

Reconstructing The Boundary Between Juvenile Delinquency and Crime as a Foundation for Juvenile Justice System Reform

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Abstract

The purpose of this research is to critically analyze the issue of unclear boundaries between the two concepts and to formulate a normative foundation that can serve as the basis for reconstructing a more proportionate and just juvenile criminal justice system. Employing a normative legal research approach with prescriptive analysis, the study reviews statutory regulations, doctrines of juvenile criminal law, and systematically selected academic literature. The findings reveal that the conflation of developmental misconduct with criminal behavior contributes to excessive criminalization of children, weakens the rehabilitative orientation of juvenile justice, and generates legal uncertainty in law-enforcement practices. The discussion situates these findings within theories of child development, the principle of the best interests of the child, and modern criminal-law paradigms that position punishment as an *ultimum remedium*. The article argues that juvenile justice reform cannot rely solely on procedural mechanisms such as diversion and restorative justice, but must begin with a conceptual reconstruction of the boundaries of juvenile criminal responsibility. The study's contribution lies in strengthening a normative framework that distinguishes juvenile delinquency from criminal conduct in order to promote a more proportional, humane, and child-centered juvenile justice system. This framework is expected to inform policymakers, law-enforcement authorities, and scholars in developing consistent and rights-based juvenile justice policies aligned with international child-protection standards and restorative justice principles within democratic rule-of-law systems that respond to contemporary social change and long-term child-development challenges both globally and nationally.

Keywords: Juvenile delinquency; juvenile justice system; child criminalization; child protection; criminal law reform

INTRODUCTION

In modern criminal law philosophy, children are never positioned solely as perpetrators of norm violations, but rather as subjects who are in the process of forming moral, social, and legal rationality. This perspective places children's deviant behavior as part of the dynamics of human development, not as an expression of evil in the classical sense. However, the tension between the developmental approach and the repressive approach remains a latent problem in the juvenile criminal justice system, especially when the law fails to clearly distinguish between juvenile delinquency and criminal offenses (Ferdy & Herwin, 2024; Javi et al., 2025; Torro et al., 2022; Juliana & Arifin, 2019; Kamil & Yusuf, 2025; Lubis & Putra, 2021; Nurfitriani & Sariroha, 2025).

Empirically, the phenomenon of child criminalization shows an alarming trend. Various reports on juvenile justice indicate that most children in conflict with the law engage in acts that are minor, spontaneous, or influenced by social-environmental pressures, such as fights, public-order violations, or experimental behaviors typical of adolescence. However, many of these acts are processed through formal criminal mechanisms that place children in a position similar to adult offenders. This condition indicates a systemic tendency to blur the line between non-criminal deviant behavior and crimes that actually demand criminal accountability (Munggardijaya et al., 2025; Priambada, 2024; Concludes et al., 2024).

Furthermore, this practice of equalization not only increases the number of children entering the criminal justice system, but also has long-term consequences in the form of stigmatization, educational disruption, and failure of social reintegration. Children who should receive social intervention and guidance are instead exposed to a criminal environment that has the potential to reinforce a criminal identity. Thus, this problem cannot be seen solely as a technical issue of law enforcement, but as a structural problem that touches on human rights, substantive justice, and the future of the younger generation (Darmini, 2019; Harton, 2022; Rijalun Sholihin Simatupang et al., 2025; Rudi Hartono.I, 2022).

The urgency of this research is further strengthened by the fact that the juvenile criminal justice system is normatively designed to be oriented toward the best interests of the child. However, without a clear conceptual distinction between juvenile delinquency and criminal offenses, this principle risks becoming mere normative jargon that lacks operational force. When all forms of children's deviant behavior are treated as crimes, the juvenile criminal justice system has the potential to reproduce the very injustices it seeks to prevent (Gaby et al., 2022; Nurbadaliah et al., 2023; Scott, 2024).

In the context of academic studies, previous research has generally focused on issues of diversion, restorative justice, or child protection in judicial processes. Despite these significant contributions, most studies still position juvenile delinquency and criminal conduct on the same spectrum without in-depth analysis of the ontological and normative differences between the two. As a result, the conceptual aspects that should form the foundation for reforming the juvenile criminal justice system tend to be neglected. This constitutes the main research gap that has not been systematically addressed in the juvenile criminal law literature (Afifah Denadin, 2023; Al-Ghony et al., 2024; Ernis, 2017; Iswari, 2020; Maswandi et al., 2023; Scott, 2013).

Departing from these conditions, this study aims to analyze the urgency of separating juvenile delinquency from criminal offenses as the basis for reforming the juvenile criminal justice system. Theoretically, this research contributes to enriching the discourse of juvenile criminal law by offering a more precise and equitable conceptual framework. Practically, the research findings are expected to serve as a reference for policymakers and law enforcement officials in formulating a more proportionate, humane, and coherent approach to handling children that is in line with the rehabilitative goals of the juvenile criminal justice system.

METHOD

This study uses a normative juridical approach with an analytical–prescriptive orientation to examine the urgency of separating juvenile delinquency from criminal offenses in the reform of the juvenile criminal justice system. This approach was chosen because the focus of the research lies in analyzing the structure of norms, legal concepts, and the rationality of criminal policy that shapes the state's treatment of children in conflict with the law (Hakim, 2025; Huda, 2021; Pujiati, 2024; Zainuddin & Karina, 2023b, 2023a).

The research material consists of primary, secondary, and tertiary legal materials. Primary legal materials include national laws and regulations relating to the juvenile criminal justice system as well as international legal instruments on child protection. Secondary legal materials include articles in reputable scientific journals, academic books, and research reports that discuss juvenile delinquency, child criminalization, criminal-law theory, and child-

development approaches. Tertiary legal materials are used in a limited way to maintain terminological consistency and conceptual accuracy.

The search for legal materials was carried out through a systematic search of academic databases, applying a PRISMA-based literature selection scheme. This process includes the stages of identification, screening, and inclusion of literature based on substantial relevance, academic quality, and direct relevance to the research focus. Literature that is repetitive, conceptually irrelevant, or does not meet academic standards is excluded from the analysis (Ismail et al., 2025).

The analysis of legal materials is conducted through systematic and teleological interpretation to assess the coherence of norms and their alignment with the aims of child protection. In addition, conceptual analysis is used to elaborate the ontological and normative differences between juvenile delinquency and criminal offenses. A limited comparative approach is also employed to identify common principles in other legal systems that emphasize welfare-based and non-penal approaches to children.

All stages of the research, from literature search to the process of analysis and synthesis of arguments, are designed to be transparent and replicable. With this methodology, the study is expected to produce findings that are consistent, academically testable, and relevant to policy development in the juvenile criminal justice system.

RESULT AND DISCUSSION

Conceptual Distinction between Juvenile Delinquency and Criminal Offenses

The results of the normative analysis show that juvenile delinquency and criminal offenses have fundamental differences, both ontologically and normatively. Juvenile delinquency represents deviant behavior by children that is situational, temporary, and closely related to the psychosocial developmental process. In contrast, criminal acts contain elements of guilt (*mens rea*), legal awareness, and broader social impacts, thereby demanding formal criminal responsibility. However, in practice within the juvenile criminal justice system, these two categories are often treated homogeneously, as if they fall under the same legal regime (Akmal Latief & Zulherawan, 2020; Harefa & Düsseldorf, 2022) (Aazami et al., 2023; Abhishek & Balamurugan, 2024; Fathoni et al., 2024) (Ar et al., 2024; Njoto, 2024).

The lack of clarity in this distinction has direct implications for the expansion of the criminalization of children. Children who commit minor offenses or engage in experimental behavior are often processed directly through formal criminal mechanisms without adequate evaluation of the level of danger, intent, and capacity for responsibility. These findings confirm that the failure to distinguish between the two concepts is not merely a terminological issue but reflects the absence of a normative framework sensitive to the characteristics of child development.

Thus, the conceptual ambiguity between juvenile delinquency and criminal offenses not only undermines the principles of legality and functional differentiation in juvenile criminal law but also contradicts the principle of *ultimum remedium*, which constitutes the philosophical foundation of the restorative justice system. The inability of juridical constructions to accommodate the ontological and normative differences between these two concepts has led to disparities in treatment and the criminalization of children who should be protected by a special legal regime. Therefore, it is necessary to reformulate criminal law policies that explicitly

distinguish children's behavioral characteristics through a multidisciplinary approach, involving psychological, sociological, and criminological perspectives, in order to establish a normative framework adaptive to child protection needs. Strengthening this distinction is an absolute prerequisite for realizing a juvenile criminal justice system that is not only oriented toward legal certainty but also upholds substantive justice and the fundamental rights of children, as mandated in the Convention on the Rights of the Child.

The Impact of Equalization of Treatment on the Goals of the Juvenile Criminal Justice System

Further discussion indicates that equating the treatment of juvenile delinquency and criminal offenses substantially undermines the primary objective of the juvenile criminal justice system, namely rehabilitation and social reintegration. Instead of functioning as an educational and corrective mechanism, the justice system is transformed into a repressive instrument that places children within a punitive framework (Hidaya, 2019; Ningtias et al., 2020; Sugama et al., 2024).

This condition contradicts the modern criminal law paradigm, which positions juvenile punishment as *ultimum remedium*. When minor deviant behavior is prosecuted criminally, children are exposed to criminal labeling that may have long-term consequences for their social and psychological identity. Therefore, the findings of this study demonstrate that without a firm conceptual separation, the juvenile criminal justice system risks producing counterproductive effects on crime prevention itself.

As a logical consequence of these findings, strengthening the normative framework that explicitly distinguishes the treatment of juvenile delinquency and criminal offenses is essential to restore the orientation of the juvenile criminal justice system toward restorative justice. The reformulation of criminal law policy must be directed toward expanding discretion and diversion at the pre-adjudication stage to prevent children from entering a formal justice system fraught with stigma. The normative implications of this study confirm that a precise conceptual distinction between delinquency and crime is not merely a technical juridical requirement but a fundamental prerequisite for the system's effectiveness in achieving children's rehabilitation and social reintegration. Thus, recognizing the unique characteristics of child offenders and establishing a separate legal regime responsive to their conditions is the cornerstone of a civilized juvenile criminal justice system aligned with international child protection principles.

Normative Gaps in the Regulatory Framework of the Juvenile Criminal Justice System

From a normative perspective, this study identifies a gap between the goal of child protection and the design of existing regulations. Although various legal instruments have adopted the principle of the best interests of the child, this principle has not been operationalized through clear legal classifications of types of children's behavior. Consequently, law enforcement officials possess broad discretion in determining whether a child's act is treated as delinquency or as a crime (Manurung et al., 2025; Muhammad Khaidir Kahfi Natsir, 2024).

This gap indicates that reforms of the juvenile criminal justice system have largely focused on procedural mechanisms, such as diversion and restorative justice, without addressing the conceptual foundations of juvenile punishment. In fact, without redefining the boundaries between juvenile delinquency and criminal offenses, these mechanisms risk inconsistent and ineffective application (Alhakim et al., 2024; Sartika et al., 2022; SUPRIYANTA, 2022; Ulfatul Hasanah & Hudi Yusuf, 2025).

Accordingly, the findings of this study confirm that the normative framework of the current Indonesian juvenile criminal justice system contains fundamental structural weaknesses. The failure to construct a firm juridical boundary between juvenile delinquency and criminal offenses not only creates interpretative ambiguity at the implementation level but also potentially diminishes children's substantive rights. Therefore, future legal reforms must not focus solely on improving procedural aspects but must extend to more fundamental conceptual reconstruction. The normative redefinition of behavioral parameters that fall within the criminal justice regime is an absolute prerequisite to ensure that diversion and restorative justice mechanisms are implemented consistently, fairly, and in a manner that truly reflects the philosophy of child protection (Haq et al., 2023; Manurung et al., 2025).

Implications of Reforming the Juvenile Criminal Justice System

Based on the overall analysis, it can be affirmed that a clear separation between juvenile delinquency and criminal offenses constitutes a normative prerequisite for realizing a fair and future-oriented juvenile criminal justice system. This separation enables a more appropriate differentiation of legal responses, whereby minor deviant behavior is addressed through social and educational mechanisms, while criminal offenses are handled proportionately with due regard for child protection (Aazami et al., 2023; Fathoni et al., 2024; Muhammad Khaidir Kahfi Natsir, 2024). Thus, the results and discussion strengthen the argument that reform of the juvenile criminal justice system must be directed toward developing a legal framework capable of balancing child protection, legal certainty, and the objectives of modern punishment.

CONCLUSION

This study confirms that the absence of a firm separation between juvenile delinquency and criminal offenses constitutes a fundamental problem within the juvenile criminal justice system. The equalization of these two categories not only creates normative ambiguity but also contributes to the excessive criminalization of children who engage in minor, developmentally typical deviant behavior. These findings indicate that without a clear conceptual foundation, the rehabilitative and protective objectives of the juvenile criminal justice system risk being reduced to a repressive approach that is inconsistent with the characteristics and developmental needs of children.

Furthermore, the results of this study show that reforms of the juvenile criminal justice system, which have thus far focused on procedural innovations—such as diversion and restorative justice—have not fully addressed the root of the problem. Without a redefinition of the boundary between juvenile delinquency and crime, these mechanisms tend to be applied inconsistently and rely heavily on the discretion of law enforcement officials. This condition not only weakens legal certainty but also creates the potential for unequal treatment of children in similar circumstances.

Conceptually, this study contributes by positioning the separation between juvenile delinquency and criminal offenses as a normative prerequisite for a fair, proportionate, and future-oriented juvenile criminal justice system. Practically, the findings provide an argumentative basis for policymakers to formulate a more precise regulatory framework in determining appropriate legal responses to children's behavior. Thus, this study underscores that reform of the juvenile criminal justice system must begin with a solid conceptual

Reconstructing The Boundary Between Juvenile Delinquency and Crime as a Foundation for Juvenile Justice System Reform reconstruction so that the law genuinely functions as an instrument of protection rather than merely a tool of punishment.

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Lidya Dayana Sakti Negara*, Fauzie Yusuf Hasibuan, Maryano

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