



# IMPLEMENTATION OF THE PRINCIPLE OF BEST INTERESTS FOR CHILDREN IN THE JUVENILE CRIMINAL JUSTICE SYSTEM: A CRITICAL ANALYSIS OF THE KISARAN DISTRICT COURT DECISION NUMBER 21/PID.SUS-ANAK/2025/PN KIS

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Article Info	Abstract
<p><b>Article History</b> Received: 2025-11-25 Revised: 2025-12-29 Published: 2026-01-10</p> <p><b>Keywords:</b> <i>Implementation, children, criminal Enforcement, Rehabilitation</i></p>	<p>The principle of the best interests of the child is a fundamental principle in the juvenile criminal justice system, as regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. This study aims to analyze the application of these principles to the Kisaran District Court Decision Number 21/Pid.Sus-Anak/2025/PN KIS, which has sparked controversy in Batu Bara Regency. This case has garnered public attention because it involved a child as the perpetrator of a crime that resulted in the victim's death. The prosecutor's demand and the judge's decision both imposed a 7-year prison sentence. The victim's family considered the decision too lenient and did not reflect a sense of justice, while positive law in Indonesia stipulates that the potential criminal penalty for children is half the maximum penalty applicable to adults. This study employed normative legal research methods with statutory, case-based, and conceptual approaches. The results indicate that the judge's decision aligns with the national legal framework oriented toward child protection, but still leaves a tension between restorative justice for child perpetrators and the retributive justice expected by the victim's family. These findings emphasize the need for a balance between protecting children's rights and being sensitive to the community's sense of justice in handling juvenile criminal cases. Keywords: Best Interests of the Child, Juvenile Criminal Justice System, Kisaran District Court Decision.</p>

## I. INTRODUCTION

Children are a trust and the nation's future generation, who have the right to grow, develop, and receive optimal protection from the state, family, and society. From a legal perspective, children are viewed as legal subjects with a special status due to their limited physical, psychological, and intellectual maturity. Therefore, when children come into contact with the law, particularly as perpetrators of crimes, the state is obliged to ensure that all law enforcement processes are not solely oriented toward punishment, but also toward the child's protection, development, and future. This principle, known as the principle of the best interests of the child, is the primary foundation of the Juvenile Criminal Justice System in Indonesia.

Indonesia has explicitly adopted this principle through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). This law emphasizes that children who commit crimes cannot be treated the same as adults. This difference in treatment is reflected in various aspects, from diversion mechanisms and restorative justice approaches to limiting the punishment imposed on children to a maximum of half the maximum punishment for adults. The primary goal of this regulation is to prevent stigmatization, encourage rehabilitation, and ensure children's future so they can continue to develop naturally in society.

However, in practice, the application of the principle of the best interests of the child often presents a dilemma, particularly when children commit serious crimes that result in serious consequences, such as the loss of life. This situation creates a conflict between protecting the rights of children as perpetrators and the demands of social justice, particularly for victims and their families. This conflict was evident in the case decided by the Kisaran District Court, Case No. 21/Pid.Sus Anak/2025/PN KIS.

This case captured widespread public attention in Batu Bara Regency because it involved a child as the perpetrator of a crime that resulted in the victim's death. In this case, the public prosecutor demanded a sentence of seven years' imprisonment, and the panel of judges issued the same verdict. This verdict subsequently sparked a negative response from the victim's family and some members of the public, who considered the sentence too light and disproportionate to the consequences, namely the loss of life.

From a positive legal perspective, the verdict is a consequence of the application of applicable statutory provisions, particularly the principle of limiting criminal penalties for children, who can be sentenced to a maximum of half the sentence imposed on adults. However, from a substantive justice perspective, the verdict is deemed to have fallen short of fully satisfying the sense of justice.

## II. RESEARCH METHODS

This research employs a legal research method with a normative library research approach. This method was chosen because the focus of the research is to analyze the application of the principle of the best interests of children as perpetrators of crimes in the juvenile justice system, specifically as reflected in Kisaran District Court Decision Number 21/Pid.Sus-Anak/2025/PN KIS. Normative legal research positions law as the prevailing norm or principle, therefore, the study is conducted on legislation, legal doctrine, and court decisions relevant to the research issue, without involving direct field data collection

The data sources used in this research consist of primary and secondary legal materials. Primary legal materials include laws and regulations governing child protection and the juvenile criminal justice system, as well as

decisions of

the Kisaran District Court, which is the main object of study. Meanwhile, secondary legal materials include legal textbooks, scientific literature, previous research results, and legal writings discussing the concepts of the best interests of children, child punishment, and justice in juvenile criminal cases. All of these materials were collected through a literature search to gain a comprehensive understanding of the research's normative and conceptual framework.

The approaches used in this literature review include a legislative approach and a case study approach. The legislative approach examines legal provisions governing the limitations on criminal penalties for children, specifically the provision that children can only be sentenced to a maximum of half the maximum penalty for adults. The case study approach examines the judge's considerations in the Kisaran District Court's decision, particularly regarding the application of the principle of the best interests of the child amid public scrutiny due to the potentially fatal consequences of such crimes.

Data analysis in this study was conducted qualitatively using descriptive-analytical methods. The collected legal materials were compiled, classified, and then analyzed to explain how the principle of the best interests of the child is applied in court decisions and how this application impacts the fulfillment of a sense of justice for victims and the community. Through this method, the research is expected to provide a comprehensive picture of the legal position of children as perpetrators of serious crimes, while also uncovering the dynamics between child protection and demands for substantive justice in the juvenile criminal justice system in Indonesia.

## III. RESULTS AND DISCUSSION

### A. The Position of Children as Offenders in the Juvenile Criminal Justice System

In the juvenile criminal justice system, children who commit crimes are viewed as individuals still growing and developing and not yet fully mature in their thinking and actions. Therefore, the law provides special treatment for children as offenders, distinct from the treatment given to adult offenders. This special treatment is not intended to ignore the child's mistakes, but rather to ensure that the legal process does

not deprive the child of the opportunity to improve themselves and return to society.

In cases decided by the Kisaran District Court, children are positioned as legal subjects who must be held accountable for their actions, while remaining within the framework of child legal protection. This is reflected in the type and duration of the sentence imposed, which are adjusted to the legal provisions applicable to children. Even if the act results in the victim's death, the child's status as the offender remains the primary consideration in determining the form of criminal responsibility.

Although children can be held criminally responsible for their actions, the assessment of a child's culpability cannot be separated from external factors that influence the formation of their behavior. In some juvenile criminal cases, family factors play a significant role in influencing a child's behavior. Children raised in conflict-ridden environments or harsh parenting styles are more likely to experience emotional disturbances and are more likely to engage in deviant behavior (Rahmi & Lubis, 2017).

From a criminological perspective, deviant behavior in children can be understood as the result of a social learning process, in which children imitate the behavior patterns of those closest to them. Therefore, in assessing a child's culpability, judges must consider not only the formal elements of the act and the offense but also the environmental factors that shaped the behavior.

This approach aligns with the principle of the best interests of the child, which places guidance and rehabilitation as the primary goals of the juvenile criminal justice system (Rahmi & Lubis, 2017).

## **B. Application of the Principle of the Best Interests of the Child by Judges**

Imposing a prison sentence on a child should be understood as a last resort, as sentencing that fails to consider the child's psychological and social development has the potential to have long-term negative impacts. Imprisonment can lead to trauma,

social stigma, and obstacles to a child's social reintegration after serving their sentence. Therefore, the modern criminal justice system for children no longer emphasizes a repressive approach but rather prioritizes the best interests of children as the nation's future generation (Rahmi & Lubis, 2017).

The principle of the best interests of the child is the primary basis for every decision involving a child as a perpetrator of a crime. In Kisaran District Court Decision No. 21/Pid.Sus-Anak/2025/PN KIS, the judge used this principle as a reference in sentencing. This is evident in the judge's decision not to impose the maximum sentence, as would be the case for adults, but instead to impose a seven-year prison sentence, in accordance with the prosecutor's demand.

The application of the principle of the best interests of the child in this decision cannot be understood separately from the role of the public prosecutor as an integral part of the juvenile criminal justice system. The prosecutor's demand for a seven-year prison sentence implements the Republic of Indonesia Prosecutor's Office Guideline Number 1 of 2021 concerning Access to Justice for Women and Children in Handling Criminal Cases, which requires prosecutors to ensure special treatment and protection for children in conflict with the law. The guideline emphasizes that child perpetrators must be treated proportionally, taking into account their age, psychological condition, and the impact of prosecution on their future, without disregarding the presence and interests of victims in criminal cases.

Therefore, the alignment between the prosecutor's demands and the judge's decision in this case reflects the systemic and integrated implementation of child protection policies, not simply the result of individual considerations by law enforcement officials. The decision demonstrates the judge's efforts to maintain a balance between criminal accountability for the actions committed and the state's obligation to protect the future of the child perpetrator. This orientation aligns with the objectives of the juvenile criminal justice system, which emphasizes development and

rehabilitation, rather than solely retaliation. It also demonstrates the complexity of law enforcement in juvenile criminal cases with serious consequences.

consequences.

In this situation, judges are in a dilemma, having to comply with imperative legal provisions while simultaneously facing moral and social pressure from society demanding an appropriate punishment. The decision rendered in this case can be understood as a form of balance or compromise between two equally important interests: the child's interest in legal protection and the opportunity to improve their future, and the victim's interest in obtaining justice for the suffering they have experienced. This situation demonstrates that the fulfillment of a sense of justice in juvenile criminal cases cannot be measured solely by the severity of the sentence imposed.

### **C. Limitations on Juvenile Sentences and Legal Considerations**

The limitations on juvenile sentences are normative provisions that bind judges when issuing decisions. In this case, the potential penalty for an adult perpetrator committing a similar act is certainly much more severe. However, because the perpetrator is a juvenile, the law strictly limits the sentence that can be imposed to half the maximum penalty for an adult.

### **D. Perceptions of Justice by the Victim's Family and Public Reaction**

The Kisaran District Court Decision No. 21/Pid.Sus-Anak/2025/PN KIS provoked a strong reaction from the victim's family and the community of Batu Bara Regency. The victim's family believed the seven-year prison sentence was too light and disproportionate to the loss of their family member's life. This perception reflects a persistently strong retributive justice perspective in society, where justice is measured by the severity of the punishment imposed on the perpetrator.

This public reaction demonstrates a gap between normative justice as regulated by law and the social justice perceived by the victim. In this context, society tends to view the consequences of the act as the primary basis for sentencing, while the law views the perpetrator's status as a child as the primary determining factor. This tension poses a significant challenge to the juvenile criminal justice system, particularly in cases with fatal consequences.

### **E. Balance between Child Protection and Justice for Victims**

One of the main challenges in handling juvenile criminal cases is balancing the protection of children as perpetrators with the fulfillment of a sense of justice for victims. In this case, child protection is realized through limiting sentences and applying the principle of the best interests of the child as stipulated in the juvenile criminal justice system. However, the application of this protection is often perceived by victims and their families as a form of injustice, especially when the crime committed has very serious

In this context, the Indonesian Prosecutor's Office Guidelines Number 1 of 2021 emphasizes that access to justice for children is not intended to disregard the rights and suffering of victims. These guidelines position children equally, both as perpetrators and victims, so that the criminal justice system is required to ensure both procedural and substantive justice for all parties involved. Therefore, in the Kisaran District Court case, protection for children as perpetrators cannot be understood as neglecting the victim, but rather as an effort by the state to ensure that the legal process is conducted fairly, humanely, and proportionally.

The tension between child protection and the sense of justice for victims that emerged in this case essentially reflects the challenges in implementing juvenile criminal justice system policies. This tension does not indicate a failure of the principle of the best interests of the child, but rather emphasizes the need for a more comprehensive approach, including strengthening victim reparation mechanisms, so that justice in juvenile criminal cases is perceived not solely in terms of punishment but also in terms of the legal system's ability to respond to the suffering of all affected parties.

### **F. Implications of the Ruling for the Juvenile Criminal Justice System**

The Kisaran District Court Decision No. 21/Pid.Sus-Anak/2025/PN KIS has significant implications for the development of the juvenile criminal justice system in Indonesia. On the one hand, this decision affirms the state's commitment to protecting children in conflict with the law through the application of the

principle of the best interests of the child. On the other hand, this decision reveals the limitations of the juvenile criminal justice system in responding to societal demands for justice in cases with very serious consequences.

This case demonstrates that the application of the principle of the best interests of the child does not always align with public expectations, particularly when the victim dies. Therefore, strengthening mechanisms other than criminal punishment is needed, such as victim rehabilitation and a more inclusive restorative justice approach, so that the juvenile criminal justice system not only protects child perpetrators but also provides a more meaningful justice for victims and their families.

The Kisaran District Court Decision No. 21/Pid.Sus-Anak/2025/PN KIS provides a clear picture of how the juvenile criminal justice system operates in dealing with serious criminal cases committed by children. The implications of this ruling are not limited to the specific case being decided, but also have a broad impact on the understanding, implementation, and public perception of the juvenile criminal justice system as a whole. The ruling reflects the complexity of enforcing juvenile criminal law, which juxtaposes two major interests: child protection and justice for victims.

One of the main implications of this ruling is the increasingly visible fundamental character of the juvenile criminal justice system, which is oriented towards protection and development. By imposing a sentence that is in accordance with the maximum permissible limit for a child, the judge clearly demonstrates that juvenile law cannot be separated from the principle of the best interests of the child. This ruling emphasizes that even if the consequences are very serious, resulting in the victim's death, the perpetrator's status as a child remains a determining factor in sentencing. This reinforces the legal position of children as subjects who must be treated specially and cannot be treated the same as adults.

Furthermore, this decision also reveals the limited discretion of judges in juvenile criminal cases. Judges are bound by statutory provisions that strictly limit the potential penalty for children to half the maximum penalty for adults. The implication of this constraint is that in certain cases, judges have little choice but to impose a sentence deemed appropriate under

the law, even if such a decision draws public criticism. Thus, the Kisaran District Court's ruling reflects a more normative-legalistic approach to the juvenile justice system than one that responds to social pressures.

This ruling also has implications for how law enforcement officials position victims in juvenile criminal cases. In practice, the juvenile justice system often focuses on the child perpetrator, both in terms of protecting their rights and rehabilitation efforts. Consequently, the victim's position is often marginalized. In cases involving death, this situation is exacerbated because the suffering of the victim and their family appears to be inadequately addressed in the judge's decision. This implication suggests that the juvenile justice system still needs to strengthen its victim recovery mechanisms to prevent inequality.

#### **IV. CONCLUSIONS AND RECOMMENDATIONS**

The application of the principle of the best interests of children as perpetrators in the juvenile criminal justice system, as reflected in the Kisaran District Court Decision No. 21/Pid.Sus-Anak/2025/PN KIS, has been implemented in accordance with the legal framework and philosophy of child protection applicable in Indonesia. The decision affirms that children who commit crimes, even those with very serious consequences that result in death, are still considered psychologically and socially immature individuals and therefore require special treatment. The limited sentence imposed, the same seven-year imprisonment as the public prosecutor demanded, is a legal consequence of the legal provision that limits the potential penalty for children to half the maximum penalty for adult perpetrators.

Thus, the judge exercised his authority normatively and demonstrated consistency in applying the principle of the best interests of children and the goal of sentencing, which is oriented toward development and rehabilitation, not merely retribution.

However, the discussion also shows that the implementation of this principle is not without serious implications and challenges, particularly related to fulfilling a sense of justice for victims and the community. This case demonstrates a clear tension between normative justice derived from statutory provisions and the social justice perceived by the victim's family. The strong reaction of the Batu Bara Regency community and the victim's family's view that the verdict was too lenient reflect the perception that the

juvenile criminal justice system is still less responsive to the suffering of victims, particularly in serious criminal cases. This demonstrates that even though the law has been implemented according to the rules, social legitimacy for court decisions has not been fully achieved because justice is still understood differently by the community.

Furthermore, the discussion of the implications of the verdict and the balance between child protection and justice for victims confirms that the juvenile criminal justice system in Indonesia still faces structural limitations. The strong focus on child protection and rehabilitation tends to place victims in a less visible position, creating the impression of unequal legal protection. The Kisaran District Court's decision serves as an important reflection that child protection and justice for victims should not be positioned as mutually exclusive interests, but rather as goals that must be achieved simultaneously.

Therefore, it can be concluded that although the application of the principle of the best interests of the child in this case is legally appropriate, the juvenile criminal justice system still requires strengthening a more balanced and holistic approach in order to be able to provide optimal protection for children while fulfilling a meaningful sense of justice for victims and the wider community.

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