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Examining the Norms of Juvenile Sentencing Legislation in Indonesia: Balancing Fairness, Rehabilitation, and Support for Victims

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Abstract

The persistent focus on the issue of sentencing minors for criminal behavior has consistently captured broad public attention, acknowledging that even children can become involved in unlawful activities. In the Indonesian context, the formal regulation of juvenile punishment is established under Act 11 of 2012, which delineates the Juvenile Criminal Justice System. This normative research aims to closely examine and address two central research inquiries: 1) To what degree does the current provision in Act 11 of 2012, regarding the duration of imprisonment for minors convicted of serious offenses, conform to established principles of justice and achieve the intended objectives of sentencing? 2) What optimal legislative measures should be embraced or revised concerning the length of incarceration for juvenile offenders of grave crimes to align with just principles and effectively fulfill sentencing objectives in future implementations? While emphasizing the importance of safeguarding the well-being and psychological welfare of children against the adverse consequences of detention, this study also advocates for equitable consideration of the grievances and trauma experienced by victims of juvenile crimes.

Keywords: Normative, Minors, Sentencing, Equity, Rehabilitation, Victim Compensation