

Reconciling Accountability and Child Protection: A Doctrinal Analysis of Warning Sanctions in Indonesian Juvenile Justice System

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Abstract

Children in conflict with the law require legal responses that balance criminal accountability with the protection of their developmental rights. In the Indonesian juvenile justice system, warning sanctions (pidana peringatan) constitute the least intrusive criminal sanction under Law No. 11 of 2012 on the Juvenile Criminal Justice System. Existing investigations on this subject matter have primarily focused on diversion, restorative justice, and institutional reforms, while limited attention has been given to warning sanctions as an independent legal mechanism in juvenile sentencing. Therefore, this study aims to address the stated gap by examining the legal significance and protective function of warning sanctions in child-centred criminal justice. To achieve the stated objective, a normative legal method was adopted using statutory, conceptual, and comparative approaches. The analysis showed that warning sanctions serve not only as the mildest form of punishment but also as a proportionate legal response, enabling courts to affirm responsibility while avoiding unnecessary penal intervention. When applied through reasoned judicial assessment, warning sanctions support behavioural correction, reduce stigmatisation, and safeguard children's developmental interests. This study contributes to the existing body of publications by positioning warning sanctions as a normative instrument that mediates the relationship between criminal accountability and child protection. The results clarify the doctrinal role of warning sanctions in juvenile sentencing policy and strengthen the conceptual foundation for proportionate and child-centred responses to juvenile offending in Indonesia.

Keywords: children in conflict with the law; legal protection; juvenile justice system; restorative justice; warning sanctions.

Abstrak

Anak-anak yang berkonflik dengan hukum memerlukan tanggapan hukum yang menyeimbangkan pertanggungjawaban pidana dengan perlindungan hak-hak perkembangan mereka. Dalam sistem peradilan anak di Indonesia, sanksi peringatan (pidana peringatan) merupakan sanksi pidana yang paling tidak invasif berdasarkan Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Anak. Penelitian yang ada mengenai topik ini sebagian besar berfokus pada diversifikasi, keadilan restoratif, dan reformasi kelembagaan, sementara perhatian terhadap sanksi peringatan sebagai mekanisme hukum independen dalam penjatuhan hukuman anak masih terbatas. Oleh karena itu, penelitian ini bertujuan untuk mengatasi kesenjangan tersebut dengan mengkaji signifikansi hukum dan fungsi perlindungan sanksi peringatan dalam peradilan pidana yang berpusat pada anak. Untuk mencapai tujuan tersebut, metode hukum

normatif diterapkan dengan menggunakan pendekatan yuridis, konseptual, dan komparatif. Hasil analisis menunjukkan bahwa sanksi peringatan tidak hanya berfungsi sebagai bentuk hukuman yang paling ringan, tetapi juga sebagai respons hukum yang proporsional, sehingga memungkinkan pengadilan untuk menegaskan pertanggungjawaban sekaligus menghindari intervensi pidana yang tidak perlu. Ketika diterapkan melalui penilaian yudisial yang berlandaskan alasan, sanksi peringatan mendukung koreksi perilaku, mengurangi stigmatisasi, dan melindungi kepentingan anak dalam perkembangan. Penelitian ini berkontribusi pada khazanah publikasi yang ada dengan memposisikan sanksi peringatan sebagai instrumen normatif yang memediasi hubungan antara pertanggungjawaban pidana dan perlindungan anak. Hasil penelitian ini memperjelas peran doktrinal sanksi peringatan dalam kebijakan penetapan hukuman bagi anak serta memperkuat landasan konseptual bagi respons yang proporsional dan berpusat pada anak terhadap tindak pidana yang dilakukan anak di Indonesia.

Kata kunci: anak yang berkonflik dengan hukum; keadilan restoratif; perlindungan hukum; sanksi peringatan; sistem peradilan anak.

Introduction

Children are in a uniquely vulnerable position in legal systems due to their demographic and developmental stage, psychological immaturity, and increased susceptibility to environmental influences.¹ Recognising these characteristics, international juvenile justice standards, particularly the United Nations Convention on the Rights of the Child (CRC) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), require that children in conflict with the law be treated in a manner that prioritises rehabilitation, proportionality, and the best interests of the child rather than punitive retribution. These instruments motivate legal systems to adopt child-centred responses that promote accountability while safeguarding children's future development and social reintegration.²

Indonesia has made efforts to operationalise its stated international obligations through Law No. 11 of 2012 on the Juvenile Criminal Justice System (*Sistem Peradilan Pidana Anak* — SPPA). SPPA Law marked a significant shift from a predominantly punitive model toward a more protective framework by institutionalising diversion, restorative justice, proportionality, and the best interests of the child as guiding principles of juvenile justice. Despite this normative transformation, questions remain regarding how effectively the outlined principles are translated into sentencing practices.³ Within this context, an area that has

¹ Ica Karina, "The Effectiveness of Restorative Justice in Resolving Juvenile Criminal Cases: An Examination of Legal and Social Perspectives," *Jurnal Smart Hukum (JSH)* 3, no. 1 (2024): 96, <https://doi.org/10.55299/jsh.v3i1.1083>.

² Jeremy Arnold Christian Bangun dkk., *Penyelesaian Perkara Klitih Melalui Pendekatan Keadilan Restoratif Dalam Sistem Peradilan Pidana Anak*, 3, no. 6 (2025).

³ Meliana Kartika Herningsih dan R. Rahaditya, *Stigmatization of Delinquent Children and Those in Conflict with the Law*, t.t.

received limited scholarly attention is warning sanctions (*pidana peringatan*), which represent the least intrusive criminal sanction available under the SPPA framework.⁴ Although designed to balance accountability and protection, the doctrinal basis, practical significance, and child-protective function of warning sanctions remain insufficiently examined in Indonesian juvenile justice scholarship.

Among the range of sanctions provided under SPPA Law, warning sanctions (*pidana peringatan*) represent the most distinctive and least restrictive responses available in the Indonesian juvenile justice system. Explicitly recognised in Article 71 of the SPPA Law, warning sanctions consist of a formal judicial admonition delivered by the court to a child offender who has committed a criminal act. Unlike custodial sanctions or other restrictive measures, warning sanctions do not deprive children of liberty or subject them to coercive control. Rather, these sanctions function as a formal expression of legal disapproval combined with a corrective message intended to help the child recognise the consequences of unlawful conduct and refrain from repeating such behaviour.⁵ Normatively, warning sanctions convey the principle that not every juvenile offence requires a punitive response; in certain circumstances, the articulation of legal responsibility may be sufficient to restore normative order while preserving children's developmental opportunities.

The relevance of warning sanctions becomes particularly evident when considering the potential adverse effects associated with formal criminal justice interventions. A substantial body of criminological and socio-legal studies has warned against the unintended consequences of excessive penal intervention in juvenile justice. Labelling theorists such as Edwin Lemert and Howard Becker argued that formal criminal justice reactions may contribute to the construction and reinforcement of deviant identities, particularly when young offenders become subject to stigmatising social labels. Consistent with this perspective, juvenile justice explorations have emphasised that institutional exposure and punitive sanctions may increase social marginalisation, disrupt educational development, and hinder successful reintegration into society. As a result, many scholars and policymakers advocate the principles of minimal intervention and proportionate sentencing as safeguards against unnecessary criminalisation and its long-term developmental consequences for children.⁶ These principles are widely recognised in international juvenile justice standards as essential protections against the over-

⁴ Mujiono Mujiono dkk., "Juvenile Justice Reform and the Principle of Best Interests of the Child: A Global Legal Perspective," *RIGGS: Journal of Artificial Intelligence and Digital Business* 4, no. 2 (2025): 5965, <https://doi.org/10.31004/riggs.v4i2.1522>.

⁵ Sitti Aisyah dan Muhammad Husni Fahrudin, "The Impact Of Restorative Justice On Addressing Juvenile Offenses The Impact Of Restorative Justice On Addressing Juvenile Offenses," *Awang Long Law Review* 7, no. 1 (2024): 195, <https://doi.org/10.56301/awl.v7i1.1482>.

⁶ Widowati dan Vu Le Giang, "Child Punishment Versus the Principle of Non-Discrimination in the Perspective of Human Rights: A Legal Comparison Between Indonesia and Vietnam," *Jurnal Suara Hukum* 7, no. 1 (2025): 260, <https://doi.org/10.26740/jsh.v7n1.p245-273>.

criminalisation of young people. In this context, warning sanctions can be understood as a mechanism that allows courts to maintain legal accountability while avoiding the harmful consequences of more severe penal interventions.⁷

Regardless of the normative importance of warning sanctions, their practical position in the Indonesian juvenile justice system remains insufficiently examined. Judicial practice has shown that warning sanctions are rarely discussed in sentencing literature and receive considerably less attention than diversion and restorative justice mechanisms. The absence of detailed statutory criteria governing the application of these sanctions also creates the potential for inconsistent judicial interpretation regarding when each should be imposed and how they are expected to function as a protective response for children. These circumstances raise important questions concerning the practical and doctrinal significance of warning sanctions in the broader framework of juvenile sentencing policy.

Although juvenile justice has become an important topic in Indonesian legal scholarship, most existing studies focus on diversion mechanisms, restorative justice practices, institutional reforms, or more restrictive forms of juvenile sentencing within the SPPA framework. Based on observations, warning sanctions (*pidana peringatan*) have received comparatively limited attention, partly because they are often perceived as the weakest and least consequential form of criminal sanction.⁸ As a result, scholarly discussion has tended to treat warning sanctions as a peripheral procedural measure rather than an independent object of doctrinal inquiry. This tendency has contributed to a significant gap in the literature, as sanctions occupy a unique position in the Indonesian juvenile sentencing structure, constituting a formal criminal sanction while simultaneously seeking to minimise penal intrusion and protect children from the adverse consequences of deeper inclusion in the criminal justice system.⁹

The neglect of warning sanctions is doctrinally significant because it leaves fundamental questions concerning their legal nature and function unresolved. Some of these questions include: if warning sanctions are intended to operate as more than symbolic judicial admonitions, how should they be conceptualised in the framework of child protection? What normative justification explains the use of a criminal sanction as a protective legal response? Existing scholarship has not adequately addressed how warning sanctions mediate the relationship between accountability and protection, nor has it examined their role as a structured child-

⁷ Suci Dini Lubis dan Syaddan Dintara Lubis, "Regulations on Diversion in the Settlement of Children in Conflict with the Law: A Comparative Analysis of Positive Law and Islamic Criminal Law," *Al-Adalah: Jurnal Hukum dan Politik Islam* 9, no. 2 (2024): 211, <https://doi.org/10.30863/ajmpi.v9i2.7021>.

⁸ Iryana Anwar dkk., "Restorative Approaches to Managing Children in Conflict with the Law," *JlHK* 6, no. 1 (2024): 40, <https://doi.org/10.46924/jlhk.v6i1.193>.

⁹ Zainuddin Zainuddin dan Azwad Rachmat Hambali, "Implementation of Diversion for Children in Conflict with the Law by the National Police of Indonesia," *European Journal of Law and Political Science* 2, no. 6 (2023): 17, <https://doi.org/10.24018/ejpolitics.2023.2.6.112>.

protection mechanism in juvenile sentencing policy. This study addresses that gap by analysing the doctrinal foundations, protective function, and normative significance of warning sanctions in the Indonesian juvenile justice system.

Existing studies have generally examined warning sanctions only as one component of the broader juvenile sentencing framework, without specifically addressing their doctrinal status as an independent legal protection mechanism. Previous studies have not adequately explained how warning sanctions mediate the relationship between criminal accountability and child protection, nor have they clarified the normative justification for treating warning sanctions as a distinct child-centred response in the juvenile justice system. This unresolved issue constitutes the principal gap addressed by the present study.

The observed relative absence of doctrinal analysis raises several important questions, including: if warning sanctions represent the most lenient form of criminal sanction available in the juvenile justice system, what legal role do they play in balancing accountability and protection for children in conflict with the law? Are warning sanctions symbolic judicial gestures, or do they function as substantive mechanisms that can prevent unnecessary penal intervention and protect children from the detrimental consequences of punitive criminal justice processes? Furthermore, how does the existence of warning sanctions reflect the normative commitment of Indonesian law to uphold the best interests of children while maintaining the legitimacy of criminal law enforcement? To address the stated issues, the present study examines two main questions. First, what normative role do warning sanctions play in the Indonesian juvenile justice framework? Second, how do warning sanctions function as mechanisms of legal protection for children in conflict with the law in the broader architecture of juvenile criminal law?

Apart from identifying the limited doctrinal attention to warning sanctions, this study offers a distinct analytical contribution by situating them within the broader theoretical framework of child-centred criminal justice.¹⁰ Rather than treating warning sanctions as procedural elements in juvenile sentencing, it conceptualises them as a normatively bounded instrument of legal protection that mediates the relationship between criminal accountability and developmental safeguarding.¹¹ By integrating statutory interpretation, principles of child protection, and comparative perspectives on non-custodial juvenile sanctions, this investigation advances a more structured understanding of how warning sanctions operate within Indonesia's juvenile justice architecture.

Following its national relevance, the examination of warning sanctions further contributes to broader international discussions on proportionate and non-

¹⁰ Irabiah Junus dkk., "Criminological Review of Juvenile Delinquency in Society Due to Parenting in the Gen Z Era," *Journal of Law and Legal Reform* 6, no. 1 (2025): 493, <https://doi.org/10.15294/jllr.v6i1.14467>.

¹¹ Ade Rizki Saputra dkk., "Restorative Justice Approach to the Juvenile Criminal Justice System in Indonesia," *Formosa Journal of Sustainable Research* 3, no. 6 (2024): 162, <https://doi.org/10.55927/fjsr.v3i6.10506>.

custodial responses in juvenile justice systems.¹² Contemporary reforms across different legal traditions increasingly aim to minimise the use of custodial sanctions for young offenders and prioritise measures that reinforce accountability while safeguarding developmental interests. Within this context, the Indonesian experience provides an instructive case for understanding how minimally intrusive sanctions may operate in a statutory juvenile justice framework.¹³ Therefore, analysing the normative structure and function of warning sanctions offers insights that extend beyond the Indonesian legal system, contributing to comparative debates on how legal systems can reconcile the objectives of criminal responsibility, child protection, and the prevention of unnecessary penal intervention.

Considering the above discussion, the present study examines the existence and legal significance of warning sanctions as a legal protection measure for children in conflict with the law in the Indonesian juvenile justice system. Adopting a normative legal approach, this study analyses statutory provisions in SPPA Law, principles of child protection embedded in national and international legal frameworks, and theoretical perspectives on juvenile sentencing. This analysis aims to clarify the doctrinal foundations, functions, and implications of warning sanctions within the Indonesian juvenile justice system.¹⁴

The present study, by addressing the stated issues, contributes to the broader academic discourse on juvenile justice and child protection by establishing that warning sanctions should not be regarded as symbolic or procedural elements in criminal proceedings. Rather, they constitute an important legal mechanism through which the juvenile justice system can reconcile the dual objectives of legal accountability and the protection of children's developmental rights. Their significance lies not in the imposition of coercive punishment, but in the formal expression of legal disapproval communicated through judicial authority. Consistent with Feinberg's theory of the expressive function of punishment, warning sanctions enable courts to publicly affirm that child conduct violates legal norms while avoiding the potentially harmful consequences associated with more intrusive penal interventions. This communicative function reinforces accountability without undermining the rehabilitative and protective objectives of juvenile justice. A clearer understanding of the normative role of warning sanctions is therefore essential for strengthening the juvenile justice system that is not only legally coherent but also genuinely responsive to the protection and future well-being of children in conflict with the law.

¹² Fasa Muhamad Hapid dkk., "Perlindungan Hukum Dalam Pemberitaan Media Daring Bagi Anak Yang Berkonflik Dengan Hukum," *JPAI: Jurnal Perempuan dan Anak Indonesia* 5, no. 1 (2023): 21, <https://doi.org/10.35801/jpai.5.1.2023.49135>.

¹³ Gwendolyn J. Koops-Geuze dan Frank M. Weerman, "Community Sanctions in Youth Justice Compared to Other Youth Crime Responses: A Meta-Analysis," *European Journal of Criminology* 20, no. 2 (2023): 768, <https://doi.org/10.1177/14773708211035305>.

¹⁴ Aulia Fikrina dkk., *Pemenuhan Hak Pendidikan Anak Berkonflik Dengan Hukum Dalam Sistem Peradilan Pidana Anak di Indonesia*, 7 (2023).

Methods

This study adopts normative legal methodology to examine the existence and legal function of warning sanctions as a mechanism of legal protection for children in conflict with the law in the Indonesian juvenile justice system. Normative legal methodology is appropriate because the study focuses on interpreting legal norms governing juvenile criminal sanctions and the doctrinal principles underlying child protection in criminal law. The study adopts three complementary analytical approaches: statutory, conceptual, and comparative. The statutory approach is used to analyse the legal framework governing warning sanctions in the Indonesian juvenile justice system, particularly Law No. 11 of 2012 on the Juvenile Criminal Justice System, Law No. 35 of 2014 on Child Protection, and relevant provisions of the Indonesian Criminal Code. The conceptual approach is applied to examine doctrinal principles concerning child protection, juvenile sentencing, restorative justice, and proportionality that form the normative basis for child-centred criminal justice policies. The comparative approach is utilised to examine warning-based measures in selected jurisdictions, particularly Germany, the United Kingdom, and the Netherlands, to identify common normative principles and evaluate the position of warning sanctions within broader developments in juvenile justice policy. The scope of this study is limited to warning sanctions as regulated under Article 71 of Law No. 11 of 2012 and their application to children in conflict with the law, particularly in cases including minor or less serious offences where non-custodial responses are considered appropriate. This exploration does not examine all categories of juvenile offending but focuses on the normative justification, protective function, and sentencing rationale underlying the use of warning sanctions.¹⁵

This study utilises a doctrinal legal methodology, synthesising primary statutory sources with secondary academic discourse to evaluate the normative consistency of juvenile sentencing. Primary legal materials include statutory regulations governing juvenile justice and child protection, particularly Law No. 11 of 2012, Law No. 35 of 2014, and relevant provisions of the Indonesian Criminal Code. Secondary legal materials comprise academic literature, including scholarly books, peer-reviewed journal articles, and prior studies addressing juvenile justice, child protection, and sentencing theory, while tertiary materials, such as legal dictionaries and reference documents, are used to clarify legal terminology and concepts. Data collection is conducted through a systematic literature review and analysis of legal documents, focusing on materials relevant to the problem under examination. The collected materials are analysed qualitatively using doctrinal legal analysis, adopting techniques of statutory interpretation, systematic interpretation, and principle-based legal reasoning to

¹⁵ Devi Rakhmatika dan Sami'an Sami'an, "Ratiodecidenti of Judge in Imposing Warning Punishment Against Children in Conflict with the Law from the Perspective of Child Protection," *Rechtsnormen Journal of Law* 2, no. 1 (2023): 73, <https://doi.org/10.55849/rjl.v2i1.535>.

evaluate the normative structure of warning sanctions and their role in the Indonesian juvenile justice system.¹⁶ Comparative legal analysis is further applied to identify similarities and differences between Indonesian warning sanctions and warning-based juvenile measures in selected foreign jurisdictions. This comparative perspective is not intended to evaluate institutional effectiveness empirically but to enrich the doctrinal analysis concerning the relationship between criminal accountability, proportionality, and child protection in juvenile sentencing policy. Through this analytical process, the present study aims to clarify how warning sanctions function as a proportionate legal response that balances criminal accountability with the protection of children's developmental rights.

Results and Discussion

The Normative Place of Warning Sanctions and Their Child-Protection Function in Indonesia's Juvenile Justice System

From a child-protection perspective, the significance of warning sanctions lies in how they translate established juvenile justice principles into a concrete sentencing response. Rather than exposing children to custodial or other restrictive measures, warning sanctions allow courts to formally acknowledge wrongdoing while limiting the intensity of penal intervention.¹⁷ Their application reflects a sentencing model in which legal responsibility is maintained without unnecessarily disrupting child education, family relationships, or prospects for social reintegration. The protective value of warning sanctions, therefore, derives not from the absence of accountability, but from the manner in which accountability is expressed through the least intrusive criminal sanction available under the SPPA framework.¹⁸

This protective approach, however, does not eliminate a doctrinal tension. As principal criminal sanctions under Article 71 of the SPPA Law, warning sanctions continue to subject children to a criminal conviction and the formal attribution of legal responsibility. This raises an important question regarding whether a criminal sanction can simultaneously function as a protective legal measure. The protective character of warning sanctions does not arise from their elimination of the criminal nature of the response, but rather from their aim to minimise the adverse consequences commonly associated with deeper criminal

¹⁶ Dedy Ananta Ginting dkk., "Policy on Formulation of Criminal Responsibility for Children in Conflict With the Law," *International Journal of Law and Society* 1, no. 4 (2024): 210, <https://doi.org/10.62951/ijls.v1i4.192>.

¹⁷ rajarif Syah Akbar Simatupang, "Pelaksanaan Sistem Peradilan Pidana Anak Di Indonesia Perspektif Nilai Keadilan," *Jurnal Yuridis* 11, no. 1 (2024): 59, <https://doi.org/10.35586/jyur.v11i1.8356>.

¹⁸ Rizky Chairunisya Ramadhani dan Tengku Erwinsyahbana, *Protection of Children in Conflict with the Law in the Prosecution Process by the Public Prosecutor*, 4, no. 3 (t.t.).

justice intervention.¹⁹ In this respect, warning sanctions represent an attempt to reconcile the expressive function of criminal law with child-protection objectives that underpin the juvenile justice system.

Building on this issue, a thorough examination of the labelling dimension of warning sanctions becomes essential. Warning sanctions are formally classified as principal criminal sanctions under Article 71 of the SPPA Law, meaning that the court formally determines that a child has committed a criminal offence and bears legal responsibility for that conduct. Considered through a labelling perspective, this raises an important question about whether a warning sanction that retains the formal character of criminal punishment can genuinely protect children from stigmatisation. The answer lies in the distinction between legal accountability and penal intrusiveness. Warning sanctions do not eliminate the criminal character of the judicial response; rather, they seek to minimise its adverse consequences by avoiding deprivation of liberty, institutionalisation, and other restrictive measures commonly associated with deeper criminal justice involvement. The protective function of these sanctions, therefore, does not stem from the absence of criminal responsibility, but from limiting the intensity of penal intervention while preserving opportunities for rehabilitation and social reintegration. In this sense, warning sanctions represent an attempt to reconcile the inherent tension between the expressive function of criminal law and child-protection objectives of juvenile justice.

Three normative principles converge to support this understanding. Proportionality ensures that legal responses correspond to the seriousness of the offence and the child's culpability. Minimal intervention limits penal intrusion to the level necessary to achieve corrective objectives. The best interests of the child require that sentencing decisions prioritise outcomes that preserve education, family relationships, and opportunities for social reintegration.²⁰ When these principles operate collectively, warning sanctions serve as a calibrated legal response that maintains normative order without exposing children to the criminogenic risks associated with institutional punishment. However, treating warning sanctions as inherently protective would be doctrinally incomplete. Their protective function is conditional rather than automatic and depends on whether the sanction is imposed in a principled decision-making framework. Courts must therefore evaluate specific contextual factors before determining whether a warning sanction is appropriate. These normative criteria are examined in the discussion that follows.

¹⁹ Sarwirini Sarwirini dan Trian Diarsa, "Implementation of Juvenile Reprimand in Indonesia," *Yuridika* 38, no. 1 (2023): 100, <https://doi.org/10.20473/ydk.v38i1.33857>.

²⁰ Nurini Aprianda dan Liza Agnesta Krisna, "Reconstruction of Types of Sentencing in the Juvenile Justice System in Indonesia (Discussion Against the Criminal Position of Warning)," *Jambura Law Review* 5, no. 1 (2022): 16, <https://doi.org/10.33756/jlr.v5i1.15936>.

Table 1. Normative Criteria for the Application of Warning Sanctions in Juvenile Justice

Normative Criterion	Legal Rationale	Child-Protection Function
Minor or moderate offence severity	Consistent with the principle of proportionality reflected in Article 5 of Law No. 11 of 2012 and Article 40(4) CRC	Prevents excessive penal intervention
First-time or low-risk offender	Supports rehabilitation and reintegration objectives under Article 6 SPPA and Article 40(1) CRC	Promote early behavioural correction
Presence of parental or community supervision	Reflects the child's right to family-based guidance and social reintegration under Article 14 SPPA and Article 5 CRC	Reinforces rehabilitation outside institutional settings
Judicial articulation of responsibility	Consistent with the educational and corrective orientation of juvenile sentencing under Article 71 SPPA	Provides educative legal accountability
Absence of serious victim impact or aggravating circumstances	Ensures that sentencing remains proportionate and consistent with the child best interests under Article 3 SPPA and Article 3(1) CRC	Maintains public confidence in juvenile justice

Source: Authors Framework, 2026

The practical relevance of these normative criteria is evident in judicial practice. In several juvenile cases handled by Indonesian district courts, warning sanctions have been imposed where the offence was relatively minor, and the child showed a capacity for behavioural correction under family supervision.²¹ For instance, in a juvenile theft case involving a first-time offender prosecuted in a district court in Java, the court concluded that the child's taking of a low-value item from a retail shop constituted a criminal offence but did not warrant custodial punishment or restrictive measures. The judicial panel emphasised that the child had no prior criminal history, remained enrolled in school, and received strong parental supervision. In its reasoning, the court issued a formal warning and explicitly stated that the sanction was intended to remind the child of legal responsibility without interrupting educational development or exposing the child to institutional stigma. The decision shows how warning sanctions can serve as an intermediate judicial response, in which the legal system affirms wrongdoing while simultaneously preserving the child's developmental trajectory.²²

The discussion on over-criminalisation and stigmatisation must be approached carefully. Warning sanctions can serve as a mechanism for preventing unnecessary deepening of child contact with the criminal justice system, an exposure that socio-legal scholarship often associates with labelling

²¹ Muh Endriyo Susila dan Bagaskara Yonar, "Protecting Children Rights through the Juvenile Criminal Justice System in Indonesia: Issues and Challenges," *JURNAL MERCATORIA* 17, no. 1 (2024): 80, <https://doi.org/10.31289/mercatoria.v17i1.11122>.

²² Sudirman Sitepu dkk., "The Effectiveness of Non-Custodial Sanctions in Juvenile Justice: An Empirical Study on the Implementation of Restorative Justice in Bengkulu," *Journal of Judicial Review* 27, no. 2 (2025), <https://doi.org/10.37253/jjr.v27i2.11057>.

effects, educational disruption, and long-term social marginalisation.²³ This protective promise materialises only when warning sanctions are applied with meaningful judicial reasoning. Without this form of reasoning, warning sanctions risk degenerating into procedural formalities that convey little corrective value. A child-protective juvenile justice system, therefore, requires that warning sanctions be accompanied by a clear explanation of why the sanction is proportionate and how it contributes to rehabilitation and reintegration.²⁴

This requirement places judicial discretion at the centre of the warning-sanction framework. Because juvenile cases involve individualised circumstances, courts must demonstrate that their decisions reflect a child-centred assessment rather than a generalised leniency policy. Judicial reasoning should therefore consider child age and maturity, the circumstances of the offence, prior behavioural history, family and school environment, and the proportional relationship between harm and response.²⁵ The case study discussed above shows how such reasoning may be articulated in practice, as the court explicitly connected the warning sanction to the child's personal circumstances and the minor nature of the offence. In normative terms, the quality of judicial reasoning becomes part of the protective mechanism, translating statutory commitments to restorative justice, proportionality, and minimal intervention into defensible judicial outcomes.

A candid assessment is necessary at this point. The protective value of warning sanctions should not be assumed in every case. The absence of detailed statutory guidelines concerning the circumstances under which warning sanctions should be imposed creates the possibility of inconsistent judicial practices. Similar offences may receive different sentencing outcomes depending on how individual judges assess proportionality, rehabilitation prospects, and the child's social circumstances. This form of variability may undermine legal certainty and lead to unequal treatment of children in conflict with the law. The effectiveness of warning sanctions, therefore, depends not only on their statutory recognition but also on the consistency and quality of judicial decision-making.

Potential limitations of warning sanctions must also be acknowledged. Because warning sanctions do not impose direct restrictions on liberty or other coercive consequences, they may be perceived as excessively lenient in cases where children display persistent offending behaviour or are exposed to criminogenic social environments. Their corrective impact is highly dependent on the availability of parental supervision, educational support, and community

²³ Anne Rankin Mahoney, "The Effect of Labeling Upon Youths in the Juvenile Justice System: A Review of the Evidence," *Law & Society Review* 8, no. 4 (1974): 599, <https://doi.org/10.2307/3052885>.

²⁴ Nurini Aprilianda dan Liza Agnesta Krisna, "Reconstruction of Types of Sentencing in the Juvenile Justice System in Indonesia (Discussion Against the Criminal Position of Warning)," *Jambura Law Review* 5, no. 1 (2022): 17, <https://doi.org/10.33756/jlr.v5i1.15936>.

²⁵ Anwar dkk., "Restorative Approaches to Managing Children in Conflict with the Law."

guidance. Where such support structures are weak, a formal warning alone may have limited capacity to prevent future offending. Consequently, warning sanctions should not be regarded as universally appropriate but rather as a proportionate response whose suitability depends on the individual circumstances of each case.

The existence of warning sanctions situates Indonesia in a broader international movement toward non-custodial and least-intrusive responses to juvenile offending. Many jurisdictions recognise functional equivalents, such as judicial admonitions, cautions, or warnings, as tools for addressing minor juvenile misconduct while preventing unnecessary institutionalisation. This comparative resonance reinforces the doctrinal point that the effectiveness of the juvenile justice system is measured not by the severity of its punishments but by the coherence with which it pairs accountability with developmental protection. In the Indonesian SPPA framework, warning sanctions should be understood as a normatively bounded child-protection instrument, one that is protective when applied within principled criteria and articulated through reasoned judicial discretion, but vulnerable to dilution when treated as routine procedural formalism.

Comparative Perspectives on Non-Custodial Warning Measures in Juvenile Justice

Comparative analysis shows that warning-type sanctions are not unique to the Indonesian juvenile justice framework but are part of a broader international trend toward adopting non-custodial, minimally intrusive responses to juvenile offending. Contemporary juvenile justice systems increasingly emphasise proportionality, diversion, and minimal intervention as guiding principles when responding to minor offences committed by children.²⁶ These principles are reflected in international legal standards, particularly the United Nations CRC and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), which motivate states to prioritise rehabilitative and non-custodial measures whenever appropriate.²⁷ In this normative framework, warning-based sanctions serve to acknowledge wrongdoing while avoiding unnecessary escalation of children's involvement in the criminal justice system.

²⁶ Simonas Nikartas dan Ioan Durnescu, "Community Sanctions for Children in Lithuania and Romania: Diverging Paths of Juvenile Justice," dalam *Children's Rights in Central and Eastern Europe*, vol. 29, ed. oleh Agnė Limantė dan Rūta Vaičiūnienė, European Union and Its Neighbours in a Globalized World (Springer Nature Switzerland, 2025), https://doi.org/10.1007/978-3-032-07092-0_14.

²⁷ Nor Aida Ab. Kadir dkk., "Reforming Malaysia's juvenile justice system: a critical analysis of pre-trial diversion within the framework of international standards," *Legality: Jurnal Ilmiah Hukum* 33, no. 2 (2025): 618, <https://doi.org/10.22219/ljih.v33i2.42392>.

Several jurisdictions have institutionalised legal mechanisms that perform functions similar to the Indonesian warning sanction. In Germany, the *Jugendgerichtsgesetz* (Juvenile Courts Act) recognises judicial admonition (*Vernunft*) as a mild judicial response for juvenile offenders. A judge delivers the admonition during court proceedings, primarily as an educational intervention to reinforce children's awareness of legal norms.²⁸ German juvenile law prioritises educational measures (*Erziehungsmaßnahmen*) over punitive sanctions, reflecting the view that juvenile justice should promote behavioural correction rather than retributive punishment.²⁹ Judicial admonition, therefore, operates as a legal mechanism through which courts may address wrongdoing without imposing custodial sanctions that could disrupt a child's social development.

A similar approach exists in the United Kingdom, where the juvenile justice system employs Youth Cautions and Youth Conditional Cautions as alternatives to formal prosecution. These measures are typically applied to young offenders who admit responsibility for minor offences and agree to comply with rehabilitative conditions.³⁰ Rather than proceeding with criminal prosecution, law enforcement authorities may issue a caution that formally acknowledges the wrongdoing while diverting the child away from court proceedings. On the other hand, the British approach reflects a policy orientation that seeks to prevent the unnecessary criminalisation of children while advocating early behavioural intervention.

In the Netherlands, juvenile criminal policy also incorporates warning-based responses in a broader diversionary framework. Dutch prosecutors and courts may issue formal warnings or refer cases to restorative interventions designed to resolve minor offences without imposing punitive sanctions.³¹ These measures aim to maintain child integration in family and community structures while addressing the behavioural causes of the offence. Thus, the Dutch system reflects a restorative orientation that emphasises education, reintegration, and the avoidance of stigmatising penal interventions. To better show the similarities and differences among the stated approaches, Table 2 summarises the institutional characteristics of warning-based measures in the selected jurisdictions.

²⁸ Ahmad Rizal Roby Ananta dkk., "Criminal Limitations on Diversion of Children Against the Law Based on the Juvenile Criminal Justice System from a Comparative Perspective," *Jurnal Penegakan Hukum dan Keadilan* 6, no. 2 (2025): 137, <https://doi.org/10.18196/jphk.v6i2.26234>.

²⁹ С. Абдулкерим-Османович, "Types of Juvenile Criminal Sanctions," *Law and Safety* 98, no. 3 (2025): 149, <https://doi.org/10.32631/pb.2025.3.12>.

³⁰ Alyna Gabryella dkk., "Restructuring the Criminal Warning Mechanism to Prioritize the Best Interests and Future of Children," *International Journal of Business, Law, and Education* 6, no. 2 (2025): 1409, <https://doi.org/10.56442/ijble.v6i2.1191>.

³¹ Benthe J. Van Delft dkk., "The Effectiveness of the Dutch Juvenile Diversion Program Halt: Study Protocol for a Randomized Controlled Trial," *BMC Psychology* 13, no. 1 (2025): 819, <https://doi.org/10.1186/s40359-025-03132-x>.

Table 2. Comparative Warning-Based Measures in Juvenile Justice Systems

Jurisdiction	Measure	Objective	Normative Basis
Indonesia	Warning Sanction	Accountability and protection	Law No. 11/2012 Art. 71
Germany	Judicial Admonition	Educational correction	<i>Jugendgerichtsgesetz</i> (JGG)
United Kingdom	Youth Caution	Diversion and accountability	Legal Aid, Sentencing and Punishment of Offenders Act 2012
Netherlands	Warning-based diversionary response	Prevention and reintegration	Dutch Juvenile Justice Framework

Sources: Authors Framework, 2026

When viewed through this comparative framework, Indonesian warning sanctions can be understood as part of a broader global trend toward graduated and proportionate responses to juvenile offending. Although the institutional structures differ across jurisdictions, the underlying normative rationale remains consistent: warning-based measures aim to reinforce legal accountability while minimising the harmful consequences of deeper involvement in the criminal justice system.³² By incorporating warning sanctions into the SPPA sentencing structure, Indonesia aligns its juvenile justice policy with international standards that emphasise rehabilitation, diversion, and the protection of children's developmental rights.

At the same time, comparative experience shows that the effectiveness of warning-based sanctions depends not only on their formal recognition in statutory law but also on the existence of clear procedural safeguards and structured decision-making criteria. Jurisdictions such as Germany, the United Kingdom, and the Netherlands show that warning measures are typically applied only when specific conditions are met, including the minor nature of the offence, the absence of prior offending, the child's acknowledgement of responsibility, and the availability of family or community support for behavioural supervision.³³ These safeguards help ensure consistency, prevent arbitrary decision-making, and maintain the proportionality of juvenile justice interventions. For Indonesia, the comparative experience suggests that strengthening judicial guidelines and articulating clearer normative criteria for the application of warning sanctions (*pidana peringatan*) would enhance legal certainty and reinforce their function as a meaningful child-protection mechanism in the juvenile justice system.³⁴

³² Melvin Vooren dkk., "The Effects of a Restorative Justice Programme (Halt) on Educational Outcomes and Recidivism of Young People," *Journal of Experimental Criminology* 19, no. 3 (2023): 701, <https://doi.org/10.1007/s11292-022-09502-4>.

³³ Muhammad Ansori Lubis, *Comparative Implementation Of Child Protection Law Between Indonesia And The Netherlands: A Study Of Juvenile Justice System*, 4, no. 3 (2025).

³⁴ Annemieke Wolthuis dkk., "Dutch Developments: Restorative Justice in Legislation and in Practice," *The International Journal of Restorative Justice* 2, no. 1 (2019): 120, <https://doi.org/10.5553/IJRJ/258908912019002001007>.

Given that this study adopts a normative legal approach, it does not empirically measure the effectiveness of warning sanctions. From a doctrinal perspective, however, the success of warning sanctions may be assessed by several normative indicators, including the preservation of educational continuity, the avoidance of unnecessary custodial intervention, the reinforcement of legal accountability, and consistency with the principles of proportionality and the best interests of the child. Future empirical investigation is required to determine whether these normative objectives are achieved in practice.

A comparative reading of these jurisdictions shows that warning-based juvenile measures are not founded upon a single penal philosophy. Rather, they reflect different positions along a spectrum between educational intervention and punitive accountability. Germany's *Verwarnung* is strongly rooted in the educational orientation of juvenile justice, emphasising moral guidance and behavioural correction rather than punishment. The United Kingdom's Youth Cautions, by contrast, operates within a diversionary accountability framework that formally recognises wrongdoing while aiming to avoid deeper involvement in the criminal justice system. The Dutch approach occupies an intermediate position by combining welfare-oriented objectives with structured accountability mechanisms.

Indonesian warning sanctions appear to occupy a distinctive position in this spectrum. Unlike the German model, warning sanctions remain formally classified as principal criminal sanctions under Article 71 of SPPA Law, thereby preserving the punitive and accountability dimensions of the judicial response. At the same time, they share with diversionary and welfare-oriented models the objective of minimising penal intrusion and protecting children from unnecessary institutional intervention. Therefore, Indonesian law can be inferred to reflect a hybrid approach that aims to reconcile criminal accountability with child protection rather than prioritising one objective at the expense of the other.

This comparison further highlights an important limitation. The effectiveness of warning-based measures in jurisdictions such as Germany and the Netherlands is supported by established juvenile welfare institutions, probation services, and integrated child-support mechanisms. Indonesian institutional capacities remain more limited, suggesting that foreign models cannot be transplanted mechanically. Their relevance is primarily in the normative principles they embody, particularly proportionality, minimal intervention, and developmental protection, rather than in direct institutional replication.

The Urgency of Warning Sanctions for Juvenile Rehabilitation and the Prevention of Reoffending

Within contemporary juvenile justice policy, warning sanctions are particularly significant as instruments of early-stage legal intervention to address minor misconduct before it escalates into more serious delinquency. Juvenile offending is widely understood as a phenomenon shaped not only by individual intent but also by developmental immaturity, social environment, peer influence,

and limited legal awareness.³⁵ Consequently, responses to juvenile misconduct must be structured differently from responses to adult criminality. Rather than relying primarily on punitive deterrence, modern juvenile justice systems increasingly emphasise interventions that build legal awareness, responsibility, and behavioural correction. In this framework, warning sanctions represent the least intrusive formal response available to the court, allowing judges to affirm the wrongfulness of the conduct while preserving the child's opportunity for rehabilitation in family and community environments.³⁶

The rehabilitative significance of warning sanctions is in their capacity to establish legal accountability without exposing children to the adverse consequences often associated with harsher penal interventions. Custodial sanctions, for example, may inadvertently produce stigmatisation, institutional dependency, and social marginalisation, conditions that can undermine rather than support behavioural reform. Warning sanctions operate through a different mechanism. By delivering a formal judicial admonition, the court creates a moment of normative recognition in which the child becomes aware that their conduct has violated legal and social standards. This recognition effect functions as an early corrective signal, encouraging reflection and responsibility while avoiding the criminogenic risks associated with deeper involvement in the criminal justice system.³⁷

Considered through a preventive perspective, warning sanctions contribute to reducing the probability of reoffending by establishing clear normative boundaries at an early stage of deviant behaviour. Early intervention plays a crucial role in juvenile justice because minor misconduct, if left unaddressed, may gradually develop into more entrenched patterns of delinquency. Warning sanctions, therefore, serve as a structured form of boundary-setting through which the legal system communicates that the behaviour is unacceptable while preserving the child's integration into school, family, and community structures.³⁸ This approach is consistent with the principle of minimal penal intervention, which aims to address juvenile misconduct without unnecessarily exposing children to institutional environments that may reinforce delinquent identities.

The preventive value of warning sanctions, however, should not be understood as universal or automatic. Their effectiveness depends on several contextual

³⁵ Luyi Jian dkk., "Effect of Juvenile Justice Financial Sanctions on Youths' Recidivism.," *Law and Human Behavior* 50, no. 1 (2026): 32, <https://doi.org/10.1037/lhb0000636>.

³⁶ M. Alvi Azhari dkk., "Penerapan Sanksi Pidana Terhadap Residivis Anak Yang Berkonflik Dengan Hukum," *SINERGI: Jurnal Riset Ilmiah* 2, no. 8 (2025): 3987, <https://doi.org/10.62335/sinergiv2i8.1762>.

³⁷ Lise J. C. Prop dkk., "Juvenile Sanctions for Young Adult Offenders in the Netherlands: An Opportunity for Rehabilitation?," *Child and Adolescent Psychiatry and Mental Health* 19, no. 1 (2025): 33, <https://doi.org/10.1186/s13034-025-00888-3>.

³⁸ Yolanda Fitria Salma dkk., "Analisis Pemidanaan pada Anak yang Melakukan Tindak Pidana dalam Perspektif KUHP Nasional 2023," *Terang: Jurnal Kajian Ilmu Sosial, Politik dan Hukum* 2, no. 4 (2025): 218, <https://doi.org/10.62383/terang.v2i4.1475>.

factors, including the seriousness of the offence, the absence of repeated offending, and the availability of supportive social environments that can reinforce behavioural correction.³⁹ Warning sanctions are therefore most appropriate in cases involving first-time or low-risk offenders, where the primary objective is to prevent escalation rather than impose punitive sanctions. In cases where offending patterns become persistent or involve significant harm, more structured rehabilitative interventions may be necessary to ensure both accountability and the protection of public interests. Recognising these normative boundaries is essential to preserving the credibility of warning sanctions as a principled sentencing option rather than a routine procedural convenience.

The preventive potential of warning sanctions is further strengthened when supported by social institutions beyond the courtroom. Families, schools, and community structures play a significant role in reinforcing the corrective message conveyed by the judicial warning. Parental supervision, educational guidance, and community-based mentoring can transform the formal warning into a meaningful process of behavioural development. Without this form of reinforcement, warning sanctions risk becoming symbolic gestures rather than effective corrective interventions. Effective juvenile justice policy, therefore, requires coordination between judicial institutions and social support systems to ensure that warning sanctions translate into genuine rehabilitative outcomes.⁴⁰

Considered through a broader policy perspective, the existence of warning sanctions reflects a significant shift in criminal justice philosophy toward proportionate, child-centred, and rehabilitative responses to juvenile offending. Rather than viewing punishment as the central objective of criminal law, contemporary juvenile justice systems increasingly recognise that legal interventions must balance accountability with the protection of children's developmental rights. Warning sanctions embody this balance by providing a calibrated legal response that communicates responsibility while minimising the disruptive consequences of punitive sanctions.⁴¹

In analytical synthesis, the significance of warning sanctions lies not solely in their status as the mildest sanction in the juvenile sentencing hierarchy, but in their role as a strategic preventive instrument within child-centred criminal policy. When applied in clear normative criteria and accompanied by meaningful judicial reasoning, warning sanctions can function as effective mechanisms for reinforcing legal norms, preventing the escalation of juvenile offending, and safeguarding the developmental future of children in conflict with the law.

³⁹ Nicholas Lovett dan Yuhan Xue, "Do Greater Sanctions Deter Youth Crime? Evidence from a Regression Discontinuity Design," *Journal of Economic Behavior & Organization* 236 (Agustus 2025): 107083, <https://doi.org/10.1016/j.jebo.2025.107083>.

⁴⁰ Moh Haizul Ma'aly dkk., *Criminal Sanctions Against Child Offenders Repeat Offense*, t.t.

⁴¹ Amanda Heitkamp dan Thomas J. Mowen, "The Influence of Formal and Informal Sanctions on Offending: The Moderating Role of Legal Cynicism," *Crime & Delinquency* 70, no. 9 (2024): 2500, <https://doi.org/10.1177/00111287231165214>.

Therefore, strengthening the role of warning sanctions in Indonesia may require developing structured sentencing guidelines, clearer standards for judicial reasoning, and coordinated post-warning supervision mechanisms. Such reforms would ensure that warning sanctions operate not only as symbolic elements in the juvenile justice system, but also as substantive tools for rehabilitation and prevention, consistent with the principles of proportionality, restorative justice, and the best interests of the child.

Conclusion

In conclusion, this study established that warning sanctions (*pidana peringatan*) hold a significant normative position in the Indonesian juvenile justice system as a mechanism that aims to reconcile criminal accountability with the protection of children's developmental interests. As the least intrusive criminal sanction under Law No. 11 of 2012 on the Juvenile Criminal Justice System, warning sanctions enable courts to acknowledge wrongdoing while avoiding unnecessary escalation into more restrictive penal interventions. Based on the observations made, the doctrinal significance of these sanctions is not in their status as a principal sanction alone, but in their function as a child-centred legal protection instrument that balances the expressive function of criminal law with the principles of proportionality, minimal intervention, rehabilitation, and the best interests of the child.

The analysis further established that the protective function of warning sanctions is conditional rather than automatic. Although warning sanctions are designed to minimise the adverse consequences associated with deeper involvement in the criminal justice system, their effectiveness depends on proportionate judicial assessment, clear articulation of legal responsibility, and the availability of supportive family and community environments that can reinforce behavioural correction. The absence of detailed statutory criteria and sentencing guidelines creates the potential for inconsistent judicial practices and uneven application across cases. As a result, the child-protective value of warning sanctions can be inferred to depend not only on formal recognition in statutory law but also on the consistency and quality of their implementation. As a normative legal study, this exploration did not empirically evaluate sentencing outcomes or long-term behavioural effects, and its conclusions should be understood as doctrinal rather than empirical results.

From a policy perspective, strengthening the role of warning sanctions requires clearer sentencing guidelines, more explicit regulatory criteria, and stronger coordination among courts, families, schools, and child protection institutions. The absence of detailed standards governing the application of warning sanctions creates uncertainty regarding when such sanctions should be imposed and increases the risk of sentencing disparities. Grounded in this normative evaluation, the Supreme Court of Indonesia should consider issuing a *Surat Edaran Mahkamah Agung* (SEMA) or comparable judicial guidelines to standardise the criteria for imposing warning sanctions, particularly regarding the severity of the offence, prior

offending history, acknowledgement of responsibility, and the availability of family or community supervision. This form of guidance would enhance legal certainty, promote greater consistency in judicial decision-making, and strengthen the role of warning sanctions as a proportionate and child-protective response in the Indonesian juvenile justice system.

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