



LAW ENFORCEMENT OF ADOLESCENT DELIVERY IN THE PERSPECTIVE OF CHILDREN'S LAW BASED ON RESTORATIVE JUSTICE

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Abstract : In law enforcement efforts related to juvenile delinquency in terms of the perspective of the Children's Law, it is necessary to pay attention together so that the settlement of these crimes can be resolved through channels outside the judiciary so that the mental and the psychology of the child or teenager can be minimized. Restorative justice is present not only to provide space for the settlement of crimes involving children outside the Judiciary, but also to seek solutions that promote a sense of justice through deliberation, etc. This type of research is normative legal research, the emphasis of normative legal research lies in legal studies, or legal studies (rechtsboefening) on positive law, which includes two layers of legal scholarship, consisting of legal dogmatic studies and legal theory studies.

Keywords: Law Enforcement, Youth, Restorative Justice

1. Introduction

Teenage fights are now no longer a news and talk that is not foreign to our ears, even almost every day there are media showing cases of fights between high schools related to acts of violence that can occur among students, especially those who incidentally are the nation's generation. Who will take over the leadership later, if they are now accustomed to acts of violence, then what will happen to our nation in the future.

In Indonesia, the problem of juvenile delinquency has reached a level that is quite disturbing for the community. As is often seen in mass media reports, cases involving teenagers such as brawls, been involved in drug cases, free sex and others. Police as a state apparatus in terms of law enforcement have a very important position and role, namely as security guards whose implementation is to prevent and overcome crimes and violations.

Police generally have two types of power, namely the police power in the field of law and police power in the field of government. These two powers gave birth to the three main functions in the police, namely as law enforcement officers, as servants, which include guards of public order,



and as protectors of the community.¹ Various deviant behaviors carried out by children and adolescents continue to increase. Some of them are conduct disorder, delinquency, and juvenile crime, such as brawls and murder. Launching the Tabularasa Psychology Journal, deviant behavior in adolescents is a risk factor for the emergence of a psychopathic personality in the later phases of the adolescent's life.²

The case of the beating of a student at SMA Negeri 6 Kendari by her classmate due to a TikTok upload is still in the process of being investigated by the Mandonga Police. The police have tried to mediate through restorative justice, but there is no common ground. Mandonga Police Chief AKP I Ketut Arya Wijanarka revealed that the victim's parents as the complainant refused the mediation conducted by the police.

So that his party plans to carry out a case title or the case is escalated to the investigation process. "The victim's parents don't want peace, they want to continue. We are trying to mediate, if these school children are faced with the law, it's too bad, actually this is still in the context of juvenile delinquency, still under their age,". For this reason, Arya continued, his party was careful in handling cases involving children. Moreover, the investigation process of this case took a short time, only 15 days.³

Adolescents are a group that is prone to engage in deviant behavior. This is more or less due to the age of adolescence, which is the age of self-discovery and is easily influenced. Teenagers are humans who are in their twenties. Where the age is a developer to become an adult. Therefore, parents and educators as part of a more experienced society have an important role in assisting the development of adolescents towards adulthood.

Talking about delinquency committed by teenagers cannot be separated from interactions within the family, peers or games in the community where teenagers grow and develop. Where the roles and responsibilities of parents are needed in the prevention of delinquency committed by adolescents themselves.

Based on the description in the background of the problem above, the writer formulates the problem as follows: how is law enforcement against juvenile delinquency, which then the researcher focuses on the point of emphasis on legal settlement of juvenile delinquency in the perspective of the Child Law based on restorative justice. An introduction provides a context for

¹ Bedasari, H. (2018). Upaya Pencegahan Dan Penanggulangan Kenakalan Remaja Oleh Aparat Polsek Karimun Kabupaten Karimun. *Menara Ilmu*, 12(80).

² <https://www.kompas.com/sains/read/2021/10/08/113000723/mengenal-psikopat-kriminalitas-remaja-jadi-faktor-risikonya>. Diakses pada tanggal 23 Desember 2021 pukul 20.30 Wita.

³ <https://regional.kompas.com/read/2021/10/26/180706878/kasus-siswi-dikeroyok-karena-tiktok-berlanjut-ortu-tolak-mediiasi-polisi?page=all>. Diakses pada tanggal 23 Desember 2021. Pukul 19.05 Wita.



the study. In particular, an author should justify the relevance of the study. This section of the article should be able to answer such a question as “Why is this topic/theme important?” or “What is missing from a certain line of research?”. This section also serves to summarize principal literature in the field which is relevant to the paper. Additionally, this section should briefly identify gaps/ inconsistencies or controversies in the literature that the paper will address and point out how the present study contributes to the bulk of the literature. Last, but not least, this section should provide an outline of the structure of the rest of the article.

2. Method

This type of research is normative legal research, the emphasis of normative legal research lies in legal studies, or legal studies (*rechtsboefening*) on positive law, which includes two layers of legal scholarship, consisting of legal dogmatic studies and legal theory studies. At the level of legal Dogmatics, the emphasis is on the identification of norms which are reflected in several laws and regulations, especially those related to the handling of law enforcement against delinquency committed by children.

3. Findings And Discussion

a. Law Enforcement Against Juvenile Delinquency

Understanding Law Enforcement Law enforcement in other terms is called law enforcement is a mechanism to realize the will of the legislators formulated in certain legal products.⁴ Law enforcement is actually not only understood in terms of law enforcement, but is a process to realize the intent of the legislators.⁵

Law enforcement should be seen as an activity that attracts the environment in the social process and must accept restrictions in its work caused by environmental factors.⁶ The implementation of the law can take place normally, peacefully, but it can also occur due to violations of the law. In this case the law that has been violated must be enforced. It is through law enforcement that this law becomes a reality. Enforcement and enforcement of the law have been often an invention of law and not merely the application of law.

Soerjono Soekanto said that law enforcement is an activity to harmonize the relationship of values that are described in the rules/views of values that are solid and embodiment and attitude of action as a series of value elaboration at the final stage to create (as social engineering), maintain and maintain (as social control) peaceful social life.⁷

⁴ Satjipto Raharjo, 2005, *Masalah Penegakan Hukum: Suatu Tinjauan Sosiologis*, Sinar Biru, Bandung, hlm. 24

⁵ Ali zaidan dalam bunga rampai Komisi Yudisial, 2007, *Kontribusi Lembaga Kejaksaan Dalam Mempercepat Reformasi Peradilan*, hlm. 110.

⁶ Soedikno Mertokusumo, 1993, *Bab-Bab tentang Penemuan Hukum*, Citra Aditya Bakti, Bandung, hlm. 1-4.

⁷ Soerjono Soekanto, 1983, *Penegakan Hukum*, Binacipta, Jakarta, hlm. 13.



Law enforcement is the process of making efforts to enforce or actually function legal norms as guidelines for behavior in traffic or legal relations in social and state life. Viewed from the point of view of the subject, law enforcement can be carried out by a broad subject and can also be interpreted as an effort to enforce the law that involves all legal subjects in every legal relationship. Anyone who applies normative rules or does something or does not do something based on the norms of the applicable law, means that he is carrying out or enforcing the rule of law.

In a narrow sense, in terms of the subject matter, law enforcement is only defined as the efforts of certain law enforcement officials to guarantee and ensure that the law is enforced, if necessary, law enforcement officials are allowed to use force.⁸ Basically, there are 5 (five) factors that affect law enforcement, namely:⁹

- a. The legal factory itself;
- b. Law enforcement factors;
- c. Factors of facilities or facilities;
- d. Community factors;
- e. Cultural factors.

In addition to the above factors, complaints regarding the performance of law enforcement in Indonesia so far, actually also require a more thorough analysis. Law enforcement efforts are only one element of the whole problem of a state of law that aspires to uphold and realize social justice for all Indonesian people.

1. Law Enforcement Against Child Delinquency

Every society has norms, norms mean the assumption of how a person should do or should not do. Every society wants the norms that apply in that society to be obeyed, but not all can and are able and willing to comply with these norms. In order for the norms to be obeyed, the community holds negative sanctions for those who behave deviate from the norms and provides positive sanctions for those who obey the norms. In addition, there are formal sanctions that are formulated more definitively in legislation and informal sanctions, namely sanctions that are not clearly defined in the law.

Crime is a social control system that is associated with and always reflects the values and structure of society, so that it is a symbolic reaffirmation of violations of the “common conscience” or collective conscience. Therefore, criminal law, which is the punitive style of social control and as a political product, should be a sublimation of all societal values which are summarized and formulated and applied by the apparatus in the criminal justice system.¹⁰ Thus

⁸ Rais Ahmad, 1966, *Peran Manusia Dalam Penegakan Hukum*, Pustaka Antara, Jakarta, hlm. 19.

⁹ Soerjono Seokanto, 1983, *Faktor-faktor yang mempengaruhi Penegakan Hukum*, Rajawali Press, Jakarta, hlm. 4-5.

¹⁰ Widiastuti, T. W. (2013). Penegakan Hukum terhadap Kenakalan Anak. *Wacana Hukum*, 11(1).



the philosophy of punishment developed in the Draft Criminal Code is not solely aimed at how to treat perpetrators of violations, but is also oriented towards thinking about the extent to which punishment can provide protection, both for perpetrators and victims. In the end, the sentence imposed can create protection and welfare for the community. The concept of punishment is based on the philosophy of punishment which is based on the philosophy of the restaurant.

Based on international instruments that regulate the problem of child delinquency behavior, judging from the types of child delinquency behavior can be qualified into criminal offenses and offense status. Criminal offense is delinquent behavior of children, which is a crime if committed by adults, while the status offense is a delinquency behavior of children, which is closely related to their status as children, these behaviors are generally not categorized as criminal acts when committed by adults.

For example, leaving the house without parental permission, skipping school, fighting parents, consuming alcoholic beverages, etc. However, in essence, children's delinquent behavior should be seen not only as a manifestation of behavioral deviations due to fad or sensation seeking, but must be seen as a product or result of an imbalance in the social environment.

Based on this, it is not appropriate if the purpose of punishing children is equated with the purpose of punishing adults. In general, punishment is only seen as a symptomatic treatment, not a personal causative, not structural/functional. Treatment with punishment is very limited and fragmentary in nature, that is, it focuses on the punishment of the perpetrator.

Preventive effects and healing efforts are more directed at preventing people from committing criminal acts or crimes, not preventing structural crimes from occurring. The sentence imposed is contradictory/paradoxical and has a negative impact on the perpetrator. Therefore, it is not surprising that the use of criminal law has always been criticized and even criticized, including the emergence of radical views against the criminal law as propagated by the abolitionists.

The purpose of the punishment will be more dangerous if the object is a child who in his actions has certain motivations and characteristics that are different from adult perpetrators. Even the Convention on the Rights of the Child expressly states that in all actions concerning children carried out by public or private social welfare institutions, judicial institutions, government agencies or legislative bodies, the best interests of the child will be the main consideration.

2. Definition of Juvenile Delinquency

In general, what we know is that what is meant by a juvenile is someone who is under a certain age and has not married, but to determine the exact age limits is difficult, because a person's development, both physically and psychologically, is different from one another. In Law number 23 of 2002 article 1 paragraph 1, it is stated that a child is someone who has not yet reached the age of 18 since he was in the womb. The categorization of youth among the public is reflected in



this law. Where adolescents are generally known at the age of school children at the junior secondary level (SMP) to the upper secondary level (SMA), which ranges in age from 13 to 18 years.

From an Islamic point of view, there is no known understanding of youth. Islam views two phases, namely children and baligh (sense or adult). In Islam, a child can be called baligh if the child is able to distinguish between good and bad or experiencing biological symptoms such as wet dreams (for men) and menstruation (for women).

Adolescence, according to Mappiare, lasts between the ages of 12 years to 21 years for women and 13 years to 22 years for men. Adolescence is a period of transition from childhood to adulthood, which is marked by changes in physical, psychological, and psychosocial aspects.¹¹ According to Pieget (in Hurlock) psychologically, adolescents are the age at which individuals interact with adult society, the age at which children no longer feel under the bonds of older people but at the same level, at least in terms of rights.¹²

Delinquency that occurs in society is closely related or identical to teenagers, therefore we need to know the level at which teenagers do a lot of delinquent action that can disturb the environment where teenagers are and live. In the lives of teenagers, negative things are often interspersed with negative things in order to adjust to the surrounding environment, both the environment with friends at school and the environment when he is at home. These things can take the form of positive to negative, which we often call juvenile delinquency. Juvenile delinquency itself is an act of violating norms, both legal norms and social norms.¹³

The definition of juvenile delinquency, according to Paul Moedikdo, S.H, is:¹⁴

- a. All actions that are for adults are a crime for children are delinquency so everything that is prohibited by criminal law, such as: stealing, molesting and so on.
- b. All acts of deviation from certain group norms to cause trouble in society.
- c. All actions that indicate the need for social protection.

Fuad Hasan said that juvenile delinquency is an anti-social act committed by a teenager, which, if committed by an adult, is qualified.¹⁵ Dadang Hawari said that an act is said to be naughty if it violates or deviates from the norms of religion, school and society. Moral standards, according to

¹¹ Mohammad Ali dan Mohammad Asrori, 2010, "*Psikologi Remaja*" *Perkembangan Peserta Didik*, Bumi Aksara, Jakarta, hlm. 9.

¹² Hurlock, 2001, *Psikologi Perkembangan: Suatu Pendekatan Sepanjang Rentang Kehidupan*, (Edisi 5), Erlangga, Jakarta, hlm. 206.

¹³ Agoes Dariyo, 2004, *Psikologi Perkembangan Remaja*, Ghalia Indonesia, Jakarta, hlm. 13-14.

¹⁴ Pengertian Kenakalan Remaja, diakses pada tanggal 23 Desember 2021, dari <http://psikonseling.blogspot.com/2010/02/pengertian-kenakalan-remaja.html>.

¹⁵ Ary H. Gunawan, 2000, *Sosiologi Pendidikan*. Rineka Cipta, Jakarta, hlm. 89.



religious teachings are clear and these standards are then enforced in the school and community environment, although sometimes local people have value standards that refer to local customs.¹⁶

Adolescence is a very good time to develop all the positive potential they have such as talents, abilities, and interests. In addition, this period is a period of searching for life values, therefore they should be given religious guidance so that it becomes a way of life for them.¹⁷ The problem of juvenile delinquency is felt to have reached a level that is quite disturbing for the community. This condition gives a strong impetus to the parties who are responsible for this issue, such as educational groups in the school environment, and in the community.

b. Settlement of Juvenile Delinquency Law in the Perspective of Restorative Justice-Based Child Law

Youth is the future asset of a nation. But nowadays a lot is happening to teenagers, such as drugs and motorcycle gangs. This is a familiar problem. Juvenile delinquency includes all behaviors that deviate from the norms of criminal law committed by juveniles. There are so many internal and external factors that cause juvenile delinquency that need to be considered. To overcome this, guidance from parents and also a good environment can be a determinant for the development of the teenager.¹⁸

The problem of juvenile delinquency has begun to receive special public attention since the formation of a juvenile court in 1899 in Illinois, United States. Juvenile delinquency includes all behaviors that deviate from the norms of criminal law committed by juveniles. Such behavior will harm himself and those around him.

The factors behind the occurrence of juvenile delinquency can be grouped into internal factors and external factors. Internal factors in the form of identity crisis and weak self-control. While external factors in the form of lack of attention from parents; lack of understanding of religion; the influence of the surrounding environment and the influence of western culture and association with peers; and places of education.

The consequences caused by juvenile delinquency will have an impact on the teenager himself, his family, and the community environment. Solutions in tackling juvenile delinquency can be divided into preventive measures, repressive measures, and curative and rehabilitation measures.

¹⁶ H. Ridjaluddin, 2008, *Psikologi Agama, Tinjauan Islam Terhadap Kenakalan Pelajar*, LKI Nugraha Ciputat, Jakarta, hlm. 6.

¹⁷ Sofyan S Wilis, 2005, *Remaja dan Masalahnya*, Bandung: CV.Alfabeta. hlm. 1.

¹⁸ Sumara, D. S., Humaedi, S., & Santoso, M. B. (2017). Kenakalan remaja dan penanganannya. *Prosiding Penelitian dan Pengabdian kepada Masyarakat*, 4(2).



1. Definition and Concept of Child Protection Based on Legislation

According to the Big Indonesian Dictionary (KBBI), the children are with a mandate and a gift from God Almighty, who has the dignity and worth as a whole human being. (Law No. 11 of 2012 and Law No. 23 of 2002). The concept of child protection consists of several aspects including; protection of children's rights and freedoms, protection of children in the judicial process, protection of children's welfare (in the family, education and social environment).

Protection of children in matters of detention and deprivation of liberty, protection of children from all forms of exploitation (slavery, child trafficking, prostitution, pornography, drug trafficking/abuse, using children to commit crimes and so on). Legal protection for children has a fairly broad spectrum. Various documents and international meetings show that the need for legal protection for children can cover various aspects, namely: protection of children's human rights and freedoms, protection of children in the judicial process, protection of children's welfare (in the family, education and social environment).

Protection of children in terms of detention and deprivation of liberty, protection of children from all forms of exploitation (slavery, child trafficking, prostitution, pornography, trafficking/drug abuse, using children to commit crimes and so on), protection of street children, child protection from the consequences of war/armed conflict, protection of children against acts of violence.

The importance of the position of children for this nation, makes us have to be responsive and progressive in arranging the applicable laws and regulations. Seeing the definition of a child as stated above, we can understand it comprehensively. However, to determine the age limit in terms of the definition of a child, we will get various kinds of age limits for children, considering the various definitions of age limits for children in several laws, we can see as follows: (L.N. 1931-1954 and L.N. 1917-1938).

1. Law No.1 of 1974 concerning Marriage, requires a marriage age of 16 years for women and 19 years for men;
2. Law No. 4 of 1979 concerning Child Welfare defines a child as 21 years old and never married;
3. Law No. 3 of 1997 concerning Juvenile Court defines a child as a person who in the case of a naughty child is eight years old, but has not yet reached 18 years of age and has never been married;
4. Law No.39/1999 on Human Rights states that a child is someone who is not yet 18 years old and has never been married;
5. Law No. 13 of 2003 concerning Manpower allows the working age of 15 years;
6. Law no. 20 of 2003 concerning the National Education System imposes 9-year Compulsory Education, which is connoted to be children aged 7 to 15 years;
7. Law no. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) explains that children in conflict with the law, hereinafter referred to as children, are children



who are 12 (twelve) years old but not yet 18 (eighteen) years old who are suspected of committing a crime.

The paradigm shift about justice in criminal law is a worldwide phenomenon today. The International Community increasingly realizes and agreeing that there needs to be a radical change of mindset in dealing with the problems of Children with Problems with the Law (ABH). The juvenile justice system which is now based on retributive justice (emphasizing justice on revenge) and restitutive (emphasizing justice on the basis of compensation) only gives authority to the State which is delegated to Law Enforcement Apparatus (Police, Prosecutors, and Judges).

Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) has been ratified by the Government of Indonesia, Law no. 11 of 2012 concerning the Juvenile Criminal Justice System replaces Law no. 3 of 2007 concerning Juvenile Court. The SPPA Law has provided protection for children in conflict with the law since the initial process of handling it until the execution of the sentence. The results of this study indicate that according to Law no. 11 of 2012, the protection of children in conflict with the law through various forms. Children before the Law (ABH) are divided into 3 classifications, namely as Child Perpetrators, Child Victims and Child Witness.

In addition, in handling children in conflict with the law, they must be distinguished from adults at every level of the process, whether it is from the start of an investigation, investigation or during litigation. In addition, every implementation of the Child process must be accompanied by a companion. The new regulation also introduces and emphasizes diversion, namely the non-litigation aspect in resolving cases. In the diversion process, the settlement of cases is attempted as far as possible outside the court.¹⁹

2. Settlement of Juvenile Delinquency Law Based on Restorative Justice

Today in Indonesia, the protection of children in conflict with the law refers to Law no. 11 of 2012 concerning the Juvenile Criminal Justice System. Previously related to courts involving children referred to Law no. 3 of 1997 concerning Juvenile Court. The enactment of Law no. 11 of 2012, then Law no. 3 of 1997 is no longer valid.

There are differences in the protection of children provided by Law no. 11 of 2012 as regulated in Law no. 3 of 1997. In Law no. 3 of 1997 every child who commits a criminal act is subject to the same legal process as the adult legal process. 11 of 2012, among others, is regarding the placement of children who undergo a judicial process to be placed in the Child Special Guidance Institution (LPKA).

¹⁹ Pribadi, D. (2018). Perlindungan terhadap anak berhadapan dengan hukum. *Jurnal Hukum Volkgeist*, 3(1), 14-25.



According to Wagiaty Soetodjo (2008:70), the most basic substance of this law is a strict regulation on Restorative Justice and Diversion, which is intended to avoid and keep children away from the judicial process so as to avoid stigmatization of children who are in conflict with the law and are expected to be children. Able to return to the normal social environment.²⁰

According to Article 1 point 7 of Law no. 11 of 2012 states that diversion can be interpreted as a transfer of settlement of children's cases from the criminal justice process to a process outside of criminal justice. Restorative Justice, according to the general explanation of Law no. 11 of 2012 is a Diversion process, namely all parties involved in a certain crime together to overcome problems and create an obligation to make things better by involving victims, children, and the community in finding solutions to repair, reconciliation and reassurance. A heart that is not based on retaliation. Restorative Justice and Diversion are the most important differences between Law no. 11 of 2012 with Law no. 3 of 2007.

Prior to the enactment of Law Number 23 of 2002 concerning Child Protection, basically children with problems were categorized in terms of juvenile delinquency, which refers to Law Number 3 of 1997 concerning Juvenile Court. After the enactment of the Child Protection Law, the term changed to a child in conflict with the law (ABH), and currently Law Number 11 of 2012 concerning the Juvenile Criminal Justice System also uses the term child in conflict with the law.

According to Muhammad Joni and Zulchaina Z Tanamas (1999, p. 83), children's problems are an unaccounted for backflow from the process and development of the development of nations that have high aspirations and a bright future to meet and replace the leaders of the Indonesian nation. . In this regard, the development paradigm must be pro-child.²¹

Basically, it looks unethical if a crime committed by a child is called a crime, because basically children have very unstable mental conditions, the process of psychological stability produces a critical, aggressive attitude and shows behavior that tends to disrupt public order. This cannot be said to be a crime, but a delinquency caused by an unbalanced psychological condition and the perpetrator is not aware and understands the actions that have been carried out by the child.

3. The Existence of Restorative Justice as the Purpose of Implementing Diversion in the Juvenile Justice System in Indonesia

Love, direction, guidance, proper protection is very basic psychological needs in a child's life which actually rests on the conscience of the parents. In fact, many parents are not aware of this,

²⁰ Wagiaty,S.(2008). Hukum Pidana Anak.Bandung: Refika Aditama.

²¹ Muhammad,J.& Zulchaina,Z.T.(1999). Aspek Perlindungan Anak Dalam Perspektif Konvensi Hak Anak.Bandung: PT Citra Aditya Bakti.



thus affecting the lives of children. Children who are raised in an atmosphere of conflict, tend to experience mental anxiety that can encourage children to take negative actions, which are categorized as child delinquency. The delinquency caused, could even lead to acts against the law. In connection with the above, legal, facilities and infrastructure are also needed that anticipate all problems that arise. The facilities and infrastructure in question concern the interests of the child as well as those concerning deviations in attitudes and behavior that make the child forced to face the law or be brought before the court. This legal tool aims to anticipate the stigma or evil stamp that is caused when a child is in conflict with the law, as well as to restore and re-socialize the child.

One alternative solution is by placing and diverting child criminals out of the criminal justice system and providing an alternative for settlement with a justice approach in the best interests of the child. This solution is known as the restorative justice approach. Restorative justice is the implementation of the concept of diversion which has been formulated in the juvenile justice system, namely in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.²²

Restorative justice is a settlement process carried out outside the criminal justice system by involving victims, perpetrators, families of victims and perpetrators, the community and parties with an interest in a crime that occurred to reach an agreement and settlement.²³ In other words, the concept of a restorative justice approach focuses more on the conditions for creating justice and balance for the perpetrators of crimes and the victims themselves.²⁴

Procedures and criminal justice mechanisms that focus on punishment are transformed into a dialogue process and balanced for the victims and perpetrators.²⁵ In Indonesia, the concept of restorative justice has long been practiced by indigenous peoples in Indonesia, such as people in Papua, Bali, Toraja, Minangkabau, Kalimantan, Central Java and other communities who still hold strong culture. When someone commits a crime.

In practice, settlement is carried out by meeting or consensus deliberation attended by community leaders, perpetrators, victims, and parents of perpetrators to reach an agreement to correct mistakes. In addition, Indonesia, which in the past had its communities in various islands, various regions, was rich in customs, we believe to have a legal settlement mechanism based on

²² Randy Pradityo. (2016). Restorative Justice Dalam Sistem Peradilan Jurnal Hukum dan Peradilan, 5(3), hlm. 319-330

²³ Munawara, dkk. (2010). Pendekatan Restorative Justice Dalam Penyelesaian Tindak Pidana Yang Dilakukan Oleh Anak Di Kota Makasar. Jurnal Hukum Universitas Hasanudin, hlm. 4

²⁴ Kristin Reimer. (2011). An Exploration Of The Implementation Of Restorative Justice In An Ontario Public School. Canadian Journal of Educational Administration and Policy, Issue #119, March 11. by CJEAP and the author(s), hlm. 4

²⁵ UNODC. (2006). *Handbook on Restorative Justice Programmes. Criminal Justice Handbook Series*. Vienna: UN New York, hlm. 5



local wisdom.²⁶ Restorative justice has actually emerged for quite a long time, more than twenty years ago as an alternative for resolving criminal cases, especially children with various considerations. As stated by John Braitewaite justice and welfare models, then between retribution and rehabilitation.²⁷

4. CONCLUSION

Law enforcement in the problem of juvenile delinquency is a problem that should not be underestimated, considering the various kinds of problems involving teenagers or children, both as victims and perpetrators, in handling it requires a concrete step. Restorative justice is one part of the settlement of legal cases involving children or adolescents whose main purpose is to find common ground for settlement outside the court. However, it should also be noted that not all criminal cases can be resolved through restorative justice, so that the existence of law enforcement based on restorative justice prioritizes deliberation and settlement in a family manner. The presence of the state, in this case the government and other related parties, becomes a more dominant necessity for the settlement of a crime involving a child as the injured party or victim, or as a litigant or perpetrator of the crime.

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²⁶ Budoyo, S., & Sari, R. K. (2019). *Eksistensi Restorative Justice Sebagai Tujuan Pelaksanaan Diversi Pada Sistem Peradilan Anak Di Indonesia*. *Jurnal Meta-Yuridis*, 2(2).

²⁷ Yustirsa Yunus. (2013). *Analisis Konsep Restorative Justice Melalui Sistem Diversi Dalam Sistem Peradilan Pidana Anak Di Indonesia*. *Jurnal Rechtsvinding*, 2(2), hlm. 243



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