Criminal Liability for Negligence in a Residential Islamic School Fire in Central Lombok, Indonesia

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DOI: https://doi.org/10.51244/IJRSI.2026.1310000003

Received: 10 October 2026; Accepted: 15 October 2026; Published: 28 October 2026

ABSTRACT

The December 2025 fire at an Islamic boarding school in Central Lombok, Indonesia, injured several students and caused one death, according to public police reports. Police later named a 15-year-old student and the school leader as suspects. This article examines individual negligence, residential-school safety, juvenile procedure, and child-victim recovery where the alleged conduct predates the National Criminal Code and public investigative developments followed major legal reforms. The study uses normative legal research through statutory, conceptual, case, and internal comparative approaches. It analyses legislation, peer-reviewed studies, and official police and Ombudsman statements available through 8 September 2026. Substantive liability begins with the law in force on 13 December 2025, followed by the concrete comparison required by Article 3 of the National Criminal Code as amended by Law No. 1 of 2026. The procedural law depends on the transition rule in Article 361 of Law No. 20 of 2025, which distinguishes cases already under investigation or prosecution from earlier offences whose investigation or prosecution had not begun when the new Code took effect. Juvenile safeguards continue to apply. The Pesantren Law requires residential facilities to consider safety, but a regulatory breach alone does not establish an individual's criminal fault or causation. Public reports raise questions about fuel handling, supervision, operating permission, and reporting, but the available record does not establish which duty was breached, who could prevent the risk, or how each alleged act caused each injury. The article develops a four-layer framework for temporal legality, personal culpability, child-sensitive procedure, and institutional prevention and recovery. It closes by identifying empirical and doctrinal questions for research after adjudication.

Keywords: criminal negligence, child justice, pesantren, transitional criminal law, victim restitution

INTRODUCTION

Islamic boarding schools, commonly known in Indonesia as pesantren, combine education with residential care. Indonesia's Pesantren Law recognises their educational function as part of the national education system. That status carries a corresponding responsibility to provide a safe learning and living environment. Child-protection law also requires protection from physical and psychological violence and other offences within educational settings [9, 11].[1]

A fire at Pondok Pesantren Rosyidatusshaulatiyyah Al-Ibrahimy NW in Batukliang, Central Lombok, occurred on 13 December 2025. Police reported that four students were affected: two sustained serious burns, one sustained minor injuries, and one died after medical treatment. On 9 July 2026, police named a 15-year-old student, identified as MR, and the school leader, identified as AMR, as suspects. The initial allegation concerned negligence causing serious injury and death [28].[2]

Police reconstructed the event on 29 July 2026 and added Article 77B in conjunction with Article 76B of the Child Protection Law. Police described the new allegation as placing a child in a situation of abuse or neglect.

In a statement dated 8 September 2026, police said the child suspect's case file had been declared complete by the prosecutor, while the adult suspect's file remained under further review. Police also stated that the reconstruction had not established an intentional act by MR to burn the victims and that the event appeared to be a fire incident [29–30]. These are investigative statements, not findings of guilt. No court determination is assumed in this article.[3]

The public record does not settle the final number of victims or the precise injuries. This article therefore treats those details as matters for the investigation and court record, not as established facts.

The timing creates a distinct question of criminal law across time. The event occurred before Law No. 1 of 2023 on the Criminal Code (the National Criminal Code) took effect on 2 January 2026. Publicly reported charging decisions came after that date [12, 28–30]. Substantive liability therefore raises a transition question. Procedure raises a separate one: Article 361 of Law No. 20 of 2025 assigns cases according to whether investigation or prosecution had begun when the new Code took effect. The case also concerns two groups of children: the child suspected of causing the fire and the children who were injured. A sound response must protect due process for the suspect while recognising victims' rights to safety, participation, privacy, and recovery [4, 26].

Prior Indonesian discussions have examined lex favor reo and diversion as distinct legal problems [1, 31]. This article connects those questions with the evidence needed to prove negligence, the safety obligations of a residential school, and the recovery needs of child victims. It asks what prosecutors must prove to establish negligence and causation; how criminal law across time and juvenile procedure apply to the current allegations; and how authorities can address individual responsibility, institutional safety, and victim recovery without treating a suspect's position or a victim's harm as proof of guilt. Its contribution is a case-focused framework that keeps these inquiries connected while maintaining separate standards of proof.

Recent Indonesian studies offer three comparisons. Case analyses under Articles 359 and 360 examine how foreseeable risk, a breach of care, and causal proof shape negligence findings [21, 23–25]. Recent analyses of fatal building collapses at pesantren discuss the duties of school operators, construction participants, and public authorities [21, 33]. Research on child protection in pesantren identifies implementation concerns involving oversight, reporting channels, institutional coordination, and child-friendly policy [2, 6, 16–17, 22, 32]. These studies concern different conduct and factual records. They frame the present legal questions but do not establish liability in the Central Lombok fire.

LITERATURE REVIEW AND ANALYTICAL FRAMEWORK

Indonesian studies of negligent injury and death under Articles 359 and 360 of the former Criminal Code focus on the relationship between foreseeable risk, the accused's standard of care, and the causal connection between conduct and harm. Analyses of traffic and mass-casualty cases show why courts must assess each defendant's conduct and the evidence in the particular record rather than infer fault from a tragic outcome [23–25]. Those cases clarify the elements of negligence, but their factual settings do not answer who controlled fuel, fire use, supervision, or evacuation at a residential school.

Research on pesantren governance and child protection identifies recurring concerns about institutional oversight, reporting, policy implementation, and the protection of students in residential settings [2, 6, 16–17, 22, 32]. Studies of fatal building collapses also examine the duties of school operators and other actors, but collapse cases involve different hazards and causal mechanisms from a fire [21, 33]. This literature establishes the importance of institutional safety. It does not, on its own, establish criminal liability in this case or show whether the safety duty in Article 10 of the Pesantren Law was implemented at the school.

The existing scholarship generally treats negligence doctrine, pesantren safeguarding, juvenile diversion, and victim recovery as separate questions. The Central Lombok matter brings them together: a child is suspected of conduct linked to the fire, an adult school leader is suspected of inadequate supervision, affected children have ongoing recovery needs, and the incident occurred across a change in criminal law. The article addresses

this gap by comparing the statutory duties with the limited public record while refusing to treat media statements, a permit issue, or the harm itself as proof of criminal guilt.

The analysis uses four connected but legally distinct layers. First, temporal legality determines which substantive offence and penalty may apply. Second, individual culpability requires proof of a duty, breach, fault, capacity, and causation for each accused. Third, juvenile procedure must protect both the child suspect and child victims without forcing a settlement. Fourth, administrative oversight and institutional prevention must address school safety and public supervision even when the evidence does not establish an individual criminal offence. This is an internal doctrinal comparison within Indonesian law, not a comparison between national legal systems.

METHODOLOGY

This study uses normative legal research and does not collect testimony or determine disputed facts. It applies statutory, conceptual, case, and internal comparative approaches. Primary materials include the former Criminal Code; Law No. 1 of 2023 on the Criminal Code as amended by Law No. 1 of 2026; Law No. 20 of 2025 on Criminal Procedure, including its transitional provision; the Juvenile Criminal Justice System Law; child-protection legislation; the Pesantren Law; and restitution and witness-protection rules. Case materials comprise public statements issued by the West Nusa Tenggara Regional Police and the Ombudsman through 8 September 2026 [20, 28–30]. Peer-reviewed studies were selected for their direct relevance to negligence, school safeguarding, juvenile justice, and victim recovery. These sources inform the legal analysis but do not establish facts about the fire.

The analysis separates substantive criminal law, which is anchored to the date of the alleged conduct, from procedural law, which is governed by the transition rule applicable to the case's status on 2 January 2026. Article 361 of the new Criminal Procedure Code preserves the former Code for cases already under investigation or prosecution, while assigning the new Code to earlier offences for which those stages had not begun. The public materials reviewed do not establish the formal status of this case on that date. The analysis then compares statutory elements and sanctions, reviews child-justice, child-protection, and pesantren duties, and asks what evidence each reported fact would require. It treats police and Ombudsman statements as attributed public accounts, not adjudicated facts. The record closes on 8 September 2026. The study does not inspect the investigation file, evaluate physical evidence, interview witnesses, or independently verify the fire's origin or the school's permit history.

RESULTS AND DISCUSSION

The factual and procedural posture

The publicly reported investigation describes a sequence involving the purchase of petrol, its use in a room, and a fire while students were heating wood. Police initially alleged that MR poured petrol onto a burning object, after which the fire spread. Police also investigated whether supervision at the school had been inadequate [28]. In July, police added a child-protection allegation after a reconstruction. By September, the child suspect's file had been declared complete, but the school leader's file was still being supplemented [29–30].

This sequence is relevant to legal characterisation, but the public account is not a substitute for evidence. The investigation must establish who obtained and stored the petrol, who controlled access to the room, what instructions or safety rules applied, what each person did during the fire, and whether the room had exits or firefighting equipment. It must also distinguish the initiation of the fire from the factors that allowed it to spread or delayed evacuation. Those questions matter to both the student's alleged act and the school leader's alleged omission.

The distinction between a fire incident and an intentional attack is legally important. Police have publicly stated that they had not found evidence of an intentional act by MR to burn the victims [30]. That statement supports careful separation of intentional violence from negligence, but it does not resolve whether the student

knowingly created an unjustifiable risk. Nor does it resolve whether any adult breached a duty to supervise or maintain safe premises. Those issues depend on admissible evidence and the exact indictment.

Interlocking statutory rules and the public record

The case raises two distinct transition questions. First, the fire occurred on 13 December 2025, before the National Criminal Code took effect on 2 January 2026. Substantive liability must begin with the law then in force and proceed to the concrete comparison required by Article 3 of the National Criminal Code, as amended by Law No. 1 of 2026. Second, the procedural code depends on the case's status at the transition date. Article 361 of Law No. 20 of 2025 keeps the former Criminal Procedure Code for cases already in investigation or prosecution on 2 January 2026. It applies the new Code to earlier offences where investigation or prosecution had not yet begun. The public statements reviewed here do not establish which condition applied. The formal case chronology is therefore necessary before identifying the procedural code governing each step. The Juvenile Criminal Justice System Law supplies additional child-specific safeguards under either procedural route [8, 12–13, 34].

A further issue concerns the charging language reported by police. A 14 July 2026 Polda NTB release described the negligence allegations as Article 359 or Article 360(1) of the former Criminal Code in conjunction with Articles 474(2) and 474(3) of the 2023 Code [35]. The release does not explain whether the old and new provisions were identified as alternatives for the Article 3 transition analysis or as cumulative bases. That ambiguity in a public summary does not prove a charging error. It does make the formal indictment essential: prosecutors should specify the legal route, the result attributed to each accused, and how the amended lex mitior rule determines the applicable offence and penalty.

The statutory duties also operate on different tracks. Article 10 of the Pesantren Law requires residential facilities to consider safety, alongside capacity, comfort, cleanliness, and health. The Child Protection Law separately prohibits placing or allowing a child to remain in a situation of mistreatment or neglect, while the Criminal Code governs negligent injury and death [7–9, 11–13]. This structure supplies both preventive and penal tools, but it does not make every safety or licensing violation a criminal offence. A criminal case still requires proof of a specific person's fault and causal contribution; administrative supervision asks whether the institution and responsible authorities met their regulatory duties.

The official accounts identify facts that call for examination, not conclusions that resolve it. Police reported that petrol was used in a room where students were heating wood, investigated inadequate supervision, and later reported that the child suspect's file was complete while the adult suspect's file remained under further review [28–30]. The Ombudsman reported that the school's operating permission had expired in 2021 and raised concerns about oversight and the time before the case was formally pursued [20]. The public record reviewed here does not show the school's safety procedures, inspection history, responsibility for the room, fuel-storage controls, or the evidentiary basis for each causal finding. Those materials are needed to test both criminal allegations and any administrative failure.

Official updates also differ on the number of affected students: the July release reported four, while the September update referred to two injured students and one death [28, 30]. The different file statuses show that the cases had reached different procedural stages; neither status resolves criminal liability. The final victim count, injuries, and causal pathways must be established from the evidentiary record.

Negligence and legally relevant causation

Criminal negligence is not established by showing that a harmful result occurred. The prosecution must identify the duty of care owed by the accused, the conduct that fell below the required standard, the risk that should have been foreseen, the accused's ability to avoid or reduce that risk, and a causal connection between the breach and the prohibited result. It must also establish fault to the standard required by criminal law. A school's duty to protect students can help identify a relevant standard of care, but it does not create automatic or vicarious criminal liability for its leader [9, 11].

Comparative Article 359 and 360 case studies also show why courts must connect the risk, a specific breach, and the result in each record. Findings from a sports-event tragedy or a traffic case cannot decide what duty or causal chain applied to this fire [23–25].

A practical way to organise this inquiry is to ask three questions in sequence: what risk did the accused create or control; what reasonable action was available at that moment; and how did the alleged failure connect to the specific injury? This sequence prevents a tragic outcome from replacing proof of fault. It also gives the court a basis to distinguish ordinary misjudgment from criminal negligence. Criminal responsibility should express an individual answer to a proven public wrong, not a conclusion drawn from proximity to the event [5].

For MR, the inquiry should be individualised. Relevant evidence includes the student's age, maturity, understanding of petrol's flammability, awareness of an open flame, the amount of petrol present, the manner in which it was handled, and the immediate circumstances. The investigation should also test whether MR intended to ignite or harm anyone, merely acted carelessly, or was attempting to respond to an existing fire. A claimed effort to extinguish the fire would be relevant evidence, but it would not automatically exclude an earlier negligent act.

For AMR, the prosecution must identify a concrete duty and a realistic capacity to act. It should establish who was responsible for supervision at the relevant time, whether management knew or should have known about fuel storage or unsupervised fire use, whether safety rules existed and were enforced, and whether the leader could reasonably have prevented the risk. If daily supervision had been delegated, the allocation of authority and the leader's actual knowledge remain material. A title or managerial role alone cannot replace proof of personal fault and causation.

Causation must be assessed for each accused and each result. Petrol storage, open flame, room conditions, combustible materials, supervision, evacuation routes, and response time may have contributed in different ways. A condition that merely preceded the fire is not automatically a legally sufficient cause. The prosecution must show that the accused's conduct or omission materially created, increased, or failed to control a foreseeable risk that resulted in the particular injury or death. Expert evidence on the fire's origin and spread, medical evidence on the injuries, and witness accounts of evacuation should be evaluated together.

The prosecution should make this chain visible in the evidence rather than rely on a general statement that the fire followed the handling of petrol. For each alleged omission, it should identify the safety measure that would probably have changed the sequence. For example, proof that a locked fuel store or adult supervision would have prevented access may support one causal account; proof that a blocked exit delayed evacuation may support another. Medical evidence must also connect the conduct alleged against each suspect to each victim's injury or death. These distinctions are essential where several acts and omissions may have operated together.

The added allegation under Articles 76B and 77B of the Child Protection Law should also be analysed on its own terms. Article 76B addresses placing, allowing, involving, or ordering a child into a situation of mistreatment or neglect; Article 77B provides a criminal sanction. Police have publicly described the new charge in those terms [9, 29]. The indictment must specify the prohibited conduct and explain how it satisfies the statutory elements. Negligent supervision should not be equated automatically with intentional or knowing placement in an abusive or neglectful situation. The prosecution must identify the applicable mental element, the conduct or omission attributed to each suspect, and the causal relationship to the alleged harm.

The two charging routes should be pleaded and reasoned with precision. The negligence provisions focus on the accused's failure to exercise required care and the resulting injury or death. The child-protection provisions address conduct that places or permits a child to remain in a prohibited situation. The same facts may be relevant to both routes, but the prosecution must show that every statutory element is independently satisfied. This prevents the protective purpose of child-welfare legislation from erasing the separate requirement to prove personal criminal fault.

Criminal law across time

The date of conduct is the starting point for selecting substantive criminal law. Because the fire occurred on 13 December 2025, Articles 359 and 360(1) of the former Criminal Code provide the initial legal reference for negligent death and serious injury. The National Criminal Code took effect on 2 January 2026 and now addresses negligent injury and death in Article 474. The comparison must account for Article 3 as amended by Law No. 1 of 2026, rather than rely only on the original wording of the 2023 Code [7, 12–13].

Article 3, as amended in 2026, provides that the new legislation applies unless the former rule is more favourable to the accused and also governs decriminalisation and the adjustment of an enforceable sentence [1, 12–13]. The comparison must address the offence and legal consequences applicable to each accused. A charging document may identify both statutory versions to explain the transition analysis, but it should specify which rule governs and why. The provisions should not be presented as cumulative bases for punishing the same conduct.4

For serious injury, Article 360(1) of the former Code carried a maximum prison term of five years, whereas Article 474(2) of the National Code carries a maximum of three years or a fine in category III. The lower maximum imprisonment under the new provision is more favourable on that dimension. For death, both Article 359 of the former Code and Article 474(3) of the new Code provide a maximum prison term of five years. The new Code adds an alternative fine, while the former Code included a possible custodial sentence. A court must compare the complete legal consequences, not merely select whichever provision appears more lenient in isolation [7, 12].

The child-protection allegation also requires temporal analysis. Article 76B was in force before the incident, but prosecutors must verify whether a later amendment changed the relevant offence or sanction and apply any controlling transition rule. Law No. 1 of 2026, entitled Penyesuaian Pidana, took effect on 2 January 2026 and harmonised specified criminal sanctions [13]. The formal charging document should identify the governing version of each provision and explain any lex mitior comparison. This avoids an unexplained joinder of provisions from different temporal regimes.

The procedural code cannot be selected solely because the charging decision occurred after 2 January 2026. Under Article 361 of Law No. 20 of 2025, the decisive question is whether investigation or prosecution had begun by that date. If either stage was already in progress, the former Criminal Procedure Code governs its completion; if neither had begun, the new Code governs. The public record reviewed here does not settle that chronology. The authorities should identify the applicable procedural route while preserving the special guarantees in the Juvenile Criminal Justice System Law [8, 34].

Juvenile procedure and the child suspect

At the time of the incident, MR was 15. The Juvenile Criminal Justice System Law applies to a child aged 12 but under 18 who is alleged to have committed an offence. The law requires a child-centred process that gives weight to age, development, dignity, reintegration, and the best interests of the child [8, 26–27]. Age does not establish guilt or excuse a proven offence; it affects responsibility, procedure, and the available response.

Diversion must be attempted at the investigation, prosecution, and court stages when the offence carries a maximum prison term of less than seven years and is not a repeat offence. The public releases describe several provisions and state that the added child-protection allegation may increase the potential penalty, but they do not reproduce the formal indictment or explain how the sanctions are pleaded [8–9, 29, 35]. The diversion threshold therefore cannot be decided from press reports alone. The prosecutor's exact counts, the statutory version in force, any applicable penalty adjustment, and the child's prior record must be checked before concluding whether diversion is mandatory.

An attempt at diversion is not a requirement that victims accept a settlement. The process must include the victim or the victim's family where the statute requires their agreement, as well as the child and the child's family. It should not pressure a family to sign a peace agreement or waive rights. A meaningful restorative

process should recognise harm, ensure access to recovery, establish proportionate responsibility, and reduce the risk of recurrence [8, 18, 31]. The Ombudsman has reported concerns about alleged early efforts to obtain a peace agreement; that allegation requires independent verification and should not be treated as established fact [20].

Braithwaite's account of reintegrative shaming helps explain why accountability should not become permanent social exclusion. In this case, any restorative response should identify the harm and the child's responsibility while preserving the possibility of safe return to education and community life. This theory informs the analysis but does not replace Indonesian statutory requirements or the victim's right to refuse a settlement [3].

The child's procedural position and the victims' recovery needs should be assessed together, but they should not be collapsed into a single settlement discussion. The child suspect retains a right to understand the allegation, obtain assistance, and participate without intimidation. Each injured child and family needs a separate opportunity to describe harm and obtain services. This approach reflects the Convention on the Rights of the Child: the best interests of each affected child should guide decisions, while the child alleged to have offended must be treated in a manner that supports dignity and reintegration [4, 26].

Detention also depends on statutory conditions, not on age alone. Under Article 32(2) of the Juvenile Criminal Justice System Law, detention requires that the child be at least 14 and that the alleged offence carry a maximum sentence of seven years or more. Both conditions must be met. If the exact charged offence remains below that threshold, detention is unavailable under this provision. Police statements that a charge may carry a higher penalty should therefore be reconciled with the text of the offence and any valid aggravating rule before detention is sought [8, 29].

The child's identity must remain protected in reporting and case handling. Article 19 of the Juvenile Criminal Justice System Law requires confidentiality for children in conflict with the law, child victims, and child witnesses. Confidentiality includes information that can reveal identity, not only a full name. Investigators and media should avoid publishing faces, addresses, family details, or graphic injury images. Repeated interviews should be limited and conducted in a manner that reduces trauma and stigma [8, 26–27].

The school leader and institutional responsibility

The school leader's potential criminal liability must be separated from the school's institutional responsibility. Criminal liability is personal. The prosecution must prove the leader's own act or legally relevant omission, fault, capacity to prevent harm, and causal contribution. The Pesantren Law and child-protection rules inform the standard expected of a residential education provider, but a breach of an administrative or safeguarding duty does not automatically prove a criminal offence [9, 11].

Residential care does not end family oversight. A study of placement in pesantren distinguishes active parental communication from symbolic consent, while field research describes child protection as involving prevention, case response, recovery, and cooperation with families [15, 19]. These findings inform safeguarding duties but do not establish criminal fault here.

A sound assessment should identify the supervision arrangements in force on 13 December 2025; responsibility for the room and fuel; student access to fire and combustible materials; staff presence; prior warnings or incidents; emergency exits; available extinguishers; and the school's response after the fire began. It should also examine whether any safety policy was implemented in practice. The inquiry should consider the conduct of all relevant supervisors, while avoiding an assumption that the most senior person is necessarily criminally responsible.

If verified, an expired permit may raise regulatory and oversight questions, including which agency had responsibility to monitor the school and what corrective steps were available. It does not, by itself, establish that permit status caused the fire, identify the person responsible for the lapse, or prove a particular person's

criminal negligence. The public record should therefore be tested against licensing documents, inspection records, safety orders, and evidence of actual decision-making rather than used as a shortcut to criminal guilt.

Victim recovery and restitution

The legal response should address the needs of each affected child and family, regardless of whether a suspect is ultimately convicted. Relevant support includes medical treatment, burn rehabilitation, psychological care, continued education, social assistance, legal information, and protection from unwanted publicity. The Convention on the Rights of the Child requires protection from violence and neglect and makes the child's best interests a primary consideration [26].

Indonesia's restitution framework allows child victims of qualifying crimes to seek restitution, and Government Regulation No. 43 of 2017 sets out procedures for claims. The Witness and Victim Protection Law No. 3 of 2026 now governs protection, restitution, compensation, and the role of the Witness and Victim Protection Agency (LPSK), replacing the earlier 2006 law and its 2014 amendment [10, 14]. Police reported in September 2026 that they were still completing restitution calculations for the victims [30].

A complete assessment should distinguish each victim's losses and account for continuing needs. Depending on medical evidence, costs may include treatment, reconstructive procedures, scar management, physiotherapy, mental-health services, transport, education adjustments, and income lost by caregivers. The authorities should explain the process to families, help them preserve supporting records, and avoid making treatment dependent on a final criminal judgment. Restitution does not replace public services or the school's duty to cooperate in recovery.

A child's recovery may also change over time. Burn treatment can involve repeated procedures and extended rehabilitation, while fear, sleep disruption, or reluctance to return to school may emerge after the immediate medical crisis. A case plan should therefore assign a contact person, set review dates, and coordinate medical, psychological, educational, and financial support. Families should receive clear information about restitution and complaint procedures in language they can understand. These measures give practical effect to victim rights while protecting children from repeated questioning and unwanted exposure.

Restorative justice must not become a mechanism for shielding institutions or silencing victims. Any agreement should be voluntary, informed, child-sensitive, and attentive to unequal bargaining power. It should document what the child accepts responsibility for, what support is provided, how safety will be improved, and how the agreement relates to any continuing criminal investigation. The statutory requirements for diversion and victim consent remain controlling [8, 31].

Prevention and minimum safety standards

Individual prosecution cannot by itself prevent future fires in residential schools. Government and school operators should establish and audit minimum safety measures that apply consistently while respecting pesantren traditions and educational autonomy. The measures should focus on foreseeable hazards and practical compliance rather than formal paperwork alone. The Ombudsman's call for continuing oversight is consistent with this preventive approach [11, 16–17, 20, 22, 32].

A risk-based safety system should include secure storage of petrol and chemicals; clear rules against unsupervised use of open flames; working extinguishers; unobstructed exits; safe electrical installations; staff trained in first response; regular evacuation drills; accurate attendance records; and a child-friendly channel for reporting hazards. Each school should assign an adult responsible for each residential area and keep a written procedure for calling emergency services and notifying families.

Government inspections should test actual safety conditions, verify operating status, and provide corrective deadlines and follow-up. The Ministry of Religious Affairs, local government, fire services, health services, and child-protection agencies should share responsibility according to their legal mandates. A national framework can set minimum safeguards while allowing local institutions to adapt how they meet them. Data

on fire incidents, inspection results, evacuation capacity, and corrective actions should be recorded in a way that protects children's privacy.

Scope and limitations

The article's broader relevance lies in the legal problem shared by residential settings for children: prevention duties, emergency readiness, and individual responsibility must be assessed together. Its framework remains specific to Indonesia's statutory and institutional setting. The Convention on the Rights of the Child and General Comment No. 24 provide a rights-based reference for child protection, fair treatment, diversion, and limits on detention [4, 26].

This article is limited to legislation, published scholarship, and official public updates available through 8 September 2026. It cannot assess fire-scene evidence, expert findings, the contents of the suspects' case files, the final charging decisions, or the court's assessment of evidence. Its normative method also does not measure how pesantren implement safety duties or the resources available to them. Those limits define the article's claims: it maps legal questions and evidentiary needs rather than predicts an outcome or determines responsibility.

Future research

First, once trial and appellate proceedings conclude, a jurisprudential study can compare the final decisions with the four-layer framework developed here. It can examine how courts applied Article 3's lex mitior comparison, identified the applicable procedural transition rule, assessed individual negligence, and linked alleged conduct to each injury or death.

Second, separate civil-law research can examine compensation claims against pesantren operators and other responsible actors, including the possible application of Article 1367 of the Indonesian Civil Code. That inquiry should identify the relevant supervisory, employment, and institutional relationships, the causal connection to the loss, and any statutory or doctrinal defence. Civil responsibility requires its own analysis and cannot be inferred from a criminal allegation or administrative lapse.

Third, empirical field research can test how pesantren of different sizes and locations translate Article 10 of Law No. 18 of 2019 into everyday residential safeguards. Interviews, site observations, and document review could examine fuel storage, open-flame controls, supervision, exits, drills, inspections, staff training, and the costs and technical support needed for compliance. Researchers should protect children's identities and obtain appropriate consent.

CONCLUSION

The Central Lombok pesantren fire raises questions across substantive criminal law, procedural transition, juvenile justice, child protection, pesantren safety duties, administrative oversight, and victim recovery. Public reports through 8 September 2026 describe a 15-year-old child suspect and an adult school leader, different file statuses, and changing victim counts. These remain attributed procedural accounts, not judicial findings [20, 28–30, 34].

Criminal liability requires proof of a specific duty, breach, foreseeable risk, personal fault, capacity to act, and a legally relevant causal link for each accused and each result. The Child Protection Law's provisions require a separate element-by-element assessment. Administrative oversight can address permit status, inspections, safety procedures, and agency coordination without converting those issues into proof of criminal guilt.

Because the alleged conduct predates the National Criminal Code, the former Code supplies the substantive starting point, subject to the comparison required by Article 3 as amended. The procedural route depends on Article 361 of the 2025 Criminal Procedure Code and whether investigation or prosecution had begun by 2 January 2026. The available public record does not establish that chronology. Diversion, detention, identity

protection, and victim participation must be assessed under the applicable offence, statutory version, transition rule, and child-justice safeguards.

The public record supports continued evidence review and coordination among school operators, relevant authorities, prosecutors, child-protection agencies, and victim-support services. Authorities should maintain medical, psychological, educational, and financial support while the case proceeds. Safety duties should translate into monitored controls for fuel, open flames, supervision, exits, drills, incident reporting, and inspection, without presuming any individual's guilt. Future adjudication, civil-liability analysis, and field research can test and extend the article's framework.

CONFLICT OF INTEREST

The authors declare that they have no competing financial or non-financial interests.

FUNDING

This study received no external funding. The authors covered the research costs with their personal funds.

ETHICS APPROVAL

Not applicable. This normative legal study uses legislation, published scholarship, and public institutional materials. It involved no human participants or personal data.

DATA AVAILABILITY

This normative legal study is based on publicly available legislation and official institutional updates cited in the references. It does not use interview or personal data.

NOTES

1. Pesantren is an Indonesian Islamic school that may provide residential care.

2. Police reports use initials for suspects; child-victim identities are not disclosed.

3. P-21 means the prosecutor has declared the case file complete; it is not a finding of guilt.

4. Lex favor reo applies the more favourable criminal rule when legislation changes.

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