



Synergy Law Enforcement Apparatus in Emposing a Restorative Justice Model Towards Children

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Abstract

A child dealing with a further law referred to as "child" was anyone who had reached the age of 12 (twelve), but not as yet as 18 (eighteen) years of a supposed crime. The study USES a qualitative descriptive analysis approach that can explain genuine law enforcement officials can collaborate to achieve a reality of Efficient coordination in child dealing with the law with various methods and procedures in the application of a restorative justice model. Construction system of criminal law enforcement with its own restorative justice model That has been implemented today. Synergy among the three key elements in the criminal law enforcement system both from the police, the prosecutor and the Supreme Court in this case the prosecutor police and judges already have a legal or legal standing in each case in its implementation. Although in terms of mechanisms, Classification of crimes, and ordinances that could be different. However, spirit and focus on criminal change into a discussion and/or mediation that involve parties of the perpetrator, victim, family of the perpetrator, or any other party involved in child abuse are subject to the law. As for the purpose of this mechanism, it is to create an alternative justice of criminal justice by focusing on restoration efforts and reintegration of public relations in them.

Keywords: *Restorative Justice; Synergy; The Child Is Against the Law*

Introduction

There are, in fact, several stages in the ongoing criminal justice of Indonesia toward those seeking justice at the investigation level, from inquiry to trial to the final phase of a verdict by the judge that would require time and expense to be made by those seeking justice. Therefore, it is contradictory and irrelevant Relating to the principle of a judicious contained in the act no. 48 in 2009 on the power of justice article 2 verse (4) that regulates at its core a Justice had to be done simply, quickly, and at a low cost Thus this principle aspires to a simple trial or less formal, a protracted process more inclined to justice than There is legal certainty. As for the time it takes in a simple process of speed and the cost it can reach, let alone the poor.

According to a report by the Indonesian child protection commission, there are 123 prosecutions of child - facing (ABH) asa perpetrator until August 2020. According to the 2012 law code of the Indonesian republic of Indonesia, "children who were opposite the law were subsequently called children who were 12 (twelve) years old, but not 18 (eighteen) years suspected of criminal activity."

As for the research, according to hadi Suprpto That "criminal enforcement (specifically prison) policies against delinquents (delincuens) indicate an adverse tendency toward the development of the child's soul in the future. The adverse trend is the result of the stigma associated with criminal saturation.¹

Whereas the sky argued "on practice the adverse traits because the criminal justice system of children USES a model of retribution instead of a restorative model.² Article 1-1 states attorney's rule 15 years 2020 mentions that "criminal crime solved By involving the perpetrator, the victim, the family of the perpetrator, and the others involved in coming together to seek a fair settlement by emphasizing the restoration to the original state, and not vengeance." Law enforcement officials as part of the criminal justice system in Indonesia place police, prosecutors, and justice agencies aimed at finding material truth and protecting human rights.

The *restorative justice* has tasted more Right to be implemented on The case of the child is against the law Due to restaurant justice Is a model that owns The victim-centered nature of a Crime. As for anang "The unifying of the victim, the perpetrator, Families and communities that are resolvable The damages resulting from Crime scenes, where Restitution is a responsibility Perpetrators and paid by Perpetrator."³ With the fulfillment of restitution to the victims of child crimes, law enforcement officers play a role and must equate perceptions in the attaining of restitution efforts to include ordinances to the adoption.

Such matters are particularly relevant when law enforcement agencies are synergizing in the restoration of justice for children faced with the law either on the level of investigations, investigations into the prosecution. The complexity of children's legal cases must be concern Protect and save the child as a nation's asset. A synergy of which is coordination and It's a good cooperation between the authorities Law enforcement in Indonesia. synergy That's for coordination and Cooperation is being made by officials Law enforcement has a vision The same in Dan's perception Aligning action. as The new paradigm is *restorative Justice* becomes an inner solution. Handling of crime by the kid.

Therefore, the role of the police is essential in view of the handling of child problems faced with law at the point of investigation by police. Second, if the police had a problem in implementing the *restorative Justice* can thus make known coordination or bestowal to both the prosecutor and the judge who can implement it The method.

There are justice values included in the *restorative justice* Give the same care to the victim and the perpetrator. The authority to determine a justice lies in the hands of the parties, not the state. Whereas according to harkrisnowo that "they will no longer be a victim a second time when the state determined degrees of justice that don't suit their wants as in justice retribution and restitutive.⁴

In practice, law enforcement enforcement measures have been implemented with all elements of law enforcement enforcement when addressing the issue of child regulation in Indonesia, but it should

¹ P Hadisuprpto, *Juvenile Delinquency Pemahaman Dan Penanggulangannya* (Bandung: PT. Citra Aditya Bakti, 1997).

² Angkasa, Saryono Hanadi, and Muhammad Budi Setyadi, "Model Peradilan Restoratif Dalam Sistem Peradilan Anak (Kajian Tentang Praktik Mediasi Pelaku Dan Korban Dalam Proses Peradilan Anak Di Wilayah Hukum Balai Pemasarakatan Purwokerto)," *Jurnal Dinamika Hukum* 9, no. 3 September 2009 (2009): 187–204.

³ Anang Riyan and Rani Hendriana, "The Implementation of Compensation for The Victim of Terrorism in Indonesia," *International Journal of Advance Science and Technology* 28, no. 15 (2019): 854–859.

⁴ Harkristuti Harkrisnowo, "Pendekatan Restorative Justice Dalam Sosialisasi Rancangan Undang-Undang Sistem Peradilan Pidana Anak" (Jakarta, 2010).

also be known about barriers between law enforcement agencies that should be child oriented in this regard

Is the perpetrator and the victim? The application of these *restorative justice* principles is therefore expected to be a breakthrough and treatment for good victims, perpetrators, families, and surrounding communities. The purpose of this research for understanding the importance of the *restorative justice* method, which can be applied to legal children as ultimum remedium's attempts to create synergy between law enforcement officials and implementation of the restorative justice.

Formulation of the Problem

1. How can synergy of law enforcement officials in imposing a restorative justice model against children faced with the law?

Research Methods

The research approach used in this study is normative juridical research. As for analysis methods using analysis methods Qualitative descriptive. The study is conducted on qualitative data, focusing on national and international norms or rules and based on a restorative justice model in its application to children dealing with the law. The data treated in this study constitutes secondary data.

Discussion

Law enforcement officers in a narrow sense are prosecutors, policemen, and judges as mandated in the criminal justice system and then, to a large extent, the sense that law enforcement officers are law-enforcement institutions. According to the English lexicon the meaning of the word synergy is "to build and secure productive partnerships and harmonious partnerships with stakeholders, to produce useful and quality work."

As for Stephen R Covey's "synergy Activities fill and complement differences to achieve greater results than the amount of parts per Section".⁵ Based on the definition of that ideal the true law enforcement apparatus can collaborate to embody an effective and efficient coordination in the administration of child dealing with the law.

In light of this, juvenile delinquency in Indonesia is very high cited by the report of the Indonesian children's protection commission (kpai) in 2020 with 123 children in legal action. This issue is important when countries are present through law enforcement agencies in enforcing *restorative justice* as a child justice system within a criminal justice system in Indonesia.

According to Angkasa that "*restorative justice* produces restorative justice, a process in which all parties involved in a particular crime together solve the problem of how to tackle the consequences in the future. Child crime is a violation of human and inter-human relations.⁶ Whereas according to Apung "crimes create a duty to make things better by involving victims, doers and communities in search of solutions to correct, reconciliation and reassurance."⁷

⁵ C Stephen, *The 7 Habits of Highly Effective People* (Jakarta: Bina Rupa Aksara, 2004).

⁶ Angkasa, Hanadi, and Budi Setyadi, "Model Peradilan Restoratif Dalam Sistem Peradilan Anak (Kajian Tentang Praktik Mediasi Pelaku Dan Korban Dalam Proses Peradilan Anak Di Wilayah Hukum Balai Pemasyarakatan Purwokerto)."

⁷ H Apung, *Perlindungan Terhadap Anak Yang Berhadapan Dengan Hukum Manual Pelatihan Untuk POLISI* (Jakarta: Polri and Unicef, 2004).

According to Tony f. Marshall quoted in marian liebman's work as a British criminologist, in his "restorative justice an overview" says:⁸ "Restorative Justice is a process whereby all the parties with a stake in a particular offence come together to resolve collectively how to deal with the aftermath of the offence and its implication for the future".

In the second quarter of 2007, there was a high degree of increase in the cost of state deflation, namely by law and law. As for the settlement of a child's matter before the law, it is done in a manner of a peace agreement, while removing the right to solicit

The judge's appointment through the public prosecutor for Abort the prosecution. As for the prosecution, the objective of the *restorative justice* is to create a fair justice. It is also hoped that both parties, victims, perpetrators and the public can have a significant role to play. Victims are expected to make appropriate and mutual compensation for damages and alleviating suffering. In terms of *restorative justice*, the person must take full responsibility so that it is expected the perpetrator can realize the error. " However, he said the transaction was still small Through the victims' mediation with the perpetrators, the families concerned with a mediator from investigators.

Further analysis of the *restorative justice* in dealing with child crime should lead to creating first, activation and accountability to the child as the perpetrator of the second crime, the lack of empathy manifested by the child as the perpetrator of the third crime, the lack of bad traits in the fourth perpetrator, the child's apology and remorse of the fifth criminal, He said the rupiah was expected to strengthen to rp9,100 per dollar in the Jakarta interbank spot market on Tuesday.

In fact, the government is taking a controlling interest in the development of micro, small and medium enterprises. Sacrifices; Society and professionals at child justice. Each role in the restorative justice system as follows:⁹

a. Perpetrator

The role of the perpetrator is directed to actively to return The losses incurred especially by the victim and generally socially and actors in practice must be dealt with Victim/deputy victim;

b. Victim

The central role of the victim is directed to actively participate and engage in all of the gradual processes of the restorative justice process and contributes to what must be done for the perpetrator including sanction or restitution;

c. Public

In the second quarter of 2007, bank Indonesia the central bank/bi governor burhanudin abdullah said here on Tuesday Perpetrator of the victim;

d. Professional

Instrumental in facilitating a mediation process, and providing restoration protection, Creatively develop community service options, involving members of the community within Process, educate people.

In the first semester of 2007, the company's non-performing loan ratio was recorded at 14.4 percent of the gross domestic product GDP According to the government's decision to raise the bi rate by 25 basis points to 8.25 percent, the government's director of the house of representatives DPR said here on Tuesday According to the soup of the police force can act according to the scene.

⁸ L Marian, *Restorative Justice, How It Works* (London and Philadelphia: Kingsley Publishers, 2007).

⁹ Hadisuprpto, *Juvenile Delinquency Pemahaman Dan Penanggulangannya*.

Legal standing, the implementation of restorative justice in the state of the republic of Indonesia, is based on the regulation of the state of the republic of Indonesia no. 8, 2021 on the treatment of criminal actions based on *restorative justice*. Its practice in several cases involving the law of application of restorative justice in the police is widely accepted as an example was cited through a *compas.com* that the most recent case in 2022 was of *klitih* in *semarang* based on the suggestion that the child was released under the restaurant ative justice model.

Participation in this case of police investigators in child inquiry is against the law:

- a. Bringing together the victim, the perpetrator and the victim's families;
- b. Leaves room for discussion with parties to make a deliberate effort;
- c. Considers peace between the two sides Given the expediency, and the conditions for the victim, the perpetrator, and Family;
- d. Stop or/do not continue the bestowal of the case Children at the prosecution level, when there are certain circumstances such as:
 - 1) The outcry is lifted for complaint;
 - 2) The lack of evidence;
 - 3) The victim has been given a replacement for rugian to restitution compensation;
 - 4) On the advice of public figures;
 - 5) There is an order from the chairman to stop the matter

Second, after listing the participation of the investigator in the matter, police have faced the law, there is a common point between the victim and the suspect in the completion of this restaurant justice case, giving restitution as well as forgiveness for the actions which have been committed. Another professional is the law based on sanctions issued by the U.S. attorney general of the republic of Indonesia, no. 15 year 2020, for the liquidation of the prosecution, as well as for the implementation of restoration of justice, with the same force of law as for the implementation of the law The criminal tying to taking away a man's freedom. The central bank would also have to issue state bonds worth rp2 trillion with state debentures from the state. As for another reflection of the fourth dispensation, the value of justice can be earned by deliberate effort to participate in the solution process.

Third, aside from the prosecutor, according to *gmmgregorius* that "other law enforcement officers in child enactment are dealing with the law which judges where it is governed in article 5 of" act number 48 "2009 on the judiciary governing that judge and judge The constitution is obliged to dig up, follow and understand the legal and sense of justice that live in a society which *gregoriusmmm* says was an umbrella.¹⁰

The law for the implementation of progressive law with the restorative justice model ". In 2020 the Supreme Court issued the director general's decision letter number 1691/DJU/DK/PS.2020 00/12/2020 on December 22, 2020, for application of restorative justice guidelines with intent and purpose It is to reform the criminal justice system which remains Forward prison sentences. As for the development of the idling system, it no longer rests on the perpetrator but has led to alignment Interest for recovery of victims and criminal liability. This guideline provided a definition that "a child who is in conflict with the law is a child who is 12 (twelve) years old but not 18 (eighteen) who is thought to be a criminal."

Under the law law law law law, as prescribed under article 364, can be used for high-quality justice. 373, 379, 384, 406 and article 482 of the code at no more than rp. 2,500,000 (two million five hundred thousand Rupiah).

¹⁰ Hermawan Gregorius, "Fungsi Kejaksaan Dalam Mewujudkan Restorative Justice Dalam Penanganan Anak Berhadapan Dengan Hukum Di Indonesia," *Jurnal Surya Kencana* 5 (n.d.).

In the application of the child criminal justice system is arranged in the director general's decree number 1691/DJU/PS.00/12/2020 on December 22, 2020 on the application of guidelines Restoration justice, based on the law of the republic of Indonesia no. 4, 1979, law on the well-being of children 2012 on child criminal justice system, 2015 Indonesian republic government rule no. 65 for guidelines on how to implement a version and handling of children not yet 12 (twelve); And the 2014 Supreme Court of the republic of Indonesia rules no. 4 on child enforcement guidelines in the criminal justice system. As for the following application:

"First, the criminal justice system of children is required to prioritize the restorative justice approach. Second, each establishment of a version in the child's criminal justice system is a form of restorative justice. Third, when an inversion of the matter is unsuccessful or disqualifies, a judge should seek a ruling by using the restorative justice approach as arranged in the Indonesia republic's invitation number 11 of 2012 chapter 71 to chapter 82. Fourth, after the reading of the arraignment, the judge is required to proactive in pushing to child/parent/legal counsel and the victim and the related parties (the local community adviser of the community centre was subsequently called pk bapas, social worker (peksos), Community representatives) to seek peace. Fifth, when it comes to the process of peace, the parties make a peace agreement, in turn being signed by the child and/or family, the victim and the relevant parties and peace agreements are brought into consideration the judge's ruling in the best interest of the child. Sixth, when it comes to judges' sentencing of action, the judge is required to point out clearly and precisely the place or agency in coordination with pk bapas, peksos and unit - 9. The technical management of the women and child protection area next shortened to UPTD PPA (formerly P2TP2A).

Seventh, in the case of a child not yet 14 (fourteen) years of age and facing legal issues, only judicial action was subject to, not idling, which included; Return to a parent, submission to a person, care in a mental hospital, care in LPKS, duties that involve formal education and or training conducted by the government or private agency and the revocation of his driver's licence, and the restoration of his actions. Eighth, in the case of the victim being a child (child of the victim/witness child) the court clerk is required to give a note of identity that is (child's stamp/witness) inside Case file."

Construction of law enforcement systems with implemented restaurant justice models. Where synergy is between the three key elements of the deep Law enforcement of both the police, the prosecutor and the Supreme Court in this case the judge has legal standing each in its implementation.

Although when it comes to mechanisms, criminal classifications, and ordinances that may differ. However, spirit and focus on criminal change into a discussion and/or mediation that involve parties of the perpetrator, victim, family of the perpetrator, or any other party involved in child abuse are subject to the law. As for this mechanism, it is done to create an alternative justice of criminal justice by focusing on restoration and reintegration of public relations in it. Without synergy of cooperation between law enforcement officers, to identify and punish offenders or perpetrators. In this case the police, as a front for the criminal justice system, have issued police regulation no. 8 years of the republic of Indonesia 2021 on criminal treatment based on restorative justice So that the guard can be if There was a child opposite by the law.

Conclusion

There is a legal basis for the restorative of justice in Indonesia in regard to the law of the republic of Indonesia no. 4 of 1979 on the welfare of children, the Indonesia republic's statute no. 11 of 2012 on child criminal justice system, the 2015 government's 65-year rule on child - law guidelines and child care under 12 (twelve); And the 2014 Supreme Court of the republic of Indonesia rules no. 4 on child enforcement guidelines in the criminal justice system. Law enforcement officials as a protection funnel

for those involved have already sought to process a restorative justice model at the investigation stage, investigations into the prosecution.

As for the synergy between law enforcement officials in this matter, the police force, and the Supreme Court (judge) in enforcing non-litigation justice through the restorative justice of the child proven by its first fundamental rule, the police: the state police of the republic of Indonesia no. 8 of 2021 on the handling of criminal ACTS based on secondary implementation of justice: the republic's attorney's rule Indonesia's number 15 year 2020 of the cessation of the prosecution on the basis of the third restorative justice, Supreme Court decision letter general justice number 1691/DJU/PS.00/12/2020 date December 22, 2020, of the application of guidelines Restorative justice. Individual institutions have their own procedures and mechanisms but with one purpose to create the ultimate justice of every good person Suspect and victim through restaurant justice.

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