

APPLICATION OF RESTORATIVE JUSTICE IN EFFORTS TO RECOVER THE RIGHTS OF CHILD DEFENDERS WHO HAVE BEEN SENTENCED TO EXCEPTION

Vita Rukmawati

Krisnadwipayana University, Jakarta, Indonesia
vita.rukmawati@gmail.com

Abstract

Criminal justice legal regulations regarding child perpetrators of criminal acts of abuse have been implemented with diversion in the case of Decision Number 5/Pid.Sus-Anak/2022/PN JKT.PST so that child defendants are returned to their parents and Decision Number 24/Pid.Sus-Anak /2021/PN Jkt. Brt. by prosecutors and judges who do not apply diversion is indeed in accordance with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System Article 7 (2). However, this is not in accordance with the principles of protection and prioritizing the best interests of the child's future and growth and development as stipulated in Law Number 35 of 2014 concerning Amendments to Law No. 23 of 2002 Articles 4 to Article 18 concerning Child Protection. The judge took diversion steps to uphold children's rights as regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Restoration of the rights of accused child perpetrators of abuse who have been sentenced to acquittal with restorative justice efforts (Case study of Decision Number 5/Pid.Sus-Anak/2022/PN JKT.PST and Decision Number 24/Pid.Sus-Anak/2021/PN Jkt. Brt is not appropriate where the judge does not carry out diversion which should be mandatory for criminal court cases involving children who are in conflict with the law to take diversion steps to carry out the diversion process so that children can resolve cases outside the court which is an embodiment of Article 59 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

Keywords: children, criminal acts, diversion

INTRODUCTION

Restorative justice in an effort to restore the rights of child perpetrators of abuse who have been acquitted in the case of Decision Number 5/Pid.Sus-Anak/2022/PN Jkt.Pst where there is no legal certainty for child defendants who have committed abuse in efforts to restore the rights of child defendants who have committed abuse who have been sentenced to acquittal in accordance with the principles of restorative justice in Article 7 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System in order to fulfill the best interests of the child. children as stipulated in Article 73 of Law Number 35 of 2014 concerning Child Protection.

Childhood is a time when a lot of very complex things happen. One of them is delinquent acts that lead to criminal acts. Childhood is a phase in which humans search for identity which is marked by certain actions to determine their true personality, attitudes both physically and mentally, things that are the focus and function in the context of social life (Hartanto, et al., 2019).

In the transition phase, children whose ages range from 12 to 18 years or what is usually called the unpleasant teenage years, where changes also occur in them both physically, psychologically and socially, are called adolescence. In conditions like this, teenagers are usually busy every day seeking and demanding independence and do not want interference from anyone, including their own parents. Things like this ultimately cause teenagers to fall into negative behavior and actions that violate the rules and norms that exist in society, which is usually called juvenile delinquency.

The influence of a child's interactions outside the environment has a very big influence on changing a character that has been formed from the start, therefore this is the role of parents in educating their children. Educating children does not have to be done by giving them freedom, pampering them with luxury goods or by restraining them because this can affect the child's psychology. The role of parents must provide attention, love and affection and must instill an attitude of mutual respect that can build a child's character in the future. Therefore, it is important to supervise children so that they do not fall into juvenile delinquency.

Children who are given freedom without parental supervision will give birth to wild souls, which will damage the child's morals. The child will fall into deviant acts and will commit criminal acts that are against the law. When a child is in conflict with the law, a child must receive special treatment, whether the child is a victim or a child as a perpetrator of a crime. As stated explicitly in Article 64 of Law Number 23 of 2002 concerning Child Protection, "Special protection for children in conflict with the law as intended in Article 59 includes children in conflict with the law and children who are victims of criminal acts (UU, 2002)."

Cases involving children as perpetrators of criminal acts are an act that reflects the destruction of the nation's morals, because the next generation does not behave well. This matter must be paid attention to by the parties involved so that it can be followed up immediately so that in the future it can be addressed with positive things that children can do.

In connection with the research of the author of this journal, the author conducted research with juvenile defendants I Alfiro Zidane Ramadhan, Son of II Alwi Nugraha, Child III Iqbal, Child IV Adrian Nauval Ramadhan, Child V Elmo Dharmawan, Child VI Ilham Musthofa Als Mus and witness Muhammad Elmo Dharmawan and Anak VI Ilham Musthofa Als MUS on Thursday, May 19 2022 or at least at the time another in 2022, located on Jl. DP3K Back Office Industry, a place that is still included in the legal area of the Central Jakarta District Court on Thursday 19 May 2022 at around 11 o'clock. 45 WIB Child I Alfiro Zidane Ramadhan, Son II Alwi Nugraha, Child III Iqbal, Son IV Adrian Nauval Ramadhan, Son of V Muhammad Taura Aldi Pratama (separate file) left the classroom and gathered at

stall behind the Taman Siswa 2 Vocational School, then the officer police and dispersed and ordered to go home immediately to respective homes, then Child I, Children II, Child III, Child IV, Child V, Child VI and witness Taura Aldi Pratama move hanging out in Cempaka Baru, Central Jakarta and hanging out see Live Streaming from School 14 which poses a challenge Taman Siswa II school, Central Jakarta with the aim of looking for children School 14 passes through the front area of Indogrosir Kemayoran Jakarta Center and saw a group of SMK 56 school children with a purpose confronting the Children and witnesses, then para Child and witness Taura Aldi Pratama turned around and tried to pass through the JIE EXPO Kemayoran Central Jakarta with the aim of to deliver the child I returned home, but the children went to vocational school 56 is still chasing the children and witness Taura Aldi Pratama so that the children and witness Taura Aldi Pratama were on board Honda Beat motorbike and 1 (one) other automatic motorbike managed to step on the gas passed the Tirta futsal field and students from SMK 56 reprimanded them Child and witness Taura Aldi Pratama with a second raise hand (piss), then when crossing the road the school group turned The other person in front turns left and overtakes on a straight road Immediately the children and witness Taura Aldi Pratama slashed the witness Ahmad Indra used a sickle to hit his back to the right of the center and resulted in injury.

The case of the perpetrator of a criminal act against a child who said he was slashing is an act that disturbs the community, especially because he is still a child. This action stems from the process of the Central Jakarta District Court's decision, but in practice the imposition of punishment on the defendant and deviations do not provide a sense of fairness to the victim or the general public. The judge in handing down the sentence to the defendant respected SERMA Number 05 of 1993, the action should be in accordance with his deeds and actions.

Based on the description of the background of the problem above, the author conducted assessment research, as well as further studying juvenile crime, in the context of preparing this research proposal. So the formulation of the research problem that the author examines is how criminal justice law is regulated about child perpetrators of criminal acts of abuse? And how to restore the rights of accused child perpetrators of abuse who have been sentenced to acquittal with restorative justice efforts (Study of Decision Number 5/Pid.Sus-Anak/2022/PN Jkt.Pst and Decision Number 24/Pid.Sus-Anak/2021/PN Jkt. Brt)?

RESEARCH METHODS

This type of research, namely normative juridical research (normative legal research method), by adapting the title and problems to be discussed in this research and so that it can provide very useful results, this research was carried out using normative juridical research (normative legal research method). The normative juridical research method is library legal research which is carried out by examining library materials or mere secondary data (Soekanto, dkk, 2003).

The types and sources of data used by the author in this research are Primary Data and Secondary Data. In order to obtain data that is relevant to the discussion in this paper, the author carried out data collection techniques, namely Library Research and Field Research.

Data obtained from primary data and secondary data will be processed and analyzed qualitatively and then the data will be described. Qualitative analysis is a qualitative analysis of verbal data and numerical data descriptively by describing the real conditions of the object to be discussed using a formal juridical approach and referring to legal doctrinal concepts. Qualitative data, namely those described in words or sentences, are separated according to categories to obtain conclusions.

RESULT & DISCUSSION**Criminal Justice Legal Regulations Regarding Child Perpetrators of Criminal Abuses**

Joint abuse by child defendants who are still students according to case Decision Number 5/Pid.Sus-Anak/2022/PN JKT.PST, namely: Child I Alfiro Zidane Ramadhan, Child II Alwi Nugraha, Child III Iqbal, Child IV Adrian Nauval Ramadhan, Child V Muhammad Taura Aldi Pratama (separate file) left the classroom and gathered at the stall behind the SMK Taman Siswa 2 school, then 6at police officers and dispersed and ordered to immediately return to their respective homes, then Child I, Child II, Child III, Child IV, Child V, Child VI and witness Taura Aldi Pratama moved to hang out in Cempaka Baru, Central Jakarta and while hanging out saw Live Streaming from School 14 which proposed challenging the Taman Siswa II school in Central Jakarta with the aim of looking for school 14 children through the area. in front of Indogrosir Kemayoran Central Jakarta and saw a group of SMK 56 school children with the intention of blocking the children and witnesses, then the children and witnesses Taura Aldi Pratama turned around and tried to pass JIE EXPO Kemayoran Central Jakarta with the intention of taking Child I back home, but the child The SMK 56 school was still chasing the Taura Aldi Pratama children and witnesses so that the Taura Aldi Pratama children and witnesses who were riding Honda Beat motorbikes and 1 (one) other automatic motorbike managed to step on the gas past the Tirta futsal field and students from SMK 56 reprimanded the children and witnesses.

Taura Aldi Pratama raised both hands (piss), then when crossing the road, another school group in front turned left and overtook on a straight road. The children and witness Taura Aldi Pratama slashed witness Ahmad Indra using a sickle, hitting the right side of his back. and resulting in injuries. are gang fights, mass fights, fights that suddenly occur between two parties in a dispute. Meanwhile, student abuse is a fight carried out by a group of people where the fight is carried out by people who are studying. Currently, abuse between students is not only a problem that is overlooked, because abuse has a bad effect not only on the students involved, but also on the surrounding community which is affected from an economic, social and cultural perspective (Digilib, 2023). Therefore, the author will explain the meaning of criminal acts, the regulation of criminal acts and the elements of the criminal act of abuse itself.

a. Understanding the Crime of Persecution Between Students

In the Indonesian dictionary, persecution can be defined as a fight involving many people. Etymologically, persecution is a form of social conflict where the conflict comes from the verb confagure, which means to hit each other, and is an inevitable characteristic of the State's interests in anarchic conditions. Persecution is a fighting activity or act of violence carried out by a group or group of people. Persecution is aggressive behavior from an individual or group. Aggression is a way of fighting very strongly, attacking, killing or punishing another person, in other words it can be defined as an action intended to injure another person or damage another person's property and is classified as committing violence (Repository, 2021).

Violence is an attack or invasion (Ossault) on a person's physical or psychological mental integration. Violence as a crime is a manifestation of a disturbed personality as a prototype of deviant behavior. Meanwhile, deviant behavior that is considered a crime is behavior that violates statutory norms as regulated in the Criminal Code. Committing violence means using no small amount of physical force or strength in an illegal manner, for example hitting with force or with any type of weapon, kicking , kicking and so on. So that violence in schools, both physical and verbal violence, can be subject to legal sanctions. In fact, because violence is basically an act of violating the law, every perpetrator of violence can be subject to criminal sanctions. There are at least three factors why child violence often occurs in the world of education or more precisely in schools, namely:

1. Teachers, there are several factors that cause teachers to commit violence against their students, namely a lack of knowledge that violence, both physical and psychological, is not effective in motivating students or changing behavior, instead there is a risk of causing psychological trauma and hurting students' self-esteem .
2. Students, violence against students is also often caused by their own behavior. However, it must be understood that student attitudes cannot be separated from the psychological dimensions and personality of the student/child, and
3. Parents are one of the factors causing violence against children at school, including parenting (Harefa, 2016).

Children in conflict with the law include children, children as victims and as children as witnesses. The definition of a child in conflict with the law, contained in the Juvenile Criminal Justice System Law Article 1 point 3: A child in conflict with the law, hereinafter referred to as a child, is a child who is 12 (twelve) years old, but not yet 18 (eight) years old. fifteen) years old who is suspected of committing a criminal offense. Article 1 points 4 and 5 explain that child victims are children under 18 (eighteen) years of age who experience physical, mental and/or economic loss caused by criminal acts, while child witnesses are children aged 18 (eighteen) years old who can provide information for the purposes of investigators, prosecutions and examinations at court hearings regarding a criminal case that he heard, saw and/or experienced himself. The difference in the formulation of the definition of child between the Juvenile Court Law and the Juvenile Criminal Justice System Law is that children are not required to have never been married, and do not use the term delinquent child, but use the term child in conflict with the law (Prakoso, 2013).

There are 2 (two) categories of delinquency in the form of criminal acts and other acts that are declared prohibited for children academically, with the terms offender status and juvenile delinquency. Offender status is a child's delinquent behavior which, if committed by an adult, is not considered a crime, for example disobeying, skipping school, and running away from home (Prakoso, 2013). *Juvenile Delinquency* is child delinquent behavior which, if committed by adults, is considered a crime or violation of the law (Allen, dkk, 2013).

b. Regulation of Criminal Acts of Abuse Between Students

In terms of the regulation of criminal acts of abuse between students, it is actually not in the Criminal Code, but it is impossible for a criminal act of abuse between students to just go away, so the regulation will be related to the Articles regarding beatings or joint fights known as Article 170 and Article 351 of the Criminal Code. . Prosecution of incidents of abuse (gang fights) which disturb public order/disturb the community, whether resulting in casualties (injuries, serious injuries, death or damage to property) or those which do not result in casualties, is more appropriately subject to Article 170 of the Criminal Code. If the abuse results in serious injury or death to the victim, only then can prosecution be carried out under Article 358 of the Criminal Code. Incidents of abuse generally involve quite a lot of people so they will always be linked to provisions regarding participation in committing criminal acts.

Persecution recognized in the Criminal Code ("KUHP") is physical abuse. The criminal act of abuse itself is regulated in Article 351 of the Criminal Code:

- a) Persecution is threatened with a maximum imprisonment of two years and eight months or a maximum fine of four thousand five hundred rupiah.
- b) If the act results in serious injury, the guilty person is threatened with imprisonment for a maximum of five years.
- c) If it results in death, he is threatened with imprisonment for a maximum of seven years.
- d) Persecution is equated with deliberately damaging health.
- e) Attempting to commit this crime is not criminal.

Judging from the fact that both the perpetrator and the victim are classified as children, the perpetrator can be charged under Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Law No. 35 of 2014. People who commit violence/abuse against children can be punished based on Article 80 in conjunction with Article 76 of Law No. 35 2014. Apart from that, the criminal threat in the abuse article in the Criminal Code and Law No. 35 of 2014 applies to those who are adults, while the threat of imprisonment for children who commit criminal acts is half of the maximum threat of imprisonment for people who are adults as regulated in Article 81 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. According to Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, a perpetrator of a child crime can be subject to two types of sanctions, namely action for perpetrators of criminal acts who are under 14 years of age (Article 69 paragraph (2) of the Law Invite a Juvenile Criminal Justice System and Penal Code for criminal offenders aged 15 years and over.

The regulation of criminal acts of abuse between students is regulated, among other things, by Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System, previously Law of the Republic of Indonesia Number 3 of 1997 concerning Juvenile Courts Article 1.

The Juvenile Criminal Justice System is implemented based on principles Protection, justice, non-discrimination, best interests of children, respect for children's opinions, survival and growth and development of children, development and guidance of children, proportionality, deprivation of liberty and punishment as a last resort and Avoidance of retaliation.

Meanwhile, what is meant by letter (a) is "protection" which includes direct and indirect activities from actions that endanger children physically and/or psychologically. Letter (b) What is meant by "justice" is that every resolution of a child's case must reflect a sense of justice for the child. Letter (c) What is meant by "non-discrimination" is the absence of different treatment based on ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status of the child, birth order of the child, and physical and/or mental condition . Letter (d) What is meant by "best interests of the child" is that all decision making must always consider the survival and growth and development of the child. Regarding the regulation of criminal acts of abuse between students according to Republic of Indonesia Law Number 35 of 2014 concerning Amendments to Republic of Indonesia Law Number 23 of 2002 concerning Child Protection, among others; according to Article 1 point 1 states that a child is "a person who is not yet 18 (eighteen) years old, including children who are still in the womb.

c. Elements of the Crime of Persecution Between Students

The elements of criminal acts of abuse between students must be classified into several parts, including what articles are appropriate to use, the age limit for committing a crime, and what laws must be used. Persecution between students is nothing other than abuse, whether it be beatings or so on. If someone is beaten and has blue bruises as a result of the beating, then the act of beating is classified as abuse.

The Criminal Code (KUHP) as a guide to the legality of the implementation of criminal law regulates it in various articles regarding violence as a criminal act and committed by more than one person. Among other things, in Article 170 of the Criminal Code, which regulates attacks with joint forces against people or goods, which are regulated in the WvS (Dutch Criminal Code) Article 170 of the Criminal Code reads (Hamzah, 2009):

- a. "Goods Whoever openly and with concerted force uses violence against people or property is threatened with imprisonment for a maximum of five years and six months.
- b. Those who are guilty are threatened with:

- 1) With a maximum prison sentence of seven years, if the person intentionally destroys property or if the violence used results in injury;
 - 2) With a maximum prison sentence of nine years if the violence results in serious injury;
 - 3) With a maximum sentence of twelve years if the violence results in death."
- c. Article 89 does not apply

The core parts of the offense in this article are: (1) committing violence; (2) in public or openly (*openlijk*); (3) together; (4) addressed to people or goods. According to Noyon, Langemeijer and Remmelink, it is explained that what is prohibited are acts of violence which are the aim and not a means or effort to achieve violence, which are usually done by destroying goods or causing harm or which can also cause pain to people or damage to goods even though they do not intend to hurt people. or damage goods. For example, the act of throwing stones at a crowd of people or at an item, rummaging through merchandise until it falls apart, or overturning a vehicle. So, usually groups or mobs are angry and violent, without thinking about the consequences of their actions, they commit acts of violence, resulting in riots, fires, other people being injured or even dead .

Furthermore, what if the perpetrator is someone under the age of 18? In this case, the perpetrator is still categorized as a child as stated in Article 1 point 1 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection Law Number 35 of 2014:

"A child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb."

Please note, the criminal threat in the abuse article in the Criminal Code applies to those who are adults, while the threat of imprisonment for children who commit criminal acts is half the maximum threat of imprisonment for adults as regulated in Article 81 paragraph (2) Law Number 11 of 2012 concerning the Juvenile Criminal Justice System:

"The prison sentence that can be imposed on a child is a maximum of 1/2 (one-half) of the maximum penalty of imprisonment for an adult."

It should be noted that criminal acts of abuse between students are of course seen from the perspective of the law which fulfills the elements of criminal acts between students, one of which is the existence of a predetermined age limit, the existence of acts of abuse under Article 351 and the existence of beatings under Article 170. The next thing that needs to be paid attention to is the age limit under 18 years who are classified as teenagers or students.

Restoring the Rights of Defendants of Child Abuse Who Have Been Sentenced to acquittal with Restorative Justice Efforts (Study of Decision Number 5/Pid.Sus-Anak/2022/PN Jkt.Pst and Decision Number 24/Pid.Sus-Anak/2021/PN Jkt.Brt)

Based on Decision Number 5/Pid.Sus-Anak/2022/PN JKT.PST, *Visum Et Repertum* has been read Number: 162/TU.FK/V/2022 dated 27 May 2022 from the Indonesian Ministry of Health Directorate General of Health Services RSUP National Dr. Ciptomangunkusumo Which signed by Dr. Yudy, Sp. FM on The conclusion was based on the examination of the male victim seventeen years and three months old, in the name of AHMAD INDRA, was found open wounds on the back and ribs cut due to violence sharp and causes bleeding, bleeding experienced by the victim in The above has caused shock which poses a threat of death.

The Children have been charged by the Public Prosecutor with indictment Which shaped alternative, so with notice facts judge the first alternative charge first as regulated in Article 80 paragraph 2 of the Republic of Indonesia Law No. 35 of 2014 concerning amendments to Law No. 23 of 2002 the elements- the elements are as follows:

1. Everyone;

2. Put, allow, do, order to do, or participate as well as committing violence against children;
3. Those who are seriously injured;

Based on the elements the legal analysis is as follows:

Ad.1. Everyone's element;

The Public Prosecutor in this case submitted The person as the subject charged with committing a criminal act is Child I Alfarino Zidane Ramadhan, Child II Alwi Nugraha, Child III Iqbal, Child IV Adrian Nauval Ramadhan, Child V Muhammad Elmo Dharmawan and Child VI Ilham Musthofa Als. Mus with a clear and complete identity.

As far as the child's identity is concerned, based on evidence from witnesses, letters, statements from children According to the judge, the child's identity matched what was stated in the letter indictment, so it was proven that the child was named Alfarino Zidane Ramadhan, Alwi Nugraha, Iqbal, Adrian Nauval Ramadhan, Muhammad Elmo Dharmawan and Ilham Musthofa Als. This is the Mus that was accused by the Prosecutor The general is not other people, so the element "everyone" is present fulfilled.

Ad.2. Element put, let, do, order commits, or participates in, committing violence against children;

This second element is an alternative, if there are some elements is fulfilled, then the element has been fulfilled. The element of doing, ordering to do or participate in committing violence against children, this element is duplicate of Article 55 (1) 1st of the Criminal Code.

This provision states that it is punished as a person who commits a criminal event (perpetrator/perpetrator), namely the person who commits, who ordered to do it, or participate in committing criminal acts. The elements of this article are elements that are alternative, that is, they are sufficient to be proven one of these articles in accordance with capacity deed Which committed by the defendant concerned.

Based on legal facts that on Thursday, May 19 2022, at around 14.00 WIB, Pradava Als Poga and Republic of witness Khoirul Anam, where the number The student group of SMK PSKD 3 North Jakarta is approximately 40 people with using 20 motorbikes . Located on Jl. Industry Behind DP3K Office, Gunung Sahari Selatan, Kemayoran, Central Jakarta, there was persecution between student vocational school Park 2 Kemayoran students with PSKD 3 students in Penjarangan, North Jakarta.

The group of students at SMK Taman Siswa 2 Kemayoran is Para Son and witness Taura Aldi Pratama and his other friends the number is approximately 15 people using 7 units motorbikes, while a group of students at SMK PSKD 3 North Jakarta are child victim witnesses Ahmad Indra, witness Muhamad Harlan Fadilah, witness Masdiah Farsyah bin Maskup, witness Ardi.

K group of students vocational school Taman Siswa 2 Kemayoran brings a sharp weapon in the form of a sickle carried by witness Taura Aldi Pratama, Gilang, Maulana, Andika and Adam, who brings The iron ruler is Fauzan and Akbar, Anak II Alwi carrying carrying a blunt iron that is approximately 50 cm long, meanwhile The group of students at SMK PSKD 3 North Jakarta brought approximately 10 sickle (so called 14) Finally we agreed to pursue the path of abuse against children.

Initially on that day and date at around 11.00 WIB, group of students at SMK Taman Siswa 2 Kemayoran, out class And gathered behind the school and then dispersed by police officers and were told to go home, then a group of students at SMK Taman Siswa 2 Kemayoran moved to hang out in Cempaka Baru, Central Jakarta, there was already one there Tiyo and Adam.

In the chat above Prasetio's brother said that SMK PSKD 3 North Jakarta is challenging For persecution, so then we went to SMK Taman Siswa 2 Kemayoran. Then there was a

group of students at SMK Taman Siswa 2 Kemayoran so the children and witnesses Taura Aldi prepares tools for persecution.

The group of students at SMK Taman Siswa 2 Kemayoran turned around and try to pass the JIE EXPO Kemayoran Central Jakarta with The intention was to take I Zidan's child home, but the child at SMKN 54 still chasing the children of SMK Taman Siswa 2 Kemayoran.

The children saw witness Taura Aldi Pratama and his group who were carrying weapons came down with their weapons and approached the students of SMK PSKD 3 North Jakarta, who rides a Honda Beat motorbike and 1 (one) Another automatic motorbike managed to step on the gas past the Tirta dan futsal field North Jakarta PSKD 3 Vocational School students reprimanded the group of children and witness Taura Aldi Pratama with both hands raised (piss), then when crossing the road the group of children turned left, The North Jakarta PSKD 3 Vocational School group overtook on a straight road direct.

Then the group of children lost and retreated behind ran away randomly, while Child VI ran away with the child IV Adrian and Jaya headed to Child VI's house, as did the other children and the group ran apart.

Child V saved himself riding a motorbike with Child III Iqbal and Gilang, but were chased by a group of PSKD 3 Vocational School students Jakarta North falls from bicycle his motorbike , 3 person from party against kicked and slashed, then Child V tried to move the bicycle motorbike and suddenly Gilang fell from the motorbike with a stab wound on the left wrist, left elbow, left ear and behind the ear road to Central Jakarta to look for opponents of persecution , while traveling left, with the assistance of the driver Taxibike online Gilang was taken to the hospital Husada, Gilang died.

Child IV heard Br. Fauzan was injured. Then Child IV fled on a motorbike with Anak VI Ilham and Br. Jaya ke direction Jl. Industry is still with other Taman Siswa children and children The three of them split up because Child III saw students from PSKD Vocational School III chase. Child IV, Child VI Ilham and Br. Jaya saves herself to your house. Inspiration; A group of students from SMK PSKD 3 North Jakarta who were deliberately walking continued when they arrived at the group's Benyamin Syueb (ondel-ondel statue). PSKD saw a group of students from SMK Taman Siswa 2 Kemayoran who were both riding motorbikes in front of the SMK group PSKD 3 North Jakarta. Then the North Jakarta PSKD 3 Vocational School group reprimanded him they held up two fingers as they passed by the J 1 door. The Expo group of students from SMK Taman Siswa 2 Kemayoran turned to left, while the North Jakarta PSKD 3 Vocational School group crucified them on the street straight. While leaving the group behind, including witness Ahmad Indra and Rangga, suddenly someone came to the witness's side and swung sickle 1 time in direction witness Ahmad Indra regarding upper waist / back, then witness Ahmad Indra was taken by Rangga to RSCM with 2 (two) other motorbikes.

S action of victim Ahmad Indra Permana. Born in Jakarta, date 10 February 2005 (aged 17 years 3 months) when the incident occurred. The witnesses did not know the face of the person who carried out the stabbing to the victim witness Ahmad Indra, but he was wearing white trousers, while the witness' superior did not know . The children also don't know

who did it K o r tire slashing on the part of the students of SMK Taman Siswa 2 Kemayoran, namely Gilang dies, Fauzan is critical.

Based on *the Visum Et Repertum* read out in court, in conclusion said on the examination of the victim This boy is seventeen years and three months old, under the name Ahmad Indra, found open wounds on his back and broken bones ribs due to sharp violence and causes bleeding, Bleeding what the victim experienced above caused shock poses a mortal danger.

Based on the legal facts mentioned in above, it is not known that the main perpetrator who stabbed or stabbed the victim witness Ahmad Indra, among the children who were presented to the trial as the perpetrator who carried a weapon was only Anak II Alwi Nugraha, who based on the confession of Child II was carrying a blunt iron that was approximately 50 cm long. Only one person stated that Anak II was carrying a sword as explained by witness Taura Aldi, while the other children did not carry weapons and none got off the motorbike.

Based on the facts revealed in Decision Number 5/Pid.Sus-Anak/2022/PN Jkt.Pst, there are no statements from witnesses or statements about children participating in violence against child victim witness Ahmad Indra. Based on this legal analysis, this second element is not fulfilled in the children's actions.

Because one of the elements of Article 80 paragraph 2 of Republic of Indonesia Law No. 35 of 2014 concerning amendments to Law Number 23 of 2002 is not fulfilled, the children must be declared not legally and convincingly proven to have committed the criminal act as charged in the first indictment, so that the children must be released from these charges. Because the first alternative charge was not proven, the judge then considered the second alternative charge as regulated in Article 170 paragraph (2) of the Criminal Code, the elements of which are as follows:

1. Whoever;
 2. Publicly committing violence against people or property;
 3. The violence causes injury;
- Ad. 1. Whoever Element;

The element of whoever in this case implies every person as a subject who commits a criminal act. The Public Prosecutor in this case presented people as subjects who were accused of committing criminal acts, namely Child I, so it was proven that children named Alfarino Zidane Ramadhan, Alwi Alfarino Zidane Ramadhan, Child II, Child III Iqbal, Child IV Adrian Nauval Ramadhan, Child V Muhammad Elmo Dharmawan and Child VI Ilham Musthofa Als. Mus. As far as the child's identity is concerned, based on evidence from witnesses, letters, and child statements, according to the judge, the child's identity is in accordance with what is stated in the indictment, Alwi Nugraha Nugraha, Iqbal, Adrian Nauval Ramadhan, Muhammad Elmo Dharmawan and Ilham Musthofa Als. Mus with a clear and complete identity. This is what the Public Prosecutor is indicting and not anyone else, so the element of "whoever" has been fulfilled.

Ad. 2. Elements in public together committing violence against people or property;

What is meant by public is a place where the public can see it, whereas according to jurisprudence the meaning of "in public or openly" means not hidden, so it doesn't need to be in public, it's enough if it's not necessary if there's a possibility that other people can see it. (vide the decision of the Supreme Court of the Republic of Indonesia number: 10 K / Kr / 1975 dated 17 March 1976). Meanwhile, the definition of "with joint effort" means that it is carried out by two or more people, people who only follow and do not actually participate in carrying out violence, cannot also be subject to this article. Meanwhile, what is meant by violence is the unlawful use of physical force or strength which can take the form of hitting, kicking, slapping, throwing, slamming and so on. The violence referred to in this element can be directed at people or objects.

Based on the facts revealed as described above, the witnesses and the children do not know who stabbed the victim witness Ahmad Indra, there is no statement from the witnesses or the children explaining the role of each of the children together. the same as committing violence against the child victim witness Ahmad Indra, then this second element was not fulfilled in the children's actions.

Because one of the elements of Article 170 paragraph (2) of the KUH is not fulfilled, the children must be declared not legally and convincingly proven to have committed the criminal act as charged in the second alternative indictment so that the children must be acquitted of the charges. Because the children were not proven to have committed the crime as charged by the Public Prosecutor, the Defense of the Children's Legal Counsel and the BAPAS Research Report are no longer relevant for consideration.

Because the children were not proven to have committed criminal acts as charged by the Public Prosecutor and the children were released, the children's rights must be restored in terms of their abilities, position, honor and dignity.

Because the children were not proven to have committed the criminal offenses they were charged with and the children were in custody, they were ordered to be released from detention immediately after this decision was pronounced.

In Decision Number 5/Pid.Sus-Anak/2022/PN Jkt.Pst Thus, the panel of judges was correct in considering the legal elements of Article 191 paragraph (1) of Law Number 8 of 1981 concerning Criminal Procedure Law and regulations other relevant legislation. However, the panel of judges was not fair enough in their decision, only stating that Child I Alfarino Zidane Ramadhan, Child II Alwi Nugraha, Child III Iqbal, Child IV Adrian Nauval Ramadhan, Child V Muhammad Elmo Dharmawan and Child VI Ilham Musthofa Als. Mus mentioned above, has not been legally and convincingly proven guilty of committing the criminal offenses as charged in the first and second indictments; 2. Acquit the Children therefore from all charges by the Public Prosecutor; 3. Order the Children to be released from detention immediately after this decision is pronounced; 4. Restoring the rights of children in terms of their abilities, position, honor and dignity. In fact, based on Decision Number 5/Pid.Sus-Anak/2022/PN JKT.PST, Visum Et Repertum Number: 162/TU.FK/V/2022 dated 27 May 2022 from the Indonesian Ministry of Health, Directorate General of Health Services, National Hospital Dr. Ciptomangunkusumo signed by Dr. Yudy, Sp. FM in conclusion said that during the examination of the victim, a boy aged seventeen years and three months, in the name of Ahmad Indra, an open wound was found on his back and his ribs were cut due to sharp force and caused bleeding. The bleeding experienced by the victim mentioned above had caused shock that causes death.

Meanwhile, in Decision Number 24/Pid.Sus-Anak/2021/PN Jkt.Brt, the child has been charged by the Public Prosecutor with a subsidiary charge, so the primary charge will be considered first as regulated in 365 Paragraph (2) 1st and 3rd. 2 of the Criminal Code, the elements of which are as follows:

Ad.1 Whoever;

That what is meant by the element of "whose person" is an individual or corporation as a legal subject, whether a child. Based on the Republic of committing a criminal act/ vide Article 1 number 3 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System) or an adult or corporation, who is accused of having committed a criminal act, who when presented before the court is in a healthy physical and spiritual condition so that criminal responsibility can be held against him, with correct and clear identity so that no mistakes occur placing a legal status on someone or *error in persona*.

In Decision Number 24/Pid.Sus-Anak/2021/PN Jkt.Brt. RHM's child has been accused by the Public Prosecutor of committing a criminal act (the criminal act in question will be proven later with correct identity and is 12 (twelve) years old but not yet 18 (eighteen) years old (as stipulated in Article 155 paragraph (1) Criminal Procedure Code, the Judge has fulfilled his procedural obligations, namely asking the Children about the complete identity of the Children as stated in the Public Prosecutor's Indictment Letter, and then this has been confirmed by the Children). Based on the facts revealed in in Decision Number 24/Pid.Sus-Anak/2021/PN Jkt.Brt., good physical and spiritual condition, able to interact well during the

trial, so that there are no obstacles for the Children that item, that item not yet is in his power. The theft is over in taking responsibility for the acts he was charged with. Thus this element has been fulfilled and proven .

Ad.2 Taking something in whole or in part someone else's;

Based on R. Soesilo's opinion , what is meant by taking is the time the thief takes it it can be said to be finished if the item has moved, whereas What is meant by an item is anything that is tangible also includes animals (humans are not included), for example, money, clothes, necklaces, etc etc., the meaning of wholly or partially belonging to another person is It is clear that the goods have subjective rights from other people in whole or in part (Soesilo, 2010).

As the facts revealed in in Decision Number 24/Pid.Sus-Anak/2021/PN Jkt.Brt., on Wednesday 13 October 2021 at approximately 22.30 WIB, located on the side of Jalan Pancoran, Glodok Village, Tamansari District West Jakarta, there has been a criminal act of theft with violence committed by Anak together with witness MI Bin AS against; child victims of DP in the form of confiscation of 1 (one) unit of the gold-colored Xiomi Mimax 6 brand cellphone the victim's child.

Incident began when he was a child The DP victim played games together with his two friends while he was in a state sitting on the side of the road holding a cellphone in both hands, suddenly the defendant MI Bin AS and Anak Rohim Bin Barudin came on a bicycle The motorbike rode closer to the victim's child, then Rohim Bin's child Barudin was riding behind him with his left hand straight away snatched the cellphone held by the victim's child, then after succeeding seizing the two perpetrators stepped on the gas leaving the victim's child behind . In this way, the element of taking goods something that wholly or partly belongs to another person has been fulfilled.

Ad.3 With the intention of unlawful possession;

Elements with the intent to possess them adversely The law contains the meaning of having an item obtained from an act that is contrary to law or statutory law in a sense The goods are owned without rights or without permission from the owner.

As the facts revealed in in Decision Number 24/Pid.Sus-Anak/2021/PN Jkt.Brt, it started when the victim's child stated that it was true that the incident It started when the DP victim's child played a game together with the two of them his friend was sitting on the side of the road holding him cell phone in both hands, suddenly the defendant MI Bin AS and Anak arrived Rohim Bin Barudin rode the motorbike and rode close to the victim's child, then Rohim Bin Barudin's son rode behind him. behind him, with his left hand, he immediately grabbed the cellphone was held by the victim's child, then after successfully seizing the two perpetrators stepped on the gas leaves the victim's child.

The aim and purpose of taking the child's belongings victim the DP is to be owned, and according to the confession of the perpetrators The cellphone was the result of the mugging by witness Muhammad Ikhsan Bin Ahmad Sudarisman mortgaged witness Tarman for Rp. 300,000.00 (three hundred thousand rupiahs), where the amount is Rp. 100,000,- (one hundred thousand rupiah) he gave it to Rohim Bin Barudin's son .

The actions of the perpetrators are witnesses Muhammad Ikhsan and Anak Rohim Bin Barudin were carried out without obtained permission from the owner, namely the victim's child DP or father of the victim's witness (witness Tendi Bunjamin). Thus, it is an element with intent to be possessed unlawfully has been fulfilled.

Ad.4. That is preceded, accompanied or followed by violence or threats violence against persons with intent to prepare or makes it easier to steal, or in the case of being caught red-handed, to the theft. If you get caught red-handed, there's a chance for the perpetrator to enable escape himself or other participants or to retain control of the stolen goods.

According to R. Soesilo, What is meant by violence is binding people who have a house or close (confine the victim) in a room. Violence or threats of violence must be carried out against people and not things, which are carried out before, during or after The theft was carried out with the intention of making things easier himself or his friends who are involved in the crime will run away or so the stolen items remained in his possession (Soesilo, 2010).

Based on the facts revealed in in Decision Number 24/Pid.Sus-Anak/2021/PN Jkt.Brt, on Wednesday 13 October 2021 at approximately 22.30 WIB, located on the side of Jalan Pancoran, Glodok Village, Tamansari District West Jakarta when the DP victim's child played games together with the two of them his friend was sitting on the side of the road holding him cell phone in both hands, suddenly the defendant MI Bin AS and Anak came Rohim Bin Barudin rides a brown Honda Scoopy motorbike with Police Number B 3521 UTK rides close to the victim's child, then the child Rohim Bin Barudin was riding behind him with his left hand immediately snatched the cellphone held by the victim's child, then after managed to seize the two perpetrators and stepped on the gas, leaving the victim's child behind . Based on the analysis description above with exists Action cell phone confiscation these are elements accompanied by violence against people with intent For making it easier to commit theft has been fulfilled.

Ad. 5. Elements of the act being carried out at night in a room Enclosed House or Yard that Has a House in it or in Public Roads or on Medium Trains or Trams Walk. The definition of night is the period between the sun sunset and sunrise. The scene of the crime can be done in any place one place, namely a closed house or yard or on the street public or in a moving train.

Based on the legal facts that the incident occurred on Wednesday 13 October 2021 at approximately 22.30 WIB, located at Side of Jalan Pancoran, Glodok Village, Tamansari District, West Jakarta . In this way, this element has been fulfilled.

Ad.6 Actions carried out by two or more people in partnership;

The element "allied" in Article 365 paragraph (2) number 2 Criminal Code, the meaning of which is the crime of theft with violence carried out by two or more people who work together (allied), with the aim is to facilitate the commission of the theft .

The differences between the allied elements in question in Article 365 paragraph (2) of the Criminal Code with the concept of inclusion as follows referred to in Article 55 of the Criminal Code, the context of Article 55 of the Criminal Code contained in Book I of the Criminal Code (Article 1 to Article 103 of the Criminal Code) is a general rule (*legi generali*), while Article 365 paragraph (2) of the Criminal Code is a special regulation (*lex specialis*) from the article that regulates the aggravation of ordinary theft .

Based on the facts revealed in In Decision Number 24/Pid.Sus-Anak/2021/PN Jkt.Brt, the actions of Anak Rohim Bin Barudin were riding a brown Honda Scoopy motorbike with Police Number B 3521 UTK riding in tandem with witness Muhammad Ikhsan drove closer to the victim's child, then Anak Rohim Bin Barudin was riding behind him with his left hand immediately snatched the cellphone held by the victim's child, then after managed to seize the two perpetrators and stepped on the gas, leaving the child behind victim In this case, it can be seen that there is cooperation between two or more people, each of whom fulfills their role. Based on the analysis description above , this element has been fulfilled.

O because of the elements of Article 365 Paragraph (2) 1st and The 2nd Criminal Code as the primary indictment has been fulfilled in the act Rohim Bin Barudin's son, then there is no need for subsidiary charges be considered again, and the child must be declared proven legally and convincingly commits a criminal act as charged in the primary indictment.

From the facts obtained in Decision Number 24/Pid.Sus-Anak/2021/PN Jkt.Brt, during trial, the judge did not find anything that could release the child from criminal liability, either as a justification and/or reasons for forgiveness, namely in the form of actions carried out by

the child because of forced by an unavoidable power (Article 48 of the Criminal Code), or actions that he is forced to do to defend himself or others, defend one's honor or property or someone else's property, rather than an attack that is against the rights and threatens immediately at that very moment, because the feeling was shaken immediately at that time (Article 49 paragraph (1) and paragraph (2) of the Criminal Code), or do actions to implement statutory regulations (Article 50 Criminal Code), or committing acts to carry out the orders of the office granted by a proxy who has the right to do so (Article 51 paragraph (1) of the Criminal Code), or committing an irresponsible act to him because his intellect is less than perfect or because he is sick of changing reason (Article 44 paragraph (1) of the Criminal Code), therefore the actions carried out by children must be held accountable to her.

Because children are capable of responsibility, then must be found guilty and sentenced or sentenced, where the form for the child will be determined after consideration or restorative justice. *Restorative justice* is understood as a form following. Before handing down the Decision, the Judge has provide opportunities for parents/other guardians of children to express things that are essentially beneficial to children as the child's parent promises to educate the child to be better, For this reason, we ask the judge to be given the opportunity to educate child and ask for leniency in punishment.

Based on the theory of restorative justice where the goal Criminal law also restores justice which is known as *restorative justice* approach to resolving cases according to criminal law by involving perpetrators of crimes, victims, families of victims or perpetrators and other parties who related to seeking a fair solution by emphasizing on restoration back to its original state and not retaliation.

From the facts obtained in Decision Number 24/Pid.Sus-Anak/2021/PN Jkt.Brt, at the trial an attempt was made to resolve the case criminal acts involving children and their parents, with children victim DP, who in this case is represented by his father, is witness Tendi Bunjamin, but because he was busy with his work, he was delegated to the Prosecutor Prosecutor General Child, Mentor Sociability from Hall West Jakarta Class I Correctional Center and Child Legal Advisor for jointly seek a just solution with an emphasis on healing return to the original state, and not retaliate, until the facts are revealed that in fact the witness Tendi Bunjamin was the parent of the victim's child Devi Privanka has made a statement on a stamp dated 21 November 2021 which contains condoning RHM's children's actions against her child (victim's child) and will not do it legal prosecution because he is underage and must be fostered by his parents, then with Thus, in principle, the goals of restorative justice have been achieved .

Regarding the defense (Pledooi)/Petition from the Children's Legal Counsel, as well the demands of the Public Prosecutor (requisitoir) as mentioned above, then The judge was of the opinion that there were those who agreed to give the fairest and most lenient decision, and who disagreed with the Recommendation from Mentor Sociability from the Correctional Center Class I Jakarta West in Society Research Report serious criminal offenses or criminal acts accompanied by violence against Children give Action in the form of a return to parents/guardians, because it does not have a deterrent effect .

Considering the criminal acts committed by children qualified as "Theft with violence under the circumstances aggravating", then for the qualifying criminal act Rohim Bin Barudin's child was sentenced to a basic sentence in the form of imprisonment at the Special Development Institute for Class II Children in Jakarta in Cinere (Art 71 paragraph (1) letter e of the Juvenile Criminal Justice System Law), in accordance with Article 79 paragraph (1) - that Criminal restrictions on freedom are imposed if a child commits a criminal act.

Regarding the length of the sentence (*strafamacht*) who will set as in this decision, according to considerations Judges are in accordance with *moral justice, social justice and legal justice*.

Based on the provisions of Article 194 paragraph (1) of the Criminal Procedure Code, in the event of a sentence of punishment or acquittal or release from all lawsuit, the Court determines that the evidence should be confiscated handed over to the party most entitled to receive it back stated in the decision unless it is in accordance with the provisions of the Goods Act proof That must be seized for purposes Country or destroyed or damaged so that it can no longer be used.

Based on the Public Prosecutor's indictment, diversion cannot be applied to this child. Because the threat of punishment charged by the Public Prosecutor is a maximum of seven years in prison. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System Article 7 paragraph (2):

(2) Diversion must be attempted in the event of a criminal offense committed:

- a. Threatened with imprisonment for under 7 years and
- b. It is not a repetition of a criminal act

However, in this case, the Judge has the same considerations as the Police Investigator and Public Prosecutor. Although the judge has considered (according to the author, not seriously and not strictly implemented by the judge) regarding Law number 23 of 2002 concerning Child Protection, specifically regarding Children's Rights. The child in conflict with the law in the case above is a child who is 16 years old and is committing a crime for the first time. Although it is also not appropriate that the judge does not carry out diversion, which should be mandatory in criminal court cases for children who are in conflict with the law to take diversion steps.

According to the author, taking diversion is the right step in the case of children being researched by the author because children are the nation's next generation. The most appropriate process for resolving cases against children who are in conflict with the law in the cases studied by the author is to resolve them outside the court process or Diversion by paying attention to the best interests of the child in accordance with Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 Concerning Child Protection.”

Among the considerations of law enforcers not to take diversion steps or take diversion steps in the case of East Jakarta District Court Decision Number 5/PID.SUS-ANAK/2022/PN JKT.PST and Decision Number 24/Pid.Sus-Anak/2021/PN Jkt. Brt. According to the author, it is the judge's considerations that are NOT correct with the fact that they are still carrying out legal proceedings against child defendants through the courts because they are based on Law Number 35 of 2014 Article 59 concerning amendments to Law Number 23 of 2002 concerning Child Protection.

CONCLUSION

Criminal justice legal regulations regarding child perpetrators of criminal acts of abuse have been implemented with diversion in the case of Decision Number 5/Pid.Sus-Anak/2022/PN JKT.PST so that child defendants are returned to their parents and Decision Number 24/Pid.Sus-Anak /2021/PN Jkt. Brt. by prosecutors and judges who do not apply normative juridical diversion in accordance with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System Article 7 (2) based on principles based on the theory of restorative justice. However, this is not in accordance with the principles of protection and prioritizing the best interests of the child's future and growth and development as stipulated in Law Number 35 of 2014 concerning Amendments to Law No. 23 of 2002 Articles 4 to Article 18 concerning Child Protection. The judge took diversion steps to uphold children's rights as regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

However, according to the author, restoration of the rights of accused child perpetrators of abuse who have been sentenced to acquittal with restorative justice efforts (Case study of

Decision Number 5/Pid.Sus-Anak/2022/PN JKT.PST and Decision Number 24/Pid.Sus-Anak/2021 /PN Jkt. Brt. This is not in accordance with the principle of legal protection for the future interests and growth and development of children, so in Decision Number 5/Pid.Sus-Anak/2022/PN JKT.PST the panel of judges has implemented diversion. However, in Decision Number 24/Pid.Sus-Anak/2021/PN Jkt.Brt. The panel of judges did not apply diversion, which should be mandatory for criminal court cases involving children who are in conflict with the law to take diversion steps.

To carry out the diversion process so that children can resolve cases outside the court which is a manifestation of Article 59 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection which the Government and other state institutions are obliged and responsible for provide special protection to children, among other things, by improving the obstacles of Women and Children Protection Unit Investigators, including: not all ABH have complete and clear family status or do not even know the whereabouts of their parents and family and not many understand the spirit of the promulgation of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, has an impact on victims who often apply for compensation that exceeds the capacity of the child's family as the perpetrator.

REFERENCES

- Abintoro Prakoso, *Reform of the Juvenile Criminal Justice System*, (Surabaya: Laksbang Graphic. 2013).
- Andi Hamzah, *Certain Offenses (Speciale Delicten) in the Criminal Code*, (Jakarta: Sinar Grafa, 2009).
- Beniharmoni Harefa, *Capita Selecta Legal Protection for Children*, (Yogyakarta: Deepublish, 2016).
- Harry E. Allen and Clifford E. Simmons in Abintoro Prakoso, *Reform of the Juvenile Criminal Justice System*, (Surabaya, Laksbang Graphic. 2013). p . 20.
- Hartanto, et al., *Special Crime Law*, (Yogyakarta: CV. Budi Utomo, 2019).
- [Http://digilib.unila.ac.id/30332/3/SKRIPSI%20TANPA%20BAB%20PEMBAHASAN.pdf](http://digilib.unila.ac.id/30332/3/SKRIPSI%20TANPA%20BAB%20PEMBAHASAN.pdf), last accessed on 18 Nov. 2023, 20.00
- [Http://repository.uinjkt.ac.id/dspace/bitstream/123456789/42214/1/M.%20DERIFKA%20DWI%20SEPTA-FSH.pdf](http://repository.uinjkt.ac.id/dspace/bitstream/123456789/42214/1/M.%20DERIFKA%20DWI%20SEPTA-FSH.pdf), last accessed 21 Nov. 2021, 10.30
- R. Soesilo, *The Criminal Code (KUHP) and its complete comments, article by article*, (Bogor: Politea, 2010).
- Soerjono Soekanto and Sri Mahmudji, *Normative Legal Research, A Brief Overview*, Jakarta: Raja Grafindo Persada, 2003).