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# Implementation of Criminal Sanctions and Measures Against Children in The Jurisdiction of The Nabire Police Department

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**ABSTRACT**

Children in conflict with the law remain a significant challenge within juvenile justice systems because legal responses must balance accountability, child protection, rehabilitation, and social reintegration. Although Indonesia has established the Juvenile Criminal Justice System through Law Number 11 of 2012, the implementation of criminal sanctions and measures against children continues to face practical challenges, particularly in the application of diversion and restorative justice mechanisms at the law enforcement level. This study aimed to examine the implementation of criminal sanctions and measures against children within the jurisdiction of the Nabire Police Department, focusing on the application of diversion, restorative justice, and the factors influencing the handling of juvenile cases. This research employed a socio-legal approach that combined normative juridical and empirical juridical methods. Data were collected through legal document analysis, literature review, and interviews with relevant stakeholders, including police officers, victims, families, and community representatives. The findings indicate that the Nabire Police Department prioritized restorative justice and diversion as the primary approaches for resolving juvenile cases to prevent unnecessary formal criminal proceedings. The implementation process involved reconciliation between perpetrators and victims, compensation mechanisms, parental involvement, and coordination with child protection institutions. However, several challenges remained, including differences in victim acceptance, institutional limitations, and the need for stronger inter-agency cooperation. The study concludes that criminal sanctions and measures against children should be implemented proportionally by prioritizing rehabilitation and child protection principles while maintaining accountability. Strengthening institutional capacity, professional competence, and restorative justice mechanisms is recommended to improve the implementation of juvenile justice in the future.

## INTRODUCTION

Article 1 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System regulates the definitions of children in conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts. Meanwhile, Article 3 states that “a child in conflict with the law is a child who is 12 (twelve) years old but not yet 18 (eighteen) years old who is suspected of committing a criminal act.”

A child is an individual born from the relationship between a man and a woman (Golovina et al., 2023; Guemple, 2024; Jing et al., 2022; Sung et al., 2024). When such a relationship is legally bound by marriage, the individuals are generally referred to as husband and wife (Hariati et al., 2024; Hussain et al., 2022; Novitasari et al., 2024; Sujono, 2022). From a juridical perspective, the definition of "child" within the framework of Indonesian positive law is commonly associated with an individual who has not reached legal maturity (minderjarig or a person under age), a minor (minderjarigheid or a state of minority), or a child who remains under the supervision of a guardian (minderjarige onder voogdij).

The implementation of juvenile justice requires special approaches, attention, considerations, services, treatment, and protection for children who are in conflict with the law and involved in judicial processes (Hasibuan, 2022; Pastukh et al., 2022; Rasiwan et al., 2025; Riyadi, 2024; Sitepu et al., 2025). Through this special approach, children who commit criminal acts are viewed as individuals who require guidance, assistance, and understanding rather than solely as offenders. The increasing involvement of children in criminal acts has encouraged various preventive and responsive efforts, including the establishment of a juvenile justice system. This system emphasizes the accountability of child offenders while considering the interests and rights of victims. This commitment has been recognized by the international community through conventions that emphasize the position of children as human beings whose rights must be protected (Ayalew et al., 2024; Daly et al., 2022; Detrick, 2023; Jerome & Starkey, 2022; Ranta, 2023).

Therefore, purely punitive legal processes that may cause psychological harm, discourage development, and create stigmatization should be avoided because they may hinder children's maturity and independence. Considering the characteristics of criminal proceedings involving children, examinations conducted by police officers, prosecutors, judges, and other authorities must incorporate elements of guidance, protection, and the best interests of the child without disregarding public concerns. The handling of children in conflict with the law should prioritize rehabilitation and reintegration while ensuring appropriate legal accountability.

These implementation challenges are particularly relevant within the jurisdiction of the Nabire Police Department, where the practical handling of juvenile cases demonstrates the tension between formal criminal sanctions and restorative settlement mechanisms. The manuscript documents, for example, the case of a 15-year-old identified as JM who committed aggravated theft involving two young livestock animals. Rather than immediately pursuing the maximum criminal process associated with the offense, officers at the Nabire Police Department attempted to resolve the case through reconciliation between the child and the victim. Police officials interviewed in the study stated that juvenile cases were generally handled by prioritizing peace agreements, compensation, restorative justice, and diversion to prevent the harmful consequences of formal criminal proceedings for the child's future. The case ultimately resulted in a peace agreement and compensation of IDR 3,000,000 to the victim, illustrating how restorative mechanisms can be implemented at the police level. At the same time, the manuscript demonstrates that such settlements depend on cooperation among police officers, children, parents, victims, community members, and relevant institutions. The PPA Unit reported coordination with DP3A, social services,

prosecutors, and hospitals to provide assistance and determine whether cases could be resolved through peaceful settlement or required formal prosecution. This local context provides an important empirical setting for examining how statutory principles are translated into discretionary decisions and institutional practices.

Previous research provides considerable evidence supporting restorative and diversion mechanisms while also revealing significant limitations in their implementation. De Beus and Rodriguez (2007), who examined 9,255 juvenile referrals in Arizona, found that juveniles participating in a restorative justice program demonstrated favorable completion and recidivism outcomes; approximately 20% of participants in the restorative program reoffended compared with 32% in the comparison group. Schwalbe et al. (2012), through a meta-analysis involving 28 studies, 57 experimental comparisons, and 19,301 youths, found considerable variation in diversion outcomes. Diversion as a whole did not produce a statistically significant overall reduction in recidivism; however, family-based interventions and well-implemented restorative justice programs demonstrated more promising effects. Kretschmar et al. (2018) further found that youths who successfully completed a behavioral-health-focused diversion program had lower odds of offending in early adulthood, committed fewer subsequent offenses, and experienced longer periods before recidivism compared with youths who did not successfully complete the intervention. In Indonesia, Sudewo, Abdurrachman, and Aryani (2020) reported that diversion implementation at the Central Java Regional Police level continued to encounter regulatory, institutional, and infrastructural barriers that could result in children entering formal criminal proceedings. Similarly, Setyorini et al. (2023) found that fewer than half of juvenile cases examined across five police jurisdictions within the East Java Regional Police had been successfully resolved through diversion, with disagreement from victims or their families identified as a major obstacle.

Despite these important findings, several gaps remain in the existing literature. International research has largely focused on measurable outcomes, such as recidivism, program completion, behavioral interventions, and comparisons between diversion and conventional criminal processing. Meanwhile, Indonesian studies have frequently emphasized normative analyses of Law Number 11 of 2012, the conceptual framework of restorative justice, or implementation within relatively large and institutionally developed jurisdictions, such as Central Java and East Java. Previous research has demonstrated that diversion may fail due to victim disagreement, institutional limitations, regulatory interpretation, and inadequate supporting facilities; however, limited empirical attention has been given to how these challenges operate within police jurisdictions in Eastern Indonesia. This limitation is significant because the Indonesian Child Protection Commission (Komisi Perlindungan Anak Indonesia or KPAI) has specifically identified disparities in the availability of law enforcement personnel trained in the Juvenile Criminal Justice System (SPPA) in Eastern Indonesia. Furthermore, existing literature often examines diversion separately from the broader issue of how police determine whether a child should receive restorative intervention, non-custodial measures, or continue through formal criminal proceedings. The case context of the Nabire Police Department indicates that police generally prioritize reconciliation but proceed with formal legal processes when restorative efforts fail or victims reject reconciliation. Therefore, a context-specific examination of the

interaction between criminal sanctions, measures, diversion, restorative justice, and institutional discretion remains necessary.

The urgency of examining this issue is reinforced by the continuing gap between legal protection and institutional capacity. Indonesia has established an increasingly comprehensive framework for juvenile justice; however, infrastructure and professional resources remain unevenly distributed. In 2024, the Ministry of Women's Empowerment and Child Protection reported that only 33 Special Child Development Institutions (Lembaga Pembinaan Khusus Anak or LPKA) served Indonesia's 38 provinces, illustrating ongoing institutional capacity challenges for children entering the formal justice system. KPAI has also emphasized limitations in LPKA facilities and Social Welfare Organization facilities at the district and municipal levels, as well as the uneven availability of trained SPPA investigators and judges. These conditions make decisions at the police level particularly consequential because effective diversion can prevent unnecessary progression into an already limited institutional system. Nevertheless, diversion should not become an informal practice that disregards victims' interests, procedural safeguards, proportional accountability, or legal certainty. Therefore, research is needed to determine whether restorative settlements in Nabire are implemented consistently with statutory objectives, how relevant actors negotiate competing interests, what conditions facilitate or obstruct diversion, and when criminal sanctions or measures remain legally necessary.

The novelty of this research lies in its focus on the implementation of criminal sanctions and measures against children within the specific jurisdiction of the Nabire Police Department, examined through the interaction between normative juvenile justice provisions and empirical law enforcement practices. Rather than discussing restorative justice solely as an abstract legal principle, this research examines how law enforcement officers operationalize restorative approaches when responding to actual juvenile cases, how reconciliation and compensation are negotiated, and how the interests of child offenders, victims, families, and communities are balanced before a case is either resolved through restorative mechanisms or continued within the criminal justice process. This research also captures the institutional dimension of juvenile justice through the involvement of the Women and Children Protection Unit (Perlindungan Perempuan dan Anak or PPA Unit), DP3A, social services, prosecutors, hospitals, professional companions, and community representatives, as documented in the research materials. This localized socio-legal perspective is particularly valuable because Nabire represents an Eastern Indonesian jurisdiction where geographic, institutional, social, and community conditions may differ substantially from those of settings frequently examined in previous Indonesian studies. Accordingly, this study expands existing scholarship by connecting legal provisions governing sanctions and measures with the actual decision-making processes through which child-sensitive justice is implemented at the earliest stage of law enforcement.

Against this background, the purpose of this research is to obtain a comprehensive understanding of how criminal sanctions and measures against children are implemented within the jurisdiction of the Nabire Police Department and how restorative justice and diversion influence the handling of children in conflict with the law. More specifically, this research examines the legal and practical mechanisms used by investigators in determining appropriate responses to juvenile offenses; identifies the circumstances in which diversion

and restorative settlements are prioritized; analyzes conditions under which cases proceed to prosecution and adjudication; and examines coordination among police officers, victims, families, child protection agencies, social services, prosecutors, and other relevant institutions. In doing so, this research contributes to juvenile justice scholarship by bridging the normative requirements of the SPPA framework with empirical evidence regarding implementation at the police level. It also contributes to broader discussions on whether restorative justice can simultaneously achieve child rehabilitation, offender accountability, victim restoration, community harmony, and legal certainty, particularly in jurisdictions where institutional resources may differ from those available in major Indonesian urban centers.

Ultimately, this research is expected to provide theoretical, practical, and policy benefits. Theoretically, it may strengthen empirical legal scholarship concerning the relationship between juvenile sanctions, measures, diversion, and restorative justice by demonstrating how formal legal norms interact with institutional discretion and local social conditions. Practically, the findings may assist the Nabire Police Department and other law enforcement institutions in improving child-sensitive case-handling procedures, strengthening documentation and consistency in diversion decisions, enhancing cooperation with child protection and social service agencies, and identifying circumstances requiring additional professional or institutional support. From a policy perspective, the findings may provide evidence for strengthening the implementation of the Juvenile Criminal Justice System in Eastern Indonesia, particularly regarding the availability of trained personnel, interagency coordination, restorative mechanisms, and safeguards for both child offenders and victims. Most importantly, this study may support the development of a juvenile justice practice in which criminal responsibility is enforced proportionally without unnecessarily compromising children's education, psychological development, social reintegration, and future prospects, while ensuring that victims' rights and community interests remain integral components of juvenile case resolution.

## METHOD

This study employed a socio-legal research approach combining normative juridical and empirical juridical methods. The normative juridical approach was conducted through the analysis of legal documents and secondary sources, while the empirical juridical approach examined factual practices related to the implementation of criminal sanctions and measures against children within the jurisdiction of the Nabire Police Department.

The approach used in this study is as follows:

1. Statue approach; It is a research that uses a legislative approach because what will be studied are various legal rules that are the focus as well as the central theme of a research (Ibrahim, 2007).
2. Library research; (literature research), which is research conducted by reading books, laws and regulations, and other materials related to this research;
3. Case approach; (case approach), carried out by examining cases related to the issue faced in this study (Marzuki, 2015).

The types and data sources used as a basis to support the research results are:

1. Primary legal material; namely binding legal materials, consisting of:
   a) the 1945 Constitution;
   b) the Criminal Procedure Code;
   c) Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia;
   d) Criminal Code
2. Secondary legal materials; in the form of books related to Crimes and Actions Against Children in the Jurisdiction of the Nabire Police, articles, letters of interest, research results, reports, and so on;
3. Tertiary legal materials; Namely supporting legal materials that include primary legal materials, secondary legal materials such as general dictionaries, legal dictionaries, magazines, scientific journals, and materials outside the relevant field and can be used to complete the data needed in writing this thesis.

The data collection techniques used in this study consisted of primary and secondary data collection. Primary data were obtained through interviews with relevant respondents and direct field observations related to the research topic. Secondary data were collected through the review of academic literature, laws and regulations, and relevant documents related to the research object.

The collected data were then classified, analyzed, and interpreted to address the research problems. The analysis process involved examining the findings in relation to the applicable legal framework and empirical conditions to produce relevant conclusions.

## RESULTS AND DISCUSSION

### Implementation of Sanctions for Criminal Acts and Actions Against Children in the Jurisdiction of the Nabire Police

Children are an inseparable part of human survival, and the continuation of a nation and state. In the Indonesian constitution, children have a strategic role which is expressly stated that the state guarantees the rights of every child to survival, growth, and development as well as to protection from violence and discrimination.

Children need to be protected from the negative impact of rapid development development, globalization in the field of communication and information, advances in science and technology, as well as changes in the lifestyle and way of life of some parents that have brought fundamental social changes in people's lives that greatly affect children's values and behaviors. Deviations in behavior or unlawful acts committed by children, among others, are caused by factors within the child (family) and from outside the child (environment). Therefore, the role of parents to protect and educate children in their development towards adulthood is the main obligation.

Children are part of society, they have the same rights as other societies in the form of civil, economic, social, and cultural rights, but it seems that the position and rights of children when viewed from a juridical perspective have not received serious attention, both by the government, law enforcement, and society in general and are still far from what should actually be given to them. This condition is also complicated by the weak application of the law on children's rights carried out by law enforcement officials themselves.

In order to realize quality human resources, the survival of fidic and mental development and protection from various dangers that can threaten their integrity and future, it is necessary to make sustainable and integrated coaching efforts. In reality, efforts to develop the younger generation are often faced with various problems and challenges that are difficult to face, including deviations in children's temporary behavioral attitudes. Even further than that, there are children who commit unlawful acts, both from the high, middle, and lower socio-economic strata.

The imposition of sanctions is a tool of power to strengthen the enactment of a norm and to prevent and eradicate actions that undermine the enactment of a norm. The goal to be achieved from the imposition of sanctions on children is so that the child can blend in with society. The double track system is a two-track system regarding sanctions in criminal law, namely criminal sanctions and types of action sanctions. Although in practice, the distinction between criminal sanctions and action sanctions is often rather vague, but at the basic idea level they both have a fundamental difference, where criminal sanctions are derived from the basic idea of "why is a criminal offence held", while action sanctions depart from the basic idea of "what is the punishment for" (Sholehuddin, 2004)

If legal proceedings must be carried out against children, then of course it is unfair if the same legal process is carried out against the child defendant as the adult defendant. Likewise, the crime that will later be imposed on the child. The difference in treatment and threats regulated in the law is intended to provide more protection and protection for children in welcoming their long future. In addition, these differences are intended to provide opportunities for children so that after going through coaching, they will gain their identity to become a better human being, which is more useful for themselves, their families, the nation, and the country (Soetedjo, 2010).

Specifically regarding sanctions against children, it is determined based on the difference in the age of the child, namely for children under the age of 14 (fourteen) years old only subject to action, while for children who have reached the age of 14 (fourteen) years to 18 (eighteen) years, action and criminal punishment can be imposed.

Similar to theft with aggravation that has occurred in the Nabire Police Jurisdiction, where JM (name withheld), a 15-year-old teenager, has stolen 2 (heads) of cattle (2-month-old piglets) belonging to a neighbor and sold them to others. In accordance with the new Article 477 of the Criminal Code, in paragraph (1) letter c which reads: "Sentenced to a maximum of 7 (seven) years in prison or a maximum fine of category V, every person who commits theft of livestock or goods that is the source of livelihood or the main source of sustenance of a person.", so that if you want to consistently apply this article, then JM should be punished with a maximum of 7 (seven) years in prison, Because the person concerned had committed theft with a burden on his own neighbor's livestock.

However, the Head of Criminal Investigation of the Nabire Police, Iptu Bogi Transtanto, SH., when interviewed by the author about sanctions for criminal acts and actions against children in the Nabire Police Jurisdiction said that (Transtanto 2026):

> "So far, cases of theft committed by children, both ordinary theft, and theft with aggravation have been reported to the Nabire Police, but we are trying to avoid sanctions in the form of criminal acts and other actions against them. We prioritize peace between the perpetrator and the victim with a number of compensations, and the

case stops there. To control cases involving children, our members do prioritize the principle of Restorative Justice or restorative justice, which is the resolution of cases through the restoration of the situation without retaliation. We do this with diversion, namely the transfer of the criminal case settlement process out of court to avoid bad effects on the future of children, because children are the future assets of our nation. We can certainly deal with the crimes committed, because they are different from adults who already have thoughts about the good and bad of the crimes committed. Children are our shared responsibility, in accordance with Law Number 35 of 2014 concerning Child Protection, in article 20 which says that the State, Government, Regional Government, community, family, parents, and parents or guardians are obliged and responsible for the implementation of child protection. Thus, we must all be careful in handling the problem of children in Nabire. We can't just play catch and process it legally."

This statement was confirmed by the Head of the PPA Satreskrim of the Nabire Police, Ipda Karin Agustin, S.Tr. I.K (Karin Agustin, personal communication, July 1, 2026)

"That's right, the process of handling child cases at the Nabire Police Station is different from adult crimes, because after all, they are children who are still developing to find their true identity, therefore we try to avoid criminal proceedings or criminal actions against them. The Standard Operating Procedures (SOP) of the Child Protection Law, namely Law No. 35 of 2014, regarding the methods and mechanisms for handling perpetrators and victims who are still children, have been taught in our unit. When there is a child case, the first step is for the child to become a victim, we call to be examined accompanied by parents and also assistance from DP3A, and record all his identity. If the child experiences trauma or injury, then we may ask for medical action to be carried out. In the examination of children as victims, they must always be accompanied by a psychologist or professional companion specially provided by DP3A. Furthermore, we will try to have the case resolved with Restorative Justice, and the victim must get restitution or compensation for the incident that has been experienced. The restitution or compensation intended here does not have to burden the parents of the perpetrator, but is sufficient for medical expenses and other expenses that have been incurred by the victim's parents, as a result of the actions of the perpetrator."

These two police officers emphasized more on the protection of children that has been stipulated in Law Number 35 of 2014 concerning Child Protection, which really provides extraordinary rights to children in Indonesia. Even in Article 56 it is stated that:

1. The government and local governments, in organizing maintenance and care, are obliged to strive and help children, so that children can:
    a. participating;
    b. Freedom to express opinions and think freely in accordance with their conscience and religion;
    c. Be free to receive oral or written information according to the child's age and developmental stages;
    d. Freedom of association and assembly;
    e. Freedom to rest, play, recreation, create, and create cultural arts, and
    f. Obtaining a play facility that meets health and safety requirements

2. Businesses as referred to in paragraph (1) are developed and adjusted to the child's age, the child's ability level, and the environment, so as not to hinder and interfere with the child's development.

When asked about the coordination pattern between the PPA Unit and other related agencies such as the social service, P2TP2A, the Prosecutor's Office, and hospitals, Ipda Karin Agustin, S.Tr. I.K explained further (Karin Agustin, personal communication, July 1, 2026)

> "We continue to work together by always coordinating with social service institutions, prosecutors and hospitals in the context of handling children's cases. We work with DP3A to provide assistance to victims, with social services to help pay attention to the needs of victims, and the prosecutor's office if this child's case does not get a common ground and must be processed all the way to court. In principle, we do what is possible for the peace and psychological well-being of the child, both for the benefit of the victim and also for the benefit of the perpetrator."

From the author's observation, what was explained by the Nabire Resort police is not excessive, because the PPA room has solved many children's cases well.

JM, who was only 15 years old, who was accompanied by his parents at the time, when met by the writer, confirmed the incident. He was very grateful to the Police Officers for giving him the opportunity to repent and improve himself (JM, personal communication, July 1, 2026)

> "I am very grateful to the police who have tried to reconcile me with the owner of the pig that I stole and sold to people. I promised not to repeat my deeds and would repent, because because of my stealing, I almost went to jail, and could not continue my education."

The meeting at that time lasted almost two hours, and ended with a peace agreement accompanied by the making of a statement letter from JM's family which would provide compensation costs of Rp. 3,000,000.- (Three million rupiah) to the victim.

The Serse member who at that time led the meeting, Brigpol. Hendardi, when interviewed about the toughness of the meeting at that time, said (Hendardi, personal communication, July 1, 2026):

> "At that time we had quite a difficult time to make peace, because the difficult thing was when there was a bargaining for compensation money. Moreover, the situation at this time is in a monetary crisis, so that a million dollars feel ten million. Difficult to remove. But we still try to distinguish between adult cases and children's cases, because the laws are different and we must do our best to make peace. They are still children and still labile in association. In contrast to those of us who are adults and adults. They still have hope in improving themselves as they age."

The owner of the Farm Animal, Mr. Agus Setiawan, when met at his house and questioned about the settlement of his case said (A. Setiawan, personal communication, July 1, 2026):

"I was actually very angry, because it was a pet for sale. Imagine if it wasn't stolen and big in my hands, it could be sold at a high price. But I also realized when I was given an understanding by the Police Officer, that they were still children and their actions were really unthinkable, good or bad first and could not be controlled, so please understand us as parents. I also understand that they are still children, and what if the opposite happens to my child. Of course, I as a parent will also try hard so that there can be peace between us. Parents who are in trouble certainly want to reconcile, especially those who are still children."

The next day, when the writer met with one of the community leaders in Nabire Regency, Mr. Haji Munawir, to inquire about how the community dealt with the rampant child crime in his neighborhood, he said (H. Munawir, personal communication, July 2, 2026)

"The children here are all naughty on average. Both native Papuan sons and immigrants are equally mischievous. His name is also children, it cannot be banned and guarded constantly. Almost every week there must be theft or fights between children. Fortunately, we as parents can understand children's play patterns, so that we are not provoked to continue the children's quarrels. We always try to be neutral in looking at the problem. Imagine, if each parent interferes in the affairs of their children, of course the world will not be safe anymore, and every day and every hour what happens is only an argument between children and parents. We as parents who have experienced being children must certainly understand and be wise in dealing with who the children in their respective complexes are. "

What Haji Munawir said as a Nabire community leader was very wise. Of course, this world will be very damaged if every day parents are provoked to face children's problems. In a day, of course, an RT, RW, and Urban Village area can disrupt the governance arrangement in the region.

According to Jensen in Sarwono (2012), child delinquency can be divided into four types, namely:

a. Delinquency that causes physical harm to others such as fights, rape, robbery, and murder;
b. Delinquency that causes material victims such as: vandalism, theft, pickpocketing, and extortion.
c. Social delinquency that does not cause victims on the part of other people such as: prostitution, drug abuse, and in Indonesia premarital sex can also be included in the type of child delinquency.
d. Delinquency that goes against status, such as the status of a child as a student by skipping school, denying the status of parents by leaving or leaving the house without permission and disobeying parental orders. At their age, their behaviors are not yet law-breaking in the true sense because what is violated are the statuses in the primary (family) and secondary (school) environments that are not regulated by the law in detail. However, if this child is an adult, this will have a great influence on the community. That is why the violation of this status by Jensen is also classified as

delinquency and not just deviant behavior. According to Ali and Asrori (2012), there are various factors that can cause delinquency in children, namely:

1) Rational Choice This theory prioritizes individual factors over environmental factors. The delinquency of the child that he commits is due to his own choice, interest, motivation or will. In Indonesia, many believe this theory, for example, child delinquency is considered as a lack of faith so that children are sent to express boarding schools or admitted to religious schools. Others consider it so undisciplined that they are given military training;
2) Social Disorganization Positivism in general prioritizes cultural factors. What causes child delinquency is the reduction or disappearance of the community institutions that have been maintaining balance or harmony in society.

This juvenile *delinquency* is increasingly prevalent in Nabire Regency from time to time, of course, among other things because of the spectacle on television that also provides teachings to children. According to Kartini Kartono (2017), juvenile delinquency can be divided into:

a. Delinquency Individual

Individual delinquency is a form of mental disorder in oneself. This is due to the disintegration of the self with inner turmoil and a tendency to deviate behavior. Almost all of these individual delinquency children originate and grow up in a brutal family environment, overwhelmed by family problems, and always waste their children. So that children who grow up in such an environment are not able to establish emotional closeness with others. As a result, children have no sense of humanity and their conscience is difficult to warn.

b. Delinquency Situasional

This type of delinquency or delinquency is influenced by social stimulation and environmental pressures so that it forms bad behavior in children. Then also this delinquency is often committed by normal children such as like to violate rules, social norms and formal laws.

c. Delinquency Sistematik

Systematic delinquency is deviant behavior that has been systematized in a group or gang and justified by all members of the group or gang so that the crime becomes organized or systematic.

d. Delinquency Kumulatif

This type of delinquency is a controversial cultural conflict in which there are many social groups that cannot be reconciled because they are always involved in competition based on deep resentment and hatred. Children who have developmental disorders, children who are not fulfilled reasonably, children can experience various behavioral disorders as follows:

1. Attention-focused/hyperactive disorder (GPP/H); It is a disorder that needs special attention, because: it has a higher risk of experiencing various problems in their lives. Children find it difficult to comply with the rules and demands of the environment such as the demands of the daily environment and also the demands of their academic field. Children can affect children's sense of self-worth, and increase aggressive behavior towards the environment. The main symptoms

shown by GPP/H, with characteristics between 6 or more, and lasting for at least 6 months, to the degree of adaptive malfunction or not in accordance with the stage of development, are as follows: Inattention (lack of focused attention). Impulsivity (tendency to act before thinking). Hyperactivity (excessive movement).

2. Behavioral disorders. Focuses on behavior that violates the rights of others and social norms, such as: aggression and abomination towards people, damaging the property of others burning, fighting, lying, stealing, killing, molesting, skipping school, running away from home, deviant behavior, and a heavy, persistent attitude of defiance.

**Penal conditions and actions against children in the Nabire Police Jurisdiction**

Restorative justice as a new direction of the contemporary criminal justice system seems to be a fairly humanistic concept. This is inseparable from the fusion of two modern criminal approaches, namely the *doer-victims relationship* approach and the deed or perpetrator approach (*daad-dader straftecht*). These two principles are the substantive basis of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) which explicitly affirms restorative justice as the foundation of values.

The doer-victims *relationship approach* is related to the diversion provisions in the relevant rules. Diversion in *the United Nations Standard Minimum Rules for the Administration of Juvenile Justice* or known as *The Beijing Rules* (United Nations Assembly Resolution of November 29, 1985) is interpreted as giving authority to law enforcement officials to take policy actions in dealing with or resolving the problem of child abuse by not taking formal channels. The application of diversion is carried out at all levels of examination with the aim of reducing the destructive impact of children's involvement in the criminal justice process.

Head of Criminal Investigation of the Nabire Police, Iptu Bogi Transtanto, SH., who was interviewed about the conditions for imposing a criminal offence and actions against problematic children said that (Iptu Bogi Transtanto, personal communication, July 1, 2026):

> "The condition for the imposition of criminal and legal action against children who have problems with the law is when all the efforts of the police have stalled and have not succeeded in reconciling them, especially for parents who cannot and do not have the heart to see their children being abused, and are eager to make the child of the perpetrator of the crime become a prisoner, so as not to repeat his actions, especially those who are close neighbors."

The Head of the PPA Unit of the Nabire Police, Ipda Karin Agustin, S.Tr. I.K., who was interviewed about the conditions for imposing criminal penalties and actions against problematic children, said that (Karin Agustin, personal communication, July 1, 2026):

> "In principle, we continue to strive and hope that children who are in conflict with the law can reconcile in the police, and do not continue the problem to the court. But if we have tried in every way for the common good, but the victim's parents do not want to reconcile, then our efforts will fail, and inevitably we will continue to process the case to court. After all, the legal apparatus already exists, the judges already exist, and the trial procedures have all been regulated. But we would be very sorry if peace was not successful. Just imagine if every child who has problems with the law has to be

processed to court, then the parents of the two who are close neighbors will immediately be hostile and will cause new problems if there is even a slight friction between neighbors. This is certainly very disturbing to the environment where they live. Meanwhile, their children, if this problem is resolved, will remain hostile or friendly again. Things like this are what we are worried about happening in the RT, RW, and local villages. Children can only be subject to criminal sanctions or actions based on Law Number 11 of 2012 concerning the Criminal Justice System for Juvenile Crimes with a minimum age limit of 12 years. Perpetrators under 12 years old cannot be punished and can only be subject to rehabilitation. The rules and conditions for juvenile punishment, namely for the age of 12-18 years aresubject to action or criminal sanctions, namely principal and additional penalties, and imprisonment for children is at most only half of the maximum criminal threat for adults. For detention, it can only be done if the child is 14 years old or older and is suspected of committing a criminal act with a criminal threat of 7 years or more in prison. Meanwhile, sanctions for action: in the form of return to parents/guardians, handover to someone, treatment in a mental hospital, or LPKS, and the obligation to attend education or training. A child in conflict with the law cannot be sentenced to death or life imprisonment."

Nabire community leader, Haji Munawir, also said the same thing if there are parents who do not want to reconcile (H. Munawir, personal communication, July 2, 2026):

"Problems between children, if they are far apart, their respective addresses do not have much effect, but if they are close together, it is very dangerous. Because the problem of children if they cannot reconcile, it will have an impact on their entire families. My neighbors used to be hostile because their naughty children fought, and they didn't say goodbye for a year before reconciling again, and the impact was very felt to disturb the community around our settlement. Finally, we and the head of RT agreed with the families who already had a peaceful intention to visit the homes of residents who did not want to reconcile, and discussed that their problems had had an impact on other residents. After being given a good understanding, the two finally realized that their hostility had an impact on all the neighbors."

From the opinions of both police figures and community leaders in Nabire Regency, the author concludes that nurturing, taking care of, and educating children is a very difficult task for parents, both those who take care of their own children, especially those who entrust their children under the care of a maid or domestic assistant.

## CONCLUSION

This study concludes that the implementation of criminal sanctions and measures against children within the jurisdiction of the Nabire Police Department reflects an effort to balance legal accountability with child protection principles. The handling of children in conflict with the law is not primarily oriented toward punitive measures but emphasizes restorative justice, diversion, reconciliation, and the restoration of relationships among children, victims, families, and communities. The findings indicate that the Nabire Police Department prioritizes non-formal settlement mechanisms whenever possible by involving relevant stakeholders, including parents, victims, community representatives, and child protection institutions. This approach is consistent with the principles of the Juvenile

Criminal Justice System, which positions children as individuals requiring guidance and rehabilitation rather than solely as criminal offenders. The implementation of restorative justice through diversion provides opportunities for children to acknowledge their actions, restore losses experienced by victims, avoid negative stigma associated with formal criminal proceedings, and maintain their educational and social development. However, the effectiveness of this approach depends on several factors, including the willingness of victims and families to participate in reconciliation, the capacity of law enforcement officers, institutional coordination, and the availability of supporting facilities. Therefore, although the Nabire Police Department has demonstrated efforts to implement child-sensitive justice, continuous strengthening of procedures, resources, and inter-agency collaboration is required to ensure that criminal sanctions and measures are applied proportionally, consistently, and in accordance with the best interests of the child. These findings support previous studies emphasizing that diversion and restorative justice are important mechanisms for transforming juvenile justice from a retributive approach toward a recovery-oriented system, although practical implementation challenges remain.

Future research should expand the analysis by incorporating broader geographical contexts and comparing the implementation of juvenile justice mechanisms across different police jurisdictions in Indonesia, particularly between urban and remote regions. Comparative studies would provide deeper insights into how institutional capacity, cultural characteristics, community involvement, and the availability of child protection services influence the effectiveness of diversion and restorative justice practices. Further research may also employ longitudinal approaches to evaluate the long-term outcomes of restorative settlements, including children's behavioral changes, educational continuity, social reintegration, victim satisfaction, and potential recidivism following case resolution. In addition, future studies should examine the perspectives of children in conflict with the law, victims, families, social workers, prosecutors, and judges to obtain a more comprehensive understanding of juvenile justice processes from multiple stakeholder perspectives. Research focusing on policy evaluation and institutional strengthening is also necessary to develop standardized mechanisms for diversion implementation, improve the competency of law enforcement personnel, and ensure equitable access to child-friendly justice services throughout Indonesia. Such investigations will contribute to the development of a more effective juvenile justice system that protects children's rights while maintaining accountability, justice, and social harmony.

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