

The Sanctions to Children and Perspective Law Number 11 Year 2012 about the Criminal Justice System on the Case of Children Indonesia

Dewi Mulyanti, SH., MH.

Faculty of Law at University of Galuh Ciamis, Together with The Council Journal Menarasiswa, India

Abstract: *Law is the outline in laying a commitment that must be obeyed by all parties. So this study aims to find out how the application of criminal sanctions and actions against children who commit a crime. And to know how the judge's legal considerations in imposing criminal sanctions and actions against children who commit a crime. This research is descriptive normative research, qualitative data analysis technique toward primary data and secondary data, then presented in descriptive form to give description and example in a child criminal case in applying of criminal sanction to child in decision Number 08 / Pid.Sus -Anak / 2014 / PN.Mrs and acts against the child in the decision No. 114 / Pid.Sus-Anak / 2014 / PN.Mrs. And to know the judge's consideration in imposing criminal sanction against the child in decision Number 08 / Pid.Sus-Anak / 2014 / PN.Mrs and acts against child in decision No. 114 / Pid.Sus-Anak / 2014 / PN.Mrs. The results of this study indicate that the application of criminal sanctions and acts against children committing criminal acts have been in accordance with the provisions of Article 71 namely the Criminal Penalty Sanction and Article 69 Paragraph 2 or Article 82 namely the Fall of Action Law Number 11 Year 2012 About the Criminal Justice System of Children . And judge's judicial consideration in imposing criminal sanctions and actions against a child committing crime is by the fulfillment of all elements of the article in the indictment, as well as the statements of the corresponding witnesses and statements of the accused plus the judge's conviction. In addition, in the imposition of criminal and judicial actions in advance consider the incriminating and mitigating factors. The judge's consideration in imposing a criminal sanction against the child is to give deterrent effect to the defendant and to the defendant not to repeat his actions again and to educate the defendant to be aware of his actions, but also to pay attention to the rights and needs of the child during the punishment process. Then Ages and the consequences of the defendant's actions become one part of the judge's consideration in dropping the Act against the child that is in the form of return of the parents to be nurtured, so that the defendant in the future can be a better child in all things and not violate the law again*

Keywords: Sanctions Against Children, Law Number 11 Year 2012, and Case of Indonesian Children

1. Introduction

A. Background

Children are an integral part of human survival and the continuity of a nation and state. In the Indonesian Constitution, children have a strategic role that is expressly stated that the state guarantees the right of every child to survival, growth and development and for the protection of violence and discrimination. The child needs to be protected from the negative impacts of rapid development, the globalization of communication and information, the advancement of science and technology, and the change of parent's style and way of life that has brought about fundamental social change in the life of a society that is very influential to the value and Child behavior. Deviation of behavior or unlawful acts committed by the Child, among others, is caused by factors from within the child (family) and outside the Child (the environment). Therefore, the role of parents to keep and educate children in the development toward maturity becomes the main obligation. In the Qur'an explains that the Son is a test for every parent and also commands us to keep ourselves and the family from the actions that can plunge us into the fires of hell as mentioned in Al-Qur'an Surah Al-Anfal verse 28 and Surah At -Tahrim verse 6 which reads: Meaning: "And know that your wealth and your children are but a trial and verily Allah is a great reward." (Surat al-Anfal ayat 28). 2 Meaning: "O ye who believe! Keep yourselves and your family from the fire of hell whose fuel is human and

stone; guarding angels who are rough, hard, and do not disobey God against what He has commanded them and always do what is commanded." (Surat-Tahrim v. 6). These verses explain one of the tests God gives to parents is that their children should be really responsible for the trust given by Allah SWT which is to keep and educate the child not to do deeds that can plunge into the fire of hell. That is why every parent should build a good relationship with the child so that children do not do deviations or behaviors that can harm yourself, family and society.

Children are part of the community, they have the same rights as other communities to be protected and respected. Every country anywhere in the world is obliged to give adequate attention and protection to the rights of the child, which include civil, economic, social and cultural rights, but it seems that the position and rights of the child when viewed from a juridical perspective have not received attention seriously both by the government, law enforcement and society in general and still far from what should actually be given them.

This condition is complicated by the weak implementation of the law on the rights of the child conducted by law enforcement officers themselves. In order to realize quality human resources, survival, physical and mental development and protection from various threats that can threaten their integrity and future, sustainable and integrated coaching efforts. In reality, the youth development effort, often faced with difficult problems

and challenges, among others, encountered deviations of behavior attitude while the child. Even more than that, there are children who commit acts that violate the law, baikanak from the socioeconomic circle high, middle, and below. Judging from the juridical aspect then the meaning of "Child" in the eyes of positive law Indonesia Normally defined as an immature person (minderjaring / person under age), a person under the age or under age (minderjarigheid / inferiority) or often referred to as a child under the supervision of a guardian (minderjarige ondervoordij) 1. The meaning of the child himself if we look further in terms of chronological age according to law can vary depending on the place, time and for what purposes, this will also affect the limits used to determine umur anak. Pank sanction is a tool of power to strengthen the validity of a norm and to prevent and eradicate actions that disrupt the enactment of a norm. The goal that comes from the imposition of sanctions against children is that the child can reintegrate into society. Double track system is a two-way system of sanctions in criminal law, namely criminal sanctions and action types. Although in practice, the distinction between penal sanctions and action sanctions is often somewhat faint, but at the level of the second basic idea has a fundamental difference, where the criminal sanctions stem from the "why was it held punishment" principle, whereas action sanctions derail from the basic idea "for which the conviction is held" 2.1 Lilik Mulyadi, Juvenile Court in Indonesia, Bandung: Mandar Maju, 2005. p. 3.2 M. Sholehuddin, Sanction System in Criminal Law. Jakarta: PT. Raja Grafindo Persada. 2004. Hal. One fact unfolded from the internet (antarasusel.com danklikmakassar.com) on 1 April 2014 mentions that 3 boys didugamelakukan persecution against classmates. From the confession of 3 children, it is known that they kicked the victim's tummy once, twice, and hit the head 1 time. First grade student of Elementary School (SDN) Tamalanrea V, Muhammad Syukur (7), died at IbnuSina Hospital on Monday (31/3/14) morning after being persecuted by 3 friends. The police themselves will continue to investigate the perpetrators in accordance with the provisions and continue to promote the protection of children. The facts become one of the real evidence of delinquency done by the child, should the child concentrate more on education and achievement instead of dealing with the law. Specific on sanctions against the Child is determined based on the difference of the child, that is for Children aged less than 14 (fourteen) years only subject to action, while for Children who have reached the age of 14 (fourteen) years up to 18 (eighteen) years may be subjected to criminal acts. In view of the distinctive characteristics and characteristics of the Child and for the protection of the Child, the case of a Child facing the law shall be prescribed in the Criminal Court of the Child who are in the general judicial environment. The judicial process of the case of the Child since the arrest, detention and trial of his ordination must be done by a special official who understands the problem of Child. If legal process is to be done to the child then it is of course unfair if the defendant is subject to the same legal process with the accused of adult. Likewise with the criminal who will be dropped to the child, of course very unfair if the criminal who must be served samadengan criminal defendant adult. Especially considering that the child is a

descendant of the ideals of the nation's struggle, so that in handling criminal acts committed by children, should really pay attention to the interests and future of anak. Oleh therefore, through Article 103 of the Criminal Code, it is still justified another act which according to the law other than the Criminal Code can dipidanasepanjang law is related to the child's problem and not contrary to the provisions of the Criminal Code (lex specialis derogat legi generali). Through this principle also the child criminal law justify the law, in outside of the Criminal Code related to children's issues such as the provisions set forth in Law Number 11 Year 2012 on the Criminal Justice System of the Child, in this law regulates the different treatment in the procedural law as well as its threats of criminalization. The different treatment and threats set forth in the law are meant to be to further provide protection and guidance to the child in facing the future is still long. In addition, the distinction is intended to provide opportunities to children so that after going through coaching will gain identity to become a better human, useful for self, family, community, nation and the state³. In connection with the above matter which in fact the judge in the judgment of the judgment is sometimes not in accordance with applicable laws and regulations. The consequences can be detrimental to my self-defense, especially in dropping the verdict against the child who should get special protection and attention to continue to grow and develop as the next generation of the nation, in its context is often considered unfair to the child.³ Wigiati Soetedjo, Child Criminal Law, Matter third, Bandung, Refika Aditama, 2010, pp. 29.6 Based on what has been described above, the authors feel attracted to deeper scrutiny about the application of law and judicial judgment to crimes committed by children. For that writer to lift thesis with title: Implementation of Criminal Sanction and Action Against Children According to Law no. 11 Year 2012 About Criminal Justice System Anak. B. Problem formulation Based on the background of the problem as described above, the authors formulate the formulation of the problem as follows: 1. How is the application of criminal sanctions and actions against children who commit a crime? What is the judge's judicial consideration in imposing sanctions and actions against a child who commits a crime? Research Objectives Based on the subject matter above, there are several objectives that are based on this research, namely: 1. To know and analyze the application of criminal sanctions and acts against children who commit criminal act 2. To know and analyze how the judiciary judgment in imposing criminal sanctions and actions against children who do crime 7D. Usefulness Research This research is expected to provide usefulness, both academically and practically, as follows: 1. Theoretically, this research is expected to contribute to the development of disciplinary substance in the field of jurisprudence, especially in the field of penal law. 2. Practically, as an ingredient that can contribute to the thought of government or decision makers in solving criminal problems especially in the process of juvenile justice.⁸ CHAPTER I. REFINERY REFERENCES. Understanding Anak Aakak is a gift from God Almighty who must be protected because in him embedded the dignity, dignity and rights as human beings who should be upheld. Children are an inseparable part of human survival

and the survival of a nation and a nation. In the Indonesian Constitution, children have a strategic role which is explicitly stated that the state guarantees the right of every child to survival, growth and development and for the protection of violence and discrimination. There is some understanding of the child according to the laws and regulations as well as according to the experts. But there is no uniformity about the child's understanding. In general we know what is meant with children that is still immature or still not married. Here are some differences in the definition of child legislation regulations. According to Article 45 KUHP Anak is if an immature is required because of the work he did when he was not 16 (six the judge may: order that it be returned to his parents; his guardian or his keeper, with no penalty charged; or ordered, that the defendant be handed over to the government with no imposition of a penalty, that is if the act includes a crime or one of the offenses described in Article 489, 490, 492, 496, 497, 503-505, 514, 417-32, 519, 526, 531, 532, 536 and 540 and it was done before two years after the previous decision blaming him for one of these offenses or after the crime; or punish the guilty child. According to Article 330 of the Civil Code 1. Loading the boundary between immature to the adult ie age 21 (twenty one) to known, except: a. Children who are married before the age of 21 (twenty one) tahun. Maturity (article 419 Civil Code) 2. Mention that the marriage that occurs to a person is not 21 (twenty-one) years old, has no influence on his maturity status. Thus, according to civil law called children, they are those who have not reached the age of 21 (twenty-one) years and are not married first. According to Article 153 paragraph 5 of Law Number 8 Year 1981 About the Criminal Procedure Code "The presiding judge may determine that the child who has not reached age 17 (seventeen) is not allowed to attend the hearing "According to Article 1 paragraph 1 and 2 of Law No. 3 of 1997 on the Juvenile Court 1. Child is a Child is a person who in the case of Naughty Children has reached the age of 8 (eight) years but has not reached the age of 18 (eighteen) years and has never been married. 2. Naughty Child is: a. a child committing a crime; or. a child who commits an act that is prohibited partak, either according to the laws and regulations as well as other legal rules that live and apply within the society concerned. Regarding the age limit above, has been amended by Decision of Constitutional Court. 1 / PUU-VIII / 2010, from 8 to 12 years and before the age of 18 years. So according to this law, that a person who has been eighteen years old and above at the time of 18 commits an offense then the claim is equal to the claim against the adult. In this case they are considered mature. 10 According to Article 47 paragraph 1 of Law No. 1 of 1974 concerning Marriage "A child who has not reached the age of 18 (eighteen) years or has ever held a marriage is under the authority of his parents as long as they do not deprive him of his power." According to Article 1 Sub-Article 2 of Law Number 4 Year 1979 About Child Welfare "The child is a person who has not reached 21 (twenty-one) years and has never married." According to Article 1 number 26 of Law Number 13 Year 2003 on Employment " any person under the age of 18 (eighteen) years ". According to Article 1 paragraphs 8 point a, b and c of Law Number 12 Year 1995 on Correctional Institutions,

the educative learner is: a. Criminal Son, which is a child based on a court decision in juvenile offices in the child's LAPAS, not later than 18 (eighteen) years old; Children of the State, namely children based on court decisions submitted to the state to be educated and placed in the child's LAPAS at least until the age of 18 (eighteen) years; Civil Child, a child who at the request of a parent or walinyamemperoleh determination of the court to be educated in the child's LAPAS at least until the age of 18 (eighteen) tahun. Menurut Article 1 number 5 of Law No. 39 of 1999 on Human Rights Anak is every human being aged under 18 (eighteen) years and unmarried, including a child still in the womb if it is in his interest. 11 According to Article 1 number 1 of Law Number 23 Year 2002 regarding Child Protection is a person not yet 18 (eighteen) years of age, including children who are still in the womb. According to Article 1 number 3 of Law Number 11 Year 2012 on Child Criminal Justice System Anak is a child who has been aged 12 (twelve) years, still not 18 (eighteen) years old who allegedly committed acts. Some understanding above which has been described in detail and can be concluded that children who are said to be immature and who can dap the child's offense is a child who is 12 (twelve) years old but not yet 18 (eighteen) years old who is suspected of committing an offense. In this law does not mention whether the child is or has not married, so if the child is bound in a marriage or marriage is terminated because of divorce, then the child is considered adult even though he is not yet 18 (eighteen) years old. From various matters according to science or law it provides a different child's understanding which according to each according to what is needed and the constraints within each are adapted to the development and needs of society. B. Understanding and Elements of Criminal Act 1. Definition of Crime The term of crime is a translation of strafbaarfeit, in the Criminal Code (Penal Code) there is no explanation with the intended strafbaarfeit itself. The Dutch language act is called strafbaarfeit, consisting of three syllables, namely straf defined as criminal and law, baar interpreted as and may, and feit which is defined as acts, events, violations and deeds. 12 Understanding of criminal acts in the Book of Law Criminal (KUHP) known as strafbaarfeit and in the literature about criminal law often use offense, while the legislator formulate a law using the term periswapidana or penal criminal or criminal action. 4 According to the formulation of jurists from translation strafbaarfeit yaitusuatu actions that violate or contradict the law or law, which act is done by mistake by someone who can be accountable. Here are some definitions about staafbaarfeit according to the experts: Simons defines strafbaarfeit as follows: "strafbaarfeit is an unlawful act which has been done intentionally or unintentionally by someone whose actions can be accounted for and by law it has been declared a punishable action." 5 Moeljatno called the criminal act as criminal offenses defined as follows: "The offending act that is prohibited by a rule of law, the prohibition of which is accompanied by a threat (sanction) in the form of a certain penalty for those who violate the prohibition . "6 Jonkers formulates that "Strafbaarfeit as a criminal event which he defines as an unlawful act (wederrechtelijk) relating to royalty or wrongdoing by a responsible person." 74 Amir Ilyas, Principles of Criminal

Law, Yogyakarta, Renggang Education Yogyakarta and PukapIndonesia, 2012 pp. 20.5 Leden Marpaung, Principles of Criminal Law Practice, Seventh Printing, Jakarta, Sinar Grafika, 2012, p. 8.7 Amir Ilyas, Op.Cit., P. 25.7 Ibid, pp. 2513S.R. Sianturi formulates a criminal offense as follows: "Crime is as an act on, place, time, and certain circumstances are prohibited (or required) and threatened with criminal by law is unlawful, and by mistake made by someone (responsible)." 8Many terms are used to refer to the definition of *astrafbaarfeit*, the various terms and meanings used by experts are motivated by reason and rational consideration as the point of view of each expert.

2. Elements of Crime The elements of crime can be distinguished on two elements, namely Subjective and Objective elements: The subjective element is an inherent element or existing in my sipel, the elements are: a. Niatb. Purpose or purpose c. Deliberate and unintentional (*dolus* and *culpa*) d. Responsibility While the objective element is the elements that are related to the circumstances in which the actions of the perpetrator are to be done. These elements include: a. Deeds b. Akibat. Ibid, pp. 2514 Some experts give an opinion about the elements of the criminal act that is: According to Moeljatno the elements of a crime are: 9a. Deeds b. That is prohibited by the rule of law. Criminal threat for those who violate the prohibition According to Tresna the elements of crime are 10a. Deeds or series of deeds (human) b. That is contrary to the laws and regulations. Conducted punitive measures From the limitations made Jonkers can be detailed elements of criminal acts: 11a. Actions (*yang*) b. Against the law (related to) c. Error (done by the person who can) d. Be accountableIn the meantime, Schravendijk within the limits it makes at length, if detailed there are elements as follows: 12a. Behavior (the person) b. Contrary to legal conscience c. Threatened with *hukum*and. Performed by the person (who can) e. Blame / errorIn addition to the experts, in Book II of the Criminal Code contains formulations concerning certain criminal acts that fall within the group of crimes, in book III contains violations. Apparently there are elements that are always mentioned in every formulation, which is about *Tingkah*9 Adami Chazawi, Criminal Law Lessons 1. Cet-6, Jakarta: PT. Raja Grafindo Persada, 2011, pp. 7910 Ibid, pp. 8011 Ibid, pp. 8112 Ibid15laku / deeds although there are exceptions such as Article 351 of the Criminal Code (persecution). Errors and unlawful elements are sometimes specified on the element of accountability. In addition, many include elements either around or about the object of crime and deeds in particular for certain formulas. According Adami Chazawi of the formulations of certain criminal acts in the Criminal Code, it can be seen the 11 elements of criminal acts, namely: 13a. Behavioral elements. Elements against the law. The element of error. Elements due to constitutive. Accompanying circumstances. An additional element of the requirement for *pidanag* is required. Element additional terms to aggravate *pidanah*. Elements of additional terms to be made available. Elements of the legal object of *pidanaj* action. Elements of the quality of the legal subject of acts of *pidanak*. Elements of additional terms to mitigate the criminal.From the 11 elements, including two elements, namely mistakes and against the law that includes subjective elements, while the rest of the

objective form, for example against the law of taking action (*Article 362 of the Criminal Code*) lies in taking it from outside the approval or will of the owner (against objective law). Or on Article 251 of the Criminal Code in the phrase "unlicensed to rule" also in article 253 on the phrase "using the original stamp against the objective law". But it is also against the subjective law such as against the law in deception (*Article 378 of the Criminal Code*), extortion (*Article 368 of the Criminal Code*), threats (*Article 369*) where it is mentioned to depend on yourself or others against the law. So is the element against the law on acts13 Adami Chazawi, Criminal Law Lesson Part 2, Jakarta: PT. Raja Grafindo Persada, 2002, pp. 8216C. Definition of Criminal Sanctions and Measures Sanctions are a logical consequence of a deed done. Sanctions can have the same understanding with punishment, but their understanding is different from the criminal. Criminal (*starf*) is the only sanction imposed in the field of criminal law. The definition of *sanction*pidana covers all types of criminal both in the Criminal Code as well as the criminal provisions outside the Criminal Code. In Indonesia is a country that uses two types of criminal sanctions at the same time, namely in the form of criminal (*straf*) and actions (*maatregels*). Theoretically, criminal suffering more, even though the elements of education and supervision and supervision become the main goal.Sedangkan action more directed to protection activities, guidance of a child. Criminal is defined as an affliction which is likely to be inflicted or imposed upon a person or persons as a result of the law (sanction) for his or her actions that have violated the criminal law. Criminal law is a discomfort (eg, restrictions, fulfillment of certain obligations) which imposed by the state through criminal justice because a person or a legal entity that is in violation of the law legally and convincingly guilty. The lightness of the act, personal circumstances of the Child, or the circumstances in which the action or the subsequent may be made judge's judgment not to impose criminal or to act in the sense of justice and humanity.171. Criminal Sanctions According to Law No. 11 of 2012 on the Criminal Court System of Children, against children who are in conflict with the law can be criminalized namely criminal and additional criminal. By paying attention to article 71 paragraph 1 and paragraph 2 is stipulated principal and added to children in conflict with *hukum*.a. Criminal Crimes There are several basic crimes against children, namely: 141. Criminal Criminal Crimes are minor crimes that do not result in restrictions on the freedom of children.2. Criminal on terms of criminal terms with the provisions of Law Number 11 Year 2012 is divided into 3 namely: 1) Coaching outside the institution In coaching outside the institution, which in essence as followsa) In the case of the Judge ruled that the Child be kept outside the institution, the institution where educationand coaching is determined in its decision.15b) Criminal guidance outside the institution may take the following means: 16□ participates in a counseling and guidance program conducted by the officer of the coach - following the therapy at the psychiatric hospital - following therapy due to abuse of alcohol, narcotics, psychotropic substances and other addictive substances.14 Article 71 paragraph (1) Article 74 Paragraph (1) of the Criminal Justice System of Children18 Article 75 (1) of

the Criminal Justice System Act 18c) If during the course of the coaching the child breaches a special requirement, the supervisor may propose to the supervisor to extend masapembinaan not exceeding the maximum of 2 (two) times the period of coaching that has not been executed will be. 172) Community service In the service of the community, the following matters are: a) Criminal service of the community is a means to educate the Child by raising awareness of positive social activities. 18b) If the Child does not fulfill all or part of the obligation to carry out criminal public service for no legitimate reason, the construction official may propose to the supervisory judge to order the Child to repeat the whole or part of the public service charge against him. 19c) The crime of community service for a Child shall be shortened at least 7 (seven) hours and at the most 120 (one hundred and twenty) hours. 203) Supervision.

In case of criminal supervision, which is principally as follows: 17 Article 75 paragraph (2) of the Criminal Justice System Law 18 Article 76 paragraph

- 1) Of the Criminal Justice System Law 19 Article 76 paragraph
- 2) Of the Criminal Justice System Law 20 Article 76 paragraph
- 3) Of the Criminal Justice System Law) Criminal oversight that can shall be imposed on Children no longer than 3 (three) months and no later than 2 (two) years. 21b).

In the case of the Child being sentenced to supervision, the Child shall be placed under the supervision of the Public Prosecutor and shall be guided by the Counselor of Publicity. 22 And in general the penalty shall be in the following terms: 23a) Criminal with a condition can be translated the judge shall be imprisoned for a maximum of 2 (two) years imprisonment.) In a court decision on a criminal on condition, general conditions and conditions shall be stipulated. c) The general requirement is that the child shall not commit another criminal offense during his / (a) The special conditions are to perform or not to do certain matters specified in the judgment by observing the freedom of the Child. e) A criminal term with special conditions longer than the criminal under general conditions. f) The duration of the criminal term with a maximum of 3 (three) tahun. g) During the course of the criminal on condition, the Prosecutor conducts supervision and Supervising the Social Assistance guidance so that the Child occupies the conditions that have been set. h) During the Child under the terms of conditions, the Child must follow 9 (nine) years of compulsory education. 21 Article 77 paragraph (1) of the Child Criminal Justice System Act 22 Article 77 paragraph (2) of the Criminal Justice System Law 23 Article 7 3 of the Child Criminal Justice System Act 203. Job training Job training is imposed on a child, subject to the following provisions: a) Job training shall be exercised in an organization which carries out job training appropriate to the child's age. 24 b) Criminal training shall be imposed at least 3 (three) months and no later than 1 (one) year. 254 . Guidance in the institution of the fostering of coaching within the institution shall be imposed on the child by the following provisions: a)

Criminal guidance within the institution shall be exercised in a workplace or a coaching institution organized by both government and private. 26 b) Criminal penalty within the institution shall be imposed in the event that the actions and actions of the Child shall not harm the public. 27c) Formation in the institution shall be implemented for a maximum of 3 (three) months and no later than 24 (twenty four) months. 28d) Children who have served 1/2 (one parcel) of the holding in the institution and not less than 3 (three) a month of good behavior is entitled to a citation exemption. 295. Prisons In the imposition of imprisonment there are several provisions that need to be considered as follows: 24 Article 78 paragraph (1) of the Criminal Justice System Law 25 Article 78 paragraph (2) of the Criminal Justice System Law 26 Article 80 paragraph (1) of the Child Criminal Justice System Law 27 Article 80 paragraph (2) of the Child Criminal Justice System Law 28 Article 80 paragraph (3) of the Child Criminal Justice System Law 28 Article 80 Paragraph (4) of the Criminal Justice System Act 21a) Criminal restrictions on freedom are enforced in cases of Crimes committed serious crimes or acts of violence accompanied by violence. 30b) Criminal restriction of freedom imposed on a Child shall be no later than 1/2 (one parcel) of the maximum pidanapenjangka yang dikancamkan adult. 31c) Minimum special prison penalty is not applicable to Child. 32d) The provisions on imprisonment in the Criminal Code apply to the Child as long as it is not contrary to the Law- This law. 33e) The child is sentenced to imprisonment in LPKA in the event that the circumstances and actions of the Child will be harmful an imprisonment that can be imposed on the Child for at least 1/2 (one parent) of the maximum pidanapenjara threat for adults. 35g) The guidance in LPKA is carried out until the child is 18 (eighteen) years old. 36h) Children who have undergone 1 / 2 (one parent) of the contemplative language of LPKA and of good conduct shall have the right to parole. 37i) The imprisonment of the Child shall be used only as the last resort. 38j) If a criminal act committed by a Child constitutes a crime punishable by a capital punishment or Article 79 paragraph (1)) Article 79 Paragraph (3) of the Child Criminal Justice System Code 33 Article 79 paragraph (4) of the Child Criminal Justice System Act 34 Article 81 paragraph (1) of the Criminal Justice System Law 35 Article 81 Paragraph (2) of the Child Criminal Justice System Law 36 Article 81 paragraph (3) of the Child Criminal Justice System Law 37 Article 81 paragraph (4) of the Child Criminal Justice System Act 38 Article 81 paragraph (5) of the P Law System Criminal Justice A child of life imprisonment shall be a maximum imprisonment of 10 (ten) years. 39b. Additional Criminal As has been mentioned that in addition to the principal punishment that can be massaged to the child may also be imposed in the form of: 401. Deprivation of profits derived from criminal offenses 2. Fulfillment of customary obligations 2. Sanction of Action In addition to criminal sanctions, also known as action sanctions. The act is the imposition of action sanctions against a person who is legally proven and guilty of guilt for the purpose of providing education and coaching and other specific actions. According to Law Number 11 of 2012 on the Criminal Justice System of the Child article 69 paragraph 2 that the 14-year-old child can only be subjected to

acts. Pasal 82 of Law Number 11 of 2012 is determined on the sanction of action which may be imposed by the judge on the child in conflict with legally proven lawnsalah namely: 1. Child-imposed acts include: 41a. return to parent / Walib. surrender to someone c. treatment at jiwad hospital. treatment at LPKS; e. the obligation to attend formal education and / or training held by the government or private body. revocation of driver's license. improvement due to criminal act2. The act as referred to in paragraph (1) sub-paragraph d, letter e, and huruff shall be imposed no later than 1 (one) year.4239 Article 81 paragraph (1) of the Child Criminal Justice System Act40 Article 71 paragraph (2) of the Child Criminal Justice System Act41 Article 82 Paragraph (1) of the Criminal Justice System Law23 In the case of surrender to a person in question is a submission to an adult who is judged to be capable, well-behaved, and responsible, by the Judge and trusted by the Child and this is done for the child's interest. Child Criminal Justice Process The age limit of 12 (twelve) years for the child to be presented in a pediatric court is based on sociological, psychological, and predicting considerations that a child who has not reached the age of 12 (twelve) years is considered to be unable to account for his / her actions. Children are not acting within the framework of the criminal justice process, but are used as a basis for making decisions by Investigators, Social Supervisors and Professional Social Workers. In this provision, the consideration of a Community Counselor is a community research report which is a requirement required before Investigators, Social Counselors and Social Workers Professionals make decisions. 21 paragraph 1, Investigators, Social Supervisors, and Professional Social Workers take decisions on children suspected or committing criminal acts, namely: 43a. Handed it back to the parents / Walib. Include in education, coaching and mentoring program in government institution or LPKS instantiated in social welfare field, both at central and local level, no later than 6 (six) months. Decisions taken by Investigators, Social Supervisors and Professional Social Workers are submitted to court to be stipulated in a maximum period of 3 days.4442 Article 82 paragraph (2) of the Criminal Justice System Act43 Article 21 paragraph (1) of the Child Criminal Justice System Act44 Article 21 paragraph (2) of the Criminal Justice System Law24 Each child arrested or detained is eligible for legal assistance of an Advocate or a legal aid provider at any level of examination in accordance with the provisions of this law. And in every level of examination the child shall be accompanied by the parent and or the person entrusted. Article 16 The Law on the Criminal Justice System of the Child states that "The provisions of the law in the Procedural Code of the Penal Code shall also be in the criminal justice of the child, unless otherwise provided in this Law". This means that the procedure in the examiner in the Criminal Justice System Act of the Child is in principle equal to the procedure of examination in the Criminal Procedure Code (KUHAP) unless the Act is to be determined otherwise. Special treatment regulated in this law is done for the best interests of the child and all decisions should always take into account the survival and growth of the Child and always keep the family order maintained. In the process of settling child crime cases, the

law enforcement has been specially specified either the investigator, public prosecutor, judge even to the judge kasasi. Primary criminal justice process has 4 stages namely Stages of Investigation, Arrest and Detention Stages, Prosecution Stages and Phase Checking in court trial1. The Investigation Stage The investigation contains the meaning of a series of actions by the investigator's official in the manner in which the law seeks to collect the evidence, with the evidence making or becoming a criminal offense that occurred and at the same time finding the suspect or the criminal act4545 Yahya Harahap, Discussion of Problems and Implementation of Criminal Procedure Code, Investigation and Prosecution, Second Edition, Jakarta: Sinar Grafika, 2006, pp. 10925 Investigators in child crime cases are child-eligible Investigators under this law which specifically investigates children in conflict with the law. The investigation of a child's case is required to seek advice or advice from a Counselor of the Community after a criminal offense is reported or filed, even if it is deemed necessary. Investigators may seek advice or expert advice from educators, psychologists, psychiatrists, religious leaders, professional Social Workers or Social Welfare Workers, and experts other.44 At this level the investigator shall seek the diversion of the settlement of the case of the Child from the criminal justice process to proceedings outside the criminal court conducted within 7 days after the investigation begins, while the Diversi not later than 30 days after the Diversion begins. If Diversi has succeeded or reached an agreement then in accordance with article 29 verse 3, the investigator conveys the event of Diversi along with the Diversi Agreement to the head of the court to make the determination. However, if Diversi fails then it is in accordance with Article 29 paragraph 4 The Investigator must continue the investigation and submit the case to the Public Prosecutor by attaching the news of the Diversi event and the social research report.472. Stages of Arrest and Detention The powers granted to the investigator are so wide-ranging. Out of the authority provided by a law, investigators shall be at liberty to undermine the freedom and basic rights of a person, provided that it still rests on the legitimate legal grounds of arrest and detention. It is also in the procedural law juvenile criminal justice.4846 Article 27 of the Criminal Justice System Law Act 47 Article 29 of the Criminal Justice System Law 48 M. Nasir Djamil, Children Not For Punishment, Note on Discussion of the Criminal Justice System Law, Jakarta: Sinar Grafika, 2013, p. 15626 Article 30 of the Criminal Justice System Law The child shall read: 1) The arrest of a Child shall be made for the purpose of an investigation not later than 24 (twenty four) hours.2) The child who is arrested shall be placed in the special service room of the Child.3) In the case of the special service room of the Child not yet in the territory concerned, LPKS.4) The arrest of a child shall be done in a human manner with respect needs to be equal to age.5) The cost for each child placed in the LPKS is charged to the ministry budget that carries out governmental affairs in the social field. In addition, In conducting the investigation, the Investigator coordinates with the prosecutor. The Coordination shall be conducted within a period of at least 1 X 24 (one time twenty four) hours from the beginning of the investigation. The

Defense of the Child shall not be done in the event that the Child obtains a guarantee from the Parent / Guardian and / or Institution that the Child will not escape, will not remove or destroy evidence, and / or will not repeat offenses. Detention of Anakhanya can be done under the following conditions: 49a. The child is 14 (fourteen) years old or older. Allegedly committing a criminal offense with a prison sentence of 7 (seven) years or more. This provision becomes a novelty as a form of retention of retirement age, given the age of under 14 (fourteen) years who are still vulnerable to detention. The guarantee of the rights of the child shall also be imposed for the duration of the child in custody, in the form of the physical, spiritual and social needs of the child. 49 Article 32 paragraph (2) of the Criminal Justice System Law shall be fulfilled. To protect the security of the child, a placement may be placed in the LPKS. The detention for the purpose of investigation shall be no longer than 7 (seven) days. The duration of detention at the request of the Investigator may be extended by the Prosecutor at the latest 8 (eight) days. When the time is over, the Child must be issued by law. Child Enhancement is held in LPAS. In the absence of LPAS, detention may be conducted at the local LPKS.50 In the case of detention carried out for the purpose of prosecution, the Prosecutor may hold a maximum of 5 (five) days in detention. The period of detention at the request of the Public Prosecutor may be extended by a State Court judge 5 (five days. In the event that the jjakelalah ends, the Child must be issued for the sake of law.51 In case of detention carried out for the sake of examination in court, the Judge may hold a maximum of 10 (ten) days. The term of the Judge's request may be extended by the state court of 15 (fifteen) days at the latest. In the event that the end of the period has ended and the Judge has not rendered the decision, the Child shall be required by law.52 The officer making the arrest or detention shall notify the Child and the Parent / Guardian of the right to obtain legal assistance. In the event that the official does not enforce the provision, the arrest or detention of the Child is null and void.533. Stages of Prosecution The stages of the subsequent criminal justice process are a process of prosecution. Prosecution is the action of the Public Prosecutor to delegate criminal cases to the District Court (PN), authorized50 Article 33 of the Criminal Justice System Law Act51 Article 34 of the Child Criminal Justice System Law52 Article 35 of the Child Criminal Justice System Law53 Article 40 of the Criminal Justice System Law Law 28 in the manner prescribed in the hearing. The prosecution in a child criminal law contains the meaning of the action of the General Prosecutor of the Child to delegate the case to the child's court with a request to be examined and decided by a child's judge in a child's trial. In the process of this stage, the public prosecutor charged with prosecuting a child committing a crime is a Child Public Prosecutor. This is in accordance with the provisions of Article 41 paragraph 1 Underprise System Law In case if in the process of child crime cases there is no public prosecutor who fulfill the conditions specified in this Law, then in accordance with article 41 paragraph 3 prosecutorial tasks carried out by the public prosecutor who perform criminal prosecution duties committed by adults At this stage the prosecutor is still required to strive for Diversi. If Diversi is successful

then the Public Prosecutor submits the Diversi news report along with the Diversi agreement to the head of the district court for a determination. However, if Diversi fails, the Public Prosecutor shall submit the news of the Diversi event and submit the case to the court by enclosing a report on the results of community research. This provision is contained in Article 42 paragraph 3 and 4 of the Child Criminal Justice System Act4. Stages of Examination in Court Session In judicial proceedings, the judge has a role in deciding on child crime. The judge who is in charge of handling and deciding on the children is the Judge of the Child. In this stage also the judge is still required to strive for Diversi as stipulated in Article 52 paragraph 2. In chapter 53 of the Criminal Justice System Act of children, children are presented in a special room of the trial of children, waiting room of the trial of children is different with the adult session waiting room and the time of the implementation of the children's session takes precedence of the adult trial. In addition, 29 judges examine the case of a child in a hearing that is declared closed to the general, except for the reading of the verdict. In a hearing, the judge shall order the parent / guardian or counselor, advocate, or other legal aide and a community adviser to assist. Although in principle criminal acts are the responsibility of the Son himself, but because in this case the defendant is a Child, Anaktidak can be separated with the presence of parents / Guardians. And if the judge does not involve a parent or guardian, advocate or lawgiver, then the child hearing is declared null and void, this is contained in article 553. 3. The court case of a child is embedded in order to create an atmosphere of affection and full of kinship, so that the child can prioritize all events and feelings openly and honestly while on the road. At the time of examining the victim's child and / or witness's son, the judge may order that the child be taken out of the courtroom. At the time of examination of the victim and / or witness's children, the parent / guardian, advocate, or other legal advocate and counselor remains present. In the event that the child of the victim and / or the child of the witness can not be present to give testimony before the court hearing, the judge may order the victim's child and / or the witness's son to be heard. Basically, the child's hearing is continued after the child is informed of the information given by the victim's child and / or child children are outside the court. So before the judgment is passed, the judge gives an opportunity to the parent or guardian and / or counselor to bring up a useful part. In certain cases the victim's child is given an opportunity by the judge to give an opinion on the case. Therefore, the judge shall consider the research report of the community from the counselor of the public before the judgment of the case, the fiber in the case of the social research report referred to above is not considered in the judge's decision, the ruling is null and void. In the process of reading the court decision shall be conducted in a public hearing session and may not be attended by the child . The identity of the child, the child of the victim, and / or the child of the witness shall still be kept secret by the mass media referred to in article 19 using only the initials without the image. Therefore, the court is required to provide decisions on the verdict read to the child or advocate or other aid providers, the public counselor and the public prosecutor and the court shall give a copy of the

decision no later than 5 days from the decision to the child or advocate or other legal aid providers, counselor and public prosecutor. E. Judge Consideration in Crime Determinating the defendant must be done if the defendant is proved in front of the court and of course the defendant as stated in the prosecutor's indictment. In declaring a defendant guilty requires a minimum legal means and can convince the judge of the wrongdoing done by the defendant. Afterwards, the defendant may be sentenced to a criminal offense. This is in accordance with the formulation of article 183 of the Criminal Procedure Code which affirms that Judge shall not impose a penalty on a person except in the event that at least two valid evidences he obtains the conviction that a crime is actually committed and that the defendant is guilty of doing so . Accordingly, the law requires two evidence of two minimum instruments of evidence convincing the judge to be guilty of a criminal offense committed by him. Article 184 paragraph 1 of the Criminal Procedure Code states that valid evidence is witness statements, expert information, letters, guidance and indictments.³¹ In the implementation, judges and prosecutors put forward factors which becomes a consideration in the prosecution and imposition of criminal namely things that lighten and incriminate. The mitigating factors include the young defendant, acknowledging his conduct and behaving decently. The aggravating factors are that the defendant does not acknowledge his actions, disturbs or disturbs the public, harms the state and so on.¹ Mitigating Things The mitigating punishment according to the Criminal Code is as follows: a. In the case of an incapacity or infacy, under article 47 paragraph (1) of the Criminal Code which reads as follows: "If the Judge punishes the guilty child, the maximum penalty for the offense is reduced by a third." B. In the case of attempts to commit a crime, under Article 5 paragraph (2) of the Criminal Code which reads as follows: "The maximum penalty prescribed for the crime is reduced by a third in the case of the trial." C. In the case of assisting in committing a crime, under Article 5 paragraph (1) which reads as follows: "The maximum penalty prescribed for the crime shall be reduced by one-third for the servants." 2. The Weakening Things That relieve punishment according to the Criminal Code is as follows: a. In the case of Concurus, as defined in Article 65 of the Criminal Code: 1) In the case of a combination of several acts which shall be regarded as stand-alone acts³² so as to constitute some crime, which is threatened with the same principal punishment, it shall be imposed only one criminal²) Maximum criminal sanction imposed shall be the maximum number of prisoners the criminal sanction against the act, but shall not exceed the maximum criminal penalty plus a third. And Article 66 of the Criminal Code which reads 1) In the case of a combination of several acts each of which shall be regarded as a self-contained act constituting some crime, which is threatened with unlawful principal, shall be subject to the criminal sanction of each crime, but the amount shall not exceed the maximum of the heaviest one-third. 2. In this case the penalty of fines shall be calculated according to the number of maximum penalty of substitution imposed for the act. " In the case of Recidive, Pursuant to Sections 486, 487, and 488 of the Criminal Code.³³

2. Research Analysis

A. Location Research

To obtain the necessary data and information relating to the problem and discussion of this thesis writing, the authors conduct research by selecting the location of research in Maros District. Data and information gathering will be implemented in a place that is deemed to have data in accordance with the object under study, namely the Court of State Maros.

B. Types and Sources Data

Adapun types and sources of data used in this study antaralain form: 1. Primary data, ie data collected directly by researchers who obtained the field through interviews with related parties.² Secondary data, ie data obtained through literature studies of books, documents, laws and regulations, scientific papers, literature from the Internet and others, which relate and support in this writing.

C. Data Collection Techniques

Techniques used to collect data is done with two ways namely:

Field research. Research carried out by direct descending to the research site to conduct direct observation. This method takes two ways:

- a) Direct interview with a judge who has handled the crime committed by child.³⁴
- b) Documentation that is tracing data in the form of documents and archives provided by related parties.

Library research research is conducted by collecting, reading, and browsing through a number of books, documents, laws, scientific papers, literature from the Internet etc., which are related and supportive of this writing. Data analysis obtained both primary and secondary is processed first and then analyzed qualitatively and presented descriptively by describing, describing, and describing in accordance with the problems closely related to this research, then drawing a conclusion based on the analysis that has been done.³⁵

3. Research and Discussion

Implementation of Criminal Sanctions And Measures Against Children Conducting Criminal Acts of Criminal Acts is an unlawful act that has been committed either intentionally or accidentally by someone whose actions are accountable and by the Act has been declared as a punishable act. If a person commits a criminal offense then the act must be accounted for. There are 2 (two) cases of children discussed by the author that is the case of children who are accustomed to Criminal Sanctions in Case Study Decision Number 08 / Pid.Sus-Anak / 2014 / PN.Mrs and cases of children who are accused Action in Case Studies Decision Number 114 / Pid.Sus-Anak / 2014 / PN.Mrs¹. Judgment of the Court Number 08 / Pid.Sus-Anak / 2014 / PN. Mrs Taking Attention to Article 287

Paragraph (1) of the Criminal Code, Law Number 11 Year 2012 on the Child Criminal Justice System and other laws relating to this case, M. Iqbal Bin Alias IQBAL MUHAMMAD YUSUF, proven legally and convincingly guilty of committing tindakpidana "intercourse with A WOMAN IN LUARPERKAWINAN fact knew THAT ALLEGEDLY ATAUSEPATUTNYA FIFTEEN YEARS YET old age IF NOT YET TIME TO JELASBAHWA be married" second alternative sebagaimanadakwaan primair 36 criminal Dropped to the son of M. IQBAL Alias IQBAL Bin MUHYUSUF therefore with imprisonment for 7 (Seven) Months. Determining the period of arrest and detention of the child is deducted entirely from the proposed penalty. Ordering that the Son M. IQBAL Alias IQBAL Bin MUHYUSUF remain in custody. □ Assigning goods evidence of: • 1 (one) long waist Jeans pants blue ral Mandalay brand • 1 (one) pink long sleeve pocket for blue, red front and women's drawing • 1 (one) purple bra • 1 (one) black panties with cinnamon blossoms Used in Case An. Muh.Ramadhan Bin Madani dkk □ Charges the cost of the case to each of the Children of a total of Rp. 2,000.- (two thousand rupiah) 2. Judgment of the Court Number 114 / Pid.Sus-Anak / 2014 / PN.MrsIn view of Article 197 Paragraph (1) of Law Number 8 Year 1981 on Criminal Procedure Law, Article 82 of Law Number 23 Year 2002, Law Number 11 Year 2012About the Child Criminal Justice System and other related regulations, POSSIBLE states the Defendant MUH. SALTUNG Alias ATTUNG Bin AGUS has been proven legally and convincingly guilty of committing a criminal act "Acts of Retribution Against Children" □ Dropping Measures therefore to the defendant "to return the Defendant to His Parents" □ To declare evidence in the form of: • 1 (one) color t-shirt blue sky blue bus3737 □ Charge the case fee to the defendant of Rp. 2,000, - (two thousand rupiah) 3. Judicial Author's Analysis in the investigation of criminal case trying to find and verify material facts based on facts revealed in the hearing, and sticking to what is formulated in the prosecutor indictment.Based on the above verdict that was read by the Judge in the hearing of decision reading, this has been in accordance with the provisions set in the Law -The Number 11 Year 2012 on the Criminal Court System of the Child that against a child who is legally proven and convinced of a criminal offense and fulfills all elements that are prosecuted by the prosecutor, the child may be subjected to one of the sanctions referred to in Article 71 regarding sanctions pidana and Article 82 regarding the Decision of the Tribunal Number 08 / Pid.Sus-Anak / 2014 / PN.Mrs impose the 7-month Prison Criminal Sanction against the defendant in accordance with the provisions of Article 71 paragraph 1 letter e of the SPPA Law, and Court Decision Number 114 / Pid.Sus-Anak / 2014 / PN.Mrs dropped S anksi The act against the indictment that is Returning to Parents has also been in accordance with the provisions of Article 82 paragraph 1 letter a of the SPPA Law. In imposing criminal sanctions and actions against children is prohibited to violate the dignity of the child. Therefore, the role of the Judge is very important because the sanctions imposed are expected to improve themselves and can create a deterrent effect so that the child does not repeat the deed done in the future.38B. Judge's Judicial Consideration In Criminal Penalties And Action Against Children Who Commit

Criminal Act1. Judge's Judgment Consideration in Decision Number 08 / Pid.Sus-Anak / 2014 / PN.MrsRemember, based on the testimony of witnesses of the iMbal Children's testimony and the evidence presented in the hearing has obtained legal facts as follows: 1) That is true the child M Iqbal has had intercourse with the victim's witness Hasni2) That it is true that the son of M Iqbal knows the witness of the new Hasni victim duahari3) That is true at the beginning of Friday September 05, 2014 around 19.30 Wita Witness Hasni's victim called Lk. MuhRamadhan and at that moment witness victim Hasni Asked to be picked up near the mosque Bonto Mairo City Maros4) That is true then witness Muh., Ramadan invites the child M Iqbal to pick up the victim witness Hasni, using a motorcycle owned by Om Lk. Muh Ramadhan then son of M Iqbal together with Lk. Muh Ramadhan picked up the victim witness Hasni5) That's right when he got to the side of the mosque there was a victim witnessHasniwaiting, and at that time by riding three whereas at that time, victim witness Hasni sitting amid the child M Iqbal who was driving the motorcycle is Lk. Muh. Ramadhanduduk balik6) That was true at the time of the bombing Witness victim Hasnimengatakan to child M Iqbal with the words "ambakka" which at that time according to the understanding of the child M Iqbal, Witness victim Hasnimeminta to child M Iqbal to disetubuhi so ketikasampai Jossa Company owned landfill located in Bontokadatto neighborhood, Maccini Baji sub-district, Lau district, Maros district, M Iqbal's son took the victim's Witness of Hasniturun from the motorbike and then withdrew the hand of the victim witness Hasni towards the pile, upon arrival at the heap Witness victim Hasnimkuka pants worn to the knees, and the child M Iqbal also opened his trousers, at that time also the son of M Iqbalkand insert his genitals into the vagina witness victimHasni Alias Ani, pushing her out in standing position, son M Iqbal do it ± 10 minutes so that children MIqbal finally issued fluid sperm that child M Iqbalkeluarkan outside the genitals Witness victim Hasni7) That was true after that the son of M Iqbal wearing his trousers as well as the victim Witness Hasni wearing his own pants, then the son of M Iqbal and Witness Hasni victim approached Lk. Muh.Ramadhan who was standing 8) That was true at that time the son of M Iqbal and Lk. Muh. Ramadhaningin escorted the victim witness Hasni home but the victim witness Hasnitidak willing to be escorted home and not how long there is a calling witness Hasni witness, and then the victim witness Hasni Minta In between homes Lk. Zaenal9) That is true then son M Iqbal together with Lk. Muh.Ramadhan escorted the witness of Hasni's victim to Lk's house. Zaenal AliasEnnal after that child M Iqbal Return to his house escorted by Lk.Muh.Ramadhan10) That it is true that knowing that the son of M Iqbal along with the witness Hasni victim is Lk. Muh Ramadhan alias Madani butanak M Iqbal does not know whether Lk. Muh Ramadhan saw M Iqbal when he witnessed the victim Hasni or not because it was at night and dark atmosphere let alone the distance of the child M Iqbaldengan Lk. Muh. Ramadan Als. Madani at that time about 20 meters 4011) That is true after the child M Iqbal fucked Witness victim Hasnimaka son M Iqbal piggybacking witness Hasni victim to the house Lk.Saenal located in Bontoa Kec.

Bontoa Kab. Maros with three with Lk.Muh. Ramadan Als. Madani and subsequently the son of M Iqbal returned to the home of the son of M Iqbal with dibonceng with Lk. Muh. Ramadan Als. Madani¹²) It is true that the son of M Iqbal knows that Lk. Muh. RamadhanAls. Madani has also fucked the victim's witness Hasni after Polres Maros and son Iqbal heard that Lk. Muh. Ramadh has also fucked witness Hasni's Witnesses at Lk's house. Saenal means after Lk. Muh. Ramadan Als. Madani escorted MIqbal's son home Lk.Muh. Ramadan Als. Madani returned to the house of Lk.Zaenal and fucked the victim witness Hasni as MIqbal had done¹³) That it is true that the son of M Iqbal did not know that the Saenal witness also Fucked the witness of Hasni's victim because the son of Iqbal did not see him at the time when in the Polsek barandasi M Iqbal's son heard also the confession of Lk . Zaenal who said that Saenal had also inflicted the witness Hasni witness at his home together with the witness Ramadan Als. Madani.¹⁴) That is true to the knowledge of the witness, the victim witness Hasni is still attending Junior High School¹⁵) That is true to the child M Iqbal is shown evidence in the form of 1 (one) long blue Jeans pants brand Mandalay., 1 (one) sleeves of pink, long sleeves, blue and red and women's drawings, 1 (one) colored bra, 1 (one) black panty hose with red flower. the witness recognizes and justifies the evidence is owned by the victim Witness Hasni which is used at the time of the incident⁴¹. Considering further that the Panel of Judges will consider whether based on the legal facts concerning the acts of the Son of God as mentioned above from the testimony of witnesses and statements of the Son of Mqqal and related to the evidence presented before the Court, the Child M Iqbal may be blamed for doing acts of punishment as set forth by the Prosecutor in his indictment. Considering that the Child M Iqbal by the Public Prosecutor is filed before the Court on Subsidiary Alternative charges which are: Kratic uPrimair: Article 81 Paragraph (2) of Law N0.23 of 2002 on Child Protection Subsidy: Article 82 of Law N0.23 of 2002 on the Protection of Children OrK edu aPrimair: Article 287 Paragraph (1) of the Criminal Code of the Sub-Office: Article 290 Paragraph (2) KuhpidanaSuspecting that the child is indicted by the Prosecutor with the indictment of an alternative form of subsidiarity, the Assembly shall choose to consider the indictment in accordance with the legal facts found in the hearing and from the indictment chosenpronounced the primair indictment firstly. Considering that based on the legal facts, that the child M Iqbal had sexual intercourse with the witness of Hasni's victim begins with Hasni's saksikbanban call Lk. Muh Ramadhan and son M Iqbal were invited by Lk.Muh Ramadhan to pick up victim witnesses near the Bonto Maerodi Mosque near the victim's witness house and on the way to Lk's house. Zaenal⁴² in an open place, and not far from the place is Lk.Muh Ramadhan, where there is no refusal from witnesses of Hasni victims for the sexual relations conducted, then between the child M Iqbal and the victim witness Hasni sexual intercourse without coercion, therefore the Assembly concluded it is more appropriate to consider the second indictment of the Public Prosecutor Considering that in the second indictment of the Public Prosecutor, the son of Iqbal is charged with violating Article 287 paragraph (1) of the

Criminal Code, whose elements are as follows: 1) Anyone 2) Having sex with a woman outside of marriage when he or she knows, not fifteen years or if the age is not clear yet the time to be married Considering that the next assembly will consider these elements as follows: 1) Items to Consider, that as for the element of anyone who contains the understanding of the person or man as the legal subject of the offender in this case is The son of M. IQBAL Alias IQBAL BinMUH YUSUF, in the face of the Trial of his identity has been matched with the identity as the Public Prosecutor's indictment was in fact a match between one another so that in the case of no error people (error in persona) presented before the Court Considering that during the hearing at the trial MIqbal Children capable of responding and firmly answering every question⁴³which is addressed to him therefore Son M Iqbal is a capable person responsible. Considering that based on the above considerations the Assembly believes in the element of who has been legally proven and convinced under the law²) The Unconsidered ElementsAccording to the fact that it means contact the inner side of the genitals Men and women in general can lead to pregnancy, does not need to change there has been semen expenditure in the woman's genitals (Mr..MH.Tirtaamidjaja.SH) Intercourse is an event where terj terj (penetration of the forensic medicine, p. 215) Considering that based on the legal facts found in court that on Friday, September 5, 2014, at approximately 8:00 pm Wita located at Jimba's Timbunan location located in Bontokadatto neighborhood, MacciniBaji Sub-district, Lau Sub-district, Maros Regency, Muh.Iqbal's son stops his motorcycle, M Iqbal invites the victim Hasni witnesses to the Jaffa Company's stockpile location, and MIqbal invites victim witness Hasni Alias Anni to connect the body, the child.M.Iqbal Opening the pants that wear and Saksikorban Hasni Alias Anni open pants that wear, anak.M.Iqbal insert his genitals by pushing out into the victim's Witness Hasni and after a while sperm out and spilled out the pest of the victim's Witnesses Hasnisemen tara Lk. Muh Ramadhan waited for a distance of about 2044meter, after the child.M.Iqbal finished intercourse with victim witnessHasni, then the child, victim witness Hasni triple with the witness Muh.Ramadhan went to Lk's house. Zaenal, and after returning home in LK. Muh Ramadhan while the victim WitnessHasni left at home Lk. Zaenal Considering that according to the Visum Et RepertumNo.1108 / RSU / VI / 2014 Dated 13 September 2014 from RSUSalewangang Maros signed by dr.Wahyuni SaddangSPOG, Examining Doctor at RSU Salewangang Maros with ResultsThe examination: Hymen is not intact. the law that the son of Iqbal had inserted his genitals into the vagina of the witness of the Hasni victim to exhaust the mani, and connected with the visum et repertum that it was true that the woman's witnesses were no longer intact with the occurrence of copulation between the son of Iqbal and the witness of the victim. on the basis of such considerations, the "Intercourse" element has been proven legally and convincingly.³) With a woman outside of marriage knowing her or he should be presumed to be her age of not fifteen years or if her age is unclear the time to be captured Considering that based on the legal fact of witness orban Hasniyang was born in Bunggawai on May

13, 2000, so when the victim witness case of Hasni is only 14 (fourteen) years old and 4 (four) months, and the son of M Iqbal understands the victim witness Hasni is still attending school at Junior High School and between the child of M Iqbal and victim witness nob is bound in a marriage Considering that based on the above legal facts, the son of Iqbal should have realized unworthy to interrogate the Hasni victim's victim which has not been properly married and there is no marriage bond with M Iqbal Considering that based on the consideration the Assembly concludes the element "with a woman outside marriage knowing or should be presumed to be fifteen years of age or if the age is not yet time to marry "has been proven legally and convincingly. Considering that since all elements of Article 287 paragraph (1) of the Criminal Code have been legally fulfilled, the Child M Iqbal shall be declared to have been proven to commit acts as alleged in the Second Prosecution of the Prosecutor General Considering that the second indictment of the Public Prosecutor has been expired, the indictment of the two subsidies shall not be considered anymore. Considering that during the examination of the Child M Iqbal in the mukapersidangan ti it is not found any justification or reason for the misinterpretation of Child M Iqbal then Child M Iqbal must be declared sincerely and convincingly proven guilty of committing a criminal act of sexually inflicting marriage that is not yet fifteen years of age or not to be married as the Second Primary Prosecution charges therefore M Iqbal should be responsible for his actions. Considering that the Bia Baccalaureate conducting community research in his suggestions and opinions as mentioned in the Community Research report Number: Mar.S./Res./Res.O./Res./Res./The Maros / 8 / IX / 2014-28 dated September 17, 2014 on behalf of 46MUHAMMAD IQBAL Bin MUH. YUSUF is principally at the time of the incident Children aged 17 years and 3 (three) months and the background of the incident is because of the association of children with more mature friends therefore Bapasmemberikan opinion / advice for Children placed in Lembaga PenyelenggaraKesejahteraan Sosial (LPKS) no later than 6 (six) months to obtain training and skills for the sake of his future Considering that at the hearing the child is accompanied by his parent explaining that the parent wants his / her child to be aware of his / her mistake so as not to repeat his / her actions and still be able to educate his / her children. Considering that the prosecution's demand is related to the request of the Child through Legal Counsel and responsiveness of the Child's parents as well as advice and opinions from the Counselor of the Community, the Judge will consider the following: • That the Child mingles with an adult friend and the child has ever watched a porno movie • That the act of M Iqbal's child may incur the burden psychologist for victim witness • Child M Iqbal still needs guidance and morale education and coaching not to repeat his actions • Son M Iqbal is young and should be given the opportunity to continue his education Considering that the purpose of punishment is not to avenge the Son but to remind that the deeds done by The child is in breach of the provisions of the Law by mistake, in the future to be more careful and not to do so, and to become a responsible citizen for himself, his family

and his environment. Considering that as the advice of the Community Guardian of the Makassar Prisoners that the Child is placed in the Organizing Body Social Welfare for a maximum period of 6 (six) months, the Assembly disagreed with the advice of the Counselor of the Community, because the justice not only for the child but also must pay attention to the witness, in where the victim's and his family's witnesses have been bearing disgrace and witnesses have borne the consequences of a child's misbehavior and burden in his later life. Considering that on the basis of such consideration the Assembly shall impose a penalty on the child so that the child is responsible for his actions and is expected not to repeat his actions. M Iqbal has been arrested and during the trial proceedings the case has been detained based on the arrest warrant and the legal arrest then the period of arrest and duration of the child in prison will be deducted entirely from the imposed penalty. Considering that because there is no legitimate reason to issue a child from custody then ordered the child M Iqbal remain on hold. Considering that the evidence consisted of: • 1 (one) long blue Jeans pants of the brandMandalay • 1 (one) long pink shirt for blue, red front and female drawing 1 (one) purple BH • 1 (one) black panty hose with red-colored flower48Considering that the above-mentioned evidence is still used in the Case of An.Anak Muh.Ramadhan Bin Madani, et al then the articles are used in the case of the child Muh Ramadhan et al ; Considering, that bybecause Child M Iqbal was found guilty and criminalized and there was never any request to be released from the payment of the court fee, the Child M Iqbal should be burdened to pay the court fee. Considering that before the court imposed the crime to the Iqbal Children, it will first be taken into consideration the circumstances which give rise and the mitigating circumstances of the deed The child: The incriminating circumstances: • The act of the child M Iqbal can lead to psychic trauma for the victim's Victim Relief: • Son M Iqbal regrets his actions and promises not to repeat again • Young M Iqbal's son is still expected to improve himself for his future2. Judge's Judgment Consideration in Decision No. 114 / Pid.Sus-Anak / 2014 / PN.MrsRemember, based on evidence and evidence presented under the following legal facts: • That is true on Sunday 25 May 2014 at around 17:00 Wita was located near the cemetery of Kaemba Village, DesaPabentengan Marusu Sub-district, Maros District, the defendant had sucked the victim's victim's breast. 49 • That was true that the defendant, victim witness and friend of the defendant was playing hideously, the defendant recalled the scenes that the defendant often watched on the mobile phone where the defendant arose a desire to practice the porn scene, the defendant then withdrew the victim's hand to go to the back of the house near the cemetery • That was true after the defendant manages to pull the victim witness's hand to the grave, the defendant then embraces, and kisses the victim's cheekaksi then lifts the witness's suit victim and then sucking the victim's breast. Whereas the defendant committed the act to the victim's witness because the defendant remembered the porn movie he had ever accused of watching on a cell phone belonging to a defendant's friend • That was true that the victim's witness did not want to be treated like that by the defendant and forbade the defendant to do so. However, the defendant

still forced the victim's witness and dropped the witness then the victim's victim's sister named Riri summoned the victim's witness to go home, the defendant then stood up and left • that the defendant was very sorry for his actions and promised that he would not repeating his actions and will not watch pornographic films (adult films) • That was true that the defendant then never opened his panty hose pants. Considering that furthermore Judge will consider whether based on the above legal facts, the Defendant can be misused the Defendant has been indicted by the Public Prosecutor with a single indictment as provided for in Article 82 of the Indonesian Law of the Republic of Indonesia Number 23 of 2002, whose elements are as follows: 1) Everyone.2) By Intentional Violence or Threats of Violence, Forced, Performing a Deceit, or A Series of Lies or Persuading a Child, Conducting or Allowing a Knockout Act. Considering that to these elements the Judge takes the following considerations: 1) Everyone Considers, that "Everyone" means any person or subject law as a supporter of the rights and duties of a criminal offense and to him / her accountable for his / her criminal conduct. Considering that the prosecutor has filed the defendant in court for allegedly committing a criminal act as described in the indictment of the prosecutor, is justifying the identity as set out in the indictment and related to each other and corresponding to the testimony of witnesses and articles of evidence in the court. Considering that in addition to the defendant in trial, the defendant is healthy physically and spiritually, so in the course of the trial the defendant can answer in good faith , therefore according to the Defendant's judge51MUH.SALTUNG ALS ATTUNG BIN AGUS is one who is capable of being responsible as a subject of criminal law. Considering that based on the above considerations, the 1st element of "Every Person" has been fulfilled.2) By Deliberately Violent or Threats of Violence, Forced, Traited, Decept or Encourages the Child, Conducts or Disposes of Obscene Acts. Considering that "Child" under section1 point 1 of Law No. 23 of 2002 is a person who is not yet 18 (eight bell as) years, including any child who is still in the womb. Considering that what is meant by "Acts of Pure Wretch" is all acts that violate decency or cruelty of all of which are in the sphere of sexual spirits such as kiumciuman, groping members of the genitals, touching the breasts and othersthat based on the result of the hearing in the hearing according to the statements of the witnesses and the statements of the defendants which are mutually compatible, it has been obtained that the facts are true on Sunday 25 May 2014 at around 17.00 pm located near the Kaemba Village cemetery of the Village of Marusu District Marosu District, the defendant has sucked the breast of the victim's witness Andi Fina Alfina Rein als Andi finaBinti A.Samsunar. Whereas the defendant's actions started when the defendant was witnessing the victim and the defendant's friend was hiding the hideout, the defendant suddenly remembered the scene of the pornoyang movie often the defendant was watching on the mobile of the defendant's friend, so that when the defendant arose to practice the scene, the defendant then withdrew the victim's hand to go to the back of the house near the cemetery. Whereas after the defendant manages to withdraw the victim witness's hand to the grave, the

defendant then embraces, kisses the cheek of the witness and then lifts the victim's witnesses and then sucks the fruit of the victim witness. Whereas based on the testimony of the victim's witness and the accused, at that time the victim's witness refused to be treated like that by the defendant and had forbidden the defendant to do so, but the defendant still forced the victim's witness and dropped the witness to the ground then the defendant overlapped the victim's witness and returned sucking the victim's breast but not later the witness Riri (the victim's witness's sister) summoned the victim's witness to the house, the defendant then stood up and left. Considering that the defendant's actions have been strengthened with Visum Et Refertum no. 94 / RSU / VI / 2014 dated 25May 2014 made and signed by dr.SYHRUNISYHRIR, SPOG as the examining physician at RSUSalewangang who has examined Witness of victim ANDI.FINA with examination results As follows: • Physical examination: o Public condition both conscious and conscious reddish reddish cuts 1 cm on the right breast of the right nipple.o Two reddish cuts appear along the 3 cm to the left of the right breast milk • Ultrasound examination: not done • Lab: not done • Rectal examination: no tearing membranes of blood53Conclusion: - Hymen IntakeConsidering that based on the testimony of the victim's witness AndiFina Alfina Rein als Andi fina Binti A.Samsunar and witnesses ANTIBINTI KARAENG GADING (mother of victim witness) and attached with the proof of the letter submitted by the public prosecutor in the form of photocopy of birth certificate No: 7973 / CS-Mrs / IV / 2011 dated 27 April 2011 signed by Drs. H. Irianto A. Achmad as Head of Department of Population and Civil Registry of Maros Regency has obtained fact hukumbahwa true victim witness Andi Fina Alfina Rein is the first child of husband and wife Andi Samsunar and Yanti who was born in Maros on May 28, 2005. So that the age of witness victim ketikaterdakwa do acts as described above are still 9 (nine) years old 3 (three) months. Thus the witness is still classified as a "Child" in accordance with article 1 number 1 of Law number 23 of 2002. Considering that in consideration as described above the 2nd element "By Deliberately Forcing Children to Perform Margin" in consideration of the Judge has been fulfilled. that with the fulfillment of all the elements contained in article 82 of Law No. 23 of 2002 it is proved all the elements in article 82 of Law Number 23 of 2002 hence the Judge concludes that the prosecution indictment against diriterdakwa violate article 82 of Law No. 23 of 2002 has been proven lawfully and the Judge shall be convinced that the indictment has been found guilty of committing a crime as meant in the sole indictment of the prosecutor. Considering that, although the defendant has been proven to have committed a criminal offense as charged by the prosecutor, whereas the penalty of the defendant should be exacerbated, while the case is still in the status of a child, and the case is in a system of judicial values in which on the one hand the defendant is a criminal who is held for criminal responsibility, on the other hand also as a victim or object in the judicial process of the child, without intending to ignore the circumstances of the victim of a criminal act committed by the defendant the Judge in this case agrees with the public prosecutor's demands and the Community Research Result Report

(LITMAS) on behalf of the defendant dated June 10, 2014 which demands and recommends the defendant "be returned to his parents for guidance". In addition to referring to Article 71 paragraph (4) of Law Number 11 Year 2012 which states that the criminal sanction imposed on the Child is prohibited to violate the child's pride and dignity, article 69 paragraph (2) of Law Number 11 Year 2012 stating a child who is not yet 14 (fourteen) years can only be subject to the best interests of the child and the deprivation of independence and punishment as a last resort as referred to in Article 2 Sub-Article d and Act Number 11 Year 2012, the defendant shall not be sentenced to prison but the Acts. That the action of the defendant is in the form of the defendant being returned to his / her parents. According to the judge's consideration, the defendant commits a crime act as the prosecution indicted because the defendant had previously watched a scene or pornographic video through his friend's cellphone, where while the defendant was in hiding with the victim's witness, the defendant recalled the scene so that eventually the defendant's desire to practice the action occurred. Whereas according to the judge's consideration in the a quo case, the defendant is a child who has not understood and understood what he has done so that the parents as the nearest person are expected to in the future be able to educate, nurture and supervise the defendant more seriously so that the defendant in the future can become a better child in all do not violate the law anymore. Considering that before the Judge handed down the decision against diriterdakwa then it will first be considered Things that incriminate and Mitigating Things

- The Insulting Things
- The act of the defendant makes the victim's family feel embarrassed.

The Defendants

The defendant is polite in court.

The defendant is still a child and still needs guidance in doing and acting and hopeful still can improve himself.

The defendant acknowledges and regrets his actions and promises not to repeat them again.

The defendant still has status as s students of junior high school 9 Ujung Bolo, Maros District.

Considering that the evidence in the form of 1 (one) blue shirt of blue sky jacket seized from Anti Binti Karaeng Gading (mother of defendant) according to the judge's consideration was returned to the victim's victim Andi Fina als Fina Rein. Considering that since the Defendant is found guilty of the act, in accordance with the provisions of Article 222 paragraph 1 of the Criminal Procedure Code, the Defendant must also be burdened to pay the enormous court fee to be determined in this verdict. Considering that everything contained in the Report on the Result of Community Research (LITMAS) on behalf of the defendant MUH. SALTUNGALS ATTUNG BIN AGUS dated June 10, 2014 and the minutes of the proceedings for brief shall be deemed to have taken the decision in this case.3. Author Analysis Decision-making is needed by the judge in determining the decision to be handed down to the defendant. The judge must be able to manage and process the data obtained during the trial process in this case the evidence, testimony of witnesses,

pleadings, prosecutor's claims as well as research reports of social guidance as well as the psychological content of both judges and defendants. The judge decides to impose a criminal sanction on the defendant also to consider the sense of justice towards the victim because the victim and his family have been bearing disgrace and the victim has borne the consequences of the defendant's actions that could be a trauma and burden in life kehyakelak. Dalam do research on Decision 08 / Pid.Sus-Anak / 2014 / PN.Mrs authors conducted interview On Wednesday 18 Desember 2014 with one of the judges who examined and mengadilिकास and the results of interviews with the author of Christina Enderwati, SH., MH who examined and adjudicated the case, he said that: "In the case of a judge imposing sanction on the child, pay attention to the facts of the trial, such as the evidence, the defendant's statements and the corresponding witnesses' testimony coupled with the conviction that the criminal sanction in this case it is also precisely the last alternative to the defendant. The judge also highly upholds the sense of justice towards the victim, whereas the pastor has suffered psychic trauma and also the consequences of the defendant's actions directly give negative impact to the victim's family. Previously the judge listened to the Supervisor's Research Report and the parent's information about the best things done for the child's interest. In addition, prior to the imposition of criminal sanction on the judge's child, consider the circumstances of the defendant as well as the circumstances that may relieve the defendant. "Based on this, it can be concluded that the judge to impose a criminal sanction against the child considers the circumstances that relieve and the circumstances that lighten the defendant, then in deciding the imposition of a criminal against the child is not a form of revenge to the Son but to remind that the action which the Son has done is to be offensive a provision of the Law, so that in the future the child is responsible for his actions and is expected not to repeat his actions and become a responsible citizen for himself, his family and his environment. Whereas in judgment the judge drops a Confronted Action stating that although the defendant has been proven to do so as the prosecution has prosecuted, the punishment of the defendant shall be exacerbated, considering that the defendant is still a 13-year-old child and this case is in the juvenile justice system where on the one hand the defendant is the perpetrator of criminal responsibility, on the other hand as a victim or objects in the juvenile justice process, then without intending to ignore the situation of the victim due to a criminal act that has been done by the judge's verdict concluded that the defendant should be returned to his parents for guidance. n Decision 114 / Pid.Sus-Anak / 2014 / PN.Mrs who researcher, On Wednesday December 18, 2014 in Maros District Court, the authors conducted an interview to the judge who decided this case, while the interviewer with Mrs. Samsidar Nawawi SH, MH, said that : "The judge in imposing action sanctions against the child, considering the age and consequences of the actions of the child. The age of the defendant was 13 years old and still a student of SMP58Kelas 2, when referring to the SPPA Act stating that a child who is not yet 14 years old can only be used for action. Based on that, then the judge decided to drop the act of returning to the parents to be nurtured. Given

parents is the most appropriate person to educate, foster and supervise the defendant more seriously, so that later on the child does not do or break the law again. Then also in the case of the judge deciding to impose the action against the defendant, the judge first considered the incriminating and the things that could relieve the defendant. "Based on this it can be concluded that the judge handed down the actions of the child considering incriminating and mitigating things the defendant then referred to Article 71 Paragraph (4) of Law Number 11 Year 2012 stating that the crime punishable to the Child is prohibited to violate the dignity of the Child, article 69 paragraph (2) of Law Number 11 Year 2012 stating that the child is not 14 (fourteen) years may only be subject to the actions and legal system of juvenile justice including the best interest for the child and the deprivation of independence and punishment as a last resort as referred to in Article 2 letter d and i of Law Number 11 Year 2012, and remembering the child still does not understand and understand what which he has done sehing gga parents as the nearest person the defendant is expected in the future can educate, develop and supervise the defendant more seriously again so that the defendant can become a better child in all respects and not violate the law again.⁵⁹Chapter VPENUTUPA.

4. Conclusion

Based on the results of research and discussion, the authors can conclude as follows:

- 1) Implementation of criminal sanctions and acts against children in criminal acts in two court decisions namely 08 / Pid.SusAnak / 2014 / PN.Mrs has been in accordance with the provisions of Article 71 paragraph 1huruf e namely the Criminal Sanctions Penalty in the form of prison for 7bulan and Decision No. 114 /Pid.Sus-Anak/2014/PN.Mrs has been in accordance with the provisions of Article 69 Paragraph 2 and Article 82 paragraph 1 letter a namely the Fall of Action in the form of return to parents in Law No. 11 of 2012 on the Criminal Justice SystemAnak.
- 2) Judge's legal considerations in imposing criminal sanctions and actions against children committing criminal acts in 2 decisions Court Number 08 / Pid.Sus / Anak / 2014 / PN.Mrs and Verdict Number114 / Pid.Sus-Anak / 2014 / PN.Mrs is with the fulfillment of all elements the articles in the indictment, and the statements of the witnesses and the corresponding accusations of the defendants plus the judge's convictions.

In addition, in the imposition of criminal and judicial acts, first consider the incriminating and mitigating factors.According to the Authors the judge imposed the criminal against the child with the purpose of punishment to give effect Deterrent of the defendant and the defendant does not repeat his actions again and to educate the defendant agarmenyadari his actions then the criminal sanction imposed by the judge according to the author is appropriate, but must still pay attention to the rights and needs of children during the process of punishment sehinggakeleleljal undergoing the punishment process,

children can improve themselves and not aka n repeating his deeds. Then the judge who decides to give action to the child in the form of a refund to the parent to be fostered, according to the author is appropriate because remembering the act is still 13 years oldregarded not yet understand and understand about what he has done so that the parents as the nearest defendant is expected in the future can educate, membina dan watch over the defendant more seriously again so that terdakwa kedepannya can be a better child in all things and not violate the law again.

AdviceAdapun suggestions that the author can provide in connection with this writing ini, as follows:

- 1) It is expected that parents should increase their awareness and supervision to their children because of frequent unexpected actions due to opportunities. And also the people tualebih prioritize the child's education so that the child will not akanterjerumus to negative things.
- 2) It is expected that law enforcement officers should pay attention to the provisions that apply to the defendant who in this case is categorized as a child, in the case of imposition of more sanctions towards the education and character development of the children so that prison criminal threats become the last alternative in sanctioning the child.
- 3) It is hoped that the public and the government will be willing to accept and assist the defendant in the midst of their lives after the legal process has been completed, with the aim of preventing defendants who have been convicted in order not to repeat the crime in general and the same deeds in particular, in accordance with the defendant's self-defeating purpose.⁶¹

References

- Abintoro Prakoso, 2013, *Renewal of the Child Criminal Justice System*. Yogyakarta: Laksbang GrafikaAdami Chazawi, 2002. *Criminal Law Lesson Part 2*. Jakarta: PT. RajaGrafindo Persada . _____, 2011. *Criminal Law Lesson 1*. Cet-6. Jakarta: PT. RajaGrafindo Persada.Amir Ilyas, 2011. *Principles of Criminal Law*. Yogyakarta: Rangkap Education and Pukap Indonesia.Andi Hamzah. 2011. *KUHP & KUHP Revised Edition*. Jakarta: Rineka Cipta.Bambang Waluyo, 2008, *Penalties and Penalties*, Jakarta: Sinar Grafika.Barda Nawawi, 2011, *Comparison of Criminal Law*, Jakarta: Raja Grafindo.Bunadi Hidayat, 2010, *Criminalization of Underage Children*, Bandung: Alumni.H. R. Abdussalam. 2012. *Child Protection Law*. Jakarta: PTIKLeden Marpaung, 2005. *Principles, Theory, Practice of Criminal Law*. Jakarta: SinarGrafika.Lilik Mulyadi, 2005. *Juvenile Court in Indonesia*. Bandung: Mandar Maju.Maidin Gultom, 2010, *Legal Protection Against Children*, Bandung: RefikaAditama.M. Nasir Djamil, 2013. *Children Not for Dihukm: Discussion Notes on the Criminal Justice System*. Jakarta: Sinar GrafikaM. Sholehuddin, 2004. *Sanction System in Criminal Law*. Jakarta: PT. RajaGrafindo Persada.Romli Atmasasmita, 1983. *Child Delinquency Problems*. Bandung: Armico . _____, 1996. *Criminal Justice System: Perspectives of Existentialism and Abolitionism*.

Bandung: Son A. BardinR. Soesilo, 1991. Criminal Code (KUHP) .Bogor: Politea.Sri Sutatiek, 2013. Reconstruction of Sanction System In Child Criminal Law In Indonesia. Jakarta: Aswaja Pressindo.62Wigiati Soetedjo, 2010. Child Criminal Law. Third printing, Bandung: RefikaAditama.Wirjono Prodjodikoro, 2003. Certain Criminal Acts in Indonesia.Bandung: PT. Refika Aditama.Yesmil Anwar, and Adang, 2010, Criminology, Bandung Refika: Aditama.Rules of Laws-Invitation Book Criminal Law Criminal Law Book Criminal Procedure Code Criminal Procedure Law No. 3 of 1997 About the Court of the Child Law Number 1 Year 1974 Concerning Marriage Law No. 4 of 1979 Concerning Child Welfare No. 13 of 2003 on Manpower Law No. 12 of 1995 on Corrections Act No. 39 of 1999 on Human Rights Law No. 23 of 2002 on the Protection of Children -Undonesia Number 11 Year 2012 on Child Criminal Court System Decision of the Constitutional Court No. 1 / PUU-VIII / 2010