

## Book Review

# How Juvenile Criminal Justice System in Indonesia Works? A Book Review Peradilan Pidana Anak di Indonesia, Marlina, PT Refika Aditama, 232 Pages, ISBN 9798-602-8650-06-9

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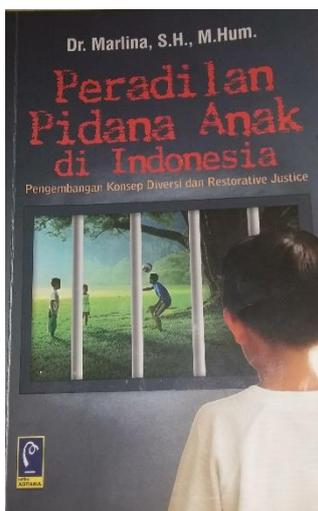
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### DATA OF BOOK

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This book is divided into 4 chapters, an introduction; children in conflict with the law; juvenile criminal justice; the development of the concept of diversion and restorative justice. Actually this book only discusses one important point, namely regarding chapter 4, the development of the concept of diversion and restorative justice. However, the author makes the translation first by writing chapters 1 through chapter three.

Discuss about chapter one, namely the introduction. Since ancient times until now, criminal problems have absorbed a lot of the energy of the nation's children to build social reconstruction. Increasing criminal activity

in various forms requires hard work in building new thoughts about the direction of legal policy in the future.

Human needs to live in an orderly, harmonious, harmonious, peaceful and peaceful manner are still maintained in accordance with applicable law. To provide security to every citizen, law enforcement officials need to take action by carrying out legal proceedings against criminal offenders. The implementation of legal proceedings against criminal offenders is in a system consisting of related subsystems called the criminal justice system or in the English Criminal Justice System.

According to Mardjono Reksodiputro, the criminal justice system is a system in a society to tackle crime problems, aiming to control crime so that it is within the limits of tolerance and completing most of the reports or complaints of people who are victims of crime by bringing the perpetrators of crimes to court hearing to be found guilty and convicted. Then prevent the occurrence of victims of crime and prevent perpetrators from repeating the crime.

Handling child cases of criminal offenders with varying amounts and forms, a state effort is needed to establish a child court law. After the birth of Law No. 3 of 1997 concerning juvenile court there are some differences in the provisions regarding the handling of crimes committed by children, namely special treatment of children who commit crimes.

Every child who commits a criminal offense entering the criminal justice system must be treated humanely as contained in Law No. 23 of 2003 concerning child protection, namely non-discrimination, the best interests of children, the right to life, survival, survival and development, as well as respect for children's opinions. Internationally the implementation of juvenile criminal justice is guided by the Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules).

The existence of several problems in the implementation of the juvenile justice system in Indonesia, according to the importance of the development of the concept of diversion and restorative justice in the implementation of the juvenile justice system in Indonesia. The theory used in analyzing the problem of developing consensus diversion and restorative justice in the juvenile criminal justice system in Indonesia is the theory of crime prevention policies.

According to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) item 11 specifying diversion is the process of delegating children in conflict with the law from the criminal justice system to an informal system such as returning to social

institutions, both state and non-governmental governments. This action is done to avoid negative effects on the soul and child development.

While restorative justice is a settlement process that is carried out outside the criminal justice system by involving victims, perpetrators, victims' families, perpetrators' families, the community, as well as other parties concerned with a criminal act that occurs to reach agreement and settlement.

According to the results of a study conducted in April 2005 with 20 inmate informants at the Tanjung Gusta Penitentiary in Medan, it was concluded that the causes of children committing crimes included; the influence of association, lack of attention, broken home family, economy, education.

The elements of crime according to Simons consist of: human actions; threatened criminal; against the law; done with mistakes; the person doing it can be held responsible.

Criminal law for children regulated in Law No. 3 of 1997 concerning juvenile court is considered not so providing protection to children in conflict with the law. Therefore, changes and updates are needed. This is important considering the current development of child protection is a major issue in international issues about children.

Children who are fostered in Medan Children's Penitentiary have a child's status, namely: a. Criminal children, namely children convicted by a court and sentenced to deprivation of liberty; b. A state child, a child convicted by a court handed over to the state to be educated for up to eighteen years; c. Civil children, namely children who, at the request of their parents or guardians, receive a decision from the district court, are entrusted to a special prison facility for children.

The author's opinion the purpose of the criminal law of children is to heal the mental state of children who have been shaken due to criminal acts he has done. While the implementation of the concept of diversion in Indonesia appears in a discourse seminar discourse that is often held. Starting from the understanding and understanding of the seminar discourse held on the concept of diversion, it fostered the enthusiasm and desire to study and understand the concept of diversion. Version consonants are concepts to shift a case from formal to informal processes. The transfer process is intended to provide protection for children in conflict with the law.

There are several obstacles in the implementation of the concept of diversion, namely: understanding of the definition of diversion, the limitations of the policy of implementing the diversion, and people's trust in the rules of implementing the diversion and its obstacles. As for restorative justice, the process of resolving violations of the law that occurs is carried out

by bringing victims and perpetrators together in one meeting to talk together. In Indonesia the practice of restorative justice has also been carried out, known as family settlement. There are several forms of application of the concept of restorative justice namely; Victim Offender Mediation (VOM), VOM is a process that provides the willingness of victims as the subject of crime and violence to meet with perpetrators, in a safe and orderly atmosphere with the aim of making direct responsibility from the perpetrators in the form of compensation to victims; Family Group Conferencing (FGC); Circles; Reparative Board.

The implementation of restorative justice in Indonesia is a new thing, in which the city of Bandung is one of the places to conduct a unicef pilot project on the development of the concept of restorative justice in 2003. Efforts to implement the law's order so that the imprisonment of children is the last resort (*ultimum remedium*). Every crime can be resolved by settlement outside formal justice through a process of restorative justice. Implementation of diversion and restorative justice provides support for the process of protecting children in conflict with the law. In accordance with the main principles of diversion and restorative justice, it has a common ground which is to prevent perpetrators from committing criminal acts from the formal criminal justice system and giving children the opportunity to carry out alternative sanctions without imprisonment.

The weakness of this book is that the writer does not point to what is the subject of discussion in the book. The presentations in this book actually extend to other discussions that are not related to the subject matter. The author also explains about the term criminal terms and penalties for adults too long, which in the end the core of this book is only discussed in the fourth chapter. The author's view on this book seems to favor the community without seeing the positive side of the government and law enforcement officers.

The core concepts discussed should be made into more than one chapter, because in this book two concepts are discussed, namely diversion and restorative justice. Because of the length of the explanation and the repeated definition of several key words, this book does not seem impressed to the point about what is really at the heart of the problem.



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