

## **The Placement of Detention for Children in Conflict with the Law at the Prosecution Stage (A Case Study at the Tidore Islands District Prosecutor's Office)**

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### **Abstract**

*This have a look at objectives to examine the effectiveness of the placement of detention for children in war with the regulation on the prosecution degree based on law variety 11 of 2012 at the Juvenile criminal Justice system (UU SPPA), the usage of a case study at the Tidore Islands District Prosecutor's workplace from 2020 to 2024. This studies employs an empirical prison research approach performed at the Tidore Islands District Prosecutor's office and the Soasio Correctional middle, taking into account the prosecutor's authority in conducting prosecutions and the role of probation officers in social inquiry and baby supervision. information were accrued via in-depth and unstructured interviews with juvenile prosecutors, probation officials, dad and mom, and children in war with the regulation, supported through secondary statistics received from statutory regulations, books, and legitimate documents. The findings monitor that the implementation of prison provisions on the position of infant detention at the prosecution level has no longer been performed successfully due to criminal elements, regulation enforcement elements, and boundaries in helping centers and infrastructure. The absence of a temporary toddler Placement group (LPAS) and limited get right of entry to to Social Welfare provider institutions (LPKS) have resulted in children being detained in wellknown detention centers. This condition hinders the achievement of kids's rights and contradicts the principle of the best pursuits of the kid as mandated by using the UU SPPA.*

**Keywords:** *Child Detention; Prosecution Stage; Juvenile Justice System; Children's Rights.*

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## **INTRODUCTION**

Children are a trust bestowed by Almighty God and constitute the successors of the nation's ideals and struggles. They hold a vital role in sustaining the future of families, communities, and the nation, supported by their unique characteristics and inherent potential (Asa et al., 2025) Therefore, children are entitled to protection and the fulfillment of their rights to support their optimal growth and development, as they are a vulnerable group requiring special protection, particularly when they come into contact with the legal system (Alputila et al., 2019). In the context of law enforcement, the principle of child protection serves as a fundamental foundation that must be firmly upheld. Consequently, legal protection for children in various aspects is both essential and strategic, constituting a shared responsibility of the state and all components of society (Desya & Miskiah, 2025).

Article 1 point 3 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) defines a child in conflict with the law as an individual aged at least 12 (twelve) years but not yet 18 (eighteen) years who is alleged to have committed a criminal offense (Fadhila, 2021).

The implementation of child protection is grounded in Pancasila and based on the 1945 Constitution of the Republic of Indonesia, particularly Article 28B paragraph (2), which states that "every child has the right to survival, growth, and development, and has the right to protection from violence and discrimination." It is also guided by the principles of the Convention on the Rights of the Child, which include non-discrimination; the best interests of

the child; the right to life, survival, and development; and respect for the views of the child (Borman et al., 2024). [5].

Indonesia, as a country that has ratified the United Nations Convention on the Rights of the Child, has demonstrated a strong commitment to ensuring that every child within its territory enjoys their fundamental rights (Hermansyah et al., 2025). This commitment is reflected in various national regulations, including the SPPA Law and Law Number 35 of 2014 amending Law Number 23 of 2002 on Child Protection, as well as other implementing regulations. The primary objective of this legal framework is to create a safe, comfortable, and conducive environment for children to grow and develop without fear, while ensuring the fulfillment of their rights (Sibisi & Warria, 2020). One crucial aspect is the separation of child detainees from adult detainees, as stipulated in Article 3 letter (b) of the SPPA Law, which states that “every child undergoing judicial proceedings has the right to be separated from adults.” This separation is not merely a technical or administrative matter, but rather an effort to prevent negative impacts such as violence, exploitation, and harmful influences that may hinder a child’s development and rehabilitation process (Nasrullah, 2023).

In practice, children are often detained together with adults, which exposes them to significant risks of harmful experiences (Rawanda & Rawanda, 2021). Empirical studies consistently demonstrate that such placement increases children’s vulnerability to various forms of abuse, including physical violence, sexual exploitation, and psychological pressure. This indicates that the detention environment plays a crucial role in shaping the psychological and physical safety of children (Marwandana et al., 2022).

The SPPA Law explicitly mandates that detained children must be placed separately from adults. Article 33 paragraph (4) stipulates that detention must take place in LPAS, while paragraph (5) allows placement in LPKS when LPAS is unavailable. This legal framework aligns with international standards, particularly those emphasized by United Nations through the Convention on the Rights of the Child, which underscores the necessity of separating children from adults in detention settings to protect their dignity and development. Furthermore, Article 105 reinforces the state’s obligation to provide adequate infrastructure, highlighting institutional responsibility in ensuring child-friendly detention systems.

However, empirical realities reveal substantial gaps between normative provisions and implementation. A study by Patrick Griffin et al. (2011) emphasizes that the absence of specialized juvenile facilities often forces law enforcement to place children in adult detention centers, leading to systemic rights violations and increased criminogenic risks. Similarly, research conducted by Anna Aizer and Joseph Doyle (2015) demonstrates that juvenile detention, particularly in inappropriate environments, significantly increases the likelihood of recidivism and negatively impacts long-term social outcomes such as education and employment.

In the context of North Maluku Province, the absence of LPAS and LPKS facilities presents both structural and geographical challenges. The archipelagic nature of the region complicates the transportation of children between detention facilities and judicial institutions. These logistical constraints not only increase operational costs but also prolong legal processes, contradicting the principle of the best interests of the child. Frequent transfers may intensify psychological stress and disrupt children’s emotional stability. As noted in a study by Lindsay M Hayes (2010), instability and frequent movement within detention systems are strongly associated with heightened anxiety, trauma, and self-harm risks among detained youth (Joisangadji et al., 2023).

Due to the absence of LPAS and LPKS facilities in Tidore Islands City, children in conflict with the law are detained in the Class Iib Soasio Detention Center, where they are sometimes placed in the same cells as adult detainees. This condition clearly contradicts Article 84 paragraph (2) of the SPPA Law, which guarantees children’s rights to education, rehabilitation, and proper guidance during detention. Instead of receiving developmental support,

children are exposed to environments that may reinforce criminal behavior patterns. Empirical findings by Jeffrey Fagan (2010) indicate that exposure to adult offenders significantly increases the probability of adopting more severe criminal behaviors, thereby undermining the rehabilitative goals of the juvenile justice system.

The data collected from the Tidore Islands District Prosecutor's Office further strengthen the urgency of this issue, showing a fluctuating yet increasing trend in cases involving children, with a notable rise in 2025. This pattern suggests that existing interventions have not been sufficiently effective in reducing juvenile delinquency. Without proper detention facilities and child-centered approaches, the justice system risks perpetuating cycles of crime rather than resolving them.

Therefore, a comprehensive evaluation of detention practices at the prosecution stage in Tidore Islands City is essential. Ensuring the availability of LPAS and LPKS facilities, alongside improving inter-island coordination, is critical to aligning practice with legal mandates. Failure to implement these provisions not only constitutes a legal violation but also exacerbates the vulnerability of children, increasing the likelihood of long-term social harm and recidivism.

This study is expected to analyze the implementation of legal provisions concerning the placement of detention for children in conflict with the law at the prosecution stage in the Tidore Islands District Prosecutor's Office, as well as the legal implications for the fulfillment of children's rights during detention at this stage. Ultimately, the study aims to formulate concrete recommendations that prioritize the Best Interests of the Child. Based on the foregoing considerations, the author is motivated to conduct this research in the form of a master's thesis entitled "The Placement of Detention for Children in Conflict with the Law at the Prosecution Stage (A Case Study of the Tidore Islands District Prosecutor's Office)."

## RESEARCH METHODS

This study employs an empirical legal research approach, which examines how law operates in real social contexts. According to Soerjono Soekanto, empirical legal research focuses on *law in action*, meaning the actual implementation of legal norms within society, rather than merely analyzing written regulations (*law in books*). This approach is particularly relevant for assessing the effectiveness of legal provisions in practice. Similarly, Mukti Fajar Nur Dewata and Yulianto Achmad emphasize that empirical legal research aims to identify discrepancies between normative rules and their practical application in the field.

Applying a case study at the Tidore Islands District Prosecutor's Office allows for a comprehensive and context-sensitive examination of the issue. According to Robert K Yin, the case study method is particularly suitable for investigating complex phenomena within real-world settings, especially when the boundaries between the phenomenon and its context are not clearly distinguishable. Therefore, this approach is relevant for analyzing the practice of child detention at the prosecution stage.

The data sources in this research consist of primary and secondary data. Primary data were obtained through in-depth and unstructured interviews, which align with the perspective of Lexy J Moleong, who argues that such interviews enable researchers to capture rich, flexible, and context-specific information directly from participants. Secondary data, collected through literature review, serve to strengthen the theoretical and legal foundation of the study.

Data collection techniques combining interviews, observation, and library research are consistent with the methodology proposed by Sugiyono, who highlights that integrating field research with literature study enhances the comprehensiveness and validity of research findings. Furthermore, the data were analyzed qualitatively through the interpretation of descriptive data. According to Matthew B Miles and A Michael Huberman, qualitative data analysis involves

processes such as data reduction, data display, and conclusion drawing, enabling researchers to identify patterns, themes, and relationships relevant to the research problem. Thus, the research method applied in this study is methodologically appropriate, as it systematically integrates empirical findings and theoretical frameworks to evaluate the effectiveness of legal implementation in the context of child detention at the prosecution stage.

## RESULTS AND DISCUSSION

### **Implementation of the Law on the Placement of Detention for Children in Conflict with the Law at the Prosecution Stage at the Tidore Islands District Prosecutor's Office**

Children are the buds and successors of the nation who will continue the relay of national leadership; therefore, they must be protected and treated with special consideration so that they can grow, develop, and learn optimally in accordance with their stages of development. Even children who come into conflict with the law must be treated differently from adults and may not be equated with them. Accordingly, in Indonesia, the handling of cases involving children is governed by specific regulations that address the juvenile criminal justice system. Detention of children constitutes a last resort (*ultimum remedium*) and must uphold the principle of the best interests of the child in accordance with applicable legal norms and regulations (Rachmanto & Anwar, 2022).

The detention of children in conflict with the law is one of the stages within the juvenile criminal justice system that must be carried out prudently and based on the prevailing positive law. Article 1 point 3 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) defines a child in conflict with the law as a child who is at least 12 (twelve) years old but not yet 18 (eighteen) years old and is suspected of committing a criminal offense.

The UU SPPA stipulates that the age of criminal responsibility ranges from 12 years to under 18 years. The minimum age for a child to be subjected to detention is 14 years (Amatullah et al., 2022). The detention of a child must meet cumulative requirements, namely: detention may only be imposed on a child who is 14 (fourteen) years of age or older; and the child is suspected of committing a criminal offense punishable by imprisonment of 7 (seven) years or more. Furthermore, the duration of detention is strictly limited, as the law provides for very short detention periods (Desman & Redi, 2024).

The placement of children in detention at the prosecution stage is clearly and firmly regulated under the UU SPPA, which requires that detained children not be placed in adult detention facilities, but instead in a Temporary Child Placement Institution (*Lembaga Penempatan Anak Sementara / LPAS*). In the absence of an LPAS, detention may be carried out in a local Social Welfare Service Institution (*Lembaga Penyelenggaraan Kesejahteraan Sosial / LPKS*).

In practice, the implementation of legal provisions regarding the placement of children in detention does not always run smoothly. One of the main obstacles is the limited availability of child detention facilities, such as in the Tidore Islands, which do not yet have a Temporary Child Placement Institution (LPAS). As a result, children who should be detained in an LPAS are forced to be placed in other facilities that do not fully meet child protection standards, thereby creating the potential for the non-fulfillment of children's fundamental rights.

This phenomenon is analyzed using the theory of legal effectiveness, which aims to measure the degree of success or failure of existing legal regulations particularly the UU SPPA in achieving their philosophical objective, namely the best interests of the child.

CCAlthough the five factors influencing legal effectiveness are interrelated, this study focuses the analysis of the placement of children in detention at the prosecution stage on only three factors: legal factors, law enforcement factors, and facility factors. This focus is based on

the consideration that these three factors are the most relevant and directly observable elements in the context of implementing Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Community and cultural factors, while important, fall outside the scope of this study because they relate to broader social and cultural influences that require more extensive field research with a different focus. Thus, concentrating the analysis on these three factors is expected to provide a clear depiction of the obstacles and the effectiveness of the implementation of child detention regulations in practice.

### 1. Legal Factors

Law serves the purposes of justice, legal certainty, and utility. In legal practice, conflicts may arise between legal certainty and justice. Legal certainty is concrete and tangible in nature, whereas justice is abstract.

The prison element examined in this examine is law wide variety eleven of 2012 regarding the Juvenile criminal Justice device (UU SPPA). The UU SPPA serves as the number one felony framework to make certain that detention tactics, necessities, and placement are in accordance with the principles of child protection. Detention of a infant may also handiest be imposed on a baby who is at least 14 (fourteen) years of age and is suspected of committing against the law punishable by way of imprisonment of seven (seven) years or more, as stipulated in Article 32 paragraph (2) of the UU SPPA.

The UU SPPA explicitly mandates that detained children must be placed separately from adults. This mandate is set forth in Article 33 paragraph (4), which states that “the detention of a child shall be carried out in a Temporary Child Placement Institution (LPAS).” Furthermore, paragraph (5) provides that “in the absence of an LPAS, detention may be carried out in a local Social Welfare Service Institution (LPKS) (Putri & Tedjabuana, 2026). This mandate is consistent with various international instruments, such as the Convention on the Rights of the Child (CRC) and the Beijing Rules, formally known as the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*, which emphasize that juvenile justice systems worldwide must operate in a fair, humane manner and be oriented toward the best interests of the child.

Under the UU SPPA, an LPAS refers to a Temporary Child Placement Institution, which functions as a temporary facility for children during the judicial process (Article 1 point 21). Meanwhile, an LPKS refers to a Social Welfare Service Institution, which is an institution or facility providing social services and implementing social welfare programs for children (Article 1 point 22).

The UU SPPA not only regulates the obligation to place detained children in appropriate institutions based on each stage of the criminal justice process, including the prosecution stage, but also mandates the state both central and regional governments to establish and provide special facilities and institutional frameworks in accordance with child protection principles.

Article 105 paragraph (1) letter (e) of the Juvenile Criminal Justice System Act (UU SPPA) provides that:

“Within a period of no later than five (5) years after the enactment of this Law, the ministry responsible for governmental affairs in the field of law shall be obliged to establish Juvenile Correctional Institutions (LPKA) and Temporary Child Placement Institutions (LPAS) at the provincial level.”

The implementation of the Juvenile Criminal Justice System Act (UU SPPA) is currently facing serious challenges. Although Article 105 of the Act expressly mandates that Temporary Child Placement Institutions (LPAS) must be established at the provincial level within a maximum period of five (5) years from the enactment of the UU SPPA, in practice the availability of such facilities remains extremely limited. The situation in Tidore Islands City represents a clear example of this dilemma. Administratively, the absence of an explicit

obligation to establish LPAS in each regency or municipality has resulted in a lack of facilities at the local level. This condition is highly contradictory to the geographical reality of an archipelagic region, which requires high levels of mobility. Transferring children to facilities at the provincial level not only entails high operational costs but also has adverse effects on the psychological well-being of the child (Rosyada & In'am, 2023).

The process of mobilizing children in conflict with the law from local regions to the provincial capital faces serious challenges, both in terms of logistics and the psychological impact on the child. The archipelagic geographical conditions compel children to undergo stressful journeys even before the judicial process begins. Furthermore, the escort of children by officers and public prosecutors through public ports creates a significant risk of social stigmatization. The child's identity as an alleged offender is difficult to protect, as the child is directly visible to the general public in public spaces. This situation clearly violates the principle of confidentiality of a child's identity as mandated by law.

On the other hand, the use of Social Child Welfare Institutions (LPKS) in Ternate as an alternative placement has proven ineffective due to inefficient travel distances. It must be emphasized that, substantively, LPKS serve a different function from Temporary Child Placement Institutions (LPAS). LPKS primarily focus on social rehabilitation, whereas LPAS have a specific mandate as facilities for temporary detention during the judicial process. This functional disparity, combined with geographical distance, underscores the urgency of establishing LPAS at the local level in order to uphold the best interests of the child.

## **2. Law Enforcement Factors**

This factor encompasses parties involved in the formation and implementation of law, namely law enforcement officials who are expected to deliver legal certainty, justice, and utility in a proportional manner.

In the context of the UU SPPA, law enforcement authorities at the prosecution stage consist of the Juvenile Public Prosecutor (Article 1 point 9) and the Community Counselor (Pembimbing Kemasyarakatan/PK), who is a functional law enforcement officer responsible for conducting social inquiry reports, guidance, supervision, and assistance for children both within and outside the criminal justice process, as stipulated in Article 1 point 13.

### **a. Juvenile Public Prosecutor**

A prosecutor is a functional official vested with the authority to conduct prosecutions in criminal cases, whether the alleged offender is an adult or a child.

Prosecution of cases involving children is carried out by a Public Prosecutor appointed pursuant to a decision of the Attorney General or another official designated by the Attorney General, as provided in Article 41 paragraph (1) of the UU SPPA. Paragraph (2) further stipulates that the requirements to be appointed as a Juvenile Public Prosecutor include: (a) having experience as a public prosecutor; (b) possessing interest, concern, dedication, and an understanding of child-related issues; and (c) having completed technical training on juvenile justice.

At the Tidore Islands District Prosecutor's Office, normative compliance with respect to the qualifications of human resources has been fulfilled, as prosecutors handling juvenile cases have participated in specialized training programs. However, a critical problem arises in terms of infrastructure. When the Public Prosecutor detains a child following the completion of Phase II by the investigator, the only available option for placement is detention at the Class II B Soasio Detention Center.

From the perspective of Soerjono Soekanto's theory of legal effectiveness, the failure of the Public Prosecutor at the Tidore Islands District Prosecutor's Office to fulfill the mandate of the Juvenile Criminal Justice System Act (UU SPPA) is not attributable to the personal incapacity of law enforcement officials, but rather to the dysfunction of

supporting facilities and infrastructure. Soerjono Soekanto emphasizes that without adequate facilities, it is impossible for law enforcement officers to carry out their functions in accordance with statutory mandates. The absence of Temporary Child Placement Institutions (LPAS) at the regency/municipal level creates a juridical deadlock. On the one hand, the Public Prosecutor is substantively obliged under the UU SPPA to ensure the separation of children from adult detainees; on the other hand, the mandated supporting facilities are unavailable. As a result, the causal relationship among the factors determining legal effectiveness becomes disrupted.

**b. Community Counselor (Pembimbing Kemasyarakatan/PK)**

The legal basis for the Correctional Center (*Balai Pemasyarakatan / BAPAS*) in Indonesian legislation is found in Law Number 22 of 2022 concerning Corrections. The Correctional Center, hereinafter referred to as BAPAS, is an institution that carries out the function of community-based guidance for clients. A Community Counselor is a correctional officer who conducts social inquiry reports (*Litmas*), as well as provides assistance, guidance, and supervision for clients, both within and outside the criminal justice process.

Based on the principles of the Convention on the Rights of the Child and the Child Protection Law namely non-discrimination, the best interests of the child, the right to life, survival, and development, and respect for the views of the child the Correctional Center, through Community Counselors, holds a significant role in determining decisions that are in the best interests of children in conflict with the law. This role is exercised through recommendations provided in social inquiry reports and through continuous guidance and assistance.

As stipulated in the UU SPPA, children with the status of Child Clients fall under the responsibility of BAPAS. Child Clients are entitled to guidance, supervision, assistance, and the fulfillment of other rights in accordance with prevailing laws and regulations. BAPAS is also obligated to provide such guidance, supervision, and assistance, to evaluate their implementation, and to ensure the fulfillment of other rights as regulated by law (Anwar & Galih, 2021).

The Community Counselor (PK) referred to in this study is a functional official at the Class II Tidore Correctional Center (BAPAS), which operates under the Ministry of Law and Human Rights for the North Maluku Region. In accordance with the mandate of the UU SPPA, the PK holds a unique position as a functional law enforcement officer (Article 1 point 13). This qualification is attributed to the PK's crucial role in ensuring restorative justice and safeguarding children's rights, requiring the PK to possess genuine interest, concern, and to have completed technical training on juvenile justice.

The role of the BAPAS Community Counselor extends across all stages of the legal process. The PK is legally obligated to accompany the child at every stage of case examination investigation, prosecution, and trial including at the prosecution stage at the Tidore Islands District Prosecutor's Office. This assistance ensures that the child's developmental perspective and the findings of the Social Inquiry Report (*Litmas*) remain central considerations in decision-making by the Public Prosecutor.

Although assistance, guidance, and supervision of children constitute clear duties of Correctional Counselors (PK) under the Juvenile Criminal Justice System Act (UU SPPA), there is a regulatory gap at the level of implementation. This is evident from the absence of Standard Operating Procedures (SOPs) that comprehensively regulate the mechanisms and active roles of PK when a child is detained at the prosecution stage by the Public Prosecutor. As a result, the protection of children's rights from Phase II through the transfer of the case to trial becomes vulnerable (Zuhriah et al., 2024).

The number of PK at the Class II Tidore Probation Office, which totals only fourteen personnel, is disproportionate to the breadth of the working area and the increasing number of juvenile cases. This imbalance places a significant burden on PK and potentially hinders the fulfillment of children's rights in accordance with the UU SPPA. This condition is further exacerbated by the fact that some PK have not yet participated in specialized juvenile training, which affects the quality and effectiveness of guidance and supervision. Moreover, PK supervision over children detained in adult detention facilities is suboptimal due to the absence of LPAS and clear SOPs, resulting in a discontinuity of PK's supervisory role and the transfer of responsibility to detention centers that do not prioritize juvenile rehabilitation. This situation reflects a structural failure of the state to provide the facilities and infrastructure mandated by law, ultimately undermining the objectives of restorative justice and rendering the protection of children's rights increasingly precarious.

### **3. Supporting Facilities and Infrastructure Factors**

Supporting facilities and infrastructure encompass both hardware and software. According to Soerjono Soekanto, law enforcement officials cannot perform effectively without being equipped with adequate transportation and professional tools. Therefore, facilities and infrastructure play a vital role in law enforcement; without them, or if they are misaligned with existing regulations, law enforcement cannot function optimally. In the context of the placement of children in detention at the prosecution stage at the Tidore Islands District Prosecutor's Office, the ideal arrangement under the UU SPPA is placement in an LPAS. In the absence of an LPAS, detention may be carried out in a local LPKS. The UU SPPA further mandates the state through central and regional governments to establish and provide special facilities and institutions in line with child protection principles (Marzuki & Heryansyah, 2025).

Article 105 paragraph (1) letter (e) of the UU SPPA stipulates that within a maximum period of 5 (five) years after the enactment of the law, the ministry responsible for legal affairs is obligated to construct Juvenile Correctional Institutions (LPKA) and Temporary Child Placement Institutions (LPAS) in each province. Furthermore, letter (f) mandates that the ministry responsible for social affairs must establish Social Welfare Service Institutions (LPKS). Accordingly, the Government, through the Ministry of Law and Human Rights and the Ministry of Social Affairs, is required to establish child-specific facilities, including LPAS and LPKS, in every province.

This mandate is consistent with the principle of separating children from adults, as stated in Article 3 letter (b) of the UU SPPA, which provides that "every child involved in the criminal justice process has the right to be separated from adults." A Temporary Child Placement Institution (LPAS) is a temporary facility for children during the judicial process (Tamba et al., 2025).

Detained children are placed in LPAS and are entitled to get hold of offerings, care, education and schooling, guidance, assistance, and different rights in accordance with prevailing legal guidelines and guidelines. LPAS is obliged to offer education, vocational competencies education, and the fulfillment of other rights as stipulated by using regulation.

## **Discussion**

In the implementation of detention at the prosecution stage in the Tidore Islands, the legal implications of the obligation to fulfill children's rights are highly significant. The period of detention is not merely an administrative phase, but a critical moment in which children's fundamental rights are vulnerable to neglect if they are not implemented consistently. Such

neglect may negatively affect a child's growth and development and may potentially constitute a violation of human rights protected by the Constitution and national laws.

The success of the rights of youngsters in struggle with the law throughout detention at the prosecution stage incorporates very high prison urgency, because it issues the essential safety of kids's human rights and the nation's obligations below the constitution and statutory rules. Constitutionally, the 1945 constitution of the Republic of Indonesia ensures that every child has the proper to survival, growth, development, and protection from violence and discrimination. those rights do not disappear even when a toddler is undergoing prison proceedings, including detention. The urgency of knowledge those felony implications is similarly strengthened through the Juvenile crook Justice gadget law (UU SPPA), which explicitly stipulates that youngsters detained in transient baby Placement institutions (LPAS) must obtain services, care, schooling and schooling, guidance and help, in addition to other rights in accordance with prevailing laws and policies. these rights are an integral a part of baby protection that must be upheld at each level of the judicial technique, including the prosecution level, with the intention to prevent overlook that can damage a infant's physical, psychological, and social improvement in the future.

Understanding the legal implications of fulfilling these rights is essential not only to ensure normative compliance with the UU SPPA, but also to enable law enforcement officials, community counselors, and relevant stakeholders to formulate policies and practices that are more responsive to children's needs and consistent with the principle of the best interests of the child, which constitutes the primary foundation of the UU SPPA.

The nation bears duty for ensuring that these rights are assured for the duration of detention on the prosecution degree, as failure to fulfill children's rights may additionally result in violations of youngsters's human rights. one of the center principles of a state ruled by way of the rule of regulation is the enforcement and safety of human rights. The ultimate goal of a criminal state is the enhancement of public welfare and the realization of justice. such a sense of justice is reflected inside the conduct of government in retaining balance and public order, that means that both the authorities and citizens should act in accordance with the law (Juliandika & Fazzan, 2024).

Children in conflict with the law continue to require legal protection and the fulfillment of their inherent rights due to their physical, psychological, and intellectual conditions, which differ significantly from those of adults. This underscores the importance of treating children in a special manner, including when they are subjected to criminal sanctions or detention (Lubis & Putra, 2021).

Article 1 point 12 of Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection stipulates that "children have the right to protection, fulfillment of rights, and services to grow and develop optimally in accordance with human dignity and worth." This provision affirms that children not only have the right to life and development, but also the right to adequate protection and services, including the fulfillment of physical, spiritual, social, and educational needs, as well as humane treatment.

Based on the foregoing discussion, it can be concluded that the detention of children is not merely a restriction of liberty, but must be carried out in accordance with legal standards that safeguard children's fundamental rights as individuals who are still in the process of growth and development (Nastiti & Maskur, 2024). The UU SPPA provides a legal foundation requiring that children be detained in specialized facilities, namely Temporary Child Placement Institutions (LPAS), with the aim of ensuring their safety, welfare, and development during legal proceedings. Such placement applies not only at the investigation stage but also continues at the prosecution stage, where LPAS serves as an appropriate facility to fulfill both legal requirements and children's rights. Articles 33 and 34 of the UU SPPA stipulate that the detention of children shall be carried out in LPAS, or, if LPAS is not available, in Social Welfare Institutions (LPKS),

and that during detention the child's physical, spiritual, and social needs must continue to be fulfilled.

The placement of children in LPAS during detention at the prosecution stage is directly related to the fulfillment of children's rights as regulated in Article 84 of the UU SPPA, which affirms that children detained in LPAS are entitled to services, care, education and training, guidance, assistance, and other rights in accordance with statutory regulations (Fatahaya & Agustanti, 2021). Placement in LPAS with such service standards demonstrates that child detention must not be viewed solely as a formal legal process, but as a situation in which the State is obliged to ensure the fulfillment of the basic rights of children in conflict with the law (Triwati & Kridasaksana, 2021). In practice, placement in LPAS provides a more conducive structure to balance the principle of the best interests of the child with the necessity of completing legal proceedings at the prosecution stage.

Practical challenges, such as the unavailability of LPAS facilities in many regions, often result in children being detained in facilities that are not child-friendly, such as being housed together with adult detainees, which may violate legal norms and children's rights. The absence of LPAS represents an implementation issue frequently encountered in various regions and illustrates that the relationship between LPAS and the placement of child detention at the prosecution stage is not merely normative, but also closely linked to infrastructure readiness and the commitment of law enforcement officials to fulfill children's rights in accordance with national legal standards. In the jurisdiction of Tidore Islands City, the absence of LPAS constitutes a structural problem that directly affects the placement of children's detention at the prosecution stage and the fulfillment of their fundamental rights. The UU SPPA requires that child detention be carried out in LPAS as a specialized facility that accommodates children's developmental needs and fundamental rights, ensuring that they are not detained together with adult detainees and that their rights are duly respected.

In the jurisdiction of Tidore Islands City, the absence of LPAS constitutes a structural problem that directly affects the placement of children's detention at the prosecution stage and the fulfillment of their fundamental rights. This situation reflects a gap between legal mandates and actual practice, indicating that institutional limitations continue to hinder the effective implementation of child protection principles. The UU SPPA requires that child detention be carried out in LPAS as a specialized facility designed to accommodate children's developmental needs and safeguard their fundamental rights, ensuring separation from adult detainees. Therefore, the establishment of adequate LPAS facilities and supporting infrastructure becomes essential to guarantee legal certainty, uphold the best interests of the child, and prevent further violations of children's rights within the criminal justice process.

## CONCLUSION

1. The legal implementation of the placement of detention for children in conflict with the law at the prosecution stage in the Tidore Islands District Prosecutor's Office has not been carried out optimally. This is due to factors inherent in the law itself, factors related to law enforcement officials, and limitations in supporting facilities and infrastructure. In particular, the absence of child-friendly detention facilities namely Temporary Child Placement Institutions (Lembaga Penempatan Anak Sementara/LPAS) or Social Welfare Institutions (Lembaga Penyelenggara Kesejahteraan Sosial/LPKS) in Tidore Islands City constitutes a major obstacle. The existence of LPKS facilities only at the provincial level creates significant logistical challenges in the mobilization of child detainees. As a result, this situation negatively affects the performance of law enforcement authorities, leading public prosecutors to detain children in the Class IIb Soasio Detention Center, which is not

designed to serve the best interests of the child. Placement in a general detention facility also undermines the supervisory function of Community Counselors (Pembimbing Masyarakat/PK), as the environment and detention system do not meet the standards required for LPAS or LPKS.

2. The legal implications for the fulfillment of the rights of children in conflict with the law during detention at the prosecution stage in Tidore Islands City indicate that child detention has not been implemented effectively or in compliance with the provisions of the Juvenile Criminal Justice System Law (UU SPPA). The rights that should be guaranteed through placement in LPAS are, in practice, not fulfilled because children are detained in facilities that are not specifically designed for children. This condition results in legal implications in the form of impeded or even neglected fulfillment of the essential rights of children as stipulated in Article 84 paragraph (2) of the SPPA Law, thereby contravening the principle of the Best Interests of the Child as enshrined in Article 3 of the SPPA Law.

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