

ANALYSIS OF LAW NO. 11 OF 2012 ON THE PROTECTION OF THE RIGHTS OF CHILDREN WHO COMMIT CRIMES FROM A LEGAL SOCIOLOGY PERSPECTIVE



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Abstract

This article aims to comprehensively examine polygamy from various perspectives, with a particular focus on the legal protection afforded to second wives within polygamous practices in Indonesia. It explores the complex dynamics experienced by women who occupy the position of a second wife, including their roles, rights, and social perceptions. Furthermore, this study seeks to deconstruct the existence and identity of women in polygamous marriages by critically assessing the challenges they face and the efforts made to safeguard their legal and social well-being. Employing a qualitative research approach, this study utilizes Simone de Beauvoir's existentialist feminism theory as an analytical framework to understand how women's roles in polygamy are constructed and contested within patriarchal legal and social systems. The findings reveal that, although polygamy is permitted under Indonesian law, its practical implementation often leads to various injustices, particularly in the form of legal uncertainty and limited protection for second wives. These women frequently encounter stereotyping, social stigma, discrimination, and even the threat of criminal consequences when the polygamous marriage is carried out without the consent of the first wife. This article advocates for the reconstruction of the identity and social role of second wives, emphasizing the need for comprehensive legal reforms, increased public awareness, and the promotion of marriage registration to ensure the fulfillment of women's rights and the creation of a more equitable marital framework in polygamous settings.

Abstrak

The issue of protecting the rights of children involved in criminal acts is a main focus in the Indonesian justice system. UU no. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) is the legal basis for dealing with children who are in conflict with the law. Before the enactment of this law, the approach applied was more repressive and tended to ignore the social and psychological factors that influence children's behavior. This article examines the application of Law no. 11 of 2012 from a legal sociology perspective, emphasizing the relationship between law, society and social norms. This law aims to protect children's rights through the principles of restorative justice, which includes diversion, assistance and alternative punishment that emphasizes rehabilitation and social reintegration. However, in its implementation, there are obstacles from external factors such as bias by law enforcement officials and social norms that support a more punitive approach. The sociological perspective of law emphasizes the importance of paying attention to children's social conditions as part of the rehabilitation process. Therefore, the success of this law really depends on changing the mindset of the community and law enforcement officials in treating children in conflict with the law.

INTRDUCTION

A child is an individual who is still in the early stages of life. The growth and development of children are greatly influenced by experiences in childhood, because at this age they tend to easily imitate what they see and hear. Therefore, the role of parents in providing direction to distinguish good and bad values is very important. In addition, the surrounding environment also has a big influence on children. A positive environment will have a good impact, while a bad environment can have a negative influence. Along with the development of the times and technological advances, violations of the law are no longer only associated with the maturity of someone who is capable of committing a crime. Currently, children also have the potential to commit violations of the law and criminal acts. If proven to have done so, they can be subject to criminal sanctions according to applicable regulations.¹ Over time and technological advances, the term "lawbreaker" is no longer limited to adults who are capable of committing crimes, but also includes children who can violate the law and are held accountable for their actions. Such actions can be subject to criminal sanctions. At this stage, when children grow up and begin to explore their identity, there is often a desire to try new things that they have never done before. This makes the child's growth and development period have quite a big risk. In addition, the process of child growth is greatly influenced by the environment in which they interact and socialize.²

Legal regulations governing juvenile courts in Indonesia have actually existed since the enactment of Law Number 3 of 1997. However, along with the development of the times, the provisions in this law are considered incapable of providing comprehensive legal protection for children who are perpetrators of criminal acts.³ Therefore, the Law has been revised through Law Number 11 of 2012 which regulates the justice system for children who commit crimes. In situations like this, special protection is needed, and the party that has the authority to provide such protection is the government.⁴

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System regulates various matters, including the possibility of placing children undergoing legal proceedings in the Special Child Development Institution (LPKA). This law aims primarily to keep children away from the formal justice process by adopting a restorative justice approach and diversification through clear provisions. Therefore, the role and participation of all parties is very important to achieve this goal. This process is designed to realize restorative justice in the best interests of children and victims. All parties involved in the crime are expected to contribute to the restorative justice process, which is inclusive and involves various parties.⁵

¹ Femmy Silaswaty Faried, Hadi Mahmud, Dan Suparwi Suparwi, "Mainstreaming Restorative Justice In Termination Of Prosecution In Indonesia," *Journal Of Human Rights, Culture And Legal System* 2, No. 1 (30 Maret 2022), <https://doi.org/10.53955/Jhcls.V2i1.31>.

² Rahayu Oktavia And Puspitosari, "Analysis Of Legal Protection For Children As Perpetrators Of Theft Crimes With Diversion Based On Law No. 11 Of 2012 Concerning The Juvenile Criminal Justice System."

³ Mawuntu And Karwur, "The Existence Of The Juvenile Criminal Justice System And Legal Protection For Child Criminals According To Law Number 11 Of 20121 By: Gaby Monica Gabriela Sumangkut2."

⁴ Nikmah Rosidah, *Sistem Peradilan Pidana Anak* (Bandar Lampung, 2019).

⁵ Akhmad Munawar Munawar, Sudiyono, And Sugiyanto, "Resolving Criminal Acts Committed By Children Through Diversion In Law Number 11 Of 2012 Concerning The Juvenile Criminal Justice System."

The issue of protecting the rights of children involved in criminal acts is one of the significant problems in the Indonesian legal system. Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) was introduced to regulate the treatment of children in conflict with the law.⁶ Prior to this law, the approach used was more repressive and often ignored the social and psychological factors underlying the child's behavior. This article will discuss the analysis of Law No. 11 of 2012, with a focus on the protection of children's rights from a legal sociology perspective, which emphasizes the relationship between law, society, and social norms.⁷

METHODS

To gain a deeper understanding, this study uses a normative legal research method that focuses on the analysis of laws and regulations and the study of theories, concepts, and legal principles. This study involves various legal materials, where primary legal materials include laws and regulations, such as Law Number 11 of 2012, while secondary legal materials include supporting literature, such as books, expert opinions in journals, and sources from the internet. The collection of legal materials was carried out through a literature study method by analyzing various documents, including books, laws and regulations, and other instruments.⁸ The purpose of this study is to determine how Law Number 11 of 2012 protects the rights of child perpetrators of criminal acts from a legal perspective. sociology of law.

RESULT AND DISCUSSION

Government Efforts to Protect Children's Rights in Law No. 11 of 2012

One of the efforts made by the government to protect the rights of children who are perpetrators of criminal acts is to formulate laws and regulations that aim to protect the interests of children who are in conflict with the law. This step is taken to prevent exploitation with economic motives, both against children who are victims of criminal acts and children who are perpetrators of criminal acts.⁹ In protecting the rights of children who commit crimes, the government issued Law Number 11 of 2012 concerning the juvenile criminal justice system, with a settlement model from the courts to outside the courts.¹⁰

Children are defined as individuals who have not reached adulthood and are still under the supervision of parents or guardians. According to Paulus Hadi Sucipto, the age limit for children varies in several countries, such as in the United States, which sets the

⁶ Sri Purwanti Budi Utami Dan Anggraeni Endah Kusumaningrum, "Perlindungan Hukum Kepada Anak Yang Melakukan Tindak Pidana," *Jurnal Hukum, Politik Dan Ilmu Sosial* 1, No. 1 (2 Juni 2023): 336 – 47, <https://doi.org/10.55606/Jhpis.V1i1.1761>.

⁷ Dwi Dasa Suryantoro, "Tinjauan Yuridis Diversi Dalam Sistem Peradilan Pidana Anak Perspektif Undang – Undang Nomor 11 Tahun 2012," *Legal Studies Journal* 2, No. 2 (4 Oktober 2022), <https://doi.org/10.33650/Lsj.V2i2.4209>.

⁸ Muhammad Siddiq Armia, *Penentuan Metode Dan Pendekatan Penelitian Hukum* (Banda Aceh: Lembaga Kajian Konstitusi Indonesia, 2022).

⁹ Imelda Rosayu, Faris Ali Sidqi, And Sri Herlina, 'Analysis Of Children's Rights As Suspects Based On Law Number 11 Of 2012 Concerning The Juvenile Justice System'.

¹⁰ Henny Saida Flora, "Restorative Justice In The New Criminal Code In Indonesia: A Prophetic Legal Study," *Rechtsidee* 10, No. 2 (29 Desember 2022), <https://doi.org/10.21070/Jihr.V11i0.836>.

age range for children between 8 and 17 years.¹¹ Article 1 Paragraph 3 of the Child Criminal Justice System Law states that children in conflict with the law, hereinafter referred to as children, are individuals aged 12 years to under 18 years who are suspected of committing a crime.¹² In addition, children who are under 18 years of age are considered to still be in the developmental period, so there are special laws and regulations designed to protect their rights and improve their welfare. The judicial process for children who commit crimes is different from the judicial process for adults, with an emphasis on rehabilitation and reintegration into society.¹³

Tolib Setiadi defines juvenile criminal acts as criminal acts committed by children as regulated in Article 45 of the Criminal Code which reads: "In the case of criminal prosecution of a minor for committing an act before the age of sixteen, the judge may determine to order the guilty person to be returned to his parents, guardian or caretaker, without any punishment or order the guilty person to be handed over to the government without any punishment, if the act is a crime or one of the violations based on Articles 489, 490, 492, 496, 497, 503 – 505, 514, 517 – 519, 526, 531, 532, 536, and 540 and less than two years have passed since being found guilty of committing a crime or one of the violations mentioned above, and the verdict has become final; or impose a punishment on the guilty person."¹⁴ Then what is meant by a naughty child is a child who commits a crime which is an act that is prohibited, according to the law or according to the legal regulations that apply in the life of society.¹⁵

The principle of legal protection for children has been regulated in the Convention on the Rights of the Child and Law Number 11 of 2012 concerning the Juvenile Justice System. This regulation aims to provide basic protection for children in conflict with the law while ensuring they have the opportunity to defend themselves.¹⁶ Through coaching that can provide opportunities for children who have long – term future thinking, so that they can gain an identity that allows them to become independent, responsible and useful individuals for themselves, their families, communities, countries and their nation.¹⁷

Before the formulation of Law Number 11 of 2012, there was actually a Law that protected the rights of children who committed crimes. Namely Law Number 3 of 1997. However, this Law is no longer in accordance with the development of the protection of the rights of children who commit crimes at this time and the legal needs in society. Because comprehensively it has not provided specific protection for children who commit crimes, so there needs to be a new Law, which comprehensively provides special protection for children who commit crimes based on the role and duties of the

¹¹ Syafruddin Syafruddin, "Settlement Of Juvenile Offenders Based On Restorative Justice," *Jurnal Ius Kajian Hukum Dan Keadilan* 10, No. 3 (26 Desember 2022): 571 – 80, <https://doi.org/10.29303/Ius.V10i3.1018>.

¹² Yosephine Yulita Dosniroha Dan Dewi Putri Nurwidiyana, "Pemidanaan Terhadap Anak Pelaku Tindak Pidana Pencurian Dengan Pemberatan Dikaitkan Dengan Asas Kepentingan Terbaik Bagi Anak," *The Juris* 8, No. 1 (29 Juni 2024): 182 – 88, <https://doi.org/10.56301/Juris.V8i1.1246>.

¹³ Archana Vashishth, Sakshi Dudeja, Dan Teena, "System Of Restorative Justice And Juvenile Justice In India: A Brief Comparative Study With Latin American System," *Mexican Law Review*, 7 Februari 2024, 131 – 43, <https://doi.org/10.22201/Iij.24485306e.2024.2.18895>.

¹⁴ "Kitab Undang – Undang Hukum Pidana.Pdf," T.T.

¹⁵ Fitra Mulyawan, "Implementation Of Criminal Sanctions Against Minors Who Commit Crimes (Viewed From The Theory Of Social Reality Of Crime)."

¹⁶ Lisawaty W Badu Dan Julisa Aprilia Kaluku, "Restorative Justice In The Perspective Of Customary Law: A Solution To The Settlement Of Narcotics Crimes Committed By Children," No. 02 (2022).

¹⁷ Gaby
Monica
"Jm_Lexcrimen, + 12. + Gaby + Monica + Gabriela + Sumangkut + _Crimen.Pdf," T.T.

government, society, and other state institutions that have the authority and responsibility to improve child welfare by providing special protection for children who commit crimes.¹⁸ In addition, it is also in order to realize a justice system that guarantees protection for children who commit crimes as the successors of the nation. Because protection and justice for children who commit crimes is a form of implementation of one of the human rights values based on the principle of non – discrimination with the aim of the interests of children and the continuity of their growth and development.¹⁹

Law Number 11 of 2012 was specifically formed to implement and pay more attention to and protect children's rights and best interests in the judicial process. The law regulates various aspects, namely: stages of the judicial process, rights held by children, and principles that must be adhered to in the court process, and ensures that the punishment given is educational and rehabilitative, not just punitive.²⁰ In Law Number 11 of 2012, Article 1 also explains that a child is an individual who is not yet 18 years old. So in this case, a child who commits a crime and is not yet 18 years old is entitled to receive protection of the rights of the child as a perpetrator of a crime.

Legal protection for child perpetrators of crimes is carried out through diversion.²¹ This is a process to produce restorative justice, which means that all parties involved in a particular crime jointly resolve the problem of the crime by involving the victim, the child as the perpetrator of the crime, the community to find solutions, reconciliation, and professional social workers based on a restorative justice approach.²²

Restorative justice is an effort to eliminate punishment for criminal acts committed by giving responsibility to the perpetrators of criminal acts by involving the participation of the parties involved, namely: the perpetrator, the victim, and the community.²³ Restorative justice uses the concept of apology, restitution, and recognition of the mistakes made as well as healing and reintegration by the perpetrator who then returns to the community by giving the perpetrator the opportunity to improve himself.²⁴ The restorative justice approach in handling criminal cases offers a different approach and

¹⁸ Feddy Hantyo Nugroho, Rodliyah, Dan Amiruddin, "Law Enforcement Against Children's Criminal Action Based On Law Number 11 Of 2012 Concerning Children Criminal Justice Systems," *International Journal Of Scientific Research And Management* 8, No. 06 (4 Juni 2020): 226 – 35, <https://doi.org/10.18535/Ijsrm/V8i06.Lla03>.

¹⁹ Ratna Jubaedah, "Pelaksanaan Diversi Terhadap Anak Pelaku Tindak Pidana Di Tinjau Dari Undang – Undang Nomor Ii Tahun 2012 Tentang Sistem Peradilan Pidana Anak (Studi Kasus Penetapan Pengadilan Negeri Jakarta Pusat Nomor: 01/Pid.Sus – Anak/Div/2021/Pn Jkt Pst)" 6, No. 3 (2022).

²⁰ Subroto, "The Need For Restorative Justice In The Juvenile Justice System Against Juvenile Delinquency."

²¹ Kartika Dita Ayu Rahmadani Dan I Made Minggu Widyantarai, "Kebijakan Diversi Dalam Sistem Peradilan Pidana Anak Sebagai Upaya Pengalihan Peradilan Formal," . . Cc 5 (T.T.).

²² Christiawan And Hamzah, "Handling Of Children In Criminal Cases Of Theft In Surabaya City In 2017 From The Perspective Of Maqashid Syariah (Case Study At Surabaya Children Crisis Center)."

²³ Moch. Fauzan Zarkasi, Nur Azisa, Dan Haeranah Haeranah, "Implications Of Renewal System Of Criminal Justice Based On The Principles Of Restorative Justice On The Role Of Probation And Parole Officer," *Khazanah Hukum* 4, No. 1 (15 Maret 2022): 29 – 44, <https://doi.org/10.15575/Kh.V4i1.17354>.

²⁴ Badu Dan Kaluku, "Restorative Justice In The Perspective Of Customary Law: A Solution To The Settlement Of Narcotics Crimes Committed By Children."

perspective in handling a criminal case. In the restorative justice view, a crime is the same as the general criminal law view.²⁵

In Law No. 11 of 2012, it is explained that diversion is the transfer of the settlement of children's cases in the criminal justice process to a process outside the criminal justice process.²⁶ This diversion is carried out with the aim of achieving peace between victims and children who commit crimes, resolving children's cases outside the judicial process, preventing children from being deprived of liberty, encouraging the community to participate and instilling a sense of responsibility towards children.²⁷

The application of diversion to child criminals aims to reduce the negative impact of child involvement in the judicial process. The purpose of diversion is also stated in Article 6 of the Child Criminal Justice System Law, namely: achieving peace between victims and children, resolving children's cases outside the judicial process, preventing children from being deprived of liberty, encouraging the community to participate, and instilling a sense of responsibility in children.²⁸

In the juvenile justice system, perpetrators of criminal acts use a restorative justice model, the implementation of which is regulated in Law Number 11 of 2012. In addition, restorative justice prioritizes peace efforts by not considering perpetrators of criminal acts as enemies.²⁹ One of the objectives of implementing restorative justice for victims is to prioritize diversion, with the aim of helping to prioritize the interests of children, avoiding social stigma, and ensuring that children receive protection and guidance.³⁰ In addition, restorative justice for children who commit crimes is to protect freedom and human rights, and maintain their welfare. In this restorative justice system, it seeks to repair the losses caused by children who commit crimes, not just punish them.³¹ The effort is carried out by involving many parties to participate in one way, in addition the state also plays a role in protecting the rights of children in conflict with the law. It should be understood that in this case the law enforcement officers focus more on peace than on the implementation of formal justice, namely justice that is repaid according to the actions of children who commit crimes.³²

Restorative justice is considered important because it can provide an alternative to perpetrators of criminal acts without neglecting to provide justice for victims. Because basically restorative justice emphasizes more on compensation for damage caused by

²⁵ Sulbadana Sulbadana Dkk., "Does International Law Acknowledge Restorative Justice?," *Sriwijaya Law Review* 7, No. 1 (31 Januari 2023): 121, <https://doi.org/10.28946/Slrev.Vol7.Iss1.2130.Pp121-134>.

²⁶ Bambang Tri Bawono Dan Henning Glaser, "The Urgency Of Restorative Justice Regulation On Hate Speech," *Bestuur* 11, No. 2 (19 Desember 2024): 364, <https://doi.org/10.20961/Bestuur.V11i2.82508>.

²⁷ "Law Number 11 Of 2012.Pdf."

²⁸ Tomalili And Ariadi, "Implementation Of Diversion Through The Restorative Justice Approach Carried Out By Juvenile Judges At The Unaaha District Court."

²⁹ Zarkasi, Azisa, Dan Haeranah, "Implications Of Renewal System Of Criminal Justice Based On The Principles Of Restorative Justice On The Role Of Probation And Parole Officer."

³⁰ Catherine S. Kimbrell, David B. Wilson, Dan Ajima Olaghere, "Restorative Justice Programs And Practices In Juvenile Justice: An Updated Systematic Review And Meta-Analysis For Effectiveness," *Criminology & Public Policy* 22, No. 1 (Februari 2023): 161-95, <https://doi.org/10.1111/1745-9133.12613>.

³¹ Orin Gusta Andini, Nilasari Nilasari, Dan Andreas Avelino Eurian, "Restorative Justice In Indonesia Corruption Crime: A Utopia," *Legality : Jurnal Ilmiah Hukum* 31, No. 1 (13 April 2023): 72-90, <https://doi.org/10.22219/Ljih.V31i1.24247>.

³² Syafruddin, "Settlement Of Juvenile Offenders Based On Restorative Justice."

criminal behavior.³³ The primary goal of restorative justice and the formal criminal justice system is to deter offenders from committing crimes, enabling them to participate in legal alternatives that do not result in their incarceration.³⁴

In Article 3 of Law Number 11 of 2012, there are several children's rights in the criminal justice process, namely:

- a. Checked humanely by paying attention to needs according to age.
- b. Separated from adults receive legal and other assistance effectively.
- c. Free from torture, cruel and degrading treatment.
- d. Not sentenced to death, or life imprisonment.
- e. Not to be arrested, detained or imprisoned except as a last resort and for the shortest possible time.
- f. Obtaining justice before an objective juvenile court.
- g. Impartially and in a hearing that is closed to the public, obtain a parent or guardian and someone the child trusts.
- h. His identity was not made public.
- i. Obtain social advocacy.
- j. Get a social life.
- k. Gaining accessibility, especially for children with disabilities.
- l. Get an education.
- m. Obtain health services.³⁵

Therefore, children who commit crimes cannot be sentenced to deprivation of liberty. Such as: being imprisoned like adults who commit crimes, because children are people who cannot yet be responsible for their actions.³⁶ In the juvenile justice system, there are efforts in the form of actions and policies as a process of the legal part, namely: return to parents, surrender to someone, treatment in a mental hospital, treatment at LPKS, mandatory formal education or training carried out by the government or private bodies, and correction of the consequences of criminal acts committed by children.³⁷

Legal Sociology's View on Law No. 11 of 2012

Sociology of law studies the relationship between law and society. This perspective allows us to understand that the actions of children involved in criminal acts are often influenced by various social, economic, and cultural factors. The application of Law No. 11 of 2012 can be analyzed by looking at how the law interacts with the social conditions surrounding these children.³⁸

³³ Matthew Marcellino Gunawan, Pujiyono Suwadi, Dan Muhammad Rustamaji, "Comparison Of Restorative Justice Implementation In Indonesia, Usa, Germany, Poland And Switzerland," *Revista De Gestro Social E Ambiental* 18, No. 1 (1 Februari 2024): E04677, <https://doi.org/10.24857/Rgsa.V18n1-055>.

³⁴ Nur Rochaeti Dkk., "A Restorative Justice System In Indonesia: A Close View From The Indigenous Peoples' Practices," *Sriwijaya Law Review* 7, No. 1 (27 Januari 2023): 87, <https://doi.org/10.28946/Slrev.Vol7.Iss1.1919.Pp87-104>.

³⁵ "Undang – Undang Republik Indonesia Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak Dengan Rahmat Tuhan Yang Maha Esa Presiden Republik Indonesia," T.T.

³⁶ Sukamariko Andrikasmi Dkk., "Penjatuhan Pidana Pada Pelaku Tindak Pidana Anak Berdasarkan Undang – Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak," *September 2023* Vol.2, No.9 (T.T.), [Http://Bajangjournal.Com/Index.Php/Jpm](http://Bajangjournal.Com/Index.Php/Jpm).

³⁷ Sukamariko Andrikasmi Dkk.

³⁸ Cakra Alin Pratama Dan Junifer Dame Panjaitan, "Analisis Yuridis Undang – Undang No.11 Tahun 2012 Tentang Perlindungan Anak Terhadap Sistem Peradilan Pidana," *Comserva : Jurnal*

1. Social Conditions of Children Who Commit Crimes Children who are involved in crimes often come from less supportive environments, such as troubled families, violent environments, or difficult economic conditions. These factors often push children to fall into crime. In the view of legal sociology, a legal approach that does not consider these social factors has the potential to fail in child rehabilitation. Therefore, Law No. 11 of 2012 with a restorative justice approach provides an opportunity for children to receive rehabilitation and recovery, not just punishment. Diversion and out-of-court settlements are expected to help overcome the social problems underlying children's behavior.³⁹
2. Abuse of Power by Law Enforcement Officials Although Law No. 11 of 2012 has regulated the protection of children's rights, the implementation of the law in the field is often hampered by external factors, such as ignorance or bias of law enforcement officials regarding children's rights.⁴⁰ The sociology of law shows that there is tension between legal norms and social practices that are influenced by power and political interests. For example, pressure from the community who want children who commit crimes to be punished severely can influence legal decisions to prioritize punishment over rehabilitation.⁴¹
3. Social Norms vs. Law Sociology of law also highlights the differences between social norms and law. Many people assume that children who commit crimes should be punished appropriately, without considering the social causal factors. On the other hand, the law seeks to prioritize the recovery and reintegration of children into society. The success of Law No. 11 of 2012 depends largely on its ability to deal with social norms that tend to favor a punitive approach.⁴²

Social and Cultural Implications of Law No. 11 of 2012

1. Social Rehabilitation and Child Education One of the important principles in Law No. 11 of 2012 is to ensure that children in conflict with the law receive rehabilitation. This is important because these children need special attention to develop into better individuals. Legal sociology emphasizes the importance of education and training as part of the process of social reintegration of children into society.⁴³
2. Changing the Mindset of Society This law also aims to change the mindset of society regarding children and the law. It is hoped that there will be an increase in awareness of the importance of a restorative approach rather than a retaliatory one, thus bringing

Penelitian Dan Pengabdian Masyarakat 3, No. 07 (28 November 2023), <https://doi.org/10.59141/Comserva.V3i07.1052>.

³⁹ Sri Purwanti Budi Utami Dan Anggraeni Endah Kusumaningrum, "Perlindungan Hukum Kepada Anak Yang Melakukan Tindak Pidana."

⁴⁰ Pradana Boy Ztf, "The Sociology Of Law In The Context Of Islamic Legal Scholarship In Indonesia," *Journal Of Social Studies (Jss)* 18, No. 2 (31 Oktober 2022): 187–96, <https://doi.org/10.21831/Jss.V18i2.50847>.

⁴¹ Syamsul Arifin, "Kajian Sosiologis Dalam Hukum Keluarga Islam," *Ijlil* 1, No. 2 (7 Februari 2021): 196–215, <https://doi.org/10.35719/Ijl.V1i2.98>.

⁴² Nugroho, Rodliyah, Dan Amiruddin, "Law Enforcement Against Children's Criminal Action Based On Law Number 11 Of 2012 Concerning Children Criminal Justice Systems."

⁴³ Akhmad Munawar, Sudiyono Sudiyono, Dan Muhammad Deny Sugiyanto, "Penyelesaian Tindak Pidana Yang Dilakukan Anak Melalui Diversi Dalam Undang – Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak," *Al-Adl : Jurnal Hukum* 15, No. 2 (12 Agustus 2023): 447, <https://doi.org/10.31602/Al-Adl.V15i2.8066>.

about a cultural change in the way society views and treats children involved in criminal acts.⁴⁴

CONCLUSION

A child is someone who has not reached adulthood and is still under the supervision of a guardian or parent. According to Paulus Hadi Sucipto, setting the age limit for children in several countries such as the United States is between 8–17 years. In the Child Criminal Justice System Law, Article 1 paragraph 3 defines that children in conflict with the law, hereinafter referred to as children, are children who are 12 years old and under 18 years old who are suspected of committing a crime. In addition to this, children who are under 18 years old are considered to be still in their developmental period and therefore, there are laws and regulations specifically to protect their rights and improve their welfare. In the judicial process for children who commit crimes, it will be different from adults, by prioritizing the process of rehabilitation and reintegration in society. Government efforts to protect children's rights are in Law Number 11 of 2012 in the criminal justice process. Sociology of law studies the relationship between law and society. This perspective allows us to understand that the actions of children involved in criminal acts are often influenced by various social, economic, and cultural factors. The application of Law No. 11 of 2012 can be analyzed by looking at how the law interacts with the social conditions surrounding these children.

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