

# A Critical Review of the Policy on Child Placement in Military Barracks: The Perspective of Islamic Law and Child Protection in Indonesia

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## ABSTRACT

The rising phenomenon of juvenile delinquency in Indonesia such as brawls, alcohol consumption, and violence against teachers and parents has prompted several local governments to implement a policy of placing problematic children in military barracks. This policy aims to discipline children instantly but raises debates about its legal basis, psychological impact, and conformity with child protection principles. This study critically analyzes the policy of placing children in military barracks from the perspectives of national law, Islamic law, and child protection, and explores its implications for reforming the child rehabilitation system. The research employs a qualitative approach with normative legal analysis of statutory regulations, literature reviews, and document studies from child protection agencies. The findings indicate that the military barracks policy lacks a clear legal foundation, contradicts the best interests of the child principle, and carries a high risk of long-term psychological trauma. From an Islamic law perspective, the policy is inconsistent with the principles of *maqāṣid al-sharī‘ah*, which emphasize education through compassion, gradual guidance, and exemplary conduct. This study recommends reformulating child rehabilitation policies into a community-based, humane, and collaborative model aligned with national and international child protection standards.

**Keywords:** Military barracks, Islamic law, Child protection.

## ABSTRAK

Fenomena meningkatnya kenakalan remaja di Indonesia seperti tawuran, konsumsi minuman keras, hingga kekerasan terhadap guru dan orang tua mendorong sejumlah pemerintah daerah menerapkan kebijakan penempatan anak bermasalah di barak militer. Kebijakan ini dimaksudkan sebagai upaya mendisiplinkan anak secara instan, namun menimbulkan perdebatan mengenai dasar hukum, dampak psikologis, dan kesesuaian dengan prinsip perlindungan anak. Penelitian ini bertujuan menganalisis secara kritis kebijakan penempatan anak di barak militer dalam perspektif hukum nasional, hukum Islam, dan perlindungan anak, serta mengeksplorasi implikasi kebijakan bagi reformasi sistem pembinaan anak. Metode penelitian menggunakan pendekatan kualitatif dengan analisis normatif terhadap peraturan perundang-undangan, kajian pustaka, dan studi dokumen lembaga perlindungan anak. Hasil penelitian menunjukkan bahwa kebijakan barak militer tidak memiliki landasan hukum yang jelas, bertentangan dengan prinsip *the best interest of the child*, serta berpotensi menimbulkan trauma psikologis jangka panjang. Dari perspektif hukum Islam, kebijakan tersebut tidak sejalan dengan prinsip *maqāṣid al-sharī‘ah* yang menekankan pendidikan berbasis kasih sayang dan keteladanan. Penelitian ini merekomendasikan reformulasi kebijakan pembinaan

anak berbasis masyarakat yang lebih humanis, kolaboratif, dan sesuai dengan standar nasional serta internasional perlindungan anak.

**Kata Kunci:** Barak militer, Hukum islam, Perlindungan anak.

## INTRODUCTION

In recent years, the phenomenon of juvenile delinquency in Indonesia has shown a worrying trend. Brawls between students, alcohol consumption, aggressive behavior toward teachers and parents, and cases of abuse and murder by minors have become increasingly common in the news. This situation not only harms society at large but also threatens the future of the children themselves. This phenomenon has raised concerns among various parties, including local governments, educational institutions, religious leaders, and civil society.

In response to this situation, one governor in Indonesia implemented a policy of placing children categorized as "delinquent" or problematic in military barracks. The aim of this policy was to foster discipline, mental resilience, and positive character through a military-style development approach. The local government assumed that this development pattern would be able to curb deviant behavior and instill stronger moral values than conventional development methods. (Ahmad Muchlis 2024)

This policy has generated both pros and cons in society. Those who support the program view it as a creative breakthrough in curbing juvenile delinquency. However, those opposed to placing children in military barracks have the potential to violate children's rights, cause psychological trauma, and are inconsistent with the principles of child-friendly education oriented toward the best interests of children. This debate highlights the dilemma between the desire to instill discipline and the state's obligation to protect children's rights.

To date, academic studies on the policy of placing problem children in military barracks remain very limited. Existing research generally addresses juvenile delinquency or the development of delinquent children through formal education and social rehabilitation institutions. No studies have specifically analyzed this policy from the perspective of Islamic law and child protection simultaneously. This gap is what this research aims to fill.

This article aims to: (1) analyze the policy of placing children in military barracks based on Indonesian laws and child protection principles; (2) examine its compliance with Islamic legal principles, particularly from the perspective of tarbiyah, ta'dib, and maqāṣid al-shari‘ah; and (3) formulate policy recommendations that are more in line with children's rights standards and Islamic values.

Previous research by Nur Sri Maryam DM (2025) in the Alliance Journal examined the compulsory military service policy for troubled students in West Java from the perspective of national law and human rights. The study concluded that the policy contradicts the principles of child protection, non-discrimination, and humanistic educational values. Maryam highlighted that the militaristic approach reflects repressive state control rather than educational character development. Furthermore, placing students in military barracks is considered to carry the risk of psychological trauma and contradicts constitutional principles and international law ratified by Indonesia. (Sri and DM 2025)

Furthermore, a study by Eleanora and Masri (2018) examined child development within the criminal justice system, emphasizing the importance of a restorative

approach. They emphasized that troubled children should receive constructive and restorative treatment, rather than physical punishment or harsh approaches. This aligns with the mandate of the Child Protection Law, which prioritizes the principle of the best interests of children in all policies or legal actions concerning them. Unlike the two aforementioned studies, this study aims to add a new perspective by critically examining the policy of placing children in military barracks through the lens of Islamic law and national child protection. This approach has not been widely explored in previous research. This study aims to demonstrate that Islam offers a more humanistic, educational, and compassionate approach to educating children, while also normatively assessing whether the local government's policy aligns with or contradicts the principles of child protection guaranteed by national and international law. Therefore, this study is expected to provide both academic and practical contributions as input for public policy concerning the future of the nation's children. (Sabaruddin, Puluhulawa, and Hamim 2021)

The novelty of this research lies in the dual approach used: combining positive legal analysis of child protection with Islamic legal principles in examining the policy of placing children in military barracks. To date, no study has explicitly critiqued the governor's policy from these two perspectives in depth. Therefore, this article is expected to provide a real contribution to the development of child protection policies in Indonesia that are more humanistic and in accordance with Islamic values.

## METHODS

This research uses a normative-juridical approach (doctrinal legal research) with a focus on analyzing the governor's policy regarding the placement of problem children in military barracks. This approach was chosen because the issue under study relates to positive legal norms and Islamic legal principles, making it more appropriate to analyze it through library research and document review rather than field survey methods.

Data collection techniques were conducted through library research. Secondary data used included relevant national laws and regulations (the Child Protection Law, the Child Protection Law, related Governor's Regulations/Regional Regulations), military regulations regarding the development of problem children, and international documents such as the Convention on the Rights of the Child. Furthermore, this research utilized Islamic legal sources such as the Quran, Hadith, classical and contemporary fiqh books, academic literature, and previous research related to child development and children's rights in Islam. Supporting data in the form of mass media reports, reports from child protection agencies, opinions of community leaders, and expert opinions were also used to enrich the policy context.

Data analysis was conducted using qualitative content analysis. Each data set is categorized according to the principles of positive law and Islamic law, then compared to identify any similarities or discrepancies. The results of this analysis are mapped using the *maqāṣid al-sharī'ah* approach, which encompasses the protection of life (*hifz al-nafs*), the protection of reason (*hifz al-'aql*), and the protection of offspring (*hifz al-nasl*). This step aims to establish a theoretical basis and critically evaluate the policy of placing children in military barracks. (Mhd. Abror, Akbarizan 2025)

This research is limited to document review and therefore does not involve direct interviews or field surveys. Nevertheless, this method still provides a strong scientific basis because it combines in-depth analysis of positive law and Islamic law to produce policy recommendations based on child protection and Islamic values.

## RESULTS

### Overview of the Policy for Placing Problematic Children in Military Barracks

The review indicates that the policy of placing problematic children in military barracks emerged in response to the rise in juvenile delinquency, such as brawls, alcohol consumption, fighting with teachers, and aggressive behavior toward parents. The Governor viewed conventional approaches as ineffective, so military-style remedial training was chosen to strengthen discipline, build mental health, and change the behavior of problem children.

This program is operated in collaboration with the military, which provides barracks, trainers, and a discipline training curriculum. Children deemed "delinquent" or violating social norms are placed in the program for a specified period. However, the recruitment mechanism and criteria for children eligible for this program are not always clear, opening up the opportunity for misplacement or violations of legal procedures. (Roring 2025)

In practice, this remedial program focuses more on developing physical and mental discipline. While its stated goals are positive, the review indicates that there is no clear evaluation system to measure the program's success, and there is insufficient involvement of psychological professionals or child education professionals. This creates a potential imbalance between the remedial goals and the fulfillment of children's rights.

### Legal Basis of Policy

A review of documents shows that this policy lacks an explicit legal basis at the statutory level. It generally takes the form of a gubernatorial instruction or a regional program. However, under the Indonesian legal system, children who commit criminal offenses are subject to the Juvenile Criminal Justice System (Law No. 11/2012), while children who commit non-criminal offenses are supposed to follow social guidance mechanisms under the Ministry of Social Affairs or child protection agencies. This unclear legal basis has the potential to create overlapping authority between military personnel, educational institutions, and social institutions. Without clear regulations, the governor's policy risks violating the principle of due process of law, as children are placed in non-formal settings without a clear judicial mechanism or approval. (Saputra et al. 2025)

This fact indicates that the policy of placing children in military barracks is more a discretionary policy of regional heads than a statutory policy. Therefore, this policy remains experimental and has not been integrated with the national legal system that prioritizes child protection.

### Child Protection Principles in National Law

Based on the review, the Child Protection Law (Law No. 23/2002 in conjunction with Law No. 35/2014) affirms the principles of the best interest of the child, non-discrimination, the right to life and development, and protection from violence. The policy of placing children in military barracks has the potential to conflict with these principles, particularly if the training pattern is harsh and uses corporal punishment.

In addition to the Child Protection Law, the Convention on the Rights of the Child, which Indonesia has ratified, also binds the government to ensure that all policies concerning children are child-friendly. The placement of children in a military environment has the potential to pose a risk of psychological trauma that does not comply with international standards. (Fajariya et al. 2025)

This analysis demonstrates a gap between the policy's goal of disciplining children and the state's obligation to protect children's rights. Without fundamental revisions or clearer guidelines, this policy risks violating national and international legal principles on child protection.

### **Principles of Child Education in Islamic Law**

A review of Islamic legal literature demonstrates that children are a trust that must be safeguarded according to the principles of *maqāṣid al-sharī‘ah*. The principles of *ḥifz al-nafs*, *ḥifz al-‘aql*, and *ḥifz al-nasl* mandate the protection of life, intellect, and offspring. Islam teaches *tarbiyah* (education) and *ta‘dib* (education) with compassion and proportional discipline.

While Islam recognizes the importance of discipline, a harsh approach to children must be tempered by the principles of *maslahah* (benefit) and *mafsadat* (harm). If education leads to trauma and psychological harm, it contradicts the principles of Islamic education, which prioritize gentleness, wisdom, and age-appropriate stages. (Siti Husniyyah Ali 2024)

The review shows that the military barracks-style approach requires adjustment to align with Islamic legal values. Education programs must be integrated with moral education, spiritual development, and counseling approaches to fully align with the concept of *ta‘dib* in Islam.

### **Potential Problems in Policy Implementation**

Media reviews and reports from child protection agencies indicate the risk of psychological trauma and stigmatization for children placed in military environments. They may feel isolated from society and subjected to negative labels, which can have long-term impacts on their development.

The program also lacks a child rights-based development curriculum. The minimal involvement of professionals such as psychologists, counselors, and religious teachers results in development focusing more on physical aspects than on mental and spiritual ones. This has the potential to worsen children's behavior rather than improve it.

The potential for overlapping authority with juvenile justice institutions or official social institutions also arises. There is no independent monitoring and evaluation mechanism to ensure the program is implemented in accordance with child protection principles and Islamic values. These findings confirm that, although the governor's policy is well-intentioned, its implementation still requires significant improvement. (Izzatin and Parhi 2025).

## **DISCUSSION**

Based on a review of regional policy documents and national news reports, the program to place problem children in military barracks emerged as a response to the increasing phenomenon of juvenile delinquency in the contemporary era. This phenomenon is characterized by a rise in cases of brawls between students, alcohol consumption, defiant behavior against teachers and parents, and aggressive actions leading to criminal acts (KPAI, 2023). Over the past five years, the Indonesian Child Protection Commission (KPAI) has recorded a significant increase in cases of law violations by children in urban and semi-urban areas. This situation has raised concerns among the community and local governments, prompting governors to take what are considered innovative steps by utilizing a military-style disciplinary approach. This

approach is believed to improve children's behavior through stricter character development than conventional methods. However, the implementation of this policy has also raised legal questions regarding its legal basis, psychological impact, and its compliance with applicable child protection principles in Indonesia. (Medianov et al. 2025)

This program is operationalized through a collaboration between local governments and the military, which provides barracks, trainers, and a disciplinary training curriculum. Children deemed to have violated social norms or engaged in delinquency are placed in the program for a specified period. However, the selection mechanism and participant criteria lack clear standards, leaving open the possibility of misplacement or violations of legal procedures. According to reports from several non-governmental organizations, children placed in military barracks often do not undergo adequate psychological assessments (LBH Jakarta, 2022). This situation results in the development focusing more on physical aspects than psychosocial ones, making the program's effectiveness difficult to measure objectively. Therefore, while the program's objectives appear positive, in practice, many gaps remain requiring further regulation.

In practice, the program focuses more on developing physical and mental discipline through routine activities such as marching, physical training, strict time management, and discipline-based character education. While on paper, the goals are positive, reviews indicate the lack of a clear evaluation system to measure the program's success, and the lack of adequate professional involvement of psychologists or child education personnel. This creates a potential imbalance between the objectives of foster care and the fulfillment of children's rights as stipulated in the Child Protection Law (Law No. 23 of 2002 in conjunction with Law No. 35 of 2014). A UNICEF study (2021) also emphasized the importance of a child-friendly foster care environment to prevent disciplinary processes from becoming punishments that harm children's psychological development. Therefore, empirically, this program requires redesign to fully align with child protection principles and nurturing educational values. (Mhd. Abror, Akbarizan 2025)

### **National Legal Analysis of the Military Barracks Policy**

The policy of placing troubled children in military barracks is essentially a rapid response to the increasing phenomenon of juvenile delinquency. However, a national legal analysis shows that this approach lacks a clear legal basis. Law No. 35 of 2014 concerning Child Protection affirms the principle of the best interest of the child and prohibits all forms of violence against children, including treatment that threatens their psychological development (UNICEF, 2021). Thus, the governor's policy falls into a legal gray area because there are no national regulations explicitly governing child development mechanisms using military-style patterns. This situation poses the risk of violating children's rights and reducing policy accountability. (Fajariya et al. 2025)

Furthermore, placing children in military barracks also violates the principle of separation of civil and military personnel, which is the foundation of modern governance in Indonesia. Article 30 of the 1945 Constitution and the TNI Law position the TNI as a tool of national defense, not a child development institution. This means that any policy that utilizes military structures to discipline children requires strong legal justification. Without it, the policy could be deemed *ultra vires*, or exceeding legitimate authority. This analysis demonstrates that not only the technical aspects are problematic, but also the constitutional aspects concerning state authority and child protection.

The practical implication is that the governor's policy has the potential to be legally challenged by civil society or child protection agencies for violating national and international standards. The National Commission on Human Rights (Komnas HAM) and the Indonesian Child Protection Commission (KPAI) have legal grounds to request the termination or revision of programs deemed detrimental to children. In the context of policy dissonance, the policy This policy appears to protect children, but its substance actually contradicts applicable legal principles. This analysis teaches that public policies involving children must undergo a rigorous legal evaluation mechanism to prevent them from becoming reactive policies with negative impacts.

### **An Islamic Legal Perspective on Child Education**

In Islamic law, children are viewed as a trust that must be safeguarded according to the principles of *maqāṣid al-shari‘ah* (the rights and obligations of the *nafs*, the rights and obligations of *aql*, and the rights and obligations of the *nasl*). The developmental approach must ensure the physical, psychological, and spiritual safety of children (Al-Qaradawi, 2010). When children are placed in military barracks with strict discipline, this approach substantively contradicts the concepts of *tarbiyah* and *ta'dib*, which prioritize role models, habituation, and compassion (Al-Attas, 1993). This analysis confirms that the governor's policy is closer to a punishment model than a moral education model. Furthermore, the Islamic concept of child education emphasizes the principle of gradual, appropriate development according to the child's age and abilities. The Prophet Muhammad (peace be upon him) set an example of how to educate children with gentleness, effective communication, and role modelling. Excessive physical punishment is permitted only under certain conditions and to a minimum, while still prioritizing the public interest (Al-Ghazali, 2011). If the military barracks policy normalizes physical punishment and harsh discipline, it violates the principles of public interest (*maslahat*) and public interest (*mafsadat*). This analysis demonstrates that the inconsistency between Islamic values and the governor's policy can have negative psychosocial impacts that contradict the principle of *rahmatan lil 'alamin* (blessing for all the universe).

The implication of this policy, from an Islamic perspective, is the loss of opportunities for sustainable moral development. Children may be disciplined instantly, but this discipline stems not from moral awareness, but from fear. This contradicts the goal of Islamic education: to shape children's character so that they adhere to values, not pressure. This analysis demonstrates the need for a development model that integrates religious education, psychological counseling, and family involvement to ensure public policy aligns with Islamic principles and meets child protection standards. (Risman et al. 2023)

### **Policy Implications for Child Protection**

Analysis of research findings indicates that the military barracks policy has the potential to cause long-term psychological trauma. A study by the Indonesian Child Protection Commission (KPAI) (2023) revealed that children who received psychosocial-based counseling recovered more quickly than those who received harsh punishment. This means that the governor's policy is not only ineffective but also counterproductive because it normalizes violence as an educational method. Within the framework of child protection, this policy undermines national efforts to eliminate violence against children. (Garcia et al. n.d.)

Another implication is the risk of rejection from civil society and child protection agencies. International organizations such as Save the Children (2022) have emphasized that the militarization of children violates the Convention on the Rights of the Child. Public rejection can generate political pressure, making the policy difficult to sustain. This analysis suggests that local governments will face a dilemma between maintaining programs to project a strong image or adapting them to comply with child protection standards. (Risman et al. 2023)

The analytical recommendation that emerged was the need to revise the policy into a community-based development program involving teachers, psychologists, social workers, and religious leaders. This model would strengthen legal legitimacy, program effectiveness, and alignment with Islamic principles. By implementing evidence-based policy reform, local governments can bridge the gap between policy objectives (child discipline) and desired impacts (sustainable behavioral change). This analysis also opens up opportunities for independent oversight mechanisms to ensure optimal protection of children's rights.

## CONCLUSIONS

This study concludes that the policy of placing delinquent children in military barracks is a reactive response to rising juvenile delinquency, but lacks a clear legal basis in either national law or child protection principles. This policy violates the principle of legality, the separation of civil and military matters, and has the potential to cause long-term psychological trauma for children. These findings highlight the gap between the policy's intent (disciplining children) and its actual impact (the risk of violating children's rights).

From an Islamic legal perspective, this policy also contradicts the principles of *maqāṣid al-sharī'ah* (the principles of Islamic law) and the concept of *tarbiyah* (education), which emphasizes education based on compassion, role models, and the instilling of good habits. The military approach leans more toward punishment than moral education, thus failing to foster sustainable behavioral change. The results of this study also indicate that a humanistic, community-based model of development is more effective than a coercive approach.

In conclusion, the policy of placing delinquent children in military barracks is not only legally problematic but also psychologically and morally ineffective. These findings underscore the need to reform child development policies to align with national standards, Islamic law, and international norms on children's rights. In other words, child discipline solutions should focus on preventive, educational, and restorative guidance, not on harsh punishment.

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