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Moral Hazard in the Implementation of the Juvenile Criminal Justice System at Bapas Kelas I Medan

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A B S T R A C T

This study aims to analyze the implementation of SPPA through the practice of CCL assistance at the Bapas Kelas I Medan, identify implementing conditions that have the potential to open up space for moral hazard, and formulate efforts to minimize it. This research is empirical legal research with a legislative, conceptual, and sociological approach. The results of the study showed that the practice of mentoring has basically been implemented in accordance with the provisions of the SPPA, but still faces obstacles in the form of differences in understanding of diversion, lack of optimal use of community research results, limited resources, and ineffective coordination between law enforcement officials. The data were analyzed qualitatively.

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INTRODUCTION

The protection of Children in Conflict with the Law (CCL) is the constitutional responsibility of the state as affirmed in Article 28B paragraph (2) of the Constitution of the Republic of Indonesia of 1945. This mandate is realized through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) which prioritizes the best interests of children, restorative justice, and diversion, one of the implementations of which is realized through the practice of mentoring by Community Counselors (Mansar, A. 2022). The practice of mentoring functions to ensure the fulfillment of children's rights in line with the ideology of Pancasila while identifying the social conditions and needs of children during the criminal justice process (Mansar & Minin, 2020). Therefore, the effectiveness of mentoring practices is one of the important indicators in assessing the implementation of child protection principles in SPPA (Akbar et al., 2024)

The Children's Criminal Justice System is built on the philosophy that children are individuals who still have opportunities to be fostered, restored, and reintegrated into society (Mansar, A. 2022). Therefore, SPPA prioritizes rehabilitation, social reintegration, and settlement through restorative justice rather than a purely criminal approach. In realizing these goals, every child is required to receive legal assistance in every judicial process and must be accompanied by a Community Counselor (Mansar, A. 2022). In assisting Children, Community Counselors play a role in compiling Litmas, conducting social assessments, and providing professional recommendations to investigators, public prosecutors, and judges as considerations in handling children's cases (Luturkey et al., 2022). Thus, the practice of mentoring is an instrument that connects the normative goals of SPPA with its implementation in the field (Putri et al., 2024).

Although SPPA has provided a comprehensive legal framework, its implementation has not always been in accordance with the lawmakers' goals. The success of SPPA implementation is not only determined by the quality of legal substance, but also influenced by coordination between law enforcement officials and the consistency of its implementation (Nugroho, 2022). Previous research has shown that the implementation of SPPA provisions at the level of law enforcement officials still faces various obstacles so that the goal of child protection has not been fully implemented optimally (Salsabilla, 2024). Various studies show that the application of restorative justice and diversion still faces a number of obstacles in practice (Rizal et al., 2024). In addition, the limited resources of Community Counselors and the lack of optimal use of community research (Litmas) also affect the quality of decision-making in children's cases (Putri et al., 2024). In some cases, the recommendations of Community Counselors have also not been the main consideration in resolving cases (Mataheru et al, 2024). This condition shows that there is still a gap between the normative design of SPPA and its implementation in the field.

The implementation gap is also reflected in the practice of mentoring at the Bapas Kelas I Medan (a correctional guidance institution under Indonesia's Directorate General of Corrections). Data from the Bapas Kelas I Medan shows that the number of CCL receiving assistance has increased from 503 children in 2020 to 1,074 children in 2024, while until 2025 673 children have received assistance. This increase cannot be interpreted as an indicator of SPPA failure, but shows the increasingly complex practice of mentoring that requires the professionalism of Community Counselors and effective coordination between law enforcement officials (Hutagalung, 2023). Other research also shows that the implementation of restorative justice is still influenced by differences in understanding between law enforcement officials and the implementation of diversion (Maswandi et al., 2023). Therefore, it is important to study the empirical phenomenon in Bapas Kelas I Medan to understand how the implementation of SPPA takes place in mentoring practices.

One of the relevant perspectives to analyze this issue is moral hazard. In the study of public policy and institutional economics, moral hazard is understood as a condition when certain protections, authorities, or incentives encourage behavior that is not fully in line with policy objectives due to weak supervision and accountability (Sinander, 2025). The concept is then used in policy implementation studies to explain the possibility of irregularities in the implementation stage of a regulation (Lesnick et al., 2023). In the context of SPPA, the perspective of moral hazard is not intended to state that Law Number 11 of 2012 encourages children to commit criminal acts, but rather to assess whether the practice of assistance has been carried out in accordance with the purpose of child protection or actually opens up opportunities for implementation deviations (Maswandi et al., 2023).

A number of previous studies have discussed the implementation of SPPA from various perspectives, such as the implementation of diversion, the application of restorative justice, the role of Community Counselors, and the effectiveness of legal protection for Children in Conflict with the Law (Mansar, A. 2022., Maswandi et al., 2023; Putri et al., 2024; Akbar et al., 2024). However, these studies generally still focus on normative aspects and policy effectiveness. Studies that specifically analyze assistance practices through the perspective of moral hazard, especially using empirical data from the Bapas Kelas I Medan, are still very limited. These conditions show that there is research space that has not been widely studied in the literature.

Based on these gaps, this study offers novelty by analyzing the implementation of SPPA through the perspective of moral hazard in the practice of assisting Children in Conflict with the Law at the Bapas Kelas I Medan. This study not only identifies implementation conditions that have the potential to cause moral hazard, but also formulates efforts to minimize this potential without reducing the principle of child protection which is the philosophy of SPPA. Thus, this research is expected to contribute to the development of policy implementation studies in juvenile criminal law as well as become a practical input for the optimization of mentoring practices by Community Counselors.

Based on this description, this study aims to analyze the implementation of the Juvenile Criminal Justice System through the practice of assisting Children in Conflict with the Law in the Bapas Kelas I Medan. In particular, this study aims to explain the policy of mentoring practices, analyze moral hazards in the implementation of SPPA, as well as identify obstacles and formulate solutions to minimize potential moral hazards without reducing the principle of child protection. The results of the research are expected to contribute to the development of the study of juvenile criminal law as well as become evaluation material for the Correctional Center and stakeholders in optimizing CCL assistance practices.

THEORETICAL REVIEW

Implementation of the Child Criminal Justice System and Mentoring Practices

The Juvenile Criminal Justice System (SPPA) places the protection of children's rights, the best interests of children, restorative justice, and diversion as important principles in handling Children in Conflict with the Law (CCL). In their implementation, these principles require the involvement of various law enforcement institutions, including the Correctional Center (Bapas) through Community Counselors (PK). Community Counselors have a role in carrying out mentoring, compiling community research (Litmas), and providing recommendations based on children's conditions and needs. Thus, mentoring practices are an important part of connecting the normative goals of SPPA with the process of handling children's cases concretely (Mansar, 2022; Luturkey et al., 2022).

Previous research discussed the authority and role of Community Counselors in various stages of the juvenile criminal justice system. Akbar et al. (2024) examined the authority of the Court of Appeals in accelerating the resolution of juvenile criminal cases at the pre-adjudication, adjudication, and post-adjudication stages. The study identified a number of obstacles, including legal culture, public awareness, limited facilities, inter-institutional coordination, and legislative arrangements. The study by Bahwono and Agustiwi (2024) discusses the role and function of the Criminal Court in the integrated criminal justice system since the enactment of the Correctional Law. Meanwhile, Putri et al. (2024) identified challenges in implementing the role of the Criminal Court, including limited human resources, coordination between law enforcement, and the opportunity for the Criminal Court to express opinions in trials.

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including limited human resources, coordination between law enforcement, and the opportunity for the Criminal Court to express opinions in trials.

These studies show that the implementation of mentoring practices does not only depend on the existence of the legal basis and authority of PK, but also on institutional support and coordination between law enforcement. However, these studies have not specifically made the potential for moral hazard as the main perspective to analyze the practice of CCL mentoring in Bapas Kelas I Medan. Therefore, this study places mentoring practices as the main object to examine the relationship between the provisions of SPPA, the implementation of PK authority, and the implementation conditions found in the field.

Diversion, Children's Best Interests, and Utilization of Community Research (Litmas)

Diversion and restorative justice are important instruments in the implementation of SPPA. The application of both needs to pay attention to the principle of the best interests of the child and avoid unnecessary intervention against children in conflict with the law (Muchlis, 2024). The handling of children's cases is not solely oriented towards punishment, but also needs to consider the protection of rights, the individual condition of the child, and recovery opportunities. Research on the implementation of diversion in the jurisdiction of Sorong Regency also discusses the implementation of diversion and the factors that affect it (Rizal et al., 2024). In addition, a study of restorative justice policies in the juvenile criminal justice system shows the importance of regulating and implementing recovery-oriented case resolution mechanisms (Maswandi et al., 2023).

In addition to the implementation of diversion, the use of Litmas is an important aspect to ensure that decisions on CCL take into account social, family, educational, and children's needs. Mataheru et al. (2024) examined community research reports as a consideration for judges in sentencing children. The study highlights that the use of Litmas in judges' considerations is not fully optimal. These findings show that there are implementation issues that need to be considered, namely the possible gap between the function of Litmas in the juvenile justice process and its use in decision-making.

Different from the study that emphasizes the normative principle of diversion or the position of Litmas, this study relates these two aspects to the practice of mentoring in Bapas Kelas I Medan. Differences in understanding of diversion requirements, PK involvement, and the use of Litmas recommendations are analyzed as policy implementation issues. However, these obstacles are not necessarily categorized as moral hazards. Further analysis is needed to assess whether the implementation conditions only show institutional obstacles or also open up space for opportunistic behaviors and perceptions that are contrary to the goal of child protection.

Policy Implementation and Moral Hazard Perspectives

Policy implementation is the process of translating policy objectives and provisions into concrete actions by organizations and policy implementers. Edwards III (1980) explained that the success of implementation is influenced by four main factors, namely communication, resources, implementation disposition, and bureaucratic structure. These four factors can be used to analyze how the provisions of SPPA are understood and implemented by the parties involved in CCL assistance practices. Theoretical studies on policy implementation also provide a foundation for understanding the factors that affect the implementation of public policies (Kurhayadi, 2023).

In the context of this study, the communication dimension is related to the uniformity of law enforcement officials' understanding of the requirements for diversion and involvement of PK. The resource dimension is related to PK capacity, workload, and support for the implementation of mentoring. The disposition dimension is related to the attitude and commitment of implementers in implementing the provisions of SPPA, while the bureaucratic structure is related to procedures and coordination between agencies. The Edwards III framework is used to identify and explain implementation gaps, not as a theory that directly explains moral hazard.

Research Position and Novelty

Based on previous studies, research on SPPA has discussed various aspects, including the authority of Community Counselors, the implementation of diversion, the principle of children's best interests, restorative justice, and the use of Litmas in decision-making. The studies of Akbar et al. (2024), Bahwono and Agustiwi (2024), and Putri et al. (2024) provide a basis for understanding the position and challenges of implementing the PK function. The research of Muchlis (2024) and Rizal et al. (2024) helps explain the issue of the application of diversion, while Mataheru et al. (2024) provide a basis for discussing the use of Litmas as a consideration for judges. On the other hand, Edwards III (1980) and Kurhayadi (2023) provide a framework for analyzing policy implementation, while the study of moral hazard provides a conceptual foundation for examining the possibility of opportunistic behavior under certain conditions (Sinander, 2025; Pernell & Jung, 2024; Syafrawati et al., 2023).

Based on the literature reviewed, the research space to be filled is not an assumption that there has been no research on the constraints of SPPA or the role of PK. The research gap lies in the effort to connect the practice of CCL assistance in Bapas Kelas I Medan with the analysis of policy implementation and the perspective of moral hazard simultaneously. This study uses CCL mentoring data for the 2020–2025 period as well as interviews with Community Counselors, Head of the Child Client Guidance Section, and several CCLs to examine how policies are implemented, obstacles that arise, and whether there are conditions that have the potential to open up space for opportunistic behavior or perception.

Thus, the novelty of this research lies in the analytical perspective and the empirical context used, not in the claim that the problem has never been researched at all. This study seeks to distinguish between ordinary implementation constraints and conditions that are more specifically potentially related to moral hazard. This distinction is important so that the analysis does not equate any weakness in coordination or the use of Litmas that is not optimal with moral hazard, and still places the protection of children's rights and best interests as the main principle in the implementation of SPPA.

METHODOLOGY

This research is empirical legal research with a legislative, conceptual, and sociological approach. The research was conducted at the Bapas Kelas I Medan with the object of implementing the Juvenile Criminal Justice System through the practice of assisting Children in Conflict with the Law. Primary data was obtained through interviews with Community Counselors, the Head of the Child Client Guidance Section, and several Children in Conflict with the Law, while secondary data were in the form of laws and regulations, literature, and CCL assistance data based on the type of criminal offenses for the 2020–2025 period. Data was collected through interviews and literature studies, then analyzed qualitatively by linking empirical findings and legal provisions to obtain conclusions regarding the implementation of SPPA.

RESEARCH RESULTS AND DISCUSSION

Implementation of the Policy on Child Assistance Practices in Conflict with the Law in Bapas Kelas I Medan

The practice of assisting Children in Conflict with the Law (CCL) at the Bapas Kelas I Medan is carried out based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Law Number 22 of 2022 concerning Corrections. Bahwono and Agustiwi (2024) explained that the two regulations place the Community Counselor as a functional official authorized to carry out community research (Litmas), mentoring, guidance, supervision, and assessment of correctional clients, including CCL. Currently, the Bapas Kelas I Medan is supported by 135 Community Counselors consisting of 10 Senior Community Counselors, 48 Intermediate Community Counselors, 73 Junior Community Counselors, and 4 Assistant Community Counselors to carry out assistance tasks at each stage of the juvenile criminal justice process in accordance with the principle of the best interests for children.

The practice of mentoring is carried out based on standard operating procedures that refer to the provisions of the SPPA and the technical guidelines of the Directorate General of Corrections. The mentoring process begins from the receipt of a request from law enforcement officials, followed by the appointment of a Community Counselor, the implementation of Litmas, assistance at each stage of the judicial process, the preparation of professional recommendations, and the submission of results to investigators, public prosecutors, and judges as a consideration in decision-making. Thus, mentoring is an integrated process to ensure the fulfillment of children's rights during the criminal justice process.

In its implementation, the Community Counselor not only prepares the Litmas, but also assesses the child's personal, family, educational, and social environment conditions in order to produce objective recommendations. In addition to assisting children in the diversion process and trial, the Community Counselor plays the role of a facilitator, mediator, and liaison between children, families, victims, and law enforcement officials. This role shows that the effectiveness of the implementation of SPPA is greatly influenced by the professionalism of the Community Counselor in ensuring the fulfillment of children's rights during the judicial process.

The results of the interview with the Community Counselor show that the practice of mentoring has in principle been carried out in accordance with the provisions of the SPPA. However, there are still differences in understanding between law enforcement officials, especially related to the requirements for diversion as stipulated in Article 7 paragraph (2) of Law Number 11 of 2012, which only applies to criminal acts that are threatened with imprisonment under 7 (seven) years and do not constitute a repetition of a criminal act. This must be clearly understood because Diversion is the main instrument in SPPA to realize the principle of the best interests for children through the resolution of cases outside the formal criminal justice process (Muchlis, 2024). Law Enforcement Officers often associate restorative justice rules to stop cases as being equated with Diversion, even though legal arrangements related to termination of cases based on restorative justice also still need to be perfected (Sibagariang, R., Eddy, T., Mansar, A. 2026). In addition, there is still an assumption that the presence of Community Counselors is only needed at certain stages, even though SPPA mandates that Community Counselors must be involved starting from pre-adjudication, namely investigation, then the stage during court hearings or adjudication, and then the stage after court or post-adjudication (Ramadhani, 2021).

"*Not all children's cases can be diverged. However, in practice, there is still a difference in understanding the requirements for diversion, so we often give explanations back to law enforcement officials.*" (Interview with Intermediate Community Counselor, Bapas Kelas I Medan, July 15, 2026).

These findings show that the implementation of normative mentoring practices has been carried out in accordance with the provisions of the SPPA, but its effectiveness is still influenced by the aspect of communication between law enforcement officials. According to George C. Edwards III (1980), communication is one of the main factors that determine the success of policy implementation because each implementer must understand the objectives and substance of the policy uniformly. Differences in understanding the diversion and involvement of Community Counselors show that policy communication has not been fully consistent so that it has the potential to affect the effectiveness of the implementation of mentoring. In addition to communication, the implementation of SPPA also requires institutional support in the form of legal assistance, financing, special facilities for children, and the continuity of fulfilling children's rights at each stage of the judicial process. Thus, the effectiveness of mentoring practices is not only determined by the suitability of implementation with normative provisions, but also by the readiness of resources and institutional support that supports its implementation (Mansar, A. 2022).

On the other hand, data from the Bapas Kelas I Medan shows that the number of CCL who received assistance during the 2020–2025 period tends to increase, from 503 children in 2020 to 1,074 children in 2024, while in 2025 there were 673 children until the research data collection period. This increase shows the increasing need for assistance services by Community Counselors. However, the data cannot be directly interpreted as an indicator of the success or failure of SPPA implementation because it is influenced by various factors. Therefore, these empirical findings are the basis for further analyzing the implementation of SPPA through the perspective of moral hazard in the next discussion.

Table 1. Number of CCL Assistance at Bapas Kelas I Medan in 2020 to 2025

No	Year	Fulfilling Diversion	Not Fulfilling Diversion	Number of CCL Assistance
1	2020	151	352	503
2	2021	388	323	711
3	2022	463	411	874
4	2023	441	626	1067
5	2024	312	762	1074
6	2025	167	506	673

Moral Hazard Analysis in the Implementation of the Juvenile Criminal Justice System through Mentoring Practices

Data on assistance for Children in Conflict with the Law at the Bapas Kelas I Medan during the 2020–2025 period shows the dynamics of the number of cases with a variety of different types of criminal acts every year. This data is important to be studied as an empirical picture of the implementation of mentoring practices as well as being the basis for analyzing the implementation of the Juvenile Criminal Justice System. Based on this data, it is further analyzed whether in the practice of mentoring there are implementing conditions that have the potential to give rise to *moral hazards* so that the goal of child protection as mandated in the Child Criminal Justice System can be optimally achieved.

Table 2. CCL Assistance Data for 2020–2025 by Type of Crime

No	**Year**	**Drugs**	**Theft**	**Squirt**	**Embezzlement**	**Persecution**	**Sharp Weapons**	**Robbery**	**Miscellaneous**	**Total**
1	2020	72	186	89	9	97	4	32	14	**503**
2	2021	105	211	128	15	113	7	58	74	**711**
3	2022	102	229	165	13	157	34	73	101	**874**
4	2023	74	258	185	16	156	155	111	112	**1067**
5	2024	79	246	169	14	154	244	90	78	**1074**
6	2025	65	133	132	10	127	103	55	48	**673**

CCL assistance data shows a dynamic number of cases based on the type of criminal act. Based on the type of criminal act, theft cases were the most dominant cases throughout the study period, although they decreased in 2025. In addition, immoral and persecution cases also showed a tendency to increase compared to 2020. The most prominent phenomenon was seen in cases involving sharp weapons, which increased significantly from 4 cases in 2020 to 244 cases in 2024 before decreasing to 103 cases in 2025. Meanwhile, narcotics cases tend to fluctuate without showing a significant increase, while embezzlement remains the case with the least number of cases each year. The findings show that in addition to an increase in the number of assistance, there is also a change in the characteristics of cases handled by the Bapas Kelas I Medan during the study period.

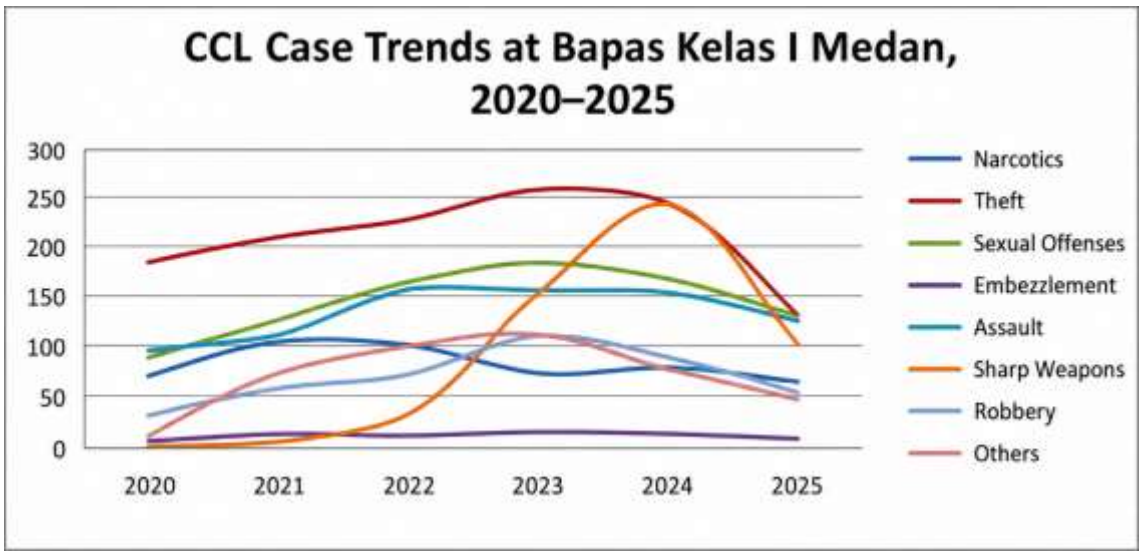

Figure 1. Trends in CCL Cases for Bapas Kelas I Medan in 2020 to 2025

To obtain a more comprehensive understanding, this study complemented the quantitative data with interviews with Community Counselors (PK) and Children in Conflict with the Law. The results of the interviews showed that the practice of mentoring has basically been carried out in accordance with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. However, the informants revealed that there are still differences in understanding between law enforcement officials regarding the application of diversion provisions, especially regarding the requirement that diversion can only be carried out for criminal acts that are threatened with imprisonment under 7 (seven) years and are not a repetition of criminal acts. In addition, the results of Community Research (Litmas) have not always been optimally utilized as a consideration in decision-making, even though they are compiled based on an assessment of the child's condition and needs.

These findings were corroborated by the results of an interview with CCL. One of the informants in the sharp weapons case admitted that he was encouraged to commit a criminal act after being convinced by an adult that as a child he would not receive severe legal consequences if caught. Other informants in the theft case also expressed the assumption that cases involving children can generally be resolved peacefully so that they do not always proceed to the judicial process. Although this statement cannot be generalized to all CCL, these findings show that there are certain perceptions about the implementation of SPPA that need to be observed in the analysis of policy implementation.

In this study, moral hazard is not interpreted as an increase in child crime or as a failure of SPPA. Moral hazard is understood as a condition when the implementation of policies has not fully run in accordance with the goals of lawmakers, thus opening up opportunities for the emergence of behaviors or perceptions that deviate from the goal of child protection. Thus, the focus of this research is not to assess the weaknesses of SPPA norms, but to examine whether the implementation practices contain conditions that have the potential to cause moral hazard.

The findings of the study can be analyzed using George C. Edwards III's policy implementation theory which states that the success of policy implementation is influenced by four factors, namely communication, resources, implementing disposition, and bureaucratic structure (in Kurhayadi, K. 2023). In the context of this study, differences in understanding of the requirements for diversion show that the policy communication aspect has not been running optimally. Differences in interpretation of legal provisions have the potential to cause disparities in handling cases that have similar characteristics, so that the objectives of implementing SPPA are not implemented consistently. In line with Syafrawati et al. (2023), moral hazards in the implementation of a policy do not always show regulatory weaknesses, but more often arise due to differences in the understanding of implementers, as well as weak supervisory mechanisms in policy implementation.

In addition to communication, Edwards III emphasized that the disposition of the implementer and the bureaucratic structure determine the effectiveness of policy implementation. The results of the study show that the recommendations of the Community Advisor through Litmas have not always been a consideration in decision-making by law enforcement officials. Although the recommendations are not binding, the Litmas is an important instrument prepared based on a professional assessment of the child's condition. The use of Litmas has not been optimal and there are still differences in perception between law enforcement officials show that coordination in the implementation of SPPA still needs to be strengthened so that each institution can carry out its functions and authorities synergistically.

In addition, the results of interviews with CCL show that there is a perception that status as a child can reduce the legal consequences that will be accepted if they commit a criminal act. This perception is even used by older parties to encourage children to commit certain criminal acts. This finding is also in line with the information of the Community Counselor regarding indications of the involvement of adults who use children in several types of crimes. From the perspective of moral hazard, this condition shows that legal protection designed to ensure the best interests of children has the potential to be misinterpreted by some parties as an opportunity to reduce the risk of criminal liability. Thus, the potential for moral hazard in this study does not come from the substance of SPPA, but from the implementation of policies that have not been fully understood and applied uniformly. This is in accordance with the findings of the study that many people consider government protection to automatically cause moral hazard. What determines is how the protection is implemented and how the perpetrator responds (Pernell, K., & Jung, J. 2024).

Based on all these findings, this study identifies three forms of moral hazard in the implementation of SPPA through mentoring practices at the Bapas Kelas I Medan. First, differences in interpretation of the diversion provisions that have the potential to cause disparities in the application of the law. Second, the use of community research results as an instrument in decision-making has not been optimal. Third, there is a perception among some children and certain parties that legal protection for children can be used to reduce criminal consequences. These three conditions show that the challenges of implementing SPPA are more related to the aspect of policy implementation than the weakness of legal norms. Therefore, strengthening coordination between law enforcement officials, equalizing perceptions of SPPA provisions, and optimizing the role of Community Counselors are important steps to ensure that the goals of child protection, guidance, and social reintegration can be realized effectively.

Obstacles and Efforts to Minimize Moral Hazard in the Implementation of Child Assistance Practices in Conflict with the Law

The findings of the study show that the potential for moral hazard in the implementation of assistance practices for Children in Conflict with the Law is influenced by a number of obstacles that are still faced in the implementation of SPPA. Based on the results of interviews and data analysis, these obstacles are mainly related to institutional aspects, coordination between law enforcement officials, and social factors that develop in the community. The identification of these various obstacles is the basis for formulating efforts to minimize the potential for moral hazard without reducing the goal of child protection as mandated in the SPPA.

Internal obstacles are mainly related to the implementation of the duties of Community Counselors in providing assistance services. Although mentoring practices have been carried out in accordance with the provisions of the SPPA, the increase in the number of Children in Conflict with the Law every year causes the workload of Community Counselors to be higher. In Bapas Kelas I Medan, there are currently 135 Community Counselors consisting of 10 Senior Community Counselors, 48 Intermediate Community Counselors, 73 Junior Community Counselors, and 4 Community Counselor Assistants. With a wide scope of work area (consisting of 13 districts/cities) and an increase in the number of cases, these conditions require professionalism and the ability of Community Counselors to prepare community research, provide assistance, and provide recommendations in a timely manner without reducing the quality of service.

On the other hand, external constraints come from conditions outside the Correctional Center which also affect the effectiveness of the implementation of SPPA. The results of the interviews show that there is still a perception among some children and the public that their status as children will receive lighter legal treatment. In fact, there are indications that children are used by adults to commit criminal acts with the assumption that the legal consequences received are relatively lighter. This perception has the potential to cause moral hazard because the purpose of child protection is mistakenly understood as a form of immunity from criminal responsibility.

From the regulatory aspect, this study does not find any fundamental weaknesses in the substance of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Previous studies have also shown that the restorative justice framework in the juvenile criminal justice system in Indonesia basically has a strong philosophical, constitutional, and juridical foundation (Mansar et al. 2026). However, some provisions still face limitations in the aspect of procedural regulation that cause differences in interpretation in practice, especially regarding the requirements for the implementation of diversion and the use of community research results as considerations for decision-making. These differences in interpretation cause the implementation of SPPA not always to run uniformly, so it has the potential to give rise to different treatment of cases that have similar characteristics.

The next obstacle is related to coordination between law enforcement officials. Based on the results of the interviews, there are still differences in understanding of the obligation to present Community Counselors at each stage of the juvenile justice process and the lack of optimal use of community research recommendations in decision-making. These conditions show that coordination and equalization of perceptions between law enforcement officials have not been fully effective, even though the success of the implementation of SPPA is highly dependent on the integration of the implementation of the authority of each institution.

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The coordination issue is also related to institutional support in fulfilling CCL's rights. Previous research shows that the implementation of assistance and legal assistance for CCL requires clear guarantees regarding the availability of companions, advocates, financing, and supporting facilities at each stage of the judicial process (Mansar, A., 2020). Thus, the fulfillment of CCL's rights is not enough only to be guaranteed through normative provisions, but also requires institutional and coordination mechanisms that are able to ensure that these provisions are implemented in real terms. In this context, differences in understanding between officials and the lack of optimal institutional support can be factors that affect the consistency of CCL assistance practices.

Based on these various obstacles, efforts to minimize potential moral hazards need to be focused on strengthening policy implementation, not through changes in the substance of SPPA. Steps that can be taken include increasing the capacity of Community Counselors, optimizing the quality of community research, strengthening coordination forums and equalizing perceptions between law enforcement officials regarding the implementation of SPPA, and increasing socialization to the public regarding the goals of diversion and restorative justice. These steps are expected to be able to realize a more consistent implementation of SPPA and oriented towards the best interests of children.

As a follow-up, this study recommends that regular coordination forums be held between the Correctional Center, the Police, the Prosecutor's Office, the Court, the Special Children's Development Institute, and related agencies to equalize understanding of the implementation of SPPA. In addition, it is necessary to prepare joint technical guidelines regarding the application of diversion and the use of community research results as a consideration in each stage of the juvenile justice process. As also conveyed by the suggestion in the previous study, that Law Enforcement Officers, which are a subsystem of the Juvenile Criminal Justice System, are obliged to uphold the principle of legal protection for Children in Conflict of Law in accordance with the Law (in Arief, M., Triono, Mansar, A. 2023). Education to the community also needs to be strengthened to eliminate the perception that legal protection for children can be used as a means of avoiding criminal liability.

Based on the results of the study, obstacles in the implementation of assistance practices for Children in Conflict with the Law are more rooted in the implementation aspect than the substance of the law. Internal, external, regulatory, and coordination obstacles have the potential to affect the effectiveness of the implementation of SPPA and open up space for moral hazard. Therefore, strengthening the capacity of Community Advisors, equalizing perceptions between law enforcement officials, optimizing the use of community research, and increasing education to the community are strategic steps to minimize potential moral hazards while ensuring that the goals of child protection in the Juvenile Criminal Justice System can be realized more effectively.

CONCLUSIONS AND RECOMMENDATIONS

This study shows that the implementation of the Juvenile Criminal Justice System through the practice of assisting Children in Conflict with the Law at the Bapas Kelas I Medan has basically been carried out in accordance with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The practice of mentoring is carried out by Community Counselors through community research, mentoring at each stage of the judicial process, and the preparation of recommendations as consideration for law enforcement officials. However, this study found that the implementation of SPPA still faces various obstacles, especially differences in understanding of diversion provisions, the use of community research results has not been optimal, and coordination between law enforcement officials has not been effective. This condition has the potential to cause moral hazard, not because of the weakness of the substance of the SPPA, but due to the lack of optimal policy implementation and the emergence of a wrong perception of legal protection for children.

The findings confirm that efforts to minimize moral hazard do not require changes to the substance of Law Number 11 of 2012, but require strengthening implementation through equalizing perceptions between law enforcement officials, optimizing the use of community research, increasing the capacity of Community Advisors, and strengthening coordination and education to the public regarding the purpose of SPPA. This research contributes by placing the perspective of moral hazard as an analytical approach in evaluating the implementation of child assistance practices in conflict with the Law.

ADVANCED RESEARCH

The next research is suggested to expand the location of the research in several correctional centers in various regions of Indonesia or involve more law enforcement officials in order to obtain a more comprehensive picture of the implementation of SPPA and the potential for moral hazard in the juvenile criminal justice system.

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