

Restructuring the Criminal Warning Mechanism to Prioritize the Best Interests and Future of Children

Alyna Gabryella¹, Nurini Aprilianda², Lucky Endrawati³

Faculty of Law, Brawijaya University, Malang, Indonesia
gabryellaalyna@gmail.com

ABSTRACT

The designation of a warning as the principal punishment in Article 72 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System raises normative issues that conflict with the purpose of sentencing and the principle of the best interests of the child. This study employs a normative juridical method with a comparative approach, examining the procedure for issuing warning sanctions in Queensland, Australia. The analysis reveals that issuing warnings through a formal judicial process has the potential to cause psychological trauma and social stigma for children, thereby hindering their social reintegration. Consequently, there is a need to reconstruct the warning mechanism to be more oriented toward the best interests and future of children, while also strengthening legal protection for minors within Indonesia's criminal justice system.

Keywords:

Criminal Warning, Juvenile Justice System, Best Interests of the Child, Juvenile Punishment, Child Protection.

INTRODUCTION

Children are individuals who are vulnerable to disturbances in their growth and development processes and are at risk of violence, discrimination, and physical, psychological, and sexual exploitation (Maidin Gultom, 2018). As part of the development of criminal law policy, the criminalisation of children has been regulated through Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) and Law No. 1 of 2023 concerning the Criminal Code (National Criminal Code). These regulations aim to ensure the welfare of children throughout the criminal justice process.

The phenomenon of children in conflict with the law (ABH) presents a dilemma due to the conflicting interests between law enforcement and child protection. The SPPA Law defines ABH as individuals aged 12 to 18 years who are suspected of committing a crime. According to the United Nations International Children's Fund (UNICEF), ABH are classified as "Children in Need of Special Protection (CNSP)" and therefore, require protection, intensive supervision, and specific regulations to guarantee their right to optimal development (Ayu Trisna Dewi, Muhammad Rizki Syahputra, 2020).

The imposition of sanctions on children must prioritise the principle of proportionality, as affirmed in Rule 5.1 of the Beijing Rules. These rules establish two primary objectives of the juvenile criminal justice system: first, to ensure the welfare of children at every stage of the trial to prevent suffering; and second, to ensure a balance between the seriousness of the crime and the child's circumstances, both at the time of the crime and during the sentencing process. This principle encourages judges to consider factors such as the child's maturity level, family background, social environment, and educational situation when determining the appropriate form of punishment.

The Juvenile Justice System (SPPA) Law adopts a double-track system that allows for the imposition of both criminal sanctions and disciplinary sanctions in the

juvenile criminal process. Criminal sanctions (Straf) are punishments deliberately imposed by the state on individuals who violate the law, intended to deter the individual and serve as a form of retribution (Ishaq, 2020). In contrast, action sanctions (maatregelen) are more preventative and focus on rehabilitating the offender and protecting the community (Neila Qurrotu, Setya Wahyudi, Dwi Hapsari, 2023). The double-track system mechanism is regulated under Article 69 paragraph (2), which states that children may be subject to criminal and/or administrative sanctions. However, for children under 14 years of age, sanctions are limited to action measures, as children under 12 are considered not yet legally responsible.

Focusing on the provisions regarding warning penalties, Article 72 of the SPPA Law stipulates that warning penalties are considered light criminal sanctions and do not restrict a child's freedom. Previously, Law Number 3 of 1997 concerning Juvenile Courts (Juvenile Court Law) did not include the term "warning" as a criminal sanction, but instead treated it as part of action sanctions. According to the explanation of Article 24, paragraph (2) of the Juvenile Court Law, warnings could be given directly to the child or conveyed through parents, guardians, or foster parents, to prevent the child from repeating the offence.

The placement of a warning as the first form of punishment in the hierarchy of principal sanctions reflects the legislature's intention to encourage judges to prioritise penalties that do not involve deprivation of liberty. This approach aims to protect children from the negative impacts of judicial proceedings and support their growth, development, and social reintegration (Nurini Aprilianda, 2017). A warning consists of verbal admonitions delivered by a judge to a child offender, intended to correct the wrongful behaviour that has been committed.

However, this norm still creates problems for children as perpetrators of crimes, because to receive a sanction in the form of a warning, children must undergo a lengthy and protracted judicial process, starting from the investigation stage to the examination in the Juvenile Court. According to Utrecht, however, a sanction in the form of a warning should be imposed immediately, without waiting for a final and binding decision in the case (Utrecht, 1987). This prolonged judicial process poses serious psychological risks for children, including the potential for long-term trauma due to exposure to an unfavourable judicial environment.

Various studies have shown that children's involvement in the judicial system can trigger post-traumatic stress, anxiety, depression, and feelings of insecurity and low self-esteem (Widya Romasindah Aidy, 2021). Uncertainty about the outcome of the trial can also lead to chronic stress, sleep disturbances, and concentration problems, ultimately hindering children's academic achievement and social reintegration. Therefore, to protect and properly treat children, the juvenile criminal justice system needs to focus on two key aspects: the future of young or immature offenders and the sociological and psychological consequences of imposing specific types of criminal sanctions on children (Wagiati Soetedjo, Melani, 2014).

The conceptual ambiguity regarding the status of warning sanctions in the Child Protection Law and the Juvenile Criminal Justice System (SPPA) Law necessitates a comparative review of how similar warning sanctions are

implemented in developed countries such as Australia. As a federal state, Australia grants each of its states the authority to regulate its respective legal system. In the context of juvenile justice, Queensland implements the Juvenile Justice Act 1992, which provides rigid and structured provisions for resolving juvenile criminal cases. Both Indonesia and Queensland regulate the issuance of formal warnings (cautions) to children suspected of committing minor offences.

A comparison of warning sanctions between Indonesia and Queensland is expected to identify the ideal role of such sanctions for children in conflict with the law. This effort also aims to reorient the position of warning sanctions within the Indonesian juvenile criminal justice system to better serve the best interests of the child. This is crucial, considering that flawed policies and mishandling in the juvenile justice process can negatively impact children's mental and psychological development, ultimately affecting the quality of the younger generation in the future (Maidin Gultom, 2018). Based on the previously outlined issues, the author is encouraged to conduct a comprehensive study of the ideal mechanism for imposing warning sanctions on children in conflict with the law in Indonesia.

METHOD

In this study, the author employed a normative juridical legal research method, utilising laws, regulations, and prevailing societal norms as primary sources. This type of research was chosen because the study's focus lay in primary legal materials that regulate the protection and punishment of children in conflict with the law. The problem in this study stemmed from the inconsistency between the basic concept of punishment and the status of warning punishment as the principal punishment in Article 72 of the SPPA Law. The approaches used included statutory, conceptual, and comparative legal approaches.

RESULTS AND DISCUSSION

- 1. Incompatibility of the Concept of Punishment with the Status of Warning Penalty in Article 72 of the Juvenile Justice Law (UU SPPA)**
 - a. Penalty as a Principal Punishment in Article 72 of the Juvenile Justice Law (UU SPPA)**

Sanctions in the context of criminal law refer to the legal consequences that must be borne by any individual who commits a crime. The imposition of sanctions in criminal law is based on subjective criminal law, which is defined as a set of regulations governing the state's right to punish an individual (Sudarto, 1990). Indonesia employs a dual-track system, which permits the simultaneous application of both criminal sanctions and disciplinary actions. Criminal sanctions are a form of suffering deliberately imposed by the state on lawbreakers, characterised by their intention to cause suffering (M. Ali Zaidan, 2022). The imposition of criminal penalties aims to deter future crimes, thereby maintaining social order and stability. Meanwhile, disciplinary sanctions, known as treatment sanctions, are more prevention-oriented. These sanctions aim to deter individuals from committing crimes and assist perpetrators in improving and developing their personalities (E. Z Leasa, 2010).

The Child Protection and Juvenile Justice Act (UU SPPA) explicitly

stipulates the types of principal and additional penalties in Article 71 of the UU SPPA. One of the principal penalties that can be imposed on juvenile offenders is a warning. A warning is considered a minor sanction and does not restrict a child's freedom or autonomy (Law Number 11 of 2012, Article 72). Essentially, a warning is defined as advice or a reprimand intended to remind the child of something they should avoid or correct. The concept of a warning in juvenile justice is similar to that in Dutch criminal law, where the judge issues a written warning to the perpetrator containing a corrective statement in response to the crime committed (Achmad Ratomi, Rismaya Mutiara, 2020). In line with these provisions, Utrecht also argues that a warning must be imposed immediately, without waiting for a final and binding decision from the Panel of Judges (Utrecht, 1987).

The purpose of issuing a warning in the juvenile criminal justice system is to raise the child's awareness of the consequences of their actions and to prevent future criminal behaviour. Prior to the enactment of the Juvenile Justice System (SPPA) Law, the handling of children in conflict with the law by law enforcement officers was still based on the provisions of Law Number 3 of 1997 concerning Juvenile Justice. The two laws show a significant difference in the regulation of warnings. In the Juvenile Court Law, warnings are not recognised in the hierarchy of basic crimes but can be applied cumulatively with action sanctions (Law Number 3 of 1994, Article 24 paragraph (2)). Warnings are interpreted as words delivered directly by the judge or indirectly through parents so that the child does not repeat actions that are detrimental to themselves or those around them. Meanwhile, in the Juvenile Justice and Child Protection Law, warnings are placed at the top of the hierarchy of principal punishments. They may be applied in cases involving a low level of reprehensibility.

b. The Problematic Placement of Warning Penalty as a Principal Punishment in the Juvenile Criminal Justice System

A review of Law Number 3 of 1997 regarding Juvenile Courts reveals a fundamental shift in the paradigm of child criminalisation in Indonesia. Child criminalisation is no longer intended as a form of retribution, as is typical under retributive principles, but rather is directed towards a developmental process aimed at securing a better future. This shift is reflected in the formulation of criminal sanctions and measures in the Juvenile Court Law. According to the minutes of the session for the formation of the Juvenile Justice and Child Protection Law, the change in the hierarchy of criminal sanctions and measures was motivated by the consideration that children should not be punished on the same basis as adults. Imprisonment is considered a last resort or the ultimate remedy. It is applied only if the child has committed a serious crime or if diversion and other non-restrictive sanctions are not feasible (A. Zahra & R. Sularto, 2017).

The change in the hierarchy of principal penalties between the Juvenile Court Law and the Juvenile Criminal Justice System Law demonstrates the government's commitment to creating a criminal justice system that prioritises the best interests of every child, whether as a perpetrator, victim, or witness in a case. Specifically, the placement of a warning sentence at the top of the hierarchy of principal penalties in the Juvenile Criminal Justice System Law reflects the intention and desire of legislators to establish a more humane juvenile criminal

justice system, prioritising development over punishment. This arrangement illustrates that imposing a warning sentence is a top priority, one that judges must consider before imposing other penalties. This aligns with Nurini Aprilianda's opinion, which states that placing imprisonment as the last resort in the list of principal penalties is intended to encourage judges to prioritise other principal penalties that do not restrict a child's freedom (Nurini Aprilianda, 2017).

Previously, the Juvenile Court Law still used the term "reprimand," which in its status was not considered a crime, but rather only a sanction that could accompany sanctions imposed on misbehaving children (Law Number 3 of 1997, Article 24 paragraph (2)). However, in the Juvenile Criminal Justice System Law, the status of a warning was changed to one of the main types of punishment. According to Black's Law Dictionary, reprimand is defined as "a public and formal censure or severe reproof, administered to a person in fault by his superior officer or body to which he belongs." Based on this description, a warning is interpreted as a formal, stern reprimand issued by someone with authority within a specific body or agency.

The Juvenile Criminal Justice System Law itself regulates that a warning is a minor punishment that does not restrict the freedom of any child (Law Number 11 of 2012, Article 72). Regarding the form of imposing a warning, it is not clearly described in the Juvenile Criminal Justice System Law. However, if referring to the explanation of Article 24 paragraph (2) of the Juvenile Court Law, a reprimand is explained as a warning given directly by the judge to a child who is proven guilty of committing a criminal act, or indirectly addressed to his/her parents, guardians, or foster parents, to make the child realize his/her mistake and not repeat the act.

Philosophically, a warning sentence reflects the principle that children are individuals still in the developmental stage, thus requiring a legal approach that is educational, guiding, and restorative rather than simply repressive. Furthermore, a warning sentence is the lightest type of sanction. It is expected to prevent children from reoffending without placing them in situations that could endanger their growth, development, and future.

However, a problem arises when a warning sentence is interpreted as a verbal or indirect warning delivered by a judge to a child in conflict with the law. In such a context, a warning sentence creates a discrepancy with the fundamental nature of a warning itself. Ideally, a warning should be given promptly and directly to the individual concerned, without having to undergo a lengthy and complicated criminal justice process, from the investigation stage to the examination in Juvenile Court (Achmad Ratomi, Rismaya Mutiara Lestari, 2020). An overly complex sentencing process that imposes a warning sentence in the form of a publicly read decision contradicts the basic principles of child protection.

Several studies have shown that all forms of deprivation of liberty, from detention to imprisonment, are hazardous for children and ineffective in preventing crime. The UN Study on Violence Against Children and the UN Global Study on Children Deprived of Liberty state that every child deprived of liberty faces a high risk of violence, which can disrupt their cognitive, emotional, and social development. Furthermore, these risks can interrupt the continuity of their education and hinder their reintegration into society.

One common problem in the juvenile criminal justice system is that detention facilities are often not separated from adult facilities. This situation increases the likelihood of children being exposed to the negative influence of adult inmates, which can trigger psychological trauma (Marie Claire Van Hout and Rosemary Mhlanga-Gund, 2020). In some situations, adult inmates exploit children to commit crimes, a practice commonly found in the drug trade (UNICEF Regional Office for Europe and Central Asia, 2022). This situation renders correctional institutions ineffective as child-friendly development centres.

One of the most worrying risks for children in conflict with the law is stigmatisation, where children undergoing legal proceedings can receive negative labels from society. Children are easily labelled as “criminals,” “ex-convicts,” or “bad kids” by their social environment. The stigma attached to a child can have long-term negative impacts on their psychological condition and future life prospects (Samuel Haning, 2025). In addition to social consequences, the existence of a criminal record documenting every legal violation committed by a child also poses a serious obstacle for children to continue their formal education, build social relationships, and develop the skills necessary for community life.

There is an error in the process that fails to fully guarantee the best interests of the child. A judge can only issue a warning sentence if all elements of the crime charged against the child are legally and convincingly proven to be unlawful. This mechanism has legal consequences, namely that the child is still required to undergo a long and tiered judicial process to receive an official warning from the judge. Considering the inconsistency of the warning sentence mechanism with the principles of child protection in the juvenile criminal justice system in Indonesia, an ideal mechanism is needed to formulate a warning sentence in the future that prioritises the protection of the child's future.

2. The Ideal Mechanism for Imposing Warning Sanctions on Children in Conflict with the Law in Indonesia Based on the Principle of Child Protection

a. The Mechanism for Imposing Warning Sanctions (Cautioning) on Children in Conflict with the Law in Queensland

To protect the rights and development of children in conflict with the law, Queensland is one of the jurisdictions with a relatively comprehensive and progressive juvenile criminal justice system. The Queensland legal system places the best interests of the child as a primary principle in every legal process, including the imposition of sanctions. One form of treatment that reflects a restorative approach is the mechanism for imposing cautions, or warning sanctions, initially issued by the police. The state of Queensland enacted the Youth Justice Act 1992 (hereinafter referred to as the YJA) as a legal provision for handling cases involving children in legal trouble. Specifically, Part 2, Division 1 of the YJA regulates various special treatments that can be implemented by the police against children who commit law violations. One of these requires police officers to consider various alternative programs before children are processed in the justice system, including the following:

- a) The alternative program does not apply to children who commit serious criminal offenses;

- b) Take no action;
- c) Give a warning to the child;
Refer the legal violation to the chief executive

Furthermore, there are several circumstances that police officers must consider when handling cases involving children, including the severity of the crime committed by the child, the child's criminal history, any previous warnings the child has received for an offense, and whether the child has been dealt with in any other manner for an offense under any law (Division 1 Section 11 (2) of the Youth Justice Act Queensland 1992). One of the police authorities mandated by the Youth Justice Act 1992 in processing children in conflict with the law is to issue a caution or warning before they enter the trial stage.

Issuing a caution to a child is an effort to divert them from the criminal justice system, which may endanger their development. This authority reflects the application of a restorative justice approach in handling cases involving children in conflict with the law. There are several provisions for issuing warning sanctions to children, including (Division 2 Section 15 Youth Justice Act Queensland 1992):

- a. A police officer can give a warning sanction (caution) to a child as an alternative step to referring the child's case to court for an alleged criminal offense.
- b. By giving this warning sanction, the child will not go through the prosecution process for the committed offense.
- c. This warning sanction is not recorded as part of the child's criminal record, so it will not affect the child's formal legal record in the future.

A caution can only be issued if the crime committed by the child is not a serious offence and the child is willing to accept the warning voluntarily. In this context, a caution is interpreted as an official warning from the state, through the police, that is educational. The goal is to ensure the child is aware of the consequences of their actions and to deter them from repeating the crime in the future, while also avoiding the need for a judicial process that could potentially lead to stigma and long-term trauma. One of the advantages of the caution mechanism is that the warning is not added to the child's criminal record.

The following article explains that a police officer can only issue a caution to a child for a crime if the child admits to committing the crime before the police officer and has expressed their consent to receive the official warning (Division 2, Section 16 of the Youth Justice Act Queensland 1992). The warning is given in the presence of an adult chosen by the child, the child's parents, or another party with the consent of the child's parents. Furthermore, the Chief of Police authorises this only to police officers who are deemed to have adequate training or experience in handling juvenile cases. Before being given a warning, the child must be provided with an adequate explanation of the purpose, nature, and consequences of the caution (Division 2, Section 18, Youth Justice Act Queensland 1992). In situations where communication is hindered, such as by language barriers or other limitations, the services of a translator or communication assistant capable of effectively conveying legal messages to the child can be utilised.

Additionally, an apology from the child perpetrator to the victim may be required when issuing a caution, if the police officer deems such action

appropriate, given the circumstances of the case (Division 2, Section 19, Youth Justice Act 1992, Queensland). This procedure opens the opportunity for reconciliation between the child and the victim, without the need to involve the criminal justice process, while also providing the victim with an active role in a fair and humane resolution.

After a child receives a caution from a police officer, the officer is obligated to provide written notification to the child as official documentation of the caution. This document or official copy containing the notification regarding the caution can be used as evidence in legal proceedings. However, its evidentiary function is limited to demonstrating that the child received the caution under the stated conditions and at the specified time. The existence of the document cannot be used as legal and convincing evidence that the child has committed a crime (Division 2, Queensland 20

(3) and (4) Youth Justice Act Queensland 1992).

Furthermore, the court has the authority to discontinue proceedings against the child if it determines that legal action, in the form of criminal punishment, is unnecessary (Division 2, Section 21(2), Youth Justice Act 1992, Queensland). This can occur in situations where the child admits to the actions before the Children's Court, but the child or their legal representative requests that the case be dropped. The court may accept the application if it believes that the child should have been given a sufficient warning (caution) or that no legal action should be taken at all. The court may consider several factors in assessing the suitability of the application, including whether the child has previously received a caution or whether the child has been involved in a settlement agreement through a conference process. Suppose the court decides to drop the charges on the basis that the child should have been given a sufficient warning. In that case, the child may be given a warning immediately, or the court may instruct police officers to provide a caution as directed.

b. The Ideal Mechanism for Imposing Warning Sanctions on Children in Conflict with the Law in Indonesia

Government Regulation Number 58 of 2022 concerning the Forms and Procedures for the Implementation of Criminal Prosecutions and Actions Against Children (hereinafter referred to as PP Number 58 of 2022) stipulates that the prosecutor shall issue a warning by reading the warning contained in the court decision to the child. Although PP Number 58 of 2022 provides clarity regarding the mechanism for imposing warnings on children in conflict with the law in Indonesia, in practice, this implementation does not fully reflect the spirit of child protection through a restorative justice approach.

Article 7 of PP Number 58 of 2022 explicitly stipulates the following:

- a) "The warning penalty as referred to in paragraph (1) may be imposed on a Child with the purpose that the Child does not repeat the act."
- b) "The sentencing decision containing the warning penalty as referred to in paragraph (1) shall be pronounced by the Judge in the court session."
- c) "In the event that the warning penalty decision has obtained permanent legal force, the execution of the decision as referred to in paragraph."
- d) "Shall be carried out by the Prosecutor by reading the warning from the

court decision to the Child, accompanied by a Community Guidance Officer, an advocate or other legal aid provider, and/or the parent/guardian.”

Referring to the provisions above, a warning is imposed on a child in conflict with the law through a decision issued by a judge. The judge pronounces the warning during the trial. The prosecutor will then immediately execute the decision if the child, their legal representative, or the public prosecutor fails to take legal action within the specified timeframe. The procedure for implementing a warning involves a series of steps, beginning with the prosecutor summoning the child and their parents or guardian, accompanied by the presence of a Community Guidance Officer, an advocate, or another legal aid provider, if available. The prosecutor then prepares a report on the implementation of the decision and submits it to the District Court. Finally, the Community Guidance Officer submits a report on the results of their assistance to the prosecutor as a form of accountability for the implementation of the warning (Circular Letter Number 3 of 2019 concerning Criminal Prosecutions in General Criminal Cases).

It is essential to recognize that the warning is non-punitive, meaning it is not intended to inflict physical or psychological harm on the child, but rather is directed at fostering and strengthening personal responsibility for the actions committed. Although a warning is legally considered a minor offense and intended to be educational, its formal implementation has the potential to negatively impact a child's mental and social well-being. Therefore, a comparison of the warning sanction mechanism for children in Indonesia and Queensland is necessary to identify the best alternative for children.

Table 1 Comparison of the Mechanisms for Imposing Warning Sanctions on Children in Indonesia and Queensland

Aspect	Indonesia	Queensland
Legal Basis	Article 72 of the Juvenile Criminal Justice System Law (UU SPPA), Government Regulation No. 58 of 2022, and SEJA No. 3 of 2019	<i>Youth Justice Act 1992</i>
Time of Grant	Granted after the child is proven guilty through judicial proceedings and a court decision with permanent legal force	Granted at the early stage of case handling, prior to referral to the court
Authorized Party to Give Warning	The decision containing the warning sanction is pronounced by the judge in court, while the content of the warning is read to the child by the prosecutor	Police officers with adequate training or experience (authorized officers) to administer the caution to the child
Requirements for Imposing a Warning Sanction	- The child is proven guilty of committing a minor criminal offense - The warning sanction does not result in any restriction of the child's liberty - The judge considers the child's physical, mental, and social conditions both at the time of the offense and during sentencing	- The child admits the wrongdoing - The child agrees to receive a caution
Forms of Sanctions	Reprimand, advice, appeal, or recommendation from the judge	Direct reprimand in the form of an official caution
Ensuring the	No explicit legal provision requires	Police officers are required to ensure that

Aspect	Indonesia	Queensland
Child's Understanding of the Warning Sanction	the competent authority to explain the meaning and consequences of the sanction	the child understands the purpose, nature, and consequences of the caution. The explanation may be provided directly by the officer, an experienced person, an interpreter, or through written explanatory notes in English or another language understood by the child
Legal Process Followed	Undertaken through the entire judicial process, from investigation, prosecution, and trial to the issuance of a legally binding decision	No court process is required if the conditions for administering a caution are fulfilled
Procedure for Documentation and Official Record of Sanction Imposition	Recorded in the official minutes of the execution of the court's decision	Recorded administratively but not included in the child's criminal record
Nature of the Procedure	Formal and repressive	Non-litigious, restorative, and based on the child's consent
Main Objective	Legal education and guidance for the child after undergoing judicial proceedings	Diversion of the child from the formal justice system with the aim of fostering responsibility for the consequences of the offense committed
Assistance During Implementation Process	Must be accompanied by a Community Guidance Officer, legal counsel, and/or parent or guardian	Must be accompanied by a parent, guardian, or another adult chosen by the child who is close to them

Source: primary legal materials, processed, 2025

Conceptually, the term "criminal" refers to a form of punishment that involves suffering intentionally inflicted on someone found guilty of a crime through the judicial process (Sudarto, 2018). Therefore, an act can be classified as a criminal act if it results in suffering that causes discomfort and restricts an individual's freedom. This raises issues when it intersects with the concept of a warning penalty in the Indonesian juvenile criminal justice system.

Article 72 of the Child Protection and Juvenile Justice Act explicitly states that a warning penalty is a minor punishment in the form of a verbal warning that does not result in physical, economic, or social restrictions for the child. In the author's opinion, if the primary purpose of a warning penalty is to deter the child from repeating their actions in the future, then the appropriate approach should be to remove the child from formal judicial proceedings that could damage their future. Considering the educational nature of warnings, warning penalties should not be classified as the principal penalty imposed through a final court decision. Instead, this warning sanction should be used as an initial measure by the police before the case reaches the prosecution and trial stages.

The Indonesian juvenile justice system needs to reconstruct the status of the warning, which was previously the principal punishment, so that the current position of the warning is directed as a sanction placed as an initial step under the authority of the police. Children who commit minor crimes would no longer have to undergo a series of lengthy judicial processes from investigation to trial to receive a warning, even though the criteria for this cautionary crime are a minor offense, as

long as it meets specific requirements, such as the child admitting their mistake and willingness to accept the warning. This procedure not only streamlines the handling of juvenile cases but also better reflects the principles of restorative justice, as it encourages corrective and participatory solutions, minimizing detrimental impacts on the child's future (Tofik Yanuar Chandra, 2023).

Furthermore, the practice of issuing warnings should not overlook the responsibility of children in conflict with the law to restore the situation affected by the crime. Children are not only given a reprimand consisting of corrective words from the police regarding the criminal incident, but also receive a formal warning. Still, they are also involved in restoring social relationships with the victim, the victim's family, and/or anyone who has suffered loss or damage as a result of the crime. An apology in the warning process is not merely a formality, but rather a concrete effort by the child in conflict with the law to repair damaged social relationships and restore a sense of security to the victim. This approach is far more ideal than formal justice, which only prioritizes retaliation so that the perpetrator experiences suffering commensurate with their actions. Therefore, this mechanism should serve as a reference for improving the imposition of warnings for children in conflict with the law in Indonesia.

Warnings given to children can also be considered for removal from their criminal records. Queensland's elimination of criminal record entries when issuing cautions aligns with the principles of the Right to Life, Survival, and Development. If minor crimes committed by children are immediately recorded on their criminal records, it increases the likelihood of social exclusion and failure to fully reintegrate into society. This principle also encompasses efforts to ensure that children can grow and develop appropriately and naturally, and are protected from all threats that could disrupt their lives (Convention on the Rights of the Child, Article 6 paragraphs (1) and (2)). In this regard, issuing cautions by police to children in Indonesia would be an effort to support children's positive acceptance by society after committing minor crimes.

Furthermore, issuing cautions at an early stage will be more in line with the principle of proportionality in juvenile punishment, ensuring that children are given sanctions commensurate not only with the seriousness of the crime but also with the child's mental and intellectual maturity in accepting responsibility for their actions. Moreover, the warning sanction at the initial stage of case handling will not only strengthen the restorative justice approach mandated in the SPPA Law but also prevent the emergence of stigma and negative labels against children in conflict with the law, while ensuring that the justice system in Indonesia truly supports the best interests of the child's future.

CONCLUSION

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System regulates the warning penalty only in terms of its light characteristics, which essentially do not involve depriving a child of liberty for a specific period. However, because the warning is included as a principal type of punishment, the child must undergo a lengthy and protracted criminal justice process to receive a sanction in the form of a warning. This criminal justice process can hurt children, causing long-

term trauma, and children may also face negative stigma from society, which has the potential to hinder their social reintegration. In this regard, the ideal mechanism for imposing a warning penalty on children in conflict with the law can be achieved by changing the status of the warning from a principal punishment to a sanction of action. Warning sanctions should be issued by the police at the initial stage of handling cases involving children suspected of committing minor crimes. The police are required to inform the child of the nature, purpose, and consequences of the warning. A parent, guardian, advocate, or another responsible adult must also accompany the child. Furthermore, the warning can be accompanied by the child's willingness to apologize to the victim or other parties affected by the crime. This warning will not be recorded on the child's criminal record to avoid long-term legal consequences for the child's future. This reconstruction aims to establish a restorative justice-oriented case resolution mechanism while preventing the development of psychological trauma and long-term stigma in children.

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