

Borobudur Law and Society Journal
ISSN: 2809-9664
Vol. 4 No. 6 (2025)
pp: 36-45
DOI: https://doi.org/10.31603/14240

Imprisonment of a Child for Possession of a Sharp Weapon: An Analysis of Purworejo District Court Decision No. 5/Pid.Sus-Anak/2024/PN Pwr

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Abstract

Law No 11 of 2012 on the Juvenile Criminal Justice System requires that imprisonment of a child be a last resort, yet children who carry sharp weapons are regularly imprisoned because diversion is closed to them. This study examines Purworejo District Court Decision No 5/Pid.Sus-Anak/2024/PN Pwr, in which a student who carried a sickle during a brawl between students, without injuring anyone, was sentenced to three months' imprisonment. It asks on what grounds the sentence rests and whether it conforms to the best interests of the child and the last-resort rule. The research is normative, using statutory, case and conceptual approaches, and compares the decision with two other juvenile weapons decisions. The sentence is lawful in form: the offence carried up to ten years, so diversion was legally excluded, not merely ineffective. Its reasoning is weak in substance. Imprisonment in a juvenile institution requires a finding that the child endangers the community, but the decision rests mainly on weak parental supervision, a deficit that a supervision sentence, guidance outside an institution or institutional guidance addresses directly, and a three-month term was within the range for a conditional sentence. Courts should state why each non-custodial option is inadequate, and the diversion threshold should be reconsidered for possession offences that cause no harm.

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Keywords

Juvenile; Diversion; Imprisonment; Sentencing; Weapons; Children

Introduction

A child is a legal subject treated differently from an adult, both in substantive law and in procedure. The Juvenile Criminal Justice System Law (the SPPA Law) is built on the best interests of the child and on the rule that deprivation of liberty and punishment are a last resort,[1] and it requires a restorative approach to be given priority.[2] Courts nevertheless still send children to prison. On 19 April 2024, on a road in Purworejo Regency, a student carried a sickle, which he had bought online for IDR 150,000, during a brawl between students; he used it to frighten his opponents, and no one was injured. The Purworejo District Court convicted him of carrying a stabbing or piercing weapon without right and sentenced him to three months' imprisonment, less than the prosecutor had demanded.[3] The offence, under Article 2(1) of Emergency Law No 12 of 1951, carries up to ten years' imprisonment.[4] In keeping with the SPPA Law, which forbids disclosure of the identity of a child in conflict with the law, the child is not named in this article.[5]

The SPPA Law offers the judge a graded set of sentences: a warning, conditional sentences (guidance outside an institution, community service or supervision), job training, guidance in an institution, and imprisonment.[6] Imprisonment comes last in that list and in law: it may be used only as a last resort, it may be served in a special child correctional institution (LPKA) only if the child's circumstances and act would endanger the community, and it may not exceed half the maximum for an adult.[7] The same rule binds Indonesia internationally: imprisonment of a child is to be used only as a measure of last resort and for the shortest appropriate period.[8] In this case the court gave weight to the weak supervision of the child by his parents, who let him go out at night, and held that guidance in the LPKA was more appropriate than a conditional sentence such as community service, because without more intensive guidance the child might reoffend.[9]

Earlier studies have approached such cases from two directions. One concerns diversion and restorative justice. Setyorini, Sumiyati and Utomo describe restorative justice as the basis for handling children in conflict with the law and find that diversion is limited in practice because it depends on the agreement of the

[1] Law No 11 of 2012 on the Juvenile Criminal Justice System (Indonesia), art 2.
[2] *Ibid*, art 5(1).
[3] Purworejo District Court, Decision No 5/Pid.Sus-Anak/2024/PN Pwr (2024).
[4] Emergency Law No 12 of 1951 amending the Ordonnantie Tijdelijke Bijzondere Strafbepalingen (Stbl 1948 No 17) and Law No 8 of 1948 (Indonesia), art 2(1).
[5] Law No 11 of 2012, *supra* note 1, art 19.
[6] *Ibid*, art 71(1).
[7] *Ibid*, art 81(1), (2), (5).
[8] Convention on the Rights of the Child, 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990), art 37(b).
[9] Decision No 5/Pid.Sus-Anak/2024/PN Pwr, *supra* note 3.

victim or the victim's family.[10] Purnama, Krisnan and Kurniaty show that diversion at the court stage is confined to offences carrying less than seven years that are not repeat offences, and that the Supreme Court's guidelines extend it to indictments that combine such an offence with a graver one.[11] The other direction concerns the judge's reasoning. Pamungkas, examining a Yogyakarta decision on violence committed jointly by a child, finds the sentence consistent with the rules of evidence and notes that the judge considered the recommendation of the correctional office (Bapas),[12] and Saputra, examining a child sentenced to four months' imprisonment for carrying a blade for self-protection, finds the court's considerations consistent with the law.[13] These studies record what judges considered or describe the limits of diversion. None tests the choice of imprisonment against the statutory conditions for each alternative sentence in a weapons case where diversion is barred by law. This article asks three questions: (1) on what legal and non-legal grounds did the court imprison the child, and are those grounds ones that the SPPA Law allows for imprisonment; (2) did the sentence conform to the best interests of the child and the last-resort rule, given that diversion was unavailable; and (3) what reform of the diversion threshold, if any, is warranted? Its purpose is to state what a court must show before it imprisons a child for carrying a weapon.

Research Method

This is normative (doctrinal) legal research using statutory, case and conceptual approaches. The primary legal materials are the SPPA Law, Emergency Law No 12 of 1951, the Code of Criminal Procedure applied in the case, the 2023 Criminal Code and the 2025 Code of Criminal Procedure in force since 2 January 2026,[14] the Supreme Court regulations on diversion and on restorative justice, the Convention on the Rights of the Child and the Beijing Rules, together with Purworejo District Court Decision No 5/Pid.Sus-Anak/2024/PN Pwr. Two other juvenile decisions on carrying sharp weapons are used for comparison as they are reported in published studies. Secondary materials are journal articles and reports on juvenile justice and restorative justice. No interviews or fieldwork were used; the analysis rests on the

[10] Erny Herlin Setyorini, Sumiyati & Pinto Utomo, "Restorative Justice Concept for Children Conflicting Laws in Children Criminal Justice System" in *Proceedings of the International Conference on Law Reform (INCLAR 2019)* (Atlantis Press, 2020) 195, DOI: <10.2991/aebmr.k.200226.040>.

[11] Pancar Chandra Purnama, Johny Krisnan & Yulia Kurniaty, "Pelaksanaan Diversi Ditingkat Pengadilan Berdasarkan Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak" (2016) 12:2 *Varia Justicia* 222.

[12] Adjie Pamungkas, "Dialektika Pertimbangan Hakim Perkara Tindak Pidana Kekerasan Secara Bersama-Sama yang Dilakukan oleh Anak" (2022) 10:2 *Verstek*, DOI: <10.20961/jv.v10i2.67695>.

[13] Nanda Anggraeni Effendy Jefri Saputra, "Putusan Hakim dalam Menjatuhkan Pidana terhadap Anak Pelaku Tindak Pidana Kepemilikan Senjata Api atau Benda Tajam" (2021) 3:1 *Indonesian Journal of Law and Islamic Law* 38, DOI: <10.35719/ijl.v3i1.115>.

[14] Law No 20 of 2025 on the Code of Criminal Procedure (Indonesia).

written decision and the published materials. Each ground stated in the decision was identified and tested against the conditions that the SPPA Law sets for diversion and for each type of sentence, and against the international standards. A single decision supports no statistical generalisation; it supports an argument about how such sentences should be reasoned.

Results and Discussion

Legal Considerations

The court found the offence proved on the child's confession, the witnesses' statements and the sickle itself, which satisfies the requirement of at least two lawful items of evidence and the judge's conviction.[15] Article 2(1) of the Emergency Law punishes whoever, without right, carries or possesses a striking, stabbing or piercing weapon. A sickle is an agricultural tool, and the Law excludes weapons evidently intended for agriculture, household work or lawful employment.[16] The exception did not apply: the child bought the sickle and took it to a brawl, so its purpose was intimidation, not work. That no one was injured does not affect liability, since the offence is complete when the weapon is carried without right; it bears only on the sentence.

The law has since changed. The 2023 Criminal Code, in force since 2 January 2026, repeals Article 2 of the Emergency Law,[17] and now punishes carrying a striking, stabbing or piercing weapon without right by up to seven years' imprisonment, with the same exception for agriculture, household work, lawful work and heirlooms.[18] For a child the ceiling would therefore fall from five years to three and a half. The change does not reopen diversion, because seven years is not less than seven years. This decision was final under the old law, but the point matters for every case decided from 2026.

Non-Legal Considerations

The decisive considerations were non-legal. The court found that the child often went out at night without adequate supervision, treated this as a risk that his behaviour would worsen and that he would reoffend, and chose guidance in the LPKA over a conditional sentence such as community service, which it regarded as

[15] Law No 8 of 1981 on the Code of Criminal Procedure (Indonesia), art 183.
[16] Emergency Law No 12 of 1951, *supra* note 4, art 2(2).
[17] Law No 1 of 2023 on the Criminal Code (Indonesia).
[18] *Ibid*, art 307.

ineffective for a child engaged in risky activity at night.[19] The SPPA Law requires the judge, before deciding, to give the parents, guardian or companion the chance to say what is in the child's interest, and to consider the social research report (litmas) of the community counsellor; a decision that does not consider the report is void.[20] The reasoning on supervision should therefore rest on that report and on what the parents said, and the decision should show how the court weighed the counsellor's recommendation.

Weak parental supervision is a lawful consideration, but it points away from prison rather than towards it. Imprisonment in the LPKA requires a finding that the child's circumstances and act would endanger the community.[21] Weak supervision shows that the child needs guidance; it does not show that he is dangerous, and it is a failing of the parents rather than of the child. To imprison a child because his parents do not supervise him shifts the burden of their omission onto him, which is hard to reconcile with his best interests. The relevant facts for danger are those of the act: a sickle carried in a group fight is serious, but the court itself found that it was used to frighten and not to injure.

The statement that community service would be ineffective also does not dispose of the alternatives. Because the sentence imposed was three months, a conditional sentence was available, since one may be imposed where the prison term would not exceed two years, with a probation period of up to three years.[22] Community service is only one form of it. Guidance outside an institution may require the child to follow a programme of guidance and counselling;[23] a supervision sentence places the child for three months to two years under the prosecutor, with guidance from a community counsellor;[24] and guidance in an institution lasts from three to twenty-four months, where the child's circumstances and act do not endanger the community.[25] The court's own concern, the lack of supervision at night, is exactly what supervision or guidance addresses, and for longer than three months. A three-month prison term, by contrast, returns the child to the same family without any structured supervision once it ends. Table 1 sets out the options against that concern.

Table 1. Sentencing options under the SPPA Law and the court's stated concern

[19] Decision No 5/Pid.Sus-Anak/2024/PN Pwr, *supra* note 3.
[20] Law No 11 of 2012, *supra* note 1, art 60(1), (3), (4).
[21] *Ibid*, art 81(1).
[22] *Ibid*, art 73(1), (6).
[23] *Ibid*, art 75(1).
[24] *Ibid*, art 77.
[25] *Ibid*, art 80.

Option (SPPA Law)	Condition or range	Fit with weak parental supervision
Conditional sentence, art 73	Prison term imposed of up to 2 years; probation up to 3 years	Available here; allows special conditions on conduct, such as staying home at night
Guidance outside an institution, art 75	Guidance and counselling programme	Addresses the guidance deficit directly
Community service, art 76	7 to 120 hours	Educational, but does not supervise the child at night
Supervision, art 77	3 months to 2 years, under the prosecutor with a community counsellor	Addresses the supervision deficit directly and for longer
Guidance in an institution, art 80	3 to 24 months; child not dangerous to the community	Intensive guidance without the label of prison
Imprisonment in the LPKA, art 81	Last resort; child dangerous to the community; half the adult maximum	Requires a finding of danger that the decision does not make

Source: Law No 11 of 2012, arts 71–81, compiled by the authors.

The Best Interests of the Child and Ultimum Remedium

The best interests of the child were thus considered but not given effect. The sentence was lighter than the prosecutor's demand, yet a lighter prison term is still prison, and the decision does not explain why each less restrictive sentence would fail. That explanation is what the last-resort rule requires. The Beijing Rules state the same test: deprivation of liberty should not be imposed unless the juvenile is adjudicated of a serious act involving violence against another person or of persistence in other serious offences, and unless there is no other appropriate response.[26] Neither condition is met by a first act of carrying a weapon that injured no one, so far as the decision records.

Diversion is a different matter, and it must be stated precisely. The SPPA Law requires diversion to be sought at each stage only where the offence carries imprisonment of less than seven years and is not a repeat offence.[27] An offence carrying up to ten years falls outside that rule, so diversion was not ineffectively applied; it was legally unavailable. The Supreme Court's guidelines require diversion also where a child is charged with an offence carrying less than seven years together with a graver one, in subsidiary, alternative or cumulative form,[28] so it would have been available only if the indictment had included such a lesser offence. The restorative approach is wider than diversion. The Supreme Court's 2024 guidelines apply to juvenile cases, among them cases in which diversion did not succeed, and direct the court to the recovery of the harm and to imprisonment as a last resort.[29] In a brawl with no injured victim the harm is to the schools and the

[26] United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), GA Res 40/33, UN Doc A/RES/40/33 (1985), rule 17.1(c).
[27] Law No 11 of 2012, *supra* note 1, art 7(1), (2).
[28] Supreme Court Regulation No 4 of 2014 on Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System (Indonesia), art 3.
[29] Supreme Court Regulation No 1 of 2024 on Guidelines for Adjudicating Criminal Cases Based on Restorative Justice (Indonesia), art 6(1).

community, and models such as family group conferencing and community reparative boards are designed for that setting.[30] Even where diversion is barred, a court can draw on them through the conditions it attaches to a non-custodial sentence.

The recommendation to amend Article 7(2) needs a defined proposal. The present threshold excludes every offence whose maximum is seven years or more, and the new Code has set the weapons offence at exactly seven years. One option is to extend mandatory diversion to offences carrying up to seven years; a narrower option is to permit diversion, at the judge's discretion, for possession offences in which the weapon caused no injury. Either should carry safeguards: the offence is not a repeat offence; the community counsellor's report recommends diversion; the agreement involves the parents and the school and sets a period of supervision by the community counsellor; and the agreement is approved by the court. The change belongs in the Law itself, since a regulation cannot widen what the Law excludes. International standards support it: the Beijing Rules ask that diversion be considered wherever appropriate,[31] and the Convention asks states to provide measures for dealing with children without resorting to judicial proceedings, where appropriate and desirable.[32]

Comparison with Earlier Research

Table 2 places the Purworejo decision beside two other juvenile weapons decisions reported in published studies. In a case at the Gedong Tataan District Court, a child who carried another person's blade for self-protection was sentenced to four months' imprisonment; the court treated the disturbance to the community as aggravating and the child's admission, remorse, promise not to reoffend and lack of a previous conviction as mitigating.[33] In a case at the Tanjung Karang District Court, a thirteen-year-old student who carried a machete and a motorcycle gear in a conflict between groups of youths was returned to his parents,[34] the outcome the SPPA Law requires for a child under fourteen, who may be subjected only to measures.[35]

Table 2. Three juvenile decisions on carrying sharp weapons

[30] Gordon Bazemore & Mark Umbreit, *A Comparison of Four Restorative Conferencing Models*, Juvenile Justice Bulletin (Washington, DC: Office of Juvenile Justice and Delinquency Prevention, 2001).
[31] Beijing Rules, *supra* note 26, rule 11.1.
[32] Convention on the Rights of the Child, *supra* note 8, art 40(3)(b).
[33] Saputra, *supra* note 13.
[34] Zainab Ompu Jainah, Suta Ramadan & Salman Zahir Bachruddin, "Tinjauan Yuridis terhadap Tindakan Melawan Hukum Membawa Senjata Tajam yang Dilakukan oleh Anak (Studi Putusan Nomor: 11/Pid.Sus-Anak/2024/PN TJK)" (2025) 8:2 *Pagaruyuang Law Journal*, DOI: <10.31869/plj.v0i0.6179>.
[35] Law No 11 of 2012, *supra* note 1, art 69(2).

Element	PN Purworejo No 5/Pid.Sus-Anak/2024	PN Gedong Tataan No 14/Pid.Sus-Anak/2019	PN Tanjung Karang No 11/Pid.Sus-Anak/2024
Weapon and context	Sickle bought online, carried in a brawl between students	Blade belonging to another, carried for self-protection	Machete and motorcycle gear, conflict between youth groups
Harm	None; used to frighten	Not reported	Not reported
Outcome	3 months' imprisonment	4 months' imprisonment	Returned to parents (measure)
Stated grounds	Weak parental supervision; risk of reoffending	Disturbance to the community; admission, remorse, no previous conviction	Age under 14; parents to guide the child

Source: Decision No 5/Pid.Sus-Anak/2024/PN Pwr; Saputra (2021); Jainah, Ramadan and Bachruddin (2025); compiled by the authors.

The comparison shows that children old enough to be sentenced receive short prison terms for carrying weapons, even where no injury is recorded, and in neither prison case, as reported, a reasoned rejection of the conditional sentences. Saputra reads the Gedong Tataan considerations as consistent with the law;[36] this analysis asks a further question, whether the stated grounds meet the statutory condition of danger for imprisonment, and finds that in the Purworejo case they do not. It confirms the finding of Purnama, Krisnan and Kurniaty that the seven-year threshold, not judicial reluctance, is what closes diversion in such cases,[37] and it adds that the restorative approach remains open at sentencing even when diversion is closed, a point the literature on diversion, centred on agreement with the victim,[38] has not addressed for offences that have no individual victim.

Conclusion

The three-month prison sentence in Decision No 5/Pid.Sus-Anak/2024/PN Pwr is lawful in form: the elements of carrying a weapon without right were proved, the agricultural exception did not apply, and diversion was legally unavailable because the offence carried up to ten years, not merely ineffectively applied. The decision rests mainly on a non-legal ground, weak parental supervision, which is a lawful consideration but does not establish the danger to the community that the SPPA Law requires for imprisonment in the LPKA. A conditional sentence was available, and supervision, guidance outside an institution or institutional guidance would have met the court's concern more directly, so the sentence does not fully satisfy the best interests of the child or the last-resort rule. Courts imprisoning a child should state the facts showing danger, refer to the community counsellor's report and explain why each less restrictive sentence is inadequate. The legislature should reconsider Article 7(2), either by extending diversion to offences carrying up to

[36] Saputra, *supra* note 13.
[37] Purnama, Krisnan & Kurniaty, *supra* note 11.
[38] Setyorini, Sumiyati & Utomo, *supra* note 10.

seven years or by permitting it for possession offences that caused no injury, with the safeguards set out above. The study is limited to one decision and to two comparators taken from published studies; the form of the indictment, the prosecutor's demand and the content of the community counsellor's report are not analysed, and no national data on sentencing of children for weapons offences were available. A wider study of juvenile weapons decisions is needed to show how common the pattern is.

Ethics and Data Availability

This normative legal research is based on legislation, court decisions and published literature and did not involve human participants or personal data, so ethical approval was not required. The child is not named, in accordance with Article 19 of Law No 11 of 2012. All materials used are published documents.

Use of Generative AI

Generative AI was used only to improve the language of this article (grammar, clarity and style). The authors reviewed the output and are responsible for the content of the article.

Funding and Conflicts of Interest

The authors declare no conflict of interest. This research received no external funding.

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