



The Impact of Age on Sentencing in Child Murder Cases: An Analysis of the Implementation of Juvenile Justice Law in Indonesia

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Abstract: This study examines the role of age in the imposition of criminal charges against children involved in murder, focusing on the application of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law). The research highlights the perceived inequality of justice experienced by the victim's family, particularly in cases where perpetrators under the age of 14 are sentenced to rehabilitation instead of imprisonment. The aim of this study is to analyze the extent to which Indonesian legal provisions consider age in sentencing child murderers, as well as how restorative justice is applied in such cases, and whether it addresses or exacerbates the sense of justice. This research employs a normative juridical method with qualitative analysis, supported by statutory, conceptual, case law, and comparative approaches. The findings reveal that while the SPPA Law offers special protection for children in conflict with the law, its application in cases of murder by young children presents a justice dilemma, particularly when the victim's life is lost and the perpetrator does not receive proportionate criminal sanctions.

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Introduction

The definition of “child,” as outlined in Article 1, Paragraph 1 of Law Number 35 of 2014 concerning Child Protection, refers to an individual under the age of 18, including those still in the womb (Indonesia, 2014). In the context of human rights, children are considered legal subjects with fundamental rights that must be protected and fulfilled by both the state and the surrounding environment. The Convention on the Rights of the Child (CRC), which Indonesia ratified through Presidential Decree No. 36 of 1990, establishes several children's rights, such as the right to survival, growth, and development, the right to have their opinions respected, and the right to participate in societal matters (United Nations, 1989). Indonesia's Juvenile Criminal Justice System is governed by Law Number 11 of 2012

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concerning the Juvenile Criminal Justice System (SPPA Law), which incorporates principles of diversion, restorative justice, and special treatment for children during judicial proceedings. One key aspect of the SPPA Law is the determination of the minimum age of criminal responsibility, as outlined in Article 21, Paragraph (1), which plays a crucial role in the legal framework for juvenile justice.

Data from the Online Information System for the Protection of Women and Children ([Simfoni PPA, 2023](#)) and the Ministry of Women's Empowerment and Child Protection indicate an increase in the number of children involved in legal matters from 2020 to 2024. Cases of violence and serious crimes where children are the perpetrators have shown a rising trend ([KemenPPPA, 2023](#)). According to data from the PPA Symphony, over 1,500 cases have been reported where children were involved in severe violence, including abuse that led to death ([Simfoni PPA, 2023](#)). This trend underscores the urgent need to evaluate how well the juvenile criminal justice system has managed the complexity of such cases. A review of the practical application of legal provisions will determine whether the legal framework genuinely strikes a balance between child protection and justice for victims and society.

Children who commit criminal acts are afforded protection under international conventions, such as the CRC. However, serious crimes committed by children create a dilemma, balancing the protection of the perpetrator's rights with the need for justice for the victim. This tension calls for a nuanced approach that not only safeguards children's rights but also considers the often-overlooked rights of victims and the pursuit of justice. The SPPA Law embraces the principle of restorative justice, emphasizing rehabilitation. However, its application in cases of severe crimes, such as murder, has sparked controversy. One such case, in Makassar 2023, involved two teenagers who killed an 11-year-old child for the purpose of selling his organs, which garnered significant public attention. While the perpetrators were processed under the SPPA Law, the victim's family perceived the decision—focused only on rehabilitation—as unjust. This case underscores the normative gap and the conflict between child protection and substantive justice for victims.

In 2021, a tragic event occurred in the Philippines involving the Maguad siblings, where two teenage brothers were brutally murdered by a 17-year-old girl, who was a member of their foster family. The case was initially handled by the Department of Social Welfare and Development (DSWD), and the perpetrator was later sentenced to over 30 years in prison after being declared to have acted with discernment (awareness of her actions) ([Marcelo, 2024](#)). Despite the severe punishment, the victim's family and the people of North Cotabato continue to feel that justice has not been fully served ([Marcelo, 2022](#)). This case highlights the dilemma within the juvenile criminal justice system, which must balance the

protection of offenders with the need to fulfill the sense of justice for victims. A similar case occurred in Florida, United States, in 1998, involving Joshua Phillips, which became a pivotal example in global legal studies. At the age of 14, Phillips murdered his 8-year-old neighbor, Maddie Clifton. He was initially sentenced to life imprisonment without parole but was retried following the 2012 *Miller v. Alabama* decision. Despite this, he continued to receive a severe sentence. This case established a significant precedent regarding how various legal systems balance the protection of juvenile offenders with the rights of the victim's family. In contrast, Indonesia's approach places a strong emphasis on the Principle of Justice, highlighting a differing perspective on juvenile crime.

One of the primary issues addressed in this study is the absence of specific regulations governing the provision of justice for victims in cases of murder committed by minors under the SPPA Law. As a result, the penal approach tends to focus primarily on the rehabilitation of the offender, often overlooking the psychological and social recovery of the victim's family. This study aims to bridge this gap by analyzing the impact of the perpetrator's age on judicial considerations, and exploring how to incorporate victim justice into the juvenile justice system while ensuring child protection is not compromised.

Academically, this study contributes to the ongoing discourse surrounding the role of age in juvenile justice for individuals convicted of murder, while advocating for a reimagined concept of restorative justice that better includes the needs and perspectives of victims. Practically, the findings offer valuable recommendations for the Supreme Court and policymakers, aiming to help shape a juvenile justice system that is both more proportional and equitable, ensuring that juvenile justice serves as both a protective and rehabilitative mechanism.

Methods

This research employs a normative legal research method, which focuses on the study of legal norms within the applicable legal system. This approach aligns with the framework developed by Peter Mahmud Marzuki, who defines legal research as the process of examining law as a normative rule that governs society, rather than as an empirical fact. Consequently, this study does not rely on surveys or observations of human behavior. Instead, it centers on the analysis of legal norms, principles, doctrines, and relevant theories to explore the topic of the relevance of age in the sentencing of child offenders in cases of murder, as well as the underlying principles of justice. To facilitate this analysis, the study adopts several approaches proposed by Marzuki, including the statutory approach, the conceptual approach, the case approach, and the comparative approach (Marzuki, 2017).

The legislative approach is employed to analyze the legal norms outlined in the SPPA Law, the Criminal Code, and other relevant legal instruments pertaining to

children in conflict with the law. This approach involves not only an examination of the content of legal provisions but also an analysis of the structure and systematics of interrelated regulations. A conceptual approach is utilized to investigate and explore the fundamental legal concepts central to this study. Additionally, a case approach is adopted to examine cases directly related to the research topic, both within national and international contexts. Furthermore, a comparative approach is applied to evaluate how the juvenile justice systems in the Philippines and the United States address issues such as the age limit for criminal responsibility and the application of justice in murder cases.

The Philippines was selected due to its normative similarities with Indonesia, particularly in its use of restorative justice approaches. In contrast, the United States serves as an extreme comparator, as it adheres to a retributive system, which includes the application of life sentences for children in certain cases. This comparative approach enables researchers to assess the advantages, limitations, and relevance of policies from various countries within the context of Indonesian law.

Results and Discussion

Legal Provisions in the SPPA Law Regarding the Minimum Age Limit for Criminal Liability of Children Who Commit Murder Under the Age of 14

The discussion surrounding the minimum age limit for criminal responsibility in children, particularly in the context of serious crimes such as murder, is crucial for evaluating the balance between child protection and the enforcement of justice. Law No. 11 of 2012, which pertains to the Juvenile Criminal Justice System (SPPA Law), was designed to safeguard children who come into conflict with the law by establishing a minimum age of 12 years for criminal responsibility. However, Article 69, paragraph (2) of the SPPA Law introduces a limitation: children under the age of 14 can only be subject to rehabilitative measures, rather than criminal sanctions, even if they commit grave offenses such as murder.

In practice, this creates a dilemma. Children aged 12 to 13 may be capable of committing a crime with full awareness, yet are still afforded protection under laws that restrict punitive measures. The increasing number of murder cases involving minors challenges the effectiveness of the juvenile criminal justice system, which is grounded in the principles of protection and rehabilitation. The restorative justice approach often leads to dissatisfaction among the victims' families, who feel that their quest for justice is being overlooked. When perpetrators are merely subjected to minor actions or rehabilitation, a significant gap emerges between the victims' perception of justice and the legal treatment of the offenders.

This dilemma underscores the tension between child protection and the victims'

right to justice. Similar issues are observed in other countries, such as the Philippines and the United States, which operate under different legal systems (civil law and common law, respectively). These cases illustrate how the implementation of minimum age limits for criminal responsibility is strongly influenced by the specific legal frameworks of each country.

This research evaluates the provisions of the age limit in the SPPA Law and its implications for the principle of justice concerning victims. With the increasing complexity of crimes committed by minors, legal reform has become imperative. Such reform is necessary to ensure that the juvenile criminal justice system can deliver equitable justice for both perpetrators and victims. Additionally, it must be responsive to the broader societal needs, addressing the evolving challenges posed by juvenile delinquency.

By comparison, the legal system in the Philippines, through the Juvenile Justice and Welfare Act, sets the minimum age of criminal responsibility at 15 years. However, it allows for special treatment of 12 to 15-year-old perpetrators in homicide cases. In the United States, several states permit child offenders to be tried in adult courts, as exemplified by the Joshua Phillips case. This case highlights the extreme consequences that a child may face, such as being sentenced to life imprisonment without the possibility of parole for murder. At the age of 14, Phillips killed his 8-year-old neighbor and concealed the body under a bed for six days. He was subsequently tried as an adult under the American common law system ([Marco Margaritoff, 2022](#)).

In contrast, the Maguad Siblings case in the Philippines garnered significant public attention when a 17-year-old adopted child brutally murdered two of his adopted siblings ([Puspaningrum, 2022](#)). Although the Philippine legal system adheres to civil law and sets the age of criminal responsibility at 15 years, the perpetrator was still criminally charged after being determined to have acted with full discernment (awareness of his actions). As a result, he was sentenced to 31 years and 4 months in prison.

In Indonesia, a case involving the murder of a 15-year-old junior high school student in Mojokerto illustrates how the juvenile justice system handles child offenders. Despite the perpetrator being sentenced to a criminal sentence, the punishment was relatively lenient, amounting to 7 years and 4 months in prison ([Syafii & Kurniati, 2023](#)). This reflects that Indonesia's juvenile justice system remains moderate and does not provide a maximum deterrent effect, even for serious crimes such as murder.

When comparing the three systems, it is evident that the United States allows for much harsher penalties, including life imprisonment, for juvenile offenders. In the Philippines, although the system is rehabilitation-oriented, it still permits

serious criminal charges if the offender is found to have full knowledge of their actions. Indonesia's position appears to be in the middle, but it could be considered insufficiently firm in addressing serious crimes committed by minors.

Indonesia and the Philippines follow a civil law system that emphasizes codification and written rules, while the United States adheres to common law, which is largely based on precedent and jurisprudence. These differing legal frameworks reflect distinct approaches to justice and the protection of child offenders in cases of murder. In the United States, justice is often framed as retributive, with a focus on severe penalties, even for children. Conversely, the Philippines emphasizes social recovery and rehabilitation. Indonesia, through the principle of restorative justice enshrined in the SPPA Law, seeks to integrate both approaches.

However, when a child commits murder with malicious intent or premeditation, the restorative justice approach becomes challenging, particularly for the victim's family. The main issue lies in balancing the protection of child offenders with the delivery of substantive justice for the victims. In Indonesia, the SPPA Law reflects a protective approach for children under 14 years old. However, it remains weak in its juridical and social aspects, as there are no clear regulations regarding the form, duration, or evaluation of actions taken. This lack of clarity makes the implementation vulnerable to inconsistencies.

According to the theory of child criminal responsibility, perpetrators should be held accountable through a corrective process rather than a repressive one. From the perspective of John Rawls's Theory of Substantive Justice, justice must be perceived as fair and equitable by all parties involved, including the victim's family. Several studies have explored the effectiveness of the juvenile criminal justice system in addressing serious crimes. Below is a comparative table summarizing previous studies that are relevant to the focus of this research:

Table 1. Comparison Table of Previous Studies Relevant

Research Title	Researchers	Key Focus	Findings	Limitations	Research Gap
Criminal Liability of Children in Premeditated Murder	Desi Permatasari Pohan, et al.	Analysis of juvenile delinquency in serious crimes (murder)	Judges still balance child protection with punishment, not yet focused on victim justice	Lack of understanding of the impact of the law on the victim's family and the aspect of justice for the victim	It has not been researched how legal provisions affect the sense of justice for the families of murder victims
Criminal Liability of	Deva Fatmawati	Prohibition of child criminal	The age of 18 years as the limit	It does not discuss the	It has not examined

Children in the Perspective of Islamic Law and the Criminal Code		responsibility according to positive law and Islamic law	of the number of answers, emphasizing the maturity of the mind	aspect of justice for the victim and the victim's family	how the principle of justice is accommodated in the juvenile criminal justice system
Diversion Programs in Philippines and Indonesia: A Comparative Analysis	Ika Dewi Sartika Saimima, et al.	Diversion programs between the Philippines and Indonesia in the juvenile criminal justice system	The main focus is on the rehabilitation of perpetrators and child protection, age difference and the implementation of diversion	Not discussing the role and protection of the rights of victims and victims' families	It has not discussed the impact of diversion law on the sense of justice of the victim and his family
Criminal Court System for Juvenile Offender in Indonesia and the Struggle for Access to Justice	Zenny Rezania Dewantary	An analysis of inclusion-vitas and structural barriers in juvenile criminal justice in Indonesia	The restorative system is still constrained by bureaucracy and lack of capacity, the main concern is the perpetrators	Not yet focused on the investigation and justice of the victim's family	Lack of transparency in the fulfillment of the principles of justice from the side of the victims of murder and the victims' families
Restorative Justice and Diversion Restrictions in the SPPA Law	Zenny Rezania Dewantary	Criticism of the diversion ban is only on criminal threats under 7 years old and its effect on restorative justice	Diversion ideally also applies to serious criminal cases so that social recovery is maximized	Lack of exploration of the impact on victims of rape and their exit	There has been no in-depth study on how diversion and minimum age limits affect the principle of justice for victims and their families

Source: Author's

The table 1 highlights that, despite numerous studies on the juvenile criminal justice system, significant gaps remain in its implementation. These gaps are particularly evident in areas such as the minimum age limit for criminal accountability and the provision of justice for the families of murder victims. Current legal frameworks often prioritize the protection of child offenders, with less attention given to the perspectives of victims and their families, which are frequently neglected.

In practice, the principle of justice has not been fully realized in a balanced

manner. Numerous cases demonstrate that the minimum age is not always the primary consideration, and at times, it is even overlooked in efforts to safeguard the rights of the offender. This approach often neglects the psychological, social, and moral impacts experienced by the victim and their family. Consequently, this raises the question of whether the existing legal framework truly embodies substantive justice.

Most research to date has primarily concentrated on rehabilitation and diversion, with little attention given to the rights and sense of justice of the victims. This has led to a noticeable gap between the theoretical legal protections for children and the realities faced by the victim's family. Indeed, in law and criminology, the pursuit of justice should remain the primary objective. The lack of studies focusing on victims' rights, particularly in cases where the offender is a child, underscores a critical gap in the existing body of research. This study seeks to address this gap by offering a perspective that balances the protection of child offenders with the fulfillment of victims' rights and justice, thus advocating for a more humane and equitable juvenile justice system.

Previous research has predominantly centered on child offenders and principles of protection, such as rehabilitation and diversion, to prevent stigmatization. For instance, Desi Permatasari Pohan, Marlina, and Edy Ikhsan colleagues highlighted the tendency of judges to prioritize the protection of offenders in murder cases, often to the detriment of the rights of the victim's family. This imbalance highlights the inequality in legal treatment between offenders and victims ([Pohan et al., 2023](#)).

Deva Fatmawati's study, which compares Islamic law and the Criminal Code regarding criminal responsibility for children, does not address the dimension of justice for victims. Similarly, Ika Dewi Sartika Saimima and his team compared the diversion systems of Indonesia and the Philippines, but their analysis did not evaluate the effectiveness of these systems in terms of the victim's family's sense of justice. These gaps highlight the need for more comprehensive and balanced research in this field. Zenny Rezania Dewantary criticized the limitations of the diversion provisions in the SPPA Law, particularly because they only apply to criminal acts that carry specific punishments ([Dewantary, 2018](#)). However, Dewantary's critique remains focused on child perpetrators and does not consider the aspect of justice for the victims, thus leaving a significant research gap. Consequently, it is evident that no comprehensive study has directly linked the age limit for child criminal responsibility with the sense of justice felt by the family of the murder victim. This aspect is particularly crucial, as it not only concerns legal norms but also encompasses the social and psychological impacts experienced by the victims.

A significant gap in the existing literature is the lack of evaluation regarding

whether current legal frameworks genuinely embody the principle of proportional justice between perpetrators and victims, particularly in the context of serious crimes. The principle of justice, as a central aim of law, should encompass all factors that influence individuals' sense of fairness, including the implications of provisions such as the minimum age requirement. This limitation highlights the necessity for research that integrates both the juridical aspects and the practical needs of victims.

This study aims to provide valuable insights for policymakers seeking to reform the juvenile criminal justice system, promoting a more equitable and responsive framework. Furthermore, it seeks to strengthen the position of victims' families within the justice system—not only as witnesses but as parties whose rights must be upheld. By addressing this gap, the research intends to bridge the divide between legal theory and its practical application, contributing significantly to the ongoing reform efforts of the juvenile criminal justice system in Indonesia, particularly concerning murder cases.

The discussion surrounding the legal provisions in the SPPA Law, particularly regarding the minimum age for criminal responsibility in cases involving child perpetrators of murder, cannot be separated from the perspectives of the victim's family and the application of the principle of justice. The victim's family often experiences a sense of injustice when a child perpetrator, who has committed murder, receives lenient treatment or merely corrective measures, especially while the family bears the heavy burden of loss (Fatmawati, 2023). This creates a tension between the objective of protecting the child perpetrator and the victim's right to receive the justice they deserve.

A legal system grounded in restorative justice seeks to facilitate the social rehabilitation of the perpetrator and prevent stigmatization of child offenders (Dewantary, 2016). However, without a clear mechanism to ensure justice for victims and their families, the sense of justice remains insufficient. In many instances, victims' families feel their voices and suffering are ignored within the judicial process (Saimima et al., 2024). Moreover, the SPPA Law's minimum age limit of 12 years complicates cases involving children under the age of 14 who commit murder, as seen in the Mojokerto case. This legal limitation often fails to provide a response that satisfies the victim's family, exacerbating the sense of injustice.

This situation creates a dilemma that must be addressed to ensure that the legal system not only protects child offenders but also considers the sense of justice and the rights of victims. In the context of justice, both distributive and restorative principles must be applied in a balanced manner. It is essential not to prioritize the rehabilitation of the offender to the detriment of the victim's rights and needs. A law enforcement system that is responsive to victims' needs strengthens the legitimacy of the juvenile criminal justice system and fosters public trust in the law.

Therefore, the reform of the SPPA Law and its implementation must incorporate the perspectives of victims as a central component. An inclusive approach to juvenile criminal law can help bridge the gap between protecting children's rights and ensuring justice for victims. This is particularly important considering the profound psychological, social, and economic impacts experienced by the families of murder victims, which necessitate the fulfillment of reparative rights and adequate compensation. In cases involving child perpetrators of murder, the principle of justice must focus not only on protecting the offender but also on ensuring justice for the victim. The victim's family has a right to legal certainty and fair treatment throughout the judicial process. Therefore, the role of law enforcement officials and policymakers is critical in upholding balanced justice.

An interdisciplinary approach involving psychologists, social workers, and child legal experts is essential to gain a comprehensive understanding of the justice that victims expect. The protection of child perpetrators must not undermine the rights of the victims. A clear and robust criminal accountability mechanism for children under 14 years old, particularly in murder cases, is necessary to balance the rights of both perpetrators and victims. Furthermore, it is crucial to enhance the juvenile criminal justice system to ensure it is both more humane and effective. The sense of justice experienced by the victim's family serves as a key indicator of the success of this system. Consequently, investigations, prosecutions, and trials should be structured to proportionately accommodate the rights of victims. This need emphasizes the importance of revising the provisions regarding the age of criminal responsibility in the SPPA Law, ensuring that the principle of justice is not solely weighted in favor of the perpetrator.

In this context, Satjipto Rahardjo's progressive legal theory offers a foundation for promoting a more adaptive and humanistic approach to law. The SPPA Law, however, requires further refinement, particularly in terms of technical regulations that govern the treatment of children who are serious offenders under the age of 14. These regulations should encompass educational, corrective, and reparative measures, with an emphasis on involving victims in the recovery process. After evaluating the age-related provisions within the SPPA Law and considering the principle of justice from the victim's perspective, the author concludes that a significant inequality persists between child protection and the fulfillment of victims' rights. Although the SPPA Law sets a minimum age of 12 years and encourages diversion, in cases of aggravated murder committed by children under the age of 14, this provision frequently leads to a sense of injustice.

The authors propose a more flexible and responsive mechanism that maintains child protection while allowing for appropriate accountability. To ensure that victims' rights to recovery and justice are not overlooked, it is crucial to strengthen their involvement in the judicial process. The SPPA Law should be further developed

through a tiered approach, taking into account both age and the level of intentionality. This would enable a more decisive application of responsibility for children under 14 who commit serious offenses, such as murder, with high intent. Such reform is essential for ensuring that the law functions not only as a protective tool but also as a means of delivering justice for all affected parties.

The authors emphasize that achieving a balance between the protection of perpetrators and the pursuit of justice for victims is fundamental to the success of the juvenile criminal justice system. Thus, despite the SPPA Law establishing a minimum age limit, its implementation requires further refinement to be more responsive and equitable, particularly in cases involving severe offenses. Ultimately, the law must serve as a fair, humane, and inclusive instrument for all stakeholders—including perpetrators, victims, and society at large.

The Provisions of the SPPA Law on the Minimum Age for Criminal Liability of Juvenile Offenders in Murder Cases

The minimum age provision in Article 21, paragraph (1) of Law Number 11 of 2012 concerning the SPPA Law, which sets the age limit at 12 years, is intended to protect children from the threat of criminalization. However, in serious cases such as murder, this provision often leads to tensions between the objective of protecting child offenders and the sense of justice sought by victims and their families. When child offenders are only subject to coaching or diversion sanctions, the victim's family frequently perceives that the law favors the perpetrator.

In fact, many children who have reached the age of 12 possess the moral and psychological capacity to comprehend the fatal consequences of their actions. According to the Theory of Criminal Liability, an individual capable of distinguishing right from wrong and understanding the impact of their actions should be held accountable before the law. This principle applies regardless of age, even when the person is a child. Both positive law and Islamic law recognize the maturity of a child's reasoning as a crucial factor in determining criminal responsibility, rather than solely relying on biological age ([Damanik, 2020](#)).

Thus, if a child has reached the minimum age threshold and demonstrates intention and awareness in committing a serious crime such as murder, the application of criminal sanctions should remain valid. True justice cannot be achieved if only one party is protected while the victim is disregarded.

The restorative justice approach is a key feature of the SPPA Law, which prioritizes rehabilitation over criminalization. However, this approach becomes problematic when applied to serious offenses such as murder, which results in the irreversible loss of life. According to John Rawls' Theory of Substantive Justice, justice is achieved only when the law ensures recognition and fair treatment for all parties involved, including the victim and their family. If the justice system overly

focuses on rehabilitating child offenders while neglecting the suffering of the victims, it undermines the very concept of justice. In cases of murder, diversion is inappropriate due to the high severity of the crime and its profound impact on societal order (Putri, 2024). In fact, the application of restorative justice in murder cases may inadvertently result in impunity, as it removes genuine accountability from the perpetrators (Irawan, 2021). When child offenders are not given appropriate punishment, the victim's family feels their grievances are disregarded, and the legal process loses its purpose as an instrument of justice. In this regard, substantive justice calls for the imposition of a sentence if it is demonstrated that the child offender understands the consequences of their actions. This is not only essential for the offender's education but also crucial in restoring the dignity of the victim.

Additionally, within the framework of the Theory of Retributive Justice (*Lex Talionis*), murder is considered an offense that demands equal retribution. This theory does not advocate for revenge but underscores the necessity of punishment as an integral part of a moral society that denounces violent acts. When a child aged 12 or older commits murder with full awareness, the provision of a proportionate punishment is seen as a form of justice that serves the interests of the victim's family.

In her research, Putri Jasminta Indah and Subekti compared the legal systems of Indonesia and the Philippines, concluding that the age limit of 12 years for criminal liability is too low unless accompanied by stringent provisions on parental accountability and involvement. This suggests that the current age threshold requires further scrutiny to prevent it from creating a loophole that could lead to impunity in serious cases. Moreover, Irawan emphasized that without appropriate sanctions, child offenders may struggle to internalize moral and legal values, increasing the likelihood of recidivism (Indah & Subekti, 2024). In conclusion, in cases of murder, punishment serves as a mechanism to ensure justice for all involved. A just legal system must strike a balance between protection and accountability.

Conclusion

Based on the analysis of the provisions regarding the minimum age limit for child criminal liability in the Juvenile Criminal Justice System (SPPA Law), it can be concluded that there is a disparity between the legal protection afforded to child offenders and the fulfillment of justice for victims. The author's perspective indicates that the restorative approach, which predominates in Indonesia's juvenile criminal justice system, has not sufficiently addressed the rights of victims' families, particularly in cases of intentional murder. The current provision establishing a minimum age and prohibiting criminalization of children under 14 years old requires a more adaptive mechanism to ensure the protection of children without

neglecting the sense of justice for the victims. Therefore, reform of the SPPA Law is essential, including the introduction of technical regulations and a tiered liability system based on age and the intentionality of the offense. With these amendments, the juvenile criminal justice system is expected to operate in a more balanced, equitable, and responsive manner, addressing the needs of all affected parties.

The minimum age provision of 12 years in the SPPA Law aims to protect children from criminalization; however, in cases of murder, it creates a conflict between safeguarding the perpetrator and ensuring justice for the victim. The author argues that children who fully comprehend the consequences of their actions should be held legally accountable to ensure justice for both the victim and their families. The restorative justice approach, in this context, is deemed inappropriate for murder, as it may overlook the rights of the victims and risk promoting impunity. Drawing on the theories of substantive and retributive justice, the author underscores the necessity of proportional punishment to uphold legal morality and social justice. Thus, a careful balance between child protection and legal accountability is essential in the criminalization of child offenders in murder cases to ensure a fair justice system for all parties involved.

Based on the findings and analysis presented in this study, the author recommends that policymakers reconsider the provisions related to the minimum age for criminal liability in the SPPA Law, particularly for serious offenses such as murder. It is crucial to establish a multi-dimensional framework that takes into account not only the biological age of the child but also their psychological maturity and the intent behind the criminal act. Furthermore, it is essential for states to develop clear technical guidelines outlining the form, duration, and assessment of actions taken against children under the age of 14 who commit murder.

In addition, the active involvement of the victim's family at each stage of the judicial process should be guaranteed as a means of ensuring the fulfillment of their right to justice. The restorative justice approach needs to be critically reassessed to prevent its uniform application across all types of criminal offenses, particularly serious crimes. A corrective approach to criminalizing child perpetrators of murder could serve as a viable alternative, balancing the protection of the child with a sense of justice for the victim.

Moreover, enhancing the capacity of the Special Children's Development Institution (LPKA) and ensuring the involvement of qualified professionals are key factors in supporting a more proportional approach to juvenile justice. Comparative studies of legal systems in other countries can provide valuable insights for formulating more adaptive and effective policies. Additionally, the development of detailed implementing regulations is necessary to ensure that the principle of justice is not merely theoretical, but is tangibly experienced by all parties involved.

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