



Handling of Juvenile Crimes Based on Lampung Megou Pak Tulang Bawang Customary Law

Tri Nurhidayati; Irma Cahyaningtyas

Master of Laws Program, Diponegoro University, Indonesia

E-mail: trinurhidayati01@students.undip.ac.id

<http://dx.doi.org/10.47814/ijssrr.v8i11.2952>

Abstract

In August 2023, the number of children in conflict with the law reached nearly 2,000. Of these, 1,467 were detained and undergoing trial, while 526 were serving sentences as prisoners. The concept of criminal responsibility for children is not only based on the juvenile criminal justice system (SPPA), but can also be based on customary law or Living Law. Living law has been recognized by Indonesia in Article 2 of Law Number 1 of 2023 concerning the Criminal Code. The research method used in this study is qualitative research with a sociolegal research approach. This study aims to analyze and understand the concept of handling juvenile crime according to the perspective of Lampung Megou Pak Tulang Bawang customary law. Handling juvenile crime according to the perspective of Lampung Megou Pak Tulang Bawang customary law can be done. The handling of juvenile crime based on Lampung Megou Pak Tulang Bawang customary law is carried out through the Lampung Megou Pak Tulang Bawang customary court process called Peppung. There are three stages in Peppung, namely the pre-peace stage, the peace stage, and the post-peace stage. The recommendations that can be given in this study are that there needs to be public education for the Megou Pak Tulang Bawang indigenous community, and rehabilitation and reintegration programs for victims and children as perpetrators must be designed with consideration for local cultural and customary aspects.

Keywords: *Handling of Criminal Acts; Children Who Commit Criminal Acts; Lampung Megou Pak Tulang Bawang Customary Law*

Introduction

Children, as a group whose rights are vulnerable to violation, must receive greater protection than adults. Protection of children also applies to children in conflict with the law. Article 34 of the 1945 Constitution of the Republic of Indonesia states that the state provides protection to the poor and abandoned children (Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, 2002). This is also

regulated in the Convention on the Rights of the Child or UNCRC (United Nations Convention on the Rights of the Child), which also states that children, due to their physical and mental immaturity, require special protection and care, including appropriate legal protection before and after birth (Banyuwangi, 2023).

Based on data reported on the Ministry of Women's Empowerment and Child Protection website, in 2023 there were three categories of cases involving children in conflict with the law, namely children as perpetrators, numbering 5,237 children; children as victims, numbering 4,980 children; and children as witnesses, numbering 4,243 children (K. P. P. dan P. A. R. Indonesia, 2023). Based on this data, cases involving children in conflict with the law where the children were perpetrators reached the highest number compared to cases where children were victims or witnesses. The Annual Report of the Supreme Court of the Republic of Indonesia on the implementation of the juvenile criminal justice system also notes that the number of special criminal cases involving children reached 5,774 cases. The Supreme Court of the Republic of Indonesia also notes that the number of child offenders reached 6,509 children, consisting of both boys and girls (Mahkamah Agung, 2023).

In August 2023, the number of children in conflict with the law reached nearly 2,000. Of these, 1,467 were detained and undergoing trial, while 526 were serving sentences as prisoners (Mahkamah Agung, 2023). According to data from the 2020 "Implementation of the Juvenile Justice System" report conducted by the Indonesian Child Protection Commission (KPAI), the number of children in conflict with the law handled by the police according to case resolutions for the 2017-2020 period reached 29,228 children. A total of 4,126 children were resolved through diversion. This means that in a period of four years, only 14.1% of cases involving children in conflict with the law were resolved through diversion. Based on data reported on the website of the Ministry of Women's Empowerment and Child Protection, in 2023, there were three categories of cases involving children in conflict with the law, namely children as perpetrators, numbering 5,237 children; children as victims, numbering 4,980 children; and children as witnesses, numbering 4,243 children. Based on this data, cases involving children in conflict with the law where the children were perpetrators reached the highest number compared to cases where the children were victims or witnesses. The Annual Report of the Supreme Court of the Republic of Indonesia on the implementation of the juvenile criminal justice system also notes that the number of special criminal cases involving children reached 5,774 cases. The data is presented in the following table:

Table 1. Number of Special Criminal Cases Involving Children in Work Units

No.	Work Unit	Number
1	High Court	343 cases
2	District Court	5.398 cases
Total		5.774 cases

Source: Annual Report of the Supreme Court of the Republic of Indonesia, March 2023

The Supreme Court of the Republic of Indonesia also noted that the number of child offenders reached 6,509 children, consisting of both boys and girls (Mahkamah Agung, 2023).

Table 2. Number of Child Offenders

No.	Child Perpetrators	Number of Child Perpetrators of Crimes
1	Male child perpetrators	6.379 children
2	Female child perpetrators	130 children
Total		6. 509 children

Source: Annual Report of the Supreme Court of the Republic of Indonesia, March 2023

Cases involving juvenile offenders and perpetrators prioritize diversionary resolutions. However, based on data obtained from the Indonesian Supreme Court's annual report, only 452 cases involving juvenile offenders were resolved through diversion. Cases involving children in conflict with the law, especially those involving children as perpetrators, deserve greater attention to the system and process of resolving criminal offenses committed by children (Kurniasari et al., 2017). Based on data from the Directorate General of Corrections of the Ministry of Law and Human Rights (KEMENKUMHAM), it is indicated that "in 2023, the majority of children in conflict with the law were sentenced to more than 1 (one) year in prison, namely 1,089 children or equivalent to 72.3% of the total child prisoners (Sibuea, 2023). This is certainly not good, especially when children spend their time facing investigations and trials that take a long time. Children in this situation certainly lose a lot of time that should be spent learning.

In addition, data released by the Directorate General of Corrections (DITJENPAS) from 2014 to 2020 shows that 18,231 (eighteen thousand two hundred thirty-one) out of 50,651 (fifty thousand six hundred fifty-one) children were sentenced to prison. This data shows that the number of court decisions imposing prison sentences on children who commit crimes in Indonesia is quite high, even becoming the most common criminal sanction imposed on children. Based on this data, it means that the majority of children who commit crimes are subject to criminal sanctions in the form of imprisonment. This is contrary to the provisions of the Child Protection Law, which states that imprisonment for children should be a last resort. The application of imprisonment has a negative impact on children's development.

The resolution of criminal cases involving children has actually long existed in Indonesian society (Pratama, 2016). One such solution is the settlement of juvenile crimes through customary law, particularly customary criminal law. Before the implementation of positive law in Indonesia, Indonesian society actually had its own legal system known as customary law. The settlement of cases through customary law uses a progressive approach because it emphasizes restorative justice rather than retributive justice, which is referred to as local wisdom (Pratama, 2016). Indonesia is not only a country based on laws, but also on values that live in society in accordance with its development, one of which is customary law. The Lampung region is one of the regions in Indonesia that still upholds customary law in the life of the community. One of the indigenous communities in the Lampung region has its own characteristics in the application of customary law, namely the Megou Pak Tulang Bawang Indigenous Community.

The Lampung Megou Pak Tulang Bawang Indigenous Community is an indigenous community in Indonesia that has local wisdom values in conflict resolution. To this day, the Lampung Megou Pak Tulang Bawang Indigenous Community continues to adhere to and implement customs that have been passed down from generation to generation. Legal developments occur not only in terms of content, but also in terms of the addition of new types of laws, as well as modifications, reaffirmations, and recognition of laws that have long been in effect in society. Based on the background described above, it is important to conduct further research and studies on the handling of juvenile crimes based on the customary criminal law of Lampung Megou Pak Tulang Bawang.

Research Methodology

The research approach used in this study is sociolegal research, which is an approach that focuses on analyzing the interaction between legal norms and social realities in society (HS & Nurbani, 2013). This approach stems from the idea that law cannot be understood solely in terms of normative texts, but must also be viewed in terms of how these norms are applied, responded to, and influenced by the surrounding social realities. In this context, sociolegal research is understood as an effort to explain law as part of the social system, so that research does not stop at the dogmatic level of law, but also examines the

behavior of society that arises from interacting with legal provisions. This approach is in line with Soerjono Soekanto's thinking, which emphasizes that the relationship between law and society can be studied in two ways first, by explaining legal rules from the perspective of social reality, and second, by explaining social reality from the perspective of applicable legal rules (Soekanto & Mamuji, 2003). Thus, sociolegal research allows researchers to view law not only as a product of written regulations, but also as a social phenomenon that lives, develops, and is practiced in everyday society.

Sociolegal research itself is divided into two types of research, namely sociological legal research and sociological research on law. This research uses a sociological legal approach, which is an approach that studies how legal norms are practiced in society, as well as how society responds to the enforcement of these norms. Sociological legal research is also often referred to as empirical legal research because it emphasizes the collection of field data to determine the effectiveness of the law. In this study, this approach was used to examine the behavior of the Lampung Megou Pak Tulang Bawang indigenous community in viewing and applying substitute criminal responsibility to children who commit crimes. The interactions observed in this study include how the community accepts, rejects, or adapts customary norms to national legal provisions, as well as how social reactions emerge as a response to the application of positive law (Fajar & Achmad, 2010). Thus, this study is not only normative but also empirical, as it seeks to understand law in a more comprehensive social reality.

The research specification used is descriptive analytical. Descriptive analytical research aims to accurately describe the object of research, whether it be individuals, circumstances, symptoms, or specific groups, and to analyze the data obtained to gain a complete understanding (Soekanto & Mamuji, 2003). With this approach, the research seeks not only to describe the phenomenon, but also to analyze it based on relevant theories and legal provisions. Descriptive analytical research was chosen because the topic under study required a detailed description of the application of Lampung Megou Pak Tulang Bawang customary criminal law to children who commit crimes. Descriptive analytical research also allows researchers to provide a systematic, factual, and accurate description, which is then analyzed to draw scientific conclusions (Marzuki, 2014). Thus, the specifications of this research will help provide comprehensive answers regarding how Lampung customary law interacts with the national criminal justice system, particularly in relation to the accountability of child offenders.

The types of data used in this study include primary and secondary data. Primary data was obtained directly from the community as the main source through field research (Sunggono, 2007). The techniques used were observation, interviews, and distribution of questionnaires to relevant respondents, particularly traditional leaders in Lampung Megou Pak Tulang Bawang. This primary data is important because it provides a real picture of the practices and views of indigenous peoples regarding the criminal responsibility of children. For example, interviews were conducted with traditional elders, the Traditional Council, and community leaders who have authority in enforcing traditional norms. Through structured interviews with a prepared list of questions, researchers were able to obtain systematic, consistent, and scientifically accountable information.

In addition, this study also uses secondary data obtained through literature review. Secondary data includes primary, secondary, and tertiary legal materials (Soekanto, 1984). Primary legal materials include relevant laws and regulations, such as the 1945 Constitution of the Republic of Indonesia, Law of the Republic of Indonesia Number 11 of 2012 concerning the Criminal Justice System for Children, Law Number 35 of 2014 concerning Child Protection, and Law of the Republic of Indonesia Number 1 of 2023 concerning the Criminal Code. In addition, the research also refers to international legal instruments, including The Beijing Rules, the Convention on the Rights of the Child (CRC), and The Riyadh Guidelines, which regulate international standards regarding the treatment of children in contact with the law. The secondary legal materials used include books, journals, scientific articles, previous research results, and legal doctrines from experts. Tertiary legal materials are used as supporting

materials, such as legal dictionaries and encyclopedias, which help to understand the specific terms used in the research.

Data collection techniques were carried out through interviews and literature studies. Interviews were chosen because they were able to dig up in-depth information from the sources. In this case, structured interviews were conducted using a pre-prepared set of questions to ensure the relevance of the data to the research objectives. Interviews with Lampung Megou Pak Tulang Bawang traditional leaders were important to obtain first-hand information about customary law practices, particularly regarding criminal liability for children. This interview technique also helped to reveal the cultural values underlying the application of customary law in the community. Meanwhile, a literature study was used to obtain relevant secondary data, especially legal theories and previous research results, in order to strengthen the analysis and build a theoretical framework for the research.

The research location was determined to be in South Menggala Village, Menggala Subdistrict, Tulang Bawang Regency, Lampung Province. This location was chosen for a reason, as the Megou Pak Tulang Bawang indigenous community is one of the customary law communities that still practices the mechanism of substitute criminal liability. This location is considered representative for examining how customary law still functions in modern society and how it interacts with national positive law. By choosing a relevant location, this study is expected to provide an authentic picture of the dynamics of customary law application in the current context.

The data analysis method used is qualitative analysis. Qualitative analysis was chosen because the data obtained is descriptive, both verbal and written, which cannot be measured quantitatively with numbers. This method allows researchers to investigate, discover, describe, and explain the qualities or characteristics of the legal phenomena being studied. According to Miles and Huberman, qualitative data analysis is carried out through three main stages, namely data reduction, data presentation, and conclusion drawing. In this study, data from interviews and observations will be reduced by selecting relevant information, then presented in the form of systematic descriptive descriptions, to be further analyzed to find certain patterns (Sugiyono, 2003). Secondary data from legal literature will be categorized according to the research theme, then combined with primary data to strengthen the conclusions.

Using qualitative analysis methods, this study provides an in-depth explanation of the practice of criminal accountability for children in the Lampung Megou Pak Tulang Bawang indigenous community. This analysis also attempts to link field data with criminal law and customary law theories, thereby producing a complete and comprehensive understanding. The results of the analysis are then presented descriptively, narrating and describing the phenomena as they are, based on the empirical facts found. Through this presentation, the study is expected to make a real contribution to the development of criminal law for children in Indonesia, particularly in finding common ground between customary law and national law.

Thus, the entire research method was designed to produce a study that not only describes but also analyzes in depth the practice of alternative criminal justice for juvenile offenders. The sociolegal research approach combined with descriptive analytical research specifications, the use of primary and secondary data, and the application of qualitative analysis give this study a strong methodological foundation. The results obtained are expected to provide a comprehensive picture of the dynamics of Lampung Megou Pak Tulang Bawang customary law, as well as provide constructive recommendations for the juvenile criminal justice system in Indonesia.

Results and Discussion

a. Handling of Juvenile Crimes According to Lampung Megou Pak Tulang Bawang Customary Law

The indigenous peoples of Lampung Province are divided into two large communities, namely the Pepadun indigenous community and the Sai Batin indigenous community (Irham, 2013). The Tulang Bawang tribe, also known as the Megou Pak Tulang Bawang indigenous community, is one of the tribes included in the Pepadun customary law area in Lampung Province. The Megou Pak Tulang Bawang indigenous community is an indigenous community association that was originally formed to defend the rights of the Tulang Bawang indigenous community, which were being taken away by the Dutch colonial government. The Megou Pak Tulang Bawang custom consists of four clans/lineages/large associations in Tulang Bawang.

Table 4. Four (4) Original Clans of the Megou Pak Tulang Bawang Indigenous Community

No.	Descent (Genological)	Region (Territorial)
1	Buay Runjung	Tegamoan
2	Buay Bolan	Buay Bolan Udik dan Buay Bolan Ilir
3	Sembilan Umpu	Suay Umpu/Mesuji
4	Buay Sepertung	Buay Aji

Source: Interview with Mr. Saidi Effendi, Head of the Buay Bolan Clan

The Megou Pak Tulang Bawang indigenous community is one of nine indigenous communities in Lampung. The Megou Pak Tulang Bawang indigenous community belongs to the Lampung Pepadun indigenous group, speaking the Lampung language with an “O” or Nyou dialect and a Menggala accent. The Megou Pak Tulang Bawang indigenous community consists of four clans, namely the Buay Tegamoan clan, the Buay Bulan clan, the Suay Umpu clan, and the Buay Aji clan. This order indicates the age of the clans from oldest to youngest. Every person who belongs to the four clans is bound by the customary law as a member of a customary association. In addition, they also apply the provisions of the association in their daily lives. The four clans form an inseparable unity because they are bound to one another. This bond originates from the oath of the ancestors of the Megou Pak Tulang Bawang indigenous community.

Conflicts and issues within the Megou Pak Tulang Bawang indigenous community that have the potential to disrupt public order will be resolved through Peppung. Peppung is a deliberative activity carried out by traditional leaders. The traditional leaders who have the right to attend Peppung are primarily the heads of the four clans of the Megou Pak Tulang Bawang indigenous community. The term Peppung is commonly used by the Pepadun Abung Siwo Mego, Megou Pak Tulang Bawang, and some Pubian indigenous communities to refer to deliberative activities. Peppung means a gathering of traditional leaders to reach an agreement on matters related to the resolution of traditional issues, revitalization, traditional laws, or to develop the rationalization of customs for the sake of harmony and welfare of the local indigenous community. Peppung is a tradition that has been practiced for centuries and remains a strong guideline for the members of the Megou Pak Tulang Bawang Lampung indigenous community.

In the field of criminal law in Lampung Megou Pak Tulang Bawang customary law, it is still relevant to national criminal law, particularly in terms of the application of sanctions, especially those imposed on children. Sanctions in Lampung Megou Pak Tulang Bawang customary criminal law are not

always imposed solely on the child, but also on the child's family and even the community. In addition, Lampung Megou Pak Tulang Bawang customary criminal law also recognizes grounds for exemption from punishment, which are also found in national criminal law. Peppung is mandatory if it relates to customary matters or, in the Lampung language, begawi adat. Peppung related to the resolution of a problem and categorized as a criminal offense will be led by the customary arbitrator with the highest customary title of all the customary arbitrators present. The order of traditional titles in the Megou Pak Tulang Bawang traditional community starts from the highest, which is Sutan, Menak, Ngedeko, Ratu, and Rajow.

The Megou Pak Tulang indigenous community usually holds collective deliberations on economic issues, such as agricultural harmony, known as “Magihan/Idar Tameng,” and buffalo farming, which is also a collective deliberation involving dozens of people. According to a traditional leader of Megou Pak Tulang Bawang, deliberations within the Megou Pak Tulang Bawang Indigenous Community are called Peppung if they concern traditional issues, but if they concern non-traditional general issues, they are called Bekhembuk (discussion). Every traditional gathering, whether it is a Peppung or a regular traditional gathering, will still feature traditional mediators, although not all of them. The term *penyimbang* originally comes from the word *timbang*, which means turn or rotation. Thus, in a *penyimbang*, a person can lead according to customary law, but his position as leader will later be replaced by another according to customary deliberation and consensus. The *penyimbang marga* in Lampung is a respected figure in a clan. Socially, a clan refers to a group of people who come from one large family. Lampung customs adhere to a patrilineal system, meaning that clans are viewed from the father's line. Every clan in traditional Lampung society always has a *penyimbang*.

A *penyimbang* can be defined as an elder in the clan. Only the eldest son in the male line (patrilineal descent) can become a *penyimbang* in a clan with the highest *adok* (title) in that clan. This person is the eldest son based on the paternal lineage. The hierarchy of *penyimbang* consists of (from highest to lowest) *penyimbang marga*, *penyimbang pekon* (village), and *penyimbang suku*. The position of a *penyimbang* only applies within his own clan. A *penyimbang* from one clan cannot automatically become a *penyimbang* for another clan. *Perwatin* or *proatin* is a consultative body at the clan, *tiyuh/pekon* (village), and *marga* levels. *Perwatin* members are representatives at each level. This means that in a *marga*-level *perwatin*, the members consist of representatives at the *marga* level. If the *perwatin* institution is at the *tiyuh/pekon* (village) level, then its members are the representatives at that *tiyuh* level. *Perwatin* consists of all representatives from each level and does not originate from only one *marga* or one *tiyuh/pekon* (village).

The handling of customary issues, especially *Begawi Adat*, which includes crimes or customary offenses, will bring together all customary arbitrators and be carried out in a place called *Sessat* (*Balai Adat*). *Peppung* will be led by a high-ranking customary arbitrator who will also seek advice and consideration from other customary arbitrators, including customary elders, in resolving the issues that are the subject of the deliberations. The leader of the *Peppung* also acts to open the *Peppung* event. A *peppung* leader who specializes in resolving issues such as disputes is called a *Gawi Leader*. The *Pimpinan Gawi* has its own specific term, namely *Pangan Tohou*. Machiavelli stated that when making laws, one must assume that all humans have the potential to do evil because it is necessary to anticipate this, as all humans are capable of committing crimes whenever and wherever the opportunity arises. *Peppung* can also be carried out for issues related to violations of customs, which also include criminal acts committed by children.

Based on Article 1 of the *Proatin Rules*, when translated into Indonesian, it can be concluded that cases and disputes to be adjudicated in *Peppung* must involve arbitrators from various levels of authority, customary officials, and people who are experts in customary law. The person concerned does not have to hold a high position in customary law, but if he or she is an expert in customary law, he or she can

become a member of the deliberation and attend Peppung to provide advice, input, and participate in deciding a case. The resolution and handling of criminal acts committed by children based on the customary law of Lampung Megou Pak Tulang Bawang is carried out through Peppung. This is because sexual violence is also considered a serious violation of customary law, one of the penalties for which is ngebesikkho pepadun (cleaning the pepadun) and is commonly referred to as Begawi Cakkak Adat. Ngebesikkho pepadun is a term for a customary ceremony in the Lampung Megou Pak Tulang Bawang indigenous community. This ceremony is a customary sanction imposed when someone commits a cakkak violation (a serious violation of customs).

Peppung in resolving criminal acts of sexual violence committed by children according to Lampung Megou Pak Tulang Bawang customary law is carried out at the Sessat Adat (Customary Hall) and attended by all customary elders, customary officials from all clans, and people who understand Lampung Megou Pak Tulang Bawang customary law. The Peppung must also be attended by the victim, the victim's family, the perpetrator, the perpetrator's family, and witnesses. In addition, the Peppung held to resolve the issue may also be attended by legal experts, particularly experts in Lampung customary law. Peppung in the resolution and handling of criminal acts involving children has the main objective of restoring balance to the Megou Pak Tulang Bawang indigenous community. Every decision made in Peppung is strictly obeyed by the Lampung Megou Pak Tulang Bawang indigenous community. Decisions regarding the resolution of disputes or conflicts made through Peppung are highly respected and obeyed by the Megou Pak Tulang Bawang indigenous community, so that further disputes rarely occur after Peppung has been carried out. Every Peppung decision is also inventoried so that if a similar problem arises, the previous Peppung decision can be referred to and taken into consideration.

The main objective of peppung is in line with the concept of restorative justice. Restorative justice means a fair resolution that involves the perpetrator, victim, family, and other parties related to a crime, and together they seek a resolution to the crime and its implications by emphasizing restoration to the original state (Rochaeti, 2015). The concept of restorative justice basically no longer measures justice based on retribution, but provides healing and recovery by providing support to victims and requiring perpetrators to take responsibility with the help of their families and even the community. The indigenous community of Lampung Megou Pak Tulang Bawang has implemented the concept of restorative justice through Peppung. In practice, the indigenous community of Lampung Megou Pak Tulang Bawang resolves criminal acts through a meeting or deliberation called Peppung, which is attended by traditional leaders, perpetrators, victims, and the families of perpetrators and victims to reach a peace agreement. This is actually a value and characteristic of the Indonesian philosophy contained in the fourth principle of Pancasila, namely deliberative consensus.

The concept of restorative justice in accordance with Peppung in the indigenous community of Lampung Megou Pak Tulang Bawang prioritizes restoration to the original state. This is also in line with the ideals of Pancasila law. The concept of justice in the Pancasila legal ideal is further elaborated through several foundations, namely the aspects of divinity or religiosity, morality, noble character, respect for human dignity, social equality and justice, participation and transparency, and national insight (archipelago). These legal ideals also influence the concept of punishment in Indonesia. In principle, punishment is aimed at reforming behavior (morals). Thus, punishment is carried out to maintain human dignity, including the creation of peace, restoration of balance, and so on. In the context of punishment and justice, we can see operational values that can be considered, such as spiritual, moral, and social responsibility; collaboration, empowerment of parties and the community; and restoration of spiritual, moral, and social relations. The main objective of peppung, which is in line with the concept of restorative justice, is to restore and return the balance of cosmic values in the customs of Lampung Megou Pak Tulang Bawang.

The implementation of peppung and adherence to the results of peppung has become a deeply rooted custom in the traditional community of Megou Pak Tulang Bawang. This is in accordance with the philosophy or guidelines for life of the Lampung people, known as Piil Pesenggiri. There are five values in Piil Pesenggiri that are upheld by the Lampung community, namely pesenggiri (principle of honor), bejuluk adek (principle of success), nemui nyimah (nemui nyimah), nengah nyappur (principle of equality), and sakai sambaian (principle of cooperation). One of the five philosophies of life of the Lampung people is nengah nyappur, which means being sociable and deliberating in solving problems. This means that the concept of restorative justice already exists in the indigenous community of Lampung Megou Pak Tulang Bawang through its philosophy of life, nengah nyappur, and is actualized through peppung. The Lampung community strongly adheres to the principle of Piil Pesenggiri. Compliance with the results of Peppung, which is one of the actualizations of Piil Pesenggiri, has become a habit and legal culture in the traditional community of Lampung Megou Pak Tulang Bawang.

The concept of children in the customary criminal law of Lampung Megou Pak Tulang Bawang differs from the concept of children in national law. This difference relates to the age range of children. In the customary society of Lampung Megou Pak Tulang Bawang, a child is defined as someone who has just been born until they reach puberty. In the Lampung Megou Pak Tulang Bawang customary community, girls are categorized as adults when they reach puberty, marked by menstruation, while boys are categorized as adults when they reach puberty, marked by their first wet dream. So there is no fixed age range for categorizing someone as a child or an adult. The concept of children in the Lampung Megou Pak Tulang Bawang indigenous community is certainly different from the concept of children in national law. Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection Article 1 paragraph 1 states that a child is a person who is under 18 (eighteen) years of age, including children who are still in the womb. Based on this article, a person can be considered an adult if they have reached the age of 18 (eighteen) years or more. This means that in national law, there is a fixed age for determining children and adults. This differs from the concept of children in the customary law of Lampung Megou Pak Tulang Bawang.

The imposition of sanctions on perpetrators of crimes or individuals who have violated customary rules in the Megou Pak Tulang Bawang indigenous community takes into account two factors: the age of the perpetrator and victim, and the impact of the crime committed by the perpetrator. The resolution of sexual violence crimes committed by children based on the customary law of Lampung Megou Pak Tulang Bawang is closely related to the elimination of criminal punishment. According to Edi Setiadi, the basis for the elimination of criminal punishment is divided into two categories: justifiable reasons and excusable reasons (Edy & Andrisari, 2013). The Criminal Code does regulate grounds for criminal exemption, but does not provide a clear definition of the meaning of such grounds. Grounds for criminal exemption are divided into two categories: grounds for criminal exemption that constitute exculpatory grounds and grounds for criminal exemption that constitute justifiable grounds (Sudarto, 2010). Specifically regarding grounds for criminal exemption, the Criminal Code stipulates several circumstances that may serve as grounds for criminal exemption, namely: capacity to bear responsibility; coercion and duress; self-defense; carrying out orders under the law; and carrying out orders from superiors.

The reasons for not prosecuting perpetrators of criminal acts are divided into two categories: subjective excuses inherent to the individual, particularly their inner state before or at the time of committing the act, and objective justifications inherent to the act itself or other factors external to the perpetrator's inner state (Chazawi, 2009). The grounds for exemption consist of three reasons, namely inability to be held responsible, excessive self-defense, and carrying out unlawful orders in good faith (Chazawi, 2009). The grounds for justification consist of four reasons, namely coercion, self-defense, carrying out orders under the law, and carrying out lawful orders (Chazawi, 2009).

The settlement of criminal cases or violations of customary rules, commonly referred to as *begawi cakkak adat* in the Lampung Megou Pak Tulang Bawang indigenous community, is closely related to the grounds for criminal exemption, namely grounds for forgiveness. This shows that the Lampung community, which is part of the Megou Pak Tulang Bawang custom, already recognizes grounds for forgiveness in its customary law. The grounds for criminal exemption can be understood as a basis for assessing the actions of an individual facing the law, whether or not that individual deserves to be punished. There are several books on Lampung customary law, namely *Kuntara Raja Niti*, *Kitab Cepalo*, *Kitab Keterem*, *Kitab Pelatoeran Sepandjang Hadat Lampung*, and *Kitab Proatin*. *Kitab Pelatoeran Sepandjang Hadat Lampung* is a book on Lampung Megou Pak Tulang Bawang customary law. Article 42 paragraph (11) of the *Pelatoeran Sepandjang Hadat Lampung* explains that the Megou Pak Tulang Bawang Customary Law is a customary law that aims to maintain public order so that criminal cases are resolved through mediation and fines.

The process of resolving criminal acts, including crimes committed by children, based on the customary law of Lampung Megou Pak Tulang Bawang involves customary officials, customary mediators from both sides, namely the perpetrator and the victim, as well as the families of the victim and perpetrator of the crime. Based on this, the involvement of customary mediators from both sides, namely the victim and the perpetrator, is evidence and a manifestation of the settlement of juvenile criminal cases based on Lampung Megou Pak Tulang Bawang customary criminal law. The settlement of criminal cases, including sexual violence crimes, based on Lampung Megou Pak Tulang Bawang customary criminal law is carried out through a gradual process. The stages of the criminal case settlement process according to Lampung Megou Pak Tulang Bawang Customary Law are as follows:

1.First Stage

The perpetrator, whether the perpetrator himself or his family, cannot immediately invite the victim to reconcile before reconciling with the victim. The perpetrator and his family must allow a period of time between the incident and the reconciliation process (*peppung*) so that the victim and his family are not emotional when the perpetrator's representative meets with the victim's family to invite them to settle and reconcile at the *Peppung*.

2.Second Stage

The perpetrator and their family send one of their family members to meet with the victim and their family to invite them to seek reconciliation or settlement of the case through *peppung*. If the victim and their family agree to reconciliation, a meeting time between the two parties will be determined. Traditional mediators are prohibited from playing a role in inviting reconciliation. The customary mediator from the perpetrator's side is also strictly prohibited from acting as an envoy to the victim's side. This is because if the invitation to peace is rejected, it will embarrass the traditional mediators from the perpetrator's side and further complicate the problem. The messengers from the perpetrator's side to the victim's side to invite peace are allowed to be the family of the perpetrator or the husband of the perpetrator's aunt. Traditional mediators from the perpetrator's side may only become messengers to the victim's side to invite peace if all other messengers have been rejected.

3.Final Stage

After the time and place for the settlement of the criminal act have been determined, the victim, the perpetrator, the victim's family and the perpetrator's family, as well as the traditional mediators from both sides and the traditional elders must also be present during the peace process. As explained above, the process of settling criminal acts to achieve peace in the traditional community of Lampung Megou Pak Tulang Bawang is called *Peppung*. After the deliberation or *Peppung* is carried out and a peace

agreement is reached, the victim will declare in front of the public that the perpetrator has been accepted as a brother according to custom. All costs incurred in the peace process are borne by the perpetrator and the perpetrator's family. If the perpetrator is a child, the costs are borne by the parents and other members of the perpetrator's family.

Fines for perpetrators of criminal acts based on Lampung Megou Pak Tulang Bawang customary law are also determined in Peppung. The fines imposed are not specified in rupiah, but are determined based on the unit price of buffalo. If the fines agreed upon in the Peppung are four buffaloes, then the perpetrator must give four buffaloes to the victim and their family. The four buffaloes do not have to be actual buffaloes, but can also be in the form of money equivalent to the price of four buffaloes. The buffaloes used as fines are not ordinary buffaloes; there are rules regarding the weight, horns, hooves, body, age, and food of the buffaloes. In general, buffaloes that can be used as the nominal price of fines are those that are at least 2 years old and have no defects in any part of their body. Customary sanctions in the Lampung Megou Pak Tulang Bawang indigenous community are divided into four types, namely forgiveness, material fines, a specific traditional ceremony called ngebesikkho pepapun (cleansing of customs), and expulsion or exclusion from the Lampung Megou Pak Tulang Bawang indigenous community. If the perpetrator of a criminal act is expelled or excommunicated, all of their customary titles will be revoked and will automatically become invalid.

One example is if a child of a traditional leader with the surname or title Sutan commits a serious violation of tradition or a serious crime such as murder or rape without any justifiable reason, then the punishment determined based on peppung will be more inclined towards expulsion from the Lampung Megou Pak Tulang Bawang traditional community. However, if there is a reason for the crime, such as self-defense, the punishment will be lighter. The customs of Lampung Megou Pak Tulang Bawang recognize the existence of Larian and Sebambangan, whereby a man may elope with or kidnap a girl if there is a special relationship between them, such as dating. Larian is carried out if one of the families does not approve of the relationship between the young man and woman. The man is called Muli and the woman is called Meghanai. National criminal law classifies abduction as a criminal offense, but the customary criminal law of Lampung Megou Pak Tulang Bawang does not classify it as a criminal offense.

The settlement of criminal cases, including sexual violence crimes committed by children, according to the customary criminal law of Lampung Megou Pak Tulang Bawang recognizes structural criminal responsibility and communal criminal responsibility. Structural and communal criminal responsibility are included in vicarious liability. This means that a person can be held responsible for crimes committed by another person. Vicarious liability is actually a criminal responsibility imposed on a person for the actions of another (the legal responsibility of one person for the wrongful acts of another) (Supriyadi, 2014).

In the context of Vicarious Liability for parents and the community towards children who commit crimes, this can take the form of a transfer of criminal liability. This vicarious liability exists in the customary criminal law of Lampung Megou Pak Tulang Bawang, whereby if a child commits a crime, the punishment is also imposed on the parents and family of the child. Then, if the family of the child perpetrator is unable to pay the fine or carry out the customary sanctions imposed, the Lampung Megou Pak Tulang Bawang indigenous community is also held responsible. If a child commits a criminal act, the parents can be held responsible for their child's actions. Payment of fines for criminal acts committed by children is borne by the child's parents. If the parents and family of the child are unable to pay the fines stipulated in the Peppung, then the customary arbitrator will pay them. If the customary arbitrator is unable to pay the fines, then the community will pay them.

The process of resolving criminal cases in the Lampung Megou Pak Tulang Bawang indigenous community can also involve cooperation with the police. The process of resolving criminal acts according to Lampung Megou Pak Tulang Bawang customs may involve the police as facilitators or mediators. One reason for this is the discretion enjoyed by the police. This discretion gives the police the authority to carry out their duties by prioritizing morality over the law. The police can not only act as facilitators and mediators in the process of resolving criminal acts committed by children based on the customary criminal law of Lampung Megou Pak Tulang Bawang, but they can also act as witnesses of peace for both parties in conflict. The involvement of police officers as witnesses to peace is quite important in the drafting of peace agreements in the settlement of criminal acts committed by children based on the customary criminal law of Lampung Megou Pak Tulang Bawang. In addition, the peace agreement is also held by the police.

The peace agreement between the perpetrator of the crime against children and the perpetrator and victim of the crime against children is made in writing and witnessed by the families of the perpetrator and victim, traditional leaders, traditional elders, community leaders, and the police. The agreement is held by both parties and the police. The village head involved in the process of resolving juvenile criminal cases based on the customary criminal law of Lampung Megou Pak Tulang Bawang acts as a witness in the peace process between the two conflicting parties. The village head, as a community leader, can also act as a mediator in the process of resolving criminal acts committed by children based on Lampung Megou Pak Tulang Bawang customary criminal law because the village head can provide advice or understanding so that the perpetrator of the criminal act against a child and the victim can reconcile. The parties involved in the process of resolving criminal acts committed by children consist of various groups. After the village head declares that peace has been achieved between the conflicting parties, an announcement regarding the appointment of siblings is made in front of a large audience during the event or when the Peppung is completed.

The form of punishment for criminal acts based on the customary law of Lampung Megou Pak Tulang Bawang can take the form of sanctions against the perpetrator through confession, forgiveness or mewari (appointment of a brother/oath), imposition of sanctions in the form of fines or exile (not recognized in the customary law community). The Lampung Megou Pak Tulang Bawang indigenous community is a communal society. This is demonstrated, among other things, by the involvement of many parties in the process of resolving criminal acts committed by children based on the criminal law of Lampung Megou Pak Tulang Bawang. The involvement of various parties in the process of resolving criminal acts committed by children is necessary in order to achieve a resolution or solution that is beneficial to both parties and does not cause further problems in the future. All costs incurred in resolving criminal acts committed by children are borne by the perpetrator. The agreement reached in Peppung regarding the settlement of criminal acts committed by children is announced to the general public, and the entire community should be aware of this. One of the things announced is that the perpetrator has been adopted as a sibling by the victim's family. The perpetrator's responsibility towards the victim does not end with the reconciliation but continues forever.

The resolution of criminal acts committed by children based on the customary criminal law of Lampung Megou Pak Tulang Bawang emphasizes kinship and rehabilitation for both the victim and the perpetrator. This is because, to this day, the Megou Pak Tulang Bawang indigenous community remains traditional, and within that community, a local wisdom value known as the Lampung Megou Pak Tulang Bawang customary law still thrives. Hilman Hadikusuma has stated that in the Lampung region, such corrective actions or reactions are sustained by strengthening the bonds of kinship, referred to as "mewari" (Hadikusuma, 2003). If a life is lost, it must be replaced with another life. This means that the party who committed the crime must hand over a member of their family to the aggrieved party to be raised as a family member in place of the deceased victim. Hans Kelsen stated that a system of norms that

regulates human behavior in direct or indirect relationships with other humans is a social order (Kelsen, 2014). The social order consists of morals and laws.

The sustainable and continuous relationship that is created after the resolution of criminal acts committed by children based on the customary criminal law of Lampung Megou Pak Tulang Bawang is a manifestation of a good social order. Broadly speaking, the resolution of criminal acts committed by children based on Lampung customary criminal law has several basic principles, namely:

- 1) Repairing the relationship between the perpetrator and the victim in order to provide healing to the victim through the appointment of a sibling (mewari);
- 2) Involving other parties, such as traditional elders, traditional mediators, community leaders, and even the police;
- 3) Compensation for damages is borne by the perpetrator and the perpetrator's family;
- 4) Resolution is carried out through family deliberation;
- 5) Awareness of the perpetrator and the perpetrator's family of the wrongdoing that the perpetrator has committed and that they will not repeat it again.

The settlement of criminal acts committed by children based on the customary criminal law of Lampung Megou Pak Tulang Bawang is sometimes formalized in writing. However, this does not stop the judicial process against the perpetrator of the crime, but the written settlement sometimes only serves as a reference for law enforcement officials to reduce the legal sanctions against the child perpetrator. The customary law of Lampung Megou Pak Tulang Bawang is not fixed and recorded in a book or scripture. These legal rules have existed and been applied for generations. The process of resolving criminal acts committed by children based on Lampung Megou Pak Tulang Bawang customary criminal law includes actions taken in the context of applying unwritten law. This unwritten law is a form of local wisdom that lives on in the Megou Pak Tulang Bawang customary law community. The Megou Pak Tulang Bawang customary community has the right and obligation to preserve all forms of local wisdom that live on in their community, especially local wisdom in resolving disputes or problems according to Lampung Megou Pak Tulang Bawang customs.

b. Legality of Handling Juvenile Crimes Based on Lampung Megow Pak Tulang Bawang Customary Criminal Law in Indonesia

The Preamble to the 1945 Constitution of the Republic of Indonesia states that one of its objectives is to protect the entire Indonesian nation. Those who must be protected are all citizens, including children. Children, as vulnerable parties who may become victims of crime, must receive special protection. Children who commit crimes must also receive protection, because it is possible that they are victims of their surroundings (Kafiar et al., 2016). Article 28B paragraph (2) of the Constitution of the Republic of Indonesia states that every child has the right to survival, growth and development, and the right to protection from violence and discrimination. Children are the most vulnerable victims of crime because they are easily manipulated and do not yet have sufficient awareness to make decisions (Latuharhary, 2023). Children are subjects and citizens who are entitled to the protection of their constitutional rights, including the guarantee of laws and regulations that support the fulfillment of children's rights or legal products that protect and bridge the physical and psychological development needs of children (Munawwarah, 2010).

Article 34 of the 1945 Constitution of the Republic of Indonesia also regulates the protection of children, stating that neglected children shall be cared for by the state. This shows that the Indonesian government pays serious attention to the protection of children and children's rights, especially children who are perpetrators of criminal acts. In addition to substantive laws, Indonesia has also passed a formal law on the juvenile criminal justice system, namely Law of the Republic of Indonesia Number 11 of 2012

concerning the Juvenile Criminal Justice System (SPPA Law). The UU SPPA mandates that technical regulations for this law must explain technical processes such as diversion mechanisms, the handling of children under the age of 12 (twelve), and coordination mechanisms between stakeholders involved in handling cases of children in conflict with the law (Sartika et al., 2019).

The juvenile justice system requires law enforcement officials to be actively involved in the resolution of juvenile cases without having to go through criminal proceedings. Resolution through criminal proceedings is not prioritized in the SPPA Law. Law enforcement officials involved in the resolution of juvenile cases according to the SPPA Law include the police, public prosecutors, courts (judges), BAPAS, Professional Social Workers, Special Child Guidance Institutions (LPKA), Temporary Child Placement Institutions (LPAS), Social Welfare Institutions (LPKS), Families or Guardians, and Advocates or other legal aid providers who play a role in the process. Law enforcement officials must be guided by the SPPA Law in making wise decisions regarding the imposition of criminal sanctions on children, which are decisions that are in the best interests of the child or otherwise. Punishment is the result of a criminal violation of the law. Punishment for children is certainly different from punishment for adults. Punishment for children prioritizes the best interests of the child (Sartika et al., 2019).

Criminal penalties for children are half or one-half of the criminal penalties for adults, except for crimes punishable by death or life imprisonment, in which case the maximum penalty imposed is 10 (ten) years' imprisonment. This is one example of the difference in punishment between children and adults. The punishment of children is regulated in the SPPA Law. The restorative justice approach through diversion is highly prioritized in the process of resolving child disputes, starting from the investigation and prosecution stages, as well as in court proceedings. The settlement of juvenile criminal cases can be carried out through penal and non-penal means. Penal means are better known as diversion in the juvenile criminal justice system, but in fact, in Indonesian society, there is already a process for settling juvenile criminal cases that does not involve law enforcement officials. One such method is through customary law and customary courts. Article 18B of the 1945 Constitution of the Republic of Indonesia (UUD NRI Tahun 1945) has become the main legal basis for customary law and customary courts. Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia specifically regulates this matter, stating that the state recognizes and respects customary law communities and their traditional rights as long as they are still alive and in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia, as regulated by law.

Based on this article, Indonesia recognizes and protects customary law communities and their traditional rights. One of the traditional rights of indigenous peoples is to resolve conflicts through customary law and customary courts. Article 18B paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia actually mandate the recognition and respect for indigenous legal communities, but the regulation of customary law in legislation and even in subordinate regulations is unclear and vague. The Indonesian Constitution guarantees the recognition and respect of customary law if it meets two (2) conditions, namely that customary law is still alive and in accordance with the times, and in accordance with the principles of the Unitary State of the Republic of Indonesia (NKRI) and its applicability is regulated by law. Article 28I paragraph (3) of the 1945 Constitution of the Republic of Indonesia also states that cultural identity and the rights of traditional communities are respected in accordance with the times and civilization. Respect for and promotion of customary law and customary justice are the obligations of the government. This is because customary justice is a complete manifestation of the cultural identity of indigenous peoples. Customary justice can be an appropriate option for resolving cases.

Law Number 1 of 2023 concerning the Criminal Code (National Criminal Code) also regulates living law, which refers to customary law and the settlement of criminal cases outside of court. Article 2

of the National Criminal Code regulates living law, which refers to the applicability of customary law. The living law in society referred to in this article is customary law, which determines that a person who commits a certain act is punishable. The living law in society in this article relates to unwritten laws that are still valid and evolving in Indonesian society. To strengthen the validity of the living law in society, regional regulations govern these criminal offenses. Positive law that is in force at a certain time and place is good and effective law in accordance with the concept of living law of the community, reflecting the values of the community living within it (Ilham et al., 2022). Article 2 of the National Criminal Code forms the basis for the application of customary law and customary offenses. This means that every criminal act, whether regulated by law or not, can still be resolved based on customary law.

Article 2 of the National Criminal Code forms the basis for the expansion of the principle of formal legality to material legality applicable in Indonesia. The principle of legality emphasizes legal certainty. However, the National Criminal Code states that in the event of a conflict between justice and legal certainty, justice must take precedence. The principle of legality discussed above refers to the context of formal legality, which was then expanded in the National Criminal Code to accommodate living law as a principle of substantive legality. The principle of legality is formulated in Latin as *nullum delictum, nulla poena sine previa lege poenali*, which means there is no offense, no punishment without prior criminal provisions in legislation (Tabiu & Hiariej, 2015). The principle of legality consists of formal legality and material legality. There are two important aspects of formal legality: first, an act must first be formulated in legislation. Second, the legislation must exist before the act occurs. The consequence of this is that an act committed by a person that is not listed in the legislation as a criminal offense cannot be punished (Widayati, 2011).

The principle of formal legality requires that regulations be in place before an act deemed unlawful occurs, thereby demonstrating legal certainty and setting aside justice. This is because the criminal justice process culminates in the imposition of punishment. The principle of legality is the primary means of preventing the arbitrary exercise of power by authorities in the imposition of punishment. All powers of the authorities must be based on established laws and regulations. Thus, as a means of legal certainty for the people, this means that the principle of formal legality can be a means of realizing justice in punishment. There is an expansion of the principle of legality in the National Criminal Code, which initially only adhered to the principle of formal legality, but has now been expanded with the application of the principle of material legality. This is stated in Article 2 paragraph (1) of the National Criminal Code. The principle of substantive legality prioritizes justice. The principle of formal legality prioritizes legal certainty over justice, while the principle of substantive legality prioritizes justice over legal certainty. The principle of substantive legality, which recognizes the existence of customary law as unwritten law, prioritizes justice over legal certainty.

The existence of the expansion of the principle of legality from formal to material is intended to preserve the laws that have long existed in society. This is aimed at providing a balance between positive law and the concept of living law. Restrictions on living law are narrowed down to customary law. The principle of material legality contained in the National Criminal Code can be the basis for the validity and recognition of customary criminal law, customary offenses, customary courts, and customary sanctions. On the one hand, the existence of the application of the principle of material legality is a balancing principle, where attention is paid not only to providing protection to perpetrators of crimes, but also to victims. It pays more attention to the value of justice and not just the certainty of the law. On the other hand, the principle of material legality also serves as an alternative principle, whereby if the unlawful act in question is not regulated by law, customary law, as a refinement of the living law that has been codified in local regulations, is used as the basis for criminal prosecution.

Conclusion

The implementation of criminal justice for children in the customary law of Lampung Megou Pak Tulang Bawang applies specifically to four clans, namely Suay Umpu, Buay Bulan, Tegamoan, and Buay Aji. The resolution is carried out through peppung, which is a customary deliberation forum involving the perpetrator, victim, families of both parties, as well as customary mediators and arbitrators. The process is divided into three stages: before the peppung (preparation and initial agreement), during the peppung (reconciliation and determination of sanctions), and after the peppung (implementation of sanctions). The sanctions imposed can take the form of forgiveness, payment of fines, the performance of customary ceremonies (ngebesikko pepadun), or even exclusion from the customary community. In cases involving children, the obligation to impose sanctions is borne by the parents or family, and if they are unable to do so, the responsibility is transferred to the traditional arbitrator.

The legality of this customary mechanism is recognized in the national legal system, both implicitly and explicitly. The basis for this is found in Article 18B of the 1945 Constitution, which recognizes the existence of customary law communities, Emergency Law No. 1 of 1951, which still provides space for the practice of customary law, and Law No. 48 of 2009 on Judicial Authority, which emphasizes that the judiciary must pay attention to the legal values that exist in society. Furthermore, the latest National Criminal Code (Law No. 1 of 2023) Article 132 paragraph (1) letter g states that the authority to prosecute may be revoked if a settlement has been reached outside of court, including through customary mechanisms. This shows the synergy between customary law and national law in the settlement of criminal cases involving children.

References

- Banyuwangi, J. K. (2023). *Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana*. <https://jdih.banyuwangikab.go.id/Anjungan-Buletin/Artikel/Detail/Perlindungan-Hukum-Terhadap-Anak-Sebagai-Pelaku-Tindak-Pidana>.
- Chazawi, A. (2009). *Penafsiran Hukum Pidana, Dasar Peniadaan, Pemberatan dan Peringanan, Kejahatan Aduan*. PT. Raja Grafindo Persada.
- Edy, S., & Andrisari, D. (2013). *Perkembangan Hukum Pidana Di Indonesia*. Graha Ilmu.
- Fajar, M., & Achmad, Y. (2010). *Dualisme Penelitian Hukum Normatif & Empiris*. Pustaka Pelajar.
- Hadikusuma, H. (2003). *Pengantar Ilmu Hukum Adat Indonesia*. Mandar Maju.
- HS, S., & Nurbani, E. S. (2013). *Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi*. PT. Raja Grafindo Persada.
- Ilham, M., Rakia, A. S. R. S., Hidayat, W. A., Dwi, P., & Mahmudah, M. (2022). Proses Penyelesaian Tindak Pidana Berdasarkan Adat Suku Moi (Studi Kasus di Polres Kota Sorong). *JUSTISI*, 8(1), 40–54.
- Indonesia, K. P. P. dan P. A. R. (2023). *Menteri Pppa: Upaya Perlindungan Khusus Anak Yang Berhadapan Dengan Hukum Perlu Kolaborasi Multisektoral*. <https://www.kempppa.go.id/index.php/page/read/29/4501/menteri-pppa-upaya-perlindungan-khusus-anak-yang-berhadapan-dengan-hukum-perlu-kolaborasi-multisektoral>.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, (2002).

- Irham, M. A. (2013). Lembaga Adat Perwatin dan Penyeimbang Adat Lampung: Analisis Antropologis. *Jurnal Studi Keislaman*, 13(1), 155–172.
- Kafiar, R., Rochaeli, N., & Pujiyono. (2016). Analisis terhadap Penjatuh Pidana Bersyarat Terhadap Anak Dalam Putusan Pengadilan Tinggi Bandung (Studi Putusan No. 217/Pid.Sus/2014/Pt.Bdg). *Diponegoro Law Jurnal*, 5(11), 1–22.
- Kelsen, H. (2014). *Teori Hukum Murni Dasar-Dasar Ilmu Hukum Normatif*. Nusamedia.
- Kurniasari, A., Widodo, N., Susantyo, B., & Wismayanti, Y. F. (2017). Prevalensi Kekerasan Terhadap Anak Laki-Laki Dan Anak. *Sosio Konsepsia*, 6(03), 287–300. <https://doi.org/10.33007/ska.v6i3.740>
- Latuharhary, K. (2023). *Memaknai Hari Anak Nasional*. <https://www.komnasham.go.id/index.php/news/2023/7/21/2391/Memaknai-Hari-Anak-Nasional.html#:~:Text=Terkait%20dengan%20permasalahan%20anak%2C%20sejumlah,pelindungan%20dari%20kekerasan%20dan%20diskriminasi%E2%80%9D>. [https://www.komnasham.go.id/index.php/news/2023/7/21/2391/memaknai-hari-anak-nasional.html#:~:text=Terkait dengan permasalahan anak%2C sejumlah,pelindungan dari kekerasan dan diskriminasi”](https://www.komnasham.go.id/index.php/news/2023/7/21/2391/memaknai-hari-anak-nasional.html#:~:text=Terkait%20dengan%20permasalahan%20anak%2C%20sejumlah,pelindungan%20dari%20kekerasan%20dan%20diskriminasi%E2%80%9D).
- Mahkamah Agung. (2023). *Laporan Tahunan Mahkamah Agung 2023*. Mahkamah Agung; Mahkamah Agung. https://kepaniteraan.mahkamahagung.go.id/images/laporan_tahunan/FA-LAPTAH_MA_2023-_low.pdf
- Marzuki, P. M. (2014). *Penelitian hukum edisi revisi*. Prenadamedia Group.
- Munawwarah, Q. (2010). *Praktik-praktik Pembinaan Anak (Kajian Hukum dan Hak Asasi Manusia)*. LPAI Malang.
- Pratama, H. (2016). Penyelesaian perkara pidana anak secara adat lampung megow pak tulang bawang dalam rangka restorative justice. *Fiat Justisia Journal of Law*, 10(1), 61–84.
- Rochaeli, N. (2015). Implementasi Keadilan Restoratif dan Pluralisme Hukum Dalam Sistem Peradilan Pidana Anak Di Indonesia. *Jurnal Masalah-Masalah Hukum*, 44(2), 150–160. <https://doi.org/http://dx.doi.org/10.14710/mmh.44.2.2015.150-160>
- Sartika, D., Ibrahim, L. A., Fatahullah, & Jailani, M. (2019). Prinsip Perlindungan Terhadap Anak Yang Melakukan Tindak Pidana. *Jurnal Kompilasi Hukum*, 4(2), 206–217. <http://jkh.unram.ac.id>
- Sibuea, H. Y. P. (2023, September). Upaya Memperkuat Perlindungan Hak Anak Yang Berkonflik Dengan Hukum. *Pusat Analisis Keparlemen Badan Keahlian Setjen DPR RI*, 1. [https://berkas.dpr.go.id/pusaka/files/isu_sepekan/Isu Sepekan---V-PUSLIT-Agustus-2023-215.pdf](https://berkas.dpr.go.id/pusaka/files/isu_sepekan/Isu%20Sepekan---V-PUSLIT-Agustus-2023-215.pdf)
- Soekanto, S. (1984). *Pengantar Penelitian Hukum*. UI Press.
- Soekanto, S., & Mamuji, S. (2003). *Penelitian Hukum Normatif Suatu Tinjauan Singkat*. Rajawali Pers.
- Sudarto. (2010). *Hukum Pidana I*. UNDIP Press.
- Sugiyono. (2003). *Metodologi Penelitian Pendidikan Pendekatan Kuantitatif, Kualitatif, dan R&D*. Alfabeta.
- Sunggono, B. (2007). *Metode Penelitian Hukum*. PT. Raja Grafindo Persada.

- Supriyadi, H. (2014). Penerapan Asas Vicarious Liability Terhadap Orang Tua. *Badamai Law Journal*, 3(1), 41–59.
- Tabiu, R., & Hiariej, E. O. S. (2015). Pertentangan Asas Legalitas Formil Dan Materiil Dalam Rancangan Undang-Undang KUHP. *Jurnal Penelitian Hukum*, 2(1), 28–36.
- Widayati, L. S. (2011). Perluasan Asas Legalitas Dalam RUU KUHP. *Jurnal Negara Hukum*, 2(2), 307–328.

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).