



VOLUME 11 NO 1, JUNE 2022

P-ISSN: 2303-050X / E-ISSN: 2580-5797

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The Effectiveness Of The Application Of The Last Resort Principle On Child Residivists In The Child Criminal Justice System

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Abstract

Improper criminal imposition can ignore child protection arrangements, because child punishment should be the last resort or the last resort principle and imposed only for a short time. The method used in this research is empirical legal research. Empirical legal research is legal research conducted by examining primary data, namely data obtained directly from the community. As for the results of the Guidance Program for Correctional Students at the Class II Maros Special Child Guidance Institute, there are still some shortcomings such as the absence of a legal awareness program and the provision of formal education which indirectly affects the non-fulfillment of the rights of correctional students, especially because there are still adult prisoners who should be separated from children. The actual role of the officers of the Child Special Guidance Institution in its implementation is still not optimal due to the lack of quality and human resources, and there is no special coach for children.

Keywords: Child Crime; Effectiveness; Recidivists

INTRODUCTION

Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection explains that children are an inseparable part of the survival of human life and the sustainability of a nation and state.¹ However, in its development, sometimes children do something that is considered not good so that it is detrimental to themselves and others.² Even the actions he did were

¹ Explanation of the General Section of Law No. 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (State Gazette of the Republic of Indonesia of 2014 Number 297)

² Tri Suhendra Arbani, "The Power of Executing Religious Court Decisions on Obligations Father Supports Child After Divorce." *Journal of Al-Qadau: Justice and Islamic Family Law*, Volume 7. Number 2 (2020), p. 33.

considered to have been violated by law. Of course, it becomes a polemic when a child commits a criminal act because on the one hand, the child needs to get attention and guidance from those closest to him, on the other hand, the child must undergo a criminal procession for committing an act that violates the law.

Improperly imposing a crime can ignore child protection arrangements, because the punishment of a child should be the last resort or *the last resort principle* and it is imposed only for a short time. The imposition of a crime as *the last resort principle* is a form of protection for the best interests of children. In criminal law in Indonesia, the principle of *the last resort principle* is known as the principle which says that criminal law should be used as a last resort in terms of law enforcement. This means that if a case can be resolved through other channels such as negotiation, mediation, civil law, or administrative law, the route should be taken first.³ Making punishment a last resort is a form of implementation of the principle in criminal law, namely the *ultimum remidium principle*.⁴

It was explained in a journal written by Novita Sari that "If there is no opportunity for children to improve themselves, the future that they still have to live for is lost. This is where the principle of *the last resort principle* in law enforcement is needed without having to eliminate the deterrent effect on the perpetrators."⁵ However, it must be admitted that achieving the goal of sentencing is not easy, because in the implementation of criminal law it contains shortcomings such as disparities in punishment, lack of expertise and skills of officers, limited facilities and funds, not yet functioning of supervisory judges and observers (*wasmat*), the absence of statutory regulations. -adequate invitations up to the existence of "prisonization" in the Child Correctional Institution.⁶

The development program for children requires the role of several parties including the role of the government, law enforcement, facilities and infrastructure are needed so that the coaching process will get maximum results. The philosophy of the juvenile

³ Alan Noviandi, *The Ultimum Remidium Principle in Child Sentencing (Perspective of Islamic Law and Positive Law in Indonesia)*, Thesis, Faculty of Syari'ah and Law, Syarif Hidayatullah State Islamic University Jakarta, 2018, p. 3.

⁴ Amir Ilyas & Muhammad Nursal, *Collection of Legal Principles*, Jakarta: PT. Raja Grafindo Persada, 2016. Pg. 11

⁵ Novita Sari, *Application of the Ultimum Remidium Principle in Law Enforcement of Narcotics Abuse*, DE JURE Legal Research Journal, Volume 17, Number 3, 2017, p. 356-357

⁶ Dewi, Putu Eka Trisna. "Penegakan Hukum Terhadap Residivis Tindak Pidana Pencurian Dalam Sistem Peradilan Pidana Anak." *Jurnal Hukum Saraswati (JHS)* Volume 3. Nomor 2 (2021). p. 55

criminal justice system is to prioritize the protection and rehabilitation of child offenders (*emphasized the rehabilitation of youthful offenders*).⁷

In its development in Indonesia, cases involving children before the law (ABH), both children as perpetrators, children as victims and children as witnesses, are no less numerous than criminal cases committed by adults. It is recorded in the Details of the Child Complaints Case Data Table based on the KPAI Child Protection Cluster for 2016-2020 that the number of Children Against the Law (ABH) is 1049 cases which include Children as Perpetrators, Children as Victims and Children as Witnesses.⁸ The problem faced today is the number of juvenile delinquency cases where the perpetrators are former child convicts who are recidivist. As happened in October 2021 in West Jakarta, a minor who was the brains of a thug was arrested again. Reported on the okezone.com site, Investigators from the Directorate of General Criminal Investigation arrested FM, a recidivist of a minor who was the mastermind of a violent theft case. He stabbed the victim during the robbery. "FM is underage and he is a recidivist. FM is also the mastermind behind the robbery and stabbed the victim and took all the victim's belongings," said Yusri as an investigator at the Polda Metro Jaya, Monday (11/10/2021)⁹. The same thing happened in Sungai Meriam Village, Anggana District, Kukar Regency, East Kalimantan.¹⁰

Based on the above, regarding children who repeat criminal acts, of course, it is related to how the punishment process is carried out. Formulating from this background, the things that are a problem and are still being discussed today are Residivists that occur in children.

METHOD

The method used in this research is empirical legal research. Empirical legal research is legal research conducted by examining primary data, namely data obtained directly from the community¹¹. This research is another term used in sociological legal research, and can also be called field research.¹² The sociological approach uses theories and

⁷ Marlina, *Application of the Diversion Concept to Child Criminal Actors in the Juvenile Criminal Justice System*, Equaliti Journal, Vol. 12 No. 1, 2018.

⁸ KPAI Child Protection Data Bank <https://bankdata.kpai.go.id/tabulasi-data/data-case-pengaduan-anak-2016-2020>

⁹<https://megapolitan.okezone.com/amp/2021/10/11/338/2484643/police-catch-anak-di-Bawah-umur-otak-begal-sering-bacok-korban-saat-beraksi?page=1> accessed at 12.35 WITA 15 October 2021

¹⁰<https://poldakaltim.com/index.php/2020/02/07/polsek-anggana-polres-kukar-berhasil-ringkus-residivis-curanmor/> accessed at 12.43 WITA 15 October 2021

¹¹ Irwansyah & Ahsan Yunus, *Legal Research on Choice of Writing Methods & Practices Article, Revised Edition*, Yogyakarta: Mirra Buana Media, 2020, p. 43.

¹² Suratman and H. Philips Dillah, *Legal Research Methods*, Bandung: Alfabeta Bandung, 2015, p. 53

empirical studies to make valid claims.¹³ The research location is at the Makassar Class II Special Child Development Institute in Maros Regency. The data obtained were analyzed using qualitative methods in order to get a real picture that will be presented descriptively.

RESULT AND DISCUSSION

1. The Effectiveness of the Application of *The Last Resort Principle* on Recidivists of Child Perpetrators in the Juvenile Criminal Justice System

The effectiveness of a punishment for children in LPKA according to Anthony Allot's view is focused on its realization. Meanwhile, based on the theory of the legal system, Lawrence M. Friedman said that one of the factors that influence the effectiveness of a punishment is the substance of the law where the substance of the law is all legal regulations in law enforcement. This means that the weakness of a legal substance will affect the effectiveness or enforcement of the law in achieving the objectives to be fulfilled.¹⁴

LPKA Maros has held an Independent Independent School which is part of the personality development and skills development program. The following is the schedule for the Independent Independent School which is implemented at LPKA class II Maros:

a) Personality Development, including:¹⁵

Spiritual or religious development, Physical development, National and state awareness development, Intellectual development, Personality or character development.

b) Skills Development, including:

Information and Communication Technology, Entrepreneurship, Handicrafts, and Art Classes.

c) Education

- Formal¹⁶

¹³ Achmad Ali & Wiwie Heryani, *Exploring Empirical Studies of Law*, Jakarta: Kencana, 2012, p. 30

¹⁴ Sudjana, *Application of the Legal System according to Lawrence M. Friedman on the Effectiveness of the Protection of Integrated Circuit Layout Designs Based on Law no. 32 of 2000*, Lecturer at the Faculty of Law, Padjadjaran, Al Amwal Journal, Vol. 2, No. 1, August, 2019, p. 84.

¹⁵ The author's interview with Mr. Muh. Fitrah Syam, Sub Staff. Education and Community Guidance Section, February 13, 2022

¹⁶ Directorate of Child Education and Alleviation Directorate of Community Guidance and Child Alleviation, *Standard Operating Procedures for the Implementation of Formal and Non-Formal Education in LPAS and LPKA*, Decree of the Director General of Corrections Ministry of Law and Human Rights RI No: PAS-28 OT.02.02 of 2019 Regarding SOPs for the Implementation of Formal and Non-Formal Education in LPAS and LPKA, Directorate General of Corrections, 2019, p. 6

- Education Non Formal Education

Regarding the entire coaching program above, it can be seen that there are still adult prisoners who intervene directly in the development of children. Because in Maros Class II LPKA there are still adults in it and because of the lack of human resources, it is the adult inmates who intervene directly to help. With the existence of adult prisoners, hereinafter referred to as adult prisoners, at LPKA Maros, there are several routine activities that are also part of the personality development carried out by correctional students, hereinafter abbreviated as Andikpas in LPKA, which still combine these activities with adult prisoners.

Classification in the implementation of coaching is important to avoid negative influences that can affect the process of fostering correctional students in LPKA. With this classification, security will be guaranteed, therefore the classification of prisoners and correctional students is important. The following provisions are in the law that regulates the classification in coaching:¹⁷

Article 12 Paragraph (1) of the Law on Corrections states that in the context of fostering prisoners in Correctional Institutions (LAPAS) classification is carried out on the basis of: Age; Gender; The length of the sentence imposed; Type of crime;¹⁸

Then based on the Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.HH-03.OT.02.02 of 2014 concerning Guidelines for the Treatment of Children in Correctional Centers (Bapas), Temporary Child Development Institutions (LPAS)) And the Child Special Development Institution (LPKA) in the Ministry of Law and Human Rights which reads: gender; age; recidivist; type of crime; length of sentence; and the results of the assessment/assessment.

¹⁷ Laksana, Andri Winjaya. "Keadilan Restoratif Dalam Penyelesaian Perkara Anak Yang Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana Anak." *Jurnal Pembaharuan Hukum* Volume 4. Nomor 1 (2017): p. 57-64.

¹⁸ Putra, Anggara Dwi. "Restoratif Justice Sebagai Alternatif Penyelesaian Perkara Tindak Pidana Anak, Sesuai Dalam Uu Sistem Peradilan Pidana Anak." *Jurnal Restorative Justice* Volume 4. Nomor 1 (2020): p 1-10.

Table 1. Classification of Types of Criminal Acts 2019-2021

NO.	Types of Crime	Number of Andikpas
1.	Information and Electronic Transactions (ITE)	1
2.	Health	3
3.	Morality	7
4.	Order	4
5.	Narcotics	35
6.	Traffic Violations	3
7.	Murder	10
8.	Rape	2
9.	Theft	72
10.	Persecution	7
11.	Child Protection	32
12.	Sharp Weapons/Firearms/Explosives	5
Total		181

Source of data: Class II Maros Children's Special

Guidance Institute

No	Length of Penalty	Length of Sentence	Number of Children			Total
			2019	2020	2021	
1.	Short Term Crime	0-1 Years	26	62	20	108
2.	Medium-Term Crimes	1-5 Years	12	33	22	67
3.	Long-Term Crimes	Above 5 years	-	3	3	6

Sources of data : Maros Class II Special Child Development Institute.

The table above shows that the most crimes committed by LPKA correctional students are 72 people, followed by narcotics crimes as many as 35 people, then the third most is child protection crimes as many as 32 people and the least is Information and

Transaction crimes. Electronic hereinafter abbreviated as ITE as many as 1 person. The classification of types of crimes in table 7 shows that there are 12 types of crimes against children. By looking at the various kinds of criminal acts committed by Correctional Students, it is necessary to have special guidance for each criminal act committed. Because every crime committed, the way of healing and learning is also of course different. For example, in narcotics crimes, the table shows that there are 35 children involved in narcotics crimes, so the special guidance needed is rehabilitation as a process of care and treatment for narcotics criminals. However, there is no rehabilitation development at the Maros Class II LPKA. And there is no special guidance for each of the crimes committed. The guidance for correctional students should be separated based on the type of crime. To make it easier to understand the crimes committed, you can focus on teaching each criminal act by explaining the dangers of the crime, the rules for the crime and so on and can also speed up healing, both physically and psychologically, from the child.

Classification according to the length of the sentence imposed, consists of: ¹⁹

- 1) Short-term criminals are convicts who are sentenced to a maximum of one year (0-1 years)
- 2) Medium-term penalties are convicts who sentenced to a minimum of one year and a maximum of five years (1-5 years); and
- 3) Criminals with long-term sentences are prisoners who are sentenced to more than five years.

Each of the above classifications is only limited to data, but in fact, Article 12 paragraph (1) of Law no. 12/1995 concerning Corrections is not in accordance with what is applied in LPKA Maros, because the classification of child development in LPKA class II Maros is not carried out according to the applicable law. Children are combined in a children's block, there is no classification of each crime, it is not legalized between narcotics, theft, traffic or other crimes. There is no separation between recidivists, even more so in child recidivists. Even though it is important to have classification in carrying out the coaching process so that all coaching processes can be carried out in a structured and organized manner so that they are effective. This classification is done for the sake of safety, security, and will reduce the risk of repeating the crime.

¹⁹ Grace Hi. Abdullah, *Urgency of Classifying Prisoners in Correctional Institutions*, Fiat Justisia Journal of Legal Studies, Faculty of Law, Gadjah Mada University, Volume 9 No. 1, January-March 2015, p. 54

2. Law Enforcement Factors, Facilities and Infrastructure Affecting the Implementation of Sentencing for Correctional Students at LPKA Class II Maros

LPKAMaros is 73 people. The head of the LPKA consists of 1 person, the section head consists of 4 people, the subsection head consists of 5 people, nurses consist of 2 people, the staff consists of 61 people who are divided into 28 security guards, supervision and discipline enforcement staff abbreviated as PPD consists of 84 people, the main gate guard abbreviated as P2U as many as 4 people, registration and classification staff as many as 8 people, coaching staff as many as 5 people and general staff as many as 8 people. And LPKA Class II Maros does not have a doctor, either a general practitioner or a dentist.

The data shows that the shortage of officers or employees is a problem that often arises which is always complained of by almost all Development Institutions. This is due to the increasing crime rate resulting in overcapacity in a Child Special Guidance Institution. So the cause of the ineffectiveness of the implementation of the coaching program is due to the lack of human resources of officers to foster correctional students, especially coupled with the number of adult prisoners who are more than andikpas, the focus of attention and duties of the officers are divided not only to correctional students but also to adult inmates.

Based on an interview with Muh. Fitrah Syam stated that each officer in the assessment matched the skills and interests of the LPKA officers, but did not fully understand, at least the officers knew a little about this in terms of what would be taught to andikpas. With this, the coaching program is less effective because the quality of the coaches for correctional students at LPKA Class II Maros is still limited. Most of the officers have a high school background and none of them have a Bachelor of Counseling background or only a few officers have a bachelor's background according to the coaching program being taught. Meanwhile, in the rules of the actual role, competent officers are needed in the field according to what will be taught to andikpas.²⁰

Especially in terms of fostering legal awareness, the lack of officers who are experts in the field of law so that the legal awareness development program is not carried out. So in this case it will hinder the coaching process for andikpas, the child will have less understanding of the law and less understanding of the crime committed.²¹ If the quality of the officers is not good, it will cause problems, therefore one of the effectiveness of the coaching program is the personality and expertise of the officers in carrying out the

²⁰ Syifawaru, Andi Suci, Mulyati Pawennei, and Ahmad Fadil. "Tinjauan Kriminologi Terhadap Residivis Anak Sebagai Pelaku Tindak Pidana Pelecehan Seksual." *Journal of Lex Generalis (JLG)* 3.2 (2022): p. 148-166.

²¹ Iman, Candra Hayatul. "Kebijakan Hukum Pidana Perlindungan Anak dalam Pembaruan Sistem Peradilan Pidana Anak di Indonesia." *Jurnal Hukum dan Peradilan* Volume 2. Nomor 3 (2018), p. 358-378.

coaching program for andikpas. Based on an interview with Muh. Fitrah Syam, children are sometimes taught about the dangers of drugs, the dangers of other criminal acts but with a simple understanding of the officers in general they only understand.

All coaching programs are carried out in the education room, both personality, skills and education development programs. With a capacity of 25 (twenty five) people in the education room, causing the coaching to be carried out in 2 (two) sessions, this makes the implementation of the coaching program ineffective. Because the time is tight and the teaching in session one is not necessarily the same as teaching in session two. This will also make it difficult for LPKA officers to teach or train. With the provision of a small and only one educational space, this is one of the reasons that become an obstacle to implementing formal education development programs because in carrying out formal education a lot of educational space is needed because of the three levels of education, namely Elementary School, Junior High School, and Middle School. Above and because of the many subjects that must be taught.

The number of occupancy in 153 Children's Blocks is 40 children with 3 rooms, so in 1 room there are 13 children or 14 children.²² Fulfillment of infrastructure in the children's block is not adequate because the rooms are small with a capacity of 10 people but must be occupied by 13 to 14 children. So children who do not get a mattress will be given a mattress as a bed.

3. The Role of Family and Society in Supporting Children to Be Integrated

Juvenile delinquency that occurs in society is caused by several factors, various theories that explain the causes of juvenile delinquency, including:²³

1) *Rational choice*

This theory explains that individual factors are the most important compared to environmental factors. This means that delinquency that occurs caused by individuals is more important than factors from the environment.

2) *Social disorganization*

In this theory states that the reduction or disappearance of social institutions that have been maintaining balance or harmony in society

3) *Strain*

²² Hasan, Hasbi. "Penerapan keadilan restoratif dalam sistem peradilan pidana anak di Indonesia." *Jurnal Hukum dan Peradilan* Volume 2. Nomor 2 (2013): p 247-262.

²³ Hariyanto, Diah Ratna Sari, and Gde Made Swardhana. "Optimalisasi Pelaksanaan Diversi Dalam Sistem Peradilan Pidana Anak Yang Berorientasi Pada Restorative Justice Di Kota Denpasar." *Jurnal Legislasi Indonesia* , Volume 18. Nomor 3 (2021): 394-404.

This theory explains that teenagers are the cause of juvenile delinquency because teenagers get great pressure from society because of the low economy of teenagers. the. ²⁴

4) *Differential association*

This theory explains that the cause of juvenile delinquency is the result of wrong association. ²⁵

5) *Labeling*

The essence of this theory is the stigma or stamp from society, when a teenager is labeled as a naughty child, wherever he is he will always get the same stigma even though the level of delinquency is small or rare. ²⁶

6) *Male phenomenon*

This theory argues that the tendency of naughty children is more identical to that of boys, the reason being that delinquency is indeed a male trait.

The role of special child development institutions is very important in preparing provisions before children are integrated into society. Where in LPKA correctional students receive a coaching program, both personality development and independence development, which can help children to improve themselves before returning to society.²⁷

The readiness of correctional students to be able to return and integrate with the community depends on the coaching and mentoring program that has been given to correctional students. As for the readiness that must be given before the child is integrated into the community, namely Mental Readiness, Physical Readiness, and Social Readiness. ²⁸

²⁴ Yunita, Melisa. "Pelaksanaan Pembinaan Kepribadian Terhadap Anak Residivis Berdasarkan Uu No 11 Tahun 2012 (Study Kasus Di Lpka Kelas Ii Jakarta)." *Justitia: Jurnal Ilmu Hukum dan Humaniora* volume 7. Nomor 2 (2020): p. 201-210.

²⁵Rosidah, Nikmah. "Pembaharuan ide diversifikasi dalam implementasi sistem peradilan anak di Indonesia." *Masalah-Masalah Hukum* volume 41. Nomor 2 (2012): p. 179-188.

²⁶ Pardede, Marulak. "Aspek Hukum Kebijakan Penyuluhan Hukum Dalam Rangka Pelaksanaan Sistem Peradilan Pidana Anak." *Jurnal Penelitian Hukum De Jure* Volume 17. Nomor 1 (2017): p. 13-28.

²⁷ Siregar, Vivi Arfiani. "Perspektif Restorative Justice Dalam Perlindungan Anak Sebagai Sistem Peradilan Pidana Di Indonesia." *Jurnal Hukum Das Sollen* volume 4. Nomor 1 (2020). p. 98

²⁸Puah, Tiara Trivena. "Pemberlakuan Ketentuan Pidana Terhadap Penyidik, Penuntut Umum Dan Hakim Apabila Tidak Melaksanakan Kewajiban Dalam Sistem Peradilan Pidana Anak." *Lex Privatum* Volume 9. Nomor 11 (2022). P. 34

According to Patrick suggest that the developmental roles, parents, peers, and education contribute specifically to involve adolescents who start using drugs in early adolescence or even in their early teens.²⁹

So that the role of parents and the community is very influential on supervision for children, especially during adolescent development, to ensure children do not do bad things that can harm themselves and even others. In the integration process or correctional students who have returned to the community environment, it is hoped that they will get full attention from the community, especially from the family. With the support or encouragement from the family and community for children who return to society after carrying out a coaching period at LPKA will make children feel confident and can change better attitude and behavior.

CONCLUSION

The guidance program for correctional students at the Maros Class II Special Child Development Institute still has several shortcomings such as the absence of a legal awareness program and the provision of formal education which indirectly affects the non-fulfillment of the rights of correctional students, especially because there are still adult prisoners who should be separated from children. Meanwhile, the classification of correctional students is also not applied so that it affects the effectiveness of the coaching program for correctional students at the Class II Maros Special Child Development Institute.

In coaching at LPKA, it is necessary to have good mental, physical, and social readiness that can support and guarantee that the child will no longer take actions that can trigger him to commit a criminal act again (recidivist). is still not optimal due to the lack of quality and human resources, and there is no special coach for children, there should be a special coach which is distinguished from adult inmates. To procure legal awareness programs and formal education in accordance with the guidelines in the applicable law and to separate between correctional students and adult prisoners as a manifestation of the fulfillment of children's rights. Then carry out special guidance according to the type of crime committed and classify so that the coaching program is structured and organized so that the effectiveness of the coaching program can be optimal.

²⁹Moh. Rifa'I Dj Yahya, *Mental, Physical, and Social Readiness in the Integration Process to Prevent the Occurrence of Recidivists in Children*, *Justitia Journal of Law and Humanities*, Faculty of Law, University of Muhammadiyah South Tapanuli, Vol. 8 No. 2, Year 2021, p. 7

REFERENCES

Book:

- Achmad Ali & Wiwie Heryani, *Exploring Empirical Studies of Law*, Jakarta: Kencana, 2012.
- Alan Noviandi, *Ultimum Remedium Principles in Criminalizing Children (Perspectives on Islamic Law and Positive Law in Indonesia)*, Thesis, Faculty of Sharia and Law, Islamic University Syarif Hidayatullah State Jakarta, 2018.
- Amir Ilyas & Muhammad Nursal, *Collection of Legal Principles*, Jakarta: PT. Raja Grafindo Persada, 2016.
- Irwansyah & Ahsan Yunus, *Legal Research Methods & Practice Writing Articles, Revised Edition*, Yogyakarta: Mirra Buana Media, 2020.
- Suratman and H. Philips Dillah, *Legal Research Methods*, Bandung: Alfabeta Bandung, 2015.

Journal Article:

- Dewi, Putu Eka Trisna. "Penegakan Hukum Terhadap Residivis Tindak Pidana Pencurian Dalam Sistem Peradilan Pidana Anak." *Jurnal Hukum Saraswati (JHS)* Volume 3. Nomor 2 (2021).
- Hasan, Hasbi. "Penerapan keadilan restoratif dalam sistem peradilan pidana anak di Indonesia." *Jurnal Hukum dan Peradilan* Volume 2. Nomor 2 (2013).
- Hariyanto, Diah Ratna Sari, and Gde Made Swardhana. "Optimalisasi Pelaksanaan Diversi Dalam Sistem Peradilan Pidana Anak Yang Berorientasi Pada Restorative Justice Di Kota Denpasar." *Jurnal Legislasi Indonesia*, Volume 18. Nomor 3 (2021).
- Iman, Candra Hayatul. "Kebijakan Hukum Pidana Perlindungan Anak dalam Pembaruan Sistem Peradilan Pidana Anak di Indonesia." *Jurnal Hukum dan Peradilan* Volume 2. Nomor 3 (2018).
- Laksana, Andri Winjaya. "Keadilan Restoratif Dalam Penyelesaian Perkara Anak Yang Berhadapan Dengan Hukum Dalam Sistem Peradilan Pidana Anak." *Jurnal Pembaharuan Hukum* Volume 4. Nomor 1 (2017).
- Moh. Rifa'I Dj Yahya, Mental, Physical, and Social Readiness in the Integration Process to Prevent the Occurrence of Recidivists in Children, *Justitia Journal of Law and*

Humanities, Faculty of Law, University of Muhammadiyah South Tapanuli, Vol. 8 No. 2, 2021.

Marlina, *Application of the Concept of Diversion to Child Criminal Actors in the Juvenile Criminal Justice System*, Equaliti Journal, Vol. 12 No. 1, 2018.

Novita Sari, *Application of the Ultimum Remidium Principle in Law Enforcement of Narcotics Abuse*, DE JURE Legal Research Journal, Volume 17, Number 3, 2017.

Putra, Anggara Dwi. "Restoratif Justice Sebagai Alternatif Penyelesaian Perkara Tindak Pidana Anak, Sesuai Dalam Uu Sistem Peradilan Pidana Anak." *Jurnal Restorative Justice* Volume 4. Nomor 1 (2020).

Puah, Tiara Trivena. "Pemberlakuan Ketentuan Pidana Terhadap Penyidik, Penuntut Umum Dan Hakim Apabila Tidak Melaksanakan Kewajiban Dalam Sistem Peradilan Pidana Anak." *Lex Privatum* Volume 9. Nomor 11 (2022).

Pardede, Marulak. "Aspek Hukum Kebijakan Penyuluhan Hukum Dalam Rangka Pelaksanaan Sistem Peradilan Pidana Anak." *Jurnal Penelitian Hukum De Jure* Volume 17. Nomor 1 (2017).

Rahmat Hi. Abdullah, *Urgency of Classifying Prisoners in Correctional Institutions*, Fiat Justisia Journal of Legal Studies, Faculty of Law, Gadjah Mada University, Volume 9 No. 1, January-March 2015.

Rosidah, Nikmah. "Pembaharuan ide diversi dalam implementasi sistem peradilan anak di Indonesia." *Masalah-Masalah Hukum* volume 41. Nomor 2 (2012).

Siregar, Vivi Arfiani. "Perspektif Restorative Justice Dalam Perlindungan Anak Sebagai Sistem Peradilan Pidana Di Indonesia." *Jurnal Hukum Das Sollen* volume 4. Nomor 1 (2020).

Sudjana, *Application of the Legal System according to Lawrence M. Friedman on the Effectiveness of Protection of Integrated Circuit Layout Designs Based on Law no. 32 of 2000*, Lecturer at the Faculty of Law, Padjadjaran, Al Amwal Journal, Vol. 2, No. 1, August, 2019.

Syifawaru, Andi Suci, Mulyati Pawennei, and Ahmad Fadil. "Tinjauan Kriminologi Terhadap Residivis Anak Sebagai Pelaku Tindak Pidana Pelecehan Seksual." *Journal of Lex Generalis (JLG)* 3.2 (2022)

Tri Suhendra Arbani, "The Power of Executing Religious Court Decisions on the Obligation of Fathers to Support Children Post-Divorce." *Journal of Al-Qadau: Justice and Islamic Family Law*, Volume 7. Number 2 (2020).

Yunita, Melisa. "Pelaksanaan Pembinaan Kepribadian Terhadap Anak Residivis Berdasarkan Uu No 11 Tahun 2012 (Study Kasus Di Lpka Kelas Ii Jakarta)." *Justitia: Jurnal Ilmu Hukum dan Humaniora* volume 7. Nomor 2 (2020).

Website :

KPAI Child Protection Data Bank <https://bankdata.kpai.go.id/tabulation-data/data-case-pengaduan-anak-2016-2020>

https://megapolitan.okezone.com/amp/2021/10/11_/338/2484643/polisi-tangkap-anak-di-Bawah-umur-otak-begal-sering-bacok-korban-saat-beraksi?page=1 accessed at 12.35 WITA October 15 2021

https://poldakaltim.com_/index.php/2020/02/07/polsek-anggana-polres-kukar-berhasil-ringkus-residivis-curanmor/ accessed at 12.43 WITA October 15, 2021

Directorate of Education and Child Alleviation Directorate of Community Guidance and Child Alleviation, *Standard Operating Procedures Implementation of Formal and Non-Formal Education in LPAS and LPKA, Decree of the Director General of Corrections at the Ministry of Law and Human Rights of the Republic of Indonesia No: PAS-28. OT.02.02 of 2019 Regarding SOPs for the Implementation of Formal and Non-Formal Education in LPAS and LPKA, Directorate General of Corrections, 2019*

Regulation:

Law No. 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection

Law no. 11 of 2012 concerning the Juvenile Criminal Justice System

Law no. 12 of 1995 concerning Corrections,