

A VERSION APPLICATION FOR A CHILD OPPOSITE THE LAW

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Abstract

All children are entitled to live, to grow, to thrive and to be protected from violence and discrimination. In reality, though, the number of children with legal problems increases significantly over the years. The treatment of children in trouble with the law suggests that they are often treated as "miniatures" of criminal adults. The study aims to assess the capacity of law enforcement officials, including police, prosecutors, judges, government, and related agencies. Recognizing the needs of these institutions, we implemented an alternating diversion of restorative justice approach. The government has projected the rupiah's exchange rate at rp9,100 per dollar in the Jakarta interbank spot market on Monday as investors bought the local unit on Wednesday. The study USES a descriptive qualitative study method with a prescriptive quality of research with an empirical approach and USES primary and secondary data. The data gathered is analyzed by organizing the data into categories, detailing them in units, and drawing conclusions that are easily understood. The results of this study have concluded that understanding with law enforcement officers especially at the police level is better because the completion of children's cases outside the law can be resolved at the investigative level. Most of the whistleblower (90,48%) Understanding about complainers of judges, prosecutors, police and lawyers, including ngos, social work units and bapas staff.

Keyword: diversion, restorative justice, son

I. INTRODUCTION

The Indonesian constitution gives children a vital status by firmly guaranteeing each child's right to survive, to grow, to thrive and to be protected from violence and discrimination. The rapid development development, the globalization of communication and information, the advancement of science and technology, and the changes in styles and life-styles of some parents have brought great fundamental implications to people's lives, affecting their values and behavior. Social change. The kids are protected.

The most fundamental reason for the protection of children is the agreement of the United Nations (UN), which in 1948 was adopted by the universal declaration of human rights (udhr), where all humans are born free and dignified, and equal rights. Therefore the child's right to live and thrive according to his abilities is guaranteed and must be protected. In reality, though, the number of children with legal problems increases significantly over the years. Crimes committed by children are consistently criticized by law enforcement officials, with many saying they ignore procedures for treating a child with legal problems. The perception is that they are often treated as adults in a "minor form" of crime.

By 2022, 660 children will be breaking the law or becoming child offenders, according to the ministry of law and human rights. It consists of 418 men and 242 women. As of September 2022, tj gusta's children's penitentiary housed 565 juvenile inmates and inmates. According to tj gusta, director of child services, that number exceeded the normal capacity of only 250 inmates, not just child and juvenile inmates. Adding to this is a sad situation for children to be deprived of educational facilities, such activities as sports, cultural arts and health care.

The severity of child conditions resulting from minimal facilities, child services and activities in child detention is compounded by the environmental impact that changes in child 2pa2viour may have on child custody, such as drug use and sexual 2pa2viour. The capacity of inadequate juvenile jails and the fact that children are met in violation of the law during their coaching sessions in juvie strengthen the "bad" society of "juvie" and former juvie, resulting in case reduction.

A boy who conflicted with a law held in the ward. According to the pakam state court, the serdang deli district has 184 cases from January 2021 to August 2022 which 146 have been disconnected.

Since August 1, 2014, the Indonesian government has passed the 2012 law on the child's justice system (2pa). The law governed three groups of children in conflict with the law: child abusers, victims and witnesses. But the existence of this law still poses many constraints and constraints in its implementation, especially in its application of version and restorative justice when dealing with children against the law.

II. LITERATURE REVIEW

This type of study is qualitative work aimed at understanding phenomena and being observed by researchers. Descriptive analysis techniques are used in this discussion. In other words, it is intended to illustrate or explain the current problem by objectively gathering and analyzing the data. The study is recommended based on an empirical approach. It assesses how this might be applied to society through field research or research that assesses, looks at, and analyzes issues with an approach to jurisprudence and principles. The research data used are primary and secondary data. In the study primary, secondary data, and secondary data are leaked as both primary data and research subjects. Data collection in this study is done by observation, interview, and documentary. The data collected is organized into categories, described into units, and analyzed by drawing conclusions that can be interpreted in deductive.

III. RESULT AND DISCUSSION

A. Bank Indonesia the central bank/bi governor burhanudin abdullah said here on Monday the central bank/bi was expected to maintain the rupiah's exchange rate at rp9,100 per dollar in the Jakarta interbank spot market on Tuesday.

He said the rupiah was expected to strengthen to rp9,100 per dollar in the Jakarta interbank spot market on Tuesday. The capital of this province is pakam bottom. The district district is known as one of the 33 districts/cities in the northern Sumatra province, with an area of 2,486 km² and a population of 1,866 million in 2022.

Reversion must be attempted at all stages, at the level of inquiry, prosecution, and child court inquiry, as arranged in article 7(1) the 2012 article 11 of the child's judicial system law.

For more information on the child's judicial system, researchers are trying to paint a picture of the serdan deli district police, the pakam state prosecutor, and the pakam state court.

The company's vice President director general of customs and excise anwar supriyo said here on Tuesday. The serdang county police department has the central responsibility of maintaining public order and order, enforcing the law, and providing protection, protection, and service to the community throughout its legal territory encompass the entire province of the serdang deli, which comprises a total of 22 dentures of 2,808 districts. I have a task 91 km².

District attorney at pakam owns a corrugated deli and 25 policeys below the district's serrated deli District attorney at the bottom of the pakam has two branches, the district attorney at the bottom of the deli deli and the pakam district prosecutor at the plant plant, each head of the branch. Structurally, the prosecutor at the pakam district reported to the north Sumatra Supreme Court and the supreme prosecutor of the republic of Indonesia.

District court 1-b of the Lubuk Pakam consists of three buildings. The Centre building housed on either side. Sudirman number 58 of the Lubuk pakam and branch in the block, street. Labuhan deli, Deli Serdang district.

While the number of child care that conflicts with the law was passed in the lower courts of Pakistan

Table. The number of different at the lower level

No	Description	Number of cases	The ages and chapters of the accused	No. and the date of the KPN institution
1	Year number of cases 2021	Nihil	Nihil	Nihil
2	Year number of cases 2022	Nihil	Nihil	Nihil
	Total	Nihil	Nihil	Nihil

Source: Lubuk Pakam district court database

According to the data, there is no doubt that the understanding of law enforcement officials at the police department is improved by the completion of the case of children facing the law. That means that the case of a child in conflict with the law could be resolved at the level of the police and the prosecutor's office without a court date and a peer-specific number according to the proposed data case. However, according to the data released by 2020 researchers have not received results from the police, the prosecutor and the court have not completed their assessment, so it is not yet measurable whether the increase or decrease for 2019-2020 implementation of child management is in conflict with the law.

The data suggests that handling of juvenile delinquency at the level of inquiry could be resolved by 2021, or even 12, thereby increasing understanding among law enforcement officials especially at the police level. The number of cases in 2022 is 4 in the prosecutor's case and 0 in the court. That means that cases of children outside the law can be solved on the police and the prosecutor's level, not on the court's level, and court ruling Numbers according to the case files requested. However, researchers have yet to receive the data results for the 2020 version because police, prosecutors, and courts have not yet completed the paperwork. 2019-2020 child conflict with the law.

Based on the results of the nara resource interviews for research and data retrieval, we interviewed several sources as follows:

- **District deli district sheriff resorts**

The 2019 polresta has been reproduced twice but has been held in mediation since it is reported that the auctioning of the deli is reported as the aisyah, the registration, there is a problem that has not been reached, we have also confirmed that the child's rights are involved here. The simplest thing is that if mediation is indeed similar to diversion, mediation is not in default, it is obvious that there is a rule."

- **Child Protection of Deli Serdang**

Mr. Jumaidi halim states "what matters most right now is that we can see the most dangerous, the most dangerous deli in sexual crimes, the highest-growing cases in the serrated deli. The conjunction of task forces in dealing with children dealing with the law needs to be established, but it is better to involve people in ngos, the LKKK, not only focus on the existing team, because if you look at the existing one, it will not work on the other. Here is evidence that the serdang deli is not yet serious about handling children's cases."

- **The juvenile center of education and protection(PKPA)**

Rosmalinda's mother, sh, lim says: the question is where to place this child. For example, if social services itself doesn't have an orphanage for kids at the serdan deli, what will happen to serdan's deli?

How is the actual procedure when a child of the juvenile center of education and protectiong is involved in handling the child's case? As units, among and LPKA.

A. The capacity required by law enforcement officials and other relevant parties in implementation is seen by the approach to restorative justice in the district district.

The researchers asked two related questions about the competence required by law enforcement officials and other stakeholders in performing a sub-version using a restorative justice approach in the district's deli district.

1. What kind of skills does the scum need to improve on
2. The tools and infrastructure owned by the deli district law enforcement apparatus are required for its immediate application of diversion and restorative justice

Of the question the question is obtained regarding the types of skills needed by the garbage in execution of this version with the following approach to restorative justice:

- coordination
- communication; Especially with a 10 - year - old child
- counseling

- training for common understanding between the scum such as the judge and the prosecutor
- socializing
- diversion techniques
- protection and bias in children especially in investigators
- training for children with special needs

From the above description, it is viewed as necessary to deepen the understanding of the enforcement of child law, it is felt that it is necessary to deepen the understanding of the law and related organizations and establish a common understanding of judicial diversion and rehabilitation. The child in conflict with the law holds a right to keep a record of tampering and lodge a complaint with the court. An interesting one is the notes agreement between investigators and bapas. Both institutions seemed to understand their role and had to document the process in place.

A. barriers and obstructions in the 2012 act no. 11 on the criminal justice system of children in the district's deli district.

Associated with obstacles and obstacles can be described as follows:

Deli Serdang police

The problem that deli police-policed faces in doing a version of child's cases that conflict with the law is not yet the socialization of the child justice system of the police as a whole, and among investigators in particular. Polsec allows it to investigate any and all child cases that break the law. It's turned over to the hollow. There is no doubt that its mandate is clear and steady, as restorative justice is sought at every step. Juvenile facilities, infrastructure, and containment cells are gone. Ppa unit investigators reported a female, but the police only had one female. No child-watchers, religious figures, or community are involved in the diversion, only the victims, the perpetrators, the families of the victims, and the perpetrators.

District attorney Lubuk Pakam

The public prosecutor has failed to implement clear treatment methods as of yet to have clear management standards on the mechanism of executing them, and there is concern that cases in the Indonesian version of the public especially those who are being misinformed of law enforcement enforcement, so there should be an additional justice diversion and restorative justice in the provincial level, district/city up to the village, This team will be working on each case reported by the public or reported to the police to identify if it is worthy of being presented by the restoratife justice approach or not.

District court judge Lubuk Pakam

The judge is in a waiting position when the judge's plea for dissolution is made and in the handling of the abh case the court still seeks the dean's version and the restoratife justice before it ever reaches the point, after the child has to be called out for training. But not all there are places of training to house and no data on courts for placement for children in conflict with the law especially when a judge decides the principal criminal of job training and coaching in an institution or coaching outside of society.

BAPAS.

The capacity of living rooms in juvenile correctional facilities in the serdang deli region is not supporting, Likewise, the number of BAPAS in Indonesia, especially in the Deli Serdang area, is very lacking, especially with the wide work area of the Deli Serdang Regency, as well as children who are in correctional institutions in the Deli Serdang area. They cannot access formal education which ends up in school. , which is very different from the spirit of the birth of the juvenile criminal justice system law. Problems are also found in the investigation process related to the period of detention.

Sakti Peksos

Because the preparation of LPKS infrastructure in Tanjung Morawa is still new and has not been comprehensive in all districts and cities in North Sumatra, the protection program for children in conflict with the law has not met the expectations for teenagers. Comply with the Law on the Judicial System. The problem that arises is the public's indifference to the ratification of Law no. 11 of 2012, and in practice the child does not really see recovery and does not commit the crimes he has committed again.

Center for Child Studies and Protection (PKPA)

The implementation of diversion can be evaluated through a diversion decision through a court order, but it is still minimal to find the diversion decision because when requesting a decision the police said that a court decision was required. The decision should be the crown and culmination of a case so that success is carried out through diversion and restorative justice efforts in Indonesia. Therefore, of course, law enforcement officers starting from the police, prosecutors to courts involving community leaders, social workers, families of victims and suspects in making decisions must pay attention to all aspects in it, starting from the need for caution, avoiding as little as possible inaccuracies, both those that are formal and material up to the technical skills to make it. when a case is found where the child's actions have been forgiven by the victim and have received support from related parties and the local community to carry out a settlement, the act committed is a minor crime that is punishable by less than 7 years and is not a repeated act, it should be diverted with a restorative justice approach.

In addition, LPAS does not yet exist in North Sumatra where LPKA provides space to be able to accept children who are detained for cases of children who cannot be diverted but must have a new detention letter that can be accepted while LPKS Tanjung Morawa can accept children whose cases are still in the process of being investigated but the procedure is The standard used as a reference by each law enforcement officer does not exist, so that the child is in LPKS who has exceeded the period and period of time that has passed and the case after 4 months continues and goes to court. According to the law, there has been a violation of the rights of a child who has been detained beyond the time limit determined by law. In addition, while waiting for the government's intention to procure LPKS in every district/city, not all orphanages are willing to accept children if the court's decision is that the children are orphanages.

IV. CONCLUSION

Following the enactment of Law Number 11 of 2012 concerning the Juvenile Justice System, both law enforcement officers, police, prosecutors, judges, government and related agencies are willing to carry out diversion with a restorative justice approach:

1. The legal understanding of law enforcement officers especially on the police level is better at solving children's cases outside the law because it can be solved at the rate of inquiry.
2. Almost all news outlets (90.48%) are aware of harassment from judges, prosecutors, police and lawyers, including ngos, professional social work institutions and bapas staff. Implementation of ative justice approach has already been made and even the most comprehensive at police level, meaning there are better improvements. The father's role in the litoma administration was performed. However, the performance of the version does not require the involvement of a social worker, religious figure or community figure from the ministry of social services.
3. Need for increased understanding of law enforcement and related agencies concerning the application of the child's justice system law and to ensure that there is a similar understanding of the distribution and restorative justice.
4. Supporting infrastructure such as LPKS is not maximum in sumut, particularly a deli deli. Access to child protection practices in all areas particularly ippks and lpas accelerated support facilities.

REFERENCES

- Lembaga Bantuan Hukum Jakarta, 2012, *Mengawal Perlindungan Anak Berhadapan Dengan Hukum*, Cetakan Kesatu, Jakarta: LBH Jakarta
- Maidin Gultom, 2008. *Perlindungan Hukum Terhadap Anak Dalam Sistem Peradilan Pidana Anak Di Indonesia*, Bandung: PT. Refika Aditama.
- Marlina, 2009. *Peradilan Pidana Anak di Indonesia Pengembangan Konsep Diversi dan Restorative Justice*, Bandung: PT. Refika Aditama.
- Marlina, 2010. *Pengantar Konsep Diversi Dan Restorative Justice Dalam Hukum Pidana*, Deli Serdang: USU Press.
- Moelong, Lexy. J. 2006, *Metodologi Penelitian Kualitatif*, Bandung: Remaja Cipta Rosda Karya
- Norman K. Dezin, 1973. *Children and their Cartakers*, New Jersey: Transaction Books Rutgers University.

Makalah dan Artikel

- Apong Herlina, *Makalah Penanganan Anak Yang Berhadapan Dengan Hukum*, Komisi Perlindungan Anak Indonesia (KPAI), 2012
- Hambali, Azwad Rachmat, *Penerapan Diversi pada Anak yang Berhadapan dengan Hukum dalam Sistem Peradilan Pidana*, Jurnal Ilmiah Kebijakan Hukum, Vol. 13, No. 1, Maret 2019

Tempo, “*Deli Serdang Kota Tertinggi Anak yang Berkonflik Dengan Hukum*”

<http://www.tempo.co> diakses pada hari Minggu tanggal 03 Maret 2013
pukul 11.00 wib

Perundang -Undangan

Konvensi Hak Anak

Undang-Undang Nomor 23 tahun 2002 tentang Perlindungan Anak

Undang-Undang Nomor 35 tahun 2014 tentang Perubahan Undang-Undang
Nomor 23 tahun 2002 tentang Perlindungan Anak

Undang-Undang Nomor 3 Tahun 1997 Tentang Pengadilan Anak

Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak.

Lembaga Bantuan Hukum Jakarta, *Mengawal Perlindungan Anak Berhadapan Dengan
Hukum*, Cetakan Kesatu, Jakarta, LBH Jakarta, 2012, hlm 11

¹ Azwad Rachmat Hambali, *Penerapan Diversi pada Anak yang Berhadapan dengan
Hukum dalam Sistem Peradilan Pidana*, Jurnal Ilmiah Kebijakan Hukum, Vol. 13, No.
1, Maret 2019.

¹ Lexy. J. Moelong, *Metodologi Penelitian Kualitatif*, (Bandung: Remaja Cipta Rosda
Karya, 2006), hal. 157.