

Handling Children Who Commit Crimes Under the Criminal Justice System

Hadi Tuasikal¹, Johana Asmuruf^{2*}

^{1,2}Universitas Muhammadiyah Sorong, Indonesia

*correspondence email: johanaasmuruf92@gmail.com

Article History

Received: 01/06/2024; Reviewed: 12/07/2024; Accepted: 19/07/2024; Published: 02/08/2024

Abstract: The purpose of this study is to find out how the handling of criminal acts committed by minors based on the juvenile justice system. Using normative legal research methods, it is concluded: 1. In the Criminal Code, there are two kinds of elements, namely objective elements and subjective elements. The objective element is the element related to the situation, which is the state in which the actions of the perpetrator must be carried out, while the subjective element is the element inherent in the perpetrator or related to the perpetrator. The subjective element of a criminal act is intentional or accidental (*dolus* or *culpa*); purpose or intention on an experiment or posing as referred to in Article 53 paragraph 1 of the Criminal Code. The objective element of a criminal act is the unlawful nature or *wederrechtelijkheid*; the quality of the perpetrator, for example "the state of being a public servant" in a crime of office according to Article 415 of the Criminal Code or "the state of being an administrator or commissioner of a limited liability company" in a crime according to Article 398 of the Criminal Code; and causality, which is the relationship between an action as a cause and a reality as an effect. 2. Every minor who commits the crime of murder has different legal sanctions than adults who commit murder. Article 3 letter f of Law Number 11 of 2012 states that every child in the criminal justice process has the right not to be sentenced to death or life imprisonment, only subject to diversion efforts aimed at achieving peace between victims and children, resolving cases outside the judicial process, preventing children from being deprived of independence, encouraging the community to participate and instilling a sense of responsibility to children, and job training in prisons for minors.

Keywords: Juvenile Crimes; Children Face The Law; Juvenile Justice.

Abstrak: Tujuan dari penelitian ini adalah untuk mengetahui bagaimana penanganan tindak pidana yang dilakukan oleh anak di bawah umur berdasarkan sistem peradilan anak. Dengan menggunakan metode penelitian hukum normatif, disimpulkan: 1. Dalam KUHP terdapat dua macam unsur yaitu unsur objektif dan unsur subjektif. Unsur objektif adalah unsur yang berkaitan dengan keadaan, yaitu keadaan di mana tindakan dari pelaku harus dilakukan, sedangkan unsur subjektif adalah unsur yang melekat pada diri pelaku atau yang berhubungan dengan diri pelaku. Unsur subjektif dari suatu tindak

pidana adalah kesengajaan atau ketidaksengajaan (dolus atau culpa); maksud atau niat pada suatu percobaan atau poging sebagaimana dimaksud dalam Pasal 53 ayat 1 KUHP. Unsur objektif dari suatu tindak pidana adalah sifat melanggar hukum atau *wederrechtelijkheid*; kualitas dari pelaku, misalnya “keadaan sebagai seorang pegawai negeri” dalam kejahatan jabatan menurut Pasal 415 KUHP atau “keadaan sebagai pengurus atau komisaris dari suatu perseroan terbatas” dalam kejahatan menurut Pasal 398 KUHP; dan kausalitas, yakni hubungan antara suatu tindakan sebagai penyebab dengan suatu kenyataan sebagai akibat. 2. Setiap anak di bawah umur yang melakukan tindak pidana pembunuhan memiliki sanksi hukum yang berbeda dengan orang dewasa yang melakukan pembunuhan. Pasal 3 huruf f Undang-Undang Nomor 11 Tahun 2012 menyatakan setiap anak dalam proses peradilan pidana berhak tidak dijatuhi pidana mati atau pidana seumur hidup, hanya dikenai upaya diversifikasi yang bertujuan mencapai perdamaian antara korban dan anak, menyelesaikan perkara di luar proses peradilan, menghindarkan anak dari perampasan kemerdekaan, mendorong masyarakat untuk berpartisipasi dan menanamkan rasa tanggung jawab kepada anak, serta pelatihan kerja dalam lembaga pemasyarakatan kepada anak di bawah umur.

Kata kunci: Tindak Pidana Anak; Anak Berhadapan Hukum; Peradilan Anak.

PENDAHULUAN

A sustainable development process must be realized by producing a quality generation of nations. Therefore, children need to be given the opportunity to grow and develop optimally, both physically, mentally and socially.¹ However, in reality, many children commit deviant acts, both in the form of crimes and offenses. These actions not only show child delinquency, but also become legal problems and cause harm to society. The issue of legal liability for children who commit delinquency was discussed at the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders held in Caracas, Venezuela in 1980.²³ One of the discussion agendas is on the legal settlement of children's problems, including the standardization of the age range and the classification of children's actions that can be held legally responsible,⁴ specificity of case resolution procedures, as well as promoting diversion as an alternative to juvenile justice. This agenda also includes determining appropriate and effective guidance programs for each age category of children, as well as promoting guidance outside the

¹ Wahab Aznul Hidayat, Riza Maulani Putri, and Muhammad Ali, “Restorative Justice Dalam Penyelesaian Tindak Pidana Di Kota Sorong Papua Barat Daya” 3, no. 2 (2024): 79–94.

² Wahab Aznul Hidayat, “The Role of Witness and Victim Protection Agency for Imekko Tribe in Criminal Justice System in Sorong,” *Law and Justice* 8, no. 2 (2023): 176–91, <https://doi.org/10.23917/laj.v8i2.2363>.

³ Secretariat and United Nations, “Juvenile Justice: Before and After the Onset of Delinquency,” *Juvenile Justice: Before and After the Onset of Delinquency*, 1980, 82.

⁴ Irfan Ramli, Wahab Aznul Hidayat, and Muharuddin Muharuddin, “Pengaruh Peradilan Berbasis Restorative Justice Dalam Perkara Tindak Pidana Pencurian Di Kota Sorong,” *Journal of Law Justice (JLJ)* 1, no. 2 (2024): 89–108.

prison environment to avoid the negative impact of imprisonment^{5,6}. The sixth congress also recommended the development of minimum standards related to juvenile justice processes that could later be used as a reference for member states to implement in their respective countries. The Congress produced a resolution on the "Development of Minimum Standards of Juvenile Justice," which laid out basic principles for the administration of juvenile justice to protect the human rights of children involved in legal matters^{7,8}. Subsequently, the UN Committee on Crime Prevention and Control developed the "Standard Minimum Rules for the Administration of Juvenile Justice." This concept was approved at the seventh UN Congress in Milan in 1985 and became known as the Beijing Rules. Referring to Rule 11.1, the Beijing Rules state that law enforcement authorities are authorized to deal with minors who commit crimes without going through formal courts. Furthermore, Rule 5.1 also affirms that the Juvenile Justice System must emphasize the welfare of the child and ensure that the measures given to minors who commit crimes are proportionate in accordance with their mental state and the crime committed.⁹

In essence, children have rights that are specifically different from those of adults.¹⁰ These differences lie in physical, mental and social conditions, which require priority in providing special protection and treatment. The system of punishment for children in Indonesia is regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (hereinafter referred to as the SPPA Law).¹¹ The fundamental thing in the regulation of the Child Criminal Justice System is the existence of a process of handling children that avoids them from the judicial process and also aims to eliminate community stigma. Furthermore, as a follow-up to the provisions of Article 15 and Article 21 paragraph (6) of the SPPA Law, the government also issued Government Regulation

⁵ Gerson Sem Buinei et al., "Restorative Justice Approach in Dealing with Crimes at Police Level (A Study at Polresta and Polres Sorong)" 2, no. 1 (2024): 1–12.

⁶ *ibid* Secretariat and United Nations, <http://0search.ebscohost.com/maurice.bgsu.edu/login.aspx?direct=true&db=sih&AN=SM077016&login.asp&site=ehost-live&scope=site>.

⁷ Ariyunus Zai, Mirza Nasution, and Chairul Munadi, "Mercatoria Vol. 4 No. 1 Tahun 2011," *Mercatoria* 4, no. 1 (2011): 12–26.

⁸ Harun Salfle, Rajab Lestaluhu, and Muharuddin Muharuddin, "Dowry Giving in the Customary Marriage of Kofalit Village , Salkma District , South Sorong Regency," *Journal of Law Justice (JLJ)* 2, no. 1 (2024): 53–66.

⁹ Lu Sudirman, Hari Sutra Disemadi, and Kevin John Paul Manurung, "Elaborate the Superiority of Smart City in South Korea: A Study Comparison of Laws," *Justisi* 10, no. 2 (2024): 373–95, <https://doi.org/10.33506/js.v10i2.3081>.

¹⁰ Winshery Tan, Agustianto Agustianto, and Febri Jaya, "Legal Dilemma between Law on Protection Child and Marriage Law in Addressing Early Marriage," *Justisi* 10, no. 2 (2024): 396–404, <https://doi.org/10.33506/js.v10i2.2814>.

¹¹ Siti Afiyah Deni Setiyawan, Wahab Aznul Hidayat, Hadi Tuasikal, "GREEN RESTORATIVE JUSTICE: ENVIRONMENTAL ENFORCEMENT AND JUSTICE," 2024, 1–22.

No. 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children Under 12 Years of Age (hereinafter referred to as PP No. 65 of 2015).¹²

The process of resolving criminal cases according to Article 2 of the SPPA Law is based on principles that include protection, justice, non-discrimination, the best interests of the child, respect for the child's opinion, survival and growth of the child, guidance and guidance of the child, proportionality, deprivation of liberty and punishment as a last resort, and avoidance of retaliation.¹³ Based on Article 21 paragraph (1) of the SPPA Law, children under 12 years of age who commit or are suspected of committing a criminal offense are considered not yet accountable for their actions. Therefore, it is regulated that Police Investigators, hereinafter referred to as Investigators, Community Supervisors, hereinafter referred to as PK, and Professional Social Workers, hereinafter referred to as Peksos, make a decision to Hand over back to parents / guardians; or Include in education, coaching, and mentoring programs at government agencies or Social Welfare Providers (LPKS) for a maximum of 6 months. The form of decision determined by the SPPA Law is also intended to avoid the long and lengthy judicial process that children will undergo if their cases must be processed by the judiciary.¹⁴

Based on the explanation of Article 21 of the SPPA Law, it is emphasized that the age of children who can be brought to trial is 12 years old or older but not yet 18 years old. The determination of the age of 12 years old is based on the Constitutional Court Decision Number 1/PUU-VIII/2010 which in its consideration states that it is necessary to set an age limit for children to protect the constitutional rights of children, especially the right to protection and the right to grow and develop. This age limit needs to be regulated due to sociological, psychological, and pedagogical considerations. Children who are not yet 12 years old are considered not yet accountable for their actions. When discussing criminal responsibility, age limit becomes an important factor in determining the age of criminal responsibility for a person. According to Roeslan Saleh who quoted Alf Ross, being responsible for a criminal act means that a person can legally be subject to punishment because of the act.¹⁵ Legally enforceable punishment means that there is a regulation in a particular legal system for the act, and that legal system applies to the act. In other words, the punishment given is based on legal principles that have been established and officially recognized in a jurisdiction.

¹² Brigitte M. Gensthaler, "Ultimum Remedium," *Pharmazeutische Zeitung* 147, no. 13 (2002): 46.

¹³ Wahab Aznul Hidayat, "Penerapan Diversi Dalam Sistem Peradilan Pidana Anak," *Justisi* 5, no. 2 (2019): 84–96, <https://doi.org/10.33506/js.v5i2.543>.

¹⁴ Wahab Aznul Hidayat and Muharuddin Muharuddin, "Penerapan Diversi Undang-Undang No 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak (Studi Kasus Polres Sorong Kota)," *JUSTISI* 6, no. 2 (2020): 52–63, <https://doi.org/10.33506/js.v6i2.965>.

¹⁵ Roeslan Saleh, *Pikiran-Pikiran Tentang Pertanggungjawaban Pidana*, (Jakarta: Ghalia Indonesia, 1982).

The basis for the existence of a criminal offense is the principle of legality, while the basis for the punishment of the perpetrator is the principle of guilt. This means that the perpetrator of a criminal offense will only be punished if proven guilty of committing the criminal act. Children within a certain age range are considered to have no fault, especially very young children, because they are not yet able to fully understand the value and consequences of their actions, and do not yet realize that their actions are considered a mistake. Thus, they are considered to have no fault (will) in the act.¹⁶ Constitutionally, the minimum age of criminal responsibility is 12 years old. Therefore, children who are not yet 12 years old cannot be held accountable for their actions because they are considered too young. Moeljatno added that such children actually do not understand or realize the meaning of the actions committed because their organ growth is not yet full enough so that their mental function is also not perfect.¹⁷ Against this background, the focus of this research is to examine the process of handling children under the age of 12 who commit criminal offenses. This research aims to understand in depth how the legal system handles cases involving children in this age range, as well as evaluate the effectiveness and suitability of the handling process with the principles of child protection and applicable law. It is hoped that this research can provide better insights in developing policies and practices in handling cases of children under the age of 12 who are involved in criminal offenses.

METHOD

This research is normative research, namely legal research by making a review of library materials (legal literature) and statutory approaches (statue approach) as primary data sources, such as law books and legal regulations that contain results that are appropriate and related to the subject matter of the research. Then it is also supported by secondary data, namely journals, internet, articles, principles, theories sourced from law books, and opinions of legal experts. This research is a type of Normative Juridical research. Normative data collection techniques are carried out by means of literature studies (library research), namely, looking for concrete legal certainty from the source of the material obtained which is related to the subject matter of the research. In conducting this research, the author uses a qualitative analysis method, namely the prescriptive or descriptive method, which is a study or analysis of all sources of legal materials used in this normative research. For this reason, the results of the normative juridical analysis will be connected to the subject matter that occurs in this research, in order to produce an objective assessment and answer a problem in the research.

¹⁶ and S. R. Sianturi. Kanter, E. Y., "Asas-Asas Hukum Pidana Di Indonesia Dan Penerapannya," *Storia Grafika*, 2002.

¹⁷ Moeljatno, "Asas-Asas Hukum Pidana," (Jakarta: Rineka Cipta, n.d.), hlm. 156.

DISCUSSION

Handling of children under 12 years of age who commit criminal offenses

Many minors are currently involved in criminal offenses, which need to be handled carefully through the juvenile criminal justice system. The legal protection of children is a joint effort of all levels of society in their various positions and roles, who realize how important children are for the future of the nation and state.¹⁸ Children will grow and mature physically, mentally, and socially, and will eventually replace the previous generation. Child protection is a manifestation of justice in a society. The law enforcement process against children under 12 years of age who commit criminal offenses does not follow the stages in the process of handling criminal cases in general, such as the stages of investigation, prosecution, and examination process in court. Instead, the Investigator makes a decision by coordinating with community counselors and professional social workers. This is so that the decision taken for the child is the right decision and is beneficial for the interests of the child. As a consideration for the three institutions, the decision issued is based on the community research conducted by the community supervisor at the request of the Investigator.

The procedure for decision-making for children under 12 years of age who commit or are suspected of committing a criminal offense by investigators, community supervisors, and professional social workers is regulated in the provisions of Paragraph 3, starting from Article 73 to Article 79 of PP No. 65/2015. The role and presence of Investigators, Community Counselors, and Social Workers at the time of decision-making for children is an imperative provision.¹⁹ The three components have an obligation to be present in order to provide their views and opinions in accordance with information based on their authority in the coordination meeting. Investigators who carry out an investigation in a juvenile case must be investigators who have been determined based on the Decree of the Chief of the Indonesian National Police. Therefore, in the police jurisdiction at both the provincial and district/city levels, a special unit called the Women and Children's Services Unit was established, which is under the Criminal Investigation Unit (Satreskrim) and has the task of providing services in the form of protection for women and children who are victims of crime/violence and law enforcement against the perpetrators.

Based on Article 6 paragraph of the National Police Chief Regulation Number 10 of 2007 concerning the Organization and Work Procedures of the Women and Children Service Unit within the Indonesian National Police, the scope of duties of the Women and Children Service Unit is to handle criminal acts of women and children both as victims

¹⁸ *Ibid.* Anselmus Mandagie,

¹⁹ Jefferson B. Pangemanan, "Pertanggungjawaban Pidana Anak Dalam Sistem Peradilan Pidana Indonesia," *Jurnal Lex et Societatis* 3, no. 1 (2015): 101–8.

and perpetrators. The importance of implementing diversion to children as an alternative to resolving cases of children in conflict with the law. So that it is the obligation of law enforcers to continue the diversion process if it meets the elements and categories where the threat of punishment does not exceed 7 (seven) years in accordance with existing legal provisions.²⁰

The handling of juvenile cases is currently based on the respective units. The Women and Children's Services Unit (PPA Unit) specifically only handles cases relating to criminal acts of decency committed against children and women. In the event that a child is involved in a drug abuse crime, it will be handled by the Drug Investigation Unit (Satresnarkoba), not the PPA Unit. As for cases of children under 12 years of age who committed criminal offenses in 2017, there were 2 cases, namely cases of sexual abuse and violence against children. The low number of cases handled was due to the fact that other cases of sexual abuse and violence against children were handled and resolved by the Sector Police (Polsek) although not through a process in accordance with the legislation.

The Criminal Code generally outlines two kinds of elements, namely objective elements and subjective elements. Objective elements are elements that relate to the circumstances, namely under which circumstances the action of the perpetrator must be carried out, while subjective elements are elements that are attached to the perpetrator or related to the perpetrator. The subjective elements of a criminal offense are:²¹ 1) intent or unintentionality (*dolus* or *culpa*); 2) intent or *voornemen* in an attempt or *poging* as referred to in Article 53 paragraph 1 of the Criminal Code; 3) various kinds of intent or *oogmerk* as found for example in crimes of theft, fraud, extortion, forgery, etc; 4) premeditation or *voorbodachteraad* as found, for example, in the crime of murder pursuant to Article 340 of the Penal Code; 5) feeling of fear or *vrees* as found, among others, in the formulation of criminal offenses.

According to Article 308 of the Criminal Code, the objective elements of a criminal offense are: 1. the unlawful nature or *wederrechtelijkheid*; 2. the quality of the perpetrator, for example "the state of being a public servant" in the crime of office under Article 415 of the Indonesian Penal Code or "the state of being a manager or commissioner of a limited liability company" in the crime under Article 398 of the Indonesian Penal Code.

Causality is the relationship between an action as a cause and a fact as an effect. Thus, if an event has fulfilled the elements of an offense formulated in the article of law, then an adjustment or matching (*part/occurrence*) of the event is made to the elements

²⁰ Herman Balla, "Diversi : Anak Yang Berhadapan Dengan Hukum" 10, no. 2010 (2022): 202–6.

²¹ Mandagie, "Proses Hukum Tindak Pidana Pembunuhan Yang Dilakukan Oleh Anak Dibawah Umur Ditinjau Dari Undangundang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak."

of the charged offense. In this case, the elements of the offense are first arranged as previously described. If it turns out to be suitable, then it can be determined that the event is a criminal offense that has occurred and can be held accountable.

If the perpetrator of the crime turns out to be a child who has reached the age of ten years or older, the criminal judge must investigate whether or not the perpetrator was able to make a *vordeel des onderscheids* in committing the crime. That is, whether or not the perpetrator was able to make a justifiable judgment, as stated in Article 21 paragraph 1 of Law Number 11 of 2012.

In the event that a child under the age of 12 years commits or is suspected of committing a criminal offense, the investigator, community counselor, and professional social worker shall make a decision to hand over the child to his/her parents/guardians or to participate in an education, coaching, and mentoring program at the institution in charge of social welfare, both at the central and regional levels, for a maximum of 6 (six) months. If the perpetrator turns out to be able to make a *vordeel des onderscheids*, then the perpetrator can be subject to or imposed a sentence like an adult, with a note that the heaviest punishment threatened for adults must be reduced by one half and life imprisonment for adults is replaced by imprisonment for a maximum of fifteen years, as stated in Article 32 paragraph 2 of Law Number 11 of 2012 concerning juvenile justice which reads Detention of children can only be carried out under the following conditions: a) The child is 14 (fourteen) years old or more; b) Suspected of committing a criminal offense punishable by imprisonment of 7 (seven) years or more.

Article 79 and Article 81 also state the following Article 79: a) Criminal punishment of restriction of freedom shall be imposed in the event that the juvenile commits serious criminal offense or criminal offense accompanied by violence; b) Criminal punishment of restriction of freedom imposed on children is maximum $\frac{1}{2}$ (one half) of the maximum imprisonment imposed on adults; c) Special minimum imprisonment does not apply to children; d) Provisions regarding imprisonment punishment in the Criminal Code shall also apply to children to the extent not contradictory to this law.

Article 81 reads: (1) Children are sentenced to imprisonment in LPKA if the circumstances and actions of the child will endanger the community; (2) The maximum imprisonment that can be imposed to children is $\frac{1}{2}$ (one half) of the maximum punishment for adults; (3) Development in LPKA shall be conducted until the child is 18 (eighteen) years old; (4) Children who have undergone $\frac{1}{2}$ (one half) of the length of development in LPKA and are of good behavior are entitled to parole; (5) Imprisonment against children is only used as a last resort; (6) If the criminal offense committed by the juvenile is a criminal offense punishable by death penalty or imprisonment for a maximum of 10 (ten) years.

In her book "Criminal Law Protection for Children in Indonesia," Nashriana states that criminal sanctions aim to provide special suffering to offenders so that they feel the

consequences of their actions. In addition to aiming to cause suffering for the perpetrator, criminal sanctions also function as a form of defense against the actions committed by the perpetrator.

In the criminal law system, there are two types of sanctions that have the same position, namely criminal sanctions and action sanctions.²² In the criminal law system, there are two types of sanctions that have the same position, namely criminal sanctions and action sanctions. The forms of criminal sanctions vary, including death penalty, life imprisonment, imprisonment, confinement, and fine as the main punishment. There are also additional punishments such as revocation of certain rights, deprivation of certain goods, and announcement of the judge's decision, all of which are additional punishments.²³ Meanwhile, the sanction of action is a type of sanction that is more widely spread outside the Criminal Code, although the Criminal Code itself also regulates its forms, namely in the form of hospital treatment and returned to his parents or guardian for people who are unable to take responsibility and children who are still minors. Meanwhile, action is defined as the provision of punishment that is not suffering, but educating and nurturing. This action is intended to secure the community and correct actions, such as forced education, forced treatment, entering into rehabilitation and others. As for the protection provided by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System in Article 2, this is also clarified in the Law on the Juvenile Criminal Justice System Article 69 paragraph 2, a juvenile offender can be subject to two types of sanctions, namely actions, for offenders under the age of 14 (fourteen) years and Criminal, for offenders aged 15 (fifteen) years and over as mandated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

CONCLUSIONS

Based on the results of the research and studies that have been conducted, the following conclusions can be drawn: First, in practice, there are differences between the process of handling children under the age of 12 who commit criminal offenses and the applicable laws and regulations. The examination by investigators is not conducted in the PPA Unit, but based on the disposition of the Head of Criminal Investigation Unit. Over the last three years, the number of criminal cases by children under 12 years old handled at the Polres and Polresta levels is relatively small because they have been resolved at the Polsek level without involving Professional Social Workers (Peksos) and Community Counselors (PK). The handling of cases of children under the age of 12 at the Polsek level often ignores legal provisions. In addition, investigators often do not have sufficient capability and experience in handling children's cases, so that the actions taken are often

²² Wiwik Afifah and Gusrin Lessy, "Perlindungan Hukum Terhadap Anak Sebagai Saksi Dalam Sistem Peradilan Pidana Anak," *DiH: Jurnal Ilmu Hukum* 10, no. 20 (2014), <https://doi.org/10.30996/dih.v10i20.358>.

²³ Bilher Hutahaeen, "Penerapan Sanksi Pidana Bagi Pelaku Tindak Pidana Anak," *Jurnal Yudisial* 6, no. 1 (2013): 2.

not in accordance with the principle of the best interests of the child and tend to harm the child. Community Research conducted by PKs also often exceeds the timeframe set by law. The implementation of research and mentoring by PKs is still not optimal due to the lack of capabilities that support the PK's duties and authority. This can obscure the purpose of coaching, which should change children's attitudes for the better, but often ignores the regulations and principles of the Juvenile Justice System, thus providing opportunities for children to re-offend. In the decision-making process, investigators rarely involve social workers so that social workers' recommendations are often not accommodated in the final decision. Secondly, the implementation of the decision for children under the age of 12 who commit criminal offenses begins after the decision is ratified by the local district court. If the decision orders the child to return to his/her parents, then the parents and child must report to the Community Supervisor (PK). If the child is required to undergo training at a Social Welfare Institution (Lembaga Penyelenggara Kesejahteraan Sosial - LPKS), then the child will be handed over to a public or private LPKS for training for a maximum of 6 months. The PK is responsible for overseeing the implementation of this decision, but the supervision is still not optimal. The coaching programs provided by LPKS are less varied and only focus on religious-based character building. Therefore, there is a need to develop a coaching system with comprehensive standard operating procedures for both public and private LPKS, to ensure a good standardization of coaching programs in both types of LPKS.

REFERENCE

- Afifah, Wiwik, and Gusrin Lessy. "Perlindungan Hukum Terhadap Anak Sebagai Saksi Dalam Sistem Peradilan Pidana Anak." *DiH: Jurnal Ilmu Hukum* 10, no. 20 (2014). <https://doi.org/10.30996/dih.v10i20.358>.
- Balla, Herman. "Diversi: Anak Yang Berhadapan Dengan Hukum" 10, no. 2010 (2022): 202–6.
- Buinei, Gerson Sem, Wahab Aznul Hidayah, Sorong, and A Faqih Mursid. "Restorative Justice Approach in Dealing with Crimes at Police Level (A Study at Polresta and Polres Sorong)" 2, no. 1 (2024): 1–12.
- Deni Setiyawan, Wahab Aznul Hidayah, Hadi Tuasikal, Siti Afiyah. "GREEN RESTORATIVE JUSTICE: ENVIRONMENTAL ENFORCEMENT AND JUSTICE," 2024, 1–22.
- Gensthaller, Brigitte M. "Ultimum Remedium." *Pharmazeutische Zeitung* 147, no. 13 (2002): 46.
- Hidayah, Wahab Aznul. "Penerapan Diversi Dalam Sistem Peradilan Pidana Anak." *Justisi* 5, no. 2 (2019): 84–96. <https://doi.org/10.33506/js.v5i2.543>.
- . "The Role of Witness and Victim Protection Agency for Imekko Tribe in Criminal Justice System in Sorong." *Law and Justice* 8, no. 2 (2023): 176–91.

<https://doi.org/10.23917/laj.v8i2.2363>.

- Hidaya, Wahab Aznul, and Muharuddin Muharuddin. "Penerapan Diversi Undang-Undang No 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak (Studi Kasus Polres Sorong Kota)." *JUSTISI* 6, no. 2 (2020): 52–63. <https://doi.org/10.33506/js.v6i2.965>.
- Hidaya, Wahab Aznul, Riza Maulani Putri, and Muhammad Ali. "Restorative Justice Dalam Penyelesaian Tindak Pidana Di Kota Sorong Papua Barat Daya" 3, no. 2 (2024): 79–94.
- Hutahaean, Bilher. "Penerapan Sanksi Pidana Bagi Pelaku Tindak Pidana Anak." *Jurnal Yudisial* 6, no. 1 (2013): 2.
- Kanter, E. Y., and S. R. Sianturi. "Asas-Asas Hukum Pidana Di Indonesia Dan Penerapannya." *Storia Grafika*, 2002.
- Mandagie, Anselmus. "Proses Hukum Tindak Pidana Pembunuhan Yang Dilakukan Oleh Anak Dibawah Umur Ditinjau Dari Undangundang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak." *Lex Crimen* 9, no. 2 (2020): 53–62.
- Moeljatno. "Asas-Asas Hukum Pidana," hlm. 156. Jakarta: Rineka Cipta, n.d.
- Pangemanan, Jefferson B. "Pertanggungjawaban Pidana Anak Dalam Sistem Peradilan Pidana Indonesia." *Jurnal Lex et Societatis* 3, no. 1 (2015): 101–8.
- Ramli, Irfan, Wahab Aznul Hidaya, and Muharuddin Muharuddin. "'Penghentian Perkara Berdasarkan Restorative Justice Dalam Perkara Tindak Pidana Pencurian Di Kota Sorong.'" *Journal of Law Justice (JLJ)* 1, no. 2 (2024): 89–108.
- Saleh, Roeslan. *Pikiran-Pikiran Tentang Pertanggungjawaban Pidana*. Jakarta: Ghalia Indonesia, 1982.
- Salfle, Harun, Rajab Lestaluhu, and Muharuddin Muharuddin. "Dowry Giving in the Customary Marriage of Kofalit Village , Salkma District , South Sorong Regency." *Journal of Law Justice (JLJ)* 2, no. 1 (2024): 53–66.
- Secretariat, and United Nations. "Juvenile Justice: Before and After the Onset of Delinquency." *Juvenile Justice: Before and After the Onset of Delinquency*, 1980, 82.
- Sudirman, Lu, Hari Sutra Disemadi, and Kevin John Paul Manurung. "Elaborate the Superiority of Smart City in South Korea: A Study Comparison of Laws." *Justisi* 10, no. 2 (2024): 373–95. <https://doi.org/10.33506/js.v10i2.3081>.
- Tan, Winsherly, Agustianto Agustianto, and Febri Jaya. "Legal Dilemma between Law on Protection Child and Marriage Law in Addressing Early Marriage." *Justisi* 10, no. 2 (2024): 396–404. <https://doi.org/10.33506/js.v10i2.2814>.



Volume 2, Issue 2, 2024, pp. 150-161

Zai, Ariyunus, Mirza Nasution, and Chairul Munadi. "Mercatoria Vol. 4 No. 1 Tahun 2011."
Mercatoria 4, no. 1 (2011): 12–26.