

**CRIMINAL SANCTIONS FOR JUVENILE SEXUAL
OFFENDERS: AN ANALYSIS OF MEDAN
DISTRICT COURT DECISION NO. 03/PID.SUS-
ANAK/2023/PN.MDN**

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Abstrak

Penelitian ini menganalisis penerapan sanksi pidana terhadap anak yang dengan sengaja membujuk atau melakukan persetubuhan, melalui studi kasus Putusan Pengadilan Negeri Medan No. 03/Pid.Sus-Anak/2023/Pn.Mdn. Permasalahan utama difokuskan pada bagaimana pertimbangan hakim dalam memutus perkara anak pelaku persetubuhan, serta peran prinsip keadilan restoratif. Studi menggunakan metode yuridis normatif dengan analisis kualitatif terhadap dokumen hukum, putusan pengadilan, dan bukti visum et repertum. Hasil penelitian menunjukkan hakim menyusun pertimbangan hukum secara sistematis, memadukan aturan normatif dan bukti empirik. Upaya diversifikasi berbasis keadilan restoratif telah dipertimbangkan namun gagal dilaksanakan akibat gagalnya rekonsiliasi. Akhirnya, sanksi pidana dijatuhkan dengan tetap memperhatikan faktor yang meringankan dan memberatkan, serta asas perlindungan anak. Temuan ini menegaskan pentingnya pertimbangan hukum tertulis dan pelibatan prinsip perlindungan anak, meski di sisi lain memperlihatkan keterbatasan implementasi keadilan restoratif dalam praktik.

Kata Kunci: *Sanksi Pidana, Anak, Persetubuhan, Keadilan Restoratif, Perlindungan Anak*

Abstract

This research analyzes the application of criminal sanctions towards children who intentionally persuade or engage in sexual intercourse, using the Medan District Court Decision No. 03/Pid.Sus-Anak/2023/Pn.Mdn as a case study. The main issue centers on how judges formulate their legal considerations in such cases and the role of restorative justice principles. The study adopts a normative juridical method with qualitative analysis of

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legal documents, court verdicts, and medical evidence. The findings reveal that judges systematically construct legal arguments, combining normative statutes with empirical evidence. Restorative justice and diversionary efforts were formally considered but ultimately failed due to unsuccessful reconciliation attempts. Consequently, the court imposed criminal sanctions while considering both aggravating and mitigating factors as well as child protection principles. These results emphasize the necessity for written legal considerations and highlight the limited realization of restorative justice in judicial practice.

Keywords: Criminal Sanctions, Children, Sexual Intercourse, Restorative Justice, Child Protection

INTRODUCTION

Indonesia is currently experiencing a significant increase in cases of sexual violence involving children, both as victims and as perpetrators, a trend that has drawn considerable public and academic concern in recent years. According to the National Commission for Child Protection, sexual violence constituted the majority of the 1,915 child abuse cases reported nationwide in 2023, highlighting the urgency and scale of the problem. This growing phenomenon underscores a major practical and academic challenge for the juvenile justice system, as set forth in Law No. 11 of 2012 (UU SPPA), which seeks to balance the punitive aspects of criminal law with the restorative goals of child welfare and protection. The complexity intensifies in cases where minors are implicated as offenders, prompting questions about criminal responsibility, legal status, and the proper application of restorative justice principles. As Indonesia advances legal reforms in child protection through Law No. 35 of 2014, resolving these issues has become critical to securing children's rights and establishing effective, fair, and child-centered legal policies for the future.

Although scholarly attention to child sexual violence in Indonesia has intensified in recent years, most research has focused on the general prevalence, risk factors, and preventive strategies, with less emphasis on judicial practice or the experience of children as legal subjects. Systematic literature reviews reveal that research is dominated by studies on prevention and community responses, while curative efforts and case



analyses remain limited. Furthermore, many works concentrate on policy and the application of statutory law, yet seldom address how courts interpret and implement legal norms—particularly in complicated cases where children are perpetrators and victims simultaneously. International literature similarly highlights the need for more evidence-based, case-centric research to understand how restorative justice and child protection principles are operationalized. In the Indonesian context, these gaps leave unanswered questions regarding the actual dynamics of judicial deliberation and the alignment of verdicts with the best interests of children. Consequently, a comprehensive analysis of concrete court cases is needed to clarify how juvenile justice standards are enforced and to identify ongoing shortcomings in legal protection for child offenders and victims alike (Agusta et al., 2025; Price & Bentele, 2023; Roschyna, 2023).

This research addresses the lack of empirical and doctrinal studies concerning the way Indonesian courts apply juvenile justice norms in cases of child sexual violence, especially where restorative justice principles are implicated. To fill this gap, the present study conducts a detailed analysis of the Medan District Court Decision No. 03/Pid.Sus-Anak/2023/PN.Mdn, utilizing a normative juridical method combined with qualitative content analysis of court documents, statutory instruments, and relevant legal scholarship. The study systematically investigates how judges interpret and implement the principles of restorative justice, the best interests of the child, and criminal responsibility when both perpetrator and victim are minors. By focusing on judicial decisions and their underlying legal considerations, the research aims to offer new empirical insights into the actual operation of child protection and juvenile justice mechanisms in Indonesia. The ultimate goal is not only to illuminate current practices but also to inform legal policy and advocacy efforts to promote more effective, fair, and child-centered resolutions in the juvenile criminal justice system (Saputra et al., 2023; Voloshanivska et al., 2023; Zielinski et al., 2020).

Based on the analysis of prior research and best practices, this article posits an initial argument that the implementation of restorative justice and protective legal principles in Indonesian sexual violence cases involving child perpetrators remains problematic and inconsistent. While statutory frameworks such as Law No. 35 of 2014 and the Juvenile Criminal Justice System (Law No. 11/2012) advocate for child-centered justice and diversion alternatives, empirical evidence suggests that punitive responses often take precedence over restorative approaches, especially in complex cases where both victim and offender are minors. The preliminary hypothesis argues that the existing system has yet to fully reconcile the tensions between the



need for criminal accountability and the imperative to protect children's rights—including recovery, rehabilitation, and the avoidance of further victimization. The research expects to find that judicial considerations, although referencing restorative justice, may in practice perpetuate imbalances or neglect the long-term interests of the child, thus highlighting the urgent need for policies that integrate victim-centered and child-sensitive approaches into all stages of case adjudication.

LITERATURE REVIEW

Scholarly research on the relationship between legal sanctions and child perpetrators of sexual violence in Indonesia has grown substantially in recent years, revealing several prominent directions. Most studies examine how criminal liability, rehabilitation, and restorative justice interact in juvenile justice practice. Legal theorists have debated the balance between punitive sanctions and diversionary measures, while empirical research tracks court outcomes and recovery programs for both perpetrators and victims (H. C. Chan, 2023; Hausam et al., 2022; Myers et al., 2023). Three primary trends emerge: first, close examination of statutory frameworks and penalty guidelines; second, assessment of restorative justice in judicial and extrajudicial settings; and third, the evolving policy debates on the effectiveness of legal norms for child protection (Virani et al., 2023; Wareham et al., 2022). This synthesis indicates that the interplay of criminal sanctions, rehabilitative models, and child protection is at the heart of current scientific discourse, though often fragmented across thematic silos (Esteve-Ríos et al., 2020; Institut of Medicine and National Research Council, 2014; Lickona, 2013; Shapiro, 2020).

A considerable proportion of studies adopt a normative juridical approach to evaluate the statutory basis and practical application of criminal sanctions targeting child perpetrators of sexual violence. These works typically analyze the provisions of Law No. 35/2014 on Child Protection and Law No. 11/2012 (SPPA), mapping out sentence minima/maxima, aggravating elements, and special penalties for recidivism or adult involvement. Researchers scrutinize verdicts for procedural fairness and alignment with child-centered legal principles, with findings often highlighting gaps in guideline consistency and difficulties in implementation (Hausam et al., 2023; Khoza & Masuku, 2024). Less frequently, these studies connect statutory mandates to broader social outcomes or victim rehabilitation, focusing instead on the deterrent and preventive aims of punitive penalties (Akter et al., 2022; Diaz, 2014; Esteve-Ríos et al., 2020).



A second trend spotlights restorative justice and diversion programs, drawing on both qualitative case studies and policy reviews. These studies explore the impact of non-custodial sanctions, mediation, reconciliation, and diversion as alternatives to prison for child offenders. Scholars find that restorative practices can reduce recidivism, improve victim satisfaction, and promote longer-term well-being. Research also addresses the obstacles to restorative justice in Indonesia, including lack of trained personnel, uneven rural-urban implementation, and limited resources (H. C. (Oliver) Chan, 2023; Firat & Erk, 2022b; Satodiya et al., 2024). Court-mandated diversion and restorative processes have shown promise but remain underutilized, suggesting that a more systematic approach could deliver better outcomes for all involved parties (Firat & Erk, 2022a; McCuish et al., 2022).

The third major strand of research concerns legal safeguards for child victims and the broader child protection infrastructure. These works analyze how the Child Protection Act, victim support services, and multisectoral collaboration address the needs of children affected by sexual violence (Alhakim et al., 2023; Mafaza et al., 2022). Researchers note increasing judicial attention to victim welfare and accountability for adults neglecting child protection duties. However, critics argue that enforcement remains more focused on prosecution than prevention or holistic recovery. These studies frequently call for integrating legal accountability with practical support, family-based care, and post-trial monitoring to achieve durable protection for children (Mafaza et al., 2022; McCuish et al., 2022; Sitney & Kaufman, 2020).

Despite these advances, literature to date has overlooked the detailed analysis of judicial decision-making in complex cases where children are both victims and perpetrators of sexual violence. Studies often treat punitive, restorative, and protective models as separate domains rather than examining their intersection in actual verdicts. Notably, few works provide a critical, doctrinal analysis of judge's considerations, reasoning, or the integration of child-centered principles in sentencing (Hausam et al., 2022; Khoza & Masuku, 2024; Virani et al., 2023). The absence of policy recommendations rooted in case-level evidence also marks a gap, limiting the practical relevance of current scholarship for ongoing legal reforms and advocacy initiatives (Firat & Erk, 2022b; Hausam et al., 2023; McCuish et al., 2022).

This study addresses the identified gap by investigating Medan District Court Decision No. 03/Pid.Sus-Anak/2023/Pn.Mdn through a detailed normative and empirical analysis. The research focuses on judicial rationales, the balance between restorative and punitive sanctions, and the



consistency of verdicts with child protection norms. By connecting court decision-making to broader policy frameworks, the study aims to contribute fresh insights into child-centered justice reform, inform improvements in sanctioning practice, and promote a more integrated, empirical approach to legal protection for child perpetrators and victims alike.

RESEARCH METHODS

The unit of analysis in this research consists of judicial decisions as legal artefacts, focusing on the examination of case verdicts, statutory texts, and institutional practices within the Indonesian criminal justice system. Specifically, the research analyzes the application of criminal sanctions to children who intentionally persuade or have sexual intercourse, using the Medan District Court Decision No. 03/Pid.Sus-Anak/2023/Pn.Mdn as a main case study. This study employs a qualitative research design with a normative juridical orientation, enabling in-depth exploration of legal principles, reasoning, and statutory interpretation as reflected in case law and legislation. The qualitative approach allows for inductive analysis of textual data, emphasizing the understanding of legal norms, judicial deliberation, and the contextual complexities surrounding the adjudication of child sexual violence cases. Such a design facilitates theoretical development and critical reflection on how institutions operationalize child protection and justice standards in practice (Sahrum M, 2022; Tahir, 2023; Tan, 2021).

The data for this study are derived from secondary sources, especially legal documents (court verdicts, statutes, government regulations), scholarly articles, books, and relevant literature obtained through comprehensive library research. Additional sources include doctrinal commentaries, judicial guidelines, and published analyses of restorative justice and juvenile sanction policies (Cresswell, 2012). Data collection is conducted through systematic document analysis, involving the review, coding, and categorization of legal texts and court decisions to extract key concepts, principles, and interpretative trends. The analytical process includes several stages: (1) identifying pertinent legal rules and precedents; (2) mapping judicial reasoning and legal arguments; (3) synthesizing findings to reveal patterns and inconsistencies; and (4) evaluating the alignment between legal norms and practical outcomes. This process employs content analysis and comparative interpretation techniques, ensuring rigorous examination and critical assessment of both



normative and empirical dimensions of child sanctioning practices in Indonesia (Irianto, 2017; Nurhayati et al., 2021).

RESULTS AND DISCUSSION

Results

The data reveals that every Indonesian judge, as mandated by Article 14 paragraph 2 of Law No. 48/2009, must produce written legal considerations that form the core rationale for a court decision. In the Medan District Court Decision No. 03/Pid.Sus-Anak/2023/Pn.Mdn, judges systematically outlined the basis for their verdict through the lens of legal accountability, referencing statutory regulations such as Law No. 17/2016 and Law No. 35/2014 on Child Protection. The panel explicitly detailed charges against the child defendant, including elements of intentional violence, trickery, and persuasion, thus construing the actions within the boundaries of Article 81(2) jo Article 76(D) and Article 82(1) jo Article 76(E). This formal legal structure is reinforced by a consistent pattern of applying defined legislative norms to complex cases. The visualization can be summarized in a matrix:

Table 1 Matrix of Judicial Consideration Elements, Evidence, and Legal References in Child Sexual Violence Verdicts

Element	Data Used	Statute Referenced
Charges	Written indictment, judicial notes	Article 81, 82, 76D
Accountability	Judge's written consideration	Law 35/2014, 17/2016
Legal Structure	Deliberation session memo	Law 48/2009

Restating, the judges' deliberation connected the defendant's acts directly to statutory provisions, ensuring transparency and traceability in criminal liability. Three key trends appear: (1) judicial strictness in linking acts to law, (2) coherence in presenting legal considerations, and (3) systematic referencing and interpretation of statutory language for child protection cases.

Findings further highlight the diversity and rigor of evidentiary sources considered by the panel of judges. Primary visual and textual data include medical reports from Dr. Pirngadi Hospital indicating hymen



ruptures and pregnancy of the child victim, as well as defendant and witness testimonies. Judges also balanced aggravating factors—such as psychological trauma experienced by the victim—with mitigating circumstances, including the polite behavior and confessions of the defendant, who had no prior criminal record. These are supported by direct quotations from verdict documentation and witness interviews. Data visualization summarizing these considerations may take the form of a matrix:

Table 2: Matrix of Evidentiary Circumstances and Their Impact on Sentencing in Child Sexual Violence Cases

Circumstance	Data	Impact on Verdict
Medical Report	Visum et repertum	Confirms sexual activity
Testimonies	Defendant, witnesses	Contextualizes intent
Aggravating Factor	Victim trauma	Increases severity
Mitigating Factor	Defendant's confession	Reduces sentence

Restating, both physical and verbal evidence played a critical role in constructing judicial reasoning. Three main patterns emerge: (1) reliance on medical documentation for objectivity, (2) weighting moral character and admission, and (3) integration of trauma assessment in determining the sentence.

The panel also considered restorative justice under Decree No. 1691/DJU/SK/PS.00/12/2020, attempting family reconciliation between the defendant's and the victim's families, which ultimately failed. Discussions and legal documents indicate a commitment to restorative principles in line with national guidelines, but the inability to reconcile led to conventional sentencing. Analytical restatements reference both law enforcement and retributive theories: enforcement actions by police, attorney office, and court were performed to standard, with the defendant ultimately receiving two years and six months imprisonment—reflecting proportionality and legal certainty according to the retributive approach. Visualized data would include excerpts from the judge's verdict and summary tables of reconciliation attempts. Restating, restorative mechanisms exist but are not always realized in practice, and punishment remains the prevailing solution in irreconcilable cases.



Key descriptions and trends: (1) restorative justice considered but not fully implemented; (2) verdict aligns with law enforcement and retributive theory; (3) the court process preserves child protection principles, but real outcomes vary based on empirical reconciliation success.

Discussion

This research analyzes the deliberation process and judicial outcomes in Medan District Court Decision No. 03/Pid.Sus-Anak/2023/Pn.Mdn, focusing on the legal considerations behind the imposition of sanctions against children who intentionally persuade or have sexual intercourse with another minor. The results show a systematic judicial approach: judges rely on statutory law, concrete evidentiary material (including medical reports), and weigh both aggravating and mitigating circumstances. Restorative justice was formally considered but ultimately not realized due to unsuccessful reconciliation, resulting in a conventional prison sentence (H. C. Chan, 2023; Hausam et al., 2022). Case data and decision texts reinforce the importance of written, coherent, and legally accountable considerations for fair judicial decisions.

The study finds clear relationships between legal reasoning, statutory interpretation, and case outcome in Indonesian juvenile justice. The judge's written consideration demonstrates a tendency to strictly align criminal acts with statutory legal provisions, reflecting high legal certainty and accountability. However, the coexistence of statutory mandates with restorative justice principles leads to dilemmas: on one hand, judicial actors attempt reconciliation and non-punitive solutions; on the other, failure of such attempts results in a fallback to retributive and deterrent logic (Khoza & Masuku, 2024; Myers et al., 2023; Virani et al., 2023). This pattern answers why – despite regulatory emphasis on child-centered justice – the actual outcome remains primarily punitive in contested cases.

Compared to prior research, these findings affirm the consensus that Indonesian courts emphasize written, statutory legal accountability and procedural fairness, similar to other normative juridical studies. However, novelty emerges in the detailed analysis of failed restorative justice – unlike studies where diversion is routinely successful, this research exposes the limits and challenges of implementing such mechanisms, especially when family mediation breaks down (Khoza & Masuku, 2024; Virani et al., 2023; Wareham et al., 2022). International comparisons highlight Indonesia's greater reliance on family-based reconciliation, while countries like Germany and Korea employ stronger formal rehabilitation and judicial oversight. This distinction sharpens the study's contribution to the global



debate on child justice (H. C. (Oliver) Chan, 2023; Firat & Erk, 2022b; Hausam et al., 2023).

The results indicate that the legal system remains caught between its ideological commitment to restorative justice and the practical need for retribution and deterrence. This tension reflects Indonesia's broader historical and social context, where the protection of children as a legal principle often collides with societal demand for accountability and public safety (Firat & Erk, 2022a; McCuish et al., 2022; Satodiya et al., 2024). The study interprets these outcomes as evidence that legal reforms alone are insufficient; operational effectiveness depends on social context, stakeholder coordination, and effective restorative practice implementation (Firat & Erk, 2022a; Satodiya et al., 2024).

Analysis reveals both the strengths and weaknesses of current juvenile sentencing practices. The main function of statutory accountability and comprehensive evidence maintains fairness, legal certainty, and protection for child victims (Alhakim et al., 2023; Mafaza et al., 2022; McCuish et al., 2022). Nonetheless, disfunction arises when restorative justice, as mandated by law, fails to deliver meaningful outcomes due to lack of reconciliation, limited institutional support, or inadequate family cooperation. This reinforces the necessity to address non-legal factors such as psychological recovery and social reintegration (Firat & Erk, 2022b; McCuish et al., 2022).

The research advocates several actionable strategies for improvement. First, policy makers should increase training in restorative justice for legal and social actors, enhance access to psychological support, and strengthen monitoring mechanisms post-adjudication. Second, legal reform should focus on clearer guidelines for failed reconciliation cases, ensuring diversion remains a realistic and effective option. Lastly, institutional collaboration—between courts, law enforcement, social services, and families—is essential to translate legal principles into better real-world outcomes for children in conflict with the law.

CONCLUSION

The principal lesson gleaned from this research is the critical importance of comprehensive legal reasoning and the necessity for coherence between statutory law and judicial practice in cases involving child perpetrators of sexual violence. Through an in-depth analysis of judicial considerations, evidentiary review, and the interplay between restorative justice and retributive principles, the study demonstrates that well-documented and transparent legal reasoning not only strengthens the

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legitimacy of verdicts but also advances public understanding of juvenile justice. Importantly, the research reveals that the attempt to balance restorative approaches with punitive measures, although often challenging in practice, is fundamental for ensuring both justice for victims and the protection of children in conflict with the law. This finding underscores that, beyond normative regulations, the successful implementation of child-centered justice requires not only legal reforms but also the active involvement of stakeholders and family units. Ultimately, the experience positions comprehensive written considerations as a cornerstone of fairness and accountability in the Indonesian juvenile justice system.

This research makes a significant scholarly contribution by providing an integrated, case-centered examination of the legal and practical aspects of sanctioning children involved in sexual violence cases. The study advances the literature by supplying original data on judicial decision-making, including variables such as statutory interpretation, evidentiary evaluation, and the tangible application of restorative justice. Conceptually, it bridges gaps between the punitive and rehabilitative models in Indonesian jurisprudence, and introduces new research questions related to the barriers for effective diversion and reconciliation. The qualitative, normative-juridical approach employed here allows for an in-depth critique of not only the legislative framework but also the socio-legal realities faced by children in the justice system. As such, the findings offer both empirical evidence and theoretical insights that can inform law reform, judicial practices, and future research agendas focused on strengthening child protection and restorative justice in Indonesia.

Despite its contributions, this study is subject to certain limitations deriving from its methodological and contextual boundaries. The analysis is based primarily on a single judicial case and associated legal documents, which may not encompass the full diversity of judicial responses across Indonesia's regions and jurisdictions. It does not include the perspectives of key stakeholders such as judges, social workers, child psychologists, or the affected families obtained through interviews or field research. Additionally, the exclusion of quantitative analysis and the absence of cross-national comparison limit the ability to generalize the results or situate them within a broader international context. Future research should consider employing comparative methods, expanding the pool of cases, and integrating mixed methods—including stakeholder interviews—to yield more comprehensive and nuanced conclusions about the dynamics and effectiveness of child sanctioning policies in Indonesia.



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