

Child Status and Educational Continuity in The Juvenile Criminal Justice System

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Abstract

Juvenile criminal proceedings may disrupt a child's education through examination, relocation, detention, institutional transfer, or the execution of a sentence. Protecting educational continuity therefore requires a differentiated approach to children in conflict with the law, child victims, and child witnesses, with attention to procedural stage and individual circumstances. This article examines how legal status and procedural stage shape educational obligations and proposes an educational continuity framework as a coordination instrument. Using normative legal research with statutory and conceptual approaches, the study examines the 1945 Constitution, Law No. 20 of 2003, Law No. 11 of 2012, Law No. 22 of 2022, the Convention on the Rights of the Child, international child-justice standards, and relevant literature available through 2024. The analysis finds that the right to education continues throughout criminal justice processes, while responsible actors, service arrangements, and forms of support vary by status and stage. Diversion remains subject to statutory conditions, and educational arrangements in LPAS and LPKA are distinct from the support required by child victims and witnesses. The article's original contribution is an educational continuity framework integrating legal status, learning needs, responsible actors, service transitions, follow-up, and proportionate information sharing. The framework seeks to connect procedural safeguards with sustained learning while preserving dignity, confidentiality, the presumption of innocence, and the child's best interests.

Keywords: juvenile justice; right to education; diversion; educational continuity; reintegration.

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Introduction

Children involved in criminal justice proceedings retain the right to learn, develop, and maintain meaningful ties with education. Investigative and adjudicative processes may alter school schedules, residence, caregiving arrangements, and a child's relationship with educational institutions. These disruptions may become more serious when a child's identity is disclosed, when a school treats case status as a basis for denying educational services, or when transfers between institutions occur without the educational information needed to support continuity. Educational protection in the juvenile criminal justice system should therefore be understood not merely as the provision of learning activities within a particular institution, but as continuity of educational support from a child's initial involvement in proceedings through return to school and community life.

At the constitutional level, Article 28B(2) of the 1945 Constitution of the Republic of Indonesia guarantees every child's right to survival, growth, development, and protection from violence and discrimination, while Article 31 affirms the right to education. Law No. 20 of 2003 on the National Education System places education within the rights of citizens and establishes principles for its provision. In the context of child justice, Law No. 11 of 2012 on the Juvenile Criminal Justice System (the SPPA Law) distinguishes among children in conflict with the law, child victims, and child witnesses. These distinctions are legally significant because protection needs, service arrangements, and responsible institutions may differ; the three groups should therefore not be treated as a single, undifferentiated category.

This national framework is consistent with the Convention on the Rights of the Child. Article 28 recognizes the child's right to education, while Article 40 requires criminal justice responses involving children to respect dignity, take age into account, and support constructive reintegration. General Comment No. 24 (2019) places diversion, non-custodial measures, and the use of deprivation of liberty only as a measure of last resort within the broader child justice framework. The Beijing Rules similarly emphasize the child's well-being and development, while the Havana Rules provide that children of compulsory school age who are deprived of liberty remain entitled to education suited to their needs and designed, as far as possible, to facilitate continuation of education after release.

Previous studies have addressed several dimensions of this issue. Fikri et al. (2024) examine responses to juvenile brawls, Siregar et al. (2023) discuss criminal policy concerning sexual violence against

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children, and Sembiring et al. (2022) analyse legal protection for children alleged to have committed offences. Purba and Zarzani (2023) focus on protection for children serving sentences in a particular institutional setting, while Aulia et al. (2024) discuss child labour from criminal law and Islamic law perspectives. More focused studies on education identify implementation challenges within child development institutions. Primawardani (2013) reports limitations relating to human resources, facilities, funding, and teaching personnel; Fadhilah and Kadir (2021) highlight constraints on access to formal and non-formal education in an LPKA; and Nurhamdah et al. (2022) identify shortages of professional educators and educational facilities. Davies and Robson (2016) situate Indonesia's juvenile justice system within the interaction between domestic law and international children's rights standards.

These studies are important, but they generally address children in conflict with the law, institutional education, or particular types of cases as separate concerns. A normative framework is still needed to follow changes in a child's legal status and procedural stage and to explain how learning needs, institutional responsibility, service transitions, and confidentiality can be connected within a coherent mechanism. This article therefore addresses two questions: how do a child's legal status and procedural stage shape educational obligations, and how can continuity of learning be organized without unnecessary disclosure of the child's identity? The article's original contribution is a proposed educational continuity framework that integrates child status, procedural stage, learning needs, responsible actors, service transitions, follow-up, and proportionate limits on information sharing. The framework is normative and prescriptive and requires subsequent empirical assessment in relevant institutional settings.

Method

This study employs normative legal research using statutory and conceptual approaches. The statutory approach is used to examine rules governing the right to education, the legal status of children, diversion, temporary placement, institutional development, and reintegration. The conceptual approach treats education as a continuing right and draws on the best interests of the child, respect for dignity, reintegration, and child-friendly justice as analytical principles.

Primary legal materials include the 1945 Constitution of the Republic of Indonesia; Law No. 20 of 2003 on the National Education System; Law No. 11 of 2012 on the Juvenile Criminal Justice System; Law No. 22 of 2022 on Corrections; the Convention on the Rights of the Child; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules); and General Comment No. 24 (2019) on children's rights in the child justice system. Secondary materials consist of scholarship on the educational rights of children in conflict with the law, juvenile justice, corrections, sexual violence, child labour, and barriers to education in LPKA institutions available through 31 December 2024.

Materials were collected from legislation, official international instruments, and scholarly publications. The analysis first mapped child status, procedural stage, educational rights, responsible institutions, and points at which educational continuity may be disrupted. The relevant provisions were then interpreted systematically to connect procedural safeguards with continuity of learning. The resulting educational continuity framework is a prescriptive normative synthesis. This study does not include observation, interviews, or an assessment of programme effectiveness in any particular institution; empirical findings from previous studies are used as contextual evidence of coordination needs rather than as field data generated by this research.

Results and Discussion

Child Status Determines the Form of Protection and Educational Support

Article 1 of the SPPA Law distinguishes a child in conflict with the law from a child victim and a child witness. A child in conflict with the law is defined as a child who is at least 12 but under 18 years of age and is alleged to have committed a criminal offence. Child victims and child witnesses have distinct definitions and legal positions. The use of the term alleged is important because being subject to investigation or proceedings is not equivalent to a judicial finding of guilt. Educational planning should therefore never proceed on the assumption that every child who comes into contact with criminal justice authorities has been proven to have committed an offence.

The right to education continues throughout the proceedings. Article 3 of the SPPA Law includes education among the rights of children within the justice process, while the 1945 Constitution and the National Education System Law provide the broader legal foundation for continued access to education. From the perspective of the Convention on the Rights of the Child, involvement in criminal proceedings does not suspend a child's educational rights; rather, the process should preserve dignity, development, and the prospect of reintegration. This principle does not remove legal

accountability where it is lawfully established, but it limits unnecessary educational harm arising from the process itself.

Legal status also matters when identifying the relevant institutions. A child placed temporarily during proceedings is not in the same legal position as a child serving a custodial sentence. The SPPA Law distinguishes the Temporary Child Placement Institution (Lembaga Penempatan Anak Sementara, LPAS) from the Special Child Development Institution (Lembaga Pembinaan Khusus Anak, LPKA). Child victims and witnesses should not be directed into programmes designed for children in conflict with the law merely because they are connected to the same criminal case. Equal enjoyment of rights therefore does not require identical services; the form of support should respond to legal status, individual needs, safety considerations, and procedural stage.

Confidentiality is equally important. Schools and education providers may need limited information to adjust schedules, administration, assessment, or learning support, but this does not justify disclosure of the entire case narrative. Information should be shared only to the extent reasonably necessary for an authorized educational purpose. A proportionate approach to information sharing can reduce stigma, protect the child's dignity and privacy, and help prevent case status from becoming an additional barrier to education.

Diversion and Education Within Statutory Limits

Article 7 of the SPPA Law requires authorities to seek diversion at the investigation, prosecution, and district court stages where the statutory conditions are satisfied: the alleged offence carries a term of imprisonment of less than seven years and does not constitute a repeat offence. This obligation should not be presented as a guarantee of diversion in every case. The alleged offence, any relevant history of repetition, the interests and safety of the victim, and applicable procedural requirements must still be assessed before available options are explained to the child and the family.

Where a case is legally eligible for diversion, educational needs may be incorporated into follow-up planning without using education as a reason to bypass statutory requirements or diminish the interests of victims. School schedules, access to examinations, family support, and the child's ability to participate in learning may be considered when formulating a lawful and workable restorative arrangement. An education plan does not determine the outcome of diversion; its purpose is to help ensure that a lawful resolution does not unnecessarily sever the child's learning pathway.

Children whose cases are not eligible for diversion remain entitled to educational protection. Treating diversion as the only means of preserving access to education would overlook children whose cases must proceed through later stages of the justice process. Educational planning should therefore be portable: essential information concerning educational level, learning needs, required support, and follow-up should be capable of moving, on a limited and authorized basis, when a child's placement or procedural pathway changes, without altering the child's legal status or disclosing case material unrelated to education.

Education in LPAS, LPKA, and Reintegration

Article 84 of the SPPA Law addresses the educational rights of children placed in LPAS and the corresponding obligation to provide education and training. Article 85 regulates education and development for children serving custodial sentences in LPKA, with the Community Advisor (Pembimbing Kemasyarakatan) and the Correctional Center (Balai Pemasyarakatan, Bapas) contributing through social inquiry and supervision. Law No. 22 of 2022 on Corrections further strengthens the legal framework for the rights and development of children within the correctional system. These provisions should be read together according to the child's legal status and procedural stage rather than treated as interchangeable rules.

International standards reinforce this orientation. The Havana Rules provide that children of compulsory school age who are deprived of liberty remain entitled to education appropriate to their needs and abilities and directed toward successful return to the community. Education should, as far as practicable, remain connected to the national education system so that children can continue their studies without avoidable difficulty after release. The relevant measure of educational protection is therefore not simply whether a class or training activity exists, but whether the programme remains connected to the child's prior learning and realistic plan for reintegration.

Earlier empirical research indicates that implementation may be constrained by institutional capacity. Primawardani (2013) identifies challenges involving human resources, facilities, funding, and teaching personnel. Fadhilah and Kadir (2021) report that educational provision at LPKA Class II Jakarta did not fully ensure access to formal and non-formal education, while Nurhamdah et al. (2022) identify limitations in professional teaching staff and facilities. This article does not generalize those findings to all institutions. Rather, they illustrate why educational continuity should be approached as an issue of coordination across institutions and services, not solely as an internal responsibility of an LPKA.

Skills training may support development and reintegration, but it should not automatically be treated as the complete fulfilment of the right to education. Programmes should take account of age, safety,

educational level, foundational learning needs, and the opportunity to return to formal or non-formal education. Scholarship on child labour also cautions that productive activity must be distinguished from education and should not compromise a child's development (Aulia et al., 2024).

Education for Child Victims and Witnesses

Child victims and witnesses may experience educational disruption because of examination schedules, relocation, safety measures, or recovery needs. These circumstances do not place them within the institutional programmes applicable to LPAS or LPKA. Educational support should instead prioritize safety, continuity of learning, and the prevention of stigma while remaining responsive to the procedural context. Clear institutional distinctions help schools, families, and protection services avoid misdirecting a child merely because the child has contact with criminal justice authorities.

In cases involving sexual violence, educational needs may need to be coordinated with other forms of protection and support. Criminal policy literature provides context for victim protection (Siregar et al., 2023), but educational adjustments should not be standardized without regard to individual circumstances. A child may require a modified schedule, a change of school, temporary learning from a safe location, or administrative support to return to school. These decisions should be informed by the child's circumstances and, where appropriate, by competent professionals. A return to educational participation should not be taken as evidence that the effects of the underlying experience have ended.

For child victims and witnesses, limited information sharing is particularly important. Educational coordination should use only the information necessary to secure appropriate services, while identity, details of violence, testimony, and other case material not required for that purpose remain protected. Protection of identity and educational continuity are therefore not competing objectives; they are complementary obligations that should be designed to operate together.

Educational Continuity Framework

The principal contribution of this article is an educational continuity framework conceived as a coordination instrument rather than as an additional condition for receiving educational rights. The framework is designed to follow changes in legal status and procedural stage so that educational information and responsibility do not disappear when a child moves from school to temporary placement, from LPAS to LPKA, or from an institution back to the community. Its minimum components are legal status and procedural stage, learning needs, responsible actors, continuity measures, transition planning, follow-up, and clear limits on the information that may be shared.

The framework does not prescribe a new curriculum. Its purpose is to clarify which authorized actor should take a particular educational step and when responsibility needs to be transferred. Records should be updated when legal status or placement changes, while access to information should remain limited by purpose, necessity, and institutional authority.

Table 1. Proposed Educational Continuity Framework in the Juvenile Criminal Justice System

Status / procedural stage	Primary educational need	Primary coordinating actors	Continuity measure	Information-sharing limits
Child in conflict with the law - investigation, prosecution, or trial	Maintain enrolment, scheduling, assessment, and meaningful access to learning	Family/guardian; school; competent justice authorities; Community Advisor, where applicable	Record learning status; adjust schedules; prepare transfer arrangements if placement changes	Share only information necessary for educational adjustment; preserve the presumption of innocence
Temporary placement in LPAS	Ensure access to age-appropriate learning during temporary placement	LPAS; Bapas/Community Advisor; education provider; family/guardian	Continue the learning record; identify curriculum and assessment needs; prepare the next transition	Limit case information to an authorized educational purpose
Child serving a custodial sentence in LPKA	Provide structured education connected to prior learning and reintegration	LPKA; Bapas; education authority/provider; family/guardian	Develop an individual learning plan; maintain recognition and continuity of learning; prepare for reintegration	Restrict access and keep educational records distinct from the case dossier
Child victim	Ensure safety, flexible access, and continuity during protection or relocation	Family/guardian; protection services; school/education authority; competent support professionals	Provide flexible scheduling or location; maintain administrative continuity; prepare a safe return plan	Apply strong confidentiality; disclose only information necessary for

Child witness	Maintain learning continuity during examination and protection	Family/guardian; relevant authority; school/education provider	Adjust schedules; minimize disruption; provide follow-up after proceedings	service delivery Apply strong confidentiality; avoid unnecessary disclosure of testimony or case details
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Source: Author's normative synthesis based on the statutory framework and literature reviewed in this article.

Operationalizing the framework requires a clear handover mechanism. When a child moves from one service or institution to another, the sending institution should not merely transmit records; the receiving institution should confirm what has been received and identify the next educational steps. Coordination should therefore result in traceable continuity of support rather than ending with the exchange of documents.

Implementation may be assessed through modest indicators, including the availability of educational services, genuine opportunities to participate in learning, responsiveness to individual needs, administrative continuity during transfers, and follow-up after reintegration. These indicators are proposed for future empirical research and are not presented as findings of programme effectiveness in this study. Participation in a class or training activity, by itself, is also insufficient to establish that the quality of education is adequate.

The proposed framework has limitations. Not all regions and institutions have the same service options, resources, or capacity for coordination. Because this study is normative, questions concerning the most effective allocation of responsibilities, the quality of information exchange, and practical barriers to implementation require empirical investigation. Such research should involve children in a safe and ethically appropriate manner, alongside families, schools, Bapas, LPAS, LPKA, and other relevant service providers.

Conclusion

A child's right to education continues throughout criminal justice proceedings, but the form of educational support and the institutions responsible for it must correspond to the child's legal status and procedural stage. Children in conflict with the law, child victims, and child witnesses should not be placed within a single model of service. Diversion must be pursued only where the statutory conditions are met, while cases that proceed to temporary placement or custodial sentences must continue to safeguard access to and continuity of education. Education in LPAS and LPKA should remain connected to the child's learning history, social inquiry, Bapas supervision, and reintegration planning; vocational training should not automatically be equated with full realization of the right to education. The principal contribution of this study is a proposed educational continuity framework integrating legal status and procedural stage, learning needs, responsible actors, transition measures, follow-up, and proportionate limits on information sharing. The framework offers a normative basis for connecting the juvenile justice system with educational services while respecting the presumption of innocence, confidentiality, safety, dignity, and the best interests of the child. Its implementation requires more operational coordination arrangements and empirical testing across different institutional contexts.

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