

Critical Analysis of the Child's Best Interest Principle in Lamongan's 2025 Juvenile Criminal Verdicts

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Nur Hidayah¹, Nabilla Desyalika Putri²

^{1,2}Faculty of Law, State University of Surabaya, Surabaya, Indonesia
Email Corresponding Author: nur.23561@mhs.unesa.ac.id

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Abstract

This study emphasizes the importance of applying the child's best interest principle within the juvenile criminal justice system, a core concept recognized both internationally and nationally. This principle views children as legal entities entitled to protection, focusing on guidance, rehabilitation, and their prospects. Although Indonesia has incorporated this principle into many regulations, especially Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, there remains a gap between legislative provisions and practical enforcement. This is evident in the continued use of a repressive approach in juvenile court rulings, such as at Lamongan District Court in 2025. This study employs a normative legal research method, using both a statutory approach and a case study approach. The data includes primary legal sources like legislation and six juvenile case rulings from Lamongan District Court in 2025. Secondary sources, such as scholarly books and journals, are also used. The analysis follows a descriptive-qualitative method to evaluate how closely judicial practices follow the legal principles of the child's best interests. The findings reveal that the application of the child's best interest principle in these rulings has been inconsistent and suboptimal. Despite efforts to combine criminal sanctions with vocational training, rulings mostly remain repressive. Diversion processes have not been fully implemented, even when cases meet the criteria. Moreover, the recommendations from the Correctional Institution's reports have not been fully integrated into decision-making. This indicates that a restorative approach is still weakly practiced, and there is a gap between legal norms and judicial procedures. Therefore, it is essential to strengthen institutions, enhance the capacity of law enforcement officers, and promote a shift towards a more rehabilitative, child-centred approach.

Keywords: best interests of child, Lamongan, diversion, SPPA Law

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INTRODUCTION

The principle of the best interests of the child in criminal law emerged from global policy developments that recognize children as a group in need of special protection (Rifki Alfian Wicaksono, 2023). Its implementation is evident through diversion policies, prevention efforts, rehabilitation programs, as well as the establishment of juvenile courts and specialized training for law enforcement officials in various countries. Children, as vulnerable legal subjects, require special protection within the criminal justice system. Therefore, the principle of the child's best interests must serve as the guiding standard. Indonesia has responded to these developments by ratifying the 1989 Convention on the Rights of the Child and revising its national laws. This principle is explicitly stated in Law No. 11 of 2012 on the Juvenile Criminal Justice System (*Sistem Pidana Peradilan Anak or SPPA Law*), which stipulates that cases involving children should prioritize their protection,

rehabilitation, and future. It promotes diversion mechanisms and a restorative justice approach, with punishment only as a last resort (Rizky Ade Agustin, 2025). This principle also views the child as an individual who needs to be rehabilitated rather than just punished within the criminal justice system (Setiono & Fitriano, 2025). In constitutional theory, the protection of children's best interests originates from the objectives outlined in the Fourth Paragraph of the Preamble to Indonesia's 1945 Constitution. This idea is expanded upon in the Human Rights Chapter, which includes children's rights, as detailed in Article 28B, paragraph (2) of the Indonesian 1945 Constitution (Republik of Indonesia, 1945).

This study examines the efforts to prioritize the child's best interests within the criminal justice system, particularly in Lamongan Regency, Indonesia. Lamongan Regency is a key area for planning programs to prevent juvenile crime. According to recent research data, there were 68 criminal cases involving child offenders between 2021 and 2024 (Siti Bariyatul Ulfah; Dr. Marisa Kurnianingsih, 2025). This situation underscores the importance of preventive measures to keep children from engaging in criminal activities. Lamongan Regency Government works with the District Attorney's Office through the "Prosecutors in Schools" program to educate students about the law. Furthermore, the Department of Women's Empowerment and Child Protection (*Dinas Pemberdayaan Perempuan dan Perlindungan Anak or DP3A*) conducts outreach on child protection and provides training for parents to improve supervision of children's behavior.

The process of enforcing the law against children in conflict with the law must, of course, be carried out in accordance with Law No. 11 of 2012 on the Juvenile Criminal Justice System (*SPPA Law*) and its various implementing regulations in Indonesia, from the diversion stage, through detention and arrest, investigation, prosecution, and the trial process, all the way to the execution of the judge's decision (Satrio Bagus Wira, 2024). The practice of diversion in juvenile criminal cases, which results in an Order to Cease Investigation (*Surat Perintah Penghentian Penyidikan or SP3*), exemplifies law enforcement officials' preference for resolution mechanisms that protect minors from extended judicial processes. This approach embodies the principle that the legal process must prioritize rehabilitation (Siti Bariyatul Ulfah; Dr. Marisa Kurnianingsih, 2025). Data from Lamongan Resort Police from 2021 to 2024 offers empirical evidence supporting this approach, as shown by the number of SP3 (Siti Bariyatul Ulfah; Dr. Marisa Kurnianingsih, 2025). Generally, the data on cases involving children as offenders in Lamongan Regency is summarized as follows.

Table 1. Cases Involving Children as Offenders in Lamongan

No.	Year	Reported Cases Involving Children	Number of child cases conducted for the termination of investigation (SP3)
1.	2021	11 cases	7 cases
2.	2022	7 cases	3 cases
3.	2023	18 cases	10 cases
4.	2024	32 cases	14 cases
	Total	68 cases	34 cases

Source: Lamongan Resort Police - Women and Children's Services Unit (Unit Pelayanan Perempuan dan Anak or PPA), 2025.

In adjudicating juvenile criminal cases, it is essential to consider one of the fundamental principles: the best interests of the juvenile (Anwar & Wijaya, 2020). This also applies when a child is the offender in Lamongan Regency. The principle mandates that all legal processes should focus on safeguarding the child's safety, future, and development. According to Article 3, letter d of the SPPA Law, all actions concerning a child must serve the child's best interests. The best interest principle underscores that legal proceedings involving children should prioritize education, guidance, and social rehabilitation. Punishments should not be vindictive but should aim to correct behavior and help the child reintegrate into society (Muizzuddin et al., 2022).

This principle is also supported by subsidiary regulations that provide a robust legal framework. Government Regulation No. 65 of 2015 on Guidelines for the Implementation of Diversion and the Handling of Children Under the Age of 12 (twelve) emphasizes the importance of diversion and non-punitive measures for children under 12 (Republik Indonesia, 2015). Also, there is Supreme Court Regulation No. 4 of 2014 (*Peraturan Mahkamah Agung or Perma*) on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System, which guides judges in applying the best interests of the child principle in diversion by

considering the child's age, degree of fault, and social circumstances (Peraturan Mahkamah No 4, 2014)

In 2025, Lamongan District Court issued six decisions related to the principle of the best interests of the child. These judgments, chosen because they are the most recent juvenile criminal cases and showcase a variety of offenses within the juvenile justice system, offer a solid empirical foundation for assessing how the principle is applied. The cases analysed encompass acts of violence leading to death, aggravated theft, drug trafficking and possession, possession of stabbing weapons, and acts of violence resulting in serious injury. This variety enables an examination of how judicial authorities customize sanctions according to the specific characteristics of each crime, with an emphasis on rehabilitation as the primary objective. Sentencing patterns that combine imprisonment with vocational training, guidance, and supervision demonstrate how courts aim to balance punishment objectives with child-protection principles. This research was undertaken to analyse the following inquiry: How is the principle of the best interests of the child critically analysed in specific criminal cases within the 2025 rulings of Lamongan District Court? The purpose of this study is to evaluate the application of the principle of the child's best interests within the juvenile criminal justice process by examining its adherence to both national and international legal standards and analysing the manner in which judicial decisions embody the protection and rehabilitation of juvenile offenders.

This paper employs a normative legal research method, combining both statutory and case-based approaches to examine how the principle of the child's best interests is implemented within the criminal justice system. The statutory approach analyzes Law No. 11 of 2012 on the Juvenile Criminal Justice System (*SPPA Law*) and the Supreme Court Regulations (Perma), which provide technical guidance for law enforcement on safeguarding children's rights. The case-based approach focuses on evaluating various rulings from Lamongan District Court, emphasizing judges' reasoning and the consistency of practices with legal standards. These judgments, selected as the most recent juvenile criminal cases and representing a range of offenses within the juvenile justice system, provide a strong empirical basis for evaluating the principle's application. The sources include primary legal materials such as regulations and judicial decisions, secondary sources such as journals and books, and non-legal data such as reports and news articles. The analysis employs a descriptive-qualitative method to systematically and thoroughly describe how the principle of the best interests of the child is applied in criminal judicial processes practice (Prof. Dr. Peter Mahmud Marzuki, 2023)

DISCUSSION

The Principle of the Best Interests of the Child in International Law and Indonesian Legislation

The principle of the best interests of the child prioritizes the child's developmental needs at the core of every action, policy, or decision (Miftah Farid, 2025). Piaget's research indicates that children experience various stages of cognitive development, which means their thinking patterns differ from those of adults (Imam, 2024). Bowlby's research demonstrates that secure attachment to caregivers promotes stable emotions and healthy social development skills (Egi Sujana, 2025). These scientific findings highlight the importance of providing children with an environment that fosters their growth and development. In juvenile criminal justice, the principle of prioritizing the child's best interests is given considerable importance because legal processes can impact a child's future. Detention can interfere with education, lead to social stigma, and cause psychological harm (Cahyanda Septiani, 2025). The United Nations Committee on the Rights of the Child emphasizes the long-term effects of detention on mental health and social identity. UNICEF states that family support, rehabilitation, and diversion are more effective at reducing recidivism than punishment. The next section offers an overview of provisions that incorporate the best interests of the child principle into both international and national legal systems.

Table 2. International and National Instruments Regarding the Best Interests of the Child

No.	Regulation	Article	Approach
1.	"Convention on the Rights of the Child (CRC) 1989, Article 3"	"In all actions concerning children...the best interests of the child must be a primary consideration."	"A representative approach because it prioritizes the rights and interests of the child as the party that must be prioritized."



2.	"The Beijing Rules (United Nations Standard Minimum Rules for the Administration of Juvenile Justice) 1985"	"The juvenile justice system must emphasize the child's well-being and proportionality between the offense and the child's circumstances."	"A rehabilitative approach that treats the child as a subject of guidance rather than punishment"
3.	"The Riyadh Guidelines (United Nations Guidelines for the Prevention of Juvenile Delinquency) 1990"	"Emphasizes the importance of preventing juvenile delinquency through social welfare, education, and child participation."	"A preventive and social approach, emphasizing early protection before the child becomes involved in criminal cases."
4.	"The 1945 Constitution, Article 28B, Paragraph (2)"	"Every child has the right to survival, growth, and development, as well as the right to protection from violence and discrimination."	"A protective approach that affirms child protection as a fundamental right of citizens."
5.	"Law No. 23 of 2002 as amended by Law No. 35 of 2014 on Child Protection"	"Every child has the right to live, grow, develop, and participate appropriately in accordance with human dignity."	"A preventive approach, as it aims to protect children from harm or danger in both legal and social contexts."
6.	"Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law)"	"The juvenile criminal justice system is implemented based on the principle of the best interests of the child."	"This system emphasizes restorative justice. Juvenile offenders are guided to take responsibility without losing their future through diversion and rehabilitation processes."
7.	"Government Regulation No. 43 of 2017 on the Implementation of Restorative Justice in Juvenile Justice"	"Emphasizes procedures for implementing diversion and resolving children's cases outside of court while prioritizing the child's best interests."	"This restorative approach strengthens the role of mediation and the restoration of relationships between the child, the offender, the victim, and the community."
8.	"Supreme Court Regulations (PERMA) No. 4 of 2014 on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System"	"Judges are required to prioritize diversion for juvenile cases carrying a potential sentence of less than 7 years."	"A restorative approach that promotes peace and resolution without criminal proceedings so that the child's future is not compromised."

Source: processed by the authors, 2026.

This table demonstrates that both international and national legal instruments are aligned in their focus. Each regulation emphasizes the child's best interests as the core principle guiding all judicial decisions. Furthermore, all regulations affirm the child's right to safety, development, and well-being. International instruments like the CRC, the Beijing Rules, and the Riyadh Guidelines highlight the importance of well-being, fairness, and delinquency prevention. Similarly, national laws such as the Constitution, the Child Protection Law, and the Juvenile Justice Law provide legal and social safeguards. Diversion and restorative justice are now key mechanisms for resolving cases by reconnecting the child, the victim, and the community. Overall, this legal framework aims to ensure that the juvenile justice system promotes prevention, rehabilitation, and restoration to protect the child's future.

Breakthroughs in the Implementation of Diversion under Supreme Court Regulation No. 4 of 2014

In addition to the laws and regulations listed in Table 2 above, there are also technical regulations that govern the implementation of the best interests of the child principle in judicial practice, such as Supreme Court Regulation (Perma) No. 4 of 2014 on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System. The Perma outlined above is a clear step toward applying the best interests of the child principle to technical regulations for law enforcement officials, especially judges. Its main goal is to ensure that each juvenile case adheres to the principles of non-discrimination, respects the child's dignity, and promotes social rehabilitation. In the book "Juvenile Delinquency: A Sociological Approach," Jack E. Bynum explains that diversion involves redirecting juvenile offenders away from the criminal justice system (Dodik Haryono, 2021). Diversion aims to prevent and protect children from lengthy court processes, helping eliminate the stigma associated with children in conflict with the law. The goal is for children to smoothly reintegrate into their social communities through diversion (Krisnalita, 2019).

Diversion holds significance as outlined in Articles 6 and 8 of the SPPA Law (UU SPPA, 2012). It offers several significant benefits. First, for the child (offender), it avoids detention, encourages responsibility for their actions, and shields them from societal stigma. Second, for the child (victim), it promotes reconciliation, safeguards their interests, and protects them from community stigma. Third, for families and the community, it encourages public involvement in the resolution of juvenile offenses, promotes community harmony, and upholds norms of compliance and order in society (Dodik Haryono, 2021). Article 2 of Supreme Court Regulation No. 4 of 2014 states that diversion must be carried out during the investigation, prosecution, and trial stages. This means that judges go beyond merely deciding sentences during trials; they also act as facilitators of rehabilitation, mediating between the juvenile offender, the victim, their family, and the community. This regulation reflects the Supreme Court's dedication to shifting juvenile criminal justice from a repressive to a restorative paradigm. Consequently, this Perma serves as a tool to uphold the principle of the child's best interests, as mandated by Article 3(b) of Law No. 11 of 2012 on the Juvenile Criminal Justice System, which requires every case involving a child to prioritize the child's best interests.

Revitalizing Indonesia's juvenile criminal justice system is crucial because the principle of the child's best interests has not been fully achieved. This is due to ongoing violations of children's rights, a lack of psychosocial support, and limited resources at the Special Juvenile Rehabilitation Institutions (*Lembaga Pembinaan Khusus Anak or LPKA*). Therefore, improving diversion mechanisms, enhancing law enforcement officers' capacity, and strengthening family roles are vital to effectively uphold the principle of the child's best interests (Lubis et al., 2025).

The criminal law paradigm shifts from the repressive retributive justice philosophy, aligned with legal positivism and classical criminal law, to a restorative justice approach rooted in rehabilitative philosophy and grounded in natural law principles (Zulkarnain Koto, 2024). The retributive approach also highlights the significance of punishing offenders as a means of retribution proportionate to the committed offense. Within this framework, the state imposes sanctions to uphold existing laws, deter wrongdoing, and fulfill the public's sense of justice through imprisonment or fines, depending on the severity of the criminal act. The primary focus remains on the offender as the central subject of the law, rather than on restoring the relationship between the offender and the victim society (Agustin & Sulchan, 2025). Meanwhile, the restorative approach redirects the focus from punishment to restoration. This model encourages dialogue among the offender, the victim, and the community to acknowledge the harm caused and work together to mend the disrupted social bonds (Lasmin Alfies Sihombing, 2024). The restorative approach aims to lessen negative impacts on all involved and enhance the offender's social responsibility. Outcomes can be reached through mediation, restitution, or mutual agreement, avoiding the need for full legal proceedings. This model is increasingly incorporated into new regulations and is viewed as effective in providing meaningful justice and alleviating the stigma faced by offenders (Rapali, 2025).

Supreme Court Regulation No. 4 of 2014 also establishes the process for diversion through discussions among the offender, victim, their families, a social worker, and community leaders. The outcomes of these discussions must be documented in a diversion agreement and submitted to the judge for approval. These

provisions explicitly position the judge as the active overseer of the social rehabilitation process. Supreme Court Regulation No. 4 of 2014 may represent a significant judicial innovation in Indonesia's juvenile procedural law by shifting judges' roles toward those of social mediators. However, this shift requires structural support, including technical training for judges and the presence of supporting institutions, such as the Correctional Institution (*Balai Pemasyarakatan, or Bapas*), as well as social rehabilitation programs (Wardah Nuroniyah, 2022). The success of implementing diversion is highly contingent upon the competence of law enforcement officials in facilitating dialogue and fostering empathy between the child and the victim. Without institutional readiness, the technical provisions of the Supreme Court Regulation will remain merely procedural norms that are challenging to enforce and implement (Sriwiyanti, Wahyu Saefudin, 2021).

Furthermore, Article 7 of Supreme Court Regulation No. 4 of 2014 requires judges to consider the social assessment report from the Bapas before deciding whether diversion is appropriate. This report serves as the basis for an objective assessment of the child's condition, family background, and potential for rehabilitation. The subsequent chapter presents an analysis of six cases reviewed in this study from Lamongan District Court, illustrating the inadequate consideration of diversion reports and Bapas' research findings in the judgment. This suggests that the provisions of Article 7 have not been properly implemented. As a legal consequence, the judges' reasoning prioritizes formal legal considerations over social and educational factors, despite the principle of the best interests of the child requiring a decision that emphasizes the child's upbringing and psychological development.

Critical Examination of the Best Interests Principle for Children in the 2025 Decision of Lamongan District Court

The application of the principle of the best interests of the child in criminal cases requires clear evaluative criteria to ensure objective measurement. In this study, four main indicators can be used to assess how well judges implement this principle. First, the existence of a diversion process before the court hearing. Diversion is a key element because it allows for case resolution without incarceration and emphasizes social rehabilitation, in accordance with Law No. 11 of 2012 on the Juvenile Criminal Justice System. A diversion process must be in place before the formal trial begins to resolve the case outside the criminal justice system, aiming to achieve restorative justice and to prevent the stigma associated with detention as well as the harmful effects of punishment on children. Law enforcement authorities should pursue diversion whenever a case meets specific criteria, reflecting that the judiciary does not immediately place children into the formal criminal justice system (Erizka Permatasari, 2021).

Secondly, the consideration of the report from the Correctional Institution (Bapas), which includes data concerning the child's personality, family circumstances, and social environment. This report serves to determine the child's eligibility for rehabilitation and to guide the provision of appropriate guidance or a suitable rehabilitation program tailored to each child's unique circumstances. The document assists judges in gaining a comprehensive understanding of the child's background, thereby facilitating decisions that are not solely based on legal factors but also encompass the child's protection and developmental needs (Sri Marthaningtyas, 2025).

Third, decisions that include rehabilitative elements such as guidance, educational development, or other measures that support the child's social recovery. The emphasis on actions that enhance the child's social interactions and skills reflects a shift from purely punitive approaches toward rehabilitation, as outlined in Law No. 11 of 2012 on the Juvenile Criminal Justice System (Shaffa Riyadhul Jannah M, 2025). Fourth, the judge's proactive involvement as a facilitator in the child's recovery exceeds simply acting as a formal adjudicator. Judges should focus on the child's protection and rehabilitation needs throughout all case stages, helping the parties implement the most suitable solutions for the child's reintegration into society. This role is based on the principle outlined in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, which mandates an approach that prioritizes the child's best interests (Walim et al., 2024).

In 2025, six judicial decisions served as the subject of this study. The six decisions included: first, the commission of a violent act resulting in the death of a child and theft; second, the offense of acting as an intermediary in the sale and purchase of Schedule I narcotics; third, the offense of carrying a stabbing weapon without authorization; fourth, aggravated theft; fifth, participation in a criminal act of violence against a child

resulting in serious injury; and sixth, possession of more than 5 grams of Schedule I narcotics (non-plant-based). Each judgment possesses unique characteristics; however, they share a commonality: all pertain to children in conflict with the law within the context of special criminal cases managed through the juvenile criminal justice system. Furthermore, these rulings reflect a child protection approach and adhere to the mechanisms of the juvenile criminal justice system as prescribed by law—including the implementation of rehabilitation measures, vocational training, and specific provisions concerning the education and supervision of children during their incarceration.

First, Judgment No. 1/Pid.Sus-Anak/2025/PN Lmg involves a child as the perpetrator of a violent crime resulting in death, accompanied by theft. This judgment states that the juvenile offender is 16 years old. The child's family background shows that the parents often left home early to work and support the family, leaving a senior sibling in charge of supervision, who has recently been occupied with work (Putusan Nomor 1/Pid.Sus-Anak/2025/PN Lmg, 2025) This led to the conclusion that the parents were unable to provide sufficient supervision; thus, under Article 3 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, the judge advised placing the child in an *LPKA* as a state-supported alternative form of care, in accordance with the principle of *parens patriae* (*Parens Patriae*, 2022).

The minor previously underwent diversion for motorcycle theft. The minor had long harbored feelings for the victim, frequently requesting her social outings, but was consistently rejected, and was once reported to have threatened the victim if she refused to engage in sexual relations. His actions were charged under Article 80, paragraph (3) of Law No. 35 of 2014 concerning Child Protection, which states: "Any person who commits violence against a child resulting in death shall be subject to a maximum imprisonment of 15 years." In this case, the judge sentenced the individual to 11 years of imprisonment and ordered his placement in an *LPKA*. From a legal standpoint, the elements of the relevant statute have been fulfilled, as evidenced by the act of violence leading to the victim's death. Nonetheless, substantively, the application of the maximum penalty in the case of a juvenile warrants reconsideration, taking into account the principle of the best interests of the child as articulated in Article 3 of the Law on the Juvenile Criminal Justice System.

The objective elements in this case are twofold: the use of violence and the resulting death of the victim. Evidence from the trial includes the Medical Examination Report (*Surat Visum Et Repertum*) No: R/004/RES.1.24/2025/Biddokkes, which links the act to the victim's death. The perpetrator's fault is evident because the child confessed to intentionally using high force. However, in juvenile cases, the fault element must be interpreted broadly, taking into account the child's social background. The subjective element pertains to the perpetrator's intent or will (*mens rea*). In the case of a child, this intent originates from an emotional impulse. The internal aspect may encompass an emotional outburst by the perpetrator during the exercise of self-control, as the *actus reus* coexists with the *mens rea*, culminating in a criminal act. Meanwhile, the external aspect usually stems from the circumstances involving both the perpetrator and the victim. This is illustrated by the fact that the violence against the victim happened because an opportunity arose from the surrounding circumstances (Ramadhan & Oktafia Ariyanti, 2024).

An eleven-year incarceration sentence for a juvenile offender of violence underscores a prioritization of deterrence over social and psychological rehabilitation. Prolonged detention of minors may lead to trauma, social isolation, and barriers to reintegration (Andara Hafzha Gustria Putri, 2025). The European Parliamentary Research Service highlights that child-friendly justice requires the juvenile criminal justice system to be appropriate to the child's developmental level, promote humane treatment, and avoid re-traumatizing the child during legal proceedings (Faturrahman, 2024). In this ruling, the judges' interpretation of the principle of the best interests of the child appears to be limited, leading to numerous rulings that do not prioritize this fundamental principle as the primary basis for judicial decisions (Sholehudin & Maharani, 2025). The community research report (*penelitian masyarakat or litmas*) from the Correctional Institution (Bapas) should be a mandatory consideration before a judge issues a verdict, so that the ruling reflects a balance between justice, protection, and the rehabilitation of the child. Thus, although the legal requirements of the ruling were satisfied, the principle of the child's best interests has not been fully upheld. The 11-year prison sentence given to the child should be replaced with rehabilitative measures at the *LPKA* that focus on personality development, moral education, and social reintegration, in accordance with the Child Protection Act and the principles of child-friendly, humane justice.

Second, Judgment No. 2/Pid.Sus-Anak/2025/PN Lmg involves a child acting as an intermediary in the sale and purchase of Schedule I narcotics, charged under Article 114 paragraph (1) of Law No. 35 of 2009 on Narcotics. The daily profile of this 17-year-old child, born on December 15, 2007, indicates that he serves as the family's breadwinner and still lives with his family, represented by his biological older sibling, who has expressed willingness to care for and educate him. Educationally, the child has dropped out of school, and without proper supervision from his family, he often returns home late at night or early in the morning. He also frequently socializes openly with friends, increasing his risk of associating with undesirable influences, including the possibility of getting involved with narcotics (Putusan Nomor 2/Pid.Sus-Anak/2025/PN Lmg, 2025).

The judge sentenced the juvenile to 4 years and 5 months of detention along with vocational training, after finding the child guilty of aiding in the unlawful sale of narcotics. Legally, the criteria are satisfied: the offender offered, sold, or acted as an intermediary in the sale of Schedule I narcotics. Nonetheless, under juvenile criminal law, the judge must also consider fault, motive, and role. Since the juvenile was only an intermediary, his culpability is lower than that of the main offender. According to Article 7, paragraph (1) of the Juvenile Justice Act, juvenile cases typically require diversion unless the sentence exceeds 7 years or involves recidivism. While the potential sentence here is significant, the judge also considers moral and rehabilitative factors relevant to the juvenile offender.

The objective elements of the case encompass two key components: the act of functioning as an intermediary and the possession of Schedule I narcotics, which serve as evidence. The trial demonstrated that the child was simply delivering a package to the purchaser, thereby rendering the child's role primarily that of a field operative. By employing the principles of restorative justice, the child is regarded not solely as a perpetrator but also as a victim of exploitation by a drug syndicate, attributable to inadequate parental supervision and the child's withdrawal from educational institutions. The subjective element involves the intention to act as an intermediary. However, the Indonesian Commission for Child Protection (*Komisi Perlindungan Anak or KPAI*) and the Bapas report a significant number of children involved in the criminal justice system, most of whom come from low-income or dysfunctional families. The family environment during a child's formative years is believed to influence the development of antisocial behaviour and criminal activity. Several studies suggest that juvenile delinquency and criminality frequently originate from adverse upbringing experiences (Agustin & Sulchan, 2025).

Consequently, the judge should evaluate the element of intent with greater proportionality. The application of the best interests of the child principle in this ruling has not been optimal, as it has primarily focused on sentencing rather than rehabilitation. In accordance with Supreme Court Regulation (Perma) No. 4 of 2014, legal proceedings against juvenile drug offenders should prioritize rehabilitation and social reintegration over punitive measures. Overall, this decision reflects a tendency within the judiciary to adopt a repressive stance in criminal cases involving minors and narcotics. However, especially in the case of children, imprisonment should be regarded as a last resort (*ultimum remedium*).

The principle of the child's best interests is adaptable and should be tailored to each child's unique situation. Judges need to evaluate all facets of the child's well-being—physical, emotional, social, and intellectual—before making a decision (Segun et al., n.d.). In this case, the 4-year, 5-month prison sentence does not consider these factors, as it overlooks environmental influences, coercion, and the child's position as a victim of socioeconomic circumstances. Although the legal criteria have been satisfied, this decision reveals a formalistic approach that neglects the child's best interests. The judge ought to have adopted a restorative justice approach, engaging family and social institutions to facilitate effective rehabilitation. This method aligns with the principles of the *SPPA Law* and international standards that emphasize the child's best interests as the foremost priority in all legal proceedings.

Third, Judgment No. 3/Pid.Sus-Anak/2025/PN Lmg. This judgment involves a minor convicted of carrying a sharp weapon without a permit, in violation of Emergency Law No. 12 of 1951. The child is a 17-year-old born on September 28, 2008, currently in 12th grade at school. The child's daily routine involves working at a coffee shop in Lamongan Regency; for instance, on April 17, 2025, at 6:30 PM, the child received an

Instagram message about a gang fight and coordinated with the group via a live Instagram broadcast. The child also picked up a friend and retrieved weapons from a nearby shop around 2:30 AM, suggesting a nightly routine involving the gang. The child's parents attended the hearing, expressing their full commitment to guiding and re-educating the child, and pleading for a lenient sentence so the child can continue his education (Putusan Nomor 3/Pid.Sus-Anak/2025/PN Lmg, 2025).

The judge issued a five-month suspended sentence with probation and supervision by the Bapas. Legally, this provision states that anyone who, without a valid reason, possesses, carries, stores, or hides a stabbing or piercing weapon can face up to 10 years in prison. In this context, the child's act of carrying a weapon without actually using it against the victim was considered a high-risk form of delinquency rather than a criminal act (Zahira Habibah & Hernanda, 2025). Therefore, the judge appropriately weighed and assessed the situation by imposing a conditional sentence and social supervision. However, when applying the principle of the child's best interests, supervision should be rehabilitative rather than merely an administrative measure.

The objective elements in this case involve the illegal possession and carriage of a sharp weapon. Evidence such as a folding knife and witness testimony sufficiently establishes these elements. However, sociologically, the child did not carry the weapon with premeditated intent but likely as a means of self-expression or influenced by their environment. This understanding underscores the importance of a social and educational approach. The subjective element, or the child's culpability, must be connected to intent (*mens rea*) as per the Bapas assessment or community research report (*penelitian kemasyarakatan or litmas*); no evidence of a plan to use the weapon for violent acts was identified. Thus, the intent to commit a criminal offense is not met (Pohan et al., 2023). This verdict aligns with restorative principles under the Law on the Juvenile Criminal Justice System and Supreme Court Regulation No. 4 of 2014, emphasizing the child's best interests. Instead of a criminal penalty, the child was provided with opportunities for rehabilitation under Bapas supervision. The five-month suspended sentence aligns with the principle of *ultimum remedium*, embodying a balanced approach that ensures both the safeguarding of society and the rehabilitation of the juvenile.

Fourth, Judgment No. 4/Pid.Sus-Anak/2025/PN Lmg. It states that the perpetrator's child was confirmed to have participated in aggravated theft according to Article 365, paragraph (2) of the former Criminal Code. The theft occurred on Sunday, 11th May 2025, at approximately 5:30 AM WIB, resulting in a total loss of Rp 5,000,000. The funds were subsequently utilized by the child for personal reasons. The child had a prior criminal record for similar offenses and had previously served an 8-month sentence at the Blitar Juvenile Rehabilitation Institution (LPKA). This ruling considered the child's age, family background, and criminal history when deciding the appropriate legal action (Putusan Nomor 4/Pid.Sus-Anak/2025/PN Lmg, 2025).

The judge handed down a prison sentence of 1 year and 6 months after finding the defendant guilty of property theft with violence. The key elements of the offense are the act of stealing, the property belonging to someone else, the use of violence or threats, and the intent to profit from the crime. Legally, all these elements are satisfied. Nonetheless, given that the defendant is a child, imprisonment should be a last resort (*ultimum remedium*), as outlined in the *SPPA Law (Amalin & Widjajanti, 2025)*. The principle of the child's best interests guarantees their protection, development, and social reintegration. This brief prison sentence aims to balance protecting the victim with rehabilitating the child, yet it still shows a repressive rather than restorative approach.

The key element here is the forcible taking of property. Trial records show that the juvenile defendant and his friend grabbed the victim's bag on the street, resulting in minor injuries. This demonstrates that violence was employed to steal the property. Nonetheless, the judge must also evaluate the child's motive and circumstances before deciding on a juvenile case. Children often commit robbery not out of malicious intent (*mens rea*), but because of economic hardship or peer pressure. These social and economic factors are important legal considerations when establishing the crime's elements. This subjective element is the intent (*mens rea*) to commit violence and take another person's property (Pohan et al., 2023). However, according to the Bapas assessment or community research report (*penelitian kemasyarakatan or litmas*), it was found that the child had committed the same act of theft at the Tuban District Court. The prison sentence without any rehabilitative component also indicates that the application of the principle of the best interests of the child has not been optimal. The current juvenile justice system still lacks provisions for social reintegration programs and character development, even though the objectives of juvenile justice differ from those for adults, as it must

prioritize the child's moral and social development. In this case, the judge did not explicitly include family counseling. In fact, the child's history of recidivism indicates a need for psychosocial intervention. This suggests that the judgment's disposition does not yet reflect the state's obligation to ensure the child's rehabilitation.

Social rehabilitation and moral education should be fundamental parts of the court's decision. Skills training programs, family counseling, and non-formal education at the *LPKA* act as tools to promote character growth and responsibility among children. Therefore, the court's ruling should not focus only on a prison sentence but also affirm the state and family's responsibilities to help the child reintegrate into society. In accordance with the principle of the best interests of the child, sentencing should establish a framework for accountability while safeguarding the child's future. A ruling lacking concrete rehabilitation measures risks the child reverting to previous behavioral patterns without sufficient support for change.

Fifth, Judgment No. 5/Pid.Sus-Anak/2025/PN Lmg. In which the child was found to have committed an act of violence against another child, resulting in serious injury, and was charged under Article 80 paragraph (2) of Law No. 35 of 2014 on Child Protection. Factors affecting the child's involvement in criminal activities include his young age, which makes him vulnerable to negative influences from his environment, as he was also recognized as a street child. The judge issued a sentence of two years in prison and vocational training (Putusan Nomor 5/Pid.Sus-Anak/2025/PN Lmg, 2025). This case is notable because both the perpetrator and the victim are minors, so the approach taken should consider the developmental needs of both parties. Although the sentence may appear punitive, the *SPPA* Law prioritizes restorative and rehabilitative approaches.

The principle of the best interests of the child requires a legal process that not only punishes but also corrects the child's behavior and restores social relationships harmed by the criminal act. The key elements of this case are established, especially the occurrence of violence leading to serious injury. The *Visum Et Repertum* No. 400.7.31/1065/413.209/2025 and the victim's testimony confirm that the perpetrator hit the victim's head, resulting in significant harm. Psychologically, children who commit violence often show reactive behavior patterns due to emotional regulation issues and dysfunctional family backgrounds. This supports the idea that rehabilitative methods, like psychosocial therapy and family counseling, tend to be more effective than incarceration.

From the perspective of the child's best interests, rehabilitation should be the main focus. Additionally, imprisoning perpetrators of violence risks impeding moral and social growth. Court-ordered sentences often reinforce traditional punishment methods. The conditions in juvenile detention centers, which do not yet fully provide a stable, rehabilitative environment, often make imprisonment an ineffective way to change children's behavior. The principle of the best interests of the child requires that the ruling give the perpetrator a chance to understand the impact of their actions and to repair damaged social relationships. Restorative methods like counseling, peer mediation programs, and emotion regulation therapy should be central to managing the case. The ruling in this case has not fully aligned with this approach; as a result, the principle of the best interests of the child has not adequately ensured the psychosocial recovery needed.

Sixth, Judgment No. 6/Pid.Sus-Anak/2025/PN Lmg. The child was convicted of possessing more than 5 grams of methamphetamine, a Schedule I narcotic, and was charged under Article 112 paragraph (2) of Law No. 35 of 2009 on Narcotics. The written judgment states that the child was 17 years old and had no prior criminal record; the child expressed remorse for the act and promised not to repeat it. The judge sentenced the individual to one year and three months in prison, along with vocational training. Legally, this provision states that anyone who, without authorization, owns, stores, controls, or supplies Category I narcotics of a certain weight can face up to 12 years in prison (Putusan Nomor 6/Pid.Sus-Anak/2025/PN Lmg, 2025). In juvenile criminal cases, this sentence is seen as lenient. Since the juvenile justice system in Indonesia still relies on retributive punishments, the principle of rehabilitation has not yet had a significant impact on judicial decisions. This is clear because imprisonment was still applied, even though the offender was a child in a socially vulnerable situation.

From an objective standpoint, physical evidence and forensic laboratory results confirm possession of

narcotics. The minor, in this case, knowingly and intentionally consumed narcotics and sold Schedule I narcotics without permission. Based on the facts presented in court, the minor committed these acts with full awareness of the nature of the substances involved, which satisfies the element of mens rea. The subjective element concerns the intent to possess narcotics; this intent must still be assessed proportionally, as age and mental maturity can affect the child's understanding of the legal consequences of their actions. Although the criminal elements are proven, the judge must still consider environmental factors, peer influence, and the child's social circumstances before determining their criminal liability.

The principle of the best interests of the child, which supports rehabilitation and long-term intervention, is essential for the child's well-being. The goals of the Child Protection Act concerning narcotics are more aligned with a rehabilitative approach, such as addiction counseling, behavioral therapy, and family support. The *SPPA Law* highlights that guidance, education, and social rehabilitation should be the primary basis in sentencing children, as a purely punitive approach is not effective enough to prevent recidivism or improve the child's condition. While this decision includes vocational training, it does not explicitly incorporate addiction rehabilitation, which is vital in cases involving narcotics. This indicates that the decision has not yet fully adopted the principle of the best interests of the child. For effective child rehabilitation, a more comprehensive strategy is necessary. Regarding the six cases at Lamongan District Court in 2025 related to the principle of the best interests of the child, a summary can be presented in the following table.

Table 3. Summary of Juvenile Criminal Verdicts at Lamongan District Court in 2025

No.	Decision Number	Parties	Judgment	Case Category
1.	Judgment No. 1/Crim.Juvenile/2025/District Court of Lmg	<ul style="list-style-type: none"> ● Defendant: AI (child) ● Victim: VPR (child) ● Judge: Olyviarin R. ● Court Clerk: Leny Muji ● Prosecutor: Septi Hariyanti ● Legal Counsel: LABH AL BANNA ● Probation Officer 	11 years' imprisonment at the Blitar Juvenile Correctional Facility and 12 months of vocational training.	Violence against a child resulting in death and theft (Article 80 paragraph (3) of Law No. 35 of 2014 and Article 362 of the Criminal Code)
2.	Judgment No. 2/Pid.Sus-Anak/2025/PN Lmg	<ul style="list-style-type: none"> ● Defendant: FR (child) ● Judge: Olyviarin R. ● Court Clerk: Nafi'uddin ● Prosecutor: Eko Vitiyandono ● Legal Counsel: LABH AL BANNA ● Probation Officer 	Four years' imprisonment at the Blitar Correctional Institution and five months of vocational training.	Acting as an intermediary in the sale and purchase of Schedule I narcotics (Article 114, paragraph (1) of Law No. 35 of 2009)
3.	Judgment No. 3/Pid.Sus-Anak/2025/PN Lmg	<ul style="list-style-type: none"> ● Defendant: DUR (child) ● Judge: Satriany A. ● Court Clerk: Siswanto ● Prosecutor: Dwi Dara A. ● Legal Counsel: LABH AL BANNA ● Probation Officer 	Probation for 5 months on the condition that the child does not commit another crime	Unlawful possession of a stabbing weapon (Emergency Law No. 12 of 1951)
4.	Judgment No. 4/Pid.Sus-Anak/2025/PN Lmg	<ul style="list-style-type: none"> ● Defendant: MI (child) ● Victim: IF. ● Judge: Anastasia I. ● Clerk: Hari P. ● Prosecutor: Eko Vitiyandono 	A prison sentence of 1 year and 6 months at the Blitar Correctional Institution.	Aggravated theft (Article 365 paragraph (2) of the Criminal Code)

No.	Decision Number	Parties	Judgment	Case Category
		<ul style="list-style-type: none"> • Legal Counsel: LABH AL BANNA • Probation Officer 		
5.	Judgment No. 5/Pid.Sus-Anak/2025/PN Lmg	<ul style="list-style-type: none"> • Defendant: RA (child) • Victim: NA (child) • Presiding Judge: Yogi Rachmawan • Associate Judges: I Gede Perwata and Satriany Alwi • Court Clerk: Agung C. • Prosecutor: Nugroho Satya. • Legal Counsel: LABH AL BANNA • Probation Officer 	Two years' imprisonment at the Blitar Juvenile Correctional Facility and three months of vocational training	Violence against a child resulting in serious injury (Article 80 paragraph (2) of Law No. 35 of 2014)
6.	Judgment No. 6/Pid.Sus-Anak/2025/PN Lmg	<ul style="list-style-type: none"> • Defendant: MNA (child) • Presiding Judge: Olyviarin R. • Associate Judges: Andi Muhammad and Anastasia I. • Court Clerk: Siswanto • Prosecutor: Eko Vitiyandono • Legal Counsel: LABH AL BANNA • Probation Officer 	Imprisonment for 1 year and 3 months at the Blitar Correctional Institution and vocational training for 4 months	Possession of more than 5 grams of a Schedule I narcotic (Article 112 paragraph (2) of Law No. 35 of 2009)

Source: Data from Supreme Court Judgment Directory Data, compiled by the Author, 2026.

A thorough review of six 2025 rulings by Lamongan District Court reveals that the principle of the child's best interests has not been consistently applied in accordance with relevant legal standards, especially Supreme Court Regulation (Perma) No. 4 of 2014. However, these rulings often combine imprisonment with vocational training, reflecting an effort to balance punishment objectives with the principle of child protection. The direction of the rulings still tends to be repressive rather than restorative. This is shown by relatively high prison sentences in cases such as violence resulting in death (11 years) and drug trafficking (4 years and 5 months), as well as the lack of any record of diversion agreements in the court minutes attached to the rulings. This fact indicates that the technical procedures of Perma No. 4 of 2014, which require judges to order diversion before the trial hearing, have not been fully implemented.

The implementation of Supreme Court Regulation No. 4 of 2014 at Lamongan District Court is seen as only partial and focused solely on formal court proceedings. This results in children remaining incarcerated despite available opportunities for rehabilitation through a restorative approach. Additionally, the lack of consideration given to the recommendations from the Bapas shows that the function of Article 7 of Perma No. 4 of 2014, regarding the review of Bapas reports before deciding on diversion eligibility—has not been properly fulfilled or implemented (Firdaus et al., 2019). Therefore, the judge's considerations focus more on formal legal aspects than on social and educational ones, so the ruling does not fully ensure the psychosocial recovery the child needs. This situation highlights a gap between the technical norms required by the Perma and how they are put into practice.

Based on a review of six decisions issued by Lamongan District Court in 2025, the application of the principle of the best interests of the child has been inconsistent and generally weak in practice. Diversion procedures, which should be prioritized for certain cases, are often not implemented even when the criteria are met, and

there are no evident efforts toward reconciliation in the rulings. Reports from the Probation Office are considered, but they do not play a dominant role in the judge's decision, leading to insufficient attention to the child's social and psychological well-being (Bulan Aulia, 2024). The indicator that functions most effectively is the consideration of BAPAS, as all decisions consistently demonstrate the inclusion of guidance and the use of community research findings as the foundation for judicial deliberation. This ensures that the child's social situation, background, and needs are considered in the decision-making process, so that the outcome does not focus solely on punishment but also on the child's rehabilitation and future.

Applying these four criteria consistently will make the juvenile justice system more effective at protecting children's rights and future. However, research shows that practices at Lamongan District Court remain focused mainly on formal legal procedures. Diversion is often not used to its full potential; while all social research (*litmas*) from Bapas is included and considered in juvenile cases, they do not significantly influence rulings, and the decisions do not yet fully embody a rehabilitative approach. This underscores the need for stronger institutions and a paradigm shift in juvenile law enforcement.

Table 4. Analysis of Four Indicators Regarding Lamongan District Court Decisions of 2025

No.	Decision	Indicator 1: Diversion Process	Indicator 2: BAPAS Considerations	Indicator 3: Rehabilitation Elements	Indicator 4: Judge's Involvement
1.	Judgment No. 1/Crim.Juvenile/2025/Lmg District Court	Attempted but unsuccessful (proceeded to trial)	Counseling has been provided, and the court has reviewed the community research report (<i>litmas</i>); however, the sentence does not match the report from the Correctional Institution (Bapas).	The rehabilitation aspect is unclear; the ruling only mentions a work training sentence—work training is part of social reintegration—but the judge's considerations in the ruling include rehabilitation.	The judge took proactive action by not only issuing the sentence but also recommending social reintegration before the child was reintegrated into society.
2.	Judgment No. 2/Pid.Sus-Anak/2025/PN Lmg	None	Counseling was provided, and the results of the community research report (<i>litmas</i>) were read.	The rehabilitation aspect is unclear and only mentions vocational training (which is included in social reintegration as regulated in SPPA Law).	The judge was active, as they issued a verdict and also recommended social reintegration before the child was returned to society.
3.	Judgment No. 3/Pid.Sus-Anak/2025/PN Lmg	Not explicitly mentioned	Counseling has already been provided, and the results of the community research report (<i>litmas</i>) have been taken into account.	None	The judge took initiative by imposing a supervised probation sentence with several specific conditions.
4.	Decision No. 4/Pid.Sus-Anak/2025/PN Lmg	Already	Counseling was provided, and the results of the community research report (<i>litmas</i>) were read.	None	Not very active, as it concentrates only on punishment without rehabilitation or social reintegration before the child

No.	Decision	Indicator 1: Diversion Process	Indicator 2: BAPAS Considerations	Indicator 3: Rehabilitation Elements	Indicator 4: Judge's Involvement
5.	Judgment No. 5/Pid.Sus-Anak/2025 /PN Lmg	Already in place	Counseling is already established, and the results of the community research report (<i>litmas</i>) have been presented.	The rehabilitation aspect is unclear and only mentions vocational training (which is included in social reintegration as regulated in SPPA Law).	reenters society. The judge was active, as they issued the verdict and also recommended social reintegration before the child was returned to society.
6.	Judgment No. 6/Pid.Sus-Anak/2025 /PN Lmg	None	Counseling was provided, and the results of the community research report (<i>litmas</i>) were read.	The rehabilitation aspect is unclear and only mentions vocational training (which is included in social reintegration as regulated in SPPA Law).	The judge was proactive, as he delivered the verdict and also suggested social reintegration before returning the child to society.

Source: Processed by Authors, 2026.

This study shows that applying the best interests of the child principle in juvenile criminal cases at Lamongan District Court in 2025 still faces various challenges that can be analyzed both conceptually and practically. International and national legal frameworks explicitly mandate an approach that prioritizes the protection and future of the child; however, its implementation at the judicial level, especially at Lamongan District Court, seems inconsistent. Diversion, which should be the primary tool for resolving juvenile cases, is still not applied consistently, even though it is required in certain cases. Considerations from the Bapas have also not become the primary basis for judges' decisions, resulting in rulings that tend to focus more on legal formalities than on the child's personal needs and development. Nonetheless, Article 60 of Law No. 11 of 2012 on the Juvenile Criminal Justice System states: "*Judges must consider the social assessment report from the Probation Officer before rendering a verdict.*" This shows a gap between legal rules and actual judicial practice.

Institutionally, coordination among agencies in Lamongan Regency needs to be strengthened. The Bapas is crucial for providing social recommendations and psychological counseling for children, but it faces staffing and social worker shortages at Lamongan Correctional Services Office. Similarly, the Blitar Special Juvenile Rehabilitation Institutions (*LPKA*), responsible for juvenile sentence executions, must enhance its rehabilitation and counseling services to avoid functioning like a standard prison. The DP3A, working with schools, can broaden prevention efforts through legal education and family support programs. Such institutional collaboration will help uphold the child's best interests from investigation through post-sentencing. Furthermore, it is crucial to realign judicial policy by enhancing training for judges, prosecutors, and investigators on restorative justice methods. This training must highlight that diversion is not just an administrative step but also a vital obligation that promotes the social rehabilitation of children. According to research findings and empirical conditions in Lamongan Regency, as reflected in the verdicts above, the application of the best interests principle remains procedural and has not yet addressed the core of recovery. Law enforcement should shift from a repressive approach to a restorative one that reaffirms children's individual dignity and their roles in society.

CONCLUSION

The findings of this study suggest that the application of the best interests of the child principle in rulings in juvenile criminal cases at Lamongan District Court in 2025 has not been consistently or optimally implemented. While this principle is well-established in various legal instruments both nationally and

internationally, its practical application in the judiciary faces several challenges. Analysis of six rulings shows that judges mainly tend to adopt a repressive approach, often sentencing juveniles to prison, though some rulings incorporate vocational training. This approach, however, does not fully align with restorative justice principles, which focus on rehabilitation, social reintegration, and safeguarding the child's future. Additionally, the use of diversion as the main mechanism in juvenile justice remains underutilized, even when cases qualify for it. The lack of documentation of diversion agreements in court decisions indicates that the procedures in Supreme Court Regulation No. 4 of 2014 are not being effectively followed. The role and input of Bapas reports are also underused in judicial decision-making. This reveals a gap between legal norms and actual practice. To address these issues, efforts should focus on strengthening law enforcement capacity, better implementing diversion, improving support from institutions like Bapas, and shifting from a retributive to a restorative paradigm centered on rehabilitation and the child's best interests.

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