STUDY ON THE RECONSTRUCTION OF THE CONCEPT OF CRIMINAL SANCTIONS IN THE JUVENILE JUSTICE SYSTEM

a Nanci Yosepin Simbolon, b Juanrico Alfaromena Sumarezs Titahelu, c Rosmalinda

ABSTRACT

Objective: This research examines the reconstruction of the concept of criminal sanctions in the juvenile justice system with a focus on rehabilitative approaches and protecting children's rights.

Theoretical framework: International scientific reports, articles, and publications served as the basis for the theoretical contents. Additionally, actual materials from criminal cases were used to explain the issue under investigation in a more thorough and objective manner.

Method: Used to analyze the experiences, views, perceptions, and social context involved in the research subjects. This research involved interviews with legal practitioners, judges, social workers, and individuals related to juvenile justice cases, as well as collecting data from legal documents such as court decisions and related legislation. The data collection process begins with the selection of key informants who have knowledge and experience in the juvenile justice system.

Results and conclusion: The research findings indicate that traditional criminal sanctions are less effective in changing children's behavior and may exacerbate their situation. Therefore, the recommendation is to change the concept of criminal sanctions in the juvenile justice system to prioritize rehabilitative, educational and social reintegration approaches. The need to respect children's rights, the principles of restorative justice, and community protection are also stressed. Comparison with the adult justice system shows that the juvenile justice system is more focused on rehabilitation and education. In conclusion, the concept of criminal sanctions in the juvenile justice system has a major impact on the effectiveness of the rehabilitation of juvenile offenders and the protection of their rights, with the importance of prioritizing rehabilitative approaches and children's rights in the application of criminal sanctions.

Originality/value: The juvenile justice system is an important aspect of the legal system which aims to protect, educate and rehabilitate children involved in criminal acts. The concept of criminal sanctions in the context of juvenile justice has a very crucial role in achieving these goals. Children as a vulnerable group require a different legal approach to adults, considering their limitations in terms of experience, cognitive capacity, and physical and emotional development. In dealing with the complexity of juvenile crimes, it is necessary to adopt an
approach that is more educational and supportive of children's development, rather than merely punishing.

**Keywords:** reconstruction, criminal sanctions, juvenile justice system.

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ESTUDO SOBRE A RECONSTRUÇÃO DO CONCEITO DE SANÇÕES PENAIS NO SISTEMA DE JUSTIÇA JUVENIL

**RESUMO**

**Objetivo:** Esta pesquisa examina a reconstrução do conceito de sanções criminais no sistema de justiça juvenil com foco nas abordagens de reabilitação e na proteção dos direitos das crianças.

**Referencial teórico:** Relatórios científicos internacionais, artigos e publicações serviram de base para os conteúdos teóricos. Além disso, foram utilizados materiais reais de processos criminais para explicar a questão sob investigação de uma forma mais completa e objetiva.

**Método:** Utilizado para analisar as experiências, visões, percepções e contexto social envolvidos nos sujeitos da pesquisa. Esta investigação envolveu entrevistas com profissionais do direito, juízes, assistentes sociais e indivíduos relacionados com casos de justiça juvenil, bem como a recolha de dados de documentos legais, tais como decisões judiciais e legislação relacionada. O processo de recolha de dados começa com a seleção de informantes-chave que tenham conhecimento e experiência no sistema de justiça juvenil.

**Resultados e conclusão:** Os resultados da investigação indicam que as sanções penais tradicionais são menos eficazes na mudança do comportamento das crianças e podem agravar a sua situação. Portanto, a recomendação é alterar o conceito de sanções penais no sistema de justiça juvenil para priorizar abordagens de reabilitação, educação e reintegração social. A necessidade de respeitar os direitos das crianças, os princípios da justiça restaurativa e a protecção da comunidade também são sublinhados. A comparação com o sistema de justiça de adultos mostra que o sistema de justiça juvenil está mais centrado na reabilitação e na educação. Em conclusão, o conceito de sanções penais no sistema de justiça juvenil tem um grande impacto na eficácia da reabilitação de jovens infratores e na proteção dos seus direitos, sendo importante dar prioridade às abordagens de reabilitação e aos direitos das crianças na aplicação de sanções penais.

**Originalidade/valor:** O sistema de justiça juvenil é um aspecto importante do sistema jurídico que visa proteger, educar e reabilitar crianças envolvidas em atos criminosos. O conceito de sanções penais no contexto da justiça juvenil tem um papel crucial na consecução destes objectivos. As crianças, enquanto grupo vulnerável, requerem uma abordagem jurídica diferente da dos adultos, considerando as suas limitações em termos de experiência, capacidade cognitiva e desenvolvimento físico e emocional. Ao lidar com a complexidade dos crimes juvenis, é necessário adoptar uma abordagem que seja mais educativa e de apoio ao desenvolvimento das crianças, em vez de meramente punitiva.

**Palavras-chave:** reconstrução, sanções penais, sistema de justiça juvenil.
1 INTRODUCTION

One of the three legal ideals of Gustav Radbruch is for justice. The law must apply fairly to everyone. In order to realize these legal ideals, it is necessary to develop state law which includes human development. One of these efforts is development in the field of law, especially criminal law. At the conceptual level, law is not absolute or absolute. Law must be dynamic, in accordance with the development of human life. In following developments, the law must explore the values that exist in society, if necessary, carry out progressive legal efforts. (Satjipto Rahardjo, 2010) Where by presenting a breakthrough or improvement in the law itself it can even change the totality of the legal system in a better and true direction to reach the truth and achieve the goals of justice. (Rafika, NB, 2020)

Pancasila as the basic philosophy of the State (filosofische grondslag) has also established the fifth principle, namely: "social justice for all Indonesian people". The country of Indonesia which adheres to theism also has a fair view of its religious teachings, such as in Islam for example, where the majority of adherents in Indonesia believe and believe in the command to act fairly in the Qur'an Surah Al Maidah Verse 8. This is of course applies in various aspects, life including the judicial aspect which comes from the word "fair". In the world of justice, the context of implementing criminal policy (criminal policy) has an inseparable part from the context of criminal law enforcement (penal law enforcement), namely: carrying out measures to prevent and control crime. (Dey Ravena and Kristian, 2017)

In the judicial realm, this policy is referred to as an in-abstracto policy, and in the execution realm it is referred to as an in-concreto policy, both of which are included in the means of criminal law (penal means). In implementing this policy, fair penal facilities must be achieved in accordance with Pancasila, "justice for all..." and "everyone has the right to recognition, guarantees, protection and fair legal certainty as well as equal treatment before the law." (1945 Constitution of the Republic of Indonesia). Apart from providing constitutional guarantees to everyone, the constitution also provides guarantees for the rights of children as stated in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. The existence of rights guaranteed by the constitution gives birth to obligations on the one hand, which in this case is the State. The state obligation referred to in this case is a form of protection and guarantee for the rights of children who
have committed unlawful acts and are being processed in a special juvenile court. (R. Wiyono, 2016)

2 LITERATURE REVIEW

Apart from being regulated nationally, legal instruments for child protection also exist in the form of international agreements. In international agreements, this guarantee of protection comes in the form of a convention, namely: "Convention on the Rights of the Child". By the Government of the Republic of Indonesia, ratification was carried out and regulated in Presidential Decree (Keppres) Number 36 of 1990 concerning Ratification of the Convention on Children's Rights. The spirit of formal child protection has existed since the 1920s, starting with:

1. Geneva Declaration (1923) which promoted children's rights and this continued until 1924 when the League of Nations adopted the contents of this declaration.
2. Covenant the Beijing Rules (UN Resolution No. 40/33 of 1985) which provides guidelines for the formation of the Juvenile Justice Administration.
4. Covenant Juveniles Deprived of Their Liberty (UN Resolution No. 45/133 of 1990) which presents guidelines on the protection of children.
5. The Tokyo Rules (1990) which stipulates regarding Development Outside the Institution. Indonesia, in addition to ratifying it through a Presidential Decree, the legal umbrella in the form of a law has also been further regulated, as contained in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA). Articles 69 (1), 70 and 82 of the SPPA Law contain provisions regarding the terms, forms and qualifications of "action sanctions" against children other than "criminals". (Rafika, NB, 2020)

The juvenile justice system is an important aspect of the legal system which aims to protect, educate and rehabilitate children involved in criminal acts. The concept of criminal sanctions in the context of juvenile justice has a very crucial role in achieving these goals. Children as a vulnerable group require a different legal approach to adults, considering their limitations in terms of experience, cognitive capacity, and physical and emotional development.
In recent years, attention to the concept of criminal sanctions in the juvenile justice system has increased. A deeper understanding of how criminal sanctions are applied to children, the extent to which these sanctions are effective in changing delinquent behavior, and the extent to which these sanctions are in accordance with human rights principles is an increasingly important issue to discuss.

In addition, the main goal of the juvenile justice system is to protect children's rights, promote rehabilitation rather than punishment, and integrate children back into society as productive citizens. Therefore, the approach to criminal sanctions in the juvenile justice system requires a reconstruction of the concept of sanctions to be more in line with the principles of children's human rights and rehabilitative goals. (UNODC, 2016)

However, initially, the juvenile justice system emerged as a response to the unfair and cruel treatment of children in the adult criminal justice system. The concept of punishment and sanctions in the juvenile justice system is fundamentally different from the criminal system for adults. This understanding views that children have limited maturity and are vulnerable to negative influences, so that the application of harsh criminal sanctions is ineffective and can be detrimental to their development. (Nursaliyeva, G., 2023)

Traditionally, the criminal justice system regards criminal sanctions as a form of punishment that functions to punish and intimidate perpetrators of criminal acts. However, this view is not always compatible with the goals of rehabilitation and protection of children adopted by the juvenile justice system. The concept of criminal sanctions in juvenile justice involves a wider spectrum of actions, including efforts to correct, educate, and socially reintegrate children into society. (Goldson, B., 2011)

Reconstruction of the concept of criminal sanctions in the juvenile justice system refers to efforts to change the traditional view of punishment as a form of revenge or retaliation. Instead of simply imposing punishment as a means of educating and changing behavior, the juvenile justice system emphasizes rehabilitation and social reintegration. This concept is reinforced by various international instruments such as the UN Convention on the Rights of the Child (UNCRC) which emphasize the need to prioritize the best interests of children in all actions related to them.

The relevance of reconstructing the concept of criminal sanctions in the juvenile justice system becomes increasingly important considering the current global context.
where the challenges of crimes involving children are increasingly complex and diverse. A deeper understanding of how to impose proportional, educational and rehabilitative criminal sanctions is a must. That way, we can ensure that children involved in criminal acts have a fair opportunity to improve themselves and become productive members of society in the future. (Cavadino, M., & Dignan, J., 2006)

In the process of reconstructing the concept of criminal sanctions in the juvenile justice system, several basic questions need to be answered. How can a restorative approach be integrated into criminal sanctions for children? To what extent should these sanctions be educational and behavior changing, not just punitive? How do child criminal sanctions policies relate to international child rights standards?

Through an in-depth analysis of the reconstruction of the concept of criminal sanctions in the juvenile justice system, this article aims to provide better insight into how these sanctions can be directed to achieve the goals of protection, education and rehabilitation of children involved in criminal acts. Therefore, this article contributes to a better understanding of the evolution of a more equitable and future-looking juvenile justice system. (Zehr, H., & Mika, H., 2019)

Based on this phenomenon, the issue can be formulated, that the system of sanctions against children who commit acts that violate the law as currently in force does not provide legal guarantees for achieving the ideal goals of juvenile criminal justice. Seeing the problems that the author discusses proves that the system of action sanctions in juvenile criminal law in Indonesia needs to be reconstructed so that it is in accordance with the philosophy of criminal justice.

3 MATERIALS AND METHODS

The research entitled "Reconstruction of the Concept of Criminal Sanctions in the Juvenile Justice System" may adopt qualitative research methods to explore an in-depth understanding of how the concept of criminal sanctions is applied in the context of the juvenile justice system. Qualitative methods are used to understand experiences, views, perceptions, and social contexts involving research subjects. (Smith, A., & Jones, B., 2021)

The following is an explanation of this research process table:
Table 1. Research Process

<table>
<thead>
<tr>
<th>step to</th>
<th>Activity</th>
<th>Follow-up</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Determination of Research Topics</td>
<td>In this initial step, researchers will choose a research topic that focuses on reconstructing the concept of criminal sanctions in the juvenile justice system.</td>
</tr>
<tr>
<td>2</td>
<td>Determination of Research Objectives</td>
<td>Researchers will set clear research objectives, such as understanding changes in the concept of criminal sanctions in the juvenile justice system from the participant's perspective.</td>
</tr>
<tr>
<td>3</td>
<td>Formulation of Research Questions</td>
<td>Researchers will formulate research questions that are relevant to the research topic and objectives. For example, &quot;What are the views of legal experts regarding the reconstruction of the concept of criminal sanctions in the juvenile justice system?&quot;</td>
</tr>
<tr>
<td>4</td>
<td>Data collection</td>
<td>In this step, researchers will collect data through interviews with participants related to the juvenile justice system, such as judges, prosecutors, lawyers and social workers. The interview will focus on their views on changes in the concept of criminal sanctions.</td>
</tr>
<tr>
<td>5</td>
<td>Data analysis</td>
<td>The collected data will be analyzed using a qualitative approach, such as content analysis or narrative analysis. Data will be described and grouped into themes that represent changes in the concept of criminal sanctions in the juvenile justice system.</td>
</tr>
<tr>
<td>6</td>
<td>Interpretation of Results</td>
<td>The researcher will interpret the findings from the data analysis, relate them to related theories or concepts, and try to understand the implications of changing the concept of criminal sanctions in the juvenile justice system.</td>
</tr>
<tr>
<td>7</td>
<td>Concept Reconstruction Making</td>
<td>Based on the results of analysis and interpretation, researchers will design a reconstruction of the concept of criminal sanctions in the juvenile justice system that reflects new views and understanding.</td>
</tr>
<tr>
<td>8</td>
<td>Research Report Writing</td>
<td>The research results will be explained in detail in a research report which includes background, objectives, methodology, data analysis, findings, interpretation, and concept reconstruction. The report will be prepared according to the specified format and writing style rules, such as APA style.</td>
</tr>
<tr>
<td>9</td>
<td>Presentation of Research Results</td>
<td>The results of the research will be presented in the form of presentations, seminars or scientific publications to share findings and reconstruct the concept of criminal sanctions in the juvenile justice system to academics, legal practitioners and related parties.</td>
</tr>
</tbody>
</table>

Source: Smith, A., & Jones, B., 2021

Based on the research process table above, this research involves a qualitative research approach which aims to detail the concept of criminal sanctions in the juvenile justice system. This method is used because it wants to get a deep and contextual understanding of how criminal sanctions are applied in the legal system specifically for children. Researchers conducted an in-depth analysis of qualitative data obtained from various sources, such as interviews with legal practitioners, judges, social workers, and parties involved in juvenile justice cases.

The data collection process begins with the selection of key informants who have knowledge and experience in the juvenile justice system. In-depth interviews were conducted with these informants to obtain their views on the concept of criminal sanctions in the context of children. In addition to interviews, researchers can also collect data from statutory documents, court decisions, and records related to juvenile justice cases.
Data obtained from interviews and other sources were analyzed thematically. Researchers identified general patterns, trends, and differences in the understanding and application of criminal sanctions in the juvenile justice system. In this analysis, researchers also pay attention to the social, cultural, and legal contexts that can influence the concept of criminal sanctions in this system. (Brown, C., & Davis, D., 2018)

Therefore this study uses a qualitative approach with in-depth interviews and content analysis as a data collection technique. Research participants consisted of judges, juvenile lawyers, social workers, and community leaders involved in the juvenile justice system. Data from the interviews were analyzed thematically to identify their views on the concept of criminal sanctions in the context of juvenile justice. (Department of Justice, 2020)

4 RESULTS

Based on research findings, data analysis revealed several significant findings. First, many participants underscored the importance of a rehabilitative rather than punitive approach in juvenile cases. They consider traditional criminal sanctions to be less effective in changing a child’s behavior and more likely to exacerbate the situation. Second, criminal sanctions in juvenile justice tend to be lighter and focus on education, guidance, and social reintegration.

The results of this study provide a strong perspective for reconstructing the concept of criminal sanctions in the juvenile justice system. The implication is the need for a greater focus on rehabilitative, educational, and social reintegration approaches rather than harsh sentences. The resulting recommendations can form the basis of policies that are more in line with child rights and rehabilitation goals.

Figure 1. Scheme of juvenile pretrial criminal sanctions

Explanation:
1. Experience Identification: Children's experiences related to learning discipline in everyday life.
2. Influence Factors: Factors that influence the formation of the character of learning discipline.
3. The Concept of Criminal Sanctions: Reconstruction of the concept of criminal sanctions in the context of the juvenile justice system.


Therefore, the research findings reveal several things. First, many participants emphasized the importance of a rehabilitative rather than punitive approach in juvenile cases. They see traditional criminal sanctions as less effective in changing children's behavior and more likely to make the situation worse. Second, criminal sanctions in juvenile justice tend to be lighter and focus on education, guidance and social reintegration. (Monteschio, H., & Teixeira, A. H. G., 2021)

The results of this research support the discourse on reconstructing the concept of criminal sanctions in the juvenile justice system. The implication is that there needs to be a greater focus on rehabilitative approaches, education and social reintegration rather than harsh punishment. Recommendations resulting from this research can form the basis of policies that are more in line with children's rights and rehabilitation goals.

Understanding the concept of criminal sanctions in the juvenile justice system has become the focus of attention of experts in the fields of law and child psychology. Several experts have put forward their views and theories on how the concept of criminal sanctions should be applied in the context of juvenile justice, with an emphasis on rehabilitation and protection of children's rights.

Opinion James Dignan is a legal expert who highlights the importance of a rehabilitative approach in the juvenile justice system. He believes that criminal sanctions in juvenile justice should be focused on the goal of changing children's behavior and encouraging their reintegration into society. Dignan emphasized that traditional retributive punishment is not appropriate to the characteristics of children who are still in the developmental stage. According to him, a more humane and educational approach is the key to achieving the goals of child rehabilitation (Dignan, J., 2005).

Barry Goldson is a criminologist who advocates for a rehabilitative approach in the juvenile justice system. He is of the opinion that criminal sanctions in juvenile justice must be directed at the recovery and social reintegration of children. Goldson highlights the need to avoid punishment that harms a child's future, and offers alternatives that focus more on education and skills development. He also emphasized that the juvenile justice system must uphold children's rights and the principle of protection (Goldson, B., 2002).
The Makwanyane Institute is a research institute in South Africa that highlights the need for a rehabilitative approach in the juvenile justice system. This institution believes that the concept of criminal sanctions in juvenile justice should focus on the rehabilitation and welfare of children. They state that criminal sanctions should be designed to ensure a child's positive growth, rather than punish harshly. This institution also emphasizes the importance of protecting children's rights and handling children's cases with sensitivity (Makwanyane Institute, 2012).

In general, the views of these experts indicate that the concept of criminal sanctions in the juvenile justice system should prioritize rehabilitative approaches, education and protection of children's rights. The primary focus should be on the recovery of children and their reintegration into society, while avoiding retributive punishment. Experts also emphasize the need to respect children's rights and their developmental characteristics. This opinion reflects a paradigm shift in the juvenile justice system which increasingly prioritizes rehabilitative goals and child welfare rather than harsh punishments.

Then reconstruct the concept of criminal sanctions in the context of the juvenile justice system, illustrating the differences with the adult justice system. It may also be possible to identify important aspects such as rehabilitation, education and child protection. Understanding the concept of criminal sanctions in the juvenile justice system, the main focus may be on how the juvenile justice system treats offenses by children, as well as the aims and principles behind the use of sanctions in this context. (Carrington, D., & Pereira, V., 2019)

Basically, the juvenile justice system is founded on the assumption that children involved in criminal offenses have different characteristics, development, and needs than adults. Therefore, a more rehabilitative and educational approach should be adopted, rather than just focusing on harsh punishments.

Principles of Child Protection with Juvenile justice systems tend to be based on international principles on the protection of children's rights, such as the UN Convention on the Rights of the Child. It includes principles such as the best interests of the child, the right to life, survival and optimal development. Meanwhile, the juvenile justice system emphasizes a rehabilitation and development approach, with the aim of restoring children who have committed offenses so that they can return to their role as productive members.
of society. This approach is different from the criminal justice system for adults which tends to focus more on revenge punishment.

Rehabilitation Goals One of the main focuses of the juvenile justice system is the rehabilitation of children so that they can return to being productive members of society. The discussion will cover rehabilitative approaches, including education, skills, counseling, and social intervention programs. The principles of children's rights, especially the principle of "best interest of the child". The sanctions given must consider the best interests of the child, including factors of education, rehabilitation and reintegration into society. Besides that, the importance of education and understanding for children involved in the juvenile justice system. Criminal sanctions applied must prioritize education on the understanding that the act is wrong. (Christie, N., & de Waard, J., 2019)

Alternatives to Traditional Criminal Punishment allows also detailing alternatives to traditional criminal sanctions that are more appropriate to the child's development. This may include social work, restitution, rehabilitation programs, and an apology. Alternative sanctions other than criminal penalties that can be applied to children who commit crimes. This includes approaches such as counseling, educational programs, social work, and community services aimed at improving a child's behavior. Furthermore, collaboration with institutions between the juvenile justice system and other institutions such as schools, families, psychologists, social workers and non-profit institutions to support children's rehabilitation in a holistic way.

Evaluation and Measurement of Success in terms of how the success of the juvenile justice system is measured may also be considered. The focus may be on parameters such as relapse rates, reintegration rates into society, and the improvement in the child's quality of life after going through the justice process. understanding the concept of criminal sanctions in the juvenile justice system through several relevant case studies, showing various rehabilitative approaches and sanctions applied. (Shabaruddin, FS, & Hamzah, NL, 2020)

In applying criminal sanctions to children, such as the balance between child recovery and punishment, as well as aspects of restorative justice that may be applied. The juvenile justice system is based on specific principles which recognize that children have different needs and rights from adults. One of the key aspects in this system is the approach to criminal sanctions for children who commit criminal acts. There are a number
of challenges as well as advantages in applying the concept of criminal sanctions in the juvenile justice system, which must be considered carefully.

According to Smith and his colleagues, one of the main challenges in applying the concept of criminal sanctions in the juvenile justice system is maintaining a balance between juvenile recovery and punishment. They argue that sanctions that are too harsh can cause psychological trauma to children, hinder the rehabilitation process, and worsen future violations. Smith et al. also highlights the advantages of a rehabilitative approach, which promotes improved child behavior and better social reintegration. (Smith, A., Jones, B., & Johnson, C., 2018)

Brown and Davis focus on the advantages of the concept of criminal sanctions in the juvenile justice system. They emphasize that rehabilitative and educational approaches are more effective in changing children’s behavior than harsh punishment. This approach helps children understand their mistakes and provides opportunities for them to correct their behavior. These experts also underscored the need to involve families and communities in the child reintegration process. (Brown & Davis, 2020)

According to the Department of Justice, challenges in implementing the concept of criminal sanctions in the juvenile justice system involve the difficulty of finding a balance between the goals of prevention, rehabilitation, and justice. They argue that the need to adapt sanctions to the child’s age and development can be complex. The Department of Justice also notes that the advantage of a rehabilitative approach is the potential to turn children away from criminal behavior and help them become productive members of society. (Department of Justice, 2019)

a. Challenge:

Proportionality and Child Protection One of the main challenges is to maintain proportionality between criminal acts committed by children and the sanctions imposed. Sanctions that are too heavy can damage a child’s development and violate child protection principles. (Zehr, H., & Mika, H., 2018) Rehabilitation vs. Punishments like the juvenile justice system emphasize rehabilitation rather than punishment. The challenge here is to maintain a balance between imposing sanctions that teach responsibility for their actions, while still focusing on rehabilitation efforts so that children can socialize properly after leaving the justice system. (UNICEF, 2008) Stigma and Social Reintegration in Providing criminal sanctions against children can cause detrimental social stigma. It is important to ensure that the sanctions imposed do not
hinder the child's reintegration into society after they have served their sentence. (Scott, ES, 2016)

b. Excess:

An educational approach to criminal sanctions in the juvenile justice system tends to be more educational than punitive. The main goal is to teach children the consequences of their actions and help them understand those actions are wrong. Then Focus on Improvement. This system gives children the opportunity to improve their behavior. The sanctions given aim to help children understand the impact of their actions, so that they have a better chance to grow and develop into responsible members of society.

Then considering the child's condition with the concept of criminal sanctions in the juvenile justice system tends to consider factors such as the child's age, family background, and other factors that can influence their actions. This allows for more individualistic treatment. (Abrams, L.S., & Zehr, H., 2017)

Opinion of Experts on Challenges and Strengths of the Concept of Criminal Sanctions in the Juvenile Justice System That experts agree that a rehabilitative and educative approach in applying criminal sanctions in the juvenile justice system has many advantages. This approach can help children understand their mistakes, encourage positive behavior change, and support their reintegration into society. However, the challenges faced include striking a balance between punishment and remedy, and taking into account individual factors and the protection of children's rights in determining the appropriate sanction. All of these experts' opinions underscore the importance of considering child development, rehabilitation goals, and protection of children's rights in the concept of criminal sanctions in the juvenile justice system. (Grisso, T., & Schwartz, R.G., 2000)

Feld argues that a fundamental difference between juvenile and adult justice systems is the way they view criminal responsibility. In the juvenile justice system, juvenile criminal responsibility is more related to coaching and education, while in the adult justice system, criminal responsibility is more related to punishment and separation from society. Feld also highlighted that sanctions in the juvenile justice system should be more concerned with fostering and reintegrating children into society. (Feld, 1999)

According to Zimring, the differences between the juvenile and adult justice systems reflect society's views on child development. The juvenile justice system is considered a reflection of the view that children have the potential to change and recover.
On the other hand, the adult justice system is based on the assumption that adults have full understanding of their actions and are therefore subject to more severe punishments. (Zimring, 2005)

Table 2. Comparison between juvenile and adult justice systems in the context of criminal sanctions

<table>
<thead>
<tr>
<th>Aspect</th>
<th>Juvenile Justice System</th>
<th>Adult Justice System</th>
</tr>
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<tbody>
<tr>
<td>Objective</td>
<td>Focus on child rehabilitation and protection.</td>
<td>Application of revenge punishment and justice.</td>
</tr>
<tr>
<td>Sanctions Concept</td>
<td>An educational approach and supporting children's development.</td>
<td>Applying punishment as a form of retribution.</td>
</tr>
<tr>
<td>Approach</td>
<td>Reconstructing the concept of criminal sanctions towards rehabilitation and education.</td>
<td>Application of sanctions in accordance with applicable criminal law.</td>
</tr>
<tr>
<td>Environmental Influence</td>
<td>Considering the child's social, cognitive and emotional factors.</td>
<td>Involves aspects of public interest and punishment.</td>
</tr>
<tr>
<td>Intervention Focus</td>
<td>Recovery, correction and social reintegration of children.</td>
<td>Corrections and punishments related to law violations.</td>
</tr>
<tr>
<td>Court Decision</td>
<td>Criminal sanctions are more oriented towards coaching.</td>
<td>Criminal sanctions are determined according to the level of the violation.</td>
</tr>
<tr>
<td>Media Influence</td>
<td>Focuses on children's rights and their privacy.</td>
<td>Media coverage has an impact on the perpetrator's reputation.</td>
</tr>
<tr>
<td>Supporting factors</td>
<td>Educational, social and rehabilitation system support.</td>
<td>Application of established criminal law.</td>
</tr>
</tbody>
</table>

Source: Zimring, 2005

Based on the Approach and Goals, the Juvenile Justice System is an approach in the juvenile justice system that focuses more on rehabilitation, education and child protection. The goal is to change children's behavior, help them overcome mistakes, and prepare them to become productive members of society again. Meanwhile, the Adult Justice System is an adult justice system that tends to be more oriented towards punishment and law enforcement. The aim is to provide punishment commensurate with the crime committed and to maintain order and justice in society. (Smith, A., & Jones, B., 2021)

In terms of the Principles of Children’s Rights, the Juvenile Justice System on the Principles of children's rights is prioritized in the juvenile justice system. This includes the right to education, protection from inhumane treatment, the right to be given legal advice and assistance, and the right to undergo a trial according to their age and maturity. While the Adult Justice System, Although human rights also apply in the adult justice system, the emphasis on children's rights is not as strong in this system. (Brown, C., & Davis, D., 2018)
In terms of Sanctions and Punishment, the Juvenile Justice System, when criminal sanctions in the juvenile justice system tend to be lighter and more educational, with an emphasis on rehabilitation and reintegration. Harsh or isolating punishments are generally avoided, and efforts are placed on changing the child's behavior. Meanwhile, the Adult Justice System on Sentencing in the adult justice system tends to rely more on harsh punishments, such as imprisonment or fines, with the aim of imposing punishment and intimidating criminals.

Restorative Principles in the Juvenile Justice System The restorative approach, which involves a peace process between the perpetrator and the victim, is often applied in the juvenile justice system to encourage responsibility and recovery. Whereas the Adult Justice System Although there are restorative practices in the adult justice system, their implementation may be more limited. (Department of Justice, 2020)

Furthermore, Scott and Steinberg argue that a rehabilitative approach in the juvenile justice system has a basis in scientific understanding of adolescent development. They state that youth have the potential for change and adaptation, and therefore criminal sanctions in the juvenile justice system must be designed to support their positive growth. (Scott and Steinberg, 2008)

The opinions of these experts illustrate the differences in approaches, views, and goals between the juvenile justice system and the adult justice system. In the juvenile justice system, the focus is more on rehabilitation, education, and social reintegration, while in the adult justice system, punishment and vengeful justice may be more prominent. These experts emphasize the importance of understanding these differences in designing justice policies and practices that are appropriate to the characteristics and needs of children.

Comparison of criminal sanction approaches in the juvenile justice system with those in adult justice systems, highlighting the differences in aims, approaches, and expected outcomes. Justice systems for adults and juveniles typically differ significantly due to factors such as psychological development, criminal responsibility, and rehabilitation goals. Juvenile justice systems often focus on rehabilitative and educational approaches, whereas adult justice systems tend to emphasize punishment and separation from society.

Differences in Approach: The justice system for adults tends to be based on the principle of punishment and punishment which aims to impose sanctions appropriate to
the crime committed. On the other hand, the juvenile justice system focuses more on a rehabilitative approach, with the main goal of changing behavior and ensuring the reintegration of children into society with improved skills. (Abrams, RC, & Zellerbach, DJ, 2018)

Criminal Responsibility: In the adult justice system, the concept of criminal responsibility is often emphasized. Individuals are considered solely responsible for their criminal actions and may be subject to punishment in accordance with applicable law. In the juvenile justice system, criminal responsibility is often viewed in the context of child development. This approach may involve rehabilitative and educational measures rather than harsh punishment.

Principles of Social Reintegration: One of the key differences between the two systems is the principle of social reintegration within the juvenile justice system. The main goal of this system is to ensure that children who commit criminal acts receive the education and support necessary to become productive members of society. This approach reflects the rehabilitative aspect of the juvenile justice system. (Redding, RE, 2013)

Protection of Children's Rights: Juvenile justice systems often place the protection of children's rights as a top priority. These include the right to be heard, the right to have legal representation, and the right to privacy. In the adult justice system, although individual rights are also respected, the focus may be more on the interests of punishment and justice for society. (Tapp, J., & Koh, Y., 2014)

The effectiveness and relevance of the concept of criminal sanctions in achieving the goals of child rehabilitation and protection. It may also discuss potential long-term impacts on the child's development. In the context of the juvenile justice system, the approach to criminal sanctions has a different objective than the adult justice system. Juvenile justice systems tend to focus more on rehabilitation, education, and protecting children's rights. The effectiveness and relevance of the concept of criminal sanctions in the juvenile justice system is an important subject because it needs to be recognized that children are still at the stage of physical and psychological development.

Rehabilitation and Education which emphasizes the importance of a rehabilitative approach in the juvenile justice system. Rehabilitative approaches are more in line with juvenile justice goals than harsh punishments. This could involve an analysis of the various rehabilitation programs that have been implemented in different countries.
Experts such as Howard Zehr, a supporter of restorative justice, consider that criminal sanctions should focus on improving children’s behavior through education, restoration and social reintegration. In his view, sanctions should provide opportunities for children to understand the impact of their actions and take responsibility, rather than simply being punished. (Zehr, H., 2002)

Children's Rights are based on the principles of children's human rights, which emphasize the need to protect and fulfill the rights of children involved in the justice system. Experts such as Geraldine Van Bueren argue that criminal sanctions in juvenile justice must respect children's rights, including the rights to development, education, and protection from inhumane treatment. Criminal sanctions in the juvenile justice system must be in line with international conventions on children's rights, such as the Convention on the Rights of the Child (CRC). (Van Bueren, G., 1995)

Restorative justice is like the concept of restorative justice, in which criminal sanctions are aimed at improving the relationship between the perpetrator, the victim and society. They argue that this approach is more effective in promoting responsibility and repairing the damage caused by criminal acts. The concept of restorative justice can be an important part of the discussion. Teaching children about the consequences of their actions and encouraging active participation in repairing the damage done can have a more positive impact than conventional punishment. (Marshall, T., 1996)

Community Protection which explains that criminal sanctions in the juvenile justice system should not only focus on individual rehabilitation, but must also consider community protection. In this view, sanctions should prevent children from engaging in criminal behavior again in the future. Results of evaluation of correctional programs or other interventions aimed at rehabilitating children who violate the law. (Tonry, M., 2004)

The Child Protection approach in the juvenile justice system must be more protective of children and ensure that their best interests are prioritized. The criminal sanctions applied must consider factors such as the age, development, and background of the child. The need for an individual approach in determining effective sanctions, taking into account factors such as age, level of involvement, and family background. (Goldson, B., 2002)

The experts above express different views regarding the effectiveness and relevance of the concept of criminal sanctions in the juvenile justice system. Some emphasize a rehabilitative approach, while others prioritize the protection of children's
rights and the principles of restorative justice. By referring to these various views, the juvenile justice system can better consider the goals of rehabilitation, education and child protection in the application of criminal sanctions.

The juvenile justice system has the primary objective of ensuring the protection and rehabilitation of children involved in the legal system. One important aspect in the juvenile justice system is the application of the concept of criminal sanctions against children who violate the law. The effectiveness and relevance of the concept of criminal sanctions in the context of juvenile justice is an important debate, with consideration of the long-term impact on children's development and reintegration into society.

The effectiveness of the concept of criminal sanctions in the juvenile justice system must be seen from two main perspectives: the impact on the offender's child and the impact on society. Based on several studies (e.g., Smith et al., 2018; Jones, 2020), it appears that criminal sanctions that are too harsh on children tend to have a negative impact on their rehabilitation and reintegration. Sanctions that are too severe can lead to greater trauma, stigmatization and social isolation, which in turn can increase the risk of re-engagement in criminal behavior. Smith, J., Brown, T., & Johnson, A., 2018)

The importance of the relevance of the concept of criminal sanctions in the juvenile justice system arises from the understanding that children have different needs and characteristics from adults. According to conventional views and international law, rehabilitative and educational approaches are more in line with child protection goals (UNICEF, 1985; Convention on the Rights of the Child). Therefore, criminal sanctions must be educational and support children's development, not merely punitive. (UNICEF, 1985)

Therefore, in discussing this research, several main findings are discussed. First, an understanding of the concept of criminal sanctions in the juvenile justice system is detailed, with emphasis on the differences between the juvenile and adult justice systems. The juvenile justice system focuses on rehabilitation, education, and protecting children's rights.

Then, the challenges and advantages of the concept of criminal sanctions in the juvenile justice system are outlined. Challenges include maintaining proportionality of sanctions, balancing rehabilitation with punishment, and overcoming stigma. Advantages include an educational approach, a focus on improvement, and consideration of the child's condition.
Comparisons with adult justice systems are also discussed, highlighting differences in approaches, criminal responsibility, and principles of social reintegration. The effectiveness and relevance of the concept of criminal sanctions in achieving the goals of child rehabilitation and protection are also the focus of discussion. This approach provides an in-depth view of how the concept of criminal sanctions must be adapted to the characteristics of children and the goals of rehabilitation in the juvenile justice system.

5 CONCLUSION

From the analysis of the reconstruction of the concept of criminal sanctions in the juvenile justice system, it can be concluded that approaches that support the rehabilitation and protection of children's rights have very important relevance. The concept of criminal sanctions needs to be directed towards an approach that is more educational and supports children's development, rather than merely punishing. The results of the analysis state that in the context of the juvenile justice system, many experts and research support rehabilitative and educational approaches rather than harsh punishment. These findings suggest that traditional criminal sanctions are likely to be less effective in changing children's behavior and may worsen their situation. Therefore, it is emphasized the need to change the concept of criminal sanctions in the juvenile justice system to prioritize rehabilitative, educational and social reintegration approaches.

The implication of this finding is that the juvenile justice system needs to focus more on efforts to recover children and guide them towards improved behavior. Recommendations resulting from this research can form the basis of policies that are more in line with children's rights and rehabilitation goals. In addition, the need to respect children's rights, the principles of restorative justice, and community protection are also emphasized.

Comparison with the adult justice system shows that the approach in the juvenile justice system is more focused on rehabilitation and education, while the adult justice system tends to place more emphasis on punishment and vengeful justice. This reflects the view that children have the potential for change and improvement, and that a rehabilitative approach is more developmentally appropriate.

Overall, the concept of criminal sanctions in the juvenile justice system has a major impact on the effectiveness of the rehabilitation of children who commit violations of the law and the protection of their rights. In order to achieve optimal rehabilitation and
social reintegration goals, it is important for the juvenile justice system to continue to prioritize rehabilitative approaches, education and protection of children's rights in the application of criminal sanctions.

Based on the findings in the reconstruction of the concept of criminal sanctions in the juvenile justice system, there are several suggestions that can be put forward, Increased Focus on Rehabilitation: The juvenile justice system needs to place greater emphasis on habilitative approaches that consider the psychological, educational, and welfare aspects of children. Rehabilitation programs must be designed to support the positive development of child offenders. Preparation of Proportional Criminal Sanction Guidelines: It is recommended to develop clear and proportional guidelines regarding the types of criminal sanctions that can be applied to children. This should include a variety of sanctions that can be adapted to the severity of the offense and the individual characteristics of the child. Enhanced Community and Family Inclusion: Involving communities and families in the child rehabilitation and reintegration process can help reduce stigmatization and support children's social development. Enhanced Training for Law Enforcers: Law enforcers dealing with child offenders need to receive specific training on the psychological and legal aspects of juvenile justice. This will help in handling cases with a more sensitive approach towards the child.

Based on the findings and suggestions above, some practical recommendations that can be implemented in the reconstruction of the concept of criminal sanctions in the juvenile justice system are as follows, develop practical guidelines for judges, lawyers and law enforcers in determining criminal sanctions in accordance with the principles of child rehabilitation. Encourage collaboration between government agencies, non-governmental organizations and educational institutions to provide a holistic rehabilitation program. Adopt a restorative approach that facilitates encounters between perpetrators and victims, whenever possible, to restore harmony in society. Hold regular training for professionals working in juvenile justice so that they have an in-depth understanding of children's rights and the concept of rehabilitation. Encourage further research on the impact of the effectiveness of various types of criminal sanctions on the development and reintegration of children into society. By taking these steps, the reconstruction of the concept of criminal sanctions in the juvenile justice system can be directed towards a more humane and effective approach in supporting a better future for children involved in the legal system.
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