

Juridical Analysis of the Application of Restorative Justice to the Crime of Minors (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police)

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ABSTRACT: Handling criminal cases with a restorative justice approach offer different views and approaches to understanding and dealing with a crime. In the view of restorative justice, the meaning of crime is basically the same as the view of criminal law in general, namely attacks on individuals and society and social relations. The problem in this study is how to regulate the application of Restorative Justice to the Crime of Minors (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Police), how to implement the Application of Restorative Justice to the Crime of Minors (Research Study at the Directorate General of Criminal Investigation of the Regional Police Riau Islands) and what factors are obstacles or obstacles as well as solutions for the application of Restorative Justice to the Crime of Minors (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police). This study aims to determine the Legal Arrangements for the Application of Restorative Justice to the Crime of Minors (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police), to determine the implementation of a juridical analysis of the Application of Restorative Justice to the Crime of Minors (Research Study at the Directorate General of Criminal Investigation). Riau Islands Regional Police), to find out the factors that become obstacles or obstacles and Solutions for the Application of Restorative Justice for the Crime of Minors (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police). This study uses a descriptive method by using a normative approach (legal research) to obtain primary data through field research (research). The results showed that the application of Restorative Justice to the Crime of Minors (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police) had basically been carried out well. However, there were still many obstacles in the field, especially the limited physical facilities of the building where restorative justice was carried out in Indonesia. It is necessary for all components of society, especially for children in conflict with the victim themselves and the families of children in conflict with the law and victims and communities who are harmed as a result of criminal acts committed by children, are expected to support the implementation of restorative justice as an alternative to imprisonment by forgiving and provide opportunities for children to face the law to correct their mistakes.

Keywords: Juridical Analysis, Restorative Justice and Crime

I. INTRODUCTION

Children are a mandate and gift from God Almighty, who has inherent dignity and worth as a whole human being. Furthermore, it is said that children are buds, potentials and the younger generation to succeed the ideals of the nation's struggle, have a strategic role, and have special characteristics and characteristics that ensure the continuity of the existence of the nation and state in the future (Djamil, 2015). The visionary view states that children are a form of investment that is an indicator of the success of a nation in carrying out development. The success of child development will determine the quality of human resources in the future (Suyanto, 2016).

Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia) reads that: Children have a strategic role and the state guarantees the rights of every child to survival, growth, and development as well as for protection from violence and discrimination. Therefore, the best interests of children should be the same as mankind's best interests. Children were initially referred to with a special term, namely "Children in Special Difficult

Circumstances," or "children who require special protection," namely if the child is in an environment where the relationship between the child and the people around him/her, particularly adults, is full of acts of violence or tends to care or neglect (Suyanto, 20016).

The government's policy on juvenile justice issues is to protect children against the law. The first is special protection, namely legal protection in the judicial system, and the second is the law that specifically regulates juvenile justice. And Law No. 3 of 1997 concerning Juvenile Court is currently replaced by Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. Hence, this change has become a change for the better to protect children who are undergoing proceedings in court. The amendment to the law contains the Juvenile Criminal Justice System. The current replacement objective is Law No. 11 of 2012, thereby, that juvenile justice is more effective in protecting children caught in the law by realizing an "Integrated Criminal Justice System" or "integrated criminal justice system". Comparison of Law no. 11 of 2012 with Law no. 3 of 1997 covers a very broad understanding of changes, including the definition of "children," Children's institutions, principles, criminal sanctions, criminal provisions.

When compared to Law No. 11 of 2012 concerning the Juvenile Criminal Justice System with Law No. 3 of 1997 concerning Juvenile Courts, then Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which is more comprehensive in placing the position of children in law. Compared to Law No. 3 of 1997 concerning Juvenile Court, it only protects children as victims and not perpetrators. As perpetrators are sometimes positioned the same as adult perpetrators, this is the weak point of the old laws and regulations. As a result, it causes a lot of loss for both the defendant and the judiciary. Juvenile crime has undergone many changes, among others, in terms of the definition of a child. It has become wider and has led to the criminal justice system. Also in terms of institutions, there are institutions that can guarantee children's rights in undergoing the justice system. In terms of principle, it is also clear that the rights of children are upheld in the law. Likewise, in terms of criminal sanctions against children, experiencing an expansion that previously tended to follow the Criminal Code, is now more towards the expansion of the criminal sanctions themselves. Then it can be analyzed that there is an implementation, namely that the criminal provisions do not exist in the old Law in Law no. 3 of 1997. So based on the implementation of the new law, namely Law No. 11 of 2012 so that it can be used as a basis for implementing the criminal system in Indonesia for children, not only through imprisonment but also through the application of Restorative Justice, it is more appropriate to implement.

"Restorative Justice" is a model approach that emerged in the 1960s era in efforts to resolve criminal cases. In contrast to the approach used in the conventional criminal justice system, this approach focuses on the direct participation of perpetrators, victims, and society in the process of resolving criminal cases. Despite the fact that this approach is still theoretically debated. However, this view has in fact developed and has influenced many legal policies and practices in various countries. Handling criminal cases with a restorative justice approach offer different views and approaches to understanding and dealing with a crime. In the view of restorative justice, the meaning of a crime is basically the same as the view of criminal law in general, namely attacks on individuals and society and social relations (Hamidi, 2006).

However, in the restorative justice approach, the main victim of the occurrence of a crime is not the state, as in the current criminal justice system. Therefore, crime creates an obligation to fix the damaged relationship due to the occurrence of a crime. Meanwhile, justice is defined as a process of finding solutions to problems that occur in a criminal case where the involvement of victims, communities, and perpetrators is important in efforts to repair, reconcile and guarantee the continuity of the repair business. As the most up-to-date approach in criminal law, the United Nations, through the basic principles it has outlined, considers that a restorative justice approach is an approach that can be used in a rational criminal justice system. This is in line with the view of G.P. Hoefnagels, who stated that criminal politics must be rational (a rational total of the responses to crime). The restorative justice approach is a paradigm that can be used as a frame of strategy for handling criminal cases aimed at responding to dissatisfaction with the current working of the criminal justice system. The understanding of restorative justice is a new form of approach that can be used in handling criminal cases, as illustrated by the definition put forward by Dignan as follows (Kusumaatmadja, 2016): Restorative justice is a new framework for responding to wrongdoing and conflict that is rapidly gaining acceptance and support from educational, legal, social, and counseling professionals and community groups.

Restorative justice is an approach judged based on responding to error and conflict, with a balanced focus on the people who are harmed, the people who cause harm, and the communities affected. This definition requires the existence of certain conditions that place restorative justice as the basic value used in responding to a criminal case. In this case, it requires a balance of focus of attention between the interests of the perpetrator and the victim and also taking into account the impact of the settlement of the criminal case in society. The application of this requirement is not easy considering the mainstream thinking of law enforcement officers,

which has been patterned after the conventional line of thinking of the current criminal justice system. It is natural to take into account the views of Mark Umbreit, stating (Kusumaatmadja, 2016): "Restorative justice provides a very different framework for understanding and responding to crime. Crime is understood as harming individuals and society, not simply violating abstract laws against the state."

Those most directly affected by crime—victims, community members, and perpetrators—are therefore encouraged to play an active role in the judicial process. Rather than the current focus on punishing offenders, it is far more important to recover from the emotional and material harm of a crime. The juvenile justice system contained in Law Number 3 of 1997 was updated through Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. There were fundamental changes in an effort to overcome the weaknesses of Law Number 3 of 1997. Fundamental changes, such as the use of a restorative justice approach through the diversion system (Kusumaatmadja, 2016).

This regulation has regulated the obligations of law enforcers in seeking diversion (settlement through non-formal channels) at all stages of the legal process. As Article 1 point (6) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System states, restorative justice is the settlement of criminal cases by involving the perpetrator, victim, family of the perpetrator/victim, and other related parties to jointly seek a solution, justice by emphasizing restoration to its original state, and not retaliation.

The Juvenile Criminal Justice System must prioritize a Restorative Justice approach. The Juvenile Criminal Justice System includes investigation and criminal prosecution of children carried out in accordance with the provisions of laws and regulations unless otherwise provided for in this law; child trials conducted by the court in the general court environment; and guidance, guidance, supervision, and/or assistance during the process of carrying out a crime or action and after undergoing a crime or action.

In the Juvenile Criminal Justice System, as referred to in paragraphs a and b, diversion must be sought. Diversion is the transfer of settlement of children's cases from the criminal justice process to processes outside of criminal justice. In principle, through Law Number 11 of 2012 concerning promoting a restorative justice approach and the diversion process as an effort to resolve crimes committed by children, so that the application of restorative justice will offer answers to important issues in the settlement of criminal cases, namely: first, criticism of the criminal justice system that does not provide opportunities, especially for victims (criminal justice system that disempowers individuals); second, eliminating conflicts, especially between perpetrators and victims and the community (taking away the conflict from them); third, the fact that the feelings of helplessness experienced as a result of a crime must be overcome to achieve improvement (in order to achieve reparation) (Aertsen, 2016).

The application of the principles of restorative justice and the diversion process as an effort to resolve crimes committed by children, although formally it has been regulated clearly and firmly in Law Number 11 of 2012 concerning the juvenile criminal justice system. But formally, problems arise related to time and the enactment of the law, which in Article 108 states: "This law comes into force after 2 (two) years from the date of promulgation", which means that the law only took effect in July 2014. This will certainly raise problems for the settlement of criminal acts involving children. In addition to the readiness of all law enforcement officials, public understanding, and facilities and infrastructure are supporting factors that cannot be ruled out in supporting the enactment of the law.

Based on this background, the following problems can be formulated.

- (1) What is the legal arrangement for the application of restorative justice to the crimes of minors (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police)?
- (2) How is the implementation of Restorative Justice for the Crime of Minors (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police)?
- (3) What are the impediments/obstacles to the implementation of Restorative Justice for Minors Crimes (Research Study at the Riau Islands Regional Police Directorate of General Criminal Investigation)?

Therefore, the purpose of this study is (1) to find out the legal arrangements for the application of restorative justice for the crime of minors (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police). (2) To find out the implementation of the application of Restorative Justice to the Crime of Minors (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police). (3) To find out the inhibiting factors/constraints and solutions for the implementation of

restorative justice for criminal acts committed by children (Research study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police).

This research will benefit the authors, and can also be useful for other parties, as well as provide positive benefits for the relevant legal agencies and the community. Theoretically, the results of this study are expected to contribute to the development of legal science, especially criminal law because the results of this study provide clarity regarding the application of Restorative Justice to Child Crime (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police). Practically, this research is expected to provide benefits to legal institutions in the form of juvenile courts which are expected to be able to carry out their work efficiently because the results of this study provide an explanation regarding the Settlement of Crimes Perpetrated by Minors. The public is expected to get legal certainty because the results of this study provide explanations and guidelines regarding the laws and regulations applied to the Settlement of Crimes Committed by Minors.

II. LITERATURE REVIEW

The theory is a set of constructions or concepts, definitions, and propositions that function to view phenomena systematically, through the specification of relationships between variables so that they can be useful for explaining and predicting phenomena (Sugiyono, 2013). The theory is a flow of logic or reasoning, which is a set of concepts, definitions, and propositions that are systematically arranged (Sugiyono, 2013). Function theory in general contains the function of explaining (explanation), predicting (prediction), and controlling a symptom. In a study, the theory used must be clear because the function (Sugiyono, 2013) of theory in a study is, among others, to clarify and sharpen the scope or construction of the variables to be studied, to formulate hypotheses, and develop research instruments as well as to predict and find facts. about something that is being researched. Theories contain statements about certain phenomena and these statements must be tested in research. Research is a scientific activity related to analysis and construction which is carried out methodically, systematically, and consistently (Soekanto, 2015).

Legal Arrangements for the Application of Restorative Justice for the Application of Criminal Acts of Minors

The definition of a child in the Convention on the Rights of the Child is defined as: "For the present Convention, a child means every human being below the age eighteen years, under the law applicable to the child: the majority is attained earlier".

What is meant in this convention is everyone under the age of eighteen, unless, under the law applicable to children, it is determined that the age of majority is reached earlier). Thus, the age limit for adulthood according to the Convention on the Rights of the Child is 18 years with the exception that maturity is achieved earlier. Law No. 39 of 1999 concerning Human Rights defines children as follows: "Every human being who is under 18 years of age and has never been married, including children who are still in the womb, if this is in his interest."

While in Law no. 23 of 2002 concerning Child Protection, limits are given to who is meant by a child, namely: A person who is not yet 18 (eighteen) years old, including children who are still in the womb. As a result, the meaning given by these two regulations is broader. Because including children in the womb is recognized as a child.

Children's Rights in Conflict with the Law

Children's rights are human rights, and in the interest of children's rights, they are recognized and protected by law, even from the time they are in the womb. Children's rights are regulated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, namely as follows: "Every child has the right to be able to live, grow, develop and participate fairly following the dignity and worth of the child. humanity and receive protection from violence and discrimination".

Article 13 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection states that as long as in the care of parents, guardians, or any other party responsible for the care, the child has the right to receive protection from treatment as the following: Discrimination; economic and sexual exploitation; abandonment; cruelty, violence, and abuse; injustice; another mistreatment. Article 16 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection states that every child has the right to receive protection from targets of abuse.

Child Welfare

Based on the Convention on the Rights of the Child 1989, children's rights can generally be grouped into 4 categories of children's rights, namely: the right to survival; the right to develop (the right to develop); the right to protection (the right to protection); and the right to participation. Indonesia has ratified the Convention on the Rights of the Child with the issuance of Law no. 23 of 2002 concerning Child Protection and Presidential Decree no. 36 of 1990 concerning Ratification of the Convention on the Rights of the Child. Article 1 point 12 of Law no. 23 of 2002 states that children's rights are "part of human rights that must be guaranteed, protected and fulfilled by parents, families, communities, governments, and the state." based on the Presidential Decree of 1990 which ratified it. The juvenile justice system must prioritize the juvenile's well-being and ensure that any response to juvenile offenders is always appropriate to both the offenders' and the offense's circumstances.

Since 1990, Indonesia has been legally bound to implement the provisions contained in the Convention on the Rights of the Child. Law no. 23 of 2002 has been revoked by Law no. 11 of 2012. In 1985, the United Nations Standard Minimum Rules for Juvenile Justice Administration (SMRJJ) were established. In UNSMRJJ (hereinafter referred to as The Beijing Rules), November 29, 1985, in Point 5, it is stated that the objectives of juvenile justice are: Based on the goals of juvenile justice stated above, the goals of the juvenile criminal justice system are to promote the welfare of children (the well-being of the juveniles) while adhering to the principle of proportionality. The aim of promoting children's welfare is the main focus, which means avoiding the use of purely punitive sanctions.

The purpose of the proportional principle is to curb the use of sanctions, most of which are stated in terms of rewards commensurate with the severity of the law violation (mostly expressed in terms of just desert in relation to the gravity of the offense), but also take into account personal circumstances (be based on the considerations of personal circumstances).

Restorative Justice

In-Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, in Article 1 Number 6, Restorative Justice is the settlement of criminal cases involving the perpetrator, victim, family of the perpetrator or victim's family, and other related parties to jointly seek a solution. justice by emphasizing restoration to its original state, and not retaliation. Other parties include the community, religious leaders, teachers, RW heads, RT heads, community leaders, and others. Meanwhile, the definition of Diversion, in Article 1 point 7, the definition of Diversion is the transfer of the settlement of children's cases from the criminal justice process to an outside process. criminal justice. So restorative justice includes the principles of participation of all parties involved in handling children's cases, such as perpetrators, victims, families of victims, families of perpetrators, or the community, then sitting together to resolve children's cases through diversion efforts or diversion consultations led by investigators. as the head of the facilitator and the Community Advisor as a representative of the facilitator which was also attended by Professional Social Workers.

A child who is a perpetrator of a crime, such as a child committing theft, is then caught and handed over to the authorities or the police, if the theft committed by the child is an ordinary theft, as regulated in Article 362 of the Criminal Code, with the threat of imprisonment for life. Then, based on the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, in Article 7 paragraph (1) it is stated that at the level of investigation, prosecution, and examination of children's cases in district courts, diversion must be sought. Then in paragraph (2), it is stated that the diversion as referred to in paragraph (1) is carried out in the case of a criminal act being committed; letter a. threatened with imprisonment of less than 7 (seven) years and, letter b, is not a repetition of a crime. When a child is a perpetrator of a crime, and the crime committed is threatened by a criminal under the age of seven (seven) years old and is not a repeat of a crime, a solution for diversion must be sought, and the approach used is a restorative justice approach. The case of the child who commits the theft is resolved outside the judicial process or what is called diversion or diversion deliberation.

The implementation of the diversion deliberation, involves investigators, community counselors, perpetrators or children who commit theft, parents of perpetrators or their guardians, victims, professional social workers or social welfare workers, and if necessary, it may involve the community. Then all parties gather at one table or in one room to carry out diversion deliberation led by investigators as facilitators and community mentors as deputy facilitators, to achieve peace between victims and children, and to achieve the best interests of children.

So the relationship between restorative justice and diversion is that restorative justice is a way of resolving cases whose approach involves parties such as the perpetrator, the perpetrator's family, the victim, the victim's family, investigators, community advisors, professional social workers, and the community, or related

parties, to recover or restore losses or consequences arising from criminal acts committed by children. Meanwhile, diversion is the process of resolving cases outside the criminal justice system, namely through diversion consultations. So restorative justice emphasizes recovery back to its original state and not retaliation, while diversion is more about transferring the process of resolving child criminal cases outside the judicial process.

III. RESEARCH METHODS

The research method consists of two words, namely the word method and the word research. The word method comes from the Greek word *methodos*, which means way or towards a path. The method is a scientific activity related to a systematic way of understanding a subject or object of research, as an effort to find answers that can be scientifically justified and include their validity (Ruslan, 2003).

Data specification or it can be said that the type of research is a choice of the type of research format in examining the object of research in the field of legal science studied by the author. Specifically, according to the type, nature, and purpose of Soerjono Soekanto's specification of legal research, it is divided into Normative Legal Research and Sociological or Empirical Legal Research (Ruslan, 2003). This normative legal research is also known as doctrinal legal research, also referred to as library research or document study. It is called doctrinal legal research because this research is conducted or aimed only at written regulations or other legal materials. It is also called library research or document study because this research is mostly done on secondary data in the library. In this study, the authors use secondary data sources, namely data obtained or collected by people researching existing sources. Secondary data is obtained by library research to obtain a theoretical basis in the form of opinions or writings of experts or other authorized parties and also to obtain information both in the form of formal provisions and data through existing official texts.

This research was conducted by the author at the Riau Islands Regional Police Batam. As for the population of the study, these are minors who are perpetrators of criminal acts (Salim, 2014). Meanwhile, for the sample in this study, the authors used a non-probability sampling technique or non-random sampling technique through purposive sampling.

In this study, the authors used interview techniques to collect data. The interview used was an open interview by holding a direct question and answer based on a list of questions that was made previously and developed during the interview. The authors conducted interviews with several resource persons from the Directorate of General Criminal Investigation of the Riau Islands Regional Police, Batam. In addition, based on the data used in this study is secondary data. All secondary data uses data collection techniques in the form of searching documents collected through the library. Library research is a method of data collection that is carried out through library materials in the form of journal books, and articles written by experts. From all the data that has been obtained and collected, both the results of interviews and library materials are re-examined to determine completeness and clarity, and a data management process is held by first compiling the data, then classifying it so that it is easy to perform data analysis.

Data analysis is an important and decisive stage in a study. Data analysis is also a stage to find sources of problems and answers to research problems (Soekanto, 2015). There are two types of data analysis methods, namely qualitative and quantitative. Qualitative analysis is the descriptive analysis of data, including words and pictures, obtained from interview transcripts, field notes, photos, videotapes, personal documents, and others. Quantitative analysis is to provides codes, numbers, measures, and operational variables.

The data obtained from data collection in a literature study (legal research) and field studies in this study, were analyzed using qualitative data analysis, which is a scientific way of obtaining valid data to find, prove, and developing knowledge so that it can be used to understand, solve, and anticipate pertinent problems from natural data and has deep accuracy. (Manab, 2015). The positive legal study method used by the authors in this study is a deductive (general) to an inductive (specific) method, which is a method used to complement the normative system used in this study, which has been compiled and organized through collection and inventory efforts.

IV. DISCUSSION & CONCLUSION

Legal arrangements for the application of Restorative Justice for the application of criminal acts of minors are contained in several laws and regulations, namely Law Number 35 of 2014 (State Gazette of 2014 Number 297) concerning amendments to Law Number 23 of 2002 concerning Child Protection (State Gazette of 2002 Number 109), Law Number 3 of 1997 (State Gazette of 1997 Number 3668) concerning the Juvenile Justice System, Regulation No. 2 of 2012 concerning the Adjustment of Limits for Minor Crimes and the

Amount of Fines in the Criminal Code, Regulation No. 4 of 2014 concerning Guidelines for Implementing Diversion in the Juvenile Criminal Justice System, and Regulation No. 5 of 2014 concerning Circular Letter of the Supreme Court of the Republic of Indonesia Number 4 of 2010 concerning Placement of Abuse, Victims of Abuse, and Narcotics Addicts into Medical Rehabilitation Institutions from Social Rehabilitation, Circular Letter of the Supreme Court of the Republic of Indonesia Number 4 Year 2010 Regarding Placement of Communities Abuse, Victims of Abuse, and Narcotics Addicts Into Medical Rehabilitation Institutions From Social Rehabilitation, Circular Letter of the Supreme Court of the Republic of Indonesia Number 3 of 2011 concerning Placement, Victims of Narcotics Abuse in Medical Rehabilitation Institutions from Social Rehabilitation and Joint Decree of the Chairman of the Supreme Court of the Republic of Indonesia, Minister Law and Human Rights of the Republic of Indonesia, Minister of Social Affairs of the Republic of Indonesia, and State Minister of Women's Empowerment and Child Protection of the Republic of Indonesia Number 166A/KMA/SKB/XII/2009, 148A/A/JA/12/2009, B/45/XII/ 2009, M.HH-08 HM.03.02 Year 2009, 10 PRS-s/KPTS/2009, 02/Men.PP and PA/XII/2009, 10/PRS-s/KPTS/2009, 02/Men.PP and PA/XII/2009 concerning Handling of Children in Conflict with the Law.

The Implementation of Restorative Justice Application of Criminal Acts of Minors (Research Study at the Directorate of General Criminal Investigation of the Riau Islands Regional Police) has been running as it should, but there are still obstacles in the field. The implementation of the application of restorative justice as an alternative to punishment for children in conflict with the law has caused many law enforcement officers to start from the level of investigation to the implementation of judge decisions carried out in correctional institutions. They still do not understand deeply the concept of restorative justice as one of the solutions to handling children in conflict with the law, where the understanding they have is still limited to a general understanding of semantics or language so that the principles and values contained in restorative justice are still poorly understood.

The problem in the field, as well as solutions for the application of Restorative Justice to the Crime of Minors (Research Studies at the Directorate of General Criminal Investigation of the Riau Islands Regional Police), is that there are still very limited physical facilities for the building where restorative justice is carried out, as well as non-physical, namely the unavailability of professional personnel. such as doctors, psychologists, skill instructors, and educators in various places where children are placed during the handling of the legal process. The legal substance factor, because the restorative justice model has not been explicitly regulated in the law, even though Law No. 11 of 2012 concerning the Juvenile Criminal Justice System has been regulated and declared valid.

V. SUGGESTIONS

From the conclusion above, the writer gives the following suggestions.

Revise Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Implementing Regulation Number 65 of 2015 concerning Guidelines for Implementing Diversion and Handling of Children Under the Age of 12 (twelve) years regarding criminal acts that can be diverted by setting aside the limits of criminal penalties imposed diversion can be carried out and put forward the concept of forgiveness and agreement from the parties and also revise or at least provide clear instructions on when to apply the criminal threat of (one half) of the adult criminal threat against children facing the law.

It is hoped that the younger generation in the future will be more able to obey the applicable laws. The implementation of diversion in the juvenile criminal justice system can be used as a vehicle to educate children who have already committed crimes or violated the law about the importance of obeying the law.

In order to participate in realizing development goals in the field of fostering the younger generation as the future successors of the nation, it is recommended to all components of society, especially to children dealing with the law with the victims themselves and the families of children facing the law and victims and communities who are harmed as a result of criminal acts committed by children. It is hoped that it can support the implementation of restorative justice as an alternative to imprisonment by forgiving and providing opportunities for children facing the law to correct their mistakes by attending education and skills training outside the correctional institution for a certain period of time as a substitute for the implementation of imprisonment.

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