

Educational Crimination for Minor Children Who Complete Criminal Offices in Indonesia

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Abstract

Children have the right to the protection of their constitutional rights, such as guaranteeing laws and regulations that are pro-child rights. Because the direction of legal policy aims to make law a rule that provides protection for the rights of citizens and guarantees the lives of future generations. The formulation of the problem in this research is How is the educative punishment system for children as criminals in Indonesia today? and 2. How is the educative punishment system in the future appropriate for children as perpetrators of criminal acts?. The research method used is this method is used juridical normative emphasizing on the science of law and the study of legal rules that apply in society related to the criminal system against children as perpetrators of criminal acts. The specifications used in this research are analytical descriptive, because this research is expected to obtain a clear, detailed and systematic picture. The legal materials used are primary, secondary, and tertiary legal materials. Analysis of qualitative descriptive legal materials. The results showed that child protection law is a legal subsystem and the purpose of criminal law, which includes a basic understanding of the principles of criminal law such as territorial principles, active personal principles, passive personal principles, universality principles, fictitious principles, and others. There are two legislative steps taken to protect children involved in criminal acts, namely Law Number 11 of 2012 concerning Juvenile Courts and Law Number 12 of 1995 concerning Corrections. An educational punishment system that is appropriate in the future for children as perpetrators of criminal acts is not given criminal sanctions by placing children in prison. The provision of educational sanctions must be the main consideration for judges in imposing sanctions, such as placing children in special schools that can place children as individuals who must receive guidance both morally and intellectually. The government should have started to seriously implement Restorative Justice, because this is an alternative for juvenile justice in Indonesia that prioritizes a welfare approach and a justice approach.

Keywords

punishment; children;
restorative justice



I. Introduction

Children are part of society, they have the same rights as other communities that must be protected and respected. Every country anywhere in the world is obliged to give adequate attention and protection to children's rights, which include civil, economic, social and cultural rights. However, it seems that the position and rights of children from a juridical perspective have not received serious attention from the government, law enforcement and society in general and are still far from what should be given to them.

This condition is also complicated by the weak application of the law regarding children's rights by law enforcement officials themselves.

Children's rights are part of human rights that are guaranteed and protected by international law and national law, which are universally protected in the Universal Declaration of Human Rights (UDHR) and the International on Civil and Political Rights (ICPR). The difference in treatment of children's human rights with adults is regulated in special international conventions. As stated in the Declaration of the Rights of the Child:

"...the child, by reasons of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth" The 1993 Vienna Declaration produced by the World Conference on Human Rights (HAM), re-emphasized the principle of "First Call for Children", which emphasized the importance of national and international efforts to promote children's rights to "survival protection, development and participation."

In Indonesia, regulations that basically respect and pay attention to the rights of children, namely the ratification of the Convention on the Rights of the Child (CRC) by Presidential Decree Number 36 of 1990. Other laws and regulations that have been made by the Indonesian government include, Law Number 39 of 1999 concerning Human Rights, Law Number 11 of 2012 concerning the Juvenile Justice System, Law Number 35 of 2014 concerning Child Protection. Substantially, the law regulates children's rights in the form of rights to life, rights to names, rights to education, rights to basic health, rights to worship according to their religion, rights to express, think, play, create, rest, socialize and social security rights. .

The making of these rules is very clear that the State is very concerned about and protects the rights of children. Everyone's rights must be upheld. But unfortunately in its application, law enforcement problems often experience obstacles and obstacles, both caused by internal factors and external factors. One of them is in the criminal system, which until now sometimes still treats the children involved as perpetrators of criminal acts like perpetrators of crimes committed by adults. Children are placed in a position as a criminal who deserves to receive the same punishment as adults and applies in Indonesia.

Whereas the punishment itself is more oriented to the individual perpetrator or commonly referred to as individual responsibility (Individual responsibility) where the perpetrator is seen as an individual who is able to take full responsibility for his actions. While the child is an individual who has not been able to fully realize the actions / deeds he did, this is because the child is an individual who has not matured in thinking. Without realizing it, of course, it can have a great psychological impact on the child which in turn affects the mental and mental development of the child. Therefore, by treating the child the same as an adult, it is feared that the child will quickly imitate the treatment of those around him.

Juvenile delinquency or in foreign terms is called juvenile delinquency, is discussed in the United States Judiciary Agency in an effort to establish a Juvenile Justice Act. There are two things that become the main topic of discussion, namely in terms of violations of the law and the nature of the child's actions whether they have deviated from the applicable norms and violated the law or not. Juvenile Delinquency is an act or act of violating norms, both legal norms and social norms, carried out by young children.

The provisions of child crime or what is called child delinquency are defined as a form of crime committed by children in special titles from the Criminal Code section and/or statutory regulations. Juvenile courts were formed because of the concerns that hit European and American countries over criminal acts committed by children and youth whose numbers are increasing from year to year. However, the treatment of adult criminals

requires special protective measures for child criminals. Juvenile courts are intended to overcome conditions that are less favorable for children, and in the implementation of the criminal justice process children should not be treated the same as adults.

In Indonesia itself, in order to realize a judiciary that really pays attention to the interests of children, it is necessary to create a limited court for children to ensure the interests of children through Law Number 11 of 2012 concerning the Juvenile Justice System, which was ratified by the Government on July 30, 2012. Special courts for children are held to overcome the problem of criminal acts committed by those who are still classified as children, all of which must be tried in courts for children who are in courts within the general court environment.

The Law on Juvenile Court will provide a national legal basis for legal protection for children through the juvenile justice system. In addition, Law Number 11 of 2012 concerning the Juvenile Justice System, which is intended as a more stable and adequate legal instrument in carrying out guidance and providing legal protection for children who have problems with the law as well as the enforcement of children's rights and children's law to realize the principle of best interests for the child (the best interest of the child). The provisions contained in Law No. 11 of 2012 concerning the Juvenile Justice System have partially referred to such signs. Deprivation of liberty, for example, must be carried out only as a measure of the last resort, which relates to the right of children not to be separated from their parents.

Based on the description above, the problem of protecting children is very broad, so here the author limits the problem, especially for children as perpetrators of criminal acts, with the motives and various suggestions used. So that the main problems can be formulated as follows: 1. How is the educative punishment system for children as perpetrators of criminal acts in Indonesia today? and 2. How is the educative punishment system in the future appropriate for children as perpetrators of criminal acts?

II. Review of Literature

This method is used normative juridical emphasizing on the science of law and the study of legal rules that apply in society related to the criminal system against children as perpetrators of criminal acts. The specifications used in this research are analytical descriptive, because this research is expected to obtain a clear, detailed and systematic picture. While it is said to be analytical because the data obtained will be analyzed for solving problems in accordance with applicable legal provisions.

III. Result and Discussion

3.1 Educational punishment system for children as perpetrators of criminal acts in Indonesia today

Child protection law is a legal subsystem and the purpose of criminal law, which includes a basic understanding of the principles of criminal law such as the territorial principle, the active personal principle, the passive personal principle, the universality principle, the fictie principle, and others.

There are two legislative steps taken to protect children involved in criminal acts, namely Law Number 11 of 2012 concerning Juvenile Courts and Law Number 12 of 1995 concerning Corrections.

Law Number 11 of 2012 introduces a special term for children who have reached the age of 12 who commit a crime, if the child who (proven) commits a "criminal act" or who

commits an act that is prohibited for the child, is not referred to as "bad boy" but "child in conflict with the law". (Article 1 paragraph 3) Law Number 11 of 2012 is referred to as juvenile criminal law which specifically regulates juvenile justice which includes juridical phenomena and the primacy of legality in dealing with child abuse or children as victims (victima) of crimes and or criminal offenses.

The basic provisions of the criminal procedure law for children in Law Number 11 of 2012 concerning the Juvenile Justice System are regulated in articles 16 to 25, where in these articles the protection of children is prioritized and how to handle children's cases by going through more complex phases. It is determined in Article 18 of Law No. 11 of 2012.

The provisions in Law Number 11 of 2012 concerning Juvenile Justice are part of the positive points of Child Criminal Law. With the enactment of Law Number 11 of 2012 as positive law in Indonesia, it abolishes several basic provisions against children as regulated in Articles 45, 46 and 47 of the Criminal Code.

Based on Law Number 14 of 1970 concerning Basic Provisions of Judicial Power, which was previously amended by Law Number 35 of 1999 and then changed to Law Number 4 of 2004 concerning Judicial Power in Article 10 paragraph (2), there are only There are four types of courts known in Indonesia which have their respective authorities, namely:

1. General Court
2. Religious Courts
3. Military Court
4. State Administrative Court

However, Law Number 4 of 2004 allows for the administration of justice in a manner adapted to prosecute children. Courts with special procedures are held within the scope of the authority of the general court. Juvenile justice is held not only regarding criminal cases where children are accused of being violators, but also includes civil cases in cases where parents or guardians submit their children to be educated by the State.

Juvenile criminal justice includes all activities of examining and deciding criminal cases involving children. And the system is also different from the examination of adult criminals. Soedarto said that juvenile justice includes all activities of examining and deciding cases involving the interests of children.

The Juvenile Court Law in Article 40 states that the procedural law applicable in juvenile court proceedings is the Criminal Procedure Code (KUHAP) unless otherwise stipulated in this law. Thus, the procedural law applicable to children involved with the system of judicial justice administration in Indonesia is the Criminal Procedure Code and the Juvenile Court Law.

Law Number 4 of 1979 concerning Child Welfare has relevance to children involved with the system of administration of juvenile justice. Article 6 states as follows:

- (1) Children who experience behavior problems are provided with services and care aimed at helping them to overcome obstacles that occur during their growth and development.
- (2) Services and care, as referred to in paragraph (1), are also provided to children who have been found guilty of violating the law based on a judge's decision.

The issue of children in conflict with the law is also regulated in the Human Rights Law Number 39 of 1999 in Articles 52-66, namely:

1. Every child has the right not to be subjected to abuse, torture or inhumane punishment.
2. The death penalty or life imprisonment cannot be imposed for juvenile offenders.
3. Every child has the right not to be deprived of his liberty against the law.

4. Arrest, detention, or imprisonment of a child may only be carried out in accordance with applicable law and can only be carried out as a last resort.
5. Every child who is deprived of his liberty has the right to be treated humanely and with due regard for his personal development needs in accordance with his age and must be separated from adults, except in his interests.
6. Every child who is deprived of his freedom has the right to obtain legal aid or other assistance effectively in every stage of the applicable legal remedy.
7. Every child who is deprived of his freedom has the right to defend himself and obtain justice before an objective and impartial juvenile court in a trial that is closed to the public.

The imposition of punishment on children is different from the imposition of punishment on adults. Children are given the lightest possible punishment and half of the punishment for adult criminals. In the context of criminal law, there are 2 (two) types of maximum criminal threats, namely the general maximum penalty and the specific maximum criminal threat. The general maximum is referred to in Article 12 paragraph (2) of the Criminal Code, namely imprisonment for a certain period of a minimum of 1 (one) day and a maximum of 15 consecutive years. So the general maximum penalty is the maximum length of punishment for all criminal acts. The maximum length of punishment for each criminal act is a special maximum.

For children who violate the law, the criminal sanctions must be more educating and fostering children towards a better life, so that they become law-abiding members of society. Therefore, the nature of sanctions or actions for children must be different from the nature of criminal sanctions for adults. There are several types of crimes that cannot be imposed on minors, including:

- a. death penalty;
- b. Life imprisonment;
- c. Additional punishment in the form of revocation of certain rights;
- d. Additional punishment in the form of announcement of the judge's decision.

Two things that should be considered in the matter of arresting naughty children are when and when the arrest is possible according to the law, namely: a. In the case of being caught red-handed b. In the event that it is not caught red-handed. Article 18 paragraph (2) of the Criminal Procedure Code regulates that being caught red-handed, the arrest is carried out without a warrant. However, with a note that the arrested perpetrator and the evidence must immediately be handed over to the authorized official (investigator).

Investigating officials must immediately examine whether the act committed has fulfilled the requirements for the issuance of a temporary arrest order or not. If indeed these conditions cannot be met, then there is no reason for the investigator to make an arrest, and the suspect must be released immediately.

Article 17 of the Criminal Procedure Code has determined that an order to make an arrest is made against a person who has been strongly suspected of committing a crime based on sufficient preliminary evidence. The purpose of sufficient preliminary evidence here is preliminary evidence used to suspect a criminal act. So in terms of making arrests it cannot be carried out arbitrarily, it is only aimed at those who are truly proven to have committed a crime.

By explicitly stating in Article 18 that one of the reasons for making detentions is also taking into account the interests and rights of the child, it can be concluded that the interests of the child are still the main consideration in carrying out detention. Detention is the last resort taken and taken by the judge in resolving the case of the Naughty Child. What this means as a last resort is as follows: detention often does more harm than good.

This is contrary to the spirit to rehabilitate children and is contrary to one of the main principles in children's rights, namely "the best interests of the child" (Law 23/2002 on Child Protection, Article 2(b)).

With the comparison between the Juvenile Court Law and the Criminal Code (KUHP), it can be seen that the Juvenile Court Law provides lighter criminal threats to children when compared to the Criminal Code. The enactment of the Juvenile Court Law has created several new standards, one of the most important of which is the stipulation of a lower age limit for a child to be deemed not to have the capacity to commit a crime.

The Implementation of the Educational Criminal System Against Children in Juvenile Justice Practice Currently, the juvenile justice system is all elements of the criminal justice system that are involved in handling cases of juvenile delinquency, which can result in children being in conflict with the law. dealing with the law is every child who has been found guilty of violating the applicable criminal law; and every child who is a victim and/or witness in a crime event. The integration of the criminal justice system is defined as "...the collective institution through which in accused offender passes until the accusation has been disposed of or the assessed punishment concluded...".

The integrated criminal justice system is not a system that works in one work unit or part that is literally unified, but rather the existence of a harmonious combination between sub-systems to achieve one goal. The purpose of an integrated juvenile justice system should be more emphasized on efforts to resocialize, rehabilitate and socialize because in handling cases of children, the fulfillment and protection of children's rights is the main goal and must be based on the principle of the best interests of the child. child) and neglect of child welfare. Child welfare is important because: a) Children are the potential and successor of the nation's ideals whose foundation has been laid by previous generations; b) So that every child is able to assume these responsibilities, then he needs to have the opportunity to grow, develop naturally; c) Whereas in society there are children who experience obstacles in their spiritual, physical, social and economic welfare; d) The child has not been able to take care of himself; e) That eliminating these obstacles can only be implemented and obtained if the child welfare efforts are guaranteed.

In Article 1 point 1 a of Law Number 4 of 1979 it is stated that child welfare is a way of life and livelihood of children that can ensure proper growth and development both spiritually, physically and socially.

Judges as the last institution that most determines the fate of children prefer to "punish" by placing children in correctional institutions rather than giving alternative decisions. In fact, admitting children into correctional institutions is not the only way to improve the morals and behavior of children. The State detention house as a place of detention before a court decision is made, often places children mixed with adult prisoners. Article 45 paragraph (3) and paragraph (4) of Law Number 3 of 1997 states that the place of detention of children must be separated from places of detention of adults and as long as the child is detained, the physical, spiritual and social needs of the child must be met. The number of special detention houses for children in Indonesia still does not meet the requirements. Usually in practice the strategy adopted to protect children who are forced to be placed in adult detention centers is to place them in separate rooms and separate from adult prisoners. This is to avoid negative consequences because it is feared that it can transmit bad experiences to children so that it can affect their mental development. However, due to the existing limitations, there is often a shortage of rooms designated for children, which ultimately results in the children being forced to be placed in a correctional institution designated for adults, but still being separated by sex. This is to avoid negative consequences because it is feared that it can transmit bad experiences to children so that it

can affect their mental development. However, due to the existing limitations, there is often a shortage of rooms designated for children, which ultimately results in the children being forced to be placed in a correctional institution designated for adults, but still being separated by sex. This is to avoid negative consequences because it is feared that it can transmit bad experiences to children so that it can affect their mental development. However, due to the existing limitations, there is often a shortage of rooms designated for children, which ultimately results in the children being forced to be placed in a correctional institution designated for adults, but still being separated by sex.

It is very dangerous to combine juvenile detainees with adult detainees. In addition, it does not reflect the protection of children. Children may know experiences of committing crimes that they have never known before and even children may become victims of sexual abuse while in detention. Until now, with the existence of Law Number 3 of 1997 concerning Juvenile Court, it has not been able to be considered by the judge to provide other alternative punishments as stated in Article 24.

The imposition of a crime or action must be accountable and can benefit the child. This is to prevent unwanted consequences that are detrimental to children, so it is necessary to pay attention to the ethical basis for punishment, namely justice as the only basis for punishment. The crime must be educative, constructive, not destructive and must meet the interests of the child concerned. The provision of educative punishment to children, by punishing them for following moral and moral guidance carried out by religious institutions, education or job training is still minimally applied by judges at this time.

3.2 The Right Future Educational Penalty System for Children as Criminal Actors

Formulation of a Penalty System that Educates Children as Criminals (Diversion As One Effort Towards Restorative Justice) Children in conflict with the law are children who are suspected of, charged with or found guilty of violating the criminal law. Child delinquency has been the thought of a number of major countries in the world for a long time. The existence of the Beijing Rules which is the goal and spirit of juvenile justice systems around the world, forms the basis for the general principles to be achieved in implementing juvenile justice. What is stated and written in it is the minimum condition deemed appropriate by the United Nations in dealing with criminals in any system.

If we look at the Minimum Standard Rules issued by the United Nations on the Administration of Juvenile Justice (Beijing Rules) and ratified through United Nations Assembly Resolution No. 40 / 33 dated November 29, 1985, has general principles regarding: a. Age of Criminal Liability. Not too low, considering emotional, mental and intellectual maturity b. Objectives of Justice for Children. The proportionality between the violation of the law and the violator of the law c. Discretionary Scope. Allowed at all stages of justice d. Rights of the Child. Presumption of innocence, Right to be informed that he will be prosecuted, Right to remain silent, Right to a lawyer, Right to the presence of a parent or guardian, Right to face and cross-examine witnesses and Right to appeal e. Privacy Protection.

On (Rule 14-18); United Nation Standard Minimum Rules For The Administration of Juvenile Justice (Beijing Rules) it is stated that placing children in correctional institutions (prisons) should be placed as a last resort, and even then only for the short term. Detention of children solely for reasons of adjournment of the trial is avoided. (Rules 21-23); After going through the adjudication process, the child can finally be placed in an institution or maybe outside the institution to be fostered. The implementation of child development outside the institution is well prepared by involving an independent institution, such as

Parole, Probation, Child Welfare Institutions with qualified officers, supported by adequate facilities within the framework of child rehabilitation.

Detention of children is not the main way to improve the morale of children. The crime of depriving children of liberty only has a deep traumatizing effect on the child. A clause that is most relevant here is about the criminal deprivation of institutionalization independence, which according to the Beijing Rules should be applied after considering two main things: (a). as the last resort; or as a last resort and is unavoidable (with respect to the seriousness of the act committed by a child); and; (b). for the minimum necessary period, or in the shortest possible time.

Therefore, so that the sentence handed down by the judge is not only a punishment, but the sentence also pays attention to the interests of the child, so that the child is not only a deterrent but also has educational benefits for the development of the child in the future. As stated in the formulation of the draft national Criminal Code regarding the purpose of punishment. Article 50 of the Draft National Criminal Code stipulates that the objectives of punishment are: (1) to prevent criminal acts from being committed by enforcing legal norms for the protection of the community; (2) socialize the convicts by providing guidance, so that they become good and useful people; (3) resolving conflicts caused by criminal acts, restoring balance, and bringing a sense of peace in society; (4) release the guilt of the convict.

The formulation of punishment that prioritizes education should be considered and considered by law enforcement officers. As stated in Article 24 of Law Number 3 of 1997 concerning Juvenile Court, the actions imposed on children are not only returned to parents, guardians or foster parents because the occurrence of child delinquency is usually largely influenced by the surrounding environment. Crime as a social problem that requires dynamic symptoms always grows and is related to other very complex social phenomena and structures, which are socio-political problems.

In the explanation of Law Number 3 of 1997, it is stated that several factors cause children to deal with legal apparatus, including social/environmental factors, rapid development, globalization in the field of communication and information, advances in science and technology as well as changes in people's lifestyles and ways of life. parents, have brought about fundamental social changes in people's lives that greatly affect the values and behavior of children. Returns to parents, guardians or foster parents cannot be a guarantee that the child can change for the better. It is also not just handed over to the State, the Ministry of Social Affairs or social organizations without a clear and planned program.

The patterns of coaching should be well designed. The pattern of coaching must be able to make children more morally and morally organized, creative, productive and not counter-productive because educating a child requires a lot of patience. Based on the results of the seminar on child/adolescent protection by Prayuna Pusat on May 30, 1977, there are two formulations regarding child protection, namely:

a. All efforts made consciously by every person as well as government and private institutions aimed at securing, controlling, fulfilling the physical, mental and social welfare of children and adolescents in accordance with their interests and human rights,

b. All joint efforts made consciously by individuals, families, communities, government and private agencies to secure, procure, and fulfill the spiritual and physical welfare of children aged 0-21 years, not and have never been married, in accordance with human rights and interests in order to develop themselves as optimally as possible.

For the protection of privacy as stated in the general principles of the Beijing Rules, law enforcement officials, especially judges, must also pay attention. With an open trial,

although Article 8 paragraph (1) of the Juvenile Court Law states that the judge examines a child in a closed session, paragraph (2) explains that in certain cases the trial can also be conducted openly. This of course will harm the child, because the publication of the case will make the child feel even more cornered. Not to mention the stigma that society will give to the child as a criminal can affect his mental development.

As happened in the case of Raju in 2006, the case was heavily publicized in the mass media, all newspapers and even television reported the case successively. The impact of the news and the exposure of Raju's figure to the mass media is increasingly giving a heavy psychological burden to the 8-year-old child, shame, pressure and feelings of being cornered continue to be experienced by a child who when he commits his crime cannot understand if his actions can cause legal consequences and harm others. Moreover, at that time the judge will impose a prison sentence on Raju. Looking at the case, it can be concluded that in the case of children in Indonesia, they have not fully paid attention to the interests of children, but rather to revenge. Children's rights are often neglected. The law enforcement officers do not dig from the psychological side of the child to find the cause why the child can commit the criminal offense. The law must focus on the rights of children in general, and in the criminal justice process in particular, it will be highlighted as a social study of children who commit crimes (child delinquency) so that the background and causes of criminal violations can be studied individually.

The judge's decision to impose a prison sentence and put a child in a juvenile correctional facility should indeed be a last resort by considering that it is the best last resort in rehabilitating children. The imposition of imprisonment must also pay attention to aspects that are best for the interests of the child.

Sentencing has a bad influence on children because children who are serving a crime, especially in correctional institutions, will experience changes in the environment, namely the limited scope of movement, feelings of depression and lack of parental love resulting in situations that can affect the soul of the child. So that even in child correctional institutions it is necessary to pay attention so that the interests of children are not disturbed.

Based on this, the concept used for handling children in conflict with the law can be carried out using an approach that purely prioritizes the welfare of the child and a legal intervention approach. So the punishment model that is retributive or called retributive justice is currently more appropriate to be applied in dealing with perpetrators of child crimes.

Restorative justice is a process in which all parties involved in a particular crime work together to solve the problem of how to deal with future consequences. Restorative Justice is based on the principle of due process, which is an exploration and comparison between the welfare approach and the justice approach, which respects the legal rights of the suspect and pays great attention to the interests of the victim.

Children are the potential successors to the ideals of the nation whose foundation was in the previous generation. In order for children to be able to assume responsibility, they should be given the opportunity to grow and develop naturally. Eliminating these obstacles can only be implemented and obtained if the child welfare efforts are guaranteed. Realizing children's welfare and making children able to become good human beings is part of increasing development for all members of society, which cannot be separated from the interests of the nation and state as well as the continuation and preservation of national civilization.

IV. Conclusion

From the elaboration of the formulation of the problem regarding the Educational Criminal System Against Children as Criminals in Indonesia, the conclusions are:

1. The educative punishment system currently in force in Indonesia is not as expected. Protection of children as perpetrators of criminal acts really must receive serious attention from the government. Children who are in conflict with the law in the position of children as perpetrators of criminal acts in addition to needing protection and personal security also need protection in the form of special regulations that guarantee the interests of the child. Law Number 11 of 2012 basically provides a way out for the labeling or labeling of children that they are perpetrators of criminal acts which have a great effect on the psychological growth of children. This stigmatization starts from the time the child comes into contact with the legal process for the first time in the police until the end of the case.
2. An educative punishment system in the future that is appropriate for children as perpetrators of criminal acts is not by giving criminal sanctions by placing children in prison. The witness is not the main goal for punishing children because imprisonment is the ultimum remedium. The provision of educational sanctions must be the main consideration for judges in imposing sanctions, such as placing children in special schools that can place children as individuals who must receive guidance both morally and intellectually, Islamic boarding schools for those who are Muslim or work training centers for children. children who are approaching adulthood, and when the child has finished taking responsibility for their actions they can be well received by the community because there is no label as a criminal.

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