

MINIMUM AGE LIMIT OF CRIMINAL RESPONSIBILITY FOR CHILD DRUG COURIERS BASED ON THE PRINCIPLE OF THE BEST INTEREST OF THE CHILD

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Abstract

This study examines the lowest age for being held criminally accountable for children involved as drug couriers in Indonesia, emphasizing The approach that underscores the necessity of safeguarding the child's best interests as a primary consideration. Under Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law), the current minimum age is established at 12 years. However, this threshold is considered inconsistent with child psychological development, international legal standards, and the demands of Indonesia's national legal framework. The objective of this research is to assess the appropriateness of this age limit and propose recommendations for progressive policy reforms. Employing a normative legal research method, this study adopts a statutory approach complemented by comparative law and legal theory analysis. Data collection relies on a literature review encompassing primary, secondary, and tertiary legal sources. The analytical method used is descriptive-analytical, which evaluates the appropriateness of the minimum age for Liability arising from unlawful actions through the lenses of legal and psychological perspectives. The findings reveal that children at the age of 12 generally lack the mental, emotional, and cognitive maturity to Understand the implications that arise from the decisions they make. For example, Germany sets the minimum age at 14 years, adopting a rehabilitative framework centered on education and care, which has effectively upheld children's rights while mitigating the adverse impacts of the criminal justice process. In Indonesia, the juvenile justice system must align more closely with the principle of the child's best interests, as articulated in the Convention on the Rights of the Child and the SPPA Law. The research concludes that Indonesia should raise the minimum age of juvenile Liability arising from unlawful actions to 15 years. Such a policy is anticipated to foster a more equitable, humane legal system that supports the developmental needs of children. Additionally, regular reviews

of the SPPA Law are essential to ensure the juvenile justice system remains relevant to evolving societal conditions and contemporary scientific insights.

Keywords: Minimum age limit, criminal liability, proportional principle

1. Introduction

The problem of drug abuse in Indonesia has reached an alarming level. Narcotics abuse, which is the use without medicinal purposes to excessively enjoy the effects of the substance, has a negative impact on the physical, psychological, and social life of users (Simanjuntak, 2006, p. 22). The situation is further complicated by the fact that children are often used as drug couriers. They are trapped by the seduction of drug dealers who promise large sums of money. Children, who by nature have immature decision-making skills, should be treated as victims, not perpetrators, in this context. Children are vulnerable to exploitation in drug trafficking, which does not consider religion, race, or age (Koesno, 2014, p. 90). These conditions indicate weaknesses in the child protection system that require more serious attention from various parties, including the government, society, and law enforcement.

Naturally, children have not fully developed reasoning power to distinguish between good and bad actions. Crimes involving children are often the result of environmental influences or adult persuasion. The criminal justice system that formally establishes children as prisoners has a serious impact on their growth and development. The placement of children in prison not only fails to create a deterrent effect, but often reinforces children's involvement in criminal behavior (Hidayati, 2013, p. 146). In addition, the social stigma against children who have served their sentences often makes it difficult for them to return to society, thus triggering them to become involved in crime again.

Narcotics crime is categorized as an extraordinary crime with severe penalties, including the death penalty. However, these penalties have not been able to stop drug trafficking in Indonesia. The position of children as perpetrators in drug trafficking raises a dilemma, both juridically, sociologically, and philosophically. On the one hand, legal norms bind all individuals without exception; however, on the other hand, children as legal subjects are often considered unqualified to be held fully accountable for their actions (A. Prasetyo, 2020, p. 2). In addition, the role of children in drug networks is often supported by a lack of parental supervision, lack of education, and weak socio-economic conditions, which make children more easily exploited by irresponsible parties. An educative approach is needed, considering that the state has an important responsibility in protecting and fostering children who are in this situation. Here, a restorative justice-based approach can be an alternative solution in dealing with children's cases, including children involved in drug-related crimes.

Article 1 Paragraph (2) of Law No. 23/2002 defines child protection as encompassing all efforts aimed at ensuring and safeguarding children's rights to live, grow, and develop optimally in alignment with human dignity, while preventing violence and discrimination. These protective measures include prevention, rehabilitation, and empowerment programs for children who have been victims of exploitation or neglect, ensuring their overall health, including bodily, psychological, and societal aspects, to ensure, support their survival and development (Gultom, 2018, p. 70). In addition, the implementation of child protection policies needs to pay attention to aspects of prevention through education, strengthening families, and law enforcement that is responsive to the best interests of children.

In accordance with Law No. 11/2012 on the Juvenile Justice System, juvenile Liability arising from unlawful actions is imposed at the age of 12 years to 18 years, replacing the

previous provision that set a minimum age of 8 years under Law No. 3/1997 on Juvenile Courts. However, this minimum age limit is considered less relevant from a developmental psychology perspective and has been criticized, including by the Institute for Criminal Justice Reform (IJCR), which suggests a minimum age of 14 years old (Sitepu, 2022, p. 42). Setting an appropriate age limit is crucial because, from a psychological perspective, children below a certain age lack the capacity to fully comprehend the legal implications of their actions.

In comparison, several countries have adopted a more progressive stance in setting the lowest age for being held criminally accountable. For example, European nations such as Austria, Germany, and Italy have established the threshold at 14 years, while Greece and Scandinavian countries have set it at 15 years. Some countries even increase the minimum age to 18 years old, such as Belgium and Yugoslavia (ICJR, 2015). This fact shows that the legal approach in Indonesia needs to consider international standards to protect the best interests of children.

Given these considerations, it is essential to reassess the minimum age of juvenile Liability arising from unlawful actions by factoring in psychological aspects and brain development. Critical elements such as decision-making skills, planning capabilities, and impulse control should form the foundation for determining the appropriate minimum age (Agustiawan et al., 2023, p. 73). Within this framework, the principle of the «best interests of the child» serves as a cornerstone in crafting legal policies that are more humane, equitable, and relevant to current societal needs. This study seeks to examine the ideal minimum age of Liability arising from unlawful actions for children involved as drug couriers, guided by this principle.

2. Materials and Methods

This study adopts a normative legal research method, as outlined by Soekanto and Mamudji (Soekanto & Mamudji, 2010, p. 5), which emphasizes a literature-based approach and utilizes secondary legal materials. This methodology was selected to examine legal principles pertinent to determining the lowest age for being held criminally accountable for child drug couriers and its connection to the principle of the best interests of the child.

Normative legal research relies on three types of legal materials: primary, secondary, and tertiary sources. Primary legal materials include laws, such as Law No. 11/2012 on the Juvenile Criminal Justice System, official records like legislative proceedings, and court decisions with permanent legal standing. These materials are employed to evaluate the juridical foundation for the lowest age for being held criminally accountable and child protection within Indonesia's legal framework.

Secondary legal materials include textbooks, scientific journals, and other relevant scientific writings (Sedarmayanti, 2009, p. 2). This literature includes studies on the psychological development of children, legal protection of children in conflict with the law, as well as a comparison of the age of Liability arising from unlawful actions of children in various countries. In this research, secondary legal materials are used to understand international legal principles and child rights standards, such as those set out in the Convention on the Rights of the Child (UNICEF, 1989) (UNICEF, 1989).

Tertiary legal materials serve as support to provide explanation or guidance on primary and secondary legal materials. Examples are legal dictionaries, encyclopedias, mass media, and other references that provide additional context related to the issues studied.

The collection of legal materials was carried out through three main techniques. The first technique is a document study, which records primary and secondary legal materials to trace the literature relevant to the legal issues studied. This technique was used to explore the legal concepts underlying the discussion on the minimum age limit of juvenile Liability arising from unlawful actions. The second technique is a literature

study, which examines legal literature and other references related to the development of child law, such as books and journals that discuss child protection and restorative justice-based approaches. The third technique was internet studies, which sought additional information relevant to the research topic through credible online sources, such as international organization reports and related scientific articles (Syahrums, 2022, p. 1).

Data analysis in this study was conducted using a descriptive-analytical approach (P et al., 2023, p. 5). The descriptive method was employed to present and elaborate on concepts, legal principles, and international standards associated with the lowest age for being held criminally accountable. This approach provides a detailed explanation of these elements in the context of juvenile Liability arising from unlawful actions. The analysis draws upon the perspectives of legal scholars, relevant laws and regulations, as well as forensic psychology and neurolaw studies that pertain to child development.

This study combines juridical, sociological, and psychological perspectives to present a comprehensive understanding of the legal protection afforded to children involved as drug couriers. This approach aligns with the research objective outlined in the introduction, which is to assess the lowest age for being held criminally accountable for children based on the principle of the best interests of the child. Through this method, the study aims to propose legal policy recommendations that are more humane, equitable, and progressive.

3. Results and Discussion

Criminal Liability Arrangement for Child Courier of Narcotics in Indonesia: Drug abuse in Indonesia involves not only adults but also minors below the age of 18. The role of children as drug dealers or couriers is now a troubling phenomenon. One prominent case occurred in 2018 in Makassar, where a 12-year-old child became a drug dealer (Hendra Cipto, 2018). Cases like this show that children are often used by drug networks because they are considered more impressionable and receive less legal attention. In this context, special handling in accordance with the principles of justice for children is needed (Anwar, 2019, p. 41).

In the Indonesian legal framework, the Criminal Code stipulates that acts violating the law are subject to criminal sanctions (T. Prasetyo, 2012, p. 50). However, Liability arising from unlawful actions cannot be imposed on children who lack the legal capacity to be held accountable (Ali, 2022, p. 61). (Ali, 2022, p. 61). According to Article 45 of the Criminal Code, children under 16 years of age who commit criminal offenses are generally returned to their parents or guardians without facing criminal penalties, except in specific cases. If necessary, they may be placed in state educational institutions or similar facilities for guidance. This provision is intended to safeguard the mental and social development of children, aligning in line with the best interests of the child principle.

The Indonesian criminal justice system employs the monolithic theory, which integrates the elements of *actus reus* (objective element) and *mens rea* (subjective element) (Bandalli, 1998, p. 116). In this framework, fault serves as a key factor in determining Liability arising from unlawful actions. Psychologically immature children often lack a comprehensive understanding of the legal consequences of their actions, warranting different treatment compared to adults (Wahyuni, 2017, p. 116). (Wahyuni, 2017, p. 64).

1). Legal System Related to Narcotics Crime

Law Number 35/2009 on Narcotics classifies narcotics offenders into two groups: dealers and users (Saleh, 2002, p. 80)¹⁸ Dealers include those who illegally produce, sell or distribute drugs, while users include addicts and abusers. Criminal liability for children involved as drug couriers should take into account age, mental capacity, and environmental impact (Iqbal, 2019, p. 83).

In dealing with children in conflict with the law, the restorative justice approach

stipulated in Law No. 11/2012 is very relevant. This approach aims to repair and restore the situation, not merely punish the perpetrator. This principle is in line with the normative legal research method used in this research, which emphasizes the importance of legal protection for children based on national and international legal foundations.

2). Children's Rights in the Justice Process

minors involved in legal conflicts are entitled to specific rights under the Juvenile Justice System Law. These rights include being treated with dignity, receiving access to legal assistance, being held separately from adult detainees, and having their identity protected. Furthermore, the Convention on the Rights of the Child emphasizes that the principle of the best interests of the child must underpin all policies and legal decisions. (Ariani, 2014, p. 114).

As part of the restorative justice approach, minors below the age of 14 can only be subject to non-custodial measures, such as return to parents or handover to social institutions (Djamil, 2013, p. 16). This process is designed to minimize the negative impacts of imprisonment, such as abuse or exposure to bad influences from adult prisoners.

Children's rights are founded on four fundamental principles outlined in the Convention on the Rights of the Child: equality, prioritizing the child's best interests, the right to life, and acknowledging the child's perspectives (Unicef, 2024). These principles are incorporated into Indonesia's legal system through the ten core values enumerated in Article 2 of the Juvenile Justice System Law, which emphasize protection, justice, guidance, and the prioritization of punishment as a last resort.

3). Synchronization with Normative Approach

The introduction of this study emphasizes the critical role of the best interests of the child principle in establishing the lowest age for being held criminally accountable. This principle is explored through the integration of primary, secondary, and tertiary legal sources to examine the legal foundations and implementation of juvenile criminal law. For instance, the analysis of the juvenile justice system relies on the Law on Juvenile Justice System as the main legal framework, with the Convention on the Rights of the Child serving as a secondary source to reflect international standards.

Data collection techniques, such as document review and desk research, supported an in-depth analysis of this legal issue. Internet studies, as one of the methods used, help supplement the data with up-to-date references related to international legal practice. Thus, the research methods applied are not only relevant, but also support the strengthening of the arguments in the discussion.

From the discussion, it can be concluded that implementing restorative justice, revising the lowest age for being held criminally accountable, and upholding children's rights are essential components in establishing a humane criminal justice system. This study aims to serve as a reference for refining legal policies, particularly in addressing cases involving children as drug couriers.

3.1. *Psychological perspective in determining the lowest age for being held criminally accountable*

The juvenile Liability arising from unlawful actions system under the Juvenile Justice System Law should take into account psychological factors, particularly the concept of *doli incapax*, which relates to the intellectual, emotional, and mental capacity of children based on their developmental stage. Legal provisions must be grounded in the principle of the best interests of the child and the protection of their constitutional rights, similar to practices in many developed countries. the lowest age for being held criminally accountable should reflect the age at which children are deemed capable of comprehending the implications of their actions and taking responsibility for them.

Currently, Law No. 11 of 2012 establishes the lowest age for being held criminally accountable in Indonesia at 12 years, an improvement from the previous threshold of 8 years, as specified in Law No. 3 of 1997. However, the application of the age of 12 has drawn

criticism as it is considered less relevant to the development of forensic psychology and international standards (Sitepu, 2022, p. 42).

The Institute for Criminal Justice Reform (ICJR) argues that 12 years of age is not mentally sufficient to face formal legal processes (Agustiawan et al., 2023, p. 160). As an alternative, Article 69 paragraph (2) of the Juvenile Justice System Law stipulates that minors below the age of 14 should be directed to undergo guidance measures, such as return to parents, treatment in a mental hospital, formal training, or correction of the consequences of the crime. However, legal proceedings involving children often lead to negative impacts, such as social stigma, difficulty adapting to society, and discriminatory treatment.

Reality shows that Indonesian society tends to view crimes, including those committed by children, as punishable. This view affects law enforcement against children in conflict with the law, especially in drug cases. Children involved in drug trafficking are often perceived as a serious threat, so law enforcers are more likely to impose criminal sanctions rather than provide protection.

a). Environmental and Psychological Influences on Child Behavior

The environment plays an important role in shaping children's character and behavior. Children who grow up in a healthy environment tend to have better self-control than children who do not get supervision or guidance. In many cases, deviant behavior in children is often caused by a lack of family support and an educational environment.

The psychological development of children shows that the capacity to understand unlawful acts is strongly influenced by the level of mental maturity. Neurologically, the human brain continues to develop until the age of 25. The prefrontal cortex, which is responsible for decision-making, emotional control and behavioral planning, only reaches maturity in late adolescence (Blakemore, 2018, p. 119).

Research shows that children aged 12 to 18 years old have limitations in anticipating the consequences of their actions compared to adults. This is due to their immature brain development, which makes them more impulsive and susceptible to environmental influences (Neuropsych, 2022). In addition, according to the American Psychological Association (APA), children and adolescents have poorer decision-making skills than adults due to psychological and neurobiological factors (Steinberg, 2009, p. 468).

b). Psychological Component in Criminal Liability

Liability arising from unlawful actions must be based on the individual's capacity to understand the actions taken, choose an appropriate response, and realize the legal consequences of his or her actions (Ferguson & Ogloff, 2011, p. 87). This component includes cognitive ability, emotional maturity, and moral understanding. According to Lawrence Kohlberg's theory of moral development, the ability to understand rules and laws only reaches maturity at the age of 15 years or more (Marinda, 2020, p. 125).

In the context of criminal law, the minimum age of accountability must consider the cognitive and moral development of the child. Jean Piaget argues that the ability to think logically and abstractly begins to develop at the age of 12, but socio-emotional maturity takes longer (Kambam & Thompson, 2009, p. 182). Therefore, 12 years old as a minimum age is considered not fully adequate to assume Liability arising from unlawful actions.

c). Minimum Age Adjustment Recommendation

Based on the findings above, the minimum age of juvenile Liability arising from unlawful actions should be raised to 15 years old. This is in line with the psychological development of children, which shows that this age is the initial phase of maturity in moral reasoning, decision making, and emotional control (Ibda, 2023, p. 69). This adjustment is not only relevant to the findings of forensic psychology, but also in line in line with the best interests of the child principle stipulated in the Convention on the Rights of the Child.

Adopting a higher minimum age allows time for children to develop optimally

without the stigma or negative impact of legal proceedings. It also supports the application of restorative justice, which emphasizes guidance and recovery over retributive punishment. By doing so, Indonesia's legal system will be more responsive to child protection needs and create a more responsible generation in the future.

3.2. *The Importance of Evaluating the lowest age for being held criminally accountable for Children Based on the Principle of Child Protection*

The evaluation of the lowest age for being held criminally accountable for children is a crucial aspect of the juvenile justice system that must be continuously updated in line with advancements in scientific knowledge, particularly in psychology and children's rights. The minimum age set within the juvenile justice system plays a vital role in determining whether a child is legally capable of being held accountable for criminal actions. In Indonesia, the lowest age for being held criminally accountable is regulated by Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA Law), which establishes a minimum age of 12 years.

However, this provision requires further evaluation, taking into account a more comprehensive child protection principle, particularly the best interests of the child principle. In this context, the minimum age stipulated in the SPPA Law may not fully reflect a child's psychological readiness and mental development to be held accountable for their actions. Setting a higher minimum age would allow for better protection of the child, as children below the age of 15 typically do not possess the full capacity to understand the legal consequences of their actions.

The evaluation of the minimum age should also consider international standards, as outlined in the Convention on the Rights of the Child and recommendations from the UN Committee on the Rights of the Child, which suggest that the lowest age for being held criminally accountable should be set between 14 and 16 years. This aims to strike a balance between law enforcement and the protection of children's rights.

The Best Interests of the Child as a Foundation for Decision-Making

The principle of the best interests of the child emphasizes prioritizing the welfare, development, and survival of children. It mandates that every decision made by government entities, communities, legislative bodies, or courts must place children's interests at the forefront. In the context of juvenile justice, this principle seeks to foster humane and progressive legal protections, in accordance with the SPPA Law's objectives.

Despite these efforts, challenges remain in fully implementing this principle, particularly concerning the lowest age for being held criminally accountable. The United Nations Committee on the Rights of the Child, in its review of Indonesia, recommended raising the minimum age from 12 to between 14 and 16 years. This recommendation is grounded in psychological research showing that children aged 12 lack sufficient cognitive capacity to fully grasp the implications of criminal proceedings. Comparatively, several countries, such as Austria, Germany, and Yugoslavia, have set the minimum age at 14 years, Greece at 15 years, and Belgium at 18 years (Soetodjo, 2008, p. 70).

Minimum age and justice for drug courier children

Setting the minimum age for Liability arising from unlawful actions is a crucial factor in achieving justice. minors involved in legal conflicts must be treated fairly, with consideration given to their age, psychological state, and social circumstances. In this context, the juvenile justice system should emphasize guidance and protection rather than punitive measures.

As criminal offenders, child drug couriers are often in a vulnerable position. They become part of criminal networks because of persuasion or environmental pressure, not because of malicious intent. Therefore, sanctioning children must consider the principle of the best interests of the child. This includes providing guidance at the Child Social Welfare Institution (LKSA) or educational programs that support the rehabilitation of children, rather than detention which can have negative impacts.

In implementing the best interests of the child principle, it is important to periodically review the minimum age limit. Experts, such as Roeslan Saleh, argue that the minimum age should reflect the child's capacity to understand his or her actions and participate effectively in the judicial process. Psychological research has also shown that the age of 15 to 16 reflects more mental maturity to deal with the legal process (Krisnawati & Utami, 2021, p. 409).

From an international perspective, The Council for the Administration of Criminal Justice and Protection of Juveniles recommends a minimum age of 14 years or older, taking into account three main aspects:

1. Children lack the capacity to understand criminal law offenses at an early age. The UN Committee on the Rights of the Child recommends that the minimum age should be at least 14, but preferably higher.
2. Their cognitive, emotional and moral capacities develop over time, so higher ages provide opportunities for children to understand the consequences of their actions.
3. The effective participation of children in the criminal justice process requires a full understanding of the process and its impact.

Recommendations and Policy Implications

The author proposes raising the lowest age for being held criminally accountable to 15 years, grounded in juridical, psychological, and child welfare considerations. Furthermore, periodic reviews of the SPPA Law are necessary to address dynamic social changes and shifting legal needs. This recommendation aims to foster a juvenile justice system that is more inclusive and responsive, upholding the principles of justice, benefit, and legal certainty (Kamil, 2013, p. 96). As a nation that has ratified the Convention on the Rights of the Child, Indonesia is obligated to uphold and safeguard children's rights. Revising the minimum age for juvenile Liability arising from unlawful actions represents a critical move toward establishing a more equitable legal framework that aligns with the developmental needs of children (Aqsa & Isnur, 2012, p. 17).

3.3. Differences in the Regulation of Minimum Age of Liability arising from unlawful actions for Children in Indonesia and Germany

The regulation of the lowest age for being held criminally accountable for children is a fundamental aspect of juvenile justice systems. In Indonesia, this age is set at 12 years old, as stipulated in Article 1(3) and Article 81 of Law Number 11 of 2012 on the Juvenile Justice System (SPPA). Children under this age are considered incapable of Liability arising from unlawful actions and are directed toward non-penal measures such as rehabilitation.

In contrast, Germany applies a slightly different approach, the lowest age for being held criminally accountable is set at 14 years. Children below this age cannot be subjected to criminal sanctions but may be placed under social protection or educational supervision by child welfare authorities. This reflects Germany's legal philosophy, which prioritizes education over punishment in dealing with juvenile offenders.

This difference illustrates the distinct legal frameworks adopted by both countries. Indonesia employs a hybrid approach, combining traditional customary law and a more repressive modern criminal law framework. Meanwhile, Germany adopts a civil law system that emphasizes rehabilitation and education within juvenile criminal law.

Both countries face similar challenges in balancing the protection of children's rights with the need to uphold the law. However, the disparity in the minimum age reflects differing legal priorities. Indonesia leans more toward criminal law measures, while Germany emphasizes rehabilitative and educational approaches. Setting the age of Liability arising from unlawful actions aims to create legal protections that provide special treatment for children. Although the Beijing Rules do not set a specific age limit, the document emphasizes that the minimum age should not be set too low. This is due to the historical and cultural differences in each country in shaping the relevant laws.

Juvenile law in Germany is federally regulated and reflects a juvenile justice approach that focuses on rehabilitation. After World War I, Germany introduced the Child Welfare Act of 1922 and the Juvenile Justice Act of 1923, which marked the beginning of its approach to juvenile delinquency. In 1953, Germany adopted the Juvenile Justice Act, which was later updated through amendments in 1990. These provisions, together with the German Penal Code (Strafgesetzbuch), Article 46a and the Criminal Procedure Code (StPO), Article 153a, support rehabilitative approaches such as mediation, diversion from prosecution, and payment of compensation as alternatives to criminal punishment (Amaldy & Setiyono, 2024, p. 1438).

Characteristics of Juvenile Justice in Germany

The relatively high minimum age of Liability arising from unlawful actions in Germany provides greater opportunities to reduce juvenile offending. The German juvenile justice system emphasizes education and care, which aims to minimize direct intervention in the form of criminal punishment. Instead, it prioritizes rehabilitation and diversion, involving the active role of parents, communities and law enforcement officials. This approach allows the identification of the underlying causes of deviant behavior in children. By understanding the root causes, authorities can design more effective prevention strategies. This model not only provides more humane treatment to the child, but also prevents social stigma and provides an opportunity for the child to return to a normal life.

Relevance for Indonesia

A comparison with Germany shows that too low a minimum age limit can undermine a child's capacity to understand the criminal justice process. Children held accountable at an early age are often unaware of the importance of the process and are more vulnerable to its negative impacts. Therefore, Indonesia's juvenile criminal justice system should consider adopting Germany's education and care model. Indonesia's SPPA Law, which sets the minimum age at 12 years old, needs to be evaluated. Increasing the minimum age to 14 or 15, as in Germany, would allow more time for children to develop physically, mentally and emotionally before being held legally accountable. This approach also aligns in line with the best interests of the child principle, which has become a key principle in international juvenile justice systems. By adopting a more progressive approach as in Germany, the Indonesian legal system can reduce the negative impact of the criminal justice process on children, improve the effectiveness of rehabilitation, and create a more humane and inclusive legal environment.

4. Conclusions

Minimum age of Liability arising from unlawful actions for children in Indonesia, currently set at 12 years under Law No. 11 of 2012 on the Juvenile Criminal Justice System, is deemed inconsistent with the psychological development of children and international legal standards. The study indicates that children aged 12 generally lack the mental, emotional, and cognitive maturity to fully comprehend the legal consequences of their actions. In an international context, countries such as Germany set the minimum age at 14 years, adopting a rehabilitative approach that emphasizes education and care. This approach has been shown to be more effective in protecting children's rights and mitigating the adverse impacts of the criminal justice process. Therefore, this study recommends raising the minimum age to 15 years in Indonesia, aligning more closely in line with the best interests of the child principle, as outlined in the Convention on the Rights of the Child. Additionally, the juvenile justice system in Indonesia should adopt more restorative justice approaches that prioritize rehabilitation and guidance over punitive measures. Such approaches are not only more humane but also help avoid social stigmatization and other negative effects associated with detention. This proposed revision of the minimum age is expected to create a fairer legal system that supports the optimal development of children and aligns with the needs of modern society

and advances in scientific knowledge, particularly in the field of child developmental psychology. Overall, this reform aims to strengthen child protection measures and establish a more progressive and child-oriented justice system.

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