

## Judicial Reasoning on Criminal Sanctions in Court Decision: Comparation between Indonesia and Uzbekistan

**Faisal**

Universitas Khairun Ternate, Ternate, Indonesia

[Faisaldjabid5@gmail.com](mailto:Faisaldjabid5@gmail.com)

**Turdialiev Mukhammad Ali Polatjon Ogli**

Tashkent State University of Law, Uzbekistan

[m.turdialiyev@tsul.uz](mailto:m.turdialiyev@tsul.uz)

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Submission Track:	ABSTRACT
Received:	<p><b>Purpose of the Study:</b> This study aims to provide an in-depth analysis on the judicial reasoning and <i>ratio decidendi</i> in Decision No. 4/Pid.Sus-Anak/2022/PN Lbh on juvenile theft in Indonesia, especially regarding how judges interpret the element of offense, assess the risk of recidivism, and balance child protection and the need to maintain social order. This study also places this decision in a comparative context with the practice of juvenile penalization in Uzbekistan to strengthen the analysis.</p>
4 November 2025	<p><b>Methodology:</b> This research employed the normative-juridical method with a case approach on a decision on a juvenile crime in Indonesia. The analysis was added with a statute approach on the Law on the Juvenile Criminal Court System, the Indonesian Criminal Code, and the Criminal Code of Uzbekistan. It also applied the conceptual approach, which encompasses the restorative justice theory, the best interest of the child theory, and the penalization theory. The analysis was conducted on a criminal case of theft in Indonesia, which involved children as perpetrators (Court Decision No. 4/Pid.Sus-Anak/2022/PN Lbh). It also analyzed a juvenile criminal case of theft in Uzbekistan and its Criminal Code as a comparison. The primary legal materials consisted of Indonesian court decisions and a juvenile court decision in Uzbekistan. The secondary legal materials consisted of scientific journals, official papers, and relevant literary materials. The technique of analysis was carried out in a descriptive-qualitative manner to reconstruct judges' juridical considerations and the <i>ratio decidendi</i> structure.</p>
Final Revision: 20 December 2025	<p><b>Results:</b> Results show that judges arrange reasoning through three main pillars: (1) evidencing of the offense element and the fulfillment of the aggravation element, (2) recidivism is a determinant that</p>
Available online: 27 December 2025	
Corresponding Author: Faisal & <a href="mailto:faisaldjabid5@gmail.com">faisaldjabid5@gmail.com</a>	

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increases the criminogenic risk escalation. Thus, it demands a firmer intervention, and (3) the integration of Correctional Centers' recommendations to guarantee that correctional activities for children are conducted in a structured environment. The decision states that for juvenile crimes, the imprisonment sanction is not sensed as a retributive sanction, but rather as a corrective instrument that is still based on the principle of the best interests of the child. Comparative analyses show that Uzbekistan faces a similar dilemma: restorative policies still give room for the selective use of imprisonment sanctions in the case of recidivism.

**Applications of this Study:** This research provides an empirical reference for policymakers, academicians, and legal practitioners to understand the pattern of judges' argumentation in juvenile cases. It also serves as a basis to strengthen policies on proportional penalization that are oriented towards rehabilitative actions and are responsive to the risk of recidivism. These findings are relevant to formulate socio-psychological assessment policies, guidelines to juvenile sentencing, and to strengthen Correctional Centers' recommendation mechanism.

**Novelty/Originality of this Study:** The novelty of this research lies in the systematic analysis of the *ratio decidendi* of a juvenile sentencing decision, which considers children's psychological condition and the principle of the best interest of the child in forming a decision order. This study also adds a comparative perspective with Uzbekistan that is seldom discussed in Indonesian jurisprudential literature, enriching the understanding on global trends related to juvenile sentencing.

**Keywords:** *Judicial Reasoning, Ratio Decidendi, Juvenile Sentencing, Juvenile Criminal Court System, Child Offenders.*

## **ABSTRAK**

**Tujuan Studi:** *Studi ini bertujuan untuk memberikan analisis mendalam tentang penalaran yudisial dan ratio decidendi dalam Keputusan No. 4/Pid.Sus-Anak/2022/PN Lbh tentang pencurian oleh anak di Indonesia, khususnya mengenai bagaimana hakim menafsirkan unsur tindak pidana, menilai risiko residivisme, dan menyeimbangkan perlindungan anak dan kebutuhan untuk menjaga ketertiban umum. Studi ini juga menempatkan keputusan ini dalam konteks komparatif dengan praktik penindakan anak di Uzbekistan untuk memperkuat analisis.*

**Metodologi:** *Penelitian ini menggunakan metode normatif-yuridis dengan pendekatan kasus pada keputusan tentang kejahatan anak di Indonesia. Analisis ditambahkan dengan pendekatan undang-undang pada Undang-Undang tentang Sistem Pengadilan Pidana Anak, KUHP Indonesia, dan KUHP Uzbekistan. Penelitian ini menerapkan*

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pendekatan konseptual, yang mencakup teori keadilan restoratif, teori kepentingan terbaik anak, dan teori penindakan. Analisis ini dilakukan pada kasus pidana pencurian di Indonesia yang melibatkan anak-anak sebagai pelaku (*Putusan Pengadilan No. 4/Pid.Sus-Anak/2022/PN Lbh*). Analisis ini juga menganalisis kasus pidana pencurian anak di Uzbekistan dan KUHP Uzbekistan sebagai perbandingan. Materi hukum primer terdiri dari putusan pengadilan Indonesia dan putusan pengadilan anak di Uzbekistan. Materi hukum sekunder terdiri dari jurnal ilmiah, dokumen resmi, dan literatur terkait. Teknik analisis dilakukan secara deskriptif-kualitatif untuk merekonstruksi pertimbangan yuridis hakim dan struktur ratio decidendi.

**Hasil:** Hasil menunjukkan bahwa hakim menyusun penalaran melalui tiga pilar utama: (1) pembuktian unsur tindak pidana dan pemenuhan unsur pemberatan, (2) residivisme merupakan determinan yang meningkatkan eskalasi risiko kriminogenik. Oleh karena itu, diperlukan intervensi yang lebih tegas, dan (3) integrasi rekomendasi Lembaga Pemasyarakatan untuk menjamin bahwa kegiatan pemasyarakatan bagi anak-anak dilakukan dalam lingkungan yang terstruktur. Keputusan tersebut menyatakan bahwa untuk kejahatan anak, sanksi penjara tidak dianggap sebagai sanksi pembalasan, melainkan sebagai instrumen korektif yang masih berdasarkan prinsip kepentingan terbaik anak. Analisis komparatif menunjukkan bahwa Uzbekistan menghadapi dilema serupa: kebijakan restoratif masih memberikan ruang untuk penggunaan sanksi penjara secara selektif dalam kasus residivisme.

**Aplikasi Studi Ini:** Penelitian ini memberikan referensi empiris bagi para pembuat kebijakan, akademisi, dan praktisi hukum untuk memahami pola argumentasi hakim dalam kasus anak. Penelitian ini juga berfungsi sebagai dasar untuk memperkuat kebijakan tentang hukuman proporsional yang berorientasi pada tindakan rehabilitatif dan responsif terhadap risiko residivisme. Temuan ini relevan untuk merumuskan kebijakan penilaian sosial-psikologis, pedoman untuk penjatuhan hukuman terhadap anak, dan untuk memperkuat mekanisme rekomendasi Lembaga Pemasyarakatan.

**Kebaruan/Orisinalitas Studi Ini:** Kebaruan penelitian ini terletak pada analisis sistematis mengenai ratio decidendi dalam putusan hukuman anak, yang mempertimbangkan kondisi psikologis anak dan prinsip kepentingan terbaik anak dalam membentuk suatu putusan. Studi ini juga menambahkan perspektif komparatif dengan Uzbekistan yang jarang dibahas dalam literatur yurisprudensi Indonesia, memperkaya pemahaman tentang tren global terkait dengan hukuman anak.

**Kata Kunci:** Penalaran Yudisial, Ratio Decidendi, Hukuman Anak, Sistem Pengadilan Pidana Anak, Pelaku Kejahatan Anak.

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## INTRODUCTION

As legal subjects, in legal enforcement, children have the right to special protection, as they are in a period where their physical, mental, and social developments have not reached a maximum level. This principle is firmly regulated in national regulations, such as Law No. 11 of 2012 on the Juvenile Criminal Court System, which regulates child protection. It includes prioritizing children in case they are faced with the law. In its implementation in the field, this normative idealism has not always been applied consistently (Syah et al., 2024). For instance, there is a tendency for juvenile retributive sentencing, even though the law regulates that imprisonment must be used as the last resort (Sudewo et al., 2025).

Research has shown that the application of the juvenile criminal court system in Indonesia is often faced with significant obstacles, such as the slow diversion implementation, the lack of rehabilitative facilities, the lack of understanding of law enforcing apparatuses, and the existence of social resistance against the restorative approach (Edin et al., 2025). As a consequence, children's rights and the principle of restorative justice are often ignored, especially in the case of sanction imposition (Lewoleba, 2023).

In its application, court decisions reflect the juridical practice on how judges interpret norms, consider legal facts, and handle the dilemma between child protection and juvenile sanctioning. Even though many normative and comparative research have been carried out, in-depth analyses on *ratio decidendi*, namely judges' juridical considerations in one concrete decision, are still highly limited (Permatasari & Setyorini, 2024). So far, there is a limited number of research articles that systematically analyze judges' structure of argumentation in juvenile criminal cases and imprisonment mechanisms that combine the rehabilitative and retributive aspects (Aji, 2025).

Decision No. 4/Pid.Sus-Anak/2022/PN Lbh becomes the focal point of this research, as it represents the actual dynamics in the child criminal justice system in Indonesia, where judges impose the sanction of imprisonment on juvenile perpetrators but still consider the element of guidance and other social aspects. The architecture of judicial considerations in this decision represents the dilemma between law enforcement and the protection of children's rights. Thus, it is crucial to analyze this in a profound manner.

In the juvenile criminal justice system, the approach used should emphasize social reintegration and rehabilitation, which aim to recover children's psychological and social conditions as well as give them a chance to return to society with better integrity (Pujiani et

al., 2022). However, in reality, there are many judicial decisions that do not fully consider the rehabilitation aspect but rather emphasize the imposition of penalizations that are characterized as punishments (Amaldy & Setiyono, 2024). The imposition of criminal sanctions for children often lacks a focus on recovery but rather emphasizes punishments that may worsen these children's psychological and social conditions (Wasiati, 2020).

Some previous research articles are relevant to the authors' current research. The first research was written by Putri, Siswanto, and Monica (2023), who showed that perpetrators of juvenile crimes, including in cases of theft, are often placed in a situation of penalization, which lacks room for rehabilitative measures. This research emphasizes the importance of vocational training as a form of alternative penalization that is more constructive for children, especially in repeated crimes. These findings show that in cases of theft involving children in Indonesia, there is a suboptimal application of the guidance mechanism.

Meanwhile, previous research from Uzbekistan by Lutfullayevna (2020) found that the restorative model of the juvenile court is more effective in handling juvenile perpetrators, including those who were involved in cases of theft. This study confirms that the restorative approach prevents recidivism through mediation, compensation, and structured social monitoring. This approach directly differentiates the context of Uzbekistan from the practice in Indonesia that tends to be more penalistic.

A difference between the two previous research articles is the focus of research. The first previous research from Indonesia highlighted an alternative form of sanctioning, while the second previous research from Uzbekistan emphasized the restorative model. However, the current research specially analyzes the *ratio decidendi* in the juvenile court decision on the act of theft as an aspect that is seldom analyzed in a comparison between Indonesia and Uzbekistan. This research strives to fill this gap by carrying out an in-depth analysis of judges' legal considerations, construction of facts, as well as the rationality of decisions in the case of juvenile theft in Indonesia and Uzbekistan.

This paper provides a comprehensive analysis on judges' reasoning construction in this decision, as well as assesses how far this consideration is in line with the principles of child protection, restorative justice, and applicable legal regulations in Indonesia. This analysis is crucial, as it provides an empirical contribution on jurisprudential literature in the sector of juvenile criminal courts and serves as a reference for policymakers and legal practitioners. This research was formulated to answer legal considerations of judges in forming judicial

reasoning and the *ratio decidendi* in Decision No. 4/Pid.Sus-Anak/2022/PN Lbh regarding the imposition of criminal sanctions on juvenile perpetrators of crimes.

This research aims to analyze the imposition of criminal sanctions on children as perpetrators of criminal actions, by focusing on how judicial decisions consider the factors influencing these decisions, such as age, social background, and potential for rehabilitation. This becomes highly relevant, considering that more and more children are becoming involved with criminal actions in Indonesia, a situation that requires further attention. There must be more analyses on the application of sanctions that are in accordance with restorative justice principles and children's needs for rehabilitation (Schalwyk et al., 2021). This research also employs a comparison with Uzbekistan to see the similarities and differences on how sanctions are imposed on juvenile criminals, especially in cases of theft.

This research departs from three main research problems: (1) How judges form judicial reasoning in deciding upon a case of theft perpetrated by children, (2) How far recidivism influences judicial decisions in determining the form and severity of sanctions, and (3) How institutional recommendations, such as those from correctional centers, have the role in forming the *ratio decidendi*. These research problems reflect the dynamics found in the results and discussion section, especially regarding the tension between the rehabilitative approach and the need to maintain social order.

The urgency of this research lies on the fact that there is an increase in the number of juvenile crime cases, including repeated actions of theft, which demands a re-evaluation on the consistency of the application of the restorative justice principle in judicial decisions. Apart from that, there have not been many research articles that systematically analyze the structure of judges' argumentation (*ratio decidendi*) in concrete decisions of juvenile cases.

The scientific contribution of this research is providing an in-depth understanding on how judges interpret norms, assess the risk of recidivism, and integrate children's socio-psychological aspects in the consideration of penalization. This article also enriches the literature through a comparative analysis of Indonesia and Uzbekistan. Thus, it can become a reference in developing juvenile sentencing policies that are more accurate, proportional, and recovery-oriented.

## RESEARCH METHOD

This paper employed the normative method, which was juridical normative research

analyzing the internal aspects of positive law. This was carried out on the legal norms related to the issue of juvenile criminal cases in Indonesia and Uzbekistan. This research also employed the statutory approach, i.e., an approach based on legal regulations that govern the criminal act of theft and juvenile sentencing in Indonesia and Uzbekistan. Apart from that, it also utilizes the jurisprudence approach, namely an approach based on judicial decisions as well as their legal considerations, to analyze the pattern of penalization and the construction of legal reasoning in juvenile cases.

This research utilizes the normative juridical method, which analyzes the law as a series of principles, norms, and court decisions that regulate juvenile criminal issues. This method was chosen to analyze the structure of judges' judicial reasoning in Decision No. 4/Pid.Sus-Anak/2022/PN Lbh as well as assess the consistency of those considerations with the principle of juvenile criminal law and the concept of restorative justice (Marzuki, 2021).

The analysis was conducted on one case of theft by juvenile perpetrators in Indonesia, namely in Decision No. 4/Pid.Sus-Anak/2022/PN Lbh. As a comparison, this research also analyzes one case of juvenile theft in Uzbekistan as well as related regulations in the Republic of Uzbekistan's Criminal Code. This was library research. Thus, to collect data, the authors accessed archives of official courts to find decision documents. The authors also browsed regulations through governmental portals, as well as reviewed scientific literature from national and international journal databases.

## **Approaches**

This research utilized several approaches. The first was the case approach, which was used to analyze Decision No. 4/Pid.Sus-Anak/2022/PN Lbh, i.e., the main object of research. The analysis was directed to identify legal facts, legal norms determined by judges, as well as the form of *ratio decidendi* which became the basis to the decision order (Wahyuni & Farida, 2022). Apart from that, this research also utilized one juvenile decision from Uzbekistan as a supporting comparative material rather than as the main focus.

Second, this research also utilized the statute approach by analyzing stipulations in: (1) Law No. 11 of 2022 on the Juvenile Criminal Justice System, (2) the Indonesian Criminal Code, (3) the Criminal Code of the Republic of Uzbekistan, and (4) supporting regulations on child protection. This approach was needed to assess the alignment between the judicial decision and the positive law (Asmara, 2023).

Third, the authors also utilized the conceptual approach to analyze the concept of restorative justice, the best interests of the child, the sentencing theory, and the theory of children's responsibility in criminal law (Pratiwi, 2023).

### **Types and Sources of Legal Materials**

The legal materials in this paper consisted of primary legal materials and secondary legal materials. The primary legal materials consisted of: (1) Decision of an Indonesian Court, i.e., Court Decision No. 4/Pid.Sus-Anak/2022/PN Lbh, which was a case of juvenile theft and was the main object of research, (2) Decision of the Uzbek Court, i.e., a case of juvenile theft that was documented by the UNICEF and analyzed in a practical report of Uzbek justice. It was a case of a juvenile with an initial of K, aged 16 years old. This decision was only used as a supporting comparison, rather than the main focus, (3) Indonesia's Law No. 11 of 2012 on the Juvenile Criminal Justice System, (4) The Criminal Code of the Republic of Uzbekistan, especially regarding stipulations on the age of criminal responsibility, the types of sanctions for children, and regulations on reconciliation. These primary legal sources were authoritative sources that served as the basis to analyze the *ratio decidendi* structure and the application of the child protection principle.

Meanwhile, the secondary legal materials consisted of scientific articles indexed by Sinta/Scopus, books on criminal justice law, research reports, and literary materials discussing judicial reasoning and restorative justice.

### **Data Collection Technique**

The data were collected through literary studies on court decision, legal regulations, scientific journals, as well as official reports from international institutions. All materials were then organized, reduced, and categorized according to the focus of research.

### **Technique of Analysis**

The analysis was carried out using a descriptive-qualitative technique through: (1) a deep reading of the decision's structure, (b) an identification of legal facts and norms considered by judges, (c) the reconstruction of *ratio decidendi*, and (d) a light comparison to enrich the perspective (without shifting the main focus). The qualitative analysis was chosen as the research did not test statistic variables but rather interpreted judges' legal argumentation

(Aisyah et al., 2025).

## RESULTS & DISCUSSION

### 1. The Criminal Sanction Imposition on Juvenile Perpetrators in the Judicial Decision of Case No. 4/Pid.Sus-Anak/2022/PN Lbh

Case No. 4/Pid.Sus-Anak/2022/PN Lbh brought a rather complex factual construct in the juvenile case in Indonesia, as it involved the case of repeated theft carried out by two children aged below 18 years. The fact that the act was committed more than once in a relatively short time showed a consistent pattern of behavior that was not incidental. In many cases of juvenile justice, this pattern often became a critical point in determining penalization, as it showed the tendency of perpetrators' behavior that is difficult to rehabilitate purely using the non-penal approach (Sasmoto, 2025).

Testimonies of witnesses, evidence, as well as the perpetrators' confessions, showed that the criminal act was committed with full awareness and without coercion from outside parties. The perpetrators stole motorcycles owned by other people. The perpetrators directly accessed the object without the right. Judges assessed that since the start of the evidencing process, this action has fulfilled the objective element in the offense of theft. It is interesting that in this case, the debate between the Public Prosecutor and the legal advisor was not placed on *whether or not the criminal act occurred*, but *how the juvenile law must be imposed* on these underaged perpetrators. This was a conceptual point, where juvenile cases started to show a tension between the rehabilitative approach of the Juvenile Criminal Justice System and the need to maintain social order (Novianty, 2024).

This situation brought the research into an important cornerstone: this case was not merely an issue of juvenile theft but also regarded how the Indonesian justice system interpreted *the correct legal response* when children repetitively committed criminal actions. The Juvenile Criminal Justice System obliges judges to emphasize the principle of child protection, but recidivism often becomes the variable that shifts the consideration into a stricter position (Dewi, 2021).

In this case, in imposing criminal sanctions, the judges were influenced by the severity of the committed criminal action. Even so, there may be differences in the case of the period of punishments or the form of rehabilitation given to child perpetrators based on the severity of the case. In several cases, judges may give a less severe punishment by considering the

factors of age and the potential to undergo child rehabilitation. This is in line with the principles in Law No. 11 of 2012 on the Juvenile Criminal Justice System, which emphasizes a more humane approach in handling children as perpetrators of criminal actions, focusing on guidance efforts and children's social reintegration into society (Marlina & Mulyadi, 2024).

Even though this decision involved children as perpetrators of criminal actions, the judicial decision may be influenced by the perpetrators' social background, children's psychological condition, and rehabilitation considerations. In determining the punishments, cases which involve younger children or those with more difficult backgrounds may influence judicial decisions. Research showed that the lack of support from the environmental and educational aspects may become one of the reasons why children are involved in criminal actions (Simbolon, 2016).

In imposing sanctions on juveniles, judicial considerations are based on the fulfillment of the elements of an offense or formal evidence. They are also based on the principle of child protection, which emphasizes the aspect of humanity, psychological development, as well as the possibility for social reintegration. In many decisions, judges must assess how far children understand the impacts of their actions; whether or not they were pressured by their social environments; whether or not there is a relation of power, or whether or not there are certain social vulnerabilities that influence these actions. Apart from that, another important consideration is the best interest of the child. In general, if possible, judges must avoid retributive sanctions and choose restorative approaches. Therefore, in determining the form and severity of sanctions, the key factors include familial considerations, the level of education, the availability of assistance, the track record of perpetrators, as well as the potential for the success of rehabilitation.

Judges must also consider the proportionality of sanctions, i.e., making sure that the imposed sanctions do not lead to greater negative impacts for the development of the children's future compared to the expected deterrent effect. This is so that the end decisions truly reflect the legal-formal aspect and the comprehensive evaluation of the children's personal condition and their social environments.

## 2. Legal Facts Determined by Judges

In determining legal facts, judges not only use the linear relationship between actions and norms as a basis. However, they also carry out an analytical process that considers the

whole dynamics of children's behavior (Dachlan & Wijaya, 2022). These three main legal facts are built as a basis:

*First*, the action of taking goods owned by other people in an illegal manner has been validly proven. There is no doubt over the subjective and objective elements, as the proposed evidence strengthens the element of intent. In the jurisprudential approach, the certainty of this element is crucial, as it becomes the starting point in forming the *ratio decidendi*. *Second*, the fact of the repeated criminal act (recidivism) is assessed as a condition that aggravates these children's responsibility. Recidivism shows that previously, the guidance from the family and the environment was ineffective. In the literature of child criminology, recidivism is often deemed as an indicator that non-penal mechanisms are not adequate for behavioral correction (Widiyantoro, 2024). *Third*, judges state that according to the Law on the Juvenile Criminal Justice System, the perpetrators have the status of children. Thus, legal considerations cannot ignore the principle of the best interests of the child, including children's rights to grow, develop, and obtain adequate guidance. The determination of these facts makes judges simultaneously use two systems of logic, i.e., the logic of penalization and the logic of child protection. Therefore, the determination of legal facts state that there are complex considerations on how the legal system must respond to the behavior of problematic children.

### **3. The Analysis of Judges' Legal Considerations (Judicial Reasoning)**

In this case, judges' considerations show a complex balance between the two paradigms of child penalization: the paradigm of protection and the paradigm of deterrence. On the one hand, judges acknowledge that perpetrators are still in a highly fluctuating psychological development (Damayanti et al., 2025). At that age, children's moral and social developments have not yet been established. Thus, they have a high tendency to commit errors and are often influenced by their environments, their familial conditions, and their weak self-control.

Therefore, judges assess that penalization actions that are too severe may inhibit children's growth. This perspective is in line with the principle of the best interests of the child, as applied in the Law on the Juvenile Criminal Justice System and various analyses on developmental psychology. In the context of children, imprisonment is not the state's tool of revenge, but a facility of correction and guidance. However, on the other hand, judges do not ignore the fact that perpetrators have committed the same criminal act more than once.

Recidivism becomes one of the strongest factors that encourages judges to take firm steps, as it shows the failure of the previous guidance pattern. In various research, recidivism is perceived as a sign that children require a more intensive structural intervention, so that their behavior is not directed to a more serious form of crime (Alamdar, 2023).

In the end, the judges in this case built a reasoning that simultaneously placed these two things: that children must be given protection, but this protection cannot ignore the preventive function of the criminal law. Judges stated that the sanction of imprisonment was imposed as there was a need for a firmer type of guidance to make sure that children are not involved in criminal actions. In juvenile cases, this approach is often called the dual track reasoning.

#### **4. The Decision's *Ratio Decidendi***

The *ratio decidendi* of this decision stands upon a more complex argumentation than just fulfilling the element of offense. Substantially, it is true that the element of offense becomes the foundation, but the judicial consideration moves far beyond that. There are three main constructions that form the *ratio decidendi*. First, the action is validly proven with certainty, and the element of aggravation has been fulfilled. Judges did not find any gaps for defense that can revoke the elements of the offense. Second, repetition becomes the key determinant. Recidivism does not only change judges' perspectives on the level of error, but it has also changed their perspectives on the level of need for guidance. In legal literature, such a situation is called criminogenic risk escalation, i.e., when children's actions show a pattern that may potentially develop into more serious criminal actions (Azhari et al., 2025). Third, judges integrate the recommendations of the correctional center as technical guidelines on the psychological and social conditions of these children. These recommendations provide an illustration that guidance is required, but it must be carried out in a structured environment, rather than purely from family monitoring.

Therefore, the *ratio decidendi* is the result of the reconstruction of logics that combine norms, children's psychological conditions, the risk of repetition, society's needs for order, and the principle of child protection. This is the main strength of reasoning that is built into this decision.

## 5. Decision Order

In this case, judges imposed these juvenile perpetrators with the sanction of imprisonment for two years. On the one hand, it was deemed as a form of firm law enforcement, but on the other hand, it was accompanied with the emphasis that this sanction was still under the framework of guidance. The Law on the Juvenile Criminal Justice System treats children as criminal subjects that must be fixed through structured and measured guidance. In this case, juvenile correctional centers run a double function as a guide and supervisor with a crucial role. Judges also state that the recommendation from the Correctional Center is an integral part in determining the form of sanction (Susila & Farhansyah, 2024).

## 6. A Comparison with the Practice in Uzbekistan

Different from Indonesia, which has already enacted the Law on the Juvenile Criminal Justice System as a comprehensive instrument, Uzbekistan still depends on the Uzbek Criminal Code and Criminal Procedural Code as the normative basis for handling children in conflict with the law. Even though the legal framework is not independently separated, like the Law on the Juvenile Criminal Justice System, it contains several special stipulations, especially Articles 81 to 86 of the Uzbek Criminal Code, which explicitly regulates the age limit of criminal responsibility as well as the types of sanctions that may be imposed on children, including the limitation of freedom, warnings, or short-term imprisonment that is a lighter form of punishment compared to that for adults (*Criminal Code of the Republic of Uzbekistan*, 2012).

A great reformation occurred in 2025, when Uzbekistan declared a series of significant changes in the policy on child penalization. The new amendment states that children who committed light crimes before the age of 18 and have served their punishments no longer have a criminal record (*expungement*) after their serving period has ended. This policy is a progressive step that aims to decrease the effect of secondary criminalization and facilitate children's social reintegration. Along with that, the minimum period of imprisonment sanction for children is cut in an extreme manner, from six months to one month. This aims to prevent long-term psychological impacts due to imprisonment sentences that are too long as well as to make sure that the sanction of imprisonment truly becomes a last resort (Shuhratova, 2025).

However, this sentencing reformation cannot be read separately from the reality in the field. Official reports from the legislative institution show that cases of juvenile law violations

have increased in the last two years, reaching 1,911 cases in 2023 and 2,214 cases in 2024 (Guliyeva, 2025). This increase encourages the court to still utilize the penalization of imprisonment in several cases, especially when there are indications of recidivism, great losses, or previous failure of familial guidance. Therefore, even though the reformation of policies was highly restorative, in practice, the room to use the sanction of imprisonment for children is still open.

On the other hand, Uzbekistan does not yet have an established institutional structure for children. Report from the World Organization Against Torture (OMCT) shows that children in the face of the law are often processed in general courts without a guarantee that there are judges specialized in juvenile cases or that there are strict mechanisms that consider the psychological needs of child development. This condition makes the practice of juvenile law enforcement highly dependent on the interpretation of individual judges, rather than a structured system like that in Indonesia.

When compared with Decision No. 4/Pid.Sus-Anak/2022/PN Lbh, it can be seen that the two countries are faced with a similar normative dilemma, namely, how to balance child development with the need to maintain social order, when children commit repeated criminal actions. Through the Law on the Juvenile Criminal Justice System, Indonesia has placed the approach of guidance and the best interests of the child as a basic principle. However, in this case, recidivism became the main factor that shifted the orientation of sentencing to a firmer direction. The same pattern has occurred in Uzbekistan, where even though its policies are highly restorative, the repetition of juvenile criminal actions still becomes a crucial determinant in imposing the sanction of imprisonment.

From the comparative perspective, in essence, these two jurisdictions acknowledge that child recidivism is a signal for the failure of previous guidance, showing the need for a stronger structural intervention. However, there is a fundamental difference: Indonesia depends on a special system (the Law on the Juvenile Criminal Justice System) with an institutional differentiation and recommendation from the Correctional Center, while Uzbekistan uses a general legal framework that is strengthened with a progressive reformation policy. Even though they have different models, both are still under the global current of child handling that emphasizes rehabilitation, the decrease in stigma, and the selective use of the imprisonment sanction.

## CONCLUSION

Decision No. 4/Pid.Sus-Anak/2022/PN Lbh provides a concrete illustration of how judges develop legal reasoning in juvenile criminal cases when faced with the situation of recidivism. The main legal insight that can be taken from judges' judicial reasoning is that juvenile sentencing never stands in a single dimension. In this case, judges' consideration shows that in practice, the application of the Law on the Juvenile Criminal Justice System demands the integration of three elements: the evidencing of the element of offense, analysis of the risk of crime repetition, as well as the protection of the children's best interests. The developed *ratio decidendi* considers criminogenic risk escalation as a relevant substantial factor, as well as uses correctional center's recommendations to determine whether stricter correctional actions can be legitimized. Therefore, in this case, the judicial reasoning clarifies that children's recidivism can become a key variable that shifts the direction of decision, from restorative justice to a stricter approach, without neglecting the principle of child protection.

The application of criminal sanctions for children in Decision No. 4/Pid.Sus-Anak/2022/PN Lbh shows that judges in Indonesia not only assess the criminal actions carried out by children but also consider the children's age, psychological condition, and social environment, as well as recommendations from the Correctional Center. This approach confirms that the juvenile justice system in Indonesia is oriented in restorative justice, namely the restoration, guidance, and protection of children's future, while still giving a deterrent effect and maintaining social order. The judicial considerations in this case reflect a balance between the interest of child protection and the need for law enforcement.

From the perspective of sentencing policies, this case gives important implications. First, recidivism is proven to become one of the weak points of the Law on the Juvenile Criminal Justice System, especially when the guidance that is based on family and non-penal monitoring are unable to stop repeated actions. This signals the need to strengthen the child rehabilitative system, especially in the secondary and tertiary prevention phases. Second, this decision shows that imprisonment sanction is still relevant in the juvenile context, but only when it is positioned as a structured correctional instrument that cannot be given by the previous social environment. Third, this research shows that the correctional center's recommendation system has a strategic function in building the decision's proportionality. Thus, in the future, policies must ensure the availability of more comprehensive and standard

socio-psychological assessment.

Compared to Uzbekistan, it is shown that these two countries have the same orientation in the case of child protection. However, there are differences in the sentencing technique and structure. Uzbekistan combines the repressive and rehabilitative approaches, prioritizing educational sanctions and using the sanction of imprisonment as the last resort. This system places judges as the main actors that must balance the interest of victims, public safety, and children's rights. This gives an illustration that even though there are different legal contexts, the fundamental principle is still the same: juvenile perpetrators cannot be treated like adult perpetrators. Even so, in terms of its institution, Indonesia has a more established position through the Law on the Juvenile Criminal Justice System. Thus, the practice of juvenile sanctioning must be directed to a dual track system that places child protection as the primary principle.

Therefore, this research determines that the *ratio decidendi* in this case is not only a logical foundation for the decision order, but also gives an important direction for the formation of juvenile sentencing policies: strengthening the restorative mechanism, clarifying the limits in utilizing imprisonment sanction, and ensuring that judges' juridical considerations are always in line with the principle of the best interest of the child.

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