



**CRIMINAL RESPONSIBILITY OF CHILDREN IN BRAWLS THAT
RESULTED IN DEATH IN REVIEW OF LAW NUMBER 35 OF 2014
(STUDY OF DECISION PN TANJUNG KARANG NUMBER
11/PID.SUS-ANAK/2025/PN TJK)**

**TANGGUNG JAWAB PIDANA ANAK DALAM PERKELAHIAN YANG
MENGAKIBATKAN KEMATIAN DALAM TINJAUAN UNDANG-
UNDANG NOMOR 35 TAHUN 2014 (STUDI PUTUSAN PN TANJUNG
KARANG NOMOR 11/PID.SUS-ANAK/2025/PN TJK)**

Benny Karya Limantara¹, Carissa Novira Putri^{2*}

¹Bandar Lampung University, Email: benny.karya@ubl.ac.id

²Bandar Lampung University, Email: carissanoviraputri@gmail.com

*email koresponden: carissanoviraputri@gmail.com

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Abstract

Student brawls involving children remain a recurring social phenomenon in Indonesia and frequently result in serious criminal offenses, including those causing death. Children as perpetrators of criminal acts occupy a special position within the criminal justice system; therefore, their criminal liability cannot be equated with that of adults. This study aims to analyze the criminal liability of children involved in brawls resulting in death and to examine the application of legal provisions in the Decision of the Tanjung Karang District Court based on the Child Protection Act and the Juvenile Criminal Justice System. The research employs normative juridical and empirical juridical approaches through the study of statutory regulations, analysis of court decisions, and interviews with law enforcement officers. The data were analyzed qualitatively to describe the implementation of juvenile criminal law. The findings indicate that child offenders may still be held criminally liable while observing the principle of the best interest of the child. Judges consider both juridical and non-juridical aspects, including the child's role in the offense, age, psychological condition, and social inquiry reports, resulting in sanctions that emphasize rehabilitation rather than retribution. This study concludes that the application of juvenile criminal law in cases of brawls resulting in death is in accordance with prevailing legal provisions; however, improvements in the quality of case handling by law enforcement agencies are still necessary to ensure balanced and sustainable child protection and justice for victims.

Keywords : Child, Criminal Liability, Violence.



Abstrak

Tawuran yang melibatkan anak masih menjadi fenomena sosial yang kerap terjadi di Indonesia dan sering berujung pada tindak pidana serius hingga mengakibatkan kematian. Anak sebagai pelaku tindak pidana memiliki kedudukan khusus dalam sistem hukum pidana sehingga proses pertanggungjawaban pidana tidak dapat disamakan dengan orang dewasa. Penelitian ini bertujuan menganalisis pertanggungjawaban pidana anak dalam tawuran yang mengakibatkan kematian serta mengkaji penerapan ketentuan hukum dalam Putusan Pengadilan Negeri Tanjung Karang berdasarkan Undang - Undang Perlindungan Anak dan Sistem Peradilan Pidana Anak. Metode penelitian menggunakan pendekatan yuridis normatif dan empiris melalui studi peraturan perundang - undangan, analisis putusan pengadilan, serta wawancara dengan aparat penegak hukum. Data dianalisis secara kualitatif untuk menggambarkan penerapan hukum pidana anak. Hasil penelitian menunjukkan bahwa anak pelaku tetap dapat dimintai pertanggungjawaban pidana dengan memperhatikan prinsip kepentingan terbaik bagi anak. Hakim mempertimbangkan aspek yuridis dan nonyuridis, seperti peran anak, usia, kondisi psikologis, serta penelitian kemasyarakatan, sehingga sanksi yang dijatuhkan menekankan pembinaan. Penelitian ini menyimpulkan bahwa penerapan hukum pidana anak telah sesuai dengan ketentuan yang berlaku, namun peningkatan kualitas penanganan perkara anak oleh aparat penegak hukum masih diperlukan agar perlindungan anak dan keadilan bagi korban dapat tercapai secara seimbang dan berkelanjutan.

Kata Kunci : Anak, Pertanggungjawaban Pidana, Kekerasan.

1. INTRODUCTION

The phenomenon of brawls between students and mass fights among children and adolescents still occurs frequently in Indonesia and often leads to serious crimes, such as persecution and demolition involving children as perpetrators and victims. Fights between students not only reflect the failure of social and educational development, but also have complex legal repercussions when such acts cause serious injury and even death. In practice, not a few children have to face the law due to their involvement in the collective violence.¹

The case of student brawls in Indonesia shows that children can play an active role as perpetrators of violence, both as the main perpetrators and as participants. However, children who commit crimes cannot be treated the same as adults because psychologically and sociologically children are still in the developmental stage. Therefore, children must still be treated in accordance with the principles of child protection and their rights guaranteed at every stage of the criminal justice process.²

Children have a very important role in the sustainability of the life of the nation and state as the next generation. Therefore, the state is obliged to ensure the fulfillment of children's rights so that their potential can develop optimally. Juridically, a child is defined as a person who is not yet 18 (eighteen) years old, including a child who is still in the womb, as regulated

¹ Muhamad Fauza Aziz. 2025. *Concerned Student Brawl*, <https://koran.pikiran-rakyat.com/news/pr-3039307179/tawuran-pelajar-memprihatinkan>, downloaded on December 26, 2025 at 11.48 WIB.

² Bandar Lampung Police. 2025. <https://tribatanewsrestabandarlampung.lampung.polri.go.id/detail-post/secure-teens-perpetrators-of-brawls-in-bandar-lampung-police-fixing-five-people-as-suspects-possession-sajam>, downloaded on December 26, 2025 at 11.50 WIB.



in Law Number 35 of 2014 concerning Child Protection.³ This provision emphasizes that children are legal subjects who must receive special protection from the state, society, and parents. Therefore, the government has the responsibility to guarantee and guarantee the rights of children so that their potential grows properly

As a vulnerable group, children need comprehensive legal protection, including protection of children's human rights. Child protection is essentially all efforts to guarantee and protect children so that they can live, grow, develop, and participate optimally in accordance with their dignity and dignity of humanity. The protection is also intended to prevent children from all forms of violence and discrimination.⁴ Social reality shows that not all children can avoid legal problems. Children who commit criminal acts are referred to as children who are in conflict with the law, namely children who are in conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts. The phenomenon of children involved in criminal acts, especially fights, in recent years has increased and caused unrest in the community because it is often accompanied by the use of sharp weapons and leads to the loss of a person's life.⁵

In the context of children as perpetrators of criminal acts, the main issue that arises is about criminal liability. Criminal liability does not only focus on the consequences caused, but also on the mistakes of the perpetrator and the ability to take responsibility for his actions. In principle, criminal liability is a person's ability to account for the criminal acts that he has committed, which requires mistakes and the ability to be responsible.⁶

The phenomenon of brawls is generally not carried out by just one person, but involves more than one perpetrator with different roles. In criminal law, the involvement of more than one person in a criminal act is known as the concept of *participation (deelneming)*, which includes the perpetrator, the person who orders the perpetrator to do it, the person who participates in the act, and the person who encourages or incites. This concept is also relevant to be applied in brawl cases involving children, so the determination of criminal responsibility must pay attention to the role of each child in the occurrence of criminal acts.⁷

In the juvenile criminal justice system, the handling of children's cases that conflict with the law must prioritize the principle of the *best interest of the child*. This principle requires that the punishment of children be used as the last resort (*ultimum remedium*) and carried out with the aim of coaching, not retaliation. The protection of children in the judicial process must

³ Rajarif Syah Akbar Simatupang. 2024. *Protection of Children in Dealing with the Law*, Journal of Legal Education, Vol. 3 Number 2, p. 27.

⁴ Wardah Nuroniyah. 2022. *Child Protection Law in Indonesia*, Hamjah Diha Foundation, Lombok, p. 7

⁵ Philia Anindita Ginting et al. 2019. *Strengthening the Spirituality of Children in Facing the Law (ABH)*, Social Work Journal Vol. 9 No. 1, p. 86.

⁶ Oto Rosadi. 2021. *Child Regulation in Indonesia*, LPPM Eksakakti University, West Sumatra, p. 45

⁷ A Practical Student. 2022. *Delik Inclusion in the Criminal Code (KUHP)*, Binamulia Hukum Vol. 11 No. 1, p.73



also ensure humane treatment, legal assistance, and guarantees of education and coaching during the legal process.⁸

A court decision in a child case is understood as a judge's statement handed down in a court hearing, which not only considers the juridical aspect in the form of fulfilling the elements of the criminal act, but also considers non-juridical aspects, such as the child's psychological condition, family background, and the child's future. This is important so that the verdict handed down still reflects justice, both for the victim and for the child as the perpetrator, and in line with the principle of child protection.⁹

Based on this description, this study focuses on the study of child criminal responsibility in brawls that result in death, by examining in depth the application of the provisions of juvenile criminal law in the Tanjung Karang District Court Decision Number 11/Pid.Sus-Anak/2025/PN Tjk. This research was conducted by reviewing the suitability of the judge's legal considerations and the law enforcement process applied to the child of the perpetrator of a criminal act, based on the provisions of Law Number 35 of 2014 concerning Child Protection and Law Number 11 of 2012 concerning the Child Criminal Justice System, in order to see how the principles of child protection and the best interests of children are applied in the case of brawls that result in the loss of a person's life.

2. RESEARCH METHOD

The problem approaches used in this study are normative juridical approaches and empirical approaches. The normative juridical approach is carried out through *library research* by studying legal principles, the opinions of scholars, and laws and regulations related to the criminal responsibility of children in the crime of brawl resulting in death. The empirical approach is carried out through field *research* by observation and interviews to find out the application of the law in law enforcement practices to children who are in conflict with the law.

a. Data Type

The type of data used in this study consists of secondary data and primary data.

1) Secondary Data, obtained through literature studies consisting of:

Primary legal materials, namely binding laws and regulations and court decisions related to child criminal liability, especially Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the Criminal Code, and the Tanjung Karang District Court Decision Number 11/Pid.Sus-Anak/2025/PN Tjk. Secondary legal materials, which are legal materials that provide

⁸ Rahman Amin dan Muh. Fikri Al Aziz. 2023. *Implementation of the Best Interests Principle for Children Who Commit Violent Crimes Resulting in the Death of Children (Study in the Central Jakarta District Court)*, Jurnal Bina Mulia Hukum Vol. 8 No. 1, hlm.59

⁹ Iwan Kartiwan. 2013. The Judge's Decision Is the Crown of Judges, <https://badilag.mahkamahagung.go.id/artikel/publikasi/artikel/putusan-hakim-adalah-mahkota-hakim-oleh-drshmahjudi-mhi-228>, downloaded on December 26, 2025, at 11.58 WIB



explanations of primary legal materials in the form of literature, scientific papers, research results, and legal journals related to criminal law and juvenile criminal law.

Tertiary legal materials, which are supporting legal materials that complement primary and secondary legal materials in the form of legal dictionaries and other supporting sources.

Primary Data

- 2) Primary data was obtained directly from field research through interviews with law enforcement officials involved in handling child cases, namely investigators, public prosecutors, and judges.

b. Data collection procedure

It is carried out through literature studies and field research. The data obtained was then processed through the stages of classification, inventory, and systematization of data, then analyzed qualitatively descriptively to answer research problems regarding the criminal responsibility of children in brawls that resulted in death.

c. Data Processing Procedures

It is carried out by analyzing data that has been obtained from literature studies and field research and then processed through several stages, namely data classification, data inventory, and data systematization. Data classification is carried out by grouping data according to the research problem, while data inventory aims to assess the completeness and validity of the data obtained. Furthermore, the data that has been systematically compiled is analyzed qualitatively to produce a targeted discussion in accordance with the research objectives.

3. RESULTS AND DISCUSSION

a. Regulation and Implementation of Child Criminal Liability from the Results of the Tanjungkarang District Court Decision Number 11/Pid.Sus-Anak/2025/PN Tjk Based on Law Number 35 of 2014 and Law Number 11 of 2012

The results of the research were obtained through direct interviews with law enforcement officials who handle child cases in the criminal act of brawl that resulted in death as reflected in the Tanjungkarang District Court Decision Number 11/Pid.Sus-Anak/2025/PN Tjk. The discussion on this first problem is focused on how the regulation and implementation of juvenile criminal liability is applied from the investigation stage to prosecution based on Law Number 35 of 2014 concerning Child Protection and Law Number 11 of 2012 concerning the Child Criminal Justice System.

b. Application of the Juvenile Criminal Justice System at the Investigation Stage

The first resource person in this study was Mr. Aipda Bhirawidha, S.Kom., M.M., an investigator from the Bandar Lampung City Resort Police. Based on the results of the interview, the investigator emphasized that from the beginning of the handling of the case, it had been confirmed that the perpetrator had the status of a minor. Thus, the entire investigation process is carried out based on the provisions of the Juvenile Criminal Justice System.

The implementation of the system is reflected in the following:



- 1) Child examinations are carried out with assistance, both by parents and legal advisors, as a form of protection of children's rights in legal proceedings.
- 2) The examination approach is adjusted to the child's psychological condition, so that it is not oppressive or repressive.
- 3) Children's rights are still guaranteed, even if children are suspected of committing criminal acts with very serious consequences.

However, investigators emphasized that the consequences of the child's actions that caused the victim's death made this case ineligible to be resolved through a diversion mechanism. This is based on the provision that diversion cannot be applied if the criminal act causes serious consequences in the form of death.

c. Reasons for Non-Implementation of Diversion

According to the investigator's statement, diversion cannot be carried out in this case because:

- 1) As a result of the act in the form of loss of the victim's life, the act is included in the category of a serious crime.
- 2) High criminal threat, so it does not meet the diversion criteria.
- 3) The importance of justice for victims and their families must still be considered.

Investigators consider that even though the perpetrator is a child, criminal responsibility must still be formally enforced because the act is a material offense with fatal consequences.

Regarding the legal basis used, investigators applied Article 80 of Law Number 35 of 2014 concerning Child Protection. The application of this article is still adjusted to the provisions of juvenile punishment as stipulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. According to the investigator, the punishment of children must still provide a learning effect without ignoring the principle of the best interests of the child.

In the investigation process, investigators also involved the Correctional Center (Bapas) through the preparation of a Community Research Report (Litmas). This report contains the psychosocial condition, family background, and educational history of the perpetrator's child, which then becomes an important part of the case file for the prosecution and trial stages.

d. Prosecutor's Considerations in the Prosecution

The second resource person was Mrs. Zuftia Tara, S.H., Public Prosecutor from the Bandar Lampung District Attorney's Office. According to him, the role of the prosecutor is very crucial in filtering the results of the investigation into indictments and fair criminal charges.

In this case, the prosecutor chose to prosecute the perpetrator under Article 80 paragraph (3) of Law Number 35 of 2014 concerning Child Protection, with the following considerations:

- 1) The article is more specifically regulating violence against children;
- 2) Application of the principle of *lex specialis derogat legi generalis*;
- 3) The need for special legal protection for children in the judicial system.

The selection of the article is based on the principle of *lex specialis derogat legi generalis*, which places the Child Protection Law as a special rule that overrides general provisions in the



Criminal Code. According to the prosecutor, the implementation of this special law reflects the philosophy of the judicial system that prioritizes child protection from the prosecution stage. The prosecutor also emphasized the importance of differentiating the role of each child in the brawl through the application of the theory of inclusion. The analysis was conducted based on evidence and a series of events, including who carried or used the weapon, who provoked, and who took direct action against the victim. In this case, the child of the main perpetrator was proven to have a dominant role because it caused the victim's death directly, so the criminal liability was heavier than the other children involved.

Furthermore, the prosecutor explained that the formulation of criminal charges must be able to balance a sense of justice for the victim's family with the obligation to protect the future of the perpetrator who is still a child. Age factors, psychological conditions, social environment, and the results of Bapas's assessment are the main considerations so that criminal charges are corrective and do not destroy the child's potential to return to society.

e. Judges' Considerations in Imposing Judgments Based on the Principles of Child Protection and the Principles of Justice in Children's Criminal Law

The second problem in this study focuses on the basis of the judge's consideration in imposing a verdict against the child perpetrator in case Number 11/Pid.Sus-Anak/2025/PN Tjk, and the extent to which these considerations reflect the balance between the principle of child protection and the principle of justice in juvenile criminal law. The judge's consideration in children's cases has a special characteristic because it not only assesses the fulfillment of the elements of the criminal act, but must also pay attention to the best interests of the child without ignoring the consequences caused to the victim.

The third resource person in this study was Mr. Agus Windana, S.H., a judge of the Tanjung Karang District Court who examined and decided the case. Based on the results of the interview, the interviewee explained that the panel of judges conducted a thorough assessment of legal facts by combining juridical and non-juridical considerations. This process is carried out to ensure that the judgment handed down is not only legally valid, but also substantially fair.

From the juridical aspect, the judge considered that the application of Article 80 paragraph (3) of Law Number 35 of 2014 concerning Child Protection was based on strong evidence. The evidence was obtained through witness statements, reconstruction of the incident, and analysis of the role of the perpetrator during the trial. Based on the evidence submitted, the panel stated that all elements of the article had been legally and convincingly fulfilled, so that the child perpetrator could be held criminally responsible for his actions.

In addition to considering the juridical aspect, the panel of judges also paid great attention to the non-juridical factors inherent in the perpetrator's child. This non-juridical consideration is important considering that the perpetrator is still in the stage of psychological and social development.

In his consideration, the judge focused on several main aspects:

- 1) The age of the perpetrator and the psychological condition of the child;



- 2) The attitude of the perpetrator during the trial process, including the existence of remorse and cooperative attitude;
- 3) Family background and social environment in which the child grew up; and
- 4) Results of Community Research Report from the Correctional Center.

The judge emphasized that these factors are not intended to remove criminal liability, but rather to determine the most appropriate form and severity of the penalty. The principle of the best interest of the child remains the main basis in determining the type of punishment imposed. Therefore, the criminal execution is directed to the Special Children's Development Institution (LPKA) so that the perpetrator still has the right to education and coaching while serving a sentence.

On the other hand, the judge also realized that the consequences of the act in the form of the victim's death had a very serious impact and caused deep suffering to the victim's family. Therefore, a sense of justice for victims remains an important consideration in making a verdict. The panel considers that the punishment cannot be imposed too lightly, because it has the potential to ignore the value of justice and legal certainty.

In this case, the panel of judges also assessed the role of each child separately and did not generalize criminal liability just because of involvement in the same event. This assessment is carried out by looking concretely at the contribution of each child's actions in the occurrence of criminal consequences. The main perpetrators who are proven to have caused the victim's death received heavier sanctions than other children who were indirectly involved.

According to the judge, a criminal sentence of 4 years and 6 months is considered the most proportionate because it has taken into account the level of wrongdoing of the perpetrator, the impact of the act caused, and the opportunity for change in the child's behavior in the future. The decision is expected to provide a learning effect for the perpetrator without eliminating the opportunity for children to improve themselves and return to their social environment as better individuals.

Overall, the judge's consideration in this case shows that there is a serious effort to balance the protection of the child of the perpetrator with justice for the victim. Decisions not only serve as a means of punishment, but also as an instrument of coaching and prevention so that children can improve their behavior without losing their future.

4. CONCLUSION

Based on the results of research and discussion on child criminal liability in the crime of brawl resulting in death as reflected in the Tanjungkarang District Court Decision Number 11/Pid.Sus-Anak/2025/PN Tjk, it can be concluded that the regulation and implementation of child criminal liability has been carried out guided by Law Number 35 of 2014 concerning Child Protection and Law Number 11 of 2012 concerning the Criminal Justice System Children. Even though the perpetrator has the status of a child, criminal liability can still be applied if the act committed has serious consequences in the form of the victim's death, so the diversion mechanism cannot be enforced.



At the investigation and prosecution stage, law enforcement officials have adjusted the case handling process to the provisions of the Child Criminal Justice System, including through assistance to the perpetrator's child and the involvement of the Correctional Center in the preparation of the Community Research Report. The application of Article 80 of Law Number 35 of 2014 concerning Child Protection is considered appropriate because violent acts are committed against children and result in death. In addition, the distinction of the role of each child in the brawl event shows that there is an effort to apply criminal responsibility proportionately.

Furthermore, the judge's consideration in issuing the verdict has reflected the balance between the principle of child protection and the principle of justice in the juvenile criminal law. The judge not only considers the juridical aspect in the form of proving the elements of the criminal act, but also the non-juridical aspect related to the psychological condition, family background, and potential for the development of the perpetrator's child. The sentencing of a criminal case at the Children's Special Development Institution with a criminal term of 4 years and 6 months is seen as a proportionate verdict because it still prioritizes coaching without ignoring the impact of the perpetrator's actions.

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