



## Book Review

### **A Complex Condition of Justice in Indonesia: A Book Review ‘Bring Back Justice: Refleksi Kritis atas Isu-Isu Politik, Hukum, dan Keamanan’, M. Nasir Djamil, 2017, Merdeka Book, Jakarta, 224 Pages, ISBN 978-602-61116-2-3**

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#### DATA OF BOOK



Title	: Peranan Orang Tua Dalam Proses Persidangan Tindak Pidana Perjudian Yang Dilakukan Oleh Anak
Author	: Lanka Asmar, S.H.I., MH.
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#### A. Introduction

The book ‘Peranan Orang Tua dalam Proses Persidangan Tindak Pidana Perjudian Yang Dilakukan Oleh Anak’ presents how parents deal with children who are dealing with the law and how the role of law enforcers, especially child judges, response to the presence of parents in the proceedings of children. The author will describe the factors that cause children's involvement in gambling cases, the importance of the role of parents in this case, and the judge's decision on the case that has occurred.

## **B. Review**

In the first chapter (introduction), the author writes the background to the discussion of this book. The author defines gambling in general. that is a game, where players bet to choose one choice among several choices, where only one choice is correct and becomes the winner. Where the loser gives his bet to the winner. Rules and bets are determined before the game starts.

According to pathologists, gambling can be classified as addictive behavior even though it does not involve certain chemicals. The author also points out the factors that cause a person to gamble.

1. Cultural factors. Community that supports gambling activities.
2. Social learning factors. Learn or imitate others.
3. Personality factor of an individual.
4. Crisis and stress factors. Gambling as an attempt to solve the problem.
5. Leisure time factor. Gambling is used as an activity to fill spare time.

The author explains the minimum and maximum age limits of a child can be submitted to the trial of children in Indonesia, minimum age of 8 years and maximum age of 21 years. The presence of parents in a child's trial is very important, especially before the verdict. Explained in pasal 59 ayat 1 Undang-undang nomor 3 tahun 1997 about juvenile court,"before saying the verdict, the judge gives the opportunity for parents, guardians, or foster parents to express all matters that are beneficial to the child".

The juvenile justice system must prioritize the best interests of the child, this means that all decisions in the juvenile court must always consider the survival and development of the child now and in the future.

In the second chapter, the author sets out the principles of juvenile justice. Including age restrictions, the juvenile court checks children in a family setting, lighter criminal penalties than adults, parental presence required, and the presence of legal counsel. From one of these wishes, it was stated that the presence of parents in the juvenile court was necessary. this is in accordance with Pasal 55 Undang-undang nomor 3 tahun 1997 concerning juvenile justice. The article explains that parents are required to be present at the child's trial. the aim is to affirm that although in principle the crime is his own responsibility, but because the defendant is a child, so that the child's mentality is not disturbed, the presence of parents is required in the trial. The defendant must be accompanied by a parent or guardian during the trial. Likewise in the witness examination, the child's defendant's parents are required to attend, but the child's defendant is taken out of court to avoid things that affect the child's psychiatric.

According to Abintoro Prakoso, the presence of parents in a child's trial is very important, because with their presence it is expected that children will be more open, honest, and convey their feelings without pressure. Parents are also expected to hear the child's complaints, burdens, and problems more closely.

Gambling prohibitions are now regulated in Article 303 of the Criminal Code, that is, they are threatened with a maximum imprisonment of ten years or a maximum fine of twenty-five million rupiah. There are several ways to deal with children involved in gambling, including:

1. Emergency action. For children who gamble for economic reasons, BLS (*Bantuan Langsung Sementara*) must be given.
2. Children must be fostered and given education.
3. Given special treatment. By giving full scholarships to attend education outside the area by living in a dormitory.

Psychologically, imprisonment will interfere with children's development, talents and interests of children also can not develop, teaching and learning activities in prisons are also not useful because the atmosphere of confinement in the sense of physical and mental.

Sociologically, imprisonment gives eternal labeling to children so that the child's mental recovery hopes are difficult to achieve and will harm children's mental development in the future.

Empirically, prison in Indonesia is not humane. Many children are jailed in adult prisons which allow senior crimes to occur in juniors in prison. The imprisonment process is considered to eliminate civil rights and even the rights of children's education. Child imprisonment should not hamper children's basic rights namely education.

Legally, imprisonment of children as much as possible prevented and avoided by providing alternative forms of action. The action was in the form of child development. The author describes several special treatments in juvenile court, from separating detention from adults to the matter of police and prosecutors who do not wear uniforms during child trials.

In the third chapter, the authors describe the legal policies against children as perpetrators of gambling crimes. Juvenile courts and other legal entities involved are required to guarantee that children are not severed from their parents, children's education must be guaranteed, children must obtain adequate living necessities, obtain health services, be free from violence and threats of violence, not cause psychological trauma to children, there should not be labeling of children, and there must be no publication regarding the child's identity.

In the fourth chapter, the author shows examples of the considerations and results of judges' decisions on child gambling crimes. Whether the judge considers the involvement of parents in the proceedings of the child or not.

The first example is case number 315/PID.A/2011/PN.Blg. The defendant in this case is a 17-year-old male, he was sentenced to two months and two days in prison and paid a court fee of one thousand rupiah, the judge did not consider the involvement of parents at all in this child's trial process.

The second example is case number 272/PID.A/2010/PN.Blg. The defendant in this case is a 17-year-old male, he was sentenced to a prison sentence of one month and twenty days and paid a court fee of one thousand rupiah, the judge did not consider the involvement of parents at all in this child's trial process.

The third example is case number 96/PID.A/2012/PN.Blg. The defendant in this case is a 16-year-old male, he was sentenced to two months and fifteen days in prison and paid a court fee of one thousand rupiah, Judges' considerations regarding parental involvement are: Until the trial is determined, the defendant's parents are never present to hear their statements regarding the defendant, the defendant's parents' response was for the defendant to be acquitted by the judge.

The fourth example is case number 210/PID.A/2011/PN.Blg. The defendant in this case is a 17-year-old male, he was sentenced to two months and fifteen days in prison and paid a court fee of one thousand rupiah. Judges' considerations regarding parental involvement are: The defendant's parents stated that the defendant was a good child and intended to continue school, but asked for permission to work to collect school fees, the parents' response was so that the defendant's problem was quickly resolved. request that the defendant be returned to his parents or sentenced as light as possible.

In the concluding chapter, the authors conclude that there are still many differences in the judge's decision regarding the involvement of parents in the trial of gambling crimes.

### **C. Criticism and Suggestions**

In my opinion, the book "Peranan Orang Tua Dalam Proses Persidangan Tindak Pidana Perjudian Yang Dilakukan Oleh Anak" by lanka asmar is not suitable as a guide for parents in dealing with child trials. This book is more suitable to be read by people who have studied law, because the articles that accumulate and a brief explanation can be very confusing for people without a legal background.

Lanka Asmar also only took examples of cases from the Balige District Court, but surely there are still many similar cases in other areas that consider the role of parents in decision making. But surely there are still many similar cases in other areas that consider the role of parents to make judges' decisions.

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