

Legal Protection for Children as Perpetrators of Violent

Crimes in the Investigation Process

Qamariatul Arini^{1*}, M. Hidayat¹, Bastianto Nugroho¹

¹Faculty of Law, Merdeka University Surabaya, Indonesia

*Corresponding Author E-mail : ariniebintank@gmail.com

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ABSTRACT

The aim of the research is to find out what factors influence the implementation of legal protection for children who are perpetrators of violent crimes in the investigation process at the Sumenep Resort Police. Legal research using normative legal research methods in drawing conclusions using deductive thinking methods. Starting with drawing conclusions based on general things to specific things. By comparing primary legal materials and secondary legal materials, problems can be narrowed down from general to specific. Results There are 3 factors that become obstacles in the legal protection of children at the investigation stage. The first is that recidivism is a consideration factor in giving heavier sentences to child offenders. Second, the reporters and/or victims feel that justice is fulfilled if the child perpetrator is detained, tried and imprisoned. Third, the lack of adequate child care places is an obstacle for children to socialize with other children when parents work or are not at home, especially in the Sumenep Police Law area.

Keywords: Children, Law, Violence, Crime

1. INTRODUCTION

Law is a collection of regulations (commands and prohibitions) that regulate the order of a society and therefore must be obeyed by society. The purpose of the law itself is to create peace in society. Law, as an important instrument in the formation of a state, has a large influence on all aspects of people's lives because law is a tool of social control, to create a safe, peaceful and peaceful atmosphere (Jimly Asshiddiqie, 2021). Until now, there are still many people who do not understand the legal process and how to handle a case at every level of justice. Many legal incidents in everyday life may result in criminal cases or legal proceedings in court, one of which can be carried out by children. This can be caused by various factors, including the negative impact of rapid development, The flow of globalization in the fields of communication and information, advances in science and technology as well as changes in the style and way of life of some parents, have brought about fundamental social changes in people's lives which greatly influence the values and behavior of children. In addition, children who lack or do not receive nurturing love, guidance, and guidance in developing attitudes, adaptive behavior, and supervision from parents, guardians, or foster parents will easily be drawn into the unhealthy social flow of society and its environment, which is detrimental. personal development. Remembering that children are the successors of ideals for the progress of a nation. A child has special traits and characteristics, namely physically and mentally he



does not yet have the ability to stand alone, so the child needs protection in order to ensure complete and harmonious growth and development in his life.

Indonesia is a legal state as regulated in the 1945 Constitution, especially in Article 1 paragraph (3), this means that all aspects of life in this country are regulated based on the rule of law. In an effort to realize the enforcement of legal supremacy in Indonesia, legal products are needed, in this case laws that function as regulators of all community actions as well as as a means of coercion against the community. Children as one of the legal subjects in this country must also submit and obey the applicable legal rules (Gultom, 2008).

Children are a fundamental part that cannot be separated from human survival and the survival of a nation and state. In the Indonesian constitution, children have a strategic role which is explicitly stated that the state guarantees every child's right to survival, growth and development as well as protection from violence and discrimination. If you look at the concept of the Indonesian state, based on the 1945 Constitution of the Republic of Indonesia, Article 1 paragraph (3) stipulates that "the Indonesian state is a legal state". The concept of the rule of law then really upholds the values of human rights, so the protection of children is part of the provisions of the Indonesian state constitution and the interests of children should be respected as the best interests for the survival of the state.

Crimes committed by adults cannot simply be equated with the acts of children or teenagers (Juvenile Delinquency) which are usually committed by children, because the nature and form of a child's acts must be differentiated from those of an adult. Protection of children in relation to children who have problems with the law, is a major part of improving the quality of human life. In accordance with Law Number 23 of 2002, namely 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 receive protection from violence and discrimination (Musofiana, 2017).

Children need to receive protection from the negative impacts of rapid development, the flow of globalization in the fields of communication and information, advances in science and technology, as well as changes in the style and way of life of some parents which have brought about fundamental social changes in people's lives which have a big influence on values. and child behavior. Deviant behavior or unlawful acts committed by children are caused, among other things, by factors outside the child (Pratama et al., 2017). Child protection is an area of National Development, protecting children is protecting humans, and building humans as fully as possible. The essence of National Development is the development of the whole Indonesian human being who is virtuous. Ignoring child protection issues means that national development will not be strengthened. As a result, the absence of child protection will give rise to various social problems that can disrupt law enforcement,



order, security and national development. So, this means that child protection must be pursued if we want to achieve satisfactory national development (Kurniawan et al., 2023).

Law Number 11 of 2012 concerning the Juvenile Justice System, hereinafter abbreviated to the Juvenile Criminal Justice System Law, is intended to protect and protect children who are in conflict with the law. This law aims to ensure that children can face their long future and provide opportunities for children to become, through the development of their identity, independent, responsible and useful human beings for themselves, their families, society, nation and state (Anggraini et al., 2021). The basic substance regulated in the Juvenile Criminal Justice System Law is strict regulation regarding Restorative Justice and Diversion which is intended to avoid and distance children from the justice process, so as to avoid stigmatization of children in conflict with the law and it is hoped that children can return to the social environment. reasonably. Children are not to be punished but must be given guidance and guidance, so that they can grow and develop as normal children who are completely healthy and intelligent. However, children experience difficult situations that make them commit unlawful actions. However, children who break the law do not deserve to be punished, let alone sent to prison.

The police as the leading institution in law enforcement have quite a big responsibility to harmonize the duties and authority of the National Police as regulated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. In handling children in conflict with the law, the police must always pay attention to the condition of children in conflict. different from adults (Number, 2 C.E.). The basic nature of children as individuals who are still unstable, the future of children as national assets, and the position of children in society who still need protection can be used as a basis for finding an alternative solution on how to prevent children from a formal criminal justice system, placing children in prison, and stigmatization. regarding the position of children as prisoners.

The investigation process is an initial stage where a child encounters the police, irregularities that usually often occur in the process of investigating child crimes in the form of abuse, beatings and other ill-treatment as well as placing them in the same detention cell as adult suspects. This is clearly contrary to Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Law Number 35 of 2014 concerning Child Protection which must provide stronger guarantees of protection of children's rights when they are in conflict with the law and have to undergo a judicial process.

2. RESEARCH METHODS



Legal research using normative legal research methods in drawing conclusions using deductive thinking methods. Starting with drawing conclusions based on general things to specific things. By comparing primary legal materials and secondary legal materials, problems can be narrowed down from general to specific. Data analysis is carried out by comparing and analyzing primary legal materials to search for normative truth. Assisted with secondary data in the form of legal opinions and information from sources for later analysis and finding differences in legal opinions.

3. RESULTS AND DISCUSSION

Legal Protection Efforts for Children as Perpetrators of Child Violence Crimes at the Investigation Level

The results of research at the PPA Unit of the Criminal Police Investigation Unit of the Sumenep Resort Police since the enactment of the Juvenile Criminal Justice System Law Number 11 of 2012, namely July 31 2019 to 2021, there have been a number of police reports received regarding criminal acts of physical violence involving children, including other:

Table 1. Report of Child Violence Crimes at the Sumenep Police Resort.

No.	Year	Physical Violence Reports
1.	2019	7 Reports
2.	2020	9 Reports
3.	2021	10 Reports
Total		16 Reports

Source :

Sumenep Resort Police Women and Children Protection Unit (PPA).

From the criminal cases as mentioned above, several discretionary practices were found by child investigators (investigators or assistant investigators) of the Sumenep Resort Police, namely not carrying out arrests and searches of children in public and not detaining children and when diversion was rejected, investigators applied the provisions as can be seen from the data below:

Table 2. Legal Protection Data for Children As Perpetrators of Child Violence Crimes at the investigation level.

No.	Year	Arrest and search in public	Not detained	Diversion
1	2019	2 child offenders	9 child offenders	6 child offenders
2	2020	1 child offenders	6 child offenders	8 child offenders

3	2021	3 child offenders	8 child offenders	6 child offenders
Jumlah		6 child offenders	23 child offenders	20 child offenders

Source:

Sumenep Resort Police Women and Children Protection Unit (PPA).

Criminal cases committed by children generally violate the criminal regulations contained in the Criminal Code (KUHP), so investigations are carried out by general investigators, in this case police investigators. In line with the enactment of the juvenile justice system law, it has been emphasized that investigations into cases of delinquent children are carried out by police investigators on the legal basis of article 26 paragraph (1) Number 11 of 2012 concerning the juvenile criminal justice system and in essence states that "investigations into juvenile cases are carried out by investigators appointed based on a letter from the Chief of Police of the Republic of Indonesia or another official appointed by the Chief of Police." Even though the investigator is a National Police investigator in cases of delinquent children. The law on the juvenile criminal justice system recognizes the existence of juvenile investigators who have the authority to carry out investigations. Children's investigators are appointed by the National Police Chief with a Special Decree for this purpose. The Juvenile Criminal Justice System Law through Article 26 Paragraph (3) stipulates the conditions that must be fulfilled by an investigator, namely:

1. Has experience as an investigator
2. Having interest, attention, dedication and understanding of children's problems
3. Has attended technical training on juvenile justice.

Legal protection for children in the judicial process is carried out from the level of investigation, investigation, prosecution and examination in court until the implementation of the court decision. During the judicial process, children's rights must be protected by applicable law and therefore must be carried out consistently by the parties involved in resolving the problem of delinquent children. Investigation itself means a series of investigative actions in terms of and according to the method stipulated in the Law to search for and collect evidence, with this evidence to shed light on the criminal act that occurred and to find the suspect, while the evidence in this provision includes valid evidence and objects or confiscated evidence. The authority and provisions regarding investigations are regulated in the Criminal Procedure Law which is the basis of formal criminal law in Indonesia.

The investigation of the child must be carried out in a family atmosphere as regulated in Article 18 of Republic of Indonesia Law Number 11 of 2012 concerning the Juvenile Criminal Justice System which stipulates that: "In handling cases of children, child victims and/or children of action, community counselors, professional social workers and Social Welfare Workers, Investigators, Public

Prosecutors, Judges, and Advocates or other Legal Aid Providers are obliged to pay attention to the best interests of the child and ensure that the family atmosphere is maintained.

According to Aiptu Hasmawati Hamzah, this provision requires that examinations be carried out with an effective and sympathetic approach. Effective means that the examination does not take a long time by using language that is easy to understand and inviting the suspect to provide as clear a statement as possible. While sympathetic during the examination, the investigator was polite and friendly and did not intimidate the suspect. The aim is for the examination to run smoothly, because a child feels afraid when facing investigators and will have difficulty expressing correct and clear information.

Aiptu Hasmawati Hamzah added that when examining the suspect, investigators did not wear uniforms and only wore polite clothing, because a child could also be stressed when he saw the police uniform. The form of legal protection for child perpetrators during subsequent investigations must be kept confidential in accordance with the provisions of Article 19 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Investigators' actions in the form of arrest, detention and other actions carried out from the investigation stage to the investigation stage must be carried out in secret.

In general, the task of investigation is to carry out field operations and legal administration tasks based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. There are investigator's duties related to these tasks which include:

1. Arrest

Regarding the act of arrest, it is regulated in the provisions of the Criminal Procedure Code. Based on article 16 of the Criminal Procedure Code, it can be seen that the purpose of arresting the suspect is for investigative purposes and investigative purposes. An arrest order is issued to a person who is suspected of committing a criminal act based on sufficient evidence (Article 17 of the Criminal Procedure Code). The task of arrest is carried out by officers from the Indonesian National Police by showing a letter of assignment and giving the suspect an arrest warrant which includes the identity of the suspect, states the reason for the arrest and a brief description of the alleged crime, as well as finding the place where the suspect is being questioned (Article 18 of the Criminal Procedure Code).

Understanding arrest based on KUHAP Article 1 point (20) stipulates that: "Arrest is an investigator's action in the form of temporary restraint while the suspect can be released if the defendant obtains sufficient evidence for the purposes of investigation or prosecution and/or justice in cases and according to the method regulated in this law ". The authority to arrest in dealing with children in conflict with the law must pay attention to the principle of criminal law, namely the Presumption of Innocence. When making an arrest, you must pay attention to the child's rights as a suspect, such as

the right to obtain legal assistance at every level of examination according to the procedures determined by law (Article 54 of the Criminal Procedure Code). The Criminal Procedure Code does not strictly regulate whether evidence is sufficient or not, this does not reflect legal protection for children, therefore it needs to be regulated explicitly in the Criminal Procedure Code which applies specifically to children.

The position of children in the investigative examination process has nuances that give rise to special children's rights which can exclude coercive efforts and coercive actions from the investigation process. Initial contact between children and the police must be avoided in an atmosphere of physical and psychological violence so that in the investigation process the child's rights are respected, which include:

1. It is mandatory to notify the child's family as a suspect in advance, either in writing via letter or verbally before the arrest process;
 2. The arrest of children is not permitted using sharp tools or weapons, coercive measures or coercive authority;
 3. Child suspects must immediately receive mandatory legal assistance free of charge (in arresting public prosecutors investigators must include a lawyer whose class will be the child's legal advisor).
 4. Suspects who are children or minors must immediately undergo an examination process.
 5. The right to obtain compensation as a result of an error.
2. Detention

After the act of arrest, detention can be carried out, based on Article 1 paragraph 21 of the Criminal Procedure Code which stipulates that: "Detention is the placement of a suspect or defendant in a certain place by an investigator, or public prosecutor or judge with its application in the cases and according to the method regulated in this law. ", based on this authority, every law enforcement agency has the authority to carry out arrests. Detention by a child investigator or public prosecutor or child judge with a determination in the case and according to the method regulated in Law No. 11 of 2012 and the Criminal Procedure Code determines that a suspect or defendant can be detained, because the term "can" be detained which means that the child is not always detained. must be carried out, so that in this case investigators are expected to really consider when detaining children. According to article 21 paragraph (1) of the Criminal Procedure Code, the reason for detention is because there is concern about running away, so as not to damage or lose evidence and so as not to repeat criminal acts. According to criminal procedure law, eliminating someone's freedom is not a necessity, but finding the truth that someone has violated the law means someone's freedom is limited



to arrest and detention. Therefore, the detention of children must pay attention to interests relating to the growth and development of children, both physically, mentally and socially, as well as taking into account the community, for example by detaining children it will make the community safe and peaceful.

The place of detention for children must be separated from the place of detention for adults and while children are detained, the child's needs must continue to be met, such as physical, spiritual and social needs based on article 33 paragraph (4) and paragraph (5) of Law Number 11 of 2012 concerning Systems. Juvenile Criminal Justice. Children detained are placed in temporary child placement institutions (LPAS) or Social Welfare Organizing Institutions, if there are none (LEPAS), then the place is separate from child prisoners. This is motivated by psychological considerations to avoid negative consequences, because children who are detained are not necessarily proven to have committed delinquencies, there are concerns that associating with child prisoners could transmit their experiences to children who are prisoners and affect their mental development. In practice, it is known that child detention combined with adults is not yet full. This is very dangerous and does not reflect the protection of child prisoners and juvenile detainees, affecting the attitudes and actions of adult prisoners. Children may find out about experiences of committing crimes they have never heard of and committed, or children may even become victims of sexual abuse while in detention.

Investigations, in this case, criminal acts of physical violence, which are minor crimes, are indeed very possible to carry out diversion efforts, including stopping them based on Article 109 paragraph 2 of the Criminal Procedure Code. There are two reasons for granting authority to stop the investigation, namely:

1. To uphold the principle of fast, precise and low-cost law enforcement as well as to uphold legal certainty in people's lives. If the investigator concludes that the results of the inquiry and investigation are not sufficient evidence or grounds to prosecute the suspect to court, the investigator declares the termination of the investigative examination, so that the judge can immediately create certainty for both the investigator himself, especially the suspect and the public.
2. In order for investigators to avoid possible demands for compensation, if the case is continued it turns out that there is insufficient evidence or reasons to prosecute or punish, this automatically gives the suspect or defendant the right to demand compensation based on Article 95 of the Criminal Procedure Code.

Meanwhile, in practice, according to First Inspector Hasmawati Hamzah the reasons for stopping the investigation are:

- a. The offense that occurred is a complaint offense that can be revoked. The act that occurred is not a criminal act or simply violates existing norms in society.
- b. The child is still at school and can still be looked after by his parents, so that the child will be returned to his parents and the case will not be handed over to the prosecutor's office for prosecution in court.
- c. There is peace between the naughty child and the victim. Protection in the investigation process for children regarding criminal acts committed by children is a form of attention and special treatment to protect the child's interests. This special attention and treatment takes the form of legal protection so that children do not become victims of wrong application of the law which can cause mental, physical and social suffering. Law enforcement plays an important role in the process of protecting children at the investigation stage. Law enforcers, in this case the POLRI, are obliged to provide protection for children.

POLRI's Role and Efforts

1. Implementation of Police Discretion

Discretionary actions that can be taken by the Police Agency must meet the following provisions:

- a. It is not a form of real violation of a legal rule, so that the aim of the discretion is contrary to certain legal rules. This can be interpreted as meaning that discretion should be in harmony with positive law and other applicable laws where the police agency decides to take discretion. In Indonesia, there are several types of legal rules that are recognized and permitted to be applied, including laws formed by the state or usually referred to as positive, which are applied and obeyed by the community, then Indonesia also recognizes the existence of religious law, which is in accordance with the basis of our country which states that State life should proceed in accordance with the principle of recognizing the existence of God in Pancasila as contained in the first principle. Then Indonesia also recognizes and protects the existence of the use of customary law or habits carried out by a community if they face a problem.
- b. In line, in harmony, and in accordance with the existence of legal obligations which give rise to the necessity for these actions to be carried out. In other words, the action taken must fall into the category of discretion which is determined by other rules as an obligation that must be enforced.
- c. It is required to be in accordance with access to propriety and acceptable to the common sense and mind of a healthy human being who is also a member of the environment where the action is taken, and does not exceed what has been determined as their authority as a result of the position they hold. Police discretion can also take the form of the application of the law itself (Applicating the

Law). It even takes the form of creating law (Creating the Law) even though its scope is limited and temporary (Pinaria, 2015).

2. Implementation of Diversion

The most basic substance in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System is the strict regulation of Restorative Justice and diversion which aims to avoid and distance children from the justice process so as to avoid stigmatization of children in conflict with the law, and it is hoped that the child can return to a normal social environment. Therefore, everyone's participation is very necessary in order to make this happen. The process must also aim at creating restorative justice for both children and victims. Restorative Justice is a Diversion process, namely all parties involved in a particular criminal act together to overcome problems and create an obligation to make things better by involving victims, children and the community in finding solutions to repair, reconcile and reassure a heart that is not based on vengeance.

The implementation of diversion carried out by the PPA Unit of the Sumenep Resort Police Criminal Investigation Unit is carried out in accordance with the provisions of the Juvenile Criminal Justice System Law, namely during the investigation process, or assistant investigators carry out diversion efforts with the following process:

- a. The Community Research Administration, after conducting an examination as a child who is in conflict with the law, the investigator or assistant investigator, carries out a request for Community Research with the aim of the Community Guidance Party being able to research the child's background and psychological condition, so that the child's interests remain prioritized.
- b. Deliberation process, after receiving the research results from the Sumenep Correctional Center, the investigator or assistant investigator and Community Counselor mediate with both parties witnessed by Religious Leaders, Community Leaders, Village or Sub-district Government and the School. If the parties or auxiliary investigators make a diversion agreement report and it is signed by both parties and their families, community counselors, religious leaders, community leaders, the village or sub-district government and the school, especially both parties, both the child as a victim of a crime and the child who is in conflict with the law, make a statement stating that they will not continue the case. Investigators or assistant investigators in the Diversion (deliberation) process are neutral and do not take sides with any of the children so that there is mutual agreement without harming either party and also provide understanding to both parties that the Diversion process or deliberation is the best way that can be taken to resolve the case outside the judicial process. If an investigator or assistant investigator cannot reach an agreement between the two parties or deliberations fail, the investigator or assistant investigator will make an official report of no agreement on Diversion and



signed by both parties and their families, community counselors, religious leaders, community leaders, village or sub-district government and other parties. school.

c. Diversion Determination Process, in the event that diversion is accepted, the investigator or assistant investigator submits a request for a diversion determination to the Sumenep District Court, attaching the results of community research by the Sumenep Correctional Center, an investigation warrant and minutes of the diversion agreement from the Sumenep Resort Police.

d. Continuing the case, if Diversion is rejected or there is no agreement between the two parties, the investigator or assistant investigator will continue or hand over the case to the Sumenep District Prosecutor's Office for further processing in accordance with applicable regulations but still taking into account the interests of the child.

3. Supporting Factors in the Child Investigation Process

The supporting factors in the child investigation process include:

a. Infrastructure (facilities and infrastructure) when examining children in conflict with the law is not in the same room as adults, even though the examination room uses the same room. If there is an examination of an adult and a child at the same time, the investigator or assistant investigator moves the examination of the adult to a different room, not only does the adult and child have different treatment at the same time, the investigator and assistant investigator moves the examination of the same adult different from adults, but this distinction is also found in the registration of children's case files, including detention, arrest, summons, which have different register numbers and have their own filing.

b. The qualifications of investigators or assistant investigators in the PPA Unit of the Sumenep Police Criminal Investigation Unit are as follows:

1. The full investigator consists of two people, namely the KAPOLRES and KASAT RESKRIM.

2. The assistant investigators consisted of five people, namely two POLWAN and three POLKI. Investigators or assistant investigators who have experience as investigators, have interest, attention, dedication and understand children's problems and have attended technical training in juvenile justice through specialist development training and education (DISBANGPES BRIGADIR POLWAN PPA) held by the POLRI institution.

C. Obstacles for Investigators in Providing Legal Protection for Children as Perpetrators of Child Violence Crimes at the Sumenep Police.



Obstacles arising from family and environmental factors in practice, according to Aiptu Hasmawati Hamzah, are that the large number of children who have become recidivists or these children have been convicted and repeat similar crimes, especially crimes of child violence, is a lack of preventative action by the children's parents. This means that if the child has been classified as a recidivist, there will be considerations regarding the weighting of the punishment that will be given.

Table 3. Child Perpetrators of Child Abuse Crimes Who Are Classified as Recidivists.

No.	Year	Child Recidivist
1.	2019	5 Child
2.	2020	3 Child
3.	2021	3 Child
Total		11 Child

Source:

Unit Protection of Women and Children (PPA) Sumenep Police.

Based on the data above, child perpetrators of criminal physical violence who are classified as recidivists in the jurisdiction of the Sumenep Police are indeed one of the obstacles that must be given preventive action considering that children are one of the factors in the next generation in the life of the nation and state. The investigative power is the most crucial stage in the operationalization of the Integrated Criminal Justice System in order to achieve the objectives of enforcing Criminal Law, because it is at the investigation stage that it is possible to identify suspects in a crime or criminal act and determine the suspect as the perpetrator of a criminal act, so before the perpetrator of the crime being prosecuted and tried in court and given criminal sanctions in accordance with his actions without an investigation process or stages, automatically the next stages in the criminal justice process, namely the prosecution stage, examination before the court and the implementation stage of the criminal decision cannot be carried out.

At the investigation stage, investigators are obliged to strive for Diversion which aims to achieve peace between the victim and the child to resolve children's cases outside the judicial process, prevent children from being deprived of liberty, encourage the community to participate, and instill a sense of responsibility in children. In carrying out investigations on children, investigators are obliged to ask for consideration or advice from community counselors and, if necessary, can also ask for consideration or advice from education experts, mental health experts, religious experts, or other community officials. However, in realizing all of this, especially the orders from the legal basis of

Law number 11 of 2012 concerning the Juvenile Criminal Justice System, several obstacles are still found, both normatively and practically. The normative obstacle in realizing the orders of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System as a material legal basis is that it is still based on formal law in the Criminal Procedure Code (R Wiyono, 2022). As an example in practice, article 32 paragraph (3) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System determines that the reason for detention as referred to in paragraph (1) must be stated explicitly that in the detention order, violation or negligence of article 32 paragraph (3) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the legal consequences are not clearly regulated so that it can harm children. Detention of children is based on considerations of the interests of the child and the interests of the community and the interests of the community which must be stated explicitly in the detention letter (Widodo, 2016).

In practice in the jurisdiction of the Sumenep Resort Police, this is one of the obstacles to legal protection for child perpetrators, as the reporting parties and/or victims want the child perpetrators to be detained so that if the child perpetrators are detained then the reporting party or victim will assume to investigators that their report is true. not carried out in accordance with applicable law. Another obstacle in practice in the Sumenep Resort Police Law area, such as environmental factors which of course play a fundamental role, is that most children do not mix or socialize in the environment they should, these children mix or socialize with other children, not even those tend to hang out or socialize with older people, as a result many of these children are influenced by the habits of older people. Of course the role of parents is very necessary, but most of these children stated that when their parents were working or not at home, this was an opportunity for their children to mingle and socialize freely, even crossing boundaries. It should also be noted that a suitable child care center in the jurisdiction of the Sumenep Resort Police is almost said to be not optimal as a solution for children to mingle or socialize with other children.

4. CONCLUSION

Legal protection for children at the investigation stage in the Juvenile Criminal Justice System can be realized through the role of Law Enforcers, in this case the Police (investigators). The efforts made by Law Enforcement (police) within the framework of legal protection for children who are perpetrators of physical violence are through Police Discretion, Implementation of Diversion and other supporting factors such as infrastructure, both facilities and infrastructure in the investigation process.



There are 3 factors that become obstacles in the legal protection of children at the investigation stage. The first is that recidivism is a consideration factor in giving heavier sentences to child offenders. Second, the reporters and/or victims feel that justice is fulfilled if the child perpetrator is detained, tried and imprisoned. Third, the lack of adequate child care places is an obstacle for children to socialize with other children when parents work or are not at home, especially in the Sumenep Police Law area.

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