

**LAW ENFORCEMENT OF STREET CRIME CRIMES COMMITTED BY
CHILDREN
(COMPARATIVE STUDY OF THE INDONESIAN HUMAN RIGHTS LEGAL
SYSTEM)**

Trisno Eko Santoso, Sutrisno, Syukron Abdul Kadir, Roni S. Luhukay
Master of Law Study Program, Widya Mataram University, Yogyakarta
Corresponding Author. Email: sutrisno.pbg08@gmail.com



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Abstract. *Street crimes committed by juveniles have become a growing concern within Indonesia's legal system. While the state is responsible for maintaining public order through law enforcement, children in conflict with the law are entitled to special protection under human rights principles. This study aims to analyze law enforcement practices against juvenile street crime offenders in Indonesia and examine their compatibility with human rights standards through a comparative approach. This research employs normative legal methods using statutory, conceptual, and comparative approaches. The findings indicate that although Indonesia has adopted a progressive legal framework through the Juvenile Criminal Justice System Law emphasizing restorative justice and diversion, its implementation still faces structural and cultural challenges. Law enforcement remains predominantly punitive, thus not fully aligned with the best interests of the child. Therefore, reforms are necessary to strengthen rehabilitative and human rights-based approaches in law enforcement practices.*

Keywords: street crime, juveniles, law enforcement, human rights, restorative justice

I. INTRODUCTION

Indonesia has established a juvenile criminal justice system that emphasizes the principle of restorative justice. However, in practice, law enforcement against children of street crime offenders often still uses conventional approaches that tend to punish. This raises questions about the extent to which the Indonesian legal system is in line with human rights principles.

Street crime committed by children is an increasingly worrying phenomenon in various regions of Indonesia. These forms of crime include theft with violence, robbery, brawls, and other criminal acts that occur in public spaces. This phenomenon not only reflects the increase in crime rates, but also indicates deeper social problems, such as poverty, lack of education, and weak family supervision.¹

Children as perpetrators of criminal acts have a different position from adults. From a legal and human rights perspective, children must be treated specifically because they are still in the stage of physical and mental development. Therefore, the approach used in law

¹ Arief, B. N. 2018, *Bunga Pourai Criminal Law Policy**. Jakarta: Kencana.

enforcement against children is not only repressive, but must also prioritize aspects of coaching and protection.

The phenomenon of street crime committed by children shows the complex social dynamics in modern Indonesian society. Crimes such as theft with violence, robbery, brawls between students, and other criminal acts that occur in public spaces increasingly involve children as perpetrators. This condition not only causes public unrest, but also raises a dilemma in law enforcement.²

Normatively, children are legal subjects who have a special status. The state is obliged to provide protection for children, as mandated in various national and international legal instruments. However, in practice, law enforcement against children of street crime offenders is often still oriented towards punishment (*punitive approach*), not coaching.³

In fact, from a human rights perspective, children who are in conflict with the law must be treated humanely by prioritizing the *best interests of the child*. This approach requires a balance between law enforcement's interests and the protection of children's rights.

Problem Formulation

1. How is law enforcement against the children of street crime perpetrators in Indonesia?
2. Whether the law enforcement is in accordance with human rights principles, and the comparison of the implementation of the Indonesian legal system with international human rights standards

Research Objectives

This research aims to:

1. Analyze law enforcement practices against children of street crime offenders
2. Assessing its conformity with human rights principles, providing recommendations for improving the legal system

II. RESEARCH METHODS

This study uses a normative legal research method with a juridical approach to examine law enforcement against children who commit street crimes in Indonesia. Normative legal research is used because this study focuses on legal norms, statutory regulations, legal principles, and human rights standards related to children in conflict with the law.

The research applies three main approaches: the statutory approach, the conceptual approach, and the comparative approach. The statutory approach is used to analyze relevant legal instruments, particularly Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, child protection regulations, and human rights instruments. The conceptual approach examines key concepts such as restorative justice, diversion, the best interests of the child, and human rights-based law enforcement. Meanwhile, the comparative approach compares the Indonesian juvenile justice system with international human rights standards and practices in several countries that prioritize rehabilitation over punishment.

² Siregar, R. (2022). Restorative justice implementation in juvenile justice system. *Journal of Law and Justice* Vol. 20, No. 6, p. 120.

³ Atmasasmita, R. 2010. *Contemporary Criminal Justice System**. Jakarta: Kencana. p. 18

The data used in this research are secondary legal materials, consisting of primary, secondary, and tertiary legal sources. Primary legal materials include national laws and international conventions, especially the Convention on the Rights of the Child. Secondary legal materials include books, journal articles, research reports, and institutional reports related to juvenile justice, restorative justice, and street crime. Tertiary legal materials include legal dictionaries, encyclopedias, and supporting references.

Data were collected through library research by reviewing legislation, legal literature, academic publications, and relevant institutional documents. The collected materials were analyzed using qualitative descriptive analysis. This analysis was conducted by interpreting legal norms, identifying gaps between legal provisions and implementation, and assessing whether law enforcement practices against child offenders are consistent with human rights principles.

Through this method, the study seeks to explain the extent to which Indonesian law enforcement practices regarding children involved in street crime reflect restorative justice and human rights protection, and to formulate recommendations to improve the juvenile justice system.

III. DISCUSSION

Law Enforcement for Children of Street Criminals in Indonesia

Law enforcement against children of street crime offenders in Indonesia has the main legal basis in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). The law affirms that the approach used must prioritize restorative justice and avoid criminalization as the primary option.⁴

In practice, street crimes committed by children include various forms such as violent theft, robbery, brawls, and random violence in public spaces. This phenomenon can be found in various major cities such as Yogyakarta, Jakarta, and Medan, which show an increase in children's involvement in crime.

The case of "klitih" in Yogyakarta, for example, shows how children can be involved in unplanned but dangerous street violence. This phenomenon shows a shift in juvenile delinquency behavior into serious criminal acts.⁵

Empirical phenomena show that in various major cities such as Yogyakarta, Jakarta, and Medan, children's involvement in street crime has increased. The case of "klitih" in Yogyakarta is a concrete example of how children are involved in random and potentially fatal street violence. Meanwhile, in Jakarta, begal cases involving teenagers are often processed to court because they are considered to endanger public safety.

Although the legal framework has regulated diversion as an obligation, in practice there are still many cases that do not go through this mechanism. This is due to several factors, including:

1. Public pressure demanding severe punishment for street crime perpetrators
2. Limited capacity of law enforcement officials in understanding the concept of *restorative justice*
3. Lack of facilities and professionals, such as mediators, psychologists, and social workers
4. Rejection from the victim or the victim's family to the diversion process

⁴ Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

⁵ Indonesian Child Protection Commission (KPAI), Annual Report on Child Protection, 2023.

As a result, the approach used tends to remain repressive. Children of street crime offenders are often processed like adult offenders, including being detained before a court decision. This condition is contrary to the spirit of child protection which should be the top priority.

Although the concept of diversion has been expressly regulated in the SPPA Law, its implementation still faces various obstacles. Many cases of street crime continue to be processed through formal judicial channels due to public pressure to demand severe punishment and the perception that the crime threatens public safety.⁶

In addition, the limitations of law enforcement officials in understanding the restorative justice approach and the lack of supporting facilities such as psychologists and social workers also hinder the optimization of diversion. As a result, children often continue to experience detention and formal legal processes that have the potential to harm their psychological development. Law enforcement against children in Indonesia normatively has undergone significant developments. The SPPA Law introduces the concept of diversion which aims to prevent children from the formal judicial process.⁷

However, the implementation of diversion often faces obstacles:

1. Lack of understanding by law enforcement officials
2. Public pressure that calls for severe punishment
3. Lack of supporting facilities

As a result, many children remain processed until the courts and even undergo detention. Theoretically, this condition reflects the gap between legal norms and law enforcement practices. Normative legal reform has not been followed by a paradigm shift in implementation in the field.

Critically, these conditions indicate a gap between *das sollen* (what is regulated in law) and *das sein* (what happens in practice). The legal reforms that have been carried out through the SPPA Law have not been fully followed by a paradigm shift in law enforcement officials.

Conformity with Human Rights Principles and Comparison with International Standards

From a human rights perspective, the enforcement of the law against children must refer to universal principles as set out in the *Convention on the Rights of the Child*. The main principles that must be considered are the best interests of the child, the use of detention as a last resort, and the child's right to receive humane treatment.⁸

However, in practice in Indonesia, there are still various forms of incompatibility with this principle. One of them is the use of detention for children which is still quite high, even in cases that should be resolved through diversion mechanisms.⁹

In addition, not all children have access to adequate legal aid. In some cases, children face legal proceedings without optimal assistance, thus potentially violating the right to a *fair trial*.⁷

⁶ Marlina, *Juvenile Criminal Justice in Indonesia* (Bandung: Refika Aditama, 2012), p. 45.

⁷ Rika Saraswati, 2020. "Diversion in the Juvenile Criminal Justice System," *Journal of Law*, Vol. 10, No. 2, p. 120.

⁸ United Nations, *Convention on the Rights of the Child*, 1989.

⁹ Siregar, R., 2022. "Restorative Justice Implementation," *Journal of Law and Justice*, Vol. 15, No. 5, pp. 110-114

Social stigmatization is also a serious problem. Children who have been involved in street crime often experience discrimination in their social environment, which has an impact on the process of social reintegration. This is contrary to the principle of rehabilitation which is at the core of the juvenile justice system.¹⁰

When compared to practices in European countries such as the Netherlands and Norway, the approach used is much more progressive. These countries place rehabilitation as the primary goal and severely restrict the use of detention against children. In addition, the mentoring system involves various professions such as psychologists, social workers, and communities¹¹

On the other hand, in Indonesia, the approach used still tends to be retributive. Law enforcement is still sentencing oriented, although normatively it has adopted the principle of restorative justice. This shows that the main problem lies in the implementation and culture of the community's law.¹²

Thus, it can be concluded that the Indonesian legal system is still in the transition stage towards a human rights-based approach. More serious efforts are needed to ensure that these principles do not only stop at the normative level, but are also effectively implemented in practice.

From a human rights perspective, law enforcement against child offenders must refer to universally recognized principles, especially in *the Convention on the Rights of the Child*. These principles include:

1. Best interests of the child
2. Non-discrimination
3. The right to live, grow, and thrive
4. Use of detention as a last resort

If studied normatively, the Indonesian legal system has actually adopted these principles in various laws and regulations. However, in its implementation, various problems are still found that show that the fulfillment of human rights for children is not optimal.

Some forms of incompatibility that still occur frequently include:

1. Excessive use of detention
In many cases of street crime, children remain detained even though in principle detention should be a last resort.
2. Lack of access to legal aid
Not all children receive adequate legal assistance during the judicial process.
3. Social stigmatization
Children involved in crimes often get negative labels from society, which impacts their future.
4. The condition of the coaching institution is not ideal
Some special child development institutions still have limited facilities and rehabilitation programs.

When compared to international standards, especially in European countries, there are significant differences in the approach of law enforcement to children.

In countries like the Netherlands and Norway:

¹⁰ Ibid

¹¹ Zehr, H., 2002. *The Little Book of Restorative Justice* (Pennsylvania: Good Books, p, 80)

¹² Atmasasmita, R., 2010. *Contemporary Criminal Justice System* Jakarta: Kencana, p. 41

1. Detention of children is severely restricted
2. Rehabilitation approach is a top priority
3. The mentoring system involves psychologists, social workers, and the community
4. The judicial process is designed to be child-friendly

In contrast, in Indonesia:

1. Restraint is still often used as the primary instrument
2. Rehabilitative approach is not optimal
3. Professional involvement is still limited
4. The legal culture of the community still tends to be retributive

This difference shows that the main problem does not lie in the substance of the law, but in the implementation and culture of the law. Indonesia already has fairly progressive regulations, but it has not been supported by institutional readiness and adequate paradigm change.

Critically, it can be said that the law enforcement system in Indonesia is still in a transition phase from a retributive to a restorative approach. However, this transition has not been consistent.

From the above discussion, it can be concluded that there are three main problems:

1. Gap between norms and practices
2. Dominance of repressive approaches in law enforcement
3. The integration of human rights principles in the juvenile justice system has not been optimal

Therefore, strategic steps are needed in the form of:

1. Institutional reform
2. Amplification of aparat capacity
3. Changing the paradigm of society

Thus, law enforcement against children of street crime offenders is not only oriented towards punishment, but also on the restoration and protection of children's rights as a whole.

IV. CONCLUSION

Based on the results of the discussion on law enforcement against children of street crime perpetrators in Indonesia from a human rights perspective, the following conclusions can be drawn:

1. Law enforcement against children of street crime perpetrators in Indonesia normatively has a fairly progressive legal basis, especially through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). This system emphasizes a restorative justice approach and requires diversion efforts at every stage of the judicial process. However, in practice, law enforcement remains repressive. Children of street crime perpetrators, such as robberies, brawls, and street violence, are still often processed through formal judicial channels until criminal sentencing. This shows that there is a gap between legal norms (*das sollen*) and implementation in the field (*das sein*), which is influenced by legal cultural factors, community pressure, and limited facilities and infrastructure.
2. Conformity with human rights principles shows that normatively the Indonesian legal system has adopted international principles, such as the best interests of the child, non-discrimination, and the use of detention as a last resort. However, in its implementation, various violations are still found, such as excessive use of detention, lack of access to legal aid, and stigmatization of children of perpetrators.

When compared to international human rights standards, especially practices in developed countries, Indonesia is still lagging behind in terms of implementation. These countries prioritize rehabilitative and coaching approaches with the support of an integrated system, while in Indonesia the approach used is still predominantly retributive. Thus, it can be concluded that law enforcement against children in Indonesia is still in the transition stage to a fully human rights-based system.

Suggestions

Based on the above conclusion, the following suggestions can be proposed:

1. Strengthening the Implementation of Restorative Justice

Law enforcement officials need to consistently apply diversion and restorative justice in every handling of child cases. It is necessary to increase understanding and training for the apparatus so that it is no longer oriented towards a repressive approach.

Institutional and Infrastructure Reform The government needs to strengthen special child development institutions by providing proper facilities and professionals such as psychologists, social workers, and mediators. This is important to support the child's rehabilitation process.

2. Improving the Protection of Children's Rights in Legal Proceedings

The State must ensure that every child facing the law has access to legal aid, assistance, and humane treatment in accordance with human rights principles.

Changing the Paradigm of Society It is necessary to educate the community so that they not only demand punishment, but also understand the importance of a child-coaching approach. Stigmatization of children of perpetrators of crime must be eliminated to support social reintegration.

BIBLIOGRAPHY

- Atmasasmita, R., 2010. *Contemporary Criminal Justice System*, Kencana Jakarta,
Barda Nawawi Arief, 2018. *Bunga Potpourri Criminal Law Policy*, Kencana, Jakarta,
Marlina, 2012. *Children's Criminal Justice in Indonesia* Refika Aditama, Bandung,
Rika Saraswati, 2020. "Diversion in the Juvenile Criminal Justice System," *Journal of Law*, Vol. 10, No. 2
Rika Saraswati, 2020. "Diversion in the Juvenile Criminal Justice System," *Journal of Law*, Vol. 10, No. 2,
Siregar, R., 2022. "Restorative Justice Implementation," *Journal of Law and Justice*, Vol. 15, No. 5,
UNICEF Indonesia, *Children in Conflict with the Law*, 2020.
United Nations, *Convention on the Rights of the Child*, 1989
Zehr, H., 2002. *The Little Book of Restorative Justice* (Pennsylvania: Good Books,
Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.
Indonesian Child Protection Commission (KPAI), *Annual Report on Child Protection*, 2023.