

## REDEFINING CHILDHOOD: ADDRESSING LEGAL INCONSISTENCIES AND THE ROLE OF TRANSITIONAL AGE IN JUVENILE JUSTICE<sup>1</sup>

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### Abstract

Indonesia's legal framework, grounded in civil law, predominantly utilizes statutes as its primary source of legal authority. Nonetheless, discrepancies in the definitions of legal terminology across different statutes have resulted in ambiguity, especially regarding the interpretation of the term "child." The varying definitions of "child" across the Criminal Code, the Civil Code, and other child protection laws contribute to legal ambiguity, particularly regarding the rights and protections available to children in conflict with the law. Law No. 11 of 2012, known as the Juvenile Criminal Justice System Law, specifies that a child is defined as an individual between the ages of 12 and 18. Additionally, it encompasses individuals aged 18 to 21 who have yet to fulfill their sentence. This inconsistency leads to uncertainty about the enforcement of legal penalties and the suitable correctional institutions for these individuals. This study seeks to examine the legal terminology related to "children in conflict with the law" within the framework of the Juvenile Criminal Justice System Law, with an emphasis on the consequences for their placement and rehabilitation in Juvenile Correctional Institutions and Youth Prisons. The study adopts an empirical-normative methodology, incorporating field interviews and document analysis as key components. The findings indicate that varying definitions of "child" create ambiguity in legal application, especially concerning rehabilitation and sanctioning processes. The research offers valuable insights by advocating for the adoption of the term "transitional age" to delineate the differences between children and adults. This would improve legal clarity, safeguard children's rights, and guarantee rehabilitation programs that are specifically designed to meet their developmental requirements.

**Keywords:** Juvenile Criminal Justice; Legal Terminology; Child Protection; Transitional Age; Youth Correctional Institutions.

### A. Introduction

Indonesia operates under a civil law system, where statutes are the primary source of law (Cammack & Feener, 2012; Lev, 1965, 2008; Wardhani et al., 2022). These statutes are written laws that employ legal language in Indonesian, which possesses its own distinct legal characteristics (Butt & Lindsey, 2018). The use of legal language is crucial, as it allows the public to understand the meaning and legal concepts intended by lawmakers (Bruggink, 1999). However, in practice, the legal terms used by drafters often lead to legal disputes and conflicts, as the same term can be interpreted in different ways across various laws. Essentially, a single legal term may have multiple definitions depending on the context and the specific law in which it is used. This

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inconsistency in legal language can create confusion and challenges in the application and enforcement of the law.

For example, in terms of defining the term child, there are differences in Indonesian positive law. The term 'child' in the Criminal Code (KUHP) refers to a person under the age of 16. This differs when considering the definition of a child in the Civil Code (KUH Perdata), which states that a child is a person from birth to the age of 21 who is unmarried. The differences in the definition of a child do not only occur in laws or laws left over from the Dutch colonial era. In the context of the formation of today's laws, there are still differences in the definition of the term child. Law No. 4 of 1979 concerning Child Welfare defines a child as someone who has not reached the age of 21 and has never been married. Furthermore, Law No. 23 of 2002 concerning Child Protection defines a child as someone who has not reached the age of 18, and a child who is still in the womb (Mayasari, 2020).

The numerous laws that provide varying definitions of children in Indonesian law have an impact on their implementation and enforcement. A closer look reveals these differences in the age restrictions for children, with some limiting them to under 18 years of age and others to under 21 years of age. Although the differences in the definition of children in each law are limited to age restrictions, they have a significant impact on the rights and protection of children, a vulnerable group, particularly in the context of criminal law (Feriana & Isretno, 2025).

The law governing juvenile criminal justice in Indonesia is currently regulated by Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law). This law replaced Law No. 3 of 1997 concerning Juvenile Criminal Justice, marking a significant shift in the approach to juvenile justice. The key change introduced by the SPPA Law is the shift in the orientation of punishment for children, moving from imprisonment to guidance. This change reflects a more rehabilitative approach to juvenile justice. The SPPA Law defines a child in conflict with the law (ABH) as an individual who is at least 12 years old but under 18 years of age.

In addition, the changes to the juvenile justice system have led to the establishment of new correctional institutions designed to focus on rehabilitation rather than punishment. One of these institutions is the Special Child Correctional Institution (LPKA), which is authorized to develop children in conflict with the law. Alongside LPKA, the Youth Correctional Institution (Youth Prison) was also created under Article 86 of the SPPA Law. The Youth Prison is intended to provide development programs for children who are exactly 18 years old but under 21 years old and have not completed their sentences. However, this regulation creates a legal conflict, as it contradicts the definition of children in conflict with the law outlined in Article 1, Paragraph (3) of the SPPA Law, which specifies that children in conflict with the law are individuals between the ages of 12 and 18. The inclusion of individuals aged 18 to 21 in the category of "children" in the context of Youth Prisons creates a conflict of norms, as the term "child" traditionally refers to those under 18 years old, making this distinction inconsistent with the age limitations specified in the rest of the law (Ismail et al., 2025).

The definition of "children in conflict with the law" in the SPPA Law, which sets the age limit for children under 18, is based on Resolution 40/33, concerning the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), which establishes the age range for children as 7-18 years. While psychological science distinguishes between the terms "child" and "adolescent," the term "adolescent" is not commonly used in legislation, as it is considered unconventional (Agustin & Kusnadi, 2019). In fact, when examining the age limits, individuals in conflict with the law are more accurately categorized as adolescents, not children. This is further evidenced by the abandonment of the term "juvenile delinquency" in the legal system, as seen in Article 1, Paragraph (2) of Law No. 3 of 1997, concerning Juvenile Criminal Justice. The term "juvenile" refers to teenagers (Kartono, 2002), not children, making its use in the context of juvenile criminal justice inappropriate. Previously, individuals who committed offenses were referred to as "juvenile delinquents," but this was later revised to "juveniles in

conflict with the law.” Additionally, age differences can influence the nature of the crime and the location in which the offense occurs. (Long & Liu, 2022). This highlights the importance of using accurate legal terms to ensure legal certainty, protect rights, and safeguard the well-being of children.

Based on the principle of legality, which is a fundamental tenet of the criminal justice system, every criminal regulation must embody the characteristics of *lex scripta*, meaning the law must be written; *lex stricta*, meaning the interpretation of the law must be strict; and *lex certa*, meaning the criminal law rules must be clear and unambiguous (Santoso, 2023; Veenbrink, 2019). In Indonesia, this principle is enshrined in Article 1, paragraph 1 of the Criminal Code, which was later updated in Article 1, paragraph 1 of the Republic of Indonesia Law No. 1 of 2023 concerning the Criminal Code (KUHP). This article guarantees the certainty of criminal law in Indonesia, highlighting the importance of legal clarity in guiding behavior. Certainty is an essential characteristic of the law, particularly concerning written legal norms or rules. Without certainty, the law loses its function as a guideline for regulating individuals' behavior (Andriyanto et al., 2022).

The purpose of law continues to emphasize certainty as one of its primary objectives. Gustav Radbruch (1987) underscored the significance of legal certainty, noting that it entails four interconnected implications (Dewi, 2021). First, statutory regulations represent positive law. Second, legal norms must be rooted in factual reality, meaning the law must be definitive. This requires that the law is based on concrete realities, and judges are prohibited from using subjective judgment, such as general provisions like propriety or good faith. Third, the facts underlying the law must be clearly articulated to avoid errors or misinterpretations, ensuring the law is practical and implementable. Fourth, positive law must not be subject to frequent or arbitrary changes (Maulana, 2023). Accordingly, the use of specific terms or words in legislation must be clear, direct, and unambiguous, devoid of multiple meaning (Sasangka, 2010).

Based on the above description, a study is needed to understand the legal concept of children in conflict with the law in Youth Prisons within the juvenile criminal justice system. The study aims to find the appropriate term for children in Article 86 of the SSPA Law, eliminating the use of the term “children in conflict with the law.” This is based on different age restrictions, which have implications for actions and sanctions, as well as the institutions authorized to provide guidance. Furthermore, the term “children in conflict with the law” confers a positive stigma on children. Therefore, the new term for children in Youth Prisons does not eliminate the essence of this positive stigma and still provides rights and protection for children undergoing guidance in Youth Prisons. The use of appropriate terms for children in conflict with the law in Youth Prisons is also intended to differentiate between children undergoing guidance in Youth Prisons and adult inmates. This is important, considering that children in Youth Prisons cannot be considered fully mature, either physically or psychologically. Therefore, in the implementation of guidance in Youth Prisons, they are not combined with adult inmates to avoid the potential for abuse and other negative things (Van Hout & Mhlanga-Gunda, 2019)

A gap analysis reveals that, to date, there has been no research that specifically and comprehensively addresses the issue of nomenclature or the appropriate legal terms for referring to children serving sentences in Youth Prisons. One relevant study by Hardiasnyah (Hardiansyah, 2022), titled “*Legal Consequences of Article 86 Paragraph (1) of Law No. 11 of 2012 Concerning the Juvenile Criminal Justice System for Inmates of the Class II Bandung Juvenile Correctional Institution Aged 18 Years,*” primarily focuses on the legal impact of Article 86 of the Juvenile Criminal Justice System Law regarding the placement of 18-year-old inmates in the Class II Bandung Juvenile Correctional Institution. This study critiques the inconsistency between the placement of these inmates and the provisions of Article 66 Paragraph (5) of Law No. 39 of 1999 concerning Human Rights, as well as Article 17 Paragraph (1) Point (1) of Law No. 23 of 2002 concerning Child Protection. These laws emphasize the necessity of separating children from adult inmates in correctional institutions, but Hardiasnyah's study highlights the legal conflict arising

from the placement of individuals who are technically adults according to age but are still being housed in juvenile facilities.

Meanwhile, the research by Supriadi & Eddyono (Supriadi & Eddyono, 2022) titled *“Problems of Guidance for Children in Conflict with the Law at Transitional Age in Tangerang Class IIA Youth Correctional Institution,”* focuses on the implementation of guidance for children in conflict with the law in the transitional age range (approximately 18-21 years old) at the Tangerang Class IIA Youth Correctional Institution. Their study highlights the lack of an ideal guidance model to address the needs of transitional-age children who have exceeded the age limit defined for children under the SSPA Law but are still not fully psychologically mature like adult inmates. As a result, the research calls for the development of a specialized training and guidance model for transitional-age children in conflict with the law, specifically designed for future use in Youth Correctional Institutions.

Neither previous study has specifically addressed the importance of standardizing the terms or nomenclature used to describe transitional-age children, despite the fact that such terminology has direct implications for both the institutions authorized to provide guidance and the models of rehabilitation applied within the Indonesian criminal justice system. This study, therefore, seeks to fill that gap by examining the concept and terminology of children in conflict with the law, with the aim of establishing more accurate, legally sound, sociologically relevant, and psychologically appropriate terms. These terms are particularly important for children serving their sentences in youth correctional institutions. In addition, this research explores the institutional role and legal standing of youth correctional institutions within the broader framework of the Indonesian juvenile criminal justice system. A standardized nomenclature is needed not only to affirm the legal position of these institutions but also to highlight their distinct role in guiding children in conflict with the law during this critical stage of their development.

The inaccurate use of terms inevitably creates confusion in understanding the law, which can lead to legal uncertainty and undermine the protection of children's rights. This is especially concerning for children in youth correctional institutions, who represent one of the most vulnerable groups in society. The term “children in conflict with the law” also carries practical consequences in terms of the application of sanctions, corrective actions, and the rehabilitation process. For example, children housed in LPKA (Special Child Correctional Institutions) are commonly referred to as “students”, as the focus of their rehabilitation emphasizes education as the central component of development. In contrast, transitional-age children placed in youth correctional institutions are subject to different treatment, reflecting the inconsistencies in terminology and legal interpretation. Therefore, clarifying and standardizing the use of terms is essential to ensure consistency in the protection of rights, the provision of rehabilitation, and the creation of a more coherent juvenile criminal justice system.

## **B. Method**

This study adopts an empirical-normative legal research approach, which involves examining the practical implementation of legislation. The focus of this research is Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. In addition to the statutory and conceptual approaches, this study incorporates empirical research to explore the role and position of Youth Prisons within the juvenile criminal justice system. The research is particularly focused on an institutional study of Youth Prisons in Indonesia, with a specific emphasis on the Class II A Madiun Youth Prison. The study aims to understand the operational aspects of these institutions and how they align with the objectives of juvenile justice (Muhaimin, 2020).

Data for this research was gathered through both primary and secondary sources. Primary data was collected directly from the field, specifically through interviews and observations at the research location. Secondary data was gathered from library materials, including both primary legal sources such as laws and regulations, and secondary legal sources such as academic papers

and legal commentaries. The data analysis employed a descriptive qualitative method, aiming to provide an in-depth understanding of the concept of children in conflict with the law and the role of Youth Prisons in Indonesia's juvenile criminal justice system. This approach ensures a comprehensive exploration of how legal frameworks are applied in practice, focusing on the unique challenges and opportunities within Youth Prisons.

### C. Results and Discussion

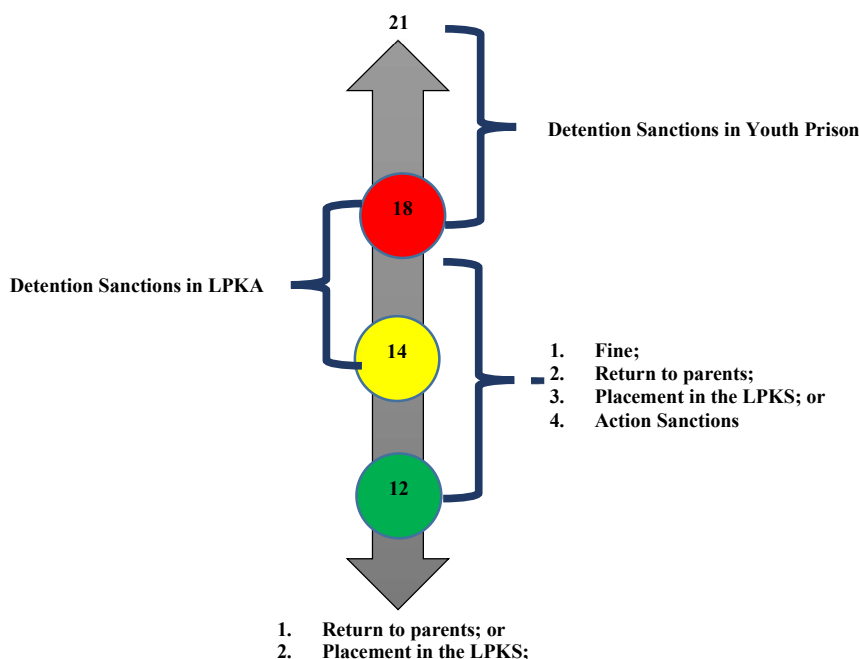
#### 1. The Concept of Children in Conflict with the Law in the Juvenile Criminal Justice System

Based on the principle of legality, a fundamental tenet in the criminal justice system, every criminal regulation must embody three key characteristics: *lex scripta*, meaning the law must be written; *lex stricta*, meaning the interpretation of the law must be strict; and *lex certa*, meaning the criminal law rules must be clear and unambiguous (Dana, 2009; Faure et al., 2013; Muñoz, 2023). From the perspective of Indonesian positive law, a child is defined as an individual who is not yet fully mature in terms of age, often referred to as *minderjarig* (person under age) or still a minor (*minderjarig heid/inferiority*), typically under the guardianship of an adult (*minderjarige under voordij*) (Burhanuddin, 2019). Upon closer inspection, the legal definition of a child, based on chronological age, can vary depending on factors such as location, time, and specific needs, influencing the age limits established for determining a child's status (Widodo, 2016).

For instance, Law No. 4 of 1979 concerning Child Welfare (Law 4/1979) defines a child as someone under 21 years of age and/or unmarried. In contrast, Law No. 39 of 1999 concerning Human Rights (Law 39/1999) and Law No. 23 of 2002 concerning Child Protection (Law 23/2002) define a child as an individual under the age of 18. Furthermore, Law No. 23 of 2004 concerning the Elimination of Domestic Violence (Law 23/2004) does not explicitly set an age limit for a child. However, it can be inferred from the structure of household membership in the law, which includes husband, wife, and children, that children are understood as minors without a specified upper age limit. This lack of uniformity in defining a child's age across various laws raises important considerations in ensuring consistent legal protections for children.

The differences in age limits in each law provide an understanding that each legal regulation only considers age limits and does not consider the context of a child's physical and psychological development. In fact, the term "child" is important for determining maturity, with indicators not only limited to age but also the child's development, both physical and psychological. This aims to provide certainty and ease in determining legal accountability. Legal accountability for children who commit crimes is regulated in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (Law 11/2012). Law 11/2012 provides a new term for someone who is 12 years old but under 18 who commits a crime, namely the term "child in conflict with the law." The age limit embedded in the term "child" carries consequences for accountability, where sanctions regulated in Law 11/2012 are determined based on age and the crime.

Law 11/2012 created a new paradigm using a restorative justice approach, prioritizing diversion as an alternative for resolving cases in juvenile criminal justice. Furthermore, the sanctions contained in Article 21 of Law 11/2012 indicate levels/phases influenced by age and the crime. Children under 12 who commit a crime are subject to sanctions such as being returned to their parents or being placed in a Social Welfare Institution (LPKS). Meanwhile, children over 12 who commit a crime as stated in Article 11 are subject to sanctions in the form of fines, being returned to their parents/guardians, being placed in an LPKS, and other forms of service. However, if a child is 14 years old but under 18, they may be subject to detention, namely being placed in a Special Child Development Institution (LPKA).



**Figure 1. Levels/Phases of Sanctions in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System**

Source: Law No. 11 of 2012 (edited by the author)

The figure above illustrates that the levels of sanctions outlined in Law No. 11 of 2012 reflect the stages of adolescent development. In psychology, adolescence is typically divided into three stages: early adolescence (ages 10 to 13), middle adolescence (ages 14 to 17), and late adolescence (ages 18 to 21) (Allen et al., 2024). However, the term “adolescent” is not commonly used in Indonesian positive law. Lawmakers prefer to use terms such as “child,” “immature,” or “incompetent” (*minderjarig*), or “not yet of age” (Hadisuprpto, 1997).

For example, Law No. 11/2012, which governs the juvenile justice system, uses the term “children in conflict with the law” and defines it as individuals aged 12 to under 18 years. This age range is consistent with the provisions set forth in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), which inform international standards in juvenile justice systems (Rahman, 2019). However, this terminology does not fully capture the psychological stages of adolescence, particularly in late adolescence, when individuals are transitioning into adulthood. Late adolescence typically encompasses individuals aged 18 to 21, who may exhibit physical maturity but still face psychological development challenges. As such, the current legal framework in Indonesia could benefit from revisiting its terminology to better reflect the psychological development of adolescents and provide greater legal clarity. This revision could ensure that the legal treatment of juveniles in conflict with the law accurately considers their developmental stage, aligning legal definitions with psychological realities for more effective rehabilitation and protection (Davies & Robson, 2016; Nashriana et al., 2023).

Even though there is an age limit for children, namely under 18 years old, Law 11/2012 still refers to children in Article 86 which regulates that a person who has not completed his sentence in LPKA, but is 18 years old and under 21 years old is transferred to the Youth Prison. The mention of children in the provisions of Article 86 clearly contradicts the terminology in Article 1 paragraph (3) where the limits are very concretely stated. In addition, children in the provisions of Article 1

paragraph (3) are intended for Child Prisoners placed in LPKA, while the provisions of Article 86 are intended for Prisoners placed in the Youth Prison (Prasetya & Purwoleksono, 2023).

In practice, inmates housed in Youth Prisons are often considered adults, which has significant implications for the conditions within these facilities. While Youth Prisons are intended for “children” as defined in Article 86 of Law No. 11/2012, they are also occupied by adult inmates. This dual categorization creates confusion and complicates the correctional environment, as the legal definition of “child” in the Indonesian legal system does not align with the actual treatment and conditions in these institutions. Putu Elvina, the Commissioner in Charge of Children in Conflict with the Law, has noted that the Indonesian Child Protection Commission (KPAI) only recognizes the term “child” for individuals under the age of 18. Consequently, the KPAI does not have jurisdiction over individuals referred to as “children” in Article 86 of Law 11/2012, as these individuals are legally considered adults once they reach 18. This lack of clarity in the terminology prevents the KPAI from offering protection to these individuals, thus complicating the legal and protective framework for transitional-age children.

To resolve this issue, it is necessary to clarify the definition of “child” in this context. The author proposes adding the term “transitional age” to the term “child” in Article 86 of Law 11/2012. By introducing this phrase, the law would more accurately reflect the developmental stage between childhood and adulthood, distinguishing transitional-age children (18 to 21 years old) from younger children (under 18). This would ensure that the legal and institutional treatment of these individuals aligns more closely with their developmental needs. Genoveva, a researcher from the Institute for Justice Reform (ICJR), agrees that the addition of the term “transitional age” is crucial, as it clearly explains the difference between the two age groups referred to in Law 11/2012. Furthermore, Putu Elvina emphasizes that while individuals in this transitional phase may have the physical characteristics of an adult, they are not fully psychologically mature, which warrants different treatment. However, despite the use of “transitional age,” the KPAI would still not have the authority to handle and protect individuals in this age group. This is because the KPAI’s scope is defined by Law No. 23/2002, which does not extend to individuals in the transitional age range, further highlighting the need for legal reform to ensure comprehensive protection for children in conflict with the law.

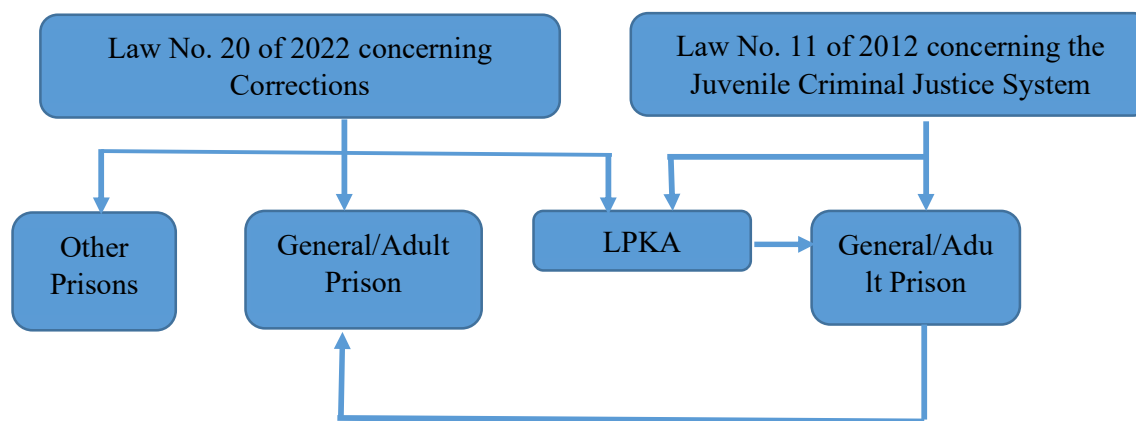
## **2. The Position of the Class II A Madiun Youth Correctional Institution in the Juvenile Criminal Justice System**

According to Law No. 12 of 1995 concerning Correctional Facilities (LAPAS), LAPAS is an institution tasked with providing guidance to prisoners and correctional students (Prayitno et al., 2023; Warjiyati et al., 2023). The guidance provided to Correctional Inmates (WBP) is essential for their successful reintegration into society, as it focuses on achieving a balance between spiritual and material development (Darwis, 2020). The development system for WBP includes direction, limitations, and methods designed to help inmates recognize their mistakes and work toward self-improvement, ultimately preventing the repetition of criminal behavior (Hogan, 1977). In this context, LAPAS serves as the agency responsible for executing prison sentences in Indonesia, implementing the core principles of the correctional system (Pangestu et al., 2024). Correctional institutions, introduced as a new concept in criminal law enforcement by Dr. Saharjo, played a key role in the development process aimed at restoring individuals’ integrity and livelihoods. The evolution of correctional institutions in Indonesia, including the separation of facilities based on crime type, gender, and age, began in 1921, initially conceptualized by Hijmans (Abdullah, 2016). This historical framework underscores the importance of specialized institutions in fostering rehabilitation and facilitating the reintegration of individuals into society.

The Indonesian correctional system currently features various types and classifications based on age and gender, ensuring that inmates are placed in facilities suited to their specific needs. General Correctional Institutions are designed for adult inmates, providing guidance and

rehabilitation tailored to their circumstances. In addition, there are Special Correctional Institutions, which are further divided into two categories: Juvenile Correctional Institutions, intended for young offenders, and Women's Correctional Institutions, which cater specifically to female inmates. This classification system plays a crucial role in ensuring that inmates receive appropriate care, which aids in their rehabilitation and reintegration into society.

Juvenile Correctional Institutions in Indonesia have been established since the enactment of Law No. 3 of 1997 concerning Juvenile Criminal Justice. However, with the enactment of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), these institutions have transitioned into Special Child Development Institutions (LPKA). In addition to LPKA, the SPPA Law introduces a new category of correctional institution: the Youth Correctional Institution. According to Article 86 of the SPPA Law, Youth Correctional Institutions are authorized to provide guidance to individuals who are aged 18 but not yet 21, bridging the gap between juvenile and adult correctional systems. This development reflects a shift toward a more rehabilitative approach for young offenders who are transitioning into adulthood.



**Figure 2. The Status of Youth Prisons in Indonesia**

Source: Statutory Regulations (edited by the author)

Based on the figure above, the position of Youth Prisons within the correctional system is governed by Law No. 11/2012, which designates them as institutions that provide further development for juvenile inmates who have turned 18 but have not yet completed their sentences. These individuals are then transferred to Adult Prisons or General Prisons when they reach the age of 21. Therefore, Youth Prisons function as technical implementation units within the Directorate General of Corrections. However, the existence and operation of Youth Prisons in Indonesia are not explicitly regulated by derivative regulations, such as those concerning LPKA (Children's Correctional Institutions), which are governed by the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia No. 18 of 2015 regarding the Organization and Work Procedures of Special Child Correctional Institutions. This regulatory gap leaves the role and functions of Youth Prisons somewhat unclear and requires further legal clarification to ensure their proper integration into the correctional system.

The author's research results show that Youth Prisons in Indonesia are only found in four cities: Langkat Class IIB Youth Prison, North Sumatra; Tangerang Class IIA Youth Prison, Banten; Plantungan Class IIB Youth Prison, Kendal, Central Java; and Madiun Class IIA Youth Prison, East Java. Of these four Youth Prisons, the author conducted research at Madiun Class IIA Youth Prison, East Java. This is based on the prison's geographical location in the easternmost region of Indonesia. Based on the author's research results, it was found that the nomenclature of



Madiun Class IIA Youth Prison was previously Madiun Class IIA Narcotics Prison. This nomenclature influences the implementation of guidance and the inmates contained therein. Guidance at Madiun Class IIA Narcotics Prison is specifically for inmates caught in drug abuse cases. Therefore, the guidance provided is not like that of prisons in general, but rather emphasizes rehabilitation programs for drug abuse.

Madiun Class IIA Youth Penitentiary changed its nomenclature in 2016 through the Letter of the Director General of Corrections No. PAS.OT.01.02-29 Dated December 23, 2015 in conjunction with the Letter of the Regional Office of the Head of the Correctional Division No. W15.OT.01.01.01 Dated January 14, 2016 to adjust the nomenclature of the narcotics correctional institution (old) to the Youth Correctional Institution (new). Based on information obtained from the respondent, namely the Head of the Administrative Subsection of the Madiun Class IIA Youth Penitentiary, the nomenclature change was made in honor of the request of the Mayor of Madiun at that time, to replace the term Narcotics Prison because it was considered incompatible with the spirit of the city of Madiun which is child-friendly and does not want to be labeled as a city "dumping drug users" (Bunyamin, Personal interview, September 13, 2022). Furthermore, the mayor expressed concern that if Madiun had a Narcotics Prison, it would increase drug distribution and its networks. Therefore, the nomenclature was changed, replacing it with the Youth Prison.

The change in nomenclature did not significantly impact inmates and the correctional process within the prison. This was revealed by the Head of the Sub-Section for Public Health, who stated that the majority of inmates at the Class IIA Madiun Youth Prison are inmates convicted of drug offenses under East Java's jurisdiction (Rachmad, Personal Interview, September 13, 2022). However, according to the Class IIA Madiun Youth Prison Register Data as of September 23, 2022, only 107 inmates aged 18-21 years old out of a total of 1,583 inmates at the Class IIA Madiun Youth Prison.

The unclear regulation of Youth Prisons within the Indonesian correctional system has created numerous problems in their implementation. The author's research at the Class IIA Madiun Youth Prison revealed at least three major problems in the implementation of the prison's functions.

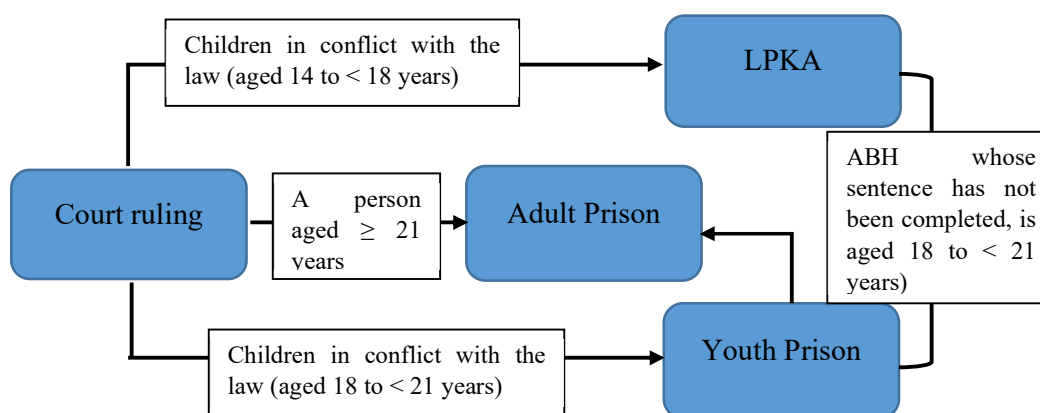
#### **a. Mismatch of Institutional Allocation**

As previously explained, the Class IIA Madiun Youth Prison, initially designated as a Narcotics Prison, faced opposition, prompting a change in its nomenclature to a Youth Prison. However, this change did not alter the core concept, designation, or function of the institution. According to Law No. 11/2012, Youth Prisons are intended for juveniles who have not yet completed their sentences but are between the ages of 18 and 21, and are not yet eligible for transfer to general or adult prisons.

Despite this, juveniles referred to in Article 86 of Law No. 11/2012, who are meant to be placed in Youth Prisons, are treated the same as adult inmates. As a result, the Class IIA Madiun Youth Prison is primarily occupied by adult inmates, with only about 107 inmates between the ages of 18 and 21. This discrepancy arises because the Class IIA Madiun Youth Prison was originally designated as a Narcotics Prison. Consequently, the prison's current use does not align with its intended purpose or the nomenclature that was established for Youth Prisons.

Additionally, the inconsistency in the classification of the Youth Prison stems from overcrowding in other general prisons (Rachmad, Personal Interview, September 13, 2022). To restore the intended function of the Youth Prison, strategic measures must be taken to address the overcrowding issue. One potential solution is the implementation of restorative policies, which shift the focus from criminal sanctions or imprisonment to rehabilitation and reintegration. This approach, emphasizing community-based corrections or open prisons, would provide more appropriate and effective support for the development of juveniles in conflict with the law, ultimately ensuring that they receive the guidance they need to reintegrate into society (Hamja, 2022).

Community-based correction has been widely successful by leveraging the skills of parents. These parental skills help children in conflict with the law develop new skills or expand their existing ones while undergoing guidance using the community-based correction approach (Cavanagh, 2022). This approach prioritizes parental supervision and involvement in preparing the tools used for authoritative parenting. Thus, the mismatch in institutional use can be addressed by implementing the measures outlined above, namely through restorative approaches and community-based correction.



**Figure 3. Flowchart of Prisoner Placement in the Indonesian Correctional System**

Source: Legislation (edited by the author)

The inconsistency in the designation of the Youth Prison, which is supposed to be for transitional age children but is combined with adult prisoners, can cause physical and psychological imbalances (Van Hout & Mhlanga-Gunda, 2019). In addition, children of transitional age need good psychological well-being, considering that their age is the age where they begin to search for their identity, so it is appropriate that there is a separation from ages that can have a bad influence (Woods et al., 2017). A similar sentiment was expressed by an academic from the University of Indonesia, stating that when adult prisoners are combined with transitional-age children, there is a possibility of physical, sexual, and mental abuse (Iqrak Sulhin, Personal Interview, June 5, 2022). This is caused by an unequal power relationship between the two, both physically and mentally.

### b. Mismatch in Coaching

The mismatch in institutional designation has a significant impact on the development of inmates, particularly in the context of rehabilitation. The development programs for inmates are essential for their rehabilitation and for preventing recidivism, as this is one of the primary goals of the correctional system. Research indicates that the development programs at the Class IIA Madiun Youth Prison are divided into two categories: Personality Development and Independence Development (Barus & Biafri, 2020). Personality development focuses primarily on drug abuse rehabilitation and religious programs, which would have been appropriate if the Class IIA Madiun Youth Prison had remained a Narcotics Prison. However, the change in nomenclature did not result in a corresponding shift in the development programs, leaving the existing structure inadequate for addressing the needs of transitional-age children.

Furthermore, the Class IIA Madiun Youth Prison lacks educational programs, which are crucial for transitional-age children, especially as many of them are still within the school-age category. Several respondents, including transitional-age children themselves, reported that after transitioning from the Blitar LPKA to the Class IIA Madiun Youth Prison, they were forced to

drop out of school due to the absence of available educational programs. This lack of educational opportunities further hampers their development, leaving them without the necessary tools to reintegrate into society successfully. The absence of such vital programs underscores the need for a comprehensive rethinking of the correctional and rehabilitation approach for transitional-age children, ensuring that the institutions they are placed in can provide the support and guidance required for their growth and future success.

Education is a right for everyone, including children in conflict with the law who are serving their sentences in LPKA (Rehabilitation Institutions) or Youth Penitentiaries. Education is not just about formal education, but also about supporting personal development and intellectual advancement (Ferdiawa et al., 2020). Furthermore, such education must be tailored to the interests, talents, capacities, or unique characteristics of each child. Furthermore, spiritual well-being can also influence a child's academic resilience. Therefore, not only educational development and independence are important in the development process for children in Youth Prisons, but also spiritual well-being, a concern the government must address (Saefudin & Sriwiyanti, 2023).

The Head of the Community Development Program at the Class IIA Madiun Youth Prison stated that the lack of educational development programs was due to the prison's insufficient budget. Furthermore, the third party organizing the Teaching and Learning Activity Program (PKBM) in the Madiun area charged excessively high prices (Rachmad, Personal Interview, September 13, 2022). Therefore, educational programs at the Class IIA Madiun Prison could not be implemented. Despite recognizing that this is a fundamental right for inmates to receive an education, as stipulated in Article 9 Letter (c) of Law 22/2022.

Another discrepancy in the development at the Class IIA Madiun Youth Penitentiary is found in the development of independence, where not a single transitional-age child is involved in the independence program. The independence program at the Class IIA Youth Penitentiary is attended by individuals who already possess skills or competencies in their respective fields based on the results of a correctional research study (Litmas) conducted by correctional officers. In fact, the independence program is designed not only to channel existing skills but also to provide inmates with skills or competencies during their time in the institution and during the prison development program that can be utilized upon their release or completion of their sentence. The exclusion of transitional-age children from the independence program becomes a major problem once they have completed their sentences. This is because transitional-age children lack sufficient resources, whether in terms of capital or material assets, or social assets or relationships. Therefore, it is crucial that the independence program prioritizes transitional-age children as capital for their future after completing their sentences.

#### **D. Conclusion**

Based on the findings of this research, several conclusions and suggestions have emerged regarding the term “children in conflict with the law” within youth correctional institutions in Indonesia. One of the primary issues identified is the inconsistency of this term within the juvenile criminal justice system, particularly in relation to youth correctional institutions. This inconsistency leads to confusion regarding the position and authority of these institutions, particularly when it comes to placing inmates and implementing development programs. To resolve this, it is essential to incorporate the term “transitional age” into Article 86 of the Juvenile Criminal Justice System Law (UU SPPA). By doing so, the position and authority of youth correctional institutions for those aged 18 to 21—who are legally considered adults but are still undergoing developmental stages—can be clearly affirmed and legitimized. This addition would ensure that the implementation of development programs in youth correctional institutions can proceed smoothly and effectively.

In addition to clarifying the terminology, it is equally important to solidify the position of Youth Prisons within the Indonesian correctional system. At present, the role and legitimacy of

Youth Prisons are not clearly defined, which leads to inconsistencies and potential misplacement of inmates, particularly in the guidance of transitional-age children. A clearer designation of Youth Prisons is crucial to avoid discrepancies between various institutions and agencies responsible for the placement and guidance of these children. Furthermore, it is necessary to expand the number of Youth Prisons in Indonesia. These facilities must be recognized as authorized institutions specifically equipped to handle the complex transition from childhood to adulthood. The importance of these institutions cannot be overstated, as they provide the necessary framework for guiding young individuals in their development, preparing them for adulthood in a safe and structured environment.

Youth Prisons play a vital role in bridging the gap between childhood and adulthood, allowing transitional-age children to develop essential life skills and competencies. These facilities are not merely places of detention but institutions for personal growth and rehabilitation. In this regard, Youth Prisons should prioritize the participation of transitional-age children in independence programs. These programs, which should focus on developing skills and preparing individuals for life outside the prison system, should become a core aspect of their rehabilitation process. It is essential for these programs to help inmates transition from recreational activities to those that offer tangible skills and competencies that will be valuable in their future endeavors.

Moreover, while independence programs are essential, they should not overshadow the importance of educational programs. Education remains a fundamental pillar in the development of transitional-age children and should continue to be a primary focus in youth correctional institutions. These programs should be tailored to meet the specific needs of young individuals, fostering both their intellectual and personal development. Educational opportunities can help mitigate the risks of reoffending by providing these individuals with the tools they need to reintegrate successfully into society.

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