

The Role of Prosecutors in the Juvenile Justice System Towards Recidivist Juvenile Offenders at the Semarang District Attorney's Office

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Abstract

The purpose of this study is to determine the role of the prosecutor against recidivist child offenders in Decision Number 23/Pid.Sus-Anak/2024/PN Smg. The research method uses an empirical and sociological juridical approach that examines the effectiveness of the application of law through analysis of regulations, social values, and the practice of handling children's cases. The results of the study explain that the role of prosecutors in the juvenile criminal justice system against recidivist child offenders in the Semarang District Attorney's Office is very important and takes place thoroughly from the investigation stage to prosecution.

Prosecutors not only carry out the prosecution function, but also actively examine the completeness of case files, evaluate the results of the litmas from Bapas, and consider psychological, social factors, and the potential for child recidivism. Prosecution is carried out proportionally with a restorative and rehabilitative justice approach, paying attention to the principle of the best interest of the child, and applying disparity in charges between recidivist and non-recidivist child offenders. Obstacles in the form of time constraints and lack of family support are challenges, but case resolution is still pursued quickly, fairly, and in favor of the protection and social recovery of children. These findings indicate the urgency of improving the handling of recidivist child offenders, which requires a more comprehensive and adaptive update of the SPPA Law, as well as the issuance of prosecutor regulations as official guidelines based on restorative justice and the principle of the best interests of the child.

Keywords *Prosecutor's role, juvenile recidivist, restorative justice, juvenile justice system*

I. Introduction

The high rate of juvenile delinquency is a serious concern in the Indonesian legal system. Children, as agents of change, need to be guided and protected so that they grow up to be law-abiding individuals, not merely punished.¹ Law No. 11 of 2012 defines children in conflict with the law as those aged 12–

¹ Akbar Anugrah Fantono, “Analisis Kriminologi Terhadap Residivis Anak Sebagai Pelaku Tindak Pidana Kekerasan Seksual,” *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial* 1, no. 4 (2023): 41–45.

18 who are suspected of committing a criminal offense.² The handling of juvenile crime requires a restorative approach that places punishment as a last resort in the best interests of the child.³

The Attorney General's Office plays a crucial role in restorative justice for children as a prosecuting agency that enforces the law in accordance with Law No. 16 of 2004 and is responsible for justice as part of state authority.⁴ Section 30(1) of Law No. 16 of 2004 states that the duties of the public prosecutor's office include prosecution, enforcement of judgments, supervision of conditional sentences, certain investigations, and the completion of case files in collaboration with investigators.⁵ Prosecutors implement diversion for cases involving threats under seven years, ensuring that agreements are approved and monitored for a maximum of three months.⁶ Prosecutors act as mediators in diversion to protect children, but obstacles such as lack of understanding are overcome through education for children and families.⁷ Prosecutors

² Afione Ade Rosika, "Tinjauan Teori Perundang-Undangan Terhadap Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak," *Qistie* 12, no. 1 (2019): 22–33, <https://doi.org/10.31942/jqi.v12i1.2755>.

³ Louisa Yesami Krisnalita, "Diversi Pada Tindak Pidana Yang Dilakukan Oleh Anak," *Binamulia Hukum* 8, no. 1 (2019): 93–106.

⁴ Dian Rosita, "Kedudukan Kejaksaan Sebagai Pelaksana Kekuasaan Negara Di Bidang Penuntutan Dalam Struktur Ketatanegaraan Indonesia," *Jurnal Ius Constituendum* 3, no. 1 (2018): 27–47.

⁵ Denny Saputra, Andi Surya Perdana, and Hendrik Murbawan, "Peran Jaksa Dalam Sistem Peradilan Di Indonesia," *Halu Oleo Law Review* 6, no. 2 (2022): 219–29.

⁶ Nabila Wulandari, "Peran Jaksa Dalam Penegakan Hukum Terhadap Anak Yang Melakukan Tindak Pidana Pencurian," *BADAMAI LAW JOURNAL* 8, no. 2 (2023): 280–91.

⁷ Lilien Ristina, "Peran Jaksa Dalam Penerapan Kebijakan Diversi Terhadap Anak Pelaku Tindak Pidana," *Ius Constituendum* 3, no. 2 (2018): 166–78.

must prioritize the best interests of children through special procedures, assistance, sensitive treatment, and consideration of the results of social guidance in handling cases involving children.⁸

Past research on the role of prosecutors shows that the Demak District Attorney's Office has been doing its job according to the law, like the Law No. 16 of 2004 on the Attorney General's Office of the Republic of Indonesia and the Law No. 11 of 2012 on the Criminal Justice System for Children. The findings also revealed various challenges faced in the prosecution of juvenile cases, such as limited detention periods, internal obstacles related to the completeness of case files, and external challenges in the form of low participation of victims and witnesses in providing statements.⁹ The implementation of the prosecutor's duties in prosecuting children involved in theft crimes has been in line with applicable legal provisions, including those stipulated in Law No. 16 of 2004 on the Attorney General's Office of the Republic of Indonesia and Law No. 11 of 2012 on the Criminal Justice System for Children. Challenges in the prosecution process include the short duration of the prosecution period for children, internal obstacles in case file resolution, and external factors such as the lack of victim and

⁸ Nopiana Mozin, "Peran Kejaksaan Dalam Tahap Penuntutan Terhadap Anak Yang Melakukan Tindak Pidana (Studi Kasus Kejaksaan Negeri Gorontalo)," *Jurnal Sosial Ekonomi Dan Humaniora (JSEH)* 5, no. 2 (2019): 252–61.

⁹ Ana Azkan Nuvus and Ida Musofiana, "Peran Kejaksaan Dalam Penuntutan Terhadap Anak Pelaku Tindak Pidana Pencurian," in *Prosiding KONSTELASI ILMIAH MAHASISWA UNISSULA (KIMU)* 5, 2021, 350–62.

witness participation in providing statements.¹⁰ The implementation of diversion by prosecutors is still not optimal due to limited facilities, human resources, low public awareness of the law, and regulations that do not fully support its implementation.¹¹ The juvenile justice system in Indonesia emphasizes restorative justice and diversion, but faces challenges with repeat offenders. In Norway, restorative justice also involves families through conferences that repair relationships and support the rehabilitation of children, with the result of meaningful dialogue and improved family communication.¹²

The role of prosecutors in handling cases involving repeat juvenile offenders has become a key focus in the juvenile criminal justice system, particularly evident in the Semarang District Court Decision No. 23/Pid.Sus-Anak/2024/PN Smg, which highlights disparities in sentencing between two defendants in an assault case. This disparity raises crucial questions about the factors influencing the decision and the extent to which prosecutors consider these factors when drafting charges against children who repeatedly commit criminal offenses. Prosecutors face a complex dilemma between striving to impose deterrent effects as part of law

¹⁰ Nabila Wulandari, Erry Gusman, and Yenny Fitri, “Peran Jaksa Dalam Penegakan Hukum Terhadap Anak Yang Melakukan Tindak Pidana Pencurian,” *BADAMAI LAW JOURNAL* 8, no. 2 (2023): 280–91.

¹¹ Rini Wijaya, Hambali Thalib, and Salle, “Pelaksanaan Tugas Jaksa Dalam Penerapan Diversi Terhadap Anak Yang Berkonflik Dengan Hukum,” *Journal of Lex Theory (JLT)* 5, no. 2 (2024): 861–71.

¹² Therese Marie Andrews and Ann Kristin Eide, “Revisiting the Gap between Ideals and Realities within Restorative Justice: Experiences from the Norwegian Youth Justice Reform,” *Criminology and Criminal Justice*, 2024, 1–17, <https://doi.org/10.1177/17488958241235403>.

enforcement and upholding the principles of rehabilitation and child protection, which form the core foundation of the Juvenile Criminal Justice System Act (SPPA). Unfortunately, the SPPA does not specifically outline procedures for handling juvenile repeat offenders. The prosecutor's sentencing decision takes into account the defendant's criminal record, the psychological impact on the victim, and the effectiveness of rehabilitation that can be provided both within specialized juvenile detention facilities and through community-based rehabilitation. This situation highlights the complexity and multidimensional nature of the prosecutor's role, which must balance the interests of protecting children as vulnerable legal subjects with societal demands for justice and security. Therefore, every prosecutorial step requires careful and thoughtful policy-making to achieve restorative justice while minimizing the likelihood of future criminal recidivism. This issue highlights the complexity of the prosecutor's task in balancing child protection and societal interests.

This study presents new insights by examining the role of prosecutors in relation to juvenile repeat offenders in Decision Number 23/Pid.Sus-Anak/2024/PN Smg. The focus of this study has not been widely explored in previous studies, which have tended to emphasize the implementation of diversion and general obstacles in prosecuting juvenile cases. This study makes an important contribution by revealing the strategies and considerations of prosecutors in determining charges against juvenile repeat offenders and non-repeat offenders. This situation highlights the complexity of enforcing the law against juvenile repeat offenders, which is not explicitly regulated in the Child Protection Act (UU SPPA), and emphasizes the importance of balancing deterrence with

rehabilitation in the juvenile criminal justice system.

II. Methods

This type of research is empirical legal research with a sociological juridical approach that examines the effectiveness of law enforcement in society by considering social factors such as politics, economics, and culture, as well as legal aspects such as regulatory content, social values, and enforcement procedures.¹³ This method is used by analyzing the role of prosecutors in the juvenile justice system, especially repeat offenders, through a legislative, case, and conceptual approach.¹⁴ The main legal materials in this study include Law No. 11 of 2012 concerning SPPA, the Criminal Code, the Criminal Procedure Code, Government Regulation No. 65 of 2015 concerning diversion, and Attorney General Regulation No. 6 of 2019, which serves as a reference in handling cases involving repeat juvenile offenders. Data analysis in this study uses a prescriptive analytical method, which provides arguments based on the results of the research that has been conducted.¹⁵

III. Result and Discussion

The role of prosecutors in handling cases involving repeat offenders in the Juvenile Criminal Justice System in the Semarang

¹³ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

¹⁴ Ahmad Rosidi, M Zainuddin, and Ismi Arifiana, "Metode Dalam Penelitian Hukum Normatif Dan Sosiologis (Field Research)," *Journal Law and Government* 2, no. 1 (2024): 46–58.

¹⁵ Gunardi, *Buku Ajar Metode Penelitian Hukum* (Jakarta Selatan: Damara Press, 2022).

District Attorney's Office is reflected in Case Study No. 23/Pid.Sus-Anak/2024/PN Smg, which is evident from the initial investigation stage to the preparation of the prosecution. This involvement begins with the issuance of Order P-16, which grants prosecutors the authority to monitor and oversee the progress of the investigation into juvenile criminal cases from the outset. Subsequently, the investigators issue Order P-17 as official notification of the commencement of the investigation. The prosecutor's role became even more evident when the prosecutor's office issued Letter P-18 to assign prosecutors to examine the completeness of the case files, particularly the Examination Report (BAP), to ensure that formal and material requirements were met. In this case, prosecutors examine the BAP to understand the chronology of the criminal act and assess the results of the social investigation (litmas), which covers psychological aspects, social interactions, economic conditions, and the environment of the juvenile offender. The litmas revealed that one juvenile offender had a high assessment and was likely to reoffend (recidivist), while the other had a low assessment and was unlikely to reoffend. These assessment results were considered by the prosecutor in determining the disparity in prosecution. If deficiencies were found in the case files, the prosecutor would issue a P-19 Letter accompanied by instructions for improvement to the investigators. In this case, a P-20 Letter is not required because the case file review process was completed on time. Once all requirements are deemed complete, the prosecutor issues a P-21 Letter as notification that the investigation results are complete and the case is ready to be transferred to the prosecution stage. The legal basis for the role of prosecutors in the Juvenile Criminal Justice System, particularly for repeat juvenile offenders, includes Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), which emphasizes the role of prosecutors as guardians of children's rights from the investigation to the prosecution stage. Additionally, the Criminal

Procedure Code (KUHP), particularly Article 14(b) and Article 110(1), regulates the prosecutor's authority in investigations and the coordinative relationship between prosecutors and investigators, thereby strengthening the application of restorative justice by involving law enforcement agencies in an integrated manner.¹⁶ Prosecution is closely related to the pre-prosecution stage, during which the public prosecutor (JPU) cooperates with investigators in the handling of criminal cases. At this stage, the JPU has the authority to return case files to investigators for further refinement. The pre-prosecution stage is considered complete once the case file has been deemed complete (issued as P-21), after which it proceeds to the prosecution stage.¹⁷

Prosecution is carried out at this stage, with the child offender and evidence officially transferred from the investigator to the prosecutor. The prosecutor cross-checks the child offender's statement with the investigation report (BAP) and drafts an indictment as the basis for prosecution. In drafting the indictment, the prosecutor considers various aspects such as the completeness of the case file, statements from the perpetrator and witnesses, the results of the Bapas assessment, which includes an assessment of the potential for recidivism, and the child's behavior during the trial process. The prosecutor strives to draft an indictment that is not only retributive but also takes into account the factors that led the child to commit the crime, thereby promoting proportional rehabilitation.¹⁸

¹⁶ Anang Riyan Ramadianto and Bayu Akbar Wicaksono, "Sinergitas Aparat Penegak Hukum (APH) Dalam Mewujudkan Model Restorative Justice Terhadap Anak Berhadapan Dengan Hukum," *Jurnal Hukum Mimbar Justitia* 8, no. 2 (2022): 470–86.

¹⁷ Robert Andriano Piodo, "Penuntutan Terhadap Perkara Anak Dalam Sistem Peradilan Pidana Anak Di Indonesia," *Lex Crimen* III, no. 4 (2014): 5–12.

¹⁸ Syah Awaluddin, "Keadilan Restoratif: Konsep Dan Pengaturannya Dalam Sistem Hukum Indonesia," *Amandemen:*

The prosecutor faces a major obstacle in the form of a short prosecution period (5 days), which makes the case resolution process very rushed, as stipulated in Article 32(1) of the SPPA Law: It stipulates that the detention period for children during the prosecution process shall not exceed 5 (five) days. Handling cases involving children who have committed criminal offenses requires careful and specialized attention, given the short detention period and the need for appropriate communication methods with the child. This process must always prioritize the best interests of the child.¹⁹ Additionally, challenges arise from uncooperative families of the offenders, such as providing false information or failing to support the child's rehabilitation process in accordance with Article 9(2) of the SPPA Law: Emphasizing the need to consider social, cultural, and family support conditions in the diversion process. Preventive measures against the primary causes of juvenile crime require active involvement from the family, which plays a crucial role in safeguarding the child from becoming either a victim or an offender of criminal acts in the future.²⁰

The application of the restorative justice approach as stipulated in Articles 5 and 8 of Law Number 11 of 2012 concerning the Criminal Justice System for Children (SPPA Law), the form of restorative justice in this case is to provide counseling to the child's parents on the importance of more intensive supervision and guidance, accompanied by legal counsel, to prevent the recurrence of criminal acts. During this stage, the involvement of legal counsel also ensures that the legal process is fair and the rights of the child are protected as stipulated in Article 23 of the UU

Jurnal Ilmu Pertahanan, Politik Dan Hukum Indonesia 1, no. 1 (2024): 24–42.

¹⁹ Nuvus and Musofiana, “Peran Kejaksaan Dalam Penuntutan Terhadap Anak Pelaku Tindak Pidana Pencurian.”

²⁰ Adinda Putri Shaleha, “Implementasi Dan Intervensi Hukum Terhadap Anak Pelaku Tindak Pidana Pembunuhan,” *Indonesian Journal of Law and Justice* 1, no. 4 (2024): 1–14.

SPPA. This approach aligns with the principle of the best interests of the child, which states that the juvenile criminal justice system must prioritize the protection of the child's growth and development, both physically, mentally, and socially.²¹ Prosecutors not only carry out prosecutorial functions, but also act as facilitators of children's social recovery through a restorative approach, in order to realize the principle of the best interests of the child, so that normative child protection efforts are still not running optimally.²²

During the trial of the child's case, the public prosecutor listened to the testimony of witnesses, victims, and the child perpetrator as part of the evidence presentation. A religious approach was also taken, ordering the child perpetrator to kiss the hands of the victim's parents while kneeling as a symbol of apology and remorse for his actions. This action is one of the considerations in the prosecutor's indictment, which also takes into account the principle of individualization of punishment, especially given the disparity in risk levels between the two perpetrators. One of the perpetrators, I.S. (a repeat offender), has a high risk assessment, while the other perpetrator, D.A.M., has a low risk assessment.

Based on the results of the prosecution, the prosecutor filed the following charges:

- For child I.S.: imprisonment for 5 (five) years at the Kutoarjo Class I LPKA, minus the period of temporary detention.
- For child D.A.M.: a corrective sentence of religious education for 3 (three) years at the LPKS Pondok Pesantren Raden Sahid Mangunan Lor, Demak, reduced by the period of

²¹ Ahmad Haris Muizzuddin et al., "Implementasi Prinsip Kepentingan Terbaik Untuk Anak Dalam Sistem Peradilan Anak Melalui Pemidanaan Edukatif," *Jurnal Syariah Dan Hukum Islam* 1, no. 1 (2022): 1–39.

²² Rahayu Mulyana Saputri, Fitri Wahyuni, and Muhsin, "Analisis Kebijakan Dalam Hukum Pidana Perlindungan Anak Pada Pembaruan Sistem Peradilan Pidana Anak Di Indonesia," *Selodang Mayang* 10, no. 2 (2024): 133–39.

pretrial detention.

- For both: an additional sentence of vocational training for 3 (three) months at the Yayasan Cinta Kasih Bangsa (YCKB) Ungaran as an alternative to a fine.

The judge's decision in this case took into account a corrective justice approach and protection of the children, imposing a lighter sentence than the prosecutor's request (*straffmaat*), namely:

- I.S. was sentenced to 4 years and 6 months at the LPKA.
- D.A.M. was sentenced to 3 years at the LPKS.
- Both will serve an additional sentence of 3 months of vocational training at YCKB Ungaran.

Prosecutors draft indictments by referring to similar cases that have occurred previously in order to expedite the prosecution process due to time constraints. In cases involving children, prosecutors are legally encouraged to consider various non-custodial options, such as diversion, dismissal of charges, or probation, before imposing prison sentences.²³ In practice, prosecutors imposed different sentences on the two juvenile offenders based on the results of assessments and their individual circumstances. Ultimately, the judge handed down a ruling that slightly reduced the length of the sentences imposed on the two juvenile offenders.

The difference in charges between repeat offenders and non-repeat offenders is due to the status of repeat offenders, which causes them to lose the opportunity for diversion and receive harsher legal treatment. In accordance with Article 64 of the SPPA Law: Exemption from detention of children with guarantees and Article 69: Children under 14 years of age are subject to measures,

²³ Anette Storgaard, "Juvenile Justice in Scandinavia," *Journal of Scandinavian Studies in Criminology and Crime Prevention* 5, no. 2 (2004): 188–204, <https://doi.org/10.1080/14043850410028703>.

while children 15 years of age and above are subject to criminal penalties. Criminal sanctions are more severe and may include imprisonment. The legal protection limits for children who can be held accountable as perpetrators of criminal acts are determined based on age. Children under the age of 12 cannot be held criminally liable, while children between the ages of 12 and 14 may be subject to legal sanctions, not criminal imprisonment. Imposing criminal penalties of imprisonment on child offenders is a last resort and differs from the treatment of adult offenders, who are immediately subject to criminal penalties.²⁴ Disparities in rulings often occur because judges and prosecutors have different subjective assessment criteria, with prosecutors focusing more on the process and judges focusing more on the facts presented in court.²⁵

This ruling reflects the application of the principle of the best interests of the child, which is the spirit of the Juvenile Criminal Justice System (SPPA) as stipulated in Article 3 letter b of Law No. 11 of 2012, which emphasizes that this system must guarantee the protection of children physically, mentally, and socially. Furthermore, Article 22 of the SPPA emphasizes that during the examination of a child's case, prosecutors, judges, and other officials are not permitted to wear robes or official attire, as a special form of protection to create a child-friendly courtroom environment. Pursuant to Article 82(1)(e) of Law No. 11 of 2012 on the Juvenile Criminal Justice System, one form of action that may be imposed on children is requiring them to attend formal

²⁴ Hamdan, Alwi Jaya, and Elvi Susanti Syam, "Batasan Perlindungan Hukum Bagi Anak Yang Dapat Dipertanggungjawabkan Sebagai Pelaku Kejahatan," *Al-Ishlah: Jurnal Ilmiah Hukum* 24, no. 1 (2021): 53–67, <https://doi.org/10.56087/aijih.v24i1.62>.

²⁵ Ryan Chandra Sukma and Rosalia Dika Agustanti, "Disparitas Putusan Hakim Terhadap Pelaku Tindak Pidana Ujaran Kebencian Yang Dilakukan Oleh Masyarakat Umum," *Jurnal Esensi Hukum* 5, no. 1 (2023): 50–66.

education and/or training programs organized by the government or private institutions. Meanwhile, Law No. 23 of 2002 on Child Protection states that the Child Correctional Institution (LAPAS Anak) functions as an educational facility for children, not as a place of punishment. Additionally, section 84 of the Child Criminal Justice System Law (UU SPPA) states that children placed in the Temporary Child Placement Institution (LPAS) are still in the judicial process or adjudication stage.²⁶

The guidance provided to juvenile offenders aims to change their behavior for the better while continuing to respect their rights throughout the guidance process. In the context of the juvenile criminal justice system, there are no specific written rules governing the role of prosecutors in supervising the sentencing of juvenile repeat offenders, but the existing rules on the role of prosecutors are not limited to that of public prosecutors; they also play a role in supervising the implementation of court decisions, particularly when children are given conditional sentences. In accordance with Article 73(7) of Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA), during the period when a child is serving a conditional sentence, the prosecutor is responsible for supervision, while the social worker is responsible for providing guidance to ensure the child meets the specified conditions.²⁷ The legal basis for this authority is clearly stated in Section 30 paragraphs (1) to (3) of Law No. 16 of 2004 on the Attorney General's Office of the Republic of Indonesia, which stipulates that the Attorney General's Office has the authority to execute court

²⁶ Agus Darwanta, "Penerapan Prinsip Terbaik Untuk Anak (the Best Interest of the Child) Dalam Pemenuhan Hak Anak Di Lembaga Pembinaan Khusus Anak," *Reformasi Hukum* 24, no. 1 (2020): 60–76, <https://doi.org/10.46257/jrh.v24i1.83>.

²⁷ Wayan Agus Singid Adnyana, Ni Luh Gede Astariyani, and I Nyoman Bagiastra, "Analisis Yuridis Pengaturan Syarat Pelaksanaan Diversi Pada Tingkat Pemeriksaan Di Pengadilan Dalam Sistem Peradilan Pidana Indonesia," *Jurnal Komunikasi Hukum* 10, no. 4 (2024): 25–36.

decisions that have permanent legal force. The Attorney General's Office is also authorized to supervise the implementation of conditional sentences, supervised sentences, and the implementation of conditional release decisions.²⁸

The juvenile offender in Case No. 23/Pid.Sus-Anak/2024/PN Smg must undergo an additional sentence of three months of vocational training for rehabilitation. The rehabilitation program includes various activities such as education, vocational skills training, therapy, substance abuse treatment, and other interventions aimed at developing the offender's abilities, meeting their needs, and building positive relationships with their surroundings.²⁹ The rehabilitative and restorative justice approach focuses on individual and comprehensive treatment to reduce recidivism and support the reintegration of offenders into society. Each individual has unique needs and circumstances that influence their criminal behavior, so interventions are tailored to factors such as mental health, education, and family dynamics. Social, economic, psychological, and environmental factors are also considered in the treatment process. Services provided include education, job training, mental health services, substance abuse rehabilitation, and social support. This approach emphasizes addressing the root causes of the problem rather than punishment alone to encourage positive change.³⁰

IV. Conclusion

²⁸ Saputra, Surya Perdana, and Murbawan, "Peran Jaksa Dalam Sistem Peradilan Di Indonesia."

²⁹ Lisa Forsberg and Thomas Douglas, "What Is Criminal Rehabilitation?," *Criminal Law and Philosophy* 16, no. 1 (2022): 103–26, <https://doi.org/10.1007/s11572-020-09547-4>.

³⁰ Constanza Vicente, "From Punishment to Rehabilitation: A Progressive Vision for Criminal Justice Reform," 2023.

The role of prosecutors in the juvenile criminal justice system for repeat juvenile offenders at the Semarang District Attorney's Office, as illustrated in Case Study Decision Number 23/Pid.Sus-Anak/2024/PN Smg, is very important and comprehensive, from the investigation stage to the prosecution stage. Prosecutors not only perform prosecutorial functions but also actively participate in reviewing the completeness of case files, evaluating the results of psychological assessments from the Child Protection Agency (Bapas), and considering psychological, social, and potential recidivism factors of the child. Prosecution is conducted proportionally through a restorative and rehabilitative justice approach, taking into account the principle of the best interests of the child, and applying disparity in charges between juvenile repeat offenders and non-repeat offenders. Limited time constraints and lack of family support pose unique challenges for prosecutors, yet efforts are made to resolve cases swiftly, fairly, and in a manner that prioritizes the protection and social rehabilitation of children. Recommendations for improvement in the handling of repeat child offenders require more comprehensive provisions related to diversion and restorative justice-based juvenile punishment, with priority given to the best interests of the child. The revision of the SPPA is expected to open up space for the issuance of prosecutor regulations as official guidelines for the handling of repeat child offenders, so that prosecutors have a clear legal basis for carrying out their duties.

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