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Legal Protection of Child Offenders in Restorative Justice-Based Criminal Investigations

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Original Article

Abstract

Legal protection for children as offenders constitutes a constitutional and statutory mandate that must be effectively realized through a restorative justice-based Juvenile Criminal Justice System. However, in investigative practice, the implementation of such protection continues to encounter various challenges. This study aims to examine the forms of legal protection afforded to child offenders during the investigation process at the Surabaya Police Headquarters, as regulated under the Juvenile Criminal Justice System Law and grounded in restorative justice principles, and to identify both normative and empirical obstacles in order to formulate strategies for optimizing legal protection. This research employs an empirical juridical method using statutory and sociological approaches, with data collected through interviews and document analysis. The findings reveal that legal protection and restorative justice mechanisms have been implemented, albeit not optimally, due to a limited number of specialized child investigators, weak inter-institutional coordination, and low levels of public legal awareness. The study concludes that optimizing legal protection for children requires strengthening institutional capacity, enhancing cross-sector coordination, and improving public legal literacy.

Keywords: Legal Protection, Juvenile Criminal Justice System, Restorative Justice

Abstrak

Perlindungan hukum terhadap anak sebagai pelaku tindak pidana merupakan mandat konstitusional dan yuridis yang harus diwujudkan secara optimal melalui Sistem Peradilan Pidana Anak berbasis keadilan restoratif. Namun, dalam praktik penyidikan, implementasi perlindungan tersebut masih menghadapi berbagai kendala. Penelitian ini bertujuan untuk menganalisis bentuk perlindungan hukum terhadap anak pelaku tindak pidana dalam proses penyidikan di Polrestabes Surabaya berdasarkan UU SPPA dan prinsip keadilan restoratif, serta mengidentifikasi hambatan normatif dan faktual guna merumuskan upaya optimalisasi perlindungan hukum. Metode penelitian yang digunakan adalah yuridis empiris dengan pendekatan perundang-undangan dan sosiologis melalui wawancara dan studi dokumentasi. Hasil penelitian menunjukkan bahwa perlindungan hukum dan keadilan restoratif telah diterapkan, namun belum optimal akibat keterbatasan penyidik anak, lemahnya koordinasi lintas sektor, serta rendahnya pemahaman masyarakat. Penelitian ini menyimpulkan bahwa optimalisasi perlindungan hukum anak memerlukan penguatan kapasitas aparat, koordinasi institusi, dan peningkatan kesadaran hukum masyarakat.

Kata kunci: Perlindungan hukum, Sistem Peradilan Pidana anak, Keadilan restoratif

1. INTRODUCTION

Children are legal subjects who occupy a strategic position in the continuity of the nation and the state. From both sociological and legal perspectives, children represent the future generation that will determine the quality of human resources in the years to come. Accordingly, the state bears an obligation to provide special protection to children, including when they are involved in situations that bring them into conflict with the law. Such protection must not remain merely normative but should be concretely realized at every stage of the criminal justice process, particularly when children act as perpetrators of criminal offenses.

The involvement of children in criminal behavior cannot be understood solely as an expression of individual fault. A range of social, economic, familial, and environmental factors significantly contribute to juvenile delinquency. Children's psychological immaturity, developing cognitive capacities, and susceptibility to external influences place them in a vulnerable position that necessitates special treatment. Repressive and context-insensitive responses to juvenile offending risk producing traumatic effects, social stigmatization, and long-term barriers to children's personal and social development.

In response to these conditions, Indonesia enacted Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), marking a fundamental shift in the paradigm for handling juvenile cases. This law mandates the implementation of a restorative justice approach, prioritizing the best interests of the child and treating punishment as a measure of last resort (*ultimum remedium*). Restorative justice seeks to repair harm by restoring relationships among the offender, the victim, and the community, while enabling child offenders to assume responsibility without compromising their future prospects.

Despite the comprehensive legal framework provided by the UU SPPA, its implementation continues to face substantial challenges. The investigation stage, as the initial phase of the criminal justice process, plays a decisive role in determining the trajectory of juvenile cases. At this stage, children are particularly vulnerable to violations of their rights, including the excessive use of coercive measures, inadequate legal and psychological assistance, and the failure to pursue diversion mechanisms optimally. Investigation practices that lack a child-centered perspective risk reducing legal protection to mere procedural compliance, thereby undermining its substantive purpose.

The police, as the primary law enforcement institution interacting directly with child offenders, occupy a strategic position in ensuring the realization of restorative justice principles. The professionalism, competence, and sensitivity of investigators in handling juvenile cases not only demonstrate adherence to positive law but also reflect the state's commitment to humanitarian values and human rights. In practice, however,

law enforcement officers often confront limitations in human resources, facilities, and infrastructure, as well as a prevailing legal culture that tends to favor repressive approaches.

Surabaya, one of Indonesia's largest metropolitan cities, presents a high level of social complexity, including elevated crime rates and a diverse range of cases involving child offenders. The Surabaya City Police, as an institution with a substantial caseload, faces distinct challenges in implementing child protection mandates under prevailing laws. Urban dynamics, public pressure for swift law enforcement responses, and demands for effective case resolution frequently risk overshadowing the principle of the best interests of the child.

Legal protection for child offenders at the investigation stage cannot be reduced to the mechanical application of written legal norms. Rather, it requires law enforcement officers to internalize the values of restorative justice, empathy, and social responsibility. Failure to ensure adequate protection during the early stages of the criminal justice process not only harms children as individuals but also increases the likelihood of recurring criminal behavior and entrenched structural injustice.

Accordingly, scholarly attention to legal protection for children in conflict with the law—particularly children as perpetrators of criminal acts—has become increasingly prominent in Indonesian juvenile criminal law discourse. Previous studies consistently emphasize that children's position within the criminal justice system necessitates a distinct approach from that applied to adults, one that prioritizes the best interests of the child and emphasizes social rehabilitation and recovery over retribution.

Sutanto and Rahaditya emphasized that children who engage in criminal conduct often commit unlawful acts without full awareness of their legal consequences. Their normative analysis highlighted that Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) establishes a comprehensive framework of legal protection for children at every stage of the judicial process, ranging from arrest to rehabilitation. However, the study primarily addressed normative dimensions and did not examine in depth the practical implementation of these protections, particularly during the police investigation phase.¹

An earlier study by Hutapea and Kadir identified the investigation stage as a critical determinant in the trajectory of criminal case handling, underscoring the importance of safeguarding the welfare of children as suspects through reference to various national child protection instruments. Nevertheless, this research remained general in scope and

¹ Pedro Sutanto and Rahaditya Rahaditya, "Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Dalam Sistem Peradilan Pidana Anak Di Indonesia," *Unes Law Review* 6, no. 4 (2024): 10361–67, <https://doi.org/10.31933/unesrev.v6i4.2022>.

did not specifically analyze legal protection mechanisms within the juvenile criminal justice system following the enactment of the UU SPPA.²

Rahayuningsih et al. examined legal protection for child offenders through a restorative justice approach, finding that such an approach is more child-centered and effective in reducing social stigma. Despite these advantages, the authors identified structural barriers, including limited understanding among law enforcement officials, resource constraints, and the persistence of a retributive legal culture. While this study contributes significantly at the conceptual level, it does not specifically address the implementation of legal protection during the investigation stage in particular jurisdictions.³

Putra et al. analyzed legal protection for child offenders across all stages of the juvenile criminal justice system, with a primary focus on its application in judicial decisions. As the study concentrated mainly on judicial reasoning and post-investigation processes, the investigation stage received relatively limited attention.⁴ Nur offered a broader perspective by identifying various forms of legal protection for children and challenges to their implementation, including the failure of diversion mechanisms, social stigmatization, and a weak institutional commitment to the best interests of the child among law enforcement officials. However, this study adopted a general approach and did not focus on a specific law enforcement institution.⁵

Salim concluded that the implementation of Article 3 of the Juvenile Justice and Child Protection Law (JPK) in Baubau City had been effective, demonstrating that legal protection for children was fulfilled from the investigation stage through rehabilitation. Nonetheless, these findings are context-specific and may not be generalizable to metropolitan areas with greater social complexity, such as Surabaya.⁶ Sartika et al. criticized the implementation of child protection under the JPK Law, noting the absence of adequate technical regulations, particularly at the stages of prevention, rehabilitation, and social reintegration. Although the study emphasized the importance

² Novi Sari Dame Hutapea and Nugraha Abdul Kadir, "Implementasi Perlindungan Hukum Hak-Hak Anak Pelaku Kejahatan Dalam Proses Penyidikan Perkara Tindak Pidana Anak: Studi Di Polres Metro Jakarta Utara," *Lex Jurnalica* 12, no. 2 (2015): 105–13, <https://doi.org/10.47007/lj.v12i2.1330>.

³ Uut Rahayuningsih, Anna Nur Hikmah, and Siti Nurcahyati, "Pendekatan Restorative Justice Dalam Perlindungan Hukum Anak Sebagai Pelaku Tindak Pidana: Menyeimbangkan Keadilan Dan Pembinaan," *Amandemen: Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia* 2, no. 2 (2025): 79–89, <https://doi.org/10.62383/amandemen.v2i2.883>.

⁴ Yan Mangandar Putra, L. Sabardi, and L. Parman, "Perlindungan Hukum Terhadap Anak Pelaku Tindak Pidana Persetubuhan Dalam Sistem Peradilan Pidana Anak: Kajian Atas Putusan Pengadilan Negeri Selong Nomor 04/PID.SUS.ANAK/2015/PN.SEL," *Jurnal IUS Kajian Hukum Dan Keadilan* 6, no. 2 (2018): 292–306, <https://doi.org/10.29303/ius.v6i2.561>.

⁵ Fuad Nur, "Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Dalam Penanganan Perkara Anak," *Innovative: Journal Of Social Science Research* 4, no. 1 (2024): 124–138, <https://doi.org/10.31004/innovative.v4i1.7752>.

⁶ Salim Salim, "Hak Dan Perlindungan Hukum Bagi Anak Pelaku Tindak Pidana Dalam Proses Peradilan Pidana," *Jurnal Dinamika Hukum* 14, no. 2 (2023): 237–60, https://ejurnal.unisri.ac.id/index.php/Dinamika_Hukum/article/view/9345.

of legal assistance and diversion, it did not specifically evaluate their implementation during police investigations.⁷

Karyawan highlighted the strategic role of the police as the primary gateway to the juvenile criminal justice system. His study at the Bengkulu Regional Police revealed that legal protection for child offenders had not been fully implemented in accordance with the JPK Law, largely due to limitations in facilities and resources. While these findings are relevant, they remain regionally confined and do not address the extent to which restorative justice values have been internalized by investigators.⁸

Finally, studies by Asmarani and Dinata further corroborate that both internal factors within law enforcement institutions and external socio-cultural conditions constitute major obstacles to the protection of children's legal rights during the investigation stage. However, these studies primarily focus on identifying constraints rather than proposing systematic and optimized solutions.⁹

Taken together, existing studies indicate that although legal protection for child offenders is adequately regulated in statutory frameworks, its implementation at the investigation stage continues to encounter significant structural, cultural, and institutional challenges. A review of the literature reveals a clear research gap concerning the practical implementation of legal protection for child offenders during police investigations, particularly at the Surabaya Police Headquarters, a metropolitan jurisdiction characterized by high crime rates and complex social dynamics. Most prior studies adopt a normative or generalized approach, or concentrate primarily on the adjudication and correctional phases of the juvenile criminal justice process.

The originality of this study lies in its empirical–normative analysis of how legal protection for children is applied in practice by police investigators, as well as in its formulation of concrete and context-specific strategies to optimize the implementation of restorative justice principles and the best interests of the child. Accordingly, this research aims to: (1) comprehensively identify and analyze the forms of legal protection afforded to child offenders during the investigation process at the Surabaya Police Headquarters, in accordance with the Juvenile Criminal Justice System and Child Protection laws and grounded in restorative justice principles; and (2) identify both normative and empirical obstacles to the implementation of legal protection at the

⁷ Dewi Sartika et al., "Prinsip Perlindungan Terhadap Anak Yang Melakukan Tindak Pidana," *Jurnal Kompilasi Hukum* 4, no. 2 (2019): 206–216, <https://doi.org/10.29303/jkh.v4i2.31>.

⁸ Arsi Karyawan, "Perlindungan Hukum Terhadap Anak Pelaku Tindak Pidana Dalam Proses Penyidikan Di Kepolisian Daerah Bengkulu: Ditinjau Dari Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak," *Jurnal Panji Keadilan: Jurnal Ilmiah Nasional Mahasiswa Hukum* 1, no. 1 (2018): 16–35, <https://doi.org/10.36085/jpk.v1i1.243>.

⁹ Nur Asmarani, "Perlindungan Hukum Terhadap Anak Dalam Proses Penyidikan Di Kepolisian Resor Kota Jayapura," *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 2, no. 7 (2025): 159–66, <https://ojs.daarulhuda.or.id/index.php/Socius/article/view/1244>; Richie Viata Dinata, "Identifikasi Kepribadian Anak Pelaku Tindak Pidana Sebagai Dasar Penyelesaian Tindak Pidana Yang Dilakukan Oleh Anak: Studi Pada Unit PPA Satreskrim Polres Pariaman," *Unes Journal of Swara Justisia* 4, no. 2 (2020): 114–20, <https://doi.org/10.31933/ujsj.v4i2.157>.

investigation stage, and to formulate solutions and optimization measures to ensure that legal protection for child offenders is implemented effectively, humanely, and in a manner consistent with the best interests of the child.

2. RESEARCH METHODOLOGY

This study adopts an empirical juridical (socio-legal) approach, supported by normative legal analysis. This approach is employed to examine not only the normative framework governing legal protection for child offenders but also its implementation in investigative practice, thereby enabling an analysis of the gap between *das sollen* (law in the books) and *das sein* (law in action). The research is descriptive-analytical in nature and seeks to describe and critically assess the implementation of legal protection for child offenders at the investigation stage, as guided by Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), restorative justice principles, and the principle of the best interests of the child.

The study was conducted at the Surabaya City Police Headquarters, with the research focus directed toward legal protection mechanisms for children during the investigation phase, including the application of diversion, the fulfillment of children's procedural and substantive rights, and the role of investigators in internalizing restorative justice principles. The data comprise both primary and secondary sources. Primary data were collected through in-depth interviews with investigators from the Women and Children Protection Unit (PPA), community counselors, and other relevant stakeholders. Secondary data were obtained through a systematic review of statutory regulations, scholarly literature, and legal doctrines. Data analysis was carried out qualitatively using a normative-evaluative framework, encompassing stages of data reduction, data presentation, and conclusion drawing. Data validity was ensured through source and methodological triangulation, while adherence to research ethics and the protection of children's confidentiality were rigorously maintained.

3. RESEARCH RESULT AND DISCUSSION

3.1. Legal Protection for Child Offenders During the Investigation Stage at the Surabaya City Police Headquarters

This study seeks to comprehensively identify and analyze the forms of legal protection afforded to child offenders during the investigation stage at the Surabaya City Police Headquarters, as mandated by Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law) and grounded in restorative justice principles. The primary focus is on the manner in which investigators implement these normative provisions in practice and the extent to which such protection reflects the best interests of the child.

The findings indicate that, both normatively and procedurally, legal protection for child offenders at the Surabaya City Police Headquarters generally complies with the provisions of the SPPA Law. Investigators, particularly those assigned to the Women and Children Protection Unit (PPA), demonstrate an understanding that children in conflict with the law are legal subjects who require special treatment distinct from that applied to adult offenders. This understanding is reflected in investigative procedures that ensure the presence and assistance of parents or guardians, legal counsel, and the involvement of the Correctional Center (Balai Pemasyarakatan—Bapas) and social workers from the initial stages of the investigation.

Investigators also endeavor to create a child-friendly investigative environment by employing clear and age-appropriate language and by avoiding any form of physical or psychological coercion. The confidentiality of children's identities is maintained to prevent social stigmatization, which may have long-term adverse effects on their psychological well-being and social development. Moreover, detention of children is treated as a measure of last resort (*ultimum remedium*), consistent with the principle of legal protection that recognizes children as rights-bearing individuals whose dignity must be safeguarded.

These practices indicate that the legal protection provided extends beyond a purely repressive approach and incorporates a preventive dimension. From the perspective of legal protection theory, this reflects preventive legal protection, namely, the state's efforts—through law enforcement authorities—to prevent violations of children's rights by applying special procedures oriented toward the best interests of the child.

The study further reveals that restorative justice principles are actively pursued during the investigation stage through the application of diversion mechanisms, particularly in cases involving offenses punishable by less than seven years' imprisonment and where the child is not a repeat offender. In this process, investigators function as facilitators by bringing together the child offender, the victim, parents or guardians, and other relevant stakeholders to reach an agreement aimed at resolving the case outside the formal judicial process.

In a number of cases, diversion was successfully implemented and resulted in agreements reflecting restorative justice values, such as apologies, compensation, and commitments to provide guidance and supervision for the child. Resolution through diversion is considered more effective in protecting the child's future, preventing stigmatization as a criminal offender, and restoring social relationships among the child, the victim, and the community.

This approach is consistent with the core objective of restorative justice, which emphasizes restoration and accountability rather than retribution. Accordingly, the investigative process is not solely directed toward establishing criminal liability but also toward achieving just and humane outcomes for all parties involved. Nevertheless, the

study finds that legal protection for children at the investigation stage has not been fully realized in all cases. A primary challenge arises in cases classified as serious offenses or those attracting significant public attention and pressure. Under such circumstances, investigators often face tension between the application of restorative justice principles and the demands of repressive law enforcement.

In addition, not all diversion efforts are successful. Resistance from victims or their families to pursue peaceful settlement constitutes a major obstacle. Limited public understanding of restorative justice further contributes to skepticism toward out-of-court resolution mechanisms. Consequently, some cases proceed through formal judicial channels, potentially exposing child offenders to adverse psychological and social consequences.

These findings demonstrate that the effectiveness of restorative justice implementation depends not only on the capacity and commitment of investigators but also on the support of victims, families, and the broader community. Restorative justice requires a collective paradigm shift that reorients the resolution of juvenile cases toward recovery and social reintegration rather than punitive responses alone.

The results of this study reinforce the findings of Rahayuningsih et al., who argue that restorative justice provides a more child-centered mechanism for resolving juvenile cases but continues to be constrained by a predominantly retributive legal culture and limited understanding among both law enforcement officials and the public.¹⁰ The present findings are also consistent with those of Asmarani, who identified human resource limitations and inadequate supporting infrastructure as persistent barriers to effective legal protection for children during the investigation stage.¹¹

At the same time, these results diverge from the conclusions of Salim, who found that the implementation of the Juvenile Criminal Justice System Law (UU SPPA) had been optimal in certain regions.¹² This divergence underscores the extent to which the effectiveness of legal protection for children is shaped by local social contexts and levels of regional complexity. As a metropolitan city characterized by high social dynamics and public scrutiny, Surabaya faces more multifaceted challenges than regions with lower crime rates and reduced public pressure.

This study also extends the findings of Karyawan, which highlighted limitations in police facilities and resources in handling cases involving children.¹³ In the context of the Surabaya City Police, however, challenges persist despite relatively adequate

¹⁰ Rahayuningsih, Hikmah, and Nurcahyati, “Pendekatan Restorative Justice Dalam Perlindungan Hukum Anak Sebagai Pelaku Tindak Pidana: Menyeimbangkan Keadilan Dan Pembinaan.”

¹¹ Asmarani, “Perlindungan Hukum Terhadap Anak Dalam Proses Penyidikan Di Kepolisian Resor Kota Jayapura.”

¹² Salim, “Hak Dan Perlindungan Hukum Bagi Anak Pelaku Tindak Pidana Dalam Proses Peradilan Pidana.”

¹³ Karyawan, “Perlindungan Hukum Terhadap Anak Pelaku Tindak Pidana Dalam Proses Penyidikan Di Kepolisian Daerah Bengkulu: Ditinjau Dari Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak.”

institutional structures and facilities, largely due to external pressures and heightened public expectations for firm law enforcement responses.

Legal protection for child offenders during the investigation stage at the Surabaya City Police Headquarters exists in a tension between normative compliance and practical constraints. While the provisions of the Juvenile Criminal Justice System Law (UU SPPA) and restorative justice principles formally guide investigative practices, their implementation remains significantly influenced by structural, cultural, and social factors.

This study confirms that effective legal protection for children cannot be achieved through procedural compliance alone. It also requires the internalization of humanitarian values and restorative justice principles by law enforcement officers, as well as active engagement and support from the community.¹⁴ Child-centered investigative practices should therefore be understood as an integral component of the state's responsibility to safeguard children's futures and to prevent the recurrence of criminal behavior.¹⁵

The findings indicate that optimizing legal protection for children at the investigation stage necessitates strengthening investigators' capacities, enhancing public literacy on restorative justice, and adopting policy measures that are responsive to the complexity of juvenile cases in urban contexts. These contributions are significant for advancing a juvenile criminal justice system that is more just, humane, and firmly oriented toward the best interests of the child.

3.2. Normative and Empirical Obstacles to the Implementation of Legal Protection for Child Offenders

This study seeks to identify both normative and empirical obstacles to the implementation of legal protection for children as offenders during the investigation stage, as well as to formulate strategies and optimization measures to ensure that such protection is implemented effectively, humanely, and in accordance with the best interests of the child. The analysis focuses on investigative practices involving child cases at the Surabaya City Police Headquarters, using Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) and restorative justice principles as the primary analytical framework.

The findings indicate that, at the normative level, the UU SPPA provides a relatively strong legal foundation for safeguarding the rights of children in conflict with

¹⁴ Kania Puji Anggarini et al., "Implementation of Restorative Justice Regarding Child Violence Cases in Law Enforcement in the Police," *Journal of Lifestyle and SDGs Review* 5, no. 2 (2024): 1–16, <https://doi.org/10.47172/2965-730X.SDGsReview.v5.n02.pe03330>.

¹⁵ Dian Ekawaty Ismail et al., "The Comparative Study: Protecting Children's Rights Through Law Reform of Restorative Justice in Juvenile Cases," *Journal of Law and Legal Reform* 6, no. 3 (2025): 909–950, <https://doi.org/10.15294/jllr.v6i2.13724>.

the law, including during the investigation stage. Nevertheless, the study identifies several normative limitations that affect its practical implementation. One of the principal normative obstacles is the absence of detailed and uniform technical regulations governing operational standards for juvenile investigations, particularly with respect to diversion mechanisms and cross-sectoral coordination.

The lack of comprehensive technical guidelines has resulted in variations in interpretation and practice among investigators when handling cases involving children. In certain circumstances, investigators experience uncertainty regarding the scope and limits of their discretion, especially when cases attract significant public attention or involve serious criminal offenses. This condition suggests that, despite the existence of normative legal protection, legal certainty for law enforcement officers remains insufficient in supporting decision-making that prioritizes the best interests of the child.

Beyond normative constraints, the study identifies a range of empirical obstacles that undermine the effectiveness of legal protection for children at the investigation stage. A primary challenge concerns limited human resources, particularly the shortage of investigators with specialized competencies in juvenile case handling. The heavy workload borne by investigators, combined with the high volume of cases managed by the Surabaya City Police, restricts the time and attention that can be devoted to each child's case.

Empirical findings further reveal that training related to the juvenile criminal justice system and restorative justice has not been delivered in a consistent or evenly distributed manner. As a result, investigators' levels of understanding and sensitivity to the psychological and social dimensions of children vary considerably, potentially affecting the quality of legal protection afforded to child offenders. Another significant empirical obstacle involves suboptimal coordination among the police, the Correctional Center (Balai Pemasyarakatan—Bapas), social workers, and child protection institutions. Delays in the preparation of community research reports (litmas) by Bapas frequently impede the timely and effective implementation of diversion, despite the central role of litmas in assessing a child's social background and determining appropriate intervention measures.

External factors also play a critical role in shaping the implementation of legal protection for children. Limited awareness among parents and the broader community regarding children's rights within the legal process often results in insufficient support for child offenders. In some cases, parental pressure to pursue formal judicial proceedings—driven by concerns over social stigma or public perception—overrides consideration of the long-term consequences for the child.

Collectively, these findings reveal a persistent gap between normative legal protection and its realization in practice, reflecting the classic distinction between law on the books and law in action. Effective legal protection for children requires not only

adequate regulatory frameworks but also structural capacity and a supportive legal culture capable of implementing those norms consistently. Where human resources, institutional support systems, and legal culture are not fully aligned with child protection values, the objectives of legal protection are unlikely to be achieved optimally.

These obstacles further illustrate that the implementation of restorative justice continues to encounter resistance, both within law enforcement institutions and within the community at large. Restorative justice entails a fundamental paradigm shift that cannot be achieved solely through regulatory reform, but must also be supported by sustained changes in professional attitudes, institutional practices, and social perceptions.

The findings of this study are consistent with those of Putra et al., who identified limited human resources and excessive investigative workloads as primary factors constraining the effectiveness of legal protection for children.¹⁶ These results also corroborate the findings of Nur and Rahayuningsih et al., which emphasize that effective cross-sectoral coordination and a shared understanding among law enforcement officers are critical to the successful implementation of restorative justice.¹⁷

At the same time, this study extends prior research by situating the analysis within the context of a metropolitan city such as Surabaya. The complexity of juvenile cases and heightened public expectations of law enforcement in urban settings indicate that challenges to child legal protection are not solely internal to law enforcement institutions, but are also shaped by broader social and structural dynamics.

Based on the findings and discussion, optimizing legal protection for child offenders during the investigation stage requires a set of integrated and strategic measures. First, it is necessary to enhance the capacity and professional competence of investigators handling juvenile cases through continuous training in child psychology, child-friendly communication, and the practical application of restorative justice principles.¹⁸ Such training is essential to ensure a unified perspective among investigators and to strengthen sensitivity to the best interests of the child.

Second, cross-sectoral coordination among the police, the Correctional Center (Balai Pemasyarakatan—Bapas), social workers, and child protection institutions must be strengthened.¹⁹ More structured and effective coordination mechanisms are required

¹⁶ Putra, Sabardi, and Parman, “Perlindungan Hukum Terhadap Anak Pelaku Tindak Pidana Persetubuhan Dalam Sistem Peradilan Pidana Anak: Kajian Atas Putusan Pengadilan Negeri Selong Nomor 04/PID.SUS.ANAK/2015/PN.SEL.”

¹⁷ Rahayuningsih, Hikmah, and Nurcahyati, “Pendekatan Restorative Justice Dalam Perlindungan Hukum Anak Sebagai Pelaku Tindak Pidana: Menyeimbangkan Keadilan Dan Pembinaan”; Nur, “Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Dalam Penanganan Perkara Anak.”

¹⁸ Daniel Heri and Andri Winjaya Laksana, “The Role of the Police in Diversion for Children in Conflict with the Law in the Crime of Mild Theft,” *Ratio Legis Journal* 4, no. 4 (2025): 3218–30, <https://dx.doi.org/10.30659/rwj.4.4.%25p>.

¹⁹ Abdul Bari and Achmad Taufik, “The Urgency of Reforming Law Enforcement Institutions in Handling Children Who Commit Crimes in Indonesia,” *International Journal of Social Welfare and Family Law* 2, no. 4 (2025): 7–17, <https://doi.org/10.62951/ijsw.v2i4.493>.

to accelerate the preparation of community-based assessments and to facilitate the timely implementation of diversion. Institutional synergy constitutes a fundamental prerequisite for the realization of a responsive and equitable juvenile criminal justice system.

Third, broader public awareness of restorative justice concepts must be promoted.²⁰ Improved understanding of the benefits of restorative approaches among victims and their families is expected to reduce resistance to non-judicial resolution of juvenile cases. In this way, restorative justice is not perceived as a denial of justice, but rather as an alternative model that delivers sustainable and long-term benefits for all stakeholders.

The results of this study indicate that legal protection and the implementation of restorative justice during the investigation process at the Surabaya City Police Headquarters have been initiated but remain suboptimal. The identified normative and empirical obstacles suggest that effective legal protection for children requires stronger support in the form of detailed technical regulations, adequate human resources, robust institutional coordination, and a supportive community legal culture.

This study underscores the importance of sustained commitment from law enforcement officials and all relevant stakeholders to ensure that the juvenile criminal justice system genuinely prioritizes the best interests of the child. Through planned and integrated optimization efforts, legal protection for child offenders can be implemented more effectively, humanely, and equitably, while also making a meaningful contribution to the development of a sustainable juvenile criminal justice system in Indonesia.

4. CONCLUSION

This study aims to comprehensively examine the forms of legal protection afforded to child offenders during the investigation stage at the Surabaya City Police Headquarters, as governed by Law Number 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law) and informed by restorative justice principles. It further seeks to identify both normative and empirical obstacles to implementation in order to formulate strategies for optimizing legal protection that is effective, humane, and aligned with the best interests of the child.

The findings indicate that, at the normative level, the Surabaya City Police Headquarters has sought to implement legal protection for children in accordance with the SPPA Law through the use of diversion mechanisms, the provision of legal assistance, and the involvement of the Correctional Center (Balai Pemasyarakatan) and social workers. Nevertheless, the implementation of such protection remains

²⁰ Arpangi Arpangi, Maydika Ramadani, and Cindy Yosiana, "Optimizing Penal Mediation through Restorative Justice: A Progressive Solution in Criminal Law Reform," *Jurnal Justice Dialectical* 2, no. 2 (2024): 84–97, <https://doi.org/10.70720/jjd.v2i2.51>.

suboptimal due to a range of empirical constraints, including an insufficient number of adequately trained juvenile investigators, excessive investigative workloads, uneven access to specialized training on the juvenile criminal justice system and restorative justice, and weak cross-sectoral coordination. External factors—most notably limited parental and community understanding of children's rights within the legal process—further undermine the effectiveness of the protection provided.

These findings confirm that effective legal protection for children depends not only on the existence of comprehensive regulatory frameworks but also on the structural and cultural readiness of law enforcement institutions, as well as the availability of adequate social support systems. This study contributes theoretically by enriching scholarly discourse on juvenile criminal law and restorative justice, and practically by offering evaluative insights and policy-relevant recommendations for law enforcement authorities.

A limitation of this study lies in its restricted research setting, which focuses exclusively on the Surabaya City Police Headquarters. Accordingly, the study recommends policy measures aimed at strengthening the capacity of juvenile investigators, enhancing cross-sectoral coordination, and expanding public education on restorative justice. Future research is encouraged to broaden the scope of analysis and employ comparative approaches to generate a more comprehensive understanding of the implementation of legal protection for children in Indonesia.

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