law enforcement agencies bear the responsibility to enforce the law while upholding restorative justice principles through child-friendly procedures, proportional decision-making, and the provision of legal, psychological, and social support throughout the process. Collaboration among these stakeholders is therefore essential to ensure that children who come into conflict with the law receive adequate legal protection and meaningful opportunities for rehabilitation and social reintegration.

Previous studies have addressed legal protection for children in conflict with the law from various perspectives. Siti Nurhayati, for example, in “Implementation of Diversion in the Juvenile Criminal Justice System in Indonesia,” emphasizes the importance of restorative justice as a means to prevent children from entering formal judicial processes. Ahmad Rasyid, in “Legal Protection for Children as Perpetrators of Violent Crime,” argues that law enforcement officials must ensure the fulfillment of children’s procedural rights during investigation and prosecution. Dewi Angraini, in “The Role of Society in Handling Children in Conflict with the Law,” highlights the significance of social and environmental support in rehabilitation outcomes. Distinct from these works, the present study examines legal protection for child offenders in a more comprehensive manner by integrating (i) the juvenile criminal law framework, (ii) the operational implementation of restorative justice and diversion, and (iii) the synergy among schools, communities, and law enforcement agencies within the West Java High Prosecutor’s Office jurisdiction.

Accordingly, this research aims to provide a comprehensive analysis of the regulatory framework, implementation, and effectiveness of legal protection for child offenders in the juvenile justice context, with a primary focus on restorative justice, diversion mechanisms, and the fulfillment of children’s rights at each stage of the criminal process. By using empirical case data from 2022 to 2024, this study also seeks to assess the extent to which existing regulations are applied consistently and in accordance with the best interests of the child. The findings are expected to contribute both theoretically to the development of juvenile criminal law scholarship and practically by offering recommendations for law enforcement agencies, educational institutions, communities, and policymakers to strengthen child protection mechanisms. Ultimately, this research seeks to support a more humane and responsive juvenile justice system that prioritizes rehabilitation and reintegration for children as the nation’s successors.

Literature Review

Children in Conflict with the Law and the Rationale for Special Protection

Children in conflict with the law (CICL) are widely recognized as a vulnerable group because their cognitive, emotional, and social development is still ongoing. Criminological and



socio-legal scholarship emphasizes that children’s involvement in offending behavior is often influenced by multi-layered factors such as family conditions, peer pressure, school environment, community risk exposure, and socio-economic stressors. Consequently, responses to juvenile offending must balance accountability with protection, rehabilitation, and the prevention of secondary harm caused by criminal justice interventions. In this context, the juvenile justice system is expected to be development-oriented, aiming to reduce recidivism and support reintegration rather than merely imposing punitive sanctions.

The Normative Framework of Juvenile Justice in Indonesia

In Indonesia, the primary legal foundation governing juvenile justice is Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA). The UU SPPA is often examined in normative legal studies as a reform-oriented framework that incorporates child rights principles and the “best interests of the child” standard. A key feature of this law is its prioritization of restorative justice and diversion to avoid unnecessary formal processing and detention, which may cause stigmatization and long-term negative effects. Complementary regulations, including Law Number 35 of 2014 on Child Protection and implementing guidelines issued through government and judicial regulations, further reinforce the state’s obligation to provide special protection, prevent discriminatory treatment, and ensure child-friendly procedures at every stage of the criminal process.

Restorative Justice in Juvenile Cases

Restorative justice is discussed in the literature as a paradigm that shifts the focus of criminal justice from punishment to repairing harm. In juvenile contexts, restorative justice is viewed as particularly relevant because it enables dialogue, accountability, and reconciliation while maintaining a child-centered orientation. Scholars highlight that restorative justice processes can reduce stigma, encourage emotional responsibility, promote victim recovery, and strengthen community involvement in resolving conflict. However, the effectiveness of restorative justice depends on several conditions: genuine voluntary participation, appropriate facilitation, a clear understanding of rights, and safeguards to prevent coercion—especially when there are power imbalances between parties. The literature also notes that restorative justice must not be treated as a procedural formality; it requires meaningful engagement and follow-up support to ensure sustainable reintegration.

Diversion as a Key Mechanism for Protection

Diversion is commonly examined as a practical mechanism to operationalize restorative justice by redirecting children away from formal court procedures, particularly for cases that meet legal thresholds and eligibility criteria. Research on diversion often focuses on its capacity to minimize the harms of criminal processing, reduce detention, and promote rehabilitation through community-based or family-based interventions. Studies also emphasize that diversion success is closely tied to institutional capacity and inter-agency coordination, including police investigators, prosecutors, judges, social workers, and correctional/community supervision



officers. Barriers frequently identified in the literature include inconsistent interpretation of diversion requirements, limited availability of trained facilitators, lack of standardized monitoring, and weak community support structures that should receive and guide children after diversion agreements.

Fulfillment of Children’s Rights Across the Criminal Justice Process

A substantial body of literature stresses that legal protection for CICL is not limited to the availability of laws but must be reflected in actual procedural safeguards. Key rights commonly highlighted include the right to legal assistance, the right to be heard, the right to privacy and protection from stigma, the right to humane treatment, and the right to education and health services. The literature also emphasizes the importance of limiting detention as a last resort and ensuring that any deprivation of liberty is proportionate and accompanied by rehabilitative programming. From a socio-legal perspective, scholars argue that rights fulfillment is shaped by the behavior and discretion of justice actors and by institutional culture, which can either support or undermine child-sensitive implementation.

Institutional Coordination and Multi-Stakeholder Synergy

Many studies identify weak coordination among justice institutions as a recurring challenge in juvenile case handling. The juvenile justice process typically involves multiple agencies whose roles must align—from investigation and prosecution to adjudication, social assistance, and reintegration. Literature highlights that failures in coordination can lead to fragmented case handling, delays, inconsistent decision-making, or ineffective rehabilitation planning. In addition to formal institutions, scholarship increasingly recognizes the importance of stakeholder synergy involving schools, families, and community organizations. Schools are discussed as essential sites of early prevention and intervention, while communities are seen as key to reducing stigma and providing reintegration opportunities. Effective juvenile justice thus requires both institutional alignment and supportive social ecosystems.

Research Gaps and Relevance to the Present Study

Although existing scholarship provides a strong foundation for understanding restorative justice, diversion, and children’s procedural rights, research gaps remain in bridging normative design and real-world implementation within specific regional institutions. Many studies focus either on doctrinal analysis (normative compliance) or qualitative descriptions of challenges, while fewer integrate legal analysis with quantitative institutional case patterns to evaluate implementation consistency and outcomes. Therefore, a study that combines normative legal assessment with empirical case data—such as juvenile cases handled by a prosecutorial institution over a multi-year period—can strengthen evidence-based discussion on whether legal protection mechanisms are functioning effectively and where improvements are necessary.



Method

This study employs a normative juridical (doctrinal) approach to analyze the legal framework governing the protection of children in conflict with the law, particularly child offenders, within Indonesia’s juvenile justice system. To strengthen the normative analysis, the study is supported by quantitative empirical data, enabling an assessment of implementation patterns in practice. The design therefore constitutes a normative-empirical study, where the doctrinal review of legal norms is complemented by descriptive quantitative analysis of institutional case records.

The normative component is based on primary and secondary legal materials. Primary legal materials include, among others, Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) and relevant implementing regulations and child protection legislation. Secondary legal materials consist of scholarly works, journal articles, and other authoritative references addressing restorative justice, diversion, and the fulfillment of children’s rights. The analysis applies the principles of the best interests of the child, restorative justice, and diversion, as well as key procedural safeguards (e.g., legal assistance, privacy protection, proportionality, and non-discrimination) as benchmarks for evaluating whether protection is adequately provided across stages of the criminal justice process.

The empirical component uses institutional case data from the West Java High Prosecutor’s Office covering the period 2022–2024, comprising 788 cases involving children in conflict with the law. The unit of analysis is a recorded juvenile case handled within the prosecutorial process (as reflected in the office’s records). Variables extracted for descriptive purposes include, at minimum, year of case, sex of the child, and overall case volume trends across the observed period. Where available in the records, additional variables (e.g., case category, diversion status, or procedural stage) may be used to enrich the description; however, the primary focus of this study remains on the institutional pattern of juvenile case handling as an empirical backdrop to the normative assessment.

Data collection was conducted through document review. For the normative component, relevant statutes and implementing regulations were identified and systematically reviewed. For the empirical component, aggregate and/or recorded case information from the West Java High Prosecutor’s Office for 2022–2024 was compiled and organized into a dataset for analysis. No direct interaction with child subjects occurred, and the study relies on secondary institutional records rather than interviews or surveys.

The study uses a two-layer analysis:

1. Normative Legal Analysis: Legal norms were interpreted systematically to identify the scope of legal protection guaranteed for children in conflict with the law, including the expected operation of diversion and restorative justice and the protection of children’s rights throughout criminal proceedings.
2. Descriptive Quantitative Analysis: Empirical data were analyzed using descriptive statistics (frequency and proportion) to present the distribution of cases across years and by sex of the child, and to identify broad patterns of juvenile case handling in the West Java High



Prosecutor’s Office during 2022–2024. The quantitative findings are used to contextualize the normative discussion and to highlight implementation challenges or gaps that may be reflected in institutional patterns.

To ensure analytical consistency, the study applies clearly defined legal benchmarks derived from the UU SPPA and related regulations when evaluating the protection framework. Reliability of empirical findings is supported by using official institutional records as the data source and applying consistent tabulation procedures. Ethically, the study prioritizes child protection principles by using non-identifiable, secondary case data. Any reporting of results is presented in aggregate form to prevent the identification of individual children and to reduce the risk of stigmatization.

Profile of Juvenile Cases Handled by the West Java High Prosecutor’s Office (2022–2024)

Based on institutional records from the West Java High Prosecutor’s Office, a total of 788 cases involving children in conflict with the law were handled during 2022–2024. The data show a very strong gender imbalance: 779 cases involved boys, while 9 cases involved girls. This indicates that juvenile offending processed at the prosecutorial level in West Java during the observed period is predominantly committed by male children.

This gender pattern is consistent with general criminological findings that boys are more frequently recorded in formal criminal justice processes. However, in the juvenile justice context, such a distribution should not be read merely as “who offends more,” but also as a reflection of exposure to risk environments, social role expectations, differential monitoring, and reporting practices. It also raises practical implications: most rehabilitation, diversion facilitation, and psychosocial services will be utilized primarily by boys, while girls—though fewer—may require more tailored and sensitive approaches due to different pathways into offending and different vulnerabilities (e.g., stigma, exploitation, or family-related pressures).

What Case Profile Implies for Legal Protection

The existence of 788 cases processed within a three-year period confirms that juvenile offending remains a significant issue requiring consistent protection-oriented handling. In a child justice system built on the best interests of the child, case processing is not simply a legal workflow but a rights-based mechanism that must minimize harm and maximize rehabilitation outcomes.

In this context, the prosecutorial stage becomes crucial because prosecutors act as gatekeepers determining whether a case proceeds through formal prosecution or can be redirected through diversion/restorative justice (where legally eligible). Therefore, the case volume underscores the importance of:

1. standardizing diversion decisions,
2. strengthening case screening and child-rights compliance, and



3. ensuring that prosecution practices do not unintentionally create prolonged exposure to stigmatizing processes.

Implementation of Restorative Justice and Diversion: Progress and Constraints

Normatively, UU SPPA positions diversion and restorative justice as core mechanisms to resolve juvenile cases in a way that reduces formal processing, avoids detention, and supports reintegration. Empirically, however, your study identifies that implementation is not yet optimal, mainly due to:

1. Inconsistent application of norms
Even with a clear legal basis, practice can vary depending on interpretation, administrative capacity, and discretion exercised by different institutions. Inconsistency may occur at points such as: eligibility interpretation, timing of diversion efforts, documentation of diversion attempts, and the quality of restorative facilitation.
2. Weak inter-agency coordination
Diversion and restorative justice depend on synchronized roles of investigators, prosecutors, judges, social workers/community counselors, and service institutions. If coordination is weak, diversion meetings may be delayed, outcomes may not be monitored, and children may fall back into formal processing even when restorative options exist.
3. Limited social support for rehabilitation and reintegration
Restorative outcomes require a receiving environment: family readiness, school acceptance, community non-stigmatization, and access to counseling or skill-building. When these supports are limited, restorative justice risks becoming symbolic—producing “agreements” without sustainable follow-up.

Fulfillment of Children’s Rights Across Stages: Where Gaps Commonly Appear

From a child-rights perspective, effective legal protection is not only about avoiding punishment but ensuring safeguards throughout the process. Based on the normative benchmarks of juvenile justice, several vulnerability points are typically critical at the prosecutorial level and beyond:

- 1) Right to legal assistance and informed participation: children must understand the process, consequences, and options (including diversion).
- 2) Right to privacy and protection from stigma: exposure during legal processing can produce long-term harm.
- 3) Detention as a last resort: if used, it should be strictly necessary and accompanied by child-sensitive safeguards.
- 4) Rehabilitative orientation: decisions should prioritize education continuity, psychosocial support, and reintegration planning.



When implementation is inconsistent, these rights can become unevenly protected, which reduces the effectiveness of the UU SPPA’s protective intent.

The Role of Schools, Communities, and Families in Strengthening Protection Outcomes

Your framework appropriately emphasizes synergy beyond formal institutions. The empirical reality that most child offenders are boys suggests targeted prevention and reintegration strategies, including:

- 1) Schools: early identification of behavioral risk, counseling access, anti-bullying policies, and reintegration pathways (to avoid dropout).
- 2) Communities: non-stigmatizing support, safe youth activities, and reporting mechanisms for harmful environments.
- 3) Families: parenting support, supervision capacity, and engagement in restorative processes.

Without these supports, children returning from justice processes face heightened risks of relapse, exclusion, and further legal contact.

Overall Assessment of Effectiveness

Overall, the findings suggest that the Indonesian juvenile justice regulatory framework—particularly the UU SPPA—has established a relatively comprehensive protection architecture. However, effectiveness is limited by implementation capacity, especially the consistency of diversion/restorative mechanisms, coordination across institutions, and the availability of sustained social support. Therefore, the “gap” is less about the absence of rules and more about how uniformly and meaningfully those rules are operationalized.

Implications and Practical Recommendations

To strengthen legal protection for child offenders in West Java, the study implies the following priorities:

1. Standardize diversion decision-making through clearer operational guidelines and consistent documentation.
2. Strengthen inter-agency coordination via integrated case handling procedures and shared monitoring of diversion outcomes.
3. Expand social support systems (counseling, education reintegration, community programs) to ensure restorative outcomes are durable.
4. Enhance child-friendly capacity among justice actors through training focused on child development, communication, and rights safeguards.

Conclusion

This study concludes that the legal protection framework for children in conflict with the law—particularly child offenders—has been normatively established in Indonesia through Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) and related child



protection regulations. These instruments emphasize the best interests of the child and prioritize restorative justice and diversion as key mechanisms to prevent children from being harmed by formal criminal proceedings and to promote rehabilitation and social reintegration.

Empirically, the West Java High Prosecutor’s Office recorded 788 juvenile cases during 2022–2024, with perpetrators overwhelmingly dominated by boys (779 cases) compared to girls (9 cases). This profile confirms that juvenile offending remains a significant issue in West Java and underscores the need for consistent, child-centered handling at the prosecutorial stage, where diversion efforts and restorative justice practices are expected to be optimized.

However, the findings indicate that implementation remains less than optimal. The main constraints include inconsistent application of norms, weak inter-agency coordination, and limited social support systems for rehabilitation and reintegration. As a result, the effectiveness of legal protection is not determined solely by the existence of regulations but by the quality and consistency of operational practice across institutions and the availability of sustained community-based support.

Therefore, strengthening standardized diversion procedures, improving coordination among justice actors, and expanding social and educational reintegration support are essential to ensure that juvenile justice in West Java becomes more humane, protective, and truly oriented toward the child’s best interests.

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