



The role of unit pelayanan perempuan dan anak (ppa) in implementing restorative justice principles in criminal actions with child offenders (case study in bandung polresta)

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Abstract

The most recent child protection law ratified by the Indonesian government is Undang-undang No. 35 year of 2014 Amendments to Undang-Undang Nomor 23 Tahun 2002 concerning Child Protection. A new child protection law is needed, because Undang-Undang Nomor 4 year of 1979 felt unable to accommodate all the interests of children in the midst of society. The Child Protection Law provides broader protection compared to Undang Undang Nomor. 4 of 1979 does not specifically include acts violence by parents against children, along with the legal sanctions. The law in general only regulates the responsibility of parents for the welfare of children and even then, only around their guardianship. Welfare as meant in Undang-Undang Nomor 4 year of 1979 protects the responsibility of parents for the realization of child welfare both spiritually, physically and socially. This research is a descriptive-analytical research, with the method used is a normative juridical approach. Data collection techniques used general library research, reviewing laws and regulations, journals, textbooks and articles and field studies via the internet by opening sites or websites available

on the internet, using qualitative analysis methods. The problems Identification as follows: 1) How is Law Enforcement of Child Sexual Offenders Related to Undang Undang Nomor 35 year of 2014 concerning Child Protection? and 2) What are the obstacles and efforts in enforcing the law on children who commit sexual crimes in relation to Undang Undang Nomor 35 year of 2014 concerning Child Protection? The conclusions in this study are 1) Law Enforcement of Child Sexual Offenders is Connected with Undang Undang Nomor 35 year of 2014 concerning Child Protection. Where children who are in conflict with the law still have rights that must be safeguarded, namely arrest, detention and imprisonment are last resort, the placement children who are deprived of their liberty must be separated from adults, in cases of sexual crimes both victims and perpetrators must be kept secret in order to prevent their occurrence and labeling. The court process for child cases since being arrested, detained and tried for guidance must be carried out by special officials who understand children's problems. 2) Obstacles and efforts in enforcing law on children who have committed sexual crimes, namely the obstacles faced in enforcing law on children who have committed sexual crimes are that it is difficult for investigators to obtain evidence because not all victims are willing to do a post mortem; The investigators had difficulty obtaining information from the victim, which could be in form of the child's age and level of knowledge of child as well as severe trauma the child was facing; Settlement of cases has not fulfilled the principles of fast, simple and low-cost justice; and the Investigating Party lacks child investigator personnel. The possible efforts that can be made are that the number of personnel in child case investigators needs to be increased; Coordinate with families and child experts; The police investigation environment for children must meet the requirements such as a child-friendly investigation room; and Improving coordination between child investigators and related parties.

Keywords

Legal Protection, Children, Sexual Offenders, SPPA/UUPA.

1. Introduction

The state is said to be a rule of law is the existence of respect and commitment to upholding human rights and guarantees that all citizens have the same position before the law. 27 Ayat (1) of the 1945 Constitution also emphasizes that the Unitary State of the Republic of Indonesia is a legal state based on Pancasila and the 1945 Constitution which upholds human rights and places equal status in law and government without any exceptions.

In Pasal 34 Ayat (1) of the 1945 Constitution it is stated that the poor and neglected children are cared for by the state. The state develops a social security system for all people and empowers people who are weak and incapable according to human dignity. The state is responsible for providing proper health service facilities and public service facilities. With the guarantee in the 1945 Constitution it can be interpreted that children are considered not to have the ability to stand on their own spiritually, physically and socially.

Several forms of legislation formed by the government in order to protect children's rights. In general, the Child Protection Act seeks to accommodate the interests of children, such as safety, their rights and obligations. The government and other state institutions are obliged and responsible for providing special protection to children in any situation such as emergency situations, dealing with the law, minority groups and isolated, economically and/or sexually exploited, victims of narcotics, alcohol, psychotropic and addictive substance abuse. others, victims of kidnapping and sale and trafficking, victims both physically and mentally, with disabilities and children who are victims of treatment and neglect.

In essence, children cannot protect themselves from various kinds of actions that cause mental, physical, social harm and in other areas of life and livelihoods. Children must be assisted by other people in protecting themselves, considering the circumstances and conditions, especially in the implementation of Juvenile Criminal Justice which is foreign to them. Recognizing that children are a very important part of the continuity and quality of life and the future of the nation, crimes against sexual violence against children should be adequately addressed immediately and provide guarantees for the protection of the rights of child victims of crime because children really need protection for the fulfillment of human rights he has since birth.

It is an obligation for adults, both parents, families, communities and nations to provide guarantees, maintain and secure the interests of children and protect against disturbances that come from outside or from the child himself. The upbringing of children is primarily the obligation and responsibility of parents in the family environment, but for the sake of the continuity of the social order and for the interests of the child itself, there is a need for intervention from the government.

The most recent child protection law ratified by the Indonesian government is Undang Undang Nomor 35 of 2014 Amendments to Undang Undang Nomor 23 of 2002 concerning Child Protection. A new child protection law is needed, because Undang Undang Nomor. 4 of 1979 felt unable to accommodate all the interests of children in the midst of society.

The Child Protection Law (UUPA) provides broader protection compared to Undang Undang Nomor. 4 of 1979 does not specifically include acts of violence by parents against children, along with the legal sanctions. The law in general only regulates the responsibility of parents for the welfare of children and even then only around their guardianship. Welfare as meant in Undang Undang Nomor. 4 of 1979 protects the responsibility of parents for the realization of child welfare both spiritually, physically and socially.

Undang Undang Nomor 13 of 2006 concerning Protection of Witnesses and Victims. However, over time, the law is considered to have several weaknesses which are considered quite significant, so it is necessary to make changes to the law. Undang Undang Nomor 31 of 2014 which is an Amendment to Undang Undang Nomor. 13 of 2006 concerning the Protection of Witnesses and Victims which was

approved by the Government and promulgated to correct weaknesses in Undang Undang Nomor. 13 of 2006.

Specifically for legal protection of children, the state pays attention by passing Undang Undang Nomor 35 of 2014 which is an Amendment to Undang Undang Nomor 23 of 2002 concerning Child Protection. This change is to emphasize the importance of increasing criminal sanctions and also fines for perpetrators of crimes against children to provide a deterrent effect, as well as to encourage concrete steps to recover physically, psychologically and also socially for children as victims and/or children as perpetrators of crimes as a step anticipatory so that children as victims or as perpetrators do not become perpetrators of the same crime in the future. The handling of child cases in Indonesia is based on Undang Undang Nomor 11 of 2012 concerning the Juvenile Criminal Justice System (hereinafter referred to as the SPPA Law). In Article 5 (1) of the SPPA Law it is emphasized that in the juvenile justice system it is obligatory to prioritize a restorative justice approach.

Children are a very important asset, because children are the potential for human destiny in the future, it is they who play a role in determining the nation's history as well as a reflection of the nation's attitude to life in the future. Children have a very influential role, have special characteristics and characteristics and require guidance and protection in order to ensure balanced physical, mental and social growth and development. Because of the importance of children, every country always talks about legal protection efforts for children, and Indonesia is no exception. In the 1945 Constitution, it is generally mandated to the state that the state protects children, guarantees that all children can get their rights and live a decent life with dignity that is upheld by all elements in the life of the nation and state.

The Central Statistics Agency (BPS) reports that there are 1,209 villages/kelurahans in Indonesia with cases of rape and sexual crimes between 2021 and 2022. Of these, West Java and Papua are in second place with 96 villages/kelurahan having rape cases and Nusa Tenggara. East and North Sumatra each with 80 villages/kelurahan and 75 villages/kelurahan. One of the reasons for the increase in sexual crimes committed by children against minors is the rapid advancement of technology and the lack of parental supervision of children in playing social media such as Facebook, YouTube, Instagram, and others so that some children under them are abused. age to open sites that contain pornographic content where this can affect a child's behavior, whether sexual harassment, rape or obscenity as reported by the Indonesian Child Protection Commission (KPAI) in 2020 there were 702 cases of children sexually abusing children child.

the child with the initials IA is suspected of having committed the crime of intercourse and/or obscenity against a minor as referred to in Article 81 paragraph (2) and/or Article 82 paragraph (1) Undang Undang Nomor 17 of 2016 concerning the stipulation of a government regulation in lieu of Undang Undang Nomor 1 of 2016 regarding the second amendment to Undang Undang Nomor 23 of 2002

concerning Child Protection Jo Article 286 and or Article 287 paragraph (1) of the Criminal Code for Children as perpetrators of crimes refer to Undang Undang Nomor 3 of 1997 concerning Juvenile Courts, the age limit for children varies but with the decision of the constitutional court number 1/PUU-VIII/2010, the age limit for a child who can be accounted for is no longer 8 years and not yet 18 years but has reached 12 years of age and not yet 18 years.

The latest case in 2022 is a case of same-sex sexual harassment where the perpetrator is a 12-year-old child and the victim is 10 years old. Kapolrestabes Bandung Kombes Pol. Aswin Sipayung, S.I.K., M.H., said that throughout 2022 his party had handled 11 cases of sexual abuse involving children.

Legal protection of the rights of women and children The PPA Unit, which has the main roles and duties of serving and protecting women and children as perpetrators, victims or witnesses, has the duty/role as protectors and investigators, in general, their authority is the same as that of investigators. Obstacles in carrying out investigations and requests for post-mortem examination, namely the difficulty in finding the identity of street child suspects, difficulties in obtaining information from victims who are aged 5 (five) years and under, and victims who are less cooperative. Then the purpose of the PPA Unit is to provide services in the form of protection for women and children who are victims of crime and law enforcement against the perpetrators.

There is an increase in cases of sexual crimes every year, both committed by adults and children, which is very concerning. The crime of sexual crime committed by this child against a minor is an act that fulfills the elements of a crime in matters that intersect with decency and decency, where the victim or perpetrator is under the age of 18. According to data from the Indonesian Child Protection Commission (KPAI) cases of child abuse include sexual abuse and rape of children in Indonesia, both children as victims and as perpetrators. And in principle, every time there is a crime, the police are given authority by Undang Undang Nomor 8 of 1981 concerning Criminal Procedure Law to immediately carry out an investigation, investigation and even arrest, search and even detain the perpetrator after sufficient evidence is found, even if the perpetrator is a child according to by law

Based on the description of this background, it is interested in conducting scientific research with the title "Law Enforcement of Child Sexual Offenders in Connection with Undang Undang Nomor 35 of 2014 concerning Child Protection". Based on the description of the background above, the following problems are formulated:

1. How is Law Enforcement of Child Sexual Offenders Related to Undang Undang Nomor 35 of 2014 concerning Child Protection in the jurisdiction of the West Java Regional Police?
2. What are the obstacles and efforts in enforcing the law on children who commit sexual crimes in relation to Undang Undang Nomor 35 of 2014 concerning Child Protection?

2. Method

This research includes the type of descriptive-analytical research. According to Soerjono Soekanto it is said, that: "Research that is descriptive-analytical in nature, is intended to provide as accurate data as possible about humans, conditions or certain symptoms. The purpose is to reinforce the hypothesis, in order to expand old theories, or within the framework of developing new theories. The method used in this is a normative juridical approach. Data collection techniques were carried out using general library research methods, reviewing laws and regulations, journals, textbooks and articles and field studies via the internet by opening sites or websites available on the internet. The data obtained from the research system are grouped according to the problem for further qualitative analysis to be carried out, namely conducting an analysis of the laws relating to child legal protection. This qualitative analysis method was chosen so that the normative symptoms that are considered can be analyzed from various aspects in depth and integrated with one another.

In accordance with the approach method, the data obtained for the purposes of writing this thesis is then analyzed with the aim of knowing how the application of material criminal law and the legal considerations of judges in making decisions against perpetrators of criminal acts in acts of violence or threats of violence, forcing children to have intercourse with them or with other people and or intentionally commit tricks.

3. Juridical Review Law Enforcement Of Child Sex Crime Persons Associated With Undang Undang Nomor. 35 Of 2014 Concerning Child Protection

Law Enforcement Against Child Sexual Offenders Related to Undang Undang Nomor 35 of 2014 Concerning Child Protection

Law is needed in society to regulate everyday life. Law is a rule/norm that arises as a result of social phenomena that occur in society. It is impossible to form laws without social phenomena and vice versa. The law to be promulgated is not only about matters of a general nature, but is also required to regulate specific and specific matters. The goals of law are justice, certainty, and profit. Perceived fairness is the ability to resolve conflicts of interest between one person/group and another person/group. Then the desired certainty is a guarantee for individuals/groups in fulfilling their functions. Apart from being useful, the law is also used for the benefit of the general public.

In the Juvenile Court Act, differences in treatment have been determined in the procedural law, starting from the time of investigation to the process of examining child cases at the Juvenile Court hearing. The difference between criminal penalties for children is determined by the Criminal Code, which is determined by a maximum sentence of half of the maximum sentence for adults,

while the death penalty and life imprisonment are not imposed on children. Sanctions imposed on children in the law are determined based on age differences, that is, children aged 8 to 12 years are only subject to action, while children who are over 12 to 18 years old can be subject to criminal sanctions. Every child offender who enters the criminal justice system must be treated humanely as contained in the law on child protection, namely non-discrimination, the best interests of the child, the right to life, survival, development and respect for the child. The Central Statistics Agency (BPS) reports that West Java and Papua are in second place with 96 villages/kelurahan.

In cases of sexual crimes committed or the accused is a child, as disclosed by Lawrence E. Cohen and Marcus Felson (1979) in their book *Social Change and Crime Rate Trends: A Routine Activity Approach*. In the context of sexual crimes where crime is influenced by three factors, it can be explained as follows:

1. Appropriate / precise targets. Sexual crimes against children committed by children would not have been possible without a suitable or appropriate victim. Accuracy of the victim means attracting attention from the perpetrator.
2. Weak security or supervision. The absence of self-monitoring of the victim is the second factor. In other words, supervision on children is important to do so they don't become targets of perpetrators.
3. There is motivation from the perpetrator. The motivation of the perpetrators to commit sexual crimes, this motivation can be explained as capable and willing to commit crime, motivation of need or excitement, perhaps has nothing to lose and the reward is greater than the consequences.

So that child sexual violence is defined as a relationship or interaction between a child and another child, where the child as a victim is treated as an object of sexual satisfaction by other children for the perpetrator. This act can be done using coercion, threats, deception or pressure.

The legal consequences for acts of sexual crimes committed by children are where children often imitate the actions they watch from the internet and then commit sexual crimes against other children, where the child, because of his ignorance, has committed an act that violates the rules as stipulated in the law child protection. Thus, children who commit sexual crimes accidentally enter the realm of positive law, namely the realm of the juvenile justice system. In the criminal law, sexual violence is an obscene act as regulated in Articles 289 to 296 of the Criminal Code. The interpretation of this obscene act is an act that violates a sense of decency, or other heinous acts, and all in the sphere of sexual lust. In Undang Undang Nomor. 23 of 2002 concerning Child Protection in conjunction with Undang Undang Nomor. 35 of 2014 concerning changes to Undang Undang Nomor. 23 of 2002 does not specifically provide meaning to sexual violence against children. The law regulates criminalizing acts that fall into the category of sexual crimes against children, including acts of child obscenity and acts of sexual intercourse with children.

Undang Undang Nomor 23 of 2002 concerning Child Protection also explains the obligations and responsibilities of parents, families, communities, government and the state to provide protection for children. Described in:

Undang Undang Nomor 23 of 2002 Concerning Child Protection Chapter I General Provisions, article 1 explains that:

"not yet 18 (eighteen) years old, including looking at the age limit of the child/children who are still in the womb".

The difference between a child and an adult is only in the age figure, where the definition of a child/not yet an adult becomes so ambiguous when a person's maturity in one statutory regulation differs from another. Apart from that, there are actually many other provisions in the Act that explain the ins and outs of about children. Child protection is all efforts made to be able to exercise their rights and obligations for the proper development and growth of children physically, mentally and socially. Child protection is a manifestation of the existence of justice in a society, and brings legal consequences, both in relation to written law and unwritten law.

Article 1 point 2 of Undang Undang Nomor. 23 of 2002 stipulates that child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop and participate optimally in accordance with human dignity and values, and receive protection from violence and discrimination. Protection of children's rights is essentially directly related to regulation in laws and regulations.

Article 20 Undang Undang Nomor. 23 of 2002 explained that:

"The state, government, community, family and parents are obliged and responsible for implementing child protection."

So those who try and work on child protection are every member of the community according to their abilities with various kinds of efforts in certain situations and conditions.

The obligations and responsibilities of the State and the Government in child protection efforts are regulated in child protection efforts regulated in Undang Undang Nomor. 23 of 2002 namely:

- a. Respect and guarantee the human rights of every child without distinction of ethnicity, religion, race, class, gender, ethnicity, culture and language, legal status of the child, order of birth of the child and physical and/or mental condition (Article 21);
- b. Providing support for facilities and infrastructure in carrying out child protection (Article 22);
- c. Ensure the protection, maintenance and welfare of children by taking into account the rights and obligations of parents, guardians or other people who are generally responsible for children and supervise the implementation of child protection (Article 23);
- d. Ensure that children use their rights to express opinions according to the child's age and level of intelligence (Article 24);

The community's obligations and responsibilities for child protection are carried out through community role activities in carrying out child protection. The obligations and responsibilities of families and parents in child protection efforts are regulated in Article 26 of Undang Undang Nomor. 23 of 2002, namely:

- a. Caring for, nurturing, educating, and protecting children;
- b. Growing children according to their abilities, talents and interests;
- c. Prevent the occurrence of marriage at the age of children.

Based on Undang Undang Nomor 11 of 2012 concerning the Juvenile Criminal Justice System in lieu of Undang Undang Nomor 3 of 1997 concerning Juvenile Courts. In the Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System it has explicitly regulated the protection of children who dealing with the law through diversion in Chapter II, in Articles 6, 7, 8, 9, 10, 11,12,13,14,15 as follows:

Article 6

Diversion aims:

- a. Achieving peace between victims and children;
- b. Resolving child cases outside the judicial process;
- c. Prevent children from deprivation of independence;
- d. Encouraging the community to participate; And
- e. Instill a sense of responsibility to children.

Article 7

1. At the level of investigation, prosecution and examination of cases of children in district courts, efforts must be made to diversion.
2. ii. Diversion as referred to in paragraph (1) is carried out in the event that a criminal act is committed:
 - a. Threatened with imprisonment under 7 (seven) years; And
 - b. Not a repetition of a crime.

Article 8

1. The Diversion process is carried out through deliberations involving children and their parents/guardians, victims and/or their parents/guardians, Community Counselors, and Professional Social Workers based on a Restorative Justice approach.
2. If necessary, the deliberations referred to in paragraph (1) may involve Social Welfare Workers and/or the community.
3. The Diversion process must pay attention to:
 - a. The interests of the victim;
 - b. Child Welfare and responsibility;
 - c. Avoidance of negative stigma;
 - d. Avoidance of retaliation;
 - e. Community harmony; And
 - f. Decency, decency and public order.

Article 9

- a. Investigators, Public Prosecutors, and Judges in carrying out Diversion must consider:

- a. Crime category;
 - b. Child Age;
 - c. Results of community research from Bapas; And
 - d. Family and community support.
2. The Diversion Agreement must obtain the consent of the victim and/or the Victim's Child's family and the willingness of the Child and their family, except for:
 - a. Criminal acts in the form of violations;
 - b. Misdemeanor crime;
 - c. Victimless crime; or
 - d. The value of the victim's loss is not more than the value of the local provincial minimum wage.

Article 10

1. Diversion agreements to resolve criminal acts in the form of violations, misdemeanors, victimless crimes, or the value of the victim's loss is not more than the value of the local provincial minimum wage as referred to in Article 9 paragraph (2) can be carried out by the investigator together with the perpetrator and/ or their families, Community Advisors, and can involve community leaders.
2. The Diversion Agreement as referred to in paragraph (1) is carried out by the Investigator on the recommendation of the Community Advisor, which can take the form of:
 - a. Refund of losses in the event of a victim;
 - b. Medical and psychosocial rehabilitation;
 - c. Handover to parents/guardians;
 - d. Participation in investigations or training at educational institutions or LPKS for a maximum of 3 (three) months; or
 - e. Community service for a maximum of 3 (three) months.

Article 11

Diversion agreement results can take the form of, among others:

- a. Peace with or without compensation;
- b. Handover to parents/guardians;
- c. Participation in education/training at educational institutions or LPKS for a maximum of 3 (three) months; or
- d. Society service.

Article 12

1. The results of the agreement referred to in Article 11 are stated in the form of a Diversion agreement.
2. The results of the Diversion agreement as referred to in paragraph (1) shall be conveyed by the direct supervisor of the responsible official at each level of examination to the district court in accordance with its jurisdiction within 3 (three) days at the latest from the agreement reached to obtain a stipulation.

3. The determination as referred to in paragraph (2) is carried out within a maximum period of 3 (three) days from the receipt of the Diversion agreement.
4. The stipulation as referred to in paragraph (3) shall be conveyed to the Social Advisor, Investigator, Public Prosecutor, or Judge within 3 (three) days at the latest from the stipulation.
5. After receiving the stipulation as referred to in paragraph (4), the investigator issues a stipulation to terminate the investigation or the public prosecutor issues a stipulation to terminate the prosecution.

Article 13

Juvenile criminal justice process is continued in terms of:

- a. The Diversion process does not result in an agreement; or
- b. The Diversion Agreement was not implemented.

Article 14

1. Supervision or the Diversion process and the implementation of the resulting agreements are under the direct superior of the responsible official at each level of examination.
2. As long as the Diversion process lasts until the Diversion agreement is implemented, the Community Advisor is required to provide mentoring assistance and supervision.
3. In the event that the Diversion agreement is not implemented within the allotted time, the Social Advisor will immediately report it to the responsible official as referred to in paragraph (1);
4. The responsible official as referred to in paragraph
5. must follow up on the report within a maximum period of 7 (seven) days.

Article 15

Provisions regarding guidelines for the implementation of the Diversion process, procedures, and coordination for the implementation of Diversion are regulated by Government Regulations.

In Undang Undang Nomor. 23 of 2002 juncto Undang Undang Nomor. 35 of 2014 concerning Child Protection and then associated with Undang Undang Nomor 11 of 2012 concerning the Criminal Justice System, this law does not distinguish between crimes committed by children on the basis of consensual or whether there is an abusive element. The abusive element starts from the lowest level, namely persuasion, deception, threats of violence and violence. If one of these elements is present, the perpetrator can be categorized as having fulfilled the abusive element. Then these elements can be attached to anyone, both men and women, and when one of the elements is fulfilled, a person can be categorized as having committed sexual violence and can be held criminally responsible.

In providing special protection, especially legal protection in the criminal justice system to children who are in conflict with the law, the Law of the Republic of Indonesia Number 11 of 2012 has regulated diversion in the form of transferring the settlement of child cases from processes from criminal justice to processes outside of criminal justice for acts crime committed:

- a. threatened with imprisonment under 7 (seven) years; And
- b. law of repetition of criminal acts with the involvement of children and their parents/guardians, victims and their parents/guardians, social counselors and professional social workers based on a restorative justice approach in the form of restoration to their original state and not retaliation. Diversion can be carried out every year during the investigation, prosecution and examination process before the court (by the judge).

Obstacles and Efforts in Enforcing the Law Against Child Sexual Offenders Related to Undang Undang Nomor 35 of 2014 Concerning Child Protection

The Central Statistics Agency (BPS) reports that there are 1,209 villages/kelurahans in Indonesia that have cases of sexual crimes from 2021 to 2022, of which West Java with 96 villages/wards has cases of sexual crimes. In the development of sexual crime cases, there were obstacles that were found in the examination starting from the investigation stage to the trial in court.

Obstacles and Efforts in Enforcing the Law Against Child Sexual Offenders, namely:

Obstacles encountered :

1. Investigations regarding crimes of sexual crimes against children are to obtain evidence of the existence of criminal acts of sexual crimes against children by conducting a post mortem and not all victims are willing. In its implementation, no difficulties were found which were very burdensome for the investigators, however, most of the victims and their families who carried out the post mortem came from economically disadvantaged families, so they often objected to paying for the post mortem at an average cost of around Rp. 500,000 - Rp. 800,000 and does not include medicines received. The post mortem can be done at the Police Hospital after the preparation of the SPKP cover letter which is based on the Police Report made by the victim and his family and the SPKP processes it by making a request letter to the head of the Hospital to carry out a post mortem on the victim of the crime. If there is no application letter from the SPKP, the results of the post-mortem examination carried out by the victim are not considered legally valid as evidence.
2. It is difficult for investigators to obtain information from victims, which could be in the form of factors such as the child's age, the level of knowledge of the child and having had severe trauma. Serious trauma experienced by a child is very vulnerable to being questioned about the sexual crime he experienced. Victims who experience severe psychological trauma are victims of sexual crimes.
3. Settlement of cases does not meet the principles of fast, simple and low-cost justice which aims to provide legal certainty for all parties, especially perpetrators and victims. Based on the law, investigators are required to complete the investigation results for delegation (P-21) within a period of

30 days. The results of the investigation are intended to provide legal status for the child to have legal certainty and not be dependent on the criminal case. Investigation of children at the investigative level still does not comply with the provisions of Article 44 paragraph (1) of the Child Protection Act, but there are juridical reasons regarding the rights of child suspects in solving cases as soon as possible by investigators. Juvenile investigators seek to conduct case titles in which every child crime, including children as suspects in sexual crimes, seeks to carry out diversion or title cases to protect the interests of the child's future, minimize the perpetrator's mistakes, and for the sake of realizing restorative justice.

4. Investigators lack child investigator personnel, where those in charge of conducting investigations must be special child investigators and not all investigators are child investigators. Child investigators are special investigators who must have commitment, dedication, interest and attention to children who are in conflict with the law.

The legal policy of children as perpetrators of sexual violence crimes, in the form of law enforcement which is a policy in terms of crime prevention, in this case is meant about sexual crimes. Law enforcement is intended in the form of imposing criminal (legal) sanctions on perpetrators of sexual crimes. Crime prevention can be carried out through the law (penal) or outside the law (non-penal). Factors influencing law enforcement, including; Law factors in imposing criminal (legal) sanctions, law enforcement factors in carrying out their duties as law enforcers, factors of facilities or facilities that support law enforcement, community factors, namely the environment in which the law applies or is applied. Undang Undang Nomor 11 of 2012 concerning the Juvenile Criminal Justice System applies the concept of diversion and restorative justice as a form of solving the problem of crimes committed by children as perpetrators and making punishment an ultimatum remedium or last resort that can be done when an appropriate settlement is not reached through both concepts.

As stated in the general explanation of Undang Undang Nomor 11 of 2012 concerning the Juvenile Criminal Justice System regarding restorative justice and diversion, it is intended to avoid and distance children from the judicial process so as to avoid stigmatization of children who are in conflict with the law and it is hoped that children can return to the social environment. naturally.

Efforts that can be made both for child perpetrators (children who have problems with the law) and child victims in cases of sexual crimes for the sake of implementing restorative justice, efforts are needed as follows:

1. There is a need to increase the number of personnel in child case investigators considering that there is still a shortage of investigators who fulfill the requirements as child case investigators, while looking at the facts on the ground the increase in the number of child sexual crimes cases is increasing.
2. The investigation environment for children in the police must meet the requirements such as a child-friendly investigation room. This is intended so

that investigations into children who have problems with the law, in this case both child perpetrators and child victims, will feel comfortable and not be psychologically pressured when the investigation takes place and children's human rights will be fulfilled during the investigation. Because both child perpetrators and child victims feel ashamed to reveal what really happened, especially to submit evidence that was used when the incident took place.

3. Improving coordination with the families of both suspects and victims and experts on children, both teaching staff and child psychologists.
4. Improving coordination that is getting better and wiser between child investigators and related parties, namely the task of protecting children in the Regional Government, Health Workers, Psychologists, Clergy, Education Personnel, Legal Aid Institutions so that the implementation of the investigation and investigation of child cases can take place in accordance with child protection laws that apply in fulfilling children's rights and the best interests of both perpetrators and victims.

4. Closing

Conclusion

1. Law Enforcement of Child Sexual Offenders is Connected with Undang Undang Nomor 35 of 2014 concerning Child Protection. Where children who are in conflict with the law still have rights that must be safeguarded, namely arrest, detention and imprisonment are the last resort, placement of children who are deprived of their liberty must be separated from adults, in cases of sexual crimes both victims and perpetrators must be kept secret in order to prevent their occurrence. labeling. The court process for child cases since being arrested, detained and tried for guidance must be carried out by special officials who understand children's problems.
2. Obstacles and efforts in enforcing the law on children who commit sexual crimes.

- Obstacles faced in enforcing the law on child sex offenders are that it is difficult for investigators to obtain evidence because not all victims are willing to undergo a post mortem; The investigators had difficulty obtaining information from the victim, which could be in the form of the child's age and level of knowledge of the child as well as the severe trauma the child was facing; Settlement of cases has not fulfilled the principles of fast, simple and low-cost justice; and the Investigating Party lacks child investigator personnel.

- The possible efforts that can be made are that the number of personnel in child case investigators needs to be increased; Coordinate with families and child experts; The police investigation environment for children must meet the requirements such as a child-friendly investigation room; and Improving coordination between child investigators and related parties.

Suggestion

1. It is expected that processes and decisions are in accordance with applicable legal principles, both police and judges in giving legal processes and decisions must consider the condition of children as perpetrators of crimes, as well as children as victims, regarding the ability to be held accountable for their actions and must consider the future of both the child and the perpetrator. or victims of sexual crimes.
2. All members of the community are advised to better understand the psychological condition of children as it is today where information is very easy to receive and also pay more attention to children's development, and in using gadgets in children must be under the supervision of parents.

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