

# The relativism of criminal responsibility age as a challenge in reforming the juvenile justice system

Umar Dinata<sup>1</sup>

<sup>1</sup> Universitas Muhammadiyah Riau, Riau, Indonesia

\*Corresponding author email: [umardinata@umri.ac.id](mailto:umardinata@umri.ac.id)

## Abstract

The determination of the age of criminal responsibility for children in Indonesia is a significant issue in the juvenile justice system, particularly with the inconsistency in the age of adulthood between criminal law, civil law, and marriage law. The age of 12, which is set as the minimum age for criminal responsibility, is considered too low compared to the psychological development of children and international standards. This creates legal uncertainty and a dilemma in law enforcement, between protecting children or fulfilling societal justice. This study aims to analyze the relativism of the age of adulthood in juvenile criminal responsibility and the challenges in reforming the juvenile justice system in Indonesia. The research questions raised are how the relativism of the age of adulthood in juvenile criminal responsibility exists and whether the current age of responsibility poses a challenge to the reform of the juvenile justice system. The research method used is normative legal research with a statutory, conceptual, and case approach. The results indicate that the low age of criminal responsibility needs to be reformed, with a higher age set, in order to create a system more aligned with the psychological development of children and international child protection principles.

## Keywords

Criminal Responsibility Age, Relativism, Restorative Justice

## Introduction

The age limit for children is crucial in juvenile criminal cases, as it is used to determine whether an individual suspected of committing a crime falls under the category of a child or not, and it is related to the child's criminal responsibility. The resolution of legal issues involving children as perpetrators of criminal acts is specifically regulated in Law Number 11 of 2012 concerning the Juvenile Justice System. Criminal sanctions emphasize the imposition of a punishment proportional to the crime, but this has implications for the suffering of the child. On the other hand, action sanctions are based on ensuring the protection of the perpetrator [1]. The juvenile justice system in Indonesia has undergone significant development, especially since the enactment of Law Number 11 of 2012 concerning the Juvenile Justice System. This law provides a clear legal foundation for handling cases involving children in conflict with the law. However, the regulation

**Published:**  
October 1, 2025

This work is licensed  
under a [Creative  
Commons Attribution-  
NonCommercial 4.0  
International License](#)

Selection and Peer-  
review under the  
responsibility of the  
ASEAN Conference of  
Law Schools 2025  
Committee

regarding the age of criminal responsibility for children remains a complex issue. One factor contributing to this complexity is the inconsistency in the age of adulthood applied in various legal systems in Indonesia. This leads to legal uncertainty, which not only confuses law enforcement officers but also creates a sense of injustice within society. The most fundamental issue concerns the age of criminal responsibility for children. In Indonesia, the minimum age set in criminal law is 12 years old, which is considered too low when compared to international standards and the psychological development of children. According to the United Nations Convention on the Rights of the Child, children under the age of 18 should receive full protection from any form of punishment that harms their development. However, in practice, 12 years old is considered the legal threshold for criminal responsibility [1].

The relativism of adulthood age across legal systems in Indonesia presents its own set of challenges. There are differences in determining the age of adulthood between criminal law, civil law, and marriage law, often causing confusion in the law enforcement process. This also creates a significant dilemma for judges who must decide whether a 12-year-old child is capable of being held criminally responsible or should instead receive protection as a child still undergoing development. Psychologically, children involved in criminal acts often lack the capacity to fully understand the consequences of their actions. Their cognitive and emotional development is still in the formative stages. In many cases, children who commit criminal acts often act without considering the long-term impact of their actions. Therefore, the regulation of age limits is crucial, as setting the age too low risks disregarding their psychological development, which could ultimately harm the child's future. On the other hand, the desire to deliver justice for society often conflicts with the principle of child protection. When a child who has committed a criminal act faces a punishment commensurate with their crime, society often argues that the punishment should be harsher, especially if the crime committed is severe. However, the principle of child protection, as outlined in various international legal instruments, reminds us that the punishment imposed on a child must consider their psychological capacity to be held accountable.

Additionally, in the context of Indonesian criminal law, there is a discrepancy in the application of adulthood age between the laws governing juvenile justice and other regulations that determine adulthood in other legal aspects, such as civil law and marriage law. This inconsistency often leads to confusion in judicial practice, both for law enforcement, related parties, and the public. The lack of uniformity in age limits between these legal systems also creates uncertainty for children facing the law in receiving protection that aligns with human rights principles. In addressing the relativism of juvenile criminal responsibility age, Indonesia should refer to international standards, such as those outlined in the United Nations Convention on the Rights of the Child, which provides protection for children under the age of 18. These international standards emphasize the importance of protecting children who are in conflict with the law and offer opportunities for rehabilitation. However, in practice, Indonesia faces

significant challenges in implementing these international standards within its juvenile justice system [3].

When discussing the challenges of reforming the juvenile justice system in Indonesia, one important aspect to address is the difference in perceptions regarding the age of criminal responsibility for children. Many argue that the minimum age of 12 is sufficient, as this age is considered physically mature enough to be held accountable. However, this perspective does not take into account the child's psychological development, which can progress more slowly than physical development. The next challenge is the implementation of policies that allow children as young as 12 to be processed criminally. This policy needs to be reconsidered by taking into account various factors such as psychological, criminological, and philosophical development. In many countries, an age higher than 12 is considered more appropriate for a child's psychological development, ensuring that the criminal justice process can be carried out without causing harm to the child [4]. Therefore, harmonizing the age of criminal responsibility for children is necessary to prevent disparities. Furthermore, it is essential to review the roles of institutions involved in the juvenile justice system, such as the Child Protection Agency and Juvenile Detention Centers, which are tasked with providing protection and rehabilitation for children in conflict with the law. The reform of the juvenile justice system should emphasize rehabilitation rather than solely focusing on punishment. A more humanistic approach, oriented towards the recovery of children in conflict with the law, will have a more positive impact on their development in the future. However, such reforms will not be easy, as they require deep changes in the justice system, legal education, and society itself. A shared understanding is needed regarding the importance of child protection and how the legal system should function to support this principle. Therefore, reforms in juvenile criminal law should not only involve changes in legislation but also raise awareness within society and among stakeholders about the importance of protecting children in conflict with the law [5].

Ultimately, to achieve harmonization in determining the age of criminal responsibility for children, active participation is needed from all parties, including the government, the judiciary, society, and international organizations focused on child protection. The reform of the juvenile justice system must be based on the principle of restorative justice, which prioritizes rehabilitation and protection of children over retributive punishment. In this way, Indonesia can develop a juvenile justice system that is fairer, more transparent, and in line with international standards.

## Problems

1. How is the relativism of the age of criminal responsibility for children in the current Indonesian criminal law?
2. Is the current age of criminal responsibility for children a challenge in the reform of the juvenile justice system?

## Method

In this study, the author employs a normative legal research approach. The methods used include the statutory approach, which focuses on legislation; the conceptual approach, which examines legal concepts; and the case approach, which analyzes relevant legal cases.

## Results and discussion

### *The relativism of age in juvenile criminal responsibility in Indonesian criminal law*

Determining the age of adulthood in juvenile criminal responsibility in Indonesia is a significant issue in the juvenile justice system. Until now, the age of 12 has been set as the minimum age at which a child can be held criminally responsible, in accordance with Law Number 11 of 2012 concerning the Juvenile Justice System. However, the lack of uniformity in the age of adulthood across various legal systems in Indonesia creates legal uncertainty, which harms child protection and confuses the parties involved in the judicial process. The inconsistency in the age of adulthood across criminal law, civil law, and marriage law exacerbates this situation, causing inconsistencies that need to be addressed promptly to provide clarity and ensure proper legal protection for children [10].

The regulation of adulthood age, which sets the minimum age at 12 years in the Juvenile Justice Law, contradicts many more progressive legal perspectives that take into account the psychological factors of children in determining the age of criminal responsibility. One relevant legal theory to analyze this issue is the theory of child protection, viewed within the context of humanistic law. This theory emphasizes that children must be protected from punishments that could harm their physical, mental, and social development. According to this theory, any legal action involving children in conflict with the law should prioritize rehabilitation and protection over retributive punishment. In this context, the age of 12 as the minimum age for criminal responsibility may not fully reflect the actual psychological capacity of a child. Psychologically, a 12-year-old child does not yet possess the emotional and cognitive maturity necessary to fully understand the consequences of their actions, especially in the context of criminal acts. The child protection theory supports the view that the decision to criminally prosecute a child should consider the child's level of understanding of their actions. From this perspective, the age of 12 is considered too early, as many children at this age are still in a stage of psychological development that is highly vulnerable. If the age of 12 is used as the standard for criminal responsibility, it risks neglecting the child protection principles enshrined in various international legal instruments, such as the UN Convention on the Rights of the Child. The difference in the regulation of adulthood age across various legal systems in Indonesia also affects the application of the law in juvenile cases. For example, in civil law, the age of 21 is considered the full legal age,

while in marriage law, the age of 19 is regarded as the legal age for marriage. This inconsistency causes confusion for law enforcement officials in assessing whether a child involved in a criminal act can be fully held responsible or if they still require protection in line with their status as a child. This uncertainty creates a dilemma, where judges or law enforcement officials must decide whether to protect the child in accordance with child protection principles or fulfill societal demands for a sense of justice.

According to the child protection theory, setting the adulthood age too low, such as 12 years, not only creates legal uncertainty but also raises the potential for violations of children's rights guaranteed by international law. Protection of children should be prioritized by focusing on the rehabilitation and recovery of children in conflict with the law, rather than excessively punishing them, which could harm their psychological development and future. Moreover, this inconsistency creates a gap in the application of child protection principles within Indonesia's legal system. In this regard, setting a higher adulthood age, such as 14 or 16 years, should be considered as the minimum age for juvenile criminal responsibility. A higher age limit would better reflect the understanding of children's psychological development and provide space for more effective rehabilitation. Additionally, standardizing the adulthood age across all legal systems would create consistency and reduce the existing uncertainty in the practice of juvenile criminal justice [4].

The disharmony between the regulation of adulthood age also refers to the inconsistency between criminal law and internationally recognized human rights principles. The UN Convention on the Rights of the Child mandates that countries protect children in conflict with the law and ensure they are not subjected to punishments that harm their development. Therefore, regulations that do not align with these principles can lead to significant issues in implementing fair and humane law. In this context, Indonesia needs to harmonize the adulthood age regulation across its existing legal systems so that the principles of child protection can be more effectively applied. This harmonization can be achieved by considering the principles outlined in the child protection theory, which emphasizes not only punishment but also the recovery and rehabilitation of the child. Thus, a more progressive juvenile justice system focused on rehabilitation would be more beneficial in protecting the rights of children in conflict with the law. Revisions to the adulthood age regulations must also take into account the psychological aspects of the child to ensure that every child involved in a criminal act receives protection appropriate to their developmental stage. Therefore, the inconsistency in the adulthood age for juvenile criminal responsibility in Indonesia requires a deeper review so that the juvenile justice system can offer more effective protection in line with international standards. In this effort, the child protection theory provides clear guidance on the importance of prioritizing the protection and rehabilitation of children rather than focusing solely on punishment [5].



### *The ideal age of juvenile criminal responsibility as a challenge in reforming the juvenile justice system*

The reform of the juvenile justice system in Indonesia has become an unavoidable issue, particularly regarding the determination of the minimum age of criminal responsibility for children, which is currently set at 12 years. Law Number 11 of 2012 concerning the Juvenile Justice System stipulates this age as the minimum threshold at which a child can be held criminally responsible. However, this age is considered too low when compared to the psychological development of children and international standards, which require a higher age threshold to better protect children in conflict with the law. In this context, a reform is needed to align this age with a more realistic understanding of children's psychological development and their rehabilitation needs. One relevant legal theory for analyzing this challenge is the theory of restorative justice. This theory suggests that the juvenile justice system should prioritize recovery and rehabilitation rather than focusing solely on retributive punishment. Restorative justice emphasizes the importance of healing and reintegrating the child into society, which requires a more sensitive approach to the child's psychological development. In this regard, the age of 12 as the minimum age for criminal responsibility is seen as insufficient in reflecting a deep understanding of the child's development. At this age, children often lack the emotional and cognitive maturity to fully grasp the impact of their criminal actions, and imposing heavy punishment at this stage could potentially ruin their future [6].

The shift in the age of children in conflict with the law indeed brings forward ideas that are important considerations in changing the relevant age limit. In this context, the age of 12 is considered too low, especially when compared to the psychological development of children and international standards that emphasize the importance of child protection. International standards, as outlined in the UN Convention on the Rights of the Child, require countries to establish an appropriate age limit to protect children from punishments that could harm their development. Therefore, reforming the juvenile justice system to raise the minimum age limit is crucial in creating a system that is more aligned with children's rights and their protection. One of the challenges faced in this reform is the inconsistency between the adulthood age applied in criminal law, civil law, and marriage law. For instance, in criminal law, the age of 12 is considered the minimum age for criminal responsibility, while in civil and marriage law, adulthood is recognized at a higher age, typically 19 or 21 years. This inconsistency creates legal uncertainty, particularly in judicial practices that often face dilemmas over whether to prioritize child protection or satisfy the public's demand for justice. In many cases, society tends to demand that children who commit criminal acts receive punishment that is proportional to the offense, even though they are still in a stage of development far from full maturity [9].

According to the theory of restorative justice, when dealing with children in conflict with the law, the decisions made should prioritize rehabilitation, not retribution. Therefore, Indonesia's juvenile justice system needs to adjust the age of criminal responsibility to

align with children's psychological development and provide opportunities for rehabilitation. Imposing harsher or faster punishments on a 12-year-old child would close off the possibility for the child to change and grow. Therefore, the reform of the juvenile justice system should focus on developing a more humane and rehabilitative system. In this regard, raising the age of criminal responsibility, such as to 14 or 16 years, would allow more room for the rehabilitation of children and align better with their psychological development stages. At these ages, children are more capable of understanding their actions, although they still require protection and support to grow and develop. Thus, this reform would not only better reflect the psychological development of children but also align with the child protection principles guaranteed by international law [7].

Another challenge in reforming the juvenile justice system is how to address the legal uncertainty arising from the differences in the age of adulthood across various legal systems in Indonesia. In this regard, harmonizing the adulthood age is essential to ensure uniformity in the application of the law, so that the judiciary can be more consistent in protecting children's rights and delivering fair judgments. This harmonization will reduce confusion in handling cases involving children in conflict with the law and ensure that children receive maximum protection in line with their psychological development. On the other hand, this reform process also requires greater awareness from both the public and law enforcement officials about the importance of rehabilitation for children in conflict with the law. Society often holds strong views about justice, prioritizing punishment for children involved in criminal acts. Therefore, education focusing on children's rights and protection is crucial to fostering a better understanding of restorative justice, which emphasizes recovery and rehabilitation for children in conflict with the law. This reform process will not proceed smoothly without support from various stakeholders, including child protection agencies, non-governmental organizations working in children's rights, and the government, which must play an active role in providing the infrastructure for child rehabilitation. Furthermore, public participation in creating an environment that supports rehabilitation is also vital, so that children in conflict with the law can reintegrate into society with the opportunity to improve themselves [8].

Ultimately, changing the minimum age of criminal responsibility and reforming the juvenile justice system to focus more on rehabilitation will create a fairer system that aligns with human rights. This system will not only give children the opportunity to grow and develop but also foster a more tolerant society that supports positive change for the younger generation. This reform will provide better solutions for dealing with children in conflict with the law, while still upholding the principles of child protection and restorative justice.

## Conclusion

The relativism of adulthood age in juvenile criminal responsibility in Indonesia remains a key issue within the juvenile justice system. The inconsistency of adulthood age applied across various legal systems, such as criminal law, civil law, and marriage law, creates legal uncertainty that impacts child protection. The current minimum age of 12 for criminal responsibility does not fully reflect the psychological development of children. Based on the child protection theory, this age is too low, as children at this stage are still in a vulnerable developmental phase. Therefore, reforms in the juvenile justice system are needed to establish a higher age limit, such as 14 or 16 years, to better reflect the psychological capacity of children and provide more effective protection in accordance with the child protection principles outlined in international law.

Reforming the juvenile justice system in Indonesia by raising the age of criminal responsibility is a significant challenge, especially due to the lack of synchronization between adulthood age in criminal law, civil law, and marriage law. The current age of 12 is considered too low, particularly when compared to children's psychological development and international standards that emphasize child protection. Using the theory of restorative justice, where rehabilitation and recovery are prioritized over retributive punishment, can serve as the basis for this change. Shifting the age limit to 14 or 16 years would provide children the opportunity for rehabilitation that aligns better with their developmental stage, while reinforcing the protection of children's rights in line with international principles.

## References

- [1] Ansori, Criminal Justice System of Children in The Law Number 11 of 2012 (Restorative Justice), *Journal Rechtsidee*, Vol. 1, 2014
- [2] Ansori, Criminal Justice System of Children in The Law Number 11 of 2012 (Restorative Justice), *Journal Rechtsidee*, Vol. 1, 2014
- [3] Ben Mathews, Children's Criminal Responsibility In Australia Some Legal, Psychological And Human Rights Issues, *Australia & New Zealand Journal of Law & Education*, Vol 5, No 2, 2000
- [4] Bench, L., & Allen, T. D. Investigating the stigma of prison classification: An experimental design. *The Prison Journal*, Volume 83, 2003
- [5] Damanhuri Fattah, Teori Keadil Lan Menurut John Rawls, *Jurnal TAPIS* Vol.9 No.2, 2013
- [6] Ernawati, Child Participation In Marriage Dispensation In Southeastasian Muslim Countries From The Perspective Of Theconvention On The Rights Of The Child, *Journal Of World Science*, Volume 2 No. 8, 2023
- [7] Hadibah Zachrah Wadjo, The Law Protection for the Woman Victim of Violence on Traditional Marriage, *journal SASI*, Volume 28, 2022
- [8] Hardianto, The Effectiveness of Law Enforcement on Child Protection for Cybercrime Victims in Indonesia. *Journal of Physics, Conf. Series* 1028, 2018
- [9] Karin Arbach-Lucioni, Risk Factors For Violent Behavior In Prison Inmates, *Criminal Justice And Behavior*, Vol. 39 No. 9, 2012
- [10] Secsio Jimec Nainggolan, "Analisis Yuridis Penentuan Kedudukan Saksi Pelaku Sebagai Justice Collaborators Dalam Tindak Pidana Narkotika Di Pengadilan Negeri Pematang Siantar (Studi Putusan No: 231/Pid.Sus/2015/PN)" *USU Law Journal*, Vol.5. No. 3, 2017