

## **Children's Accountability System Policy in the Framework of Legal Protection for Children Delinquency**

<sup>1</sup>Murdiono

<sup>1</sup> Student Master of Legal Studies Postgraduate Program of Muslim University of Indonesia  
Corresponding Author: Murdiono

---

**Abstract:** The purpose of this paper is to provide an overview of the policy of the system of child criminal responsibility and its resolution mechanism through positive legal procedures to know and analyze the implementation of the policy of child criminal responsibility system in the framework of legal protection for delinquency children and to know and analyze what triggers the emergence of behavioral deviation/behavioral aberrations, which then leads to juvenile delinquency. This research type of research empirical law research on the implementation of legal rules and legal effectiveness.

**Keyword:** Children's, Accountability, Legal Protection

---

Date of Submission: 12-03-2018

Date of acceptance: 26 -03-2018

---

### **I. INTRODUCTION**

The child is part of the young generation as one of the human resources which is the potential and successor of the future ideals of the nation's struggle, which has a strategic role and has special characteristics and characteristics, requires guidance and protection in order to ensure the growth and physical development, mental and social balance. Childhood is the period of seed sowing, the establishment of piles, the making of the foundation, which can also be called the period of character formation, personality and character of a human self, so that they later have the strength and ability and stand upright in life.<sup>1</sup>

Criminal cases involving children as perpetrators of crime carry a distinct phenomenon. Given the child is an individual who is still emotional labile has become the subject of law, then the handling of crime cases with child offenders need special attention, starting from the criminal procedural law that applies to children. The Criminal Code of Child Law specifically regulates the obligations and rights the child accrues.

Handling of children as perpetrators of criminal acts from year to year always reap criticism from both academics, practitioners and the public. This is largely due to the culture maintained from generation to generation in the minds of law enforcement in handling perpetrators of criminal acts.

Legal protection of children is sought from the beginning, ie from the fetus in the womb until the child is 18 years old. In conducting the development, development and protection of children, it is necessary for the role of the community, either through child protection institutions, religious institutions, non-government organizations, community organizations, social organizations, business, mass media and educational institutions. This is a fairness if we refer to the opinion of Soerjono Soekanto, who says the following:<sup>2</sup> "Social changes within a society can occur for a variety of reasons. These causes can come from the community itself (intern) muapun from outside the community (extern). As internal causes, among others, can be mentioned such as population growth; new discoveries; conflict (conflict); or perhaps because of a revolution. External causes may include causes arising from the physical natural environment, other cultural influences, warfare and so on. A change can happen quickly if a community is more likely to communicate with other people, or have an advanced education system."

Children as part of the young generation is the successor of the ideals of the nation's struggle and is a human resource for national development in the future,<sup>3</sup> so that necessary strategic steps to protect both in terms of law and educational aspects as well as other related areas..

---

<sup>1</sup> Maidin Gultom, *Perlindungan Hukum Terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*, (Bandung: Refika Aditama, 2008), hlm. 1.

<sup>2</sup> Soerjono Soekanto, *Pokok-pokok Sosiologi Hukum*, (Jakarta: RajaGrafindo, 1997), hlm. 99.

<sup>3</sup> Ediwarman, *Peradilan Anak di Persimpangan Jalan dalam Prespektif Victimology* (belajar dari kasus Raju), Vol.18 No. 1, April 2006, Jurnal Mahkamah, Pekan baru, 2006, hlm.8.

But in reality, the problem of child delinquency behavior is now increasingly symptomatic in society, both in developed and developing countries. The development of society that originated from agrarian life to industrial life has had a significant impact on the life of sociocultural values in most societies. The values sourced from industrial life are increasingly shifting the values of agrarian life and the process occurs on an ongoing basis, which in turn leads to changes in values including patterns of behavior and public relations.

Delinquency of children every year is always increasing, if observed the development of crime committed by children so far, both from the quality and modus operandi that is done, sometimes acts of violation done by children felt has troubled all parties, especially the parents. The phenomenon of increased violent behavior that children do as if not directly proportional to the age of the perpetrator.

The rapid development of the world today has changed the face of the world to be without limits, which is characterized by advances in technology, both transportation and communication. So the process of cultural movement and social values from one region to another become very fast. Particularly in Indonesia, changes in social values become more apparent in a very short period of time. The association of children and adolescents in the era of the 1980s is very much different from the era of the 90s even today. Things that were once considered taboo, became commonplace at this time. Changes in those values, then becomes the trigger or is one of the criminogen of the appearance of deviant behavior of a child.

Child mischief is also called Juvenile Delinquency. Juvenile or in Indonesian means children; young people, while Delinquency means neglected or ignored which later expanded into evil, criminals, offenders and others. The Great Dictionary of Indonesian Language, deliberately defined as a mildly abusive behavior of norms and laws prevailing in a society.<sup>4</sup> The act is said delinkuen if the acts are contrary to the norms that exist in the community where he lives or an anti-social act in which contained elements of anti-normative.<sup>5</sup>

## II. FORMULATION OF THE PROBLEM

Based on the description above, it can be made a problem formulation, among others, as follows:

1. What is the implementation of the policy of the criminal responsibility system of children in the context of legal protection for delinquency children?
2. What factors trigger the emergence of behavioral deviation, which then leads to juvenile delinquency?

## III. THEORETICAL FRAMEWORK

### Criminal Theory

Absolute theory (retributive theory), sees that punishment is a retaliation for wrongs done, so oriented to deed and lies in the evil itself. Criminalization is given because the offender must accept the sanction for his / her sins. According to this theory, the basis of punishment must be sought from the evil itself, because the evil has caused suffering for others, in return (vergingding) the offender must be given suffering.<sup>6</sup>

Every crime must be followed by a criminal, must not be, without bargaining. A person is criminally charged for committing a crime. It is not seen any consequences that arise with the imposition of a criminal, regardless of whether the community may be harmed. Retaliation as an excuse to punish a crime. Criminal imposition is basically suffering to criminals justified because criminals have made suffering for others<sup>7</sup>.

Relative theory (deterrence), this theory sees punishment not as retaliation for the perpetrator's faults, but as a means of achieving a useful goal to protect society towards prosperity. From this theory emerges the purpose of punishment as a means of prevention, which is general prevention aimed at the community. Under this theory, the penalty imposed for the purpose or purpose of the punishment is to correct the public discontent as a result of the crime. The purpose of punishment should be viewed ideally, in addition, the purpose of punishment is to prevent crime.<sup>8</sup>

According to Leonard, relative theory of punishment aims to prevent and reduce crime. Criminal law should be intended to alter the behavior of criminals and others who are potentially or inclined to commit crimes. Criminal aims are orderly society, and to enforce public order it is necessary criminal.<sup>9</sup>

Criminal is not merely to take vengeance or penalty to a person who has committed a crime, but has certain useful purposes. Revenge itself has no value, but only as a means to protect the interests of the people. The basis of criminal justification lies in its purpose is to reduce the frequency of crime. The penalty is imposed

---

<sup>4</sup> Departemen Pendidikan dan Kebudayaan, *Kamus Besar Bahasa Indonesia*, (Jakarta: Balai Pustaka, 1991), hlm. 219

<sup>5</sup> Sudarsono, *Kenakalan Remaja*, (Jakarta: Rineka Cipta, 1991), hlm. 10.

<sup>6</sup> Leden Marpaung, *Asas-Teori-Praktek Hukum Pidana*, Jakarta : Sinar Grafika, 2009, Hlm 105.

<sup>7</sup> Teguh Prasetyo dan Abdul Halim Barkatullah, *Op. Cit*, Hlm 90.

<sup>8</sup> Leden Marpaung, *Op. Cit*, Hlm 106

<sup>9</sup> Teguh Prasetyo dan Abdul Halim Barkatullah, *Op. Cit*, Hlm 96-97.

not because people make a crime, but so that people do not commit a crime. So this theory is often also called the theory of purpose (utilitarian theory).<sup>10</sup>

Besides the theory of justice as supporting the theory to analyze in this case, justice according to Aristotle is an act that lies between giving too much and little that can be interpreted to give something to everyone according to what is his right. Justice comes from the word "Just" which means not one-sided, impartial: side with the right, holding on to the truth: fittingly, and not arbitrarily. Essentially, justice is an attitude to treat a person according to his or her right. And everybody's right is recognized and treated in accordance with his dignity, the same degree, the same rights and obligations, without distinction of race, lineage, religion, and class.

### **Theory of Legal Protection**

Talking about legal protection, it is one of the most important elements of a law state. It is considered important because in the formation of a state there will be a law governing each of its citizens. It is not unusual to know that a country will have a mutual relationship between its own citizens. In that case will give birth to a right and obligation to each other. Legal protection will be the right of every citizen.

But on the other hand it can be felt also that the protection of the law is an obligation for the state itself, therefore the state must provide legal protection to its citizens. Once we know the importance of legal protection, then we need to also know about the definition of legal protection itself.

Legal protection is a protection granted to legal subjects in the form of both preventive and repressive tools, both written and oral. In other words it can be said that the protection of the law as a separate feature of the function of the law itself, which has the concept that the law gives a justice, order, certainty, benefit and peace.

In carrying out and providing legal protection needed a place or container in the implementation of which is often called the means of legal protection. The means of legal protection are divided into two understandable, first Preventive Preventive Means Means, in the protection of this preventive law, legal subjects are given an opportunity to file an objection or opinion before a government decision gets a definitive form. The goal is to prevent the occurrence of disputes.

The protection of preventive law is especially meaningful for governmental acts based on freedom of action because with the prevention of preventive law laws the government is encouraged to be cautious in making decisions based on discretion. In Indonesia there is no specific regulation on preventive legal protection, and the second is the Repressive Legal Protection Facility. Repressive legal protection aims to resolve disputes. Handling of legal protection by the General Courts and Administrative Courts in Indonesia includes this category of legal protection. The principle of legal protection of government action rests on the concept of recognition and protection of human rights because historically from the west, the concepts of recognition and protection of human rights are directed to the limitation and laying of the community's obligations and government.

The second principle underlying the legal protection of governmental action is the principle of the rule of law. Associated with the recognition and protection of human rights, the recognition and protection of human rights has a central place and can be linked to the objectives of the rule of law.

## **IV. DISCUSSION**

The meaning of Juvenile Delinquency according to Kartini Kartono is as follows: Juvenile Delinquency ie malicious behavior / dursila, or crime / juvenile delinquency, is a symptom of social pain (pathology) in children and adolescents caused by a form of social neglect so they it develops a deviant form of neglect of behavior.<sup>11</sup> According to Romli Atmasasmita, Juvenile Delinquency is any act or behavior of a child under the age of 18 years and has not married which is a violation of applicable legal norms and may endanger the personal development of the child in question.<sup>12</sup>

According to Paul Mudikdo provides the formulation of Juvenile Delinquency, as All deeds of the adults constitute a crime, for children is So all actions that are prohibited by criminal law, such as stealing, persecution, killing and so forth, and all deeds of misconduct from the norms of certain groups causing disarray in society, as well as acts that show the need for social protection including homeless, beggars and others.<sup>13</sup>

In the United States acts committed by children with deeds committed by adults differentiated his understanding. An act of anti-social action in violation of criminal law, morality and public order when

---

<sup>10</sup> Dwidja Priyanto, *Op. Cit*, Hlm 26.

<sup>11</sup> Kartini Kartono, *Pathologi Sosial (2). Kenakalan Remaja*, (Jakarta: Rajawali Pers, 1992), hlm. 7

<sup>12</sup> Romli Atmasasmita, *Problem Kenakalan Anak-anak Remaja*, (Bandung: Armico, 1983), hlm.40

<sup>13</sup> Gatot Supramono, *Op.cit*, hlm. 9

committed by a person aged over 21 years is called a crime, but if the person committing the act is a person under the age of 21 then it is called delinquency (Delinquency).

Regarding Juvenile Delinquency, Article 1 point (3) of Law Number 11 Year 2012 on Juvenile Justice System states that Children in Conflict with Law hereinafter referred to as Children are children who are 12 (twelve) years old, but not yet 18 (eighteen) years of alleged committing a crime. Meanwhile, in Article 1 point (1) of Law Number 23 Year 2002 regarding Child Protection, the meaning of a child is a person who is not yet 18 (eighteen) years of age, including a child still in the womb.

Furthermore, Article 1 point (2) of Law Number 23 Year 2002 states that Child Protection is any activity to guarantee and protect children and their rights in order to live, grow, develop, and participate optimally in accordance with human dignity and prestige, and have protection from violence and discrimination. Legal protection of juvenile delinquency children places priority over the implementation of restorative justice as a key element of diversion implementation. The provisions on self-diversion are governed in Articles 6 through Article 15 of Law Number 11 Year 2012. The provisions relating to the mechanism of Child Protection are contained in Article 20 to Article 26 of Law Number 23 Year 2002 as a form of responsibility for each element whose nomenclature is mentioned in the Laws the law.

However, according to minister of Women Empowerment and Child Protection, Yohana Yembise said Law Number 11 Year 2012 on Child Criminal Justice System (SPPA) still faces various obstacles in the field. Among these, not all law-abiding children (ABH) cases have been resolved using a restorative justice approach in the best interests of children as mandated by Law Number 11 Year 2012 on the Criminal Justice System of Children (SPPA). In addition, said Yohana, law enforcement officers and related parties trained in integrated training are still limited in number and there is often a rotation.

While the facilities and infrastructure to support the settlement of cases according to the Juvenile Justice System Law, such as the Institute for Special Education for Children, the Provisional Child Placement Institution, the Social Welfare Institution, and the Penal Institution are still very limited. Other obstacles, not all implementation rules issued or resolved. In addition, the law on the juvenile justice system has not been comprehensively comprehended and integrated by the stakeholders and the community. In this case for approximately 17 years of legal settlement of cases of violence in children in Indonesia using Law No. 3 of 1997 on Juvenile Court.

This law uses a formal juridical approach by highlighting the retributive punishment of the paradigm of arrest, detention and imprisonment of children. This potentially limits freedom, deprives children of independence, and affects their future. The law was subsequently replaced by Law No. 11 of 2012 on the Criminal Justice System of Children (SPPA). This law brings fundamental changes in the handling of children against the law, among others, using a restorative justice approach through a diversion system. This law regulates law enforcement obligations in seeking diversion at all stages of the legal process.

### **Legal Protection against Children in Indonesia**

With regard to the protection of children, in the criminal law system in Indonesia, the Government demonstrates good faith as the implementation of the ratification of several international conventions related to the legal protection of children in Indonesia by formulating Law No. 23 of 2002 on Child Protection.

Where before the existence of the law there have been some previous law that is on Law Number 3 Year 1997 about Juvenile Court. Law Number 3 Year 1997 is a special procedural law applied to children who have problems with criminal law, which previously still refers to Law Number 8 Year 1981 regarding Criminal Procedure Code.

Regarding the classification of criminal acts against criminal acts committed against children, long before, law enforcement use the Criminal Code (Penal Code). In relation to these laws, lawyers should also look back. That there are still other laws of the law that is Law Number 4 Year 1979 regarding Child Welfare.

In its development, the Law on Child Welfare is often overlooked in the practice of law enforcement. Though the law has not been revoked or suspended its validity. Regarding the legal protection of children still exists in several other laws, such as Law No. 39/1999 on Human Rights and Law No. 20/1999 on the ratification of the ILO Convention on the Minimum Age of Children For Prohibition of Work, and Decisions President Number 39 of 1990 on the Ratification of the Convention on the Rights of the Child (adopted by the UN General Assembly on November 20, 1989) which is the forerunner to the establishment of Law Number 23 Year 2002 on Child Protection.

In addition to the above provisions, there are also provisions regulating the protection of children from specific sexual violence acts within the household, namely Law Number 23 Year 2004 on the Elimination of Domestic Violence. Where on 22 September 2004, Law No. 23 of 2004 on the Elimination of Domestic Violence, set forth in the State Gazette of the Republic of Indonesia of 2004 Number 95 and Supplement to the State Gazette of the Republic of Indonesia Year 2004 Number 4419. This law is an arrangement in particular,

outside the Criminal Code, concerning violence occurring in households whose victims are members of the family.

The violence referred to in this Law is contained in Article 1 point 1 of Law no. Law No. 23 of 2004 which states as follows: "Every act against a person, especially a woman, resulting in physical, sexual, psychological and / or abandonment of suffering or suffering, including the threat of unlawful conduct, coercion, or deprivation of liberty in household scope. "While the scope of this Act according to Article 2 letter a is husband, wife and child. While based on the explanation of the article explains that what is meant by children in these provisions include the Child Lift and Stepchild. Apart from these provisions also include children who are under supervision and guardianship.

### **Review of Delinquency**

Delinquency is derived from the Latin "delinquere", which is interpreted as neglected, ignored, later expanded to evil, anti-social, criminal, rule-breaker, noise maker, vandals, terrorist and unmanageable. Kartono (1998), in interpreting delinkuensi refers more to a form of deviant behavior, which is the result of a highly unstable and defective mental and emotional upheaval.

Bynum and Thompson (1996), defined the behavior of delinquency in three categories, namely the legal definition, the role definition, and the societal response definition. All three categories have their respective understanding, namely The Legal Definition, Legally delinquent behavior is defined as any behavior that can be a crime if committed by an adult or a behavior that by the child's court is considered not in accordance with his age, so that the child is considered to do the behavior of delinkuensi based on the prohibitions imposed by the law on the status of criminal behavior of the central, state and local governments. However, not all violation behavior can be categorized as criminal. Behavioral delinquency is a behavior of adolescents, which includes violations of regulations that apply to children his age, such as ditching school, or consuming alcohol where the behavior is illegal.

The Role Definition, in terms of the role of focusing the meaning of delinquency behavior on antisocial actors rather than antisocial behavior, this understanding reveals, "Who does the behavior of delinquency?". Understanding refers to individuals who retain the form of delinquency behavior over long periods of time, so that life and personality identity is formed from deviant behavior. Sociological concepts related to the definition of role in describing the behavior of delinkuensi, namely social status and social role. Social status is the influence of one's position in relation to others in social or community groups. Social roles are defined as behaviors that are expected to be demonstrated from someone who has status in a social or community group.

The Societal Response Definition, understanding in terms of societal response, emphasizes the consequences as a result of an action and / or a perpetrator deemed to engage in a deviant or delinquent behavior, in which the audience observes and judges the behavior. Audience is a social group or community where the perpetrator is a member.

Based on these three categories of understanding, Bynum and Thompson (1996), define delinkuensi behavior by combining these three categories: "*Delinquency referring to illegal conduct by a juvenile that reflects a persistent delinquent role and results in society regarding the offender as seriously deviant. Deviant is conduct that is perceived by others as violating institutionalized expectations that are widely shared and recognized as legitimate within the society.*" (Bynum & Thompson, 1996)

The behavior of delinkuensi is a form of illegal behavior that reflects the role of perpetual delinquency, where the behavior by society is considered a very serious deviation. Such deviant behavior is interpreted by others as a threat to society's legitimacy norms. Walgito (in Sudarsono, 1997) formulates that the term delinquency is more emphasized in unlawful acts committed by children and adolescents, if the act is committed by an adult, then the act is a crime. Fuad Hasan (in Hadisuprpto, 1997), defines the behavior of delinquency as an anti-social act perpetrated by children and adolescents who, when committed by adults, are qualified as crimes. A behavior is considered illegal only because of the age status of the young offender (not the adult age), or who is often called the offenses status. Antisocial behavior can be a bluff, physical aggression and cruel behavior toward peers, hostility, sassiness, negativism toward adults, constant deception, often truant and destructive (Kaplan, Sadock & Grebb, 1997).

Based on the above description it can be concluded that the behavior of delinquency is a form of anti-social action, against state law, community norms and religious norms and deeds are classified as anti-social that cause unrest community, school and family, but not classified as general criminal or special, conducted by an immature person (child and adolescent).

With regard to the types of Delinquency behavior, people perceive some behaviors as negative, for example behavior is illegal because of the age status of the young offender, this is called offenses status, including school skipping, drug abuse, alcoholism, non-compliance with people's rules old, making friends with people who like to break the rules, run from home and break the curfew. While offensive indexes, used in more serious categorization behavior, include murder, rape, robbery and assault that enter "violent crimes", which is

an action or behavior directed directly at others, whereas thieves, motor vehicle thieves and arsonists, included in "property crimes", ie nonviolent crimes but directly related to property (Bynum & Thompson, 1996).

Meanwhile researchers in Indonesia, Sunarwiyati (in Masngudin, 2004), formulated forms of delinquency behavior in three categories. First, ordinary misbehavior, like fighting, wandering, ditching school, going from home without saying goodbye. Second, the delinquency that leads to violations and crimes, such as driving a car without a driver's license, taking possession of someone else without permission. Third, special misbehavior such as narcotics abuse, extramarital sex, rape, torture, torture, murder and others.

Based on his research entitled "Measuring Society's Attitudes toward Juvenile Delinquency in DKI Jakarta", the usual forms of delinquency behavior in adolescents include: lying, going outside without saying goodbye, wandering out late into the night, skipping school, litter, reading pornographic books, viewing pornographic pictures, watching porn movies, driving a vehicle without a driver's license, kebut-kebut, drinking, drug abuse, fighting, extramarital sex, stealing, compromising, threatening / torturing, gambling / , while killing and raping are included in very small amounts in adolescents.

Jensen (in Sarwono, 2006), categorizes forms of deliberate behavior into four categories. First, the delinquency that inflicted physical harm on others, among others, fights, rape, robbery, murder, and others. Second, the delinquency that caused the material victim, among others, destruction, theft, pecopetan, extortion, and others. Third, social delinquency that does not cause casualties on the part of others, including prostitution, drug abuse, smoking and alcoholism. Fourth, anger against status, for example denying the status of a student, by way of ditching and breaking school rules, denying parental status, by running away from home, fighting parents, hostile family, and so on. For teenagers, such behaviors constitute a violation, it does not violate the law in the real sense, because it is a violation in the family and school environment.

United Nations Children's Fund, an international agency under the auspices of the United Nations in collaboration with the Government of the City of Surakarta conducted research on deviant behavior in adolescents in the city of Surakarta. Typical juvenile delinquency behaviors, among others, ranging from skipping school, wandering in sights, stops, engaging in brawls, drunkenness, traffic violations, extortion acts, unmarried pregnancies, commercial sex workers to criminal acts. Data of juvenile delinquents in one year reached the number of 6,664 people with the largest percentage of school skipping / wandering in tourist attractions, cinemas, bus stops and so on some 3,485 people (Syamsiah dan Wiyono, 2001).

In the concept of restorative justice as an alternative to the settlement of child criminal cases, it has emerged more than twenty years ago around the 1980s. restorative justice is interpreted as a process whereby all parties concerned with a particular crime sit together to solve problems and think how to overcome the impact in the future. This process is basically done through a diversion attempt by the police when a child's case has been reported by the police using the discretionary authority. Discretion is the formal transfer of criminal proceedings to non-formal proceedings to be resolved by deliberation. This approach can be applied to the settlement of child cases in conflict with the law.

Restorative justice or restorative justice is then applied as one of the efforts to resolve cases of children in conflict with the law (AKH) by involving families, community leaders, perpetrators, victims and other related parties, with the emphasis back to the original state without any element of retaliation. So restorative justice is defined as justice of healing, restoration, a sense of authenticity for the victim, so that there is no element of revenge and punishment against the perpetrator. In the law No. 11 of 2012 on the criminal justice system of children, the examination stage at the level of legal process both at the police level, prosecutors and courts are required child conflict law is done diversion with restorative authenticity approach, the requirement to be diverted course with crime that the threat of law less 7 (seven) years and not a repeat of a crime. However, if the process does not result in a settlement, the AKH case is processed in court using a juvenile justice approach. In this process, taking into account the age of the child, that is, the child under 12 years of age shall be subjected to a sentence of action and the child of 12 years to 18 years shall be subjected to the law of action and the inducement.

## **V. CONCLUSION**

1. Based on the above description, it can be concluded that the dimensions of delinkuensi behavior as follows: First, the index offenses include delinquency that cause physical victim to other people (violent offenses), among others fights, torture, threats and robbery; delinquency that causes the victims of the material (property crimes), among others, destruction, theft, and extortion; social delinquency that does not cause casualties on the part of others (drug / liquor and public), among others, prostitution, abuse and sale of drugs / liquor and gambling / betting. Secondly, the offenses status that is against the status of the offenses, among others deny the status as a student and deny the status of parents, including running from home (runaway), including going out the house without saying goodbye; truancy and wandering; breaking school rules or rules and ungovernability rules, such as against parents, lying, uniform incomplete clothing, and so

on; consuming alcohol (underage liquor violations); and other miscellaneous categories, including curfew, smoking, drugs and so on.

2. Delinkuen is delinquency (delinquency) behavior derived from the Latin word "delinquere" which is interpreted as neglected, ignored, then expanded into evil, anti-social, criminal, offenders, conquer, disorder, penteror and unmanageable and delinkuean more referring in a form of deviant behavior, which is the result of a highly volatile and defective mental and emotional upheaval.

#### REFERENCES

- [1] Achmad Ali, 1991, Teori Hukum, Hasanuddin Press, Ujung Pandang.
- [2] Adami Chazawi, 2014, Pelajaran Hukum Pidana Bagian I (Stelsel Pidana, Tindak Pidana, Teori-teori Pidana, dan Batas Berlakunya Hukum Pidana), Rajawali Pers, Jakarta
- [3] Algra, N.E, 1983, Mula Hukum, Akademika, Jakarta
- [4] Arief Sidharta, 1999, Refleksi tentang Hukum, Aditya, Bandung.
- [5] Atmasasmita, Romli, Problem Kenakalan Anak-anak Remaja, Bandung: Armico, 1983.
- [6] Gultom, Maidin, Perlindungan Hukum Terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia, Bandung: Refika Aditama, 2008.
- [7] Hadisuprpto, Paulus, Juvenile Delinquency Pemahaman Dan Penanggulangannya, Bandung: Citra Aditya Bakti, 1997.
- [8] Hasan, Wadong, Maulana, Advokasi Dan Hukum Perlindungan Anak, Jakarta: Grasindo, 2000.
- [9] Joni, M., dan Zulchaina Z.Tanamas, Aspek Hukum Perlindungan Anak dalam Perspektif Konvensi Hak Anak, Bandung: Citra Adytia Bakti, 1999.
- [10] Kartono, Kartini, Psikologi Remaja. Bandung : Rosda Karya, 1988
- [11] Pathologi Sosial (2). Kenakalan Remaja, Jakarta: Rajawali Pers, 1992.
- [12] Liebmann, Marian, Restorative Justice: How it Works, London and Philadelphia: Jessica Kingsley Publishers, 2007
- [13] Munir Fuady, 2009. Teori Negara Hukum Modern (rechstaat), Refika Aditama. Bandung.
- [14] Lilik Mulyadi, Pengadilan Anak di Indoneia. Teori, Praktek dan Permasalahannya, Bandung: Mandar Maju, 2005
- [15] Philipus M Hadjon, 1987. Perlindungan Hukum Bagi Rakyat di Indonesia, Bina Ilmu, Surabaya.
- [16] Prinst, Darwin, Hukum Anak Indonesia, Bandung : Citra Aditya Bakti, 2003
- [17] Sambas, Nandang, Pembaharuan Sistem Pidana Anak di Indonesia, Yogyakarta: Graha Ilmu, 2010.
- [18] Setyowati, Irma, Aspek Hukum Perlindungan anak di Indonesia, Jakarta: Bumi Aksara, 1990.
- [19] Soetodjo, Wagati, Hukum Pidana Anak, Bandung: PT. Refika Aditama, 2006
- [20] Soerjono Soekanto, 1984, Efektivitas Hukum, Bina Cipta, Jakarta.
- [21] Sudarsono, Kenakalan Remaja, Jakarta: Rineka Cipta, 1991.
- [22] UNICEF, Child Protection Information Sheet, Child Protection INFORMATION Sheet, 2006..

IOSR Journal Of Humanities And Social Science (IOSR-JHSS) is UGC approved Journal with Sl. No. 5070, Journal no. 49323.

Murdiono "Children's Accountability System Policy in the Framework of Legal Protection for Children Delinquency." IOSR Journal Of Humanities And Social Science (IOSR-JHSS). vol. 23 no. 3, 2018, pp. 31-37.