

An analysis of acquittal decisions in criminal cases involving juveniles in Aceh

M Fathir Rizky¹, Rizanizarli², Zahratul Idami²

¹ Faculty of Law, Universitas Syiah Kuala, Indonesia, Banda Aceh, Indonesia

² Lecturers, Faculty of Law, Universitas Syiah Kuala, Indonesia, Banda Aceh, Indonesia

Abstract

The Decision Number 2/JN.Anak/2023/MS.Cag, the Decision Number 10/JN/2025/MS.Jth, Decision of the Lhoksukon Sharia Court Number 24/JN/2022/MS.Lsk are criminal cases against minors based on Aceh Qanun No. 6 of 2014 concerning Jinayat Law and Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. The panel of judges ultimately rendered a verdict of acquittal because the elements of the crime were not proven legally and convincingly. The judge's consideration adhered to the provisions of Article 183 of the Criminal Procedure Code, which requires at least two valid pieces of evidence and the judge's conviction. Normatively, this approach reflects adherence to the negative proof system according to the law (negatief wettelijk bewijsstelsel), but in practice, it seems to place too much emphasis on the formal aspects of proof. This research aims to analyze and explain acquittals in juvenile criminal cases in Aceh. The research method used is normative juridical with approaches of legislation, comparison, case, and conceptual. The data used are secondary data, which are then analyzed qualitatively using deductive reasoning methods to answer the research problem formulation. The research results show that an acquittal is not merely a failure of procedural law, but also an indicator of the need for a paradigm shift in evidence presentation, strengthening judges' capacity to understand the psychology of child victims, and a stronger synchronization between Qanun Jinayat and national legal instruments oriented toward child protection, such as Law Number 35 of 2014 on Child Protection, and Law Number 11 of 2012 on the Juvenile Justice System.

Keywords: Acquittal decision, criminal case, juveniles

Introduction

Data from the Ministry of Women's Empowerment and Child Protection from SIMFONI-PPA recorded a total of 28,831 cases of violence against children throughout 2024 in Indonesia. Some of these cases were also committed by children as the perpetrators. From the perspective of Law No. 11 of 2012 on the Juvenile Criminal Justice System (SPPA), every criminal case involving a child as the perpetrator must be processed within the framework of the juvenile criminal justice system based on restorative justice and the principle of "the best interests of the child." The SPPA law stipulates that at the investigation, prosecution, and trial stages, diversion must be pursued as long as the crime committed is punishable by imprisonment for less than 7 years and is not a repeat offense. However, in several studies in Aceh, diversion is often not applied.

The stages of the examination process for child offenders according to the SPPA Law begin with an investigation by a child investigator, who is required to involve Community Supervisors and Professional Social Workers, as well as request a community study (litmas) from Bapas within a certain timeframe. At this stage, the investigator is also required to seek diversion (if the conditions are met) thru a deliberation involving the child offender, parents/guardians, victims and/or their guardians, Community Supervisors, and social workers.^[1]

In the process of examining the accused child, if diversion fails or does not meet the requirements, the case will be transferred to the public prosecutor and then examined by the juvenile judge in a closed trial, with the obligation of legal assistance and the guarantee that the process does not harm the child's dignity.^[2] Children, as part of a vulnerable group, have basic rights that are recognized and protected

by the constitution and Law Number 35 of 2014 concerning Child Protection.

The Aceh Province, in several of its Sharia studies, emphasizes that the application of the Jinayat Qanun to juvenile offenders must always be correlated with the Aceh Governor's Regulation on the implementation of Jinayat procedural law and the provisions of the SPPA Law, so that the punishment imposed focuses more on rehabilitation, education, and social reintegration, rather than mere retribution.^[3] Aceh jinayat law literature and research on diversion at Polresta Banda Aceh show that the main obstacles are the limited number of trained personnel, social resistance, and the lack of uniform understanding regarding the position of children as both offenders and subjects that must be protected. Therefore, it is recommended to strengthen technical guidelines and train personnel so that the application of Article 50 of Aceh Qanun No. 6 of 2014 against child offenders remains in line with the spirit of Law No. 11 of 2012.^[4]

Decision Number 2/JN.Anak/2023/MS.Cag, Decision Number 10/JN/2025/MS.Jth, Decision of the Lhoksukon Sharia Court Number 24/JN/2022/MS.Lsk are criminal cases against minors based on Aceh Qanun No. 6 of 2014 concerning Jinayat Law and Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. The panel of judges ultimately rendered a verdict of acquittal because the elements of the crime were not proven legally and convincingly. The judge's consideration adhered to the provisions of Article 183 of the Criminal Procedure Code, which requires at least two valid pieces of evidence and the judge's conviction. Normatively, this approach reflects adherence to the negative proof system according to the law (negatief wettelijk bewijsstelsel), but in practice, it seems to place too much emphasis on the formal aspects of proof.

Research on this ruling is very important to conduct because it relates to jinayat law in Aceh, the national child protection law, and international child rights standards. The results of the explanation summarized by the author indicate that the decision does not fully reflect the principle of child protection, where the panel of judges did not properly apply the principle of *in dubio pro victima*, ignored the testimony of forensic psychology experts, and used irrelevant medical arguments to reject forensic evidence.

Research Method

The type of research conducted in this study is normative legal research, using legislative, comparative, case, and conceptual approaches. The research data sources were obtained from secondary data consisting of primary, secondary, and tertiary legal materials thru a literature review. The analysis method used in this legal research is qualitative.^[5] The qualitative approach used in this research is based on the similarity of issues, relevant conditions, and the connection by comparing existing theories and previous research.

Results and Discussions

A verdict of acquittal in criminal proceedings is a type of decision issued by a judge when the examination results in court show that the defendant's guilt regarding the charges brought against them is not proven lawfully and convincingly. This is clearly regulated in Article 191 paragraph (1) of the Criminal Procedure Code (hereafter called KUHAP (Kitab Undang-Undang Hukum Acara Pidana)). In cases of crimes against children, a verdict of acquittal becomes a complicated topic, as judges must uphold the principle of the presumption of innocence while the state is responsible for providing maximum legal protection to the child as a victim.

In the three decisions examined, namely Decision Number 10/JN/2025/MS.Jth, Decision Number 2/JN.Anak/2023/MS.Cag, and Decision Number 24/JN/2022/MS.Lsk, it appears that the judges' considerations in rendering acquittals follow the same pattern, namely, focusing on the aspect of evidence. These three rulings indicate that the judges believe the evidence presented by the Public Prosecutor is not sufficient to form a complete conviction to declare the defendant guilty.

A deep analysis of the three acquittal decisions in criminal cases, namely Decision Number 10/JN/2025/MS.Jth, Decision Number 24/JN/2022/MS.Lsk, and Decision Number 2/JN.Anak/2023/MS.Cag, reveals a complex jurisprudential pattern. This pattern not only reflects the application of evidentiary legal principles in a technical manner but also reveals the dynamics and tensions between various fundamental legal principles, such as legal certainty, substantive justice, and the protection of victims and the rights of the accused. The three acquittal decisions analyzed consistently center around the issue of proof. A deep analysis of these rulings reveals a fundamental tension between the ideal goals of criminal proof and the empirical reality of juvenile criminal cases.

In general, the most dominant similarity among the three verdicts lies in the main reason for the acquittal, which is the inability of the Public Prosecutor to prove the elements of the crime legally and convincingly as stipulated in Article 183 of the KUHAP. The KUHAP requires at least two valid pieces of evidence that create the judge's conviction about

the occurrence of the crime and that the defendant is the one who committed it. In the practice of these three cases, although evidence was presented, the logical construction and coherence between the pieces of evidence were deemed insufficient to meet the judge's standard of conviction (*judex facti*). In Decision Number 10/JN/2025/MS.Jth, although there were detailed testimonies from the victim and the results of the *visum et repertum*, the judge deemed that these testimonies were not supported by other strong pieces of evidence and there were inconsistencies in the chronological account of the incident.

Inconsistency in the evidence, in the view of the panel, creates serious doubt regarding the accuracy and reliability of the victim's testimony as the main piece of evidence. A similar situation also occurred in Decision Number 24/JN/2022/MS.Lsk, where the judge observed a significant contradiction between the testimonies of the victim, the victim's biological mother, and the victim's grandmother, leading to doubts about the criminal event construction presented by the public prosecutor.

The contradictions among the witnesses are considered to undermine the foundation of coherent facts necessary to build a conviction. Meanwhile, in Decision Number 2/JN.Anak/2023/MS.Cag, the issue of proof also becomes a central point, where despite the victim's testimony and the perpetrator's confession in the Community Guidance Report, the judge still opined that the elements of proof have not been fully met, particularly regarding the quality and context of the confession, which is considered insufficient to stand alone without strong corroborative evidence.

The next equation, which is a logical consequence of the failure of proof, lies in the application of the principle of *in dubio pro reo*. This fundamental principle in criminal law states that when there is doubt in the evidence, that doubt must be resolved in favor of the defendant. In all three rulings, the panel of judges showed the same tendency, preferring to acquit the defendant rather than impose a sentence based on evidence that had not yet reached the judge's full level of conviction. The application of this principle demonstrates the judges' commitment to the presumption of innocence guaranteed in Article 8 of Law Number 48 of 2009 on Judicial Power.^[6] This simultaneously emphasizes that in the criminal justice system, the burden of proof (*onus probandi*) rests entirely on the prosecution.

The consistency in the application of *in dubio pro reo* shows that judges remain steadfast in the fundamental principle of modern criminal law that it is better to acquit a possibly guilty person (impunity) than to convict someone who has not been proven guilty beyond a reasonable doubt (*error in iudicando*). This approach is crucial to prevent a miscarriage of justice, which would undermine the legitimacy of the legal system itself. However, upon deeper analysis, there are quite significant differences in the patterns of consideration, focus of evaluation, and dimensions of values that the judges take into account in each ruling. These differences indicate that although starting from the same principle of proof, the process of evaluating evidence (*beoordelingsvrijheid van de rechter*) is greatly influenced by the factual context, the characteristics of the perpetrator and the victim, and possibly the paradigm of the respective judge.

In Decision Number 10/JN/2025/MS.Jth, the main focus of the judge's consideration was strictly on the internal validity and logical consistency of the victim's testimony. The judge placed greater emphasis on the importance of perfect consistency between the victim's testimony (as a victim witness), the *visum et repertum* (as an indicatory piece of evidence), and other pieces of evidence such as witness statements. In this context, the judge tends to use a very formalistic and positivistic approach to evidence. Any minor discrepancy in the chronology, location, or details of the incident is considered a fatal flaw that undermines the entire construction of the indictment. This decision shows that even tho the alleged crime occurred repeatedly and there are indications of serious criminal acts from the autopsy results, the judge still adhered to strict and literal standards of proof. This means that the judge's orientation in this decision emphasizes and prioritizes the aspects of legal certainty (*rechtssicherheit*) and due process of law over the consideration of special protection for child victims who may experience trauma and have difficulty recalling the details of the incident linearly and consistently.

In stark contrast to that, in Decision Number 2/JN.Anak/2023/MS.Cag, there is an additional dimension not found in the other two decisions, namely the status of the defendant as a child in conflict with the law. This factor greatly influences the judge's mindset and legal considerations. In this case, the judge does not only look narrowly at whether the elements of the crime are formally met, but also broadens the scope of consideration by taking into account the future of the perpetrator, the psychological condition of the child, the long-term impact of the sentence, and the recommendations from the Community Supervisory Officer, which prioritize a diversion approach.

This shows that the judge's approach in this decision is more progressive, restorative, and oriented toward the best interests of the child as mandated by the Juveniles Criminal Justice System Law. Thus, the acquittal in this case is not solely or even primarily based on the weakness of technical evidence, but is also heavily grounded in the philosophical consideration of legal protection for the child as the perpetrator. The judge seemed to try to avoid the stigma and negative impact of criminalization on the child's development, so the acquittal can also be interpreted as a form of non-formal diversion aimed at rehabilitating and reintegrating the child into society.

Meanwhile, in Decision Number 24/JN/2022/MS.Lsk, the judge placed greater emphasis on the substantive contradictions between testimonies as the main basis for acquitting the defendant. In this case, the complex family relationships between the victim (child), biological mother, grandmother, and the defendant (stepfather) become a contextual factor that greatly complicates the construction of evidence. The judge observed that family dynamics, potential internal conflicts, or other motives (such as revenge, domestic disputes) could significantly affect the objectivity and reliability of the testimonies given by witnesses who have blood relations or affiliations with the conflicting parties. This shows that the judge employs a more critical and contextual evaluative approach toward the quality and motives behind the testimony, rather than just focusing on the quantity of the evidence presented. The judge, in this case, acts as a credibility assessor who tries to read "between the lines" to find the possibility of fabrication or pressure in the process of giving testimony.

If the three decisions are analyzed thru the lens of the theory of proof, it can be concluded that all of them conceptually apply the negative statutory evidence theory (*negatief wettelijk bewijstheorie*).^[7] This means that, in addition to requiring at least two valid pieces of evidence as stipulated by law, judges also have the discretion to declare that the evidence, despite meeting the formal requirements, is not sufficient to provide them with a conviction. Interestingly, in these three rulings, although quantitatively the evidence can be said to have been met (for example, the testimony of the victim and the *visum et repertum*), qualitatively the logical relationship and consistency between the pieces of evidence were deemed not strong and coherent enough to form the judge's deep conviction (inner conviction). This shows that in judicial practice, especially in sensitive cases such as crimes against children, the quality, consistency, and contextualization of evidence often matter more than merely fulfilling the formal quantity of evidence. The formalistic system of proof, as criticized by Satjipto Rahardjo, often neglects the pursuit of substantive truth and focuses more on formal truth, which is very difficult to achieve in cases of closed crimes like this.

When analyzed from the perspective of child protection theory, the three rulings clearly show a tension or even a paradox between two protection regimes: protection for child victims and protection for the rights of defendants (who can also be a child). In the two rulings where the perpetrators were adults (Jantho and Lhoksukon), the judges seemed more focused and strict in protecting the rights of adult defendants thru the principles of presumption of innocence and in *dubio pro reo*. Meanwhile, the special protection for children as victims, which should receive a special approach in accordance with the Child Protection Law, does not seem to have been optimized.^[8] The testimony of child victims is still treated with very high standards of consistency and reliability, almost equivalent to the standards for adult witnesses, without sufficiently considering the impact of psychological trauma (post-traumatic stress disorder), fear, social pressure, and children's coping mechanisms, which often lead to fragmented memories and non-linear narratives.^[9]

On the contrary, in the Calang Syaria Court ruling, special protection for children is fully granted to the perpetrator due to their status as a child. This shows the existence of dualism or even dichotomy in the application of the principle of child protection within the criminal justice system, where the status as "perpetrator" or "victim" determines the type and intensity of legal protection provided, even tho both are children entitled to special protection. If viewed from the theory of judicial authority, these three rulings clearly demonstrate that the judges independently exercised their discretionary power (*freies ermesen*) in assessing the strength of the evidence. Judges are not absolutely bound by the demands of the Public Prosecutor or by social pressure or public opinion that may call for punishment in criminal cases involving children. Independence in assessing evidence is a tangible and concrete manifestation of the freedom of the judiciary guaranteed by the Constitution. However, this freedom and independence must also be balanced with sensitivity, deep understanding, and a contextual approach to the specific characteristics of child offenses.

In this context, judicial independence should not turn into isolation from the social and psychological realities of the victim. Therefore, judicial independence must be accompanied by the capacity to adopt a more progressive,

trauma-informed, and victim-centered approach, without sacrificing the defendant's basic rights to a fair trial.^[10] From the perspective of the theory of legal certainty, the three acquittals demonstrate the judges' consistency in upholding the principle of legality (*nullum delictum, nulla poena sine praevia lege poenali*) and the principle of due process of law. The judge firmly refused to impose a sentence solely based on assumptions, presumptions, or mere sympathy for the victim. This consistency is very important to ensure legal certainty, one of the main pillars of a rule-of-law state, and to prevent arbitrary prosecution without sufficient evidence. However, viewed through the lens of Gustav Radbruch's famous legal theory, these three decisions also clearly reveal a triadic conflict among legal values: legal certainty (*rechtssicherheit*), utility (*zweckmässigkeit*), and justice (*gerechtigkeit*).^[11]

Formally and procedurally, an acquittal can be justified for the sake of legal certainty. However, substantively, the verdict can cause a deep sense of injustice for the victim, the victim's family, and the wider community who believe that justice has not been served. Radbruch might argue that when the application of positive law (KUHP) results in extreme injustice (*unerträglich*) in cases like this, then that positive law must give way to justice. In this context, the justice referred to is justice for child victims who have suffered physically and psychologically. Thus, a comparative and in-depth analysis of the three acquittals in these child crime cases reveals that the main and most crucial problem often does not lie in the absence or weakness of the substantive legal norms such as Article 76D of the Child Protection Law, but rather in the evidentiary mechanisms that are still heavily bound by the formalism of the criminal procedure code (KUHP) and in the methods and paradigms of judges in assessing evidence. The evidentiary system, which is still very formalistic and positivistic, designed for conventional cases, often becomes a significant structural barrier in uncovering material truth, especially in crimes against children that are highly private, do not leave eyewitnesses, and involve psychologically vulnerable victims. Therefore, a paradigm shift and more responsive, adaptive, and sensitive evidentiary practices are needed to address the specific characteristics of child victims..

Conclusion

To sum up, an acquittal is not merely a failure of procedural law, but also an indicator of the need for a paradigm shift in evidence presentation, strengthening judges' capacity to understand the psychology of child victims, and a stronger synchronization between Qanun Jinayat and national legal instruments oriented toward child protection, such as Law Number 35 of 2014 on Child Protection, and Law Number 11 of 2012 on the Juvenile Justice System. Only with an approach that balances legal certainty, the rights of the accused, and substantive justice for the victim can the jinayat justice system in Aceh truly embody a humane and socially responsive legal face, while also ensuring the protection of children both as victims and as perpetrators of crimes.

References

1. Nur F. Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Dalam Penanganan Perkara

- Anak. INNOVATIVE: Journal Of Social Science Research,2024:4(1):124-138.
2. Muliani S, Kasim A, Ahmad J, Nonci N. Reformulasi syarat pelaksanaan diversi dalam sistem peradilan pidana anak di Indonesia. *Jurnal Pembangunan Hukum Indonesia*,2023:5(2):358-373.
3. Indonesian Supreme Court. Paradigma baru pemidanaan jinayat kekerasan seksual anak. <https://marinews.mahkamahagung.go.id/artikel/paradigma-baru-pemidanaan-jinayat-kekerasan-seksual-anak-0TA>, 2026.
4. Chalis M, Jamhir J, Eriyanti N. Hambatan Diversi Terhadap Anak yang Melakukan Tindak Pidana Pencurian di Polresta Banda Aceh. *Syntax Idea*,2025:7(6):905-916.
5. Amiruddin, Asikin Z. Metodologi Penelitian Hukum sebagai Instrumen Mengurai Permasalahan Hukum Kontemporer. *Jurnal Gema Keadilan*, 2014, 263-280.
6. Safudin E. Harmonisasi Hukum dalam Antinomi Hukum (Analisis Terhadap Penerapan Pasal 20 Ayat 2 Huruf B Undang-Undang Republik Indonesia Nomor 48 Tahun 2009 Tentang Kekuasaan Kehakiman). *Al-Syakhsyiah: Journal of Law and Family Studies*,2020:2(2):201-229.
7. Dianti F. Hukum Pembuktian Pidana di Indonesia: Perbandingan HIR dan KUHP. *Indonesia, Sinar Grafika*, 2024.
8. Santriati AT. Perlindungan Hak Pendidikan Anak Terlantar Menurut Undang Undang Perlindungan Anak. *El Wahdah*,2020:1(1):1-13.
9. Gultom M, Silitonga HT. Perlindungan Hukum Terhadap Anak Yang Menjadi Perantara/Kurir Dalam Transaksi Narkoba. *Fiat Iustitia: Jurnal Hukum*, 2025, 153-160.
10. Irmawanti ND, Arief BN. Urgensi tujuan dan pedoman pemidanaan dalam rangka pembaharuan sistem pemidanaan hukum pidana. *Jurnal Pembangunan Hukum Indonesia*,2021:3(2):217-227.
11. Anisyaniawati A, Chandra HA. Konsep hukum dan keadilan dalam pemikiran Gustav Radbruch. *Praxis: Jurnal Filsafat Terapan*, 2024, 2(01).