

Legal Protection for Children in Criminal Cases that Result in Serious Injuries

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Abstract: The purpose of this study is to analyze, explain and find the rule of law, the nature of legal protection, and solutions to obstacles in child legal protection in mugging cases that result in serious injuries. This type of research includes empirical legal research, which views law as reality, including social realities, cultural realities, etc. This research is also based on normative legal analysis in statutory regulations and legal opinions of experts in various literature and legal books related to child protection.

Keywords: Children, Child Protection, Criminal Cases, Legal Protection.

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I. INTRODUCTION

Children as creatures of God Almighty have human rights like other humans so that no human or other party can get these rights. In the nation's life and state, children are the nation's successor and the nation's aspirations. Therefore, every child has the right to live, grow and develop, participate, and have the right to protection from acts of violence and discrimination. Such are the rights and freedoms of citizens (Tjahjanto, 2008:53).

From a visionary view, children are a form of investment that is an indicator of a nation's success in implementing development. The success of child development will determine the quality of human resources in the future (Suyanto, 2003:21). Based on Article 28B section (2) of the 1945 Constitution of the Republic of Indonesia (after this referred to as The 1945 Constitution) states:

"Every child has the right to live, to grow and to develop, and has the right to protection from violence and discrimination."

From the above provisions, children's best interests must be lived out as the best interests for humanity's survival.

Crimes involving children as perpetrators of criminal acts are certainly not something new to happen. Today many criminal incidents such as theft, mugging, or extortion are carried out by a child. The limitation on child delinquency is emphasized on children's behavior, which is an act that violates the norms. However, if an adult does it, it is called a crime because it is unethical if the child offender is called a child criminal, not child delinquency, because considering the child who committed the crime still needs supervision or an act of formation.

Currently, regulations related to protection and justice involving children are based on Law of the Republic of Indonesia Number 11 of 2012 on the Juvenile Criminal Justice System (after this referred to as Law No. 11 of 2012), which has repealed Law of the Republic of Indonesia Number 3 of 1997 on Juvenile Court (after this referred to as Law No. 3 of 1997).

The substance regulated in Law No. 11 of 2012, among others, is regarding the placement of children who undergo a judicial process to be placed in the Special Development Institution for Children. According to Soetodjo & Melani (2008:70), the substance in this law is strict regulation regarding restorative justice and diversion. It is meant to avoid and keep children away from the judicial process to avoid stigmatization of children faced with the law. It is expected by children to return to the social environment naturally.

Juvenile Criminal Justice starting from the investigation, prosecution, trial, and carrying out court decisions at the Juvenile Penitentiary must be carried out by specially educated officials or know about naughty children's problem. Treatment during the Juvenile Criminal Justice process must pay attention to child protection processes and still uphold the child's dignity without neglecting the implementation of justice and not reducing the child's human value.

II. STATEMENT OF THE PROBLEM

1. What is the rule of law regarding child crimes in mugging cases that result in serious injuries?
2. What is the nature of legal protection for children in mugging cases that result in serious injuries?
3. What are the obstacles in child legal protection in mugging cases that result in serious injuries?

III. THEROTEICAL FRAMEWORK

A. Theoretical Basis

1. Legal Protection Theory

According to Ridwan (2010:292), legal subjects as bearers of rights and obligations (*de drager van de rechten en plichten*), be it human (*natuurlijk persoon*), legal entity (*rechtspersoon*), or position (*ambt*), can take actions-legal action based on their ability (*bekwaam*) or authority (*bevoegdheid*).

This theory of legal protection comes from the theory of natural law or the flow of natural law. This flow was pioneered by Plato, Aristotle (Plato's student), and Zeno (founder of the Stoic school). According to the flow of natural law, the law comes from God, who is universal and eternal and cannot be separated from morals. Adherents of this sect believe that law and morals are internal and external reflections and rules of human life manifested through law and morals (Mas, 2004:116). According to Rahardjo (2000:53), "*legal protection aims to protect human rights that others have harmed. This protection is given to the community so that they can obey all the rights granted by law*". According to Hadjon (1987:29), that:

"Legal protection is a preventive and repressive action by the government for its people. Preventive legal protection aims to prevent disputes, directing government action to be prudent in policy-based decision making. Repressive protection aims to resolve disputes, including handling them in the judiciary."

Legal protection must consider the stages, namely legal protection born from legal provisions and all legal regulations provided by the community. Also, legal protection is a community agreement to regulate behavioral relationships between individuals in society and between individuals and the government. Therefore, the role of government is deemed necessary to protect the interests of individuals and society. There are several definitions of legal protection by legal experts, including the following.

Following the description above, it can be said that the function of law is to protect people from dangers and actions that can harm and tell their lives from other people, society, and the authorities. Besides that, it also functions to provide justice and become a means of creating welfare for all citizens.

2. Theory and Purpose of Criminalization

a. Definition of Criminalization

Criminal law is a part of the law in general. Criminal law exists to provide sanctions for anyone who commits a crime. Talking about criminal law is inseparable from matters relating to punishment. In general, the meaning of the word criminal is the law, while punishment is defined as punishment.

Moeljatno (1985:40) distinguishes between the terms criminal and punishment. He disagrees with conventional terms that determine that the term punishment comes from the word "*straf*", and the term punishment comes from the word "*gestraff*". He used an unconventional term, namely punishment for the word "*straf*", and was threatened with punishment for the word "*gestraff*". When the word "*straf*" means punishment, then the word "*strafrecht*" means law-punishment. Furthermore, according to Moeljatno, being punished means being treated with the law, civil law, and criminal law. Punishment is the result of applying the law, which has a broader meaning because, in this case, the judge's decision in the field of civil law also covers.

Criminalization is a vital part of criminal law, and it is said that because punishment is the culmination of the entire process of holding someone guilty of a criminal act. "*A criminal law without sentencing would merely be a declaratory system pronouncing people guilty without any formal consequences following the form that guilt*". Criminal law without conviction means to declare a person guilty without any definite consequences for his guilt. Thus, the conception of wrongdoing has a significant effect on the imposition of penalties and the criminal process. If mistakes are understood as "*reproachable*", then punishment is the "*manifestation of the reproach*" (Huda, 2006:125).

In implementing criminal law, the government is always faced with paradoxicality, as described by Hazewinkel-Suringa in Hikmawati (2016:74) as follows:

"The state government must guarantee individual independence, ensure that the human person is not offended, and remains respected. On the other hand, however, the state government imposes penalties on the human person, for example, imprisoning the person concerned. So, on the one hand, the state government defends and protects the human person against attacks by anyone, while on the other hand, the state government attacks the human person that it wants to protect and defend."

Criminalization can be interpreted as the stage of determining sanctions and imposing sanctions in criminal law. The purpose of imposing sanctions must pay attention to the welfare and protection of the community. The criminal sanction imposed on the perpetrator of a criminal act is a feature of the difference

between criminal law and other law types. In connection with the definition of criminal, according to Van Hamel in Hikmawati (2016:74), the definition of a criminal is:

“Special suffering imposed by the competent authority to impose sanctions on behalf of the state as the responsibility for public order for offenders. This sanction is sole because the person has violated the law that must be enforced by the state.”

b. Criminal Theory

The theory of punishment at this time has undergone developments which can be grouped into several theories, namely:

1) Retributive

According to this theory, the legal basis for imposing a crime is the crime itself. This theory focuses on punishment/punishment as an absolute requirement to take revenge against people who have committed evil deeds (Marlina, 2011:41). Retributive theory legitimizes punishment as a means of retaliation for one's wrongdoing. Crime is seen as an immoral and immoral act in society. Therefore the perpetrator of the crime must be met with punishment.

This retributive theory's characteristic feature, especially from the point of view of Immanuel Kant, that the absolute belief in the necessity of crime, even though it is useless. This view is directed at the past and not to the future. Besides, his mistakes could only be made amends by enduring suffering. Furthermore, according to Nigel Walker, this retributive flow is divided into two. First, the limited retributive stream argues that the punishment does not have to be commensurate with the culprit's error. However, the punishment imposed must not exceed the limit commensurate with the offender's mistake. Second, the distributive retributive stream states that criminal sanctions are designed to retaliate against the perpetrators of crimes, but that sanctions must be distributed to the guilty perpetrators (Marlina, 2011:45).

2) Deterrence (Prevention)

The theory of prevention is no different from the retributive theory. Prevention is a form of punishment theory dominated by a consequentialist view, whose purpose is more useful than just revenge.

3) Relative and purposeful

This theory is called the utilitarian theory. Born as a reaction to fundamental theory. This theory is not just retaliation, but in general, this theory is to bring about order in society.

4) Capacitation

This theory is a criminal theory that restricts people from society for a specific time to protect society in general. This theory aims to classify crimes that are dangerous to society in such a big way, such as genocide, terrorism, or disturbing to society, such as rape.

5) Rehabilitation

This theory focuses more on reforming or improving the perpetrator of the crime. This theory is to provide treatment and remedial action to criminals as a substitute for punishment. This positive flow argument is based on the premise that the perpetrator of the crime is a sick person who requires treatment and remedial action.

6) Restoration

The concept of restorative justice begins with implementing a criminal case settlement program carried out by children outside the conventional justice mechanism carried out by the community called victim-offender. This program considers both perpetrators and victims to get the best possible benefit to reduce recidivists' number among child perpetrators of crime and provide a sense of responsibility for each party.

7) Social Defense (Community Protection)

Social protection laws must replace existing criminal laws. The main objective of social protection law is to integrate individuals into the social order and not punish them for their actions.

Thus, in essence, punishment is the protection of society and retaliation for acts of violation of the law. Thus, the purpose of punishment is to repair individual and social damage caused by criminal acts. The punishment's objectives are general and specific prevention, community protection, community solidarity, and compensation.

c. Purpose of Criminalization

Sholehuddin (2004:59) stated that the purpose of punishment must be following the politics of criminal law, which must be directed towards protecting the community from welfare and balance and harmony in life by taking into account the interests of the state, society, victims, and perpetrators. Sholehuddin (2004:59) stated the characteristics of the criminal element based on the objectives of the punishment, namely:

1) Humanity, in the sense that conviction upholds one's dignity.

2) Educative, in the sense that punishment can make people fully aware of the actions they have committed and cause them to have a positive and constructive mental attitude for crime prevention efforts.

3) Justice, in the sense of giving punishment based on the proportion of behavior and not taking sides with the convicted person or victim or society, other than taking sides with the facts.

3. Criminal Liability Theory

a. Definition and Theory of Criminal Liability

In criminal law, the term criminal responsibility is known. In Dutch, it mentions *toerekenbaarheid*, in English criminal responsibility or criminal liability. According to Ruslan Saleh, criminal responsibility refers to “*criminal liability*”, while Moeljatno says “*liability in criminal law*” (Simamora & Hertini, 2015:166).

b. Terms of Criminal Liability

A person or perpetrator of a criminal act will not be held responsible for a criminal act or sentenced if he does not commit a criminal act, and the criminal act must be against the law. However, even if he commits a criminal act, he cannot always be convicted. A person who commits a criminal act will only be sentenced if he was legally and convincingly proven wrong.

The inability to take responsibility, as based on Article 44 section (1) of Law of the Republic of Indonesia Number 1 of 1960 on Amendment of the Criminal Code (after this referred to as Law No. 1 of 1960), regulates that:

“Whoever commits an act which he cannot bear because his soul is disabled in growth or is plagued by disease, will not be punished.”

What is said to be unable to take responsibility is the general reason for punishment, as stipulated in Article 44, Article 48, Article 49, Article 50, and Article 51 of Law No. 1 of 1960. According to Jonkers, those who cannot be responsible are based not only on these Articles but also because they are young, exposed to hypnosis, etc (Saleh, 1983:84).

B. General Review of Criminal Acts

1. Definition of Crime

Criminal offense comes from a term known in Dutch criminal law, namely *strafbaarfeit*, and in the literature on criminal law often uses the term offense. At the same time, lawmakers formulate it to use the term criminal event or criminal act or criminal offense. Delik, which in Dutch is called *strafbaarfeit*, consists of three words, namely (Ilyas, 2012:19):

- a. Straf is defined as criminal and law
- b. Baar is defined as can and may,
- c. Feit is defined as an act, incident, violation, and deed.

So the term *strafbaarfeit* is an event that can be convicted or an act that can be convicted. As expressed by a criminal law expert, namely Moeljatno (1984:55), who argues that the definition of a criminal act, which according to his term is a criminal act, is:

“Actions prohibited by a legal rule are accompanied by threats (sanctions) in the form of certain crimes for anyone who violates the prohibition.”

2. Elements of Crime

The elements of a criminal act can be viewed from two perspectives, namely a theoretical perspective and a legal perspective. The theoretical perspective is the opinion of jurists, which is reflected in the ideal formulation. Meanwhile, the legal point of view is how the reality of a criminal act is formulated into a specific criminal act in the articles of existing laws and regulations (Chazawi, 2010:79).

IV. DISCUSSION

A. Laws Governing Child Protection

1. Mugging Cases that Result in Serious Injuries based on Article 365 Law No. 1 of 1960

The first element of mugging crime is the act of taking goods. In a narrow sense, the term taking (*wegnemen*) is limited to moving hands and fingers, holding objects, diverting them elsewhere (Prodjodikoro, 2012:15). Based on Article 362 Law No. 1 of 1960, regulates that:

“Anyone who takes anything, wholly or partly belonging to another, to illegally possess it, is threatened because of theft ...”

The phenomenon of theft with violence or known as “*snatching*”, is a form of crime that has recently been troubling the public. The crime of theft with violence, based on Article 365 Law No. 1 of 1960, regulates that:

(1) By a maximum imprisonment of nine years shall be punished theft preceded, accompanied or followed by force or threat of force against persons, committed with intent to prepare or facilitate the theft, or when taken in the act, either to enable for himself or other accomplices to the crime to escape, or to ensure possession of the thing stolen.

(2) A maximum imprisonment of twelve years shall be imposed:

1. if the fact is committed either by night in a dwelling or at an enclosed yard where a dwelling is; or on the public road; or in a railway carriage or tram that is in motion;
 2. if two or more united persons commit the fact;
 3. if the offender has forced an entrance into the place of the crime by way of breaking into the house or climbing in, of false keys, of a false order, or a false costume;
 4. if the fact results in serious physical injury.
- (3) A maximum imprisonment of fifteen years shall be imposed if the fact results in death.
- (4) Capital punishment or life imprisonment or maximum imprisonment of twenty years shall be imposed if the fact results in a severe physical injury or death, committed by two or more united persons and thereby accompanied by one of the circumstances mentioned under first and thirdly.

Elements of Article 365 Law No. 1 of 1960, namely all elements regulated in Article 363 section (1) Law No. 1 of 1960.

2. Child Criminal Actors based on Law No. 11 of 2012

Based on point a dan point b Considerations Law No. 11 of 2012, considering that:

- a. Children are a mandate and a gift from God Almighty who has dignity as a whole human being;
- b. To maintain their dignity, children have the right to special protection, especially legal protection in the justice system.

To achieve this goal, efforts are needed to foster, maintain and improve children’s welfare and the physical, mental and spiritual protection of children. It is also vital to understand juvenile criminal justice systems in line with the law enforcement process. Therefore, the Juvenile court was formed to foster and protect children and ensure their physical, mental, and social development. Furthermore, child development is explicitly applied, intact, harmoniously, and balance. However, based on Article 16 of Law No. 11 of 2012 regulates that:

“Provisions for the procedure in the criminal procedure code also apply in juvenile criminal procedure unless otherwise stipulated in this law.”

3. Research Results Related to Legal Protection for Children in Mugging Cases that Result in Serious Injuries

a. Investigation Process

Investigation means a series of actions carried out by investigating officials according to the law’s means to seek and collect evidence. With this evidence, investigators can determine the light or serious category of a crime (Harahap, 2006:109). Also, investigators can determine whom the suspects were involved in the crime. This means that investigating juvenile criminal cases is an activity of examination and investigation to ensure an event considered or suspected to be a criminal act committed by a child.

In the framework of child protection efforts, investigators must follow the procedures based on Article 16 to Article 29 of Law No. 11 of 2012.

The following are the results of research at the Makassar City Police, which can be seen in the following table:

Table 1. Interview Results of Legal Protection of Children’s Rights at the Makassar City Police, 2020

No	Children’s Rights	Interviewees	
		Reski Ospiah, SH	Darwis, SH
1	Treated humanely by paying attention to the needs according to their age	Yes	Yes
2	Separated from adults	Yes	Yes
3	Obtain legal and other assistance effectively	Yes	Yes
4	Doing recreational activities	No	No
5	Free from torture, punishment or other cruel, inhuman and degrading treatment of dignity and status	Yes	Yes
6	Not sentenced to death or life imprisonment	Yes	Yes
7	Not arrested, detained or imprisoned except as a last resort and for the shortest time	Yes	Yes
8	Obtain justice before a juvenile court that is objective, impartial, and in a trial that is closed to the public	No	No
9	His identity was not published	Yes	Yes
10	Get parental/guardian assistance and people trusted by children	Yes	Yes
11	Obtain social advocacy	Yes	Yes

12	Get a personal life	Yes	Yes
13	Get accessibility, especially for children with disabilities	Yes	Yes
14	Get an education	No	No
15	Get health services	Yes	Yes
16	Obtaining other rights in accordance with the provisions of laws and regulations	Yes	Yes

Source: Primary Data after Processing, 2020

To investigate cases of the child in conflict with the law, the Investigator must ask for consideration or advice from the Community Advisor after the crime is reported or complained. If deemed necessary, the Investigator can ask for advice or advice from educational experts, psychologists, psychiatrists, religious leaders, Professional Social Workers or Social Welfare Workers, and other experts.

b. Court Process

Judges who handle cases of the child in conflict with the law must take the best possible action not to separate children from their parents, considering that a lousy house is better than a good prison (Gultom, 2014:120). The judge must be comprehensive and know all the backgrounds of the child before the trial is held. In making decisions, judges must pay attention to children’s emotional, mental, and intellectual maturity. A judge’s decision that causes life-long suffering or revenge for the child is avoided, with the awareness that the judge’s decision has a legal protection principle.

The following are the results of research at the Makassar District Court, which can be seen in the following table:

Table 2. Child Crimes in Mugging Cases Handled by the Makassar District Court from 2017-2019

No	Years	Number of Cases
1	2017	54
2	2018	41
3	2019	31

Source: Primary data after processing, 2020

Based on the table above, it can be seen that there has been a decrease in the number of child crimes in mugging cases.

The following are the results of research regarding child legal protection through the fulfillment of children’s rights, which can be seen in the following table:

Table 3. Interview Results of Legal Protection of Children’s Rights at the Makassar District Court, 2020

No	Children’s Rights	Interviewees	
		Reski Ospiah, SH	Darwis, SH
1	Treated humanely by paying attention to the needs according to their age	Yes	Yes
2	Separated from adults	Yes	Yes
3	Obtain legal and other assistance effectively	Yes	Yes
4	Doing recreational activities	No	No
5	Free from torture, punishment or other cruel, inhuman and degrading treatment of dignity and status	Yes	Yes
6	Not sentenced to death or life imprisonment	Yes	Yes
7	Not arrested, detained or imprisoned except as a last resort and for the shortest time	Yes	Yes
8	Obtain justice before a juvenile court that is objective, impartial, and in a trial that is closed to the public	No	No
9	His identity was not published	Yes	Yes
10	Get parental/guardian assistance and people trusted by children	Yes	Yes
11	Obtain social advocacy	Yes	Yes
12	Get a personal life	Yes	Yes
13	Get accessibility, especially for children with	Yes	Yes

	disabilities		
14	Get an education	No	No
15	Get health services	Yes	Yes
16	Obtaining other rights in accordance with the provisions of laws and regulations	Yes	Yes

Source: Primary data after processing, 2020

Furthermore, the Juvenile Judge explained that the judges' considerations in verifying cases carried out by children include juridical and non-juridical considerations.

c. Fulfillment of Human Rights in Special Prison for Children

Based on the results of the author's research at the Special Prison for Children, Maros Regency, South Sulawesi Province on September 28, 2020, at 09.00 WITA, which was conducted using interviews with 5 out of 10 assisted children, it was explained that most of their rights were fulfilled physically and psychologically.

The following are the results of research at the Special Prison for Children in Maros Regency, South Sulawesi Province, which can be seen in the following table:

Table 4. Interview Results of Legal Protection of Children's Rights at the Special Prison for Children, 2020

No	Children's Rights	Interviewees	
		Reski Ospiah, SH	Darwis, SH
1	Treated humanely by paying attention to the needs according to their age	Yes	Yes
2	Separated from adults	Yes	Yes
3	Obtain legal and other assistance effectively	Yes	Yes
4	Doing recreational activities	Yes	Yes
5	Free from torture, punishment or other cruel, inhuman and degrading treatment of dignity and status	Yes	Yes
6	Not sentenced to death or life imprisonment	Yes	Yes
7	Not arrested, detained or imprisoned except as a last resort and for the shortest time	Yes	Yes
8	Obtain justice before a juvenile court that is objective, impartial, and in a trial that is closed to the public	Yes	Yes
9	His identity was not published	Yes	Yes
10	Get parental/guardian assistance and people trusted by children	Yes	Yes
11	Obtain social advocacy	Yes	Yes
12	Get a personal life	Yes	Yes
13	Get accessibility, especially for children with disabilities	Yes	Yes
14	Get an education	Yes	Yes
15	Get health services	Yes	Yes
16	Obtaining other rights in accordance with the provisions of laws and regulations	Yes	Yes

Source: Primary data after processing, 2020

Based on Article 4 section (1) Law No. 11 of 2012, regulates that Children who are serving a criminal period have the right to:

- a. get a reduced sentence;
- b. acquire assimilation;
- c. get time off from visiting family;
- d. get parole;
- e. get to leave before being released;
- f. get conditional leave; and
- g. obtain other rights following the provisions of laws and regulations.

From the visit in the research field, the above provisions were not answered, considering that at the same time, child prisoners were undergoing a coaching process at a location as regulated by law.

The average age of child prisoners at Special Prison for Children, Maros Regency is 16 (sixteen) to 18 (eighteen) years. Also, prison officials said that there was no discriminatory treatment by prison officials. Child prisoners feel safe and comfortable in prison. Researchers assess that what prison officers do is following applicable laws.

B. Legal Protection for Children Perpetrators of Mugging which Results in Serious Injuries

Legal protection for children to protect the rights of children in conflict with the law. In conflict with the law, children must not be victims of abuse of authority by officers during the criminal process. Indonesia already has several regulations that practically show relevance to the concept of child protection as based on the Law of the Republic of Indonesia Number 17 of 2016 on Enactment of Government Regulation in Lieu of Law Number 1 of 2016 on the Second Amendment to Law Number 23 of 2002 on Child Protection Becoming Law (after this referred to as Law No.17 of 2016) and Law No. 11 of 2012 (Manurung, 2018:12).

The aim of providing legal protection for criminals is to respect the human rights of the perpetrators. The conception of child protection covers a broad scope, in the sense that child protection is about the protection of the child's body and soul and covers all and their interests that can ensure proper growth, both spiritually, physically, and socially. After completing their criminal period, those children are expected to become accepted in their social environment and adequately carry out work activities (Manurung, 2018:12).

Protection for children that is juridical or legal protection for children has previously been regulated in the Law of the Republic of Indonesia Number 4 of 1979 on Children's Welfare (after this referred to as Law No.4 of 1979). Based on Article 1 point 1 letter a Law No. 4 of 1979, explain that:

"Child Welfare is an order of life and livelihoods of children that can ensure their normal growth and development, both spiritually, physically and socially."

Based on the law that states that a new institution must be formed to handle children's cases in conflict with the law, several things must be considered in the future. First, related to the number of human resources in prisons. The number of child prisoners is inversely related to prison officers. Second, regarding the quality of employees of social institutions. The hope is that in the future, employees who handle and guide children in conflict with the law must have the qualifications required by law. Qualified prison staff can help children get back on the right path. Third, about recruitment. The recruitment of prison personnel must be carried out in a transparent and accountable manner so that those recruited as officers are people who can care for children in conflict with the law.

C. Obstacles and Efforts in Providing Legal Protection for Children in Mugging Cases that Result in Serious Injuries

1. Obstacles Faced in Providing Legal Protection

a. Internal Factors

1) Limited Number of Child Investigators

The imbalance between the number of officers and the number of cases is one reason some cases have been delayed to the investigation stage. The minimum number of police on duty in the Women and Children Service Unit, which only amounts to 14 people, is given the variety of problems handled, of course not only mugging cases but also other criminal cases. The number of officers available is not proportional to the area and coverage of the area handled.¹

2) Child Investigator Background

Educational background of 14 personnel from the Women and Children Service Unit, 4 of whom are graduates of the Faculty of Law. As is known, in the curriculum of the Law Faculty Secaba Polri, child protection material has minimal weight. Also, child protection material is an optional subject that is not required to be programmed. So that not all Law Faculty graduates master child protection material. As a result, several investigators were confused about investigating children in conflict with the law.²

3) Facilities and Infrastructure

Facilities and infrastructure at Makassar City Police are an obstacle to protecting children in conflict with the law. For example, the lack of supervision and security at the Satreskrim building entrance makes it easier for unauthorized parties to enter the building without permission. Related to other facilities and infrastructure constraints is the unavailability of special places for detention for children during the detention period for the investigation process. Another obstacle for room inspection criteria is the absence of a soundproof room divider or a closed room. The Women and Children Service Unit only has one closed room, while the investigation process table is not partitioned.

¹Results of interviews with members of the Child Services Unit, AKP Darwis, on September 26, 2020.

²Results of interviews with members of the Child Services Unit, AKP Darwis, on September 26, 2020.

b. External Factors

1) Lack of Public Understanding

The lack of public understanding of juvenile justice law creates an impression of unprofessionalism and an indication of malpractice in the criminal justice system. The exaggeration of child criminal acts that become public consumption makes the impression that the community has never made a mistake or contributed to children's mistakes.

2) Time Limits based on Legislative Factors

There is a time limit for the diversion process based on Article 29 section (2) of Law No. 11 of 2012, no later than 30 (thirty) days. This time limit makes investigators rush into investigating efforts so as not to exceed these provisions. The complexity of the case and the length of the investigation process also affects the investigation process. This sometimes makes it difficult for investigators to ascertain the case's main title, considering that the making of the subject matter involves other stakeholders.

3) Child/Family Factor

During the investigation process, children in conflict with the law still seemed afraid to provide information about the criminal act that had been committed. The fear experienced by children in conflict with the law is related to their psychology. This fear also makes children in conflict with the law feel depressed and prefers to remain silent when examined by investigators. Therefore, investigators in conducting investigations will experience obstacles. Another obstacle that occurs due to the perpetrator's factor is when children in conflict with the law choose to lie from the Investigator's questions. Moreover, the role of parents who initially collaborated with investigators to assist in the process eventually covered up their children's mistakes.

3. Efforts Made in Overcoming Obstacles to Providing Legal Protection

a. Internal Factors

1) Human Resources

Efforts made in coordination between units within the Satreskrim will help reduce constraints related to personnel limitations. Also, a cross-subsidies system will be implemented for officers who are not currently carrying out examination or investigation duties. However, still, coordinate with investigators from the Women and Children Protection Unit. Efforts are made not only in quantity but also in quality. The ability and knowledge about child protection must be improved. Through training and collaboration with the National Commission for Child Protection and child care NGOs, investigators can better understand child protection issues.

2) Facilities and Infrastructure

The effort made by the Makassar City Police in dealing with facilities and infrastructure is the plan to move the Women and Children Protection Unit room into a separate room separate from the Detective and Criminal Unit building. The hope is that with the transfer, the Women and Children Protection Unit will have its building. Given the limited space, the Women and Children Protection Unit can increase personnel by having special facilities for children, such as unique detention rooms and closed investigation rooms. In the absence of a particular detention room for children, another alternative used by the police is entrusting children to NGOs and shelters owned by the local government or the Social Service

b. External Factors

1) Lack of Community Understanding

Efforts made to overcome the community's lack of understanding are involving relevant stakeholders, such as the Police, National Commission for Child Protection, and NGOs should provide understanding to the community by using socialization related to child protection. Also, socialization can be carried out by conveying information through public media.

2) Legislative Factor

The law must be progressive, where its implementation must meet the nation's needs and share the suffering of the nation. Thus, the law will serve the interests of its people, not the other way around. Moreover, the law is not in the cloud or void but society. Law No. 11 of 2012 is expected to modernize the juvenile justice system following current social developments.

3) Child/Family Factor

The effort made is to establish cooperation between parents and sympathizers. Investigators will always understand children in conflict with the law and their families so as not to obstruct and complicate the investigation process. Legal status and legal cases experienced by children in conflict with the law can be resolved as soon as possible.

V. CONCLUSION

1. The rule of law on child crimes in mugging cases that results in serious injuries must be in accordance with the concept of restorative justice in the Juvenile Criminal Justice System. Based on Law No. 11 of 2012, children in conflict with the law can be subject to two types of sanctions, namely:
 - a. For perpetrators of criminal acts who are under 14 years of age, sanctions are imposed in the form of return to parents, surrender to someone, and treatment at the Social Welfare Organizing Institution.
 - b. Criminal sanctions for perpetrators of criminal acts aged 15 years and over in the form of warning crimes, job training, guidance in institutions, and prison.
2. The form of legal protection and children's rights is regulated based on Law No. 17 of 2016 and other laws and regulations. The Juvenile Criminal Justice System emphasizes the form of legal protection for children in mugging cases that results in serious injuries. Children in conflict with the law can be processed according to the stipulated conditions.
3. Obstacles in child legal protection in mugging cases that result in serious injuries stem from internal and external factors. Internal factors include human resources, facilities and infrastructure for investigators. Meanwhile, external factors include the lack of legal knowledge of the community, laws and regulations, as well as the lack of cooperation between children in conflict with the law and their families.

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