

Analysis of Judges' Confidence in Implementing Criminal Sanctions Against Child as a Criminal Act of the Crime of Theft (Example Case Decision No. 35/PID.SUS-ANAK/2020/PN LLG)

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ABSTRACT

The judge's confidence in handing down criminal penalties against the child as the perpetrator of criminal theft should best reflect justice and have benefits for all parties, both child and victim. The study aims to know how the judge's conviction in handing out criminal penalties against the child as perpetrators of a felony theft at rule number 35/ pid. Sus-child /2020/ pn has been consistent with the 2012 law number 11 on the child's criminal justice system and to find out if the judge is on ruling 35/ pid. Sus-Anak /2020/ pn.llg already passed criminal sanctions under the 2012 statute of 11 on the child criminal justice system. The type of research used in this study is normative-law research and USES primary law materials includes laws, secondary law materials of books, the study USES legislation approaches and case approaches related to the problems studied, the writer analyzes data by deductive methods. Judge's confidence in ruling 35/Pid. Sus-Anak/2020/pn.llg will be precise but in dropping criminal sanctions on children as criminal offenders is less appropriate because the judge in its sentence reflects justice restorative/ restorative justice and is based on principle in article 2 rule number 11 in 2012 about the child's criminal justice system. Therefore, the judge should be in the casting of a criminal sentence against the child should reflect restorative justice and be based on the principle on the 2012 no. 11 year law on the child's penal system.

Keywords: Judge's confident, Sanction, Criminal mischief, Child

1. INTRODUCTION

Children are a mandate and gift from God Almighty, in which the dignity and worth as a whole human being is attached. Children are also buds, potentials, and the younger generation who will succeed the ideals of the nation's struggle, have a strategic role and have special characteristics and characteristics that ensure the continuity of the existence of the nation and state in the future. In order for every child to be able to take on this responsibility, he needs to have the widest opportunity to grow and develop optimally, both physically, mentally and socially and with noble character. [1]

According to Law Number 11 of 2012 concerning the juvenile criminal justice system, article 1 paragraph (3). A child in conflict with the law, hereinafter referred to as a child, is a child who is 12 (twelve) years old, but not yet 18 (eighteen) years old who is suspected of committing a crime. Furthermore, in paragraph (4) Children who become Victims of Crimes, hereinafter referred to as Child Victims, are children who are not yet 18 (eighteen) years old who

experience physical, mental, and/or economic losses caused by criminal acts.

There is legal protection for children as victims and perpetrators of criminal acts. According to Satjipto Raharjo, legal protection is to provide protection for human rights that have been harmed by others and that protection is given to the community so that they can enjoy all the rights granted by law. [2]

Legal protection for children is regulated in Article 1 paragraph (2) of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. Child Protection is every 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 protection, and receive protection from violence and discrimination. [3]

But in its development, sometimes children do something that is considered not good so as to harm themselves and others. Even the actions he did were included in actions that were prohibited by law. Any violation of existing legal regulations will be subject to sanctions in the form of

punishment as a reaction to actions that violate the legal regulations that they have committed. [4] This violation is also known as a crime.

According to Moeljatno, a criminal act or criminal act is an act that is prohibited by a prohibition law which is accompanied by a threat (sanction) in the form of a crime. [5] The crime of theft includes crimes against property or referred to as offenses against property and possession. What is meant by theft is the act of taking an item which all or part of it belongs to another person with the intention of possessing it and is carried out against the law. [6] The explanation regarding the criminal act of theft is regulated in Article 362 of the Criminal Code, namely "Anyone who takes something, wholly or partly belonging to another person, with the intention of being owned unlawfully, is threatened with theft, with a maximum imprisonment of five years or a maximum fine of nine hundred rupiahs.

Children in conflict with the law apply a different court system from adults, namely the juvenile criminal justice system, which according to article 1 paragraph (1) of Law Number 11 of 2012 concerning the juvenile criminal justice system is the entire process of resolving cases of children in conflict with the law, starting from the investigation stage to the mentoring stage after serving the crime. [7]

The juvenile criminal justice system is the application of the *lex specialist derogate legi generali* principle, a system where if there are special regulations then special rules apply by setting aside general regulations, one of which is a crime committed by a child as regulated in Law Number 11 of 2012 About the Juvenile Criminal Justice System.

Based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Article 71 paragraph (1) regulates the criminal sanctions that can be imposed on children, namely the principal and additional penalties. Then in the article the judge will consider the imposition of criminal sanctions against children, the criminal sanctions become a reference for law enforcement such as judges in making decisions. [8]

Judges according to the general provisions of Article 1 paragraph (5) of Law Number 48 of 2009 concerning Judicial Power, are judges at the Supreme Court and judges in judicial bodies under them in the general court environment, religious court environment, military court environment, judicial environment state administration, and judges in special courts within the judicial environment. [9]

Judges according to Article 1 paragraph 10 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System are Child Judges. What is meant by juvenile judges according to Article 43 paragraph (2) of the SPPA Law are those who have the following qualifications:

- a. has experience as a Judge in a court in a general court environment;
- b. has interest, attention, dedication and understanding of children's problems; and
- c. has attended technical training on juvenile justice.

Judges who handle child criminal cases as far as possible take action that does not separate children from their parents, on the consideration that a bad home is better than a good Child Correctional Institution (a bad home better

than a good institution/prison). In making a decision, the judge must really pay attention to the emotional, mental and intellectual maturity of the child. Also in making decisions, judges are obliged to listen to and consider the results of research by community research officers.

In the imposition of sanctions, the judge imposes a crime or action intended to provide the best for the child, without compromising the interests of the community and upholding the authority of the law. Criminal sanctions imposed on children are based on truth, justice and child welfare. [10]

Judges in imposing sanctions based on Article 183 of the Criminal Procedure Code (KUHP) "A judge may not impose a sentence on a person unless with at least two valid pieces of evidence he obtains the belief that a criminal act has actually occurred and that the defendant is the one who committed a crime. guilty of doing so."

Then in Article 184 of the Criminal Procedure Code, it is stated that the valid evidence is, witness statements, expert statements, letters, instructions, and statements from the defendant.

Then belief according to the KBBI is a genuine belief and so on; certainty; provisions; and/or part of a religion or religion in the form of a concept that becomes the belief (belief) of its adherents. Meanwhile, according to the KBBI, judges are people who adjudicate cases (in court or court), [12] and the definition of judges in Article 1 paragraph (5) of Law Number 48 of 2009 concerning Judicial Power, are judges at the Supreme Court and judges in judicial bodies under it. within the general court environment, the religious court environment, the military court environment, the state administrative court environment, and judges in special courts within the judicial environment.

The imposition of a criminal or action is an action that must be accounted for and can be beneficial for the child. Every execution of a crime or action shall be endeavored not to cause victims, suffering, mental, physical and social harm. Crimes and actions are educative, constructive, non-destructive and must also fulfill the interests of the child concerned. [13]

However, the decision Number 35/Pid.Sus-Anak/2020/PN Llg sentenced the child to imprisonment for 3 (three) months, as stated in the decision, stating that the child of Tirta Wahyudi Ikmal bin Abdullah above, was legally and convincingly proven guilty of committing a crime. criminal act of theft in aggravating circumstances as in the Primary indictment of the Public Prosecutor, Imposing a crime on Tirta Wahyudi Ikmal bin Abdullah's child, therefore with imprisonment for 3 (three) months, Determining the child remains in custody, Establishing evidence in the form of 2 (two) chicken bangkok red hair, and charge the child to pay court fees of Rp 2,500, 00 (two thousand five hundred rupiah).

Based on the verdict, the judge in imposing criminal sanctions on children as perpetrators of the crime of theft by imposing a prison sentence, that this does not reflect Restorative Justice contained in Article 1 paragraph (6) of Law Number 11 of 2012 concerning the Restorative Justice System. Juvenile Criminal Court which states that Restorative Justice is the settlement of criminal cases by

involving the perpetrator, victim, family of the perpetrator/victim, and other related parties to jointly seek a fair solution by emphasizing restoration to its original state, and not retaliation, and Article 2 letter (a), letter (d), letter (f), letter (i), and letter (j) of Law no. 11 of 2012 concerning the Juvenile Justice System which states that the juvenile justice system is implemented based on the principles of protection, the best interests of the child, the survival and development of the child, deprivation of liberty and punishment as a last resort, and the avoidance of retaliation.

Therefore, the authors decided to further examine the judge's belief in imposing criminal sanctions on children as perpetrators of the crime of theft in the study entitled "Analysis of Judges' Confidence In Implementing Criminal Sanctions Against Child As a Criminal Act of Theft (Example Case Decision Number 35/Pid.Sus-Anak/2020/PN.Llg)".

2. METHOD

The type of research method used in this research is normative. The nature of this research is prescriptive, which means that the research used to solve the problem under study uses theories, arguments and new concepts that are used as prescriptive. Types and sources of data include: primary material, namely Decision No. 35/Pid.Sus-Child/2020/PN.Llg, 1945 Constitution, Law no. 35 of 2004 concerning Child Protection, Law no. 11 of 2002 concerning SPPA, Law no. 48 of 2009 concerning Judicial Powers, secondary materials consist of books and journals and non-legal materials consist of KBBI. The research approach uses statutory research and case research. The data analysis technique uses deductive logic.

3. DISCUSSION

3.1 Issue

The problems that will be studied by the author in writing this proposal are: (1) How Do Judges Get Convinced That a Child Is Guilty? (2) What is the Judge's Confidence in Imposing Criminal Sanctions Against Children as Perpetrators of the Crime of Theft (Example of Decision Case No. 35/PID.SUS-ANAK/2020/PN LLG)?

3.2 *The Judge Is Convinced That The Child Is Guilty*

Judges in imposing criminal sanctions based on Article 183 of the Criminal Procedure Code (KUHAP) are:

"A judge may not impose a sentence on a person unless, with at least two valid pieces of evidence, he obtains the conviction that a criminal act has actually occurred and that the defendant is guilty of committing it."

Then furthermore in Article 184 paragraph (1) it is stated that various types of valid evidence include, among others,

witness statements, expert statements, letters, instructions, statements of the defendant, and paragraph (2) things that are generally known and do not need to be proven. Whereas based on the Article, the Judge in imposing criminal sanctions on a person must at least have 2 valid evidences and with his belief so that the Judge can only impose criminal sanctions if this has been fulfilled.

Based on an interview with resource person Ibu Junita as a Child Judge, the Judge's belief is a belief that is only owned by the Judge, the Judge is convinced that the Child is guilty if in the Child's case 2 (two) pieces of evidence have been fulfilled, and with his belief that the person is guilty as stated written in Article 183 of the Criminal Procedure Code.

However, the judge's conviction was also obtained by the judge not always with 2 (two) pieces of evidence, such as in the case of the murder of Jessica Mirna that according to Ibu Junita in the murder case 2 (two) pieces of evidence were not met, but the judge had a strong belief that the defendant was guilty, because the Judge's belief includes the belief in the Judge so that the Judge's belief is subjective, so the beliefs between the Judges are different.

The judge in imposing criminal sanctions based on Article 5 paragraph (1) of Law no. 48 of 2009 concerning Judicial Power, "Judges and Constitutional Justices are obliged to explore, follow and understand the values of law and the sense of justice that live in society". Based on the article, the judge before imposing criminal sanctions must explore and understand the legal values and sense of justice that exist in society, by presenting the BAPAS Community Research, presenting the Head of RT, Head of RW, to local religious leaders in cases of children in conflict with the law. , so that judges can explore and understand the values and sense of justice that arise in society.

Then based on the Lex Specialist Derogat Legi Generalis Principle that if there is a special rule then the special regulation is used, so that in cases of children in conflict with the law, the regulations used are special regulations regarding children, namely Law no. 11 of 2012 concerning the Juvenile Criminal Justice System.

Based on Article 1 point (6) that the settlement of children's cases uses the concept of Restorative Justice/Restorative Justice. Restorative justice is the settlement of criminal cases by involving the perpetrator, victim, family of the perpetrator/victim, and other related parties to jointly seek a fair solution by emphasizing restoration to its original state, and not retaliation. In cases of children in the juvenile criminal justice system, judges are obliged to realize the concept of restorative justice by emphasizing restoration to its original state before the crime was committed and not retaliation.

Article 1 number (7) states that if the settlement of children's cases also uses the concept of diversion, which means the transfer of the settlement of children's cases from the criminal justice process to a process outside of criminal justice, so that in this case the judge is obliged to seek diversion to achieve peace between the victim and the child, resolve Child cases outside the court, prevent children from deprivation of independence, encourage the community to participate, and instill a sense of responsibility in children.

Furthermore, Article 2 states that the Juvenile Criminal Justice System is implemented based on the principles of protection, justice, non-discrimination, the best interests of the child, respect for the opinion of the child, the survival and development of the child, the development and guidance of the child, proportionality, deprivation of liberty and punishment as a last resort, and avoidance of retaliation. So that based on Article 2, the Judge in imposing criminal sanctions on children should not be arbitrary and must be based on this principle so that the Judge in imposing these sanctions not only reflects a sense of justice but also has benefits for the perpetrators and victims.

After the judge has obtained his conviction, the judge can formulate his considerations such as whether the elements in the article are fulfilled and also include the severity of the sentence, which becomes the judge's consideration, among others, whether the elements of the crime are fulfilled or not because if these elements are not fulfilled it can influence judges in imposing criminal sanctions. There are 2 considerations that can be made by the judge, namely juridical considerations, among others, the public prosecutor's indictment, witness statements, defendant's testimony, evidence, articles of criminal law regulations, and non-juridical considerations, among others, the background of the defendant's actions, the consequences of the defendant's actions, the defendant's condition, the defendant's social and economic condition, and the defendant's religion.

Then the judge is obliged to use the community research provided by BAPAS as a consideration in determining the severity of criminal sanctions, because by looking at the results of community research provided by BAPAS, it allows the Judge to explore, follow, and understand the legal values and sense of justice that live in the community society contained in Article 5 of Law No. 48 of 2009. This will make the judge in imposing criminal sanctions on children appropriate and the decision is not only fair but useful, so that decisions that are beneficial to both parties reflect Restorative Justice.

3.3 Judge's Confidence in Imposing Criminal Sanctions Against Children as Perpetrators of the Crime of Theft (Example Case: Decision No. 35/Pid.Sus-Anak/2020/PN.LLG)

Based on Decision No.35/Pid.Sus-Anak/2020/Pn Llg that the Judge has made juridical considerations including the public prosecutor's indictment, witness testimony, defendant's statement, evidence, articles of criminal law regulations. So that the judge's consideration of the elements in Article 363 paragraph (1) of the 4th Criminal Code is obtained as follows:

1. Whoever

- Whereas what is meant by whoever is the same as everyone and in criminal law is anyone, meaning anyone who can act as a legal subject and is able to take responsibility because he has subjective rights and legal authority. Legal authority is the ability to be a supporter of rights and obligations;

- In this case the child is the child of Tirta Wahyudi Ikmal bin Abdullah (not someone else from him) who was revealed at the trial of the child in a physically and mentally healthy condition, which means that the child is able to take responsibility and can be held accountable for his actions before the law and there is no reason forgiving or justifying reasons that can eliminate the nature of criminal liability;

- Based on valid evidence at trial, that the child in this case is the child of Tirta Wahyudi Ikmal bin Abdullah according to his name and identity in the indictment;

- Based on the legal considerations, the Judge believes that the element of whoever has been proven and fulfilled.

2. Taking something that is wholly or partly owned by another person with the intention of being owned against the law

- The meaning of "taking" is taking to control, in which the item must have moved from its original place to another, the meaning of "something" is everything that is tangible. Meanwhile, the meaning of "wholly or partly belongs to another person" means that the goods are wholly or partially owned by Witness H. Kartenik bin A. Sarwani, while the meaning of "owning" is to control or act as the owner of the goods;

- The definition of "against the law" is divided into two parts, namely, formally against the law and materially against the law, in imposing a criminal in casu, it is against the law in a formal manner, which is contrary to the applicable laws and regulations;

- The Tribunal will consider whether or not the child's actions are proven or not to take an item which wholly or partly belongs to another person, namely in this case the property of Witness H. Kartenik bin A. Sarwani with the intention of unlawfully possessing it;

- Based on the valid evidence associated with the evidence submitted before the trial, it was obtained a legal fact that on Wednesday, August 5, 2020 at approximately 09.30 WIB at the house of Witness H Kartenik which is located at Sungai Jauh Village, Ulu Rawas District, North Musi Rawas Regency, the Witness H Kartenik has lost something in the form of 2 (two) bangkok chickens with red hair. Considering, that it started with Witness H. Kartenik returning home from escorting Witness H. Kartenik's wife then Witness H. Kartenik saw someone in the chicken coop carrying Witness H. Kartenik's chicken then Witness H. Kartenik immediately shouted "thief...thief" on hearing this, Witness Sunarto bin Suyitno and Witness Suparto Alias Kancil bin Kasmin who were neighbors of Witness H. Kartenik and several local residents also chased the perpetrator but in the end the perpetrator managed to escape;

- The witness saw the child who was apparently waiting for his friend who was running on a motorbike, then because the motorbike couldn't be started/broke down, the child was arrested by the residents;

- According to the child's statement, the perpetrator who took the chicken was named Boim and the child acted as a supervisor around the house and waited on a motorbike while Boim took the role of taking the chicken;

- The chicken is in the cage and locked using a padlock but the lock was broken by the perpetrator;

- Witness H. Kartenik has often lost chickens and that's why Witness H. Kartenik does not want to make peace with the child;

- Witness H. Kartenik suffered a loss of IDR 4,000,000.00 (four million rupiahs); That at the time the Boim and the Child took the chicken, it was done by the Child without the permission of Witness H. Kartenik bin A. Sarwani as the owner;

- The Panel of Judges believes that the element of taking something that entirely belongs to another person with the intention of being owned against the law has been proven and fulfilled.

3. What two people do together or in alliance

- Because the element is alternative, if one of the elements can be proven, the other elements do not need to be proven again;

- According to the Hoge Raad (HR) dated December 1, 1812, it is sufficient to prove that the theft was committed jointly by two or more persons, that it is clear that the act had been committed and that they directly participated in it. It is not necessary to find out how many parts each of them did;

- Based on the facts at the trial, both according to the evidence presented at trial that the Boim (DPO) in moving/taking goods in the form of 2 (two) red-haired bangkok chickens belonging to Witness H. Kartenik bin A. Sarwani was carried out together with the Child, in which the child plays the role of watching over people and waiting on a motorbike;

- Based on the description, the Panel of Judges is of the opinion that the elements committed by two or more persons in alliance have been proven and fulfilled.

All elements of Article 363 paragraph (1) of the 4th Criminal Code have been proven and fulfilled, then the child must be declared to have been legally and convincingly proven to have committed the crime as charged. In the trial, the judge did not find anything that could eliminate criminal liability, both in terms of justification and/or excuses so that the child must be held accountable for his actions.

The judge in decision No. 35/Pid.Sus-Anak/2020/Pn Llg has made non-judicial considerations, including, among others, the background of the defendant's actions, the consequences of the defendant's actions, the defendant's condition, the defendant's social and economic condition, the defendant's religious factors available in the study. Community provided by BAPAS.

Whereas in the trial there were facts that Tirta Wahyudi's child had never committed a crime before, and based on the results of the Community Research provided by BAPAS, the decision recommended that the child be sentenced to prison, then Tirta Wahyudi's child was also out of school. In his judgment, the judge stated that the child was legally guilty of committing the crime of theft with the weighting of Article 363 paragraph 1-4.

Based on the results of the interview by Ms. Junita as the Child Judge that the Judge in interpreting the principle of the best interest of the Child. The judge in interpreting the principle concerns the best interest of the child, if the child steals and the child is no longer in school then we see the

best interest, that if the child is dropped imprisonment, then these sanctions do not cause solutions and benefits for the child, so it is better if the child is more useful if a job training sanction is imposed because the job training sanction is different from a child if it is imposed with a prison sentence where the child can still socialize with other children and Children in the future can be useful for the nation and acquire skills so that they do not commit criminal acts to get what they want. In this case the author is of the opinion that the Judge in the decision No.35/Pid.Sus-Anak/2020/Pn Llg should have sentenced him in the form of job training, because based on legal facts in the trial that stated Anak Tirta Wahyudi had dropped out of school, so in this case if The child is given a job training sentence that will benefit the child.

Article 2 that the Juvenile Criminal Justice System is implemented based on the principles of protection, justice, non-discrimination, the best interests of the child, respect for the opinion of the child, the survival and development of the child, the development and guidance of the child, proportionality, deprivation of liberty and punishment as a last resort, and avoidance of retaliation.

Whereas according to the author, the Judge in his conviction has rightly stated that Anak Tirta Wahyudi is legally guilty of committing the crime of theft with the weight of which is charged, namely Article 363 paragraph (1) 4th, because the child fulfills the elements, among others, whoever takes something which is wholly or partly owned by another person with the intention of being owned against the law, which is carried out by two people together or in alliance, so that the judge believes that the child has committed the crime

So according to the author, the judge in imposing criminal sanctions in this decision uses the theory of punishment, namely the absolute theory/theory of retaliation, according to this view the crime must be in accordance with the crime committed, because the purpose of the crime according to this theory is to provide suffering commensurate with the crime committed, by convicting Anak Tirta Wahyudi with imprisonment for 3 months.

Based on Article 85 of the Juvenile Criminal Justice System Act, it is stated that children who are sentenced to imprisonment are placed in LPKA. The judge in the decision No. 35/Pid.Sus-Anak/2020/Pn Llg in imposing a prison sentence with the decision "Determining the child to remain in detention" in this case is Anak Tirta Wahyudi who was previously detained in the State Detention Center. Based on the results of the author's interview with the Child Judge resource person who stated that the judge should have said in more detail about the detention of children that should have been carried out in LPKA, so in this case the Public Prosecutor must also carry out detention in LPKA. This is intended so that children's rights are guaranteed and do not cause legal uncertainty and the judge's decision in Decision No. 35/Pid.Sus-Child/2020/PN.LLG resulted in the child being detained in the previous place of detention. In the case of Anak Tirta Wahyudi, the Judge does not reflect the concept of Restorative Justice based on Article 1 point (6) which states that the settlement of children's cases uses the concept of Restorative Justice, and in Decision No.

35/Pid.Sus-Child/2020/Pn Llg Anak Tirta Wahyudi was sentenced to 3 months in prison. In this case, the judge's decision to convict a child with 3 months in prison is not in accordance with the concept of Restorative Justice which emphasizes restoration to its original state for all parties.

4. CONCLUSION

The conclusion of the thesis entitled: Analysis of Judges' Confidence In Implementing Criminal Sanctions Against Child As a Criminal Act of Theft (Example Case Decision Number 35/Pid.Sus-Anak/2020/PN.Llg) and answer description of the formulation of the problem of this author's thesis as follows:

(1) The judge is convinced that the child is guilty. The judge in Decision No. 35/Pid.Sus-Child/2020/PN.LLG in his belief correctly stated that Anak Tirta Wahyudi was legally guilty of committing the crime of theft with the weight of which was charged, namely Article 363 paragraph (1) 4, because the child met the elements between another person, whoever, Takes an item wholly or partly owned by another person with the intention of being owned against the law, which is carried out by two or more people together or in alliance, so that the judge believes that the child has committed the crime.

(2) Judge's Confidence in Imposing Criminal Sanctions Against Children as Perpetrators of the Crime of Theft (Example Case: Decision No. 35/Pid.Sus-Anak/2020/PN.LLG), Judge's Confidence in imposing criminal sanctions on Children who commit criminal acts theft by weight, the Judge does not reflect the concept of Restorative Justice/Restorative Justice based on Article 1 paragraph (6) which states that the settlement of children's cases uses the concept of Restorative Justice, and in Decision No. 35/Pid.Sus-Child/2020/Pn Llg Anak Tirta Wahyudi was sentenced to 3 months in prison. In this case, the judge's decision to convict a child with 3 months in prison is not in accordance with the concept of Restorative Justice which emphasizes restoration to its original state for all parties.

The author's advice on the Analysis of Judges' Confidence In Implementing Criminal Sanctions Against Child As a Criminal Act of Theft (Example Case Decision Number 35/Pid.Sus-Anak/2020/PN.Llg):

In this Decision, the author is of the opinion that the Judge in the decision No.35/Pid.Sus-Anak/2020/Pn Llg which imposes a 3 month prison sentence on the Child, should impose a punishment in the form of job training, because based on the legal facts in the trial that stated Tirta Wahyudi's child has dropped out of school, so in this case if the child is given a job training sentence it will benefit the child, so that the decision reflects Restorative Justice as stated in Article 1 paragraph (6) of Law Number 11 of 2012 concerning the Child Criminal Justice System.

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