



Legal Status of Social Inquiry Reports in Juvenile Sentencing under the Best Interests of the Child Principle

Kedudukan Laporan Penelitian Kemasyarakatan dalam Pemidanaan Anak Berdasarkan Asas Kepentingan Terbaik bagi Anak

Furkon Adi Hermawan¹, Abdul Madjid², Patricia Audrey Ruslijanto³

¹Corresponding author: hrmwn1415@gmail.com

¹ Master of Law, Brawijaya University, Malang, Indonesia

²³ Faculty of Law, Brawijaya University, Malang, Indonesia
East Java-Indonesia – 65145

Abstract: Juvenile sentencing is designed to reflect the principles of protection, rehabilitation, and the best interests of the child. In Indonesia, Law Number 11 of 2012 on the Juvenile Criminal Justice System requires judges to consider Social Inquiry Reports (*Laporan Penelitian Kemasyarakatan* or *Litmas*) prior to imposing sentences on children. This article examines the legal status of Social Inquiry Reports and clarifies the normative meaning of the obligation to consider them within judicial reasoning. Using normative legal research with statutory, conceptual, and case approaches, the study analyzes relevant legislation, legal doctrines, and selected juvenile court decisions. The findings indicate that Social Inquiry Reports function as non-judicial instruments intended to support individualized sentencing rather than as binding recommendations. Judicial practice, however, demonstrates varying degrees of engagement with these reports, ranging from formal reference to substantive consideration. This article concludes that interpreting the obligation to consider Social Inquiry Reports as a substantive and argumentative duty enhances the application of the best interests of the child principle while preserving judicial independence in juvenile sentencing. By framing Article 60(3) as a reason-giving duty, this article offers an operational standard for assessing whether judges meaningfully engage with Litmas in their sentencing reasons, thereby enriching the discussion on individualized juvenile sentencing.

Keywords: Best interests of the child; Juvenile justice; Judicial reasoning; Social inquiry report; Sentencing

DOI : 10.47006/ijlres.v%vi%i.28463

INTRODUCTION

The global development of juvenile criminal justice systems has increasingly positioned children as legal subjects with needs, vulnerabilities, and capacities for rehabilitation that are

fundamentally different from those of adults. This paradigm is reflected in various international instruments that emphasize the importance of individualized justice and rehabilitative approaches in the imposition of sanctions on children in conflict with the law. Within this framework, juvenile sentencing is no longer understood merely as a repressive response to legal violations, but rather as an evaluative process that must take into account the personal, social, and developmental conditions of the child as a whole (Committee on the Rights of the Child, 2007).

Consistent with this approach, many legal systems have introduced instruments that enable judges to obtain a more comprehensive understanding of a child's personal and social background. These instruments serve to complement the juridical facts of a case with relevant contextual information, ensuring that sentencing decisions are not detached from the lived realities of the child concerned (Marlina, 2009). In this way, judicial decision-making is expected to reflect a balance between legal certainty and attentiveness to the individual circumstances of the child.

In the Indonesian legal context, Law Number 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) regulates the Social Inquiry Report (*Laporan Penelitian Kemasyarakatan or Litmas*) as one of the instruments supporting judicial consideration in juvenile sentencing. The Social Inquiry Report is prepared by a Probation Officer as the result of a professional assessment containing social information and recommendations considered relevant to the handling of the child (Arief, 2016). This regulatory framework is intended to ensure that juvenile sentencing decisions take into account non-juridical aspects related to the child's development and best interests.

Article 60 paragraph (3) of the UU SPPA provides that judges are required to consider the Social Inquiry Report prior to rendering a decision. However, the provision does not elaborate on how this obligation should be operationalized within judicial reasoning (Harini & Rahmat, 2025). The absence of clarification regarding the form, depth, and consequences of such consideration leaves room for interpretation in judicial practice, including the possibility of both formalistic and substantive understandings.

Judicial practice demonstrates variations in how Social Inquiry Reports are treated in juvenile sentencing decisions. In some cases, these reports appear to meaningfully influence judicial considerations, while in others their presence is not accompanied by an adequate explanation of their relevance to the sentence imposed (Tampubolon et al., 2026). Such variation indicates that the issue of Social Inquiry Reports extends beyond procedural

compliance and instead concerns the clarity of their normative position within the structure of judicial reasoning.

Existing studies on Indonesia's juvenile justice largely discuss the Litmas within a normative-procedural frame, emphasizing that it must be considered as part of compliance with the UU SPPA and the broader protection of children's rights. However, these discussions rarely examine how judges articulate that consideration in the reasoning of their decisions – namely, whether Litmas is engaged substantively or mentioned only formally, and how departures from its recommendations are justified. Accordingly, the research gap lies not in the existence of the obligation to consider Litmas, but in the standards and quality of judicial reasoning that operationalize that obligation in sentencing practice.

This article addresses this gap by examining the legal status of Social Inquiry Reports in juvenile sentencing and by reinterpreting the obligation to consider them within the framework of the UU SPPA. The discussion seeks to clarify how Social Inquiry Reports should be positioned within judicial reasoning and how this interpretation may be aligned with the best interests of the child principle as a foundational element of the juvenile criminal justice system.

This study employs normative legal research using statutory, conceptual, and case approaches. The analysis is conducted through the interpretation of relevant provisions of the UU SPPA, an examination of applicable legal doctrines, and a review of judicial decisions in order to identify patterns in judicial consideration of Social Inquiry Reports and their implications for juvenile sentencing.

RESULT AND DISCUSSION

Social Inquiry Reports within the Architecture of the Juvenile Criminal Justice System

The presence of Social Inquiry Reports (*Laporan Penelitian Kemasyarakatan* or *Litmas*) within the juvenile criminal justice system is closely linked to the objectives of sentencing that recognize children as individuals undergoing continuous developmental processes. The Juvenile Criminal Justice System Law (UU SPPA) conceptualizes juvenile sentencing not merely as a response to criminal conduct, but as a mechanism that also takes into account the child's rehabilitative needs and prospects for social reintegration. Within this framework, sentencing is understood as a contextual assessment process that considers the personal and social circumstances of the child, ensuring that judicial decisions are not detached from the child's lived realities (Krisna, 2015).

Social Inquiry Reports are designed to fulfill this need for contextual assessment. Prepared by Probation Officers through professional evaluations, these reports contain information regarding family background, social environment, psychological conditions, and recommendations considered relevant for the child's treatment. The social-assessment-based nature of Social Inquiry Reports distinguishes them from evidentiary instruments in criminal procedure, while simultaneously positioning them as non-judicial sources of consideration explicitly recognized by statutory law. This normative recognition reflects the legislature's acknowledgment that social information constitutes an integral component of juvenile sentencing, particularly in light of the rehabilitative orientation of the juvenile justice system (Saputra et al., 2024).

Within the architecture of the UU SPPA, Social Inquiry Reports function as a connective mechanism between legal norms and the factual conditions of a child's life. Through these reports, the juvenile justice system seeks to avoid abstract and uniform sentencing approaches that risk overlooking individual factors influencing a child's behavior. The incorporation of Social Inquiry Reports enables judges to gain a more comprehensive understanding of the child's circumstances, thereby allowing sentencing considerations to be directed toward proportionate and rehabilitative responses rather than purely punitive outcomes (Hutasoit et al., 2024).

The placement of Social Inquiry Reports within the juvenile criminal justice system is also closely related to the operationalization of the best interests of the child principle in sentencing practice. Rather than remaining a purely normative or declaratory standard, this principle is translated into a concrete procedural mechanism that obliges judges to take into account professional social assessments prior to rendering a decision. In this sense, Social Inquiry Reports serve as a practical conduit through which the best interests of the child may be substantively reflected in judicial reasoning, while ensuring that juvenile sentencing remains aligned with the protective and rehabilitative purposes underlying the UU SPPA.

The Meaning of "Mandatory Consideration" as a Substantive and Argumentative Obligation

The phrase "mandatory consideration" contained in Article 60 paragraph (3) of the Juvenile Criminal Justice System Law (UU SPPA) constitutes a normative formulation with significant implications for how judges construct their reasoning in juvenile sentencing. The use of the term "mandatory" indicates the legislature's intention to position Social Inquiry Reports (*Laporan Penelitian Kemasyarakatan* or *Litmas*) as elements that cannot be disregarded in judicial decision-making. At the same time, the choice of the term "consideration" suggests

that this obligation was not designed to bind judges absolutely to the recommendations contained in such reports. The combination of these terms points to a form of obligation that requires the active engagement of Social Inquiry Reports within judicial reasoning, while still preserving a measure of judicial assessment and evaluation (Sumardi et al., 2022).

Within legal reasoning theory, the obligation to consider a particular factor differs fundamentally from an obligation to follow the outcome or recommendation derived from that factor. Consideration implies an evaluative process through which relevance, weight, and implications of information are assessed in light of the specific circumstances of a case. Accordingly, the obligation to consider Social Inquiry Reports cannot be reduced to a purely administrative duty of merely acknowledging their existence in a judgment. Rather, it requires a traceable connection between the content of the report and the reasons articulated by the judge in determining the type and severity of the sentence imposed (Julyano & Sulistyawan, 2019).

This interpretation carries direct consequences for the relationship between normative obligations and judicial discretion. Discretion in juvenile sentencing remains an inherent component of judicial independence; however, such discretion operates within the specific objectives embedded in the juvenile criminal justice system. Judicial freedom in determining sanctions does not function in an abstract or unconstrained manner, but is circumscribed by the obligation to provide rational justification for decisions to adopt or depart from the recommendations contained in Social Inquiry Reports. This justificatory requirement plays a crucial role in ensuring that judicial discretion is exercised consistently with the protective and rehabilitative aims of juvenile justice (Kuncoro et al., 2023).

In the context of judicial reasoning, the obligation to consider Social Inquiry Reports may therefore be understood as part of the judge's *reason-giving duty*. A well-reasoned judgment does not merely pronounce the operative part of the decision, but also sets out the reasoning process through which relevant facts and norms are evaluated. As sources of social information explicitly recognized by law, Social Inquiry Reports ought to be integrated into this argumentative structure, either as a basis supporting particular sentencing choices or as a reference whose recommendations are expressly explained when not followed. Through this approach, consideration of Social Inquiry Reports contributes to enhancing transparency and accountability in juvenile sentencing decisions.

Understanding the phrase "mandatory consideration" as a substantive and argumentative obligation is also closely related to maintaining consistency in the application

of the best interests of the child principle. This principle does not demand uniformity in outcomes, but requires that each decision be accompanied by reasoning that can be rationally connected to the interests of the child concerned. When Social Inquiry Reports are employed as clear and intelligible elements of judicial consideration, the best interests of the child principle gains more concrete expression in sentencing practice, while judicial independence remains intact (Riza & Sibarani, 2021).

Judicial Practice and Variations in the Use of Social Inquiry Reports

The normative interpretation of the obligation to consider Social Inquiry Reports (*Laporan Penelitian Kemasyarakatan* or *Litmas*) gains particular significance when examined in relation to juvenile court practice. Judicial decisions, as legal texts, do not merely reflect the application of statutory norms but also reveal how judges construct their reasoning in responding to instruments mandated by law. In this context, Social Inquiry Reports provide an analytical lens through which the extent to which the normative obligation of consideration is internalized within juvenile sentencing can be assessed.

An examination of selected juvenile court decisions indicates variations in the manner in which Social Inquiry Reports are treated within judicial reasoning. In certain cases, the reports are explicitly mentioned in the reasoning section of the judgment, yet their relevance to the type or severity of the sentence imposed is not always articulated. In such instances, the presence of the Social Inquiry Report appears primarily to satisfy a formal requirement, without a discernible connection to the rationale underlying the sentencing outcome. This pattern suggests that the obligation to consider Social Inquiry Reports has not consistently been understood as a substantive evaluative process.

Conversely, other decisions demonstrate a more meaningful engagement with Social Inquiry Reports in judicial reasoning. In these cases, the recommendations contained in the reports are examined in relation to the child's personal circumstances, social environment, and rehabilitative needs. Where judges choose to depart from the recommendations of the Social Inquiry Reports, the reasons for such departures are articulated by reference to the facts of the case and other relevant normative considerations. This approach indicates that Social Inquiry Reports can function as integral components of judicial argumentation without displacing judicial discretion.

These variations may be illustrated through a comparison between the recommendations contained in Social Inquiry Reports and the sentences ultimately imposed by juvenile courts in selected cases. Table 1 presents illustrative examples of such

comparisons, highlighting instances in which the recommendations and judicial outcomes do not necessarily align, as well as how these differences are reflected in sentencing decisions.

Table 1. Comparison between Social Inquiry Report Recommendations and Juvenile Sentencing Decisions

No.	Social Inquiry Reports and Recommendations	Court Decisions and Sentences
1.	Social Inquiry Report for a Child in Conflict with the Law issued by BAPAS Class I Surabaya No. BKA-47/DIVERSI/IV/2023 (10 April 2023), recommending probationary supervision.	District Court of Surabaya Decision No. 23/Pid.Sus-Anak/2023/PN.Sby (14 June 2023), sentencing the child to six months of imprisonment in a Juvenile Correctional Facility.
2.	Social Inquiry Report issued by BAPAS Class I Surabaya No. BKA-071/DIVERSI/V/2023 (29 May 2023), recommending probationary supervision.	District Court of Surabaya Decision No. 26/Pid.Sus-Anak/2023/PN.Sby (26 June 2023), sentencing the child to institutional rehabilitation for three months.
3.	Social Inquiry Report issued by BAPAS Class I Surabaya No. BKA-120/SIDANGI/VI/2023 (22 June 2023), recommending institutional rehabilitation.	District Court of Surabaya Decision No. 44/Pid.Sus-Anak/2023/PN.Sby (17 October 2023), sentencing the child to two years of institutional guidance and two months of vocational training.
4.	Social Inquiry Report issued by BAPAS Class I Surabaya No. BKA-131/SIDANGI/VI/2024 (4 June 2024), recommending probationary supervision.	District Court of Surabaya Decision No. 35/Pid.Sus-Anak/2024/PN.Sby (27 June 2024), sentencing the children to three months of institutional rehabilitation.
5.	Social Inquiry Report issued by BAPAS Class II Madiun No. 20.I.C/05/2025/MAD (7 May 2025), recommending probationary supervision.	District Court of Ponorogo Decision No. 4/Pid.Sus.Anak/2025/PN Png (22 August 2025), sentencing the child to three months of institutional rehabilitation at a child welfare institution.

6.	Social Inquiry Report issued by BAPAS Class II Madiun No. 09/I.C/III/2025/MAD (7 March 2025), recommending probationary supervision.	District Court of Ponorogo Decision No. 5/Pid.Sus.Anak/2025/PN Png (15 September 2025), sentencing the child to three months of institutional rehabilitation.
----	--	---

Source: Selected juvenile court decisions and corresponding social inquiry reports, processed by the author, 2025

Across the decisions, the most salient contrast lies in the depth of engagement with the Litmas. In several cases, the Litmas is acknowledged but the court’s reasons do not clearly explain why its recommendation (e.g., probationary supervision) is replaced by deprivation of liberty or institutional measures. By contrast, decisions that treat the Litmas substantively tend to articulate how the child’s social circumstances and rehabilitative needs are weighed, including explicit reasons when the court departs from the recommendation.

The diversity of patterns illustrated above indicates that Social Inquiry Reports do not yet occupy a fully consistent position in juvenile sentencing practice. Divergences between the recommendations of Social Inquiry Reports and the sentences imposed do not, in themselves, imply erroneous decisions, as judges retain discretion in determining appropriate sanctions. However, where such divergences are not accompanied by adequate reasoning, concerns arise regarding the transparency and traceability of judicial decision-making.

The reduction of Social Inquiry Reports to supporting documents that are not clearly integrated into judicial reasoning risks weakening the protective objectives underpinning the UU SPPA. In such circumstances, the obligation to consider Social Inquiry Reports loses its substantive character and tends to be perceived as a procedural formality. This condition may affect the consistency of juvenile sentencing and complicate assessments of whether judicial decisions have genuinely taken into account the circumstances and best interests of the child.

CONCLUSION

The analysis presented in this article demonstrates that Social Inquiry Reports (*Laporan Penelitian Kemasyarakatan* or *Litmas*) occupy a significant normative position within the juvenile sentencing framework as designed by the Juvenile Criminal Justice System Law (UU SPPA), particularly as instruments that provide contextual information concerning a child’s personal conditions and rehabilitative needs. An examination of Article 60 paragraph (3) of the UU SPPA indicates that the phrase “mandatory consideration” cannot be narrowly interpreted as a purely formal obligation, but rather entails a requirement for the substantive

engagement of Social Inquiry Reports within judicial reasoning. The review of juvenile court decisions reveals variations in how Social Inquiry Reports are treated in sentencing, ranging from formal acknowledgment to more integrated use in judicial consideration. These variations suggest that the central issue does not lie in the existence of judicial discretion itself, but in the clarity and quality of judicial reasoning when recommendations contained in Social Inquiry Reports are adopted or departed from. By positioning Social Inquiry Reports as part of the judge's argumentative obligation, the best interests of the child principle gains more tangible expression in juvenile sentencing, while maintaining a balanced relationship between judicial independence and accountability within the juvenile criminal justice system.

REFERENCE

- 1) Arief, B. N. (2016). *Bunga Rampai Kebijakan Hukum Pidana*. Prenada Media.
- 2) Arif, M. Y. al. (2019). Penegakan Hukum dalam Perspektif Hukum Progresif. *Undang: Jurnal Hukum*, 2(1), 169-192. <https://doi.org/10.22437/ujh.2.1.169-192>
- 3) Ashworth, A., & Horder, J. (2013). *Principles of Criminal Law*. OUP Oxford.
- 4) Committee on the Rights of the Child. (2007). *Children's Rights in Juvenile Justice: General Comment No. 10 (CRC/C/GC/10) (CRC/C/GC/10)*. United Nations, Committee on the Rights of the Child. https://commission.europa.eu/system/files/2022-12/childrensrighsinjuvenilejustice_crc.c.gc_.10_25april2007_en.pdf
- 5) Hamzah, A., & Surachman, R. M. (2015). *Pre-Trial Justice & Discretionary Justice dalam KUHAP berbagai Negara*. Sinar Grafika.
- 6) Harini, M., & Rahmat, D. (2025). Peran Hakim Pada Proses Penemuan Hukum Sebagai Upaya Penegakan Keadilan Berdasarkan Kode Etik Hakim. *Journal Evidence Of Law*, 4(1), 207-230. <https://doi.org/10.59066/jel.v4i1.1097>
- 7) Hutasoit, E. L., Siagian, F. J. C., Zulkifli, S., & Noor, T. (2024). Perlindungan Hukum bagi Anak Luar Nikah di Indonesia; Studi Komparasi Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010 dan Hukum Islam. *Jurisprudensi: Jurnal Ilmu Syariah, Perundang-*

<https://doi.org/10.32505/jurisprudensi.v16i2.8938>

- 8) Julyano, M., & Sulistyawan, A. Y. (2019). Pemahaman Terhadap Asas Kepastian Hukum Melalui Konstruksi Penalaran Positivisme Hukum. *CREPIDO*, 1(1), 13–22. <https://doi.org/10.14710/crepido.1.1.13-22>
- 9) Krisna, L. A. (2015). Hasil Penelitian Kemasyarakatan Sebagai Dasar Pertimbangan Hakim Dalam Pengadilan Anak. *Jurnal Hukum Samudra Keadilan*, 10(1), 146–158.
- 10) Kuncoro, S. I., Susanti, S. S., Selamat, S., & Jiwantara, F. A. (2023). BASIS NILAI PENALARAN HUKUM NON-SISTEMIK DALAM KERANGKA DIALEKTIKA PENALARAN HUKUM SISTEMIK KE ARAH PENALARAN HUKUM NON SISTEMIK. *ARMADA : Jurnal Penelitian Multidisiplin*, 1(6), 525–538. <https://doi.org/10.55681/armada.v1i6.602>
- 11) Langer, M. (2024). Plea bargaining as second-best criminal adjudication and the future of criminal procedure thought in global perspective. In *Research Handbook on Plea Bargaining and Criminal Justice* (pp. 552–574). Edward Elgar Publishing. <https://www.elgaronline.com/edcollchap/book/9781802206678/book-part-9781802206678-43.xml>
- 12) Marlina. (2009). *Peradilan pidana anak di Indonesia: Pengembangan konsep diversi dan restorative justice*. Refika Aditama.
- 13) McDermott, Y. (2016). *Fairness in International Criminal Trials*. Oxford University Press.
- 14) Monaghan, N. (2015). *Law of Evidence*. Cambridge University Press.
- 15) Nurisman, E. (2022). Risalah Tantangan Penegakan Hukum Tindak Pidana Kekerasan Seksual Pasca Lahirnya Undang-Undang Nomor 12 Tahun 2022. *Jurnal Pembangunan Hukum Indonesia*, 4(2), 170–196. <https://doi.org/10.14710/jphi.v4i2.170-196>
- 16) Riza, F., & Sibarani, F. A. (2021). *Prinsip The Best Interest of The Child dalam Proses Peradilan Anak*. umsu press.

- 17) Saputra, F. J., Sirajuddin, & Supardi. (2024). Fungsi dan Tugas Pembimbing Kemasyarakatan dalam Sistem Peradilan Pidana Anak Perspektif Fiqh Siyashah. *Journal of Sharia and Legal Science*, 2(2), 255–281. <https://doi.org/10.61994/jsls.v2i2.409>
- 18) Sumardi, D., Mansari, M., & Albaba, M. F. (2022). Restoratif Justice, Diversi dan Peradilan Anak Pasca Putusan Mahkamah Konstitusi Nomor 110/Puu-X/2012. *Legitimasi: Jurnal Hukum Pidana Dan Politik Hukum*, 11(2), 248–265. <https://doi.org/10.22373/legitimasi.v11i2.16010>
- 19) Tampubolon, S. S., Siregar, A. R. M., & Simbolon, T. (2026). Penemuan Hukum dan Penalaran Hukum Sebagai Dasar Pembentukan Putusan Hakim yang Berkeadilan. *Al-Zayn : Jurnal Ilmu Sosial & Hukum*, 4(1), 1605–1612. <https://doi.org/10.61104/alz.v4i1.3321>
- 20) Waluyo, B. (2022). *Penegakan Hukum di Indonesia*. Sinar Grafika.



Licensed under a Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License
<https://creativecommons.org/licenses/by-nc-sa/4.0/>