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Reconstruction of the Legal Protection Model For Children as Perpetrators of Criminal Acts Based on Restorative Justice in the Juvenile Justice System in Indonesia

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Abstract: The increasing number of children involved in criminal offenses highlights the urgency of comprehensive legal protection for children in conflict with the law (CICL), particularly those who serve as perpetrators of criminal acts. This study aims to analyze the forms of legal protection for children as perpetrators of criminal acts within Indonesia's juvenile criminal justice system, as well as to formulate an ideal legal protection model based on restorative justice that aligns with the principle of the best interests of the child. This study employs a normative juridical method with statutory and conceptual approaches, through a literature review of primary, secondary, and tertiary legal materials. The results show that Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) has provided a legal protection framework through age limitations on criminal responsibility, special juvenile justice mechanisms, mandatory diversion, and the ultimum remedium principle in sentencing. However, implementation in the field still faces obstacles, including law enforcement officers' limited understanding of restorative justice, the criminalization of children, excessive pretrial detention, and limited facilities to support diversion. This study formulates that an ideal restorative justice-based legal protection model comprises four main elements: strengthening participatory diversion, a multidisciplinary approach that considers legal, psychological, social, and educational aspects, the enforcement of non-discrimination principles and the elimination of stigma, as well as sustainable collaboration among law enforcement officers, families, educational institutions, social institutions, and the community. This model is expected to position the Juvenile Criminal Justice System not merely as a repressive instrument, but as a means of guidance and protection for children's futures.

Keywords: Child Protection, Restorative Justice, Diversion, Juvenile Criminal Justice

INTRODUCTION

The sustainability of a nation in the future is greatly influenced by the quality of children who serve as the next generation of the nation's leadership (Tantimin et al., 2024).

The dynamics of the social environment consistently influence the process of children's growth, thereby triggering the formation of behavior that is either conforming or even deviant. A disharmony between children's actions and legal norms will result in negative consequences that disrupt social order while also endangering their future prospects. Accordingly, the increasing number of children involved in criminal acts shows that, under certain conditions, children can commit acts similar to crimes committed by adults, such as theft, assault, and even narcotics abuse. This phenomenon is significantly triggered by low levels of education, unrestricted patterns of social interaction, and weak parental supervision (Rochaeti, 2020).

Disparities in field-level implementation result in comprehensive legal protection rights not yet being fully experienced by children in conflict with the law. The potential neglect of an individual's basic rights during their developmental period arises from treatment that deviates from the principle of protection. Constitutionally, as a response to this condition, Law Number 11 of 2012 on the Juvenile Criminal Justice System was enacted to mandate the guarantee of special protection for children. This regulation is fundamentally oriented toward fulfilling children's rights so that they are free from all forms of discriminatory treatment (Sutanto & Rahaditya, 2024).

As an implication of the ratification of the Convention on the Rights of the Child, the Indonesian state bears a juridical responsibility to protect children. This responsibility was formalized through the issuance of Presidential Decree Number 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child, which regulates the principles of legal protection. Because children in conflict with the law require special protection, the government subsequently updated its legislative instruments comprehensively. The replacement of Law Number 3 of 1997 with Law Number 11 of 2012 serves as concrete evidence of this reform. The Juvenile Criminal Justice System represents the integration of case resolution procedures, from the investigation stage through to the guidance process for children under supervision. Therefore, the existence of this regulation represents the state's serious commitment to establishing an operational foundation for child protection policy (Nova & Afrizal, 2023).

In resolving cases of juvenile delinquency, Indonesia's criminal legal system has demonstrated very tangible progress. This is evident from the enactment of Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), which establishes the restorative justice approach as the primary foundation for handling cases involving children as perpetrators of criminal acts. The main focus of the criminal legal system has now shifted toward rehabilitation and healing efforts. This new paradigm firmly replaces the conventional view that prioritizes the imposition of sanctions as a means of retribution. To achieve this, the restorative justice system is applied in order to restore the relationship between the perpetrator and the broader community. Through the process of repairing previously damaged relationships, every perpetrator of a criminal act is intensively guided to fully realize their wrongdoing. Ultimately, this guidance enables law offenders to continue their social lives with dignity.

The dynamics of national criminal law have triggered a paradigm shift in the case resolution mechanism for children in conflict with the law. Judicial orientation no longer relies on the imposition of criminal sanctions as the primary instrument for resolving a criminal act. As an alternative, a humanistic approach based on restorative justice is implemented to create a far more comprehensive conflict resolution. The implementation of this approach aims to reconstruct the social interaction between the perpetrator, the victim, and the surrounding community as a whole. As a result, the perpetrator can internalize responsibility for their wrongdoing while still preserving their future life prospects. To realize this concept, the justice system adopts a diversion mechanism that redirects case resolution toward a non-litigation pathway (Amalin & Ermania, 2025).

Theoretically, restorative justice constructs a case resolution process by accommodating the active participation of all relevant parties. This collaboration among parties is deliberately formed to prioritize efforts toward restoring conditions after a criminal act in a fair and comprehensive manner. This concept is in line with the practice of penal mediation, which is grounded in the values of humanity and justice within Pancasila. In penal mediation, case resolution is carried out through an agreement between the perpetrator and the victim as a form of restoring the losses that have arisen (Budiarta, 2019). This concept subsequently developed and became fully integrated into juvenile justice. The integration of this approach is juridically represented through the implementation of the diversion mechanism within the case resolution system.

In facing the dynamics of life, a child sometimes falls into acts that violate the law. The limited ability to shield oneself from external environmental influences often triggers such deviance. On this basis, the state bears full responsibility for providing protection to children in conflict with the law. This manifestation of juridical protection is embodied through the integration of the restorative justice paradigm into the criminal justice ecosystem, in line with the normative mandate set forth in Article 5 paragraph (1) of Law of the Republic of Indonesia Number 11 of 2012. The construction of restorative justice within this regulatory instrument is philosophically oriented toward accelerating the implementation of diversion, namely a case resolution mechanism that is drawn outside the jurisdiction of the conventional criminal justice system (Crimen, 2015).

As a response to the repressive criminal justice system, a new paradigm emerged in the form of restorative justice. To achieve balanced justice, the case resolution process directly involves three parties, namely the perpetrator, the victim, and the community. Its main objective is to restore the post-crime situation and prevent the recurrence of such legal violations (Hasan et al., 2012).

The effectiveness of implementing restorative justice is further evidenced by empirical findings at the police level. Research conducted within the jurisdiction of Polresta Bareleng Batam shows that the restorative justice approach to cases of sexual abuse committed by children is considered highly effective, as it is able to accommodate the will of all parties involved in the criminal case without any element of coercion from law enforcement officers, thereby avoiding the emergence of new problems arising from the unaccommodated will of any one party (Aisyah et al., 2024).

In line with this, a study at the prosecutorial level in Batam City reveals that the diversion program based on restorative justice still faces various obstacles in its implementation, both in terms of procedure and the application of related laws and regulations, such that the primary objectives of diversion, namely victim restoration and child rehabilitation, have not yet been fully and optimally achieved (Delvi et al., 2025).

In addition to the issues of field-level implementation, Indonesia's juvenile justice legal framework also still has weaknesses in guaranteeing the procedural rights of children as perpetrators of criminal acts, particularly regarding ease of access to case information and privacy protection, which has the potential to give rise to conflicts with other legal provisions, constitutional principles, and international legal standards (Alhakim et al., 2024).

Based on these various issues, the optimization of legal protection for children in Indonesia remains very low. As a result, policymakers are required to immediately reconstruct this juridical protection model on the foundation of restorative justice. This systemic transformation aims to guarantee the best interests of the child through a fairer and more humane judicial mechanism.

METHODS

This study employs a normative juridical method with statutory and conceptual approaches. The research was conducted through a literature study by analyzing legal materials related to the legal protection of children and restorative justice within the juvenile criminal justice system. The data collection technique used is the documentary technique, namely by tracing, collecting, and reviewing written legal materials relevant to the research issue, given the normative juridical nature of the study, whereby the required data are sourced from written legal materials rather than from the field or respondents. The legal materials used consist of primary, secondary, and tertiary legal materials, as presented in Table 1 below.

Table 1. Legal Materials Used in the Research

No	Type of Legal Material	Source of Legal Material
1.	Primary Legal Materials	The 1945 Constitution of the Republic of Indonesia, Law Number 11 of 2012 on the Juvenile Criminal Justice System, and Law Number 35 of 2014 on Child Protection.
2.	Secondary Legal Materials	Books, scientific journals, articles, research findings, and expert opinions relevant to the legal protection of children, restorative justice, and the juvenile criminal justice system.
3.	Tertiary Legal Materials	The Great Dictionary of the Indonesian Language (KBBI), and legal dictionaries.

RESULTS AND DISCUSSION

RESULTS

1. What Are the Forms of Legal Protection for Children as Perpetrators of Criminal Acts within Indonesia's Current Juvenile Criminal Justice System?

Restorative justice means justice that is restored or recovered. Each party involved in a criminal act is given the opportunity to engage in deliberation. The victim of the criminal act has the right to claim compensation from the perpetrator for the losses they have suffered, while the perpetrator is obligated to compensate the victim for the losses caused. Thus, restorative justice serves as an alternative means of resolving criminal cases within the criminal justice procedural mechanism, focusing on shifting punishment into a process of dialogue and mediation involving the perpetrator, the victim, the families of the perpetrator/victim, and other relevant parties (Pengajar et al., 2023). The term restorative justice was introduced by Albert Eglash in 1977 to classify the criminal justice system into three groups, namely retributive justice, distributive justice, and restorative justice (F. Hukum et al., 2022).

In the context of criminal acts committed by children, the application of restorative justice is closely linked to efforts to legally protect children in conflict with the law. Based on positive law codified through Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), the protection of children in conflict with the law is afforded a strong legal basis. The UU SPPA emphasizes humane treatment of children and prioritizes the best interests of the child. Therefore, to ensure the fulfillment of children's fundamental rights in their entirety, comprehensive legal protection is required, grounded in both positive legal provisions and the values that live within society (Tan & Veronica, 2021).

Article 7 paragraph (2) of Law Number 11 of 2012 on the Juvenile Criminal Justice System stipulates that the implementation of diversion is mandatory for law enforcement officials (investigators, public prosecutors, and judges) if the case meets the required conditions, namely that the offense is punishable by imprisonment of less than 7 (seven) years and does not constitute a repetition of a criminal act, whether of the same or a different type. Article 6 of Law Number 11 of 2012 on the Juvenile Criminal Justice System explains the objectives of Diversion. Diversion aims to:

- 1) Achieve reconciliation between the victim and the child.

- 2) Resolve the child's case outside of the judicial process.
- 3) Prevent the child from being deprived of their liberty.
- 4) Encourage community participation.
- 5) Instill a sense of responsibility in the child (Aryani et al., 2024).

The implementation of diversion and restorative justice provides support for the process of protecting children in conflict with the law. In line with their main principles, diversion and restorative justice share a common foundation, namely keeping child perpetrators of criminal acts out of the formal criminal justice system and providing them with the opportunity to undergo alternative sanctions without imprisonment. The obstacles to restorative justice are as follows:

- 1) The frequent occurrence of re-offending, or repeated violations, by perpetrators who have undergone restorative justice.
- 2) The success of the restorative justice process is highly dependent on the family to which the child is returned.
- 3) The difficulty of keeping a child away from punishment through retributive justice when a very serious offense has been committed.
- 4) Public understanding of the restorative justice process and its objectives, as well as trust in the officials implementing it.
- 5) The mediator's competence greatly affects the success of the restorative justice process, along with officials being excessively interventionist in decision-making (Setyowati, 2024).

This form of legal protection is reflected in several key aspects. First, there is a limitation on the minimum age threshold for criminal responsibility: those who have not yet reached the age of 12 cannot be subjected to criminal proceedings, but are instead reintegrated into the domestic care authority (parents) or have their care delegated to social welfare institutions. Second, for children aged between 12 and 18 years, case handling is carried out through a special judicial mechanism distinct from the justice system for adults. Third, as a manifestation of redirecting dispute resolution away from judicial institutions, the juvenile legal framework absolutely prioritizes the application of the diversion principle. Given the very high urgency of protection, law enforcement officials are required to consistently initiate this alternative measure from the investigation stage through to trial.

Diversion represents a new innovation within Indonesia's criminal justice system. This concept was formally enacted with the establishment of Law Number 11 of 2012. This mechanism offers an alternative solution for dispute resolution outside the formal court pathway. Referring to the normative construction as formulated in Article 1 point 7 of Law Number 11 of 2012, the provision explicitly defines this concept. This regulation redirects the handling of children's cases toward a process outside the criminal court system.

Based on the provisions of the Beijing Rules, the instrument of diversion legitimizes the discretion of law enforcement officials in handling juvenile criminal cases. Because it prioritizes non-formal resolution, authorities may take a series of discretionary measures without having to proceed through the court pathway. As a form of alternative intervention, the termination of criminal justice proceedings can be carried out directly by the competent state authorities. In its place, the child offender may be returned to the community environment or included in various social service programs (Prasetyo, n.d.).

The diversion mechanism in handling cases of children implicated in criminal acts plays a central role in Indonesia's juvenile criminal justice system. Normatively, diversion may be carried out if the criminal penalty threatened against the child is less than seven years and the child has not previously served a sentence, as regulated under Government Regulation Number 65 of 2015. This provision affirms that law enforcement officials, such as the police, prosecutors, and judges, are obligated to pursue diversion at every stage of

the case resolution process for children who meet the requirements. Diversion aims to prevent children from directly undergoing the formal criminal process, directing them instead toward a more humane resolution, for example through deliberation involving the child, family, victim, and community leaders. This emphasis on restoration aligns with the spirit of child protection and social reintegration, rather than punishment-oriented sentencing alone (J. I. Hukum et al., 2025).

Fourth, physical detention is only utilized as a last resort, commonly referred to as *ultimum remedium*. This restriction on imprisonment as a sanction represents a tangible manifestation of legal protection efforts for children. Judges bear an absolute obligation to prioritize the imposition of sanctions in the form of external guidance measures. Community service and supervision are prioritized over the imposition of a custodial sentence behind prison bars.

The concept of *Ultimum Remedium* holds a crucial role as the primary guiding principle in the realm of criminal law. This principle affirms that punishment is an instrument of sanction that occupies the very last position. With respect to child offenders, the option of imprisonment must never be used as the initial solution for resolving a case. Physical detention must genuinely serve as the last alternative sanction applied by the state (Menciptakan & Restoratif, 2021).

Protection of the liberty of children in conflict with the law is explicitly accommodated within the framework of Law Number 11 of 2012 on the Juvenile Criminal Justice System. This normative protection is firmly rooted in Article 2, which philosophically proclaims the fundamental principle that a child's individual freedom is inherently sacred and cannot be arbitrarily deprived, except where truly necessary for the resolution of a case. The application of this *Ultimum Remedium* principle applies specifically to offenses threatened with a penalty of deprivation of liberty of less than seven years and that do not constitute a repetition of a criminal act (recidivism). Accordingly, this principle is not applied comprehensively to children who commit serious criminal acts; in other words, not all criminal cases committed by children can have their resolution diverted outside the formal adjudication procedure, as an operationalization of a policy that is firmly grounded in this *ultimum remedium* principle (Rangka & Anak, 2017).

Based on what frequently occurs, the *ultimum remedium* principle in Indonesia's Juvenile Criminal Justice System has its legal basis in Law Number 11 of 2012 on the Juvenile Criminal Justice System, specifically Article 2 letter i, Article 3 letter g, and Article 81 paragraph (5). These provisions indicate that the deprivation of liberty and the imposition of punishment on children must be positioned as a last resort. Specifically, Article 81 paragraph (5) affirms that imprisonment for children is to be used only as a last resort, meaning that the handling of children's cases should instead prioritize approaches based on restorative justice, diversion, protective measures, guidance, and social reintegration.

As a result of the high dynamics occurring in the field, the realization of juridical protection for children in conflict with the law continues to face various obstacles. Not all law enforcement officials possess sufficient understanding of the restorative justice approach. In addition, practices of child criminalization, excessive use of detention, and a lack of facilities and infrastructure to support the implementation of diversion are still found (Menciptakan & Restoratif, 2021).

Children who commit delinquent acts must be treated differently from adults who commit criminal offenses. This is also stipulated in Law Number 11 of 2012 on the Juvenile Criminal Justice System. Accordingly, in terms of legal systematics (*recht systematisch*), the scope of authority of the Juvenile Court shall not and must not include the following:

- 1) Exceed the absolute competence of the General Courts.

- 2) Examine, adjudicate, and decide cases that already fall within the absolute competence of other judicial environments, such as the Religious Courts (Pradityo, 2016).

Thus, although Indonesia's applicable juvenile criminal justice system has normatively accommodated legal protection focused on the best interests of the child, its implementation in practice still requires strengthening through policy reform, enhanced capacity of law enforcement officials, and a strengthened role for the community.

2. What Would an Ideal Restorative Justice-Based Legal Protection Model Look Like in Handling Children as Perpetrators of Criminal Acts, in Order to Align with the Principle of the Best Interests of the Child?

Theoretically, the principle of the best interests of the child is the primary principle underlying every legal system related to children, whether in the context of child protection or juvenile criminal justice. This principle affirms that in every policy, decision, or action involving a child, the primary objective to be upheld is the child's welfare, safety, and development, rather than merely formal law enforcement (Fithri & Wahyuni, 2026).

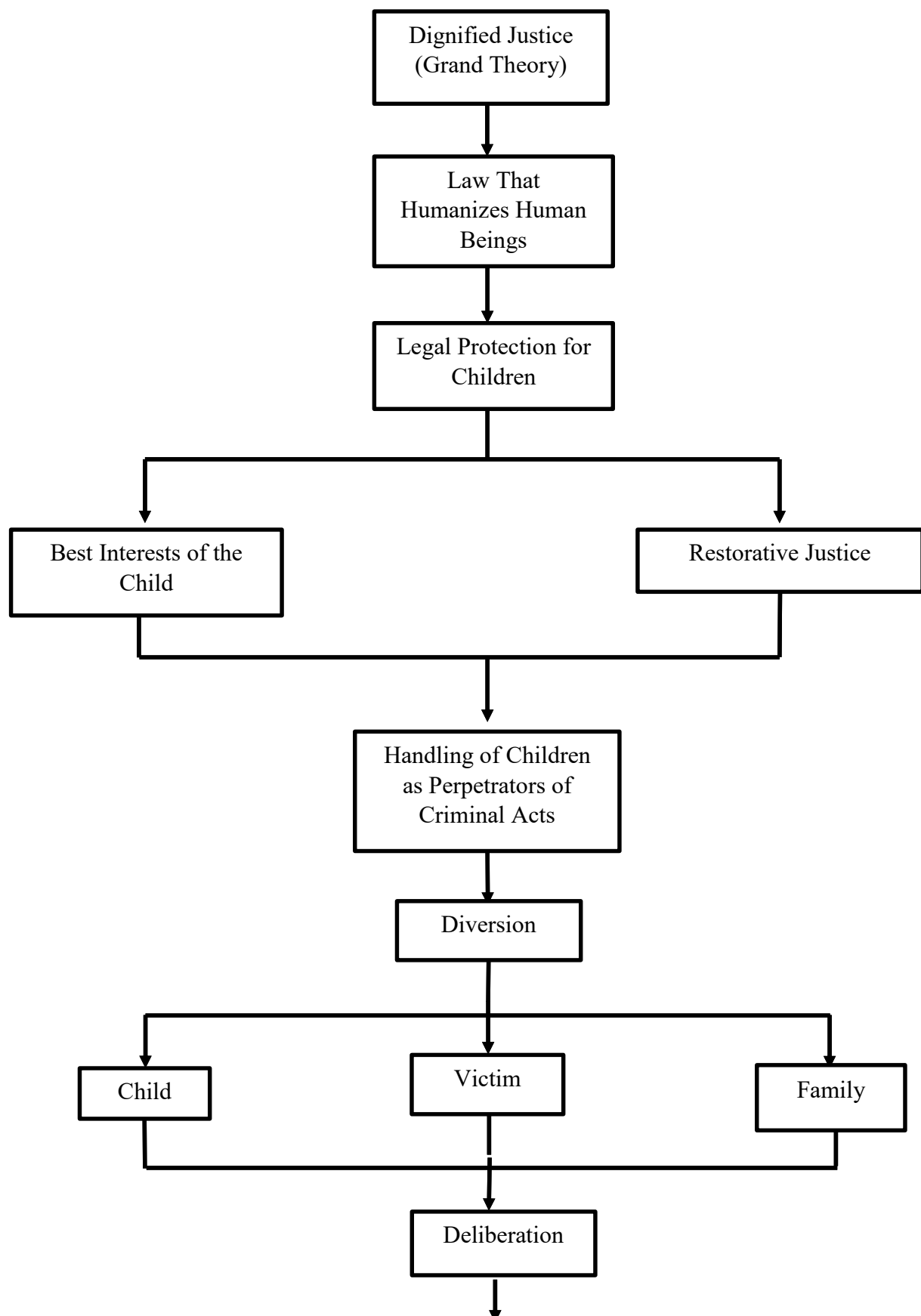
The Juvenile Criminal Justice System is one of the sub-systems within the broader criminal justice system. An important point to emphasize is that the juvenile criminal justice system differs from the adult criminal justice system in various aspects. Juvenile justice encompasses all investigative activities and case terminations concerning the interests of the child. Emphasis on, or a focus on, the interests of the child must be at the center of attention in juvenile justice. Law Number 11 of 2012 on the Juvenile Criminal Justice System has changed the paradigm for handling children in conflict with the law. The most fundamental substance of the SPPA Law is its explicit regulation of restorative justice, implemented through the diversion stage intended to avoid and keep children away from the judicial process, thereby preventing the stigmatization of children in conflict with the law, with the expectation that the child can return to normal social life (Islam & Bandung, 2025).

Although the SPPA Law has normatively regulated the application of restorative justice through the diversion mechanism, its implementation in practice has not yet run fully optimally. The disparity between the normative framework and factual implementation reveals a gap between legal provisions that prioritize the principle of the best interests of the child and restorative justice, and the practice of handling children's cases, which in several instances remains oriented toward a repressive approach. This condition has resulted in the objective of legal protection for children, as mandated in the SPPA Law, not yet being fully realized (Filonia et al., 2024).

If a child must be detained, such detention must take place in a special juvenile detention center, and if imprisonment becomes unavoidable, the child must be placed in a juvenile correctional institution. Whether in a detention center or a correctional institution, the child must continue to attend school and receive their fundamental rights in accordance with the Beijing Rules, so that they may look forward to a bright future, since the neglect of children's rights is also a neglect of the future of the nation and the state. The restorative justice model is also grounded in the due process model of how the criminal justice system operates, which highly respects the legal rights of every suspect, such as the right to be presumed and treated as innocent until proven guilty by the court, the right to defend oneself, and the right to receive a punishment proportional to the offense committed, so that respect for human dignity can be properly protected (Ariani, 2012).

From the perspective of Dignified Justice, the law is directed toward justice that humanizes human beings. In relation to restorative justice, restorative justice can be positioned as one of the principles/instruments for realizing dignified justice. The source discussing this line of thought also affirms that restorative justice is not identical to

Dignified Justice, but can serve as one means of achieving it. However, in the case of children as perpetrators of criminal acts, this can be examined from the perspective of dignified justice through its diagram.



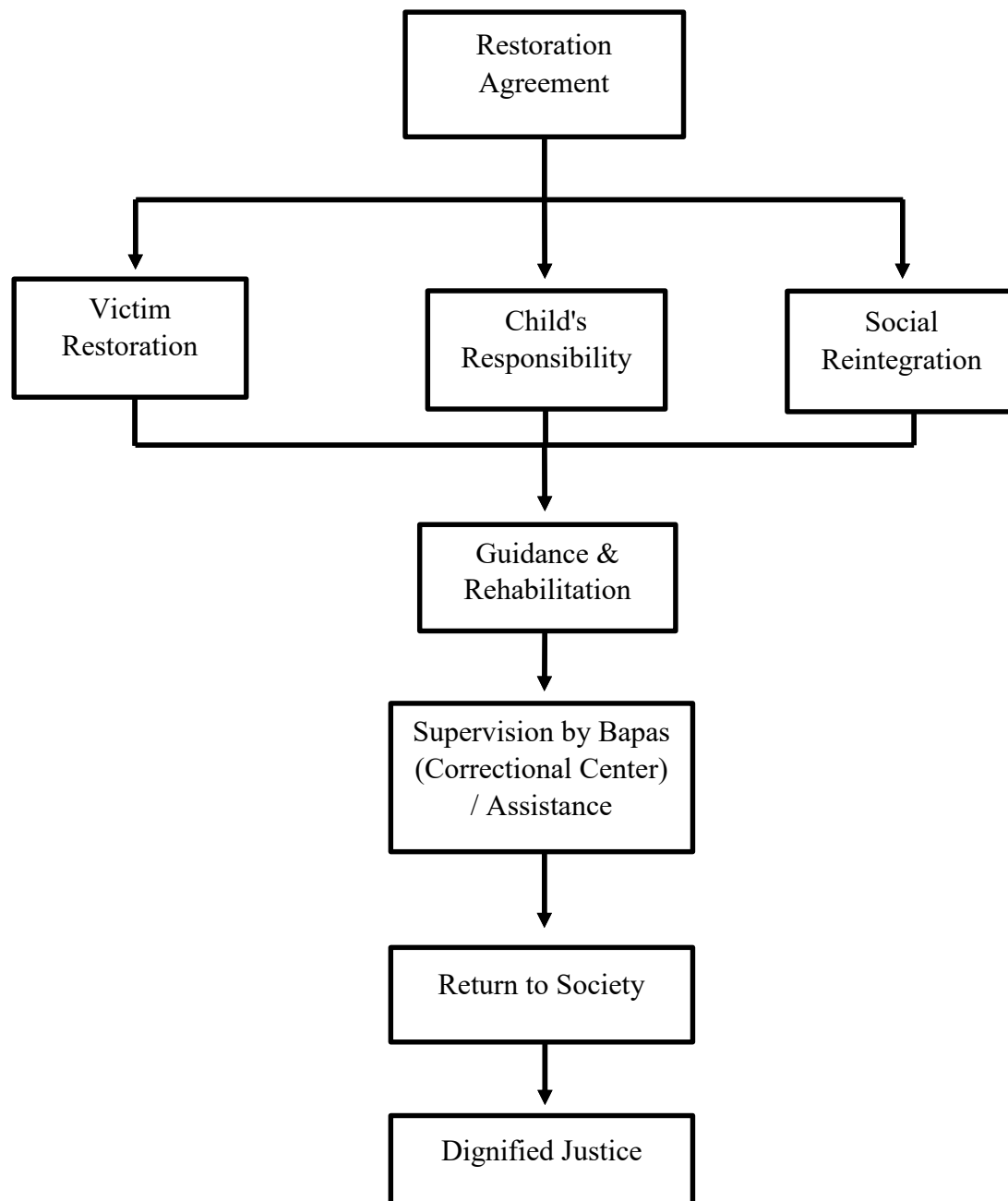


Figure 1. Diagram of the Restorative Justice-Based Legal Protection Model

The paradigm of restorative justice emerges as an alternative model for criminal dispute resolution, which doctrinally arises as an antithesis to the various deficiencies and impasses inherent in the conventional criminal justice system, deemed unable to accommodate the aspirations of the parties involved. This approach differs fundamentally from the criminal justice system in general, as it prioritizes the principles of mediation and reconciliation as the mechanism for resolving a criminal case. In relation to juridical protection for minors positioned as subjects who are perpetrators of an offense, Law Number 11 of 2012 on the Juvenile Criminal Justice System imperatively outlines a framework for the fulfillment of fundamental rights. This legislative construction guarantees the child's procedural privilege to consistently receive comprehensive protection, continuous trial assistance, and accessibility to legal aid and rehabilitation, in addition to treatment that consistently upholds their dignity and worth throughout the judicial process (Wibowo et al., 2021).

Restorative justice focuses on restoring the original condition, in order to distribute inclusive implications of justice that encompass the fulfillment of the interests of the victim, the offender, and the surrounding social community. In relation to children as perpetrators of criminal acts, this approach is oriented toward fostering a sense of responsibility, improving the child's behavior, and protecting the child from the adverse effects of a punishment system that tends to be repressive. As it has developed, restorative justice has become one of the case resolution models widely applied within various justice systems. In essence, restorative justice represents an effort to restore the function of conflict resolution to the parties directly affected, a function that, over time, had diminished due to the dominance of the state and interest groups within the criminal justice process (Restoratif, n.d.).

A legal protection model grounded in restorative justice, within the framework of judicial handling of children positioned as subjects who are perpetrators of an offense, represents an approach that does not view the child merely as an offender who must undergo criminal sanctions, but rather as an individual still in the stage of growth and development, thus requiring guidance, assistance, and appropriate legal protection. This approach places greater emphasis on efforts to restore the losses arising from an offense, through an inclusive mechanism involving the offender, the victim, family representatives, and elements of the social order in the case resolution process. Therefore, the objective to be achieved is not merely the imposition of punishment, but also the improvement of the child's behavior, the restoration of social relations, the fostering of a sense of responsibility, and the prevention of the recurrence of criminal acts in the future, so that the principle of the best interests of the child can be consistently realized.

An ideal restorative justice-based legal protection model must at least encompass several important elements. First, strengthening the role of diversion as the primary instrument for resolving criminal disputes involving children in conflict with the legal system. The actualization of the diversion instrument must be carried out participatively by involving the child subject, parental representatives, the victim, community advisory officials, professional social workers, and community authority figures, with a dialogical orientation aimed at realizing a fair resolution for all parties. The implementation of the diversion mechanism for children implicated in offenses within the framework of the Juvenile Criminal Justice System represents a direct manifestation of the restorative justice paradigm. This normative intervention is philosophically oriented toward guaranteeing juridical protection while also accommodating the principle of the best interests of the child, without negating the dimension of accountability for the act committed. In addition, diversion also serves as a vehicle for guidance and education for the child, enabling them to recognize their wrongdoing, improve their behavior, and positively reintegrate into the social environment. The regulation concerning the diversion mechanism, as normatively constructed through the formulation of Article 1 point 7 of Law Number 11 of 2012 on the Juvenile Criminal Justice System, affirms that the resolution of children's cases is to be prioritized through an approach that emphasizes restoration over punishment (No et al., 2019).

Second, a multidisciplinary approach is required in resolving the issues of children in conflict with the law. The handling of children must not focus solely on legal aspects, but must also take into account psychological, social, and educational dimensions. Therefore, the case resolution process and the sanctions imposed must be educational, developmental, and rehabilitative in nature, so as to optimally support the child's growth and development. This multidisciplinary approach is important because each child has a varying level of development and maturity. One element that deserves attention is the factor of age and the level of the child's psychological maturity. Law Number 11 of 2012 on the Juvenile

Criminal Justice System formulates a demarcation of juridical accountability by stipulating that children under the age of 14 may absolutely only be subjected to protective measures, whereas for the age range of 14 to 18 years, room is opened for the imposition of criminal sanctions within certain limitations. Beyond age, an assessment of the child's capacity to understand the consequences of their actions also constitutes an important consideration in determining the appropriate form of accountability. Children who have not yet reached an adequate level of maturity are given priority to receive guidance, rehabilitation, and protection rather than sanctions of a repressive nature. This approach is consistent with the doctrine of restorative justice, which philosophically emphasizes efforts toward the restoration, rehabilitation, and sociological reintegration of the child, while at the same time eliminating the minor's exposure to the destructive residue of the formal judicial process, which risks disrupting the progress of their psychological development and future (Info, 2025).

Third, an ideal legal protection model must guarantee the principles of non-discrimination and the elimination of stigma for minors positioned as subjects who are perpetrators of an offense. Essentially, a child who comes into contact with the legal system still retains their fundamental right to claim comprehensive juridical protection, education, and guidance, as they are still undergoing a phase of growth and development. A child's involvement in a criminal act can be influenced and determined by a multicausal constellation, which specifically includes deficiencies in parental supervision and affection, socio-economic structural vulnerability, destructive exposure from the sociocultural environmental milieu, and the search for identity. Therefore, children must not be given the negative label of "criminal," as this can hinder their recovery and development process. Through rehabilitation and guidance, children are given the opportunity to improve themselves, develop better behavior, and resume their social functioning normally. Support from family, community, and a positive environment is also necessary so that the child can be reaccepted without stigma and discrimination, thereby enabling the realization of the goal of legal protection oriented toward the child's recovery and future (Suhastini et al., 2022).

Fourth, close collaboration is required among law enforcement officials, educational institutions, social institutions, families, and the community in creating a sustainable system for the guidance of children. Efforts to guide children in conflict with the law are not limited solely to case resolution through the judicial pathway, but must be continued with social assistance, education, and character development, so that the child can once again actualize the process of reintegration into their sociological ecosystem in a positive manner. This effort is important given that children philosophically constitute the entity that inherits the nation's civilizational torch, whose mental, physical, and emotional development requires special attention. Accordingly, every child, not excluding those categorized as Children in Conflict with the Law (CICL), inherently and juridically retains fundamental rights to receive protection without experiencing discriminatory treatment. Although involved in a criminal act, a child remains an individual vulnerable to various forms of violence, stigmatization, and rights violations, and thus requires protection and assistance from various parties. In this context, the role of child protection institutions, such as the Indonesian Child Protection Commission (KPAI), becomes important in overseeing the fulfillment of children's rights and encouraging the creation of an environment that supports the process of child guidance and rehabilitation (Nazira & Nawangsari, 2022).

Furthermore, the success of the guidance process within the effectiveness framework of the Juvenile Criminal Justice System is not exclusively determined by the manifestation of intervention from law enforcement officials, but is also influenced by community support and the active role of the Community Advisor (Pembimbing Masyarakat). The

Community Advisor holds a strategic function in accompanying the child so that they are able to improve their behavior and resume normal social life. This function includes efforts to make the child aware so as not to repeat unlawful acts, providing direction and guidance so that the child is able to adjust to a conducive environment, while also fostering cooperation with various parties to nurture the child's talents and interests as a foundation for achieving a better future (Info Artikel 1029, 2020). With cooperation between families, communities, educational institutions, and Community Advisors, the process of children's rehabilitation and social reintegration can proceed more effectively, thereby enabling the goal of child protection and guidance to be achieved optimally.

By consistently and integratively implementing a restorative justice-based legal protection model, the Juvenile Criminal Justice System is not merely reduced in function to a repressive medium of law enforcement, but also expands its role as an instrument for character formation and the safeguarding of children's futures.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Based on the discussion above, it can be concluded that legal protection for children with the status of perpetrators of criminal acts in Indonesia already has an adequate legal basis, as set forth in Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA). This regulation prioritizes the principle of the best interests of the child through the application of restorative justice, the diversion mechanism, and the ultimum remedium doctrine, which philosophically constructs the sanction of deprivation of liberty solely as a last resort (*ultima ratio*) in case resolution. This form of legal protection is manifested, among other things, through the establishment of a minimum age threshold for criminal responsibility, the organization of a special judicial process for children, the prioritization of case resolution outside the court pathway, and the guarantee of children's rights throughout the judicial process. Nevertheless, at the practical level, it still faces various structural constraints, one of which is represented by a deficit in judicial authorities' comprehension of the philosophical substance of restorative justice, limited facilities to support the implementation of diversion, and the continued attachment of stigma and criminalization practices toward children implicated within the justice system.

As for the ideal juridical protection model for children as perpetrators of criminal acts, it should rest upon a restorative justice approach that views the child as a subject requiring guidance and recovery, rather than merely an object to be punished. Such a model can be realized through the strengthening of participatory diversion, the application of a multidisciplinary approach that considers the legal, psychological, social, and educational aspects of the child, the enforcement of the principle of non-discrimination alongside the elimination of stigma, and the strengthening of functional convergence among judicial authorities, families, educational institutions, social institutions, and the broader community. Through the implementation of an integrated legal protection model oriented toward rehabilitation and social reintegration, the Juvenile Criminal Justice System is envisioned not merely to operate dogmatically as a medium of law enforcement, but also to transform into an entity that protects children's fundamental rights while serving as a strategic investment in the succession of the nation's civilization, one that is inherently affiliated with the doctrine of the best interests of the child.

Recommendations

Based on the conclusions above, the following recommendations are put forward. First, legislators and the government need to develop clearer technical guidelines for the implementation of restorative justice and diversion under the SPPA Law, in order to minimize

inconsistencies in interpretation at the field level. Second, law enforcement officials, namely the police, prosecutors, and judges, need to be provided with continuous training on the substance of restorative justice so that they better understand and commit to prioritizing diversion over formal judicial processes. Third, the government needs to increase the availability of facilities supporting the implementation of diversion, such as special detention centers for children, community-based rehabilitation programs, and an adequate number and competency of Community Advisors (Pembimbing Kemasyarakatan). Fourth, families, educational institutions, social institutions, and the broader community are expected to play an active role in eliminating stigma and discriminatory treatment, so that children can be reintegrated into the social environment in a healthy and dignified manner. Finally, future research is recommended to empirically evaluate the effectiveness of implementing restorative justice and diversion across various regions in Indonesia, in order to identify region-specific structural barriers and to develop evidence-based strategies for strengthening a multidisciplinary and collaborative model of child protection. Through these recommendations, it is hoped that Indonesia's Juvenile Criminal Justice System can move closer to fulfilling its ideal function as a protective and rehabilitative institution, rather than merely a repressive mechanism of law enforcement.

Limitations

This study has several limitations that should be acknowledged. First, this research employs a normative juridical method based solely on the analysis of primary, secondary, and tertiary legal materials through library research. As such, the findings are conceptual and doctrinal in nature, and do not incorporate empirical field data, such as interviews with law enforcement officials, judges, children in conflict with the law, or their families, which could have provided a more comprehensive picture of restorative justice implementation in practice. Second, the study focuses primarily on the national legal framework as codified in Law Number 11 of 2012 on the Juvenile Criminal Justice System, without conducting an in-depth comparative analysis with juvenile justice systems in other jurisdictions, which could have enriched the proposed model with cross-country best practices. Third, the discussion of implementation challenges, such as limited understanding among law enforcement officials and inadequate diversion facilities, is drawn from secondary sources and prior studies rather than from direct, region-specific empirical investigation, meaning the extent and variation of these obstacles across different areas in Indonesia remain unverified by this research. Fourth, the proposed restorative justice-based legal protection model is conceptual and has not been empirically tested or validated through pilot implementation, so its practical effectiveness and feasibility require further examination in future studies. These limitations open opportunities for subsequent empirical and comparative research to build upon and strengthen the theoretical model developed in this study.

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