


Implementation Of Regulations In Handling Children In Conflict With The Law (ABH)

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Article Info	ABSTRACT
<p>Keywords: Application, Regulation, Handling of children who are facing the law</p>	<p>The implementation of the BAP by the police is not in accordance with Article 30 Paragraph (1) of Law No. 11 of 2012 concerning the Child Criminal Justice System and the Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 15 of 2010 concerning General Guidelines for the Handling of Children Facing the Law, namely the facts in the field are contrary to the law. because the implementation is not only 24 hours, sometimes until the early hours of the morning when an investigation is carried out, this provision becomes contradictory because the rules and the implementation are not in line. Problem Formulation: 1) How is the Implementation of Regulations in Handling Children in Conflict with the Law (ABH)?, 2) How are the Sanctions for Law Enforcement Officials in Handling Children in Conflict with the Law (ABH) not in accordance with the Regulations?, Type of research: normative juridical, which is a study of legal principles, existing legal rules to obtain information related to this research. The author concludes: The application of laws and regulations in the juvenile justice system should be supported by various parties to ensure legal protection of the rights of children who are in conflict with the law, as well as there are no sanctions for law enforcement officials as article 30 paragraph (1) of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) makes something ordinary.</p>
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INTRODUCTION

Children as the successors of the nation must be protected When children commit legal actions, they must be escorted from the non-litigation stage to the litigation stage in court and the principle of protecting children with justice for children, this child protection includes children who are in conflict with the law (ABH). PABH does not mean that they are the same as adults who already have the sense and experience in committing criminal acts. ABH commits criminal acts not only because of immature thinking skills, but also because of the social environment, family, poverty and the failure of the state's responsibility to fulfill children's rights, so even if they are accused of committing a criminal act, they must be seen as victims of the social system, which does not fulfill children's rights in general

Arrest is an investigative action in the form of temporary restraint of the freedom of the suspect or defendant if there is enough evidence for the purpose of investigation or

prosecution and/or justice. The arrest period is only valid for a period of 1 day (24 hours) at most, then in Chapter III of the Outline of Handling Children in Conflict with the Law Letter A number 5 of the Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 15 of 2010 concerning General Guidelines for the Handling of Children Facing the Law, states that the time for examining children for the preparation of BAP is not more than 4 (four) hours a day and is not carried out at night. Strive to present the child's parents, guardians and legal advisors

The two rules show that arrest, detention and BAP orders cannot be carried out arbitrarily, but are addressed to ABH who actually committed a criminal act. If for more than 1 x 24 hours, ABH is still being examined and there is no warrant to detain him, then the suspect must be released immediately. The description mentioned above, the facts in the field turned out to be the opposite, this is as experienced by the author as a community guide in 2019, when carrying out assistance to ABH Felicia Anggraeni, female, aged 17 years at the time, namely ABH Felicia Anggraeni in the implementation of BAP by the police is not in accordance with Article 30 Paragraph (1) of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System and Ministerial Regulation State of Women's Empowerment and Child Protection of the Republic of Indonesia Number 15 of 2010 concerning General Guidelines for Handling Children Facing the Law, the implementation is not only 24 hours sometimes until the early hours of the morning when investigations are carried out.

This provision becomes contradictory because the rules and the implementation are not in line, besides that while waiting for the judicial process, ABH was entrusted by the Social Welfare Implementation Institution (LPKS) and there was no detention letter so that at the time of the judge's decision there was no reduction in the detention period, even though his freedom was deprived of separation from his family, why not reduce the detention period, the reason is because there was no detention letter, while if detained in the police or at the LPKA during the judicial process, the detention period is reduced, as stipulated in article 22 paragraph 4 of the Criminal Procedure Code which states that the period of arrest and/or detention is completely reduced from the sentence imposed. Therefore, as a Community Advisor (PK), who has the authority to accompany children when dealing with the law is to ensure that the rights of the ABH are fulfilled in their entirety in accordance with the applicable provisions or not.

Based on the above, the formulation of the problem is 1) How is the Implementation of Regulations in Handling Children in Conflict with the Law (ABH)? 2) How are the Sanctions for Law Enforcement Officials in Handling Children in Conflict with the Law (ABH) not in accordance with regulations? The research method used is a type of normative juridical research, which is research conducted by examining secondary data as the main data while primary data is used as supporting data. This research is a study of legal principles, existing legal rules to obtain information related to research through a conceptual approach (Conceptual Approach) and a legislative approach (*Statue Approach*) With the nature of the research used is *descriptive analysis* that is, describing the reality of the actual situation regarding this research. and analyze the provisions of the law and legal theories related to this research.

Regulatory Implementation To Wards Handling Of Children Who Are In Conflict With The Law (ABH).

Overview of Children Facing the Law (ABH)

The problem of children's behavior is actually our common responsibility, where children are the forerunners of the nation's successors, but in the dynamics of life sometimes there are many behaviors that should not be done by children, in this case children who behave badly, because this will threaten every young generation of a nation. As the next generation, children must be protected when children commit legal acts, remaining sidelined or escorted starting from the non-litigation stage to the litigation stage in court and the principle of protecting children with justice for children. The development of the times has made the mindset and childcare even worse. There are many cases of children as actors of crime today. The rate of child delinquency that is increasing from year to year is due to several reasons that cause child delinquency until the child is caught in a criminal case, which ends up facing the law, for example the absence of parental attention, daily life needs or related to the search for identity, the use of prohibited items or quarrels with their playmates or with others. This reason is what causes child delinquency to often make children fall too deeply, the absence of warnings or firm action against children involved in delinquency results in children getting further involved in delinquency. This kind of thing will certainly give rise to the courage of children to be involved in delinquency that leads to criminal acts.

The rise of children who commit crimes and violence is a very sad thing, because children are a generation that must be protected and also as part of the nation's successors who can advance this nation. The child referred to here is as regulated by article 1 paragraph (3) of Law of the Republic of Indonesia Number 11 of 2012 concerning the Child Criminal Justice System, namely "A child who is in conflict with the law, hereinafter referred to as nak is a child who has been 12 (twelve) years old, but has not yet reached the age of 18 (eighteen) years old who is suspected of committing a criminal act. Lately, there have been many reports about children who commit crimes such as persecution, bullying, and murder, this is alleged that more and more children are in conflict with hukun, as the data obtained by the author is as follows

Figure 1 Distribution of Children in Conflict with the Law in All Special Child Development Institutions (LPKA) As of December 15, 2023



Source : Correctional Data Base System dated December 15, 2023

with the law, there are 30 criminal acts from various crimes, and the highest committed by children in conflict with the law is the crime of theft.

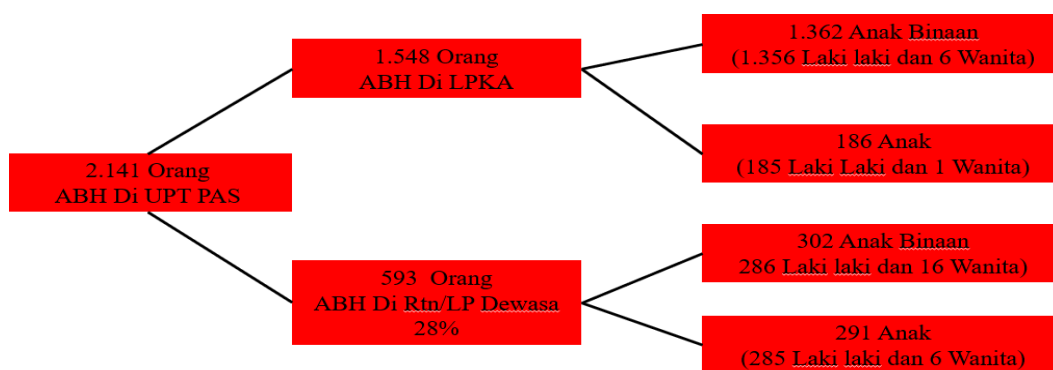
Figure 4 Overview of Old Criminal Offenses for Children in Conflict with the Law as of December 15, 2023



Source : Correctional Data Base System dated December 15, 2023

From figure 4, it is explained that based on children who are in conflict with the law, the average maximum criminal sanction is 1-2 years with a total of 772 children. In addition to this data data, there is data on children in conflict with the law in all Community UPTs as of December 31, 2023, as shown in Figure 5 as follows:

Figure 5 data on children in conflict with the law in all Correctional Units as of December 31, 2023



Source : Correctional Data Base System dated December 15, 2023

From figure 5, it is explained that based on data on children in conflict with the law in all Correctional Units in Indonesia, there are 2,141 children who are facing the law at UPT PAS consisting of 1,548 children who are facing the law in LPKA, namely 1,362 foster children and 186 children who have been determined and 593 children who are facing the law in adult detention centers / correctional institutions or about 28 percent, namely 302 foster children and 291 children who have been determined. Based on this data, it can be concluded that the number of children who are dealing with the law is increasing year by

year, of course this is due to several age phases, including: 1) Starting from the age phase of 7-14 years which is called childhood then can be classified into two periods, namely the intellectual period and the pueral period. 2) The phase that begins at the age of 14-21 years is said to be the adolescent phase or in another sense, the puberty phase, where in this phase there is a connecting period and a transition period from children to adults.

Thus, in the actions of children who are facing the law that is currently taking place, something that should be able to know the causes of child delinquency or factors that trigger children to commit delinquency which is further sought to prevent children from violating the law, so that from that everyone will know the child's problems and will not interfere with his psyche. The scope of the juvenile criminal justice system covers many varieties ranging from children facing the police directly, the judicial process, the situation and conditions of prisoners, and rebuilding social trust. Juvenile criminal justice refers to laws, norms, procedures, and provisions of institutions and bodies that are specifically applied to children who commit criminal acts

Implementation of Regulations Investigation Process for Children Facing the Law

The process of investigating children facing the law is a very sensitive matter and requires a special approach to ensure that children's rights are protected and that the best interests of children are prioritized. The implementation of regulations in this process is key to ensuring strong protection for children involved in the legal process.

In addition, the enforcement of laws and regulations against children who are in conflict with the law is very important to protect the rights of children who are in conflict with the law, ensure fair treatment, and provide opportunities for rehabilitation. Some of the Regulations in the Investigation Process against children who are facing the law include:

a. Convention on the Rights of the Child (CRC)

This convention stipulates various rights that must be protected for children, including the right to protection in the criminal justice system to ensure that the investigation process against children who are in conflict with the law does not conflict with the *Convention on the Rights of the Child (CRC)*, so in the opinion of the author, the National Police investigator in conducting the investigation process should conduct at least ¹³: The investigation process is based on an approach centered on the rights of the child, During the investigation process, the top priority is the protection and welfare of the child, The child is listened to and given the opportunity to participate in the investigation process according to his age and maturity level, Every child involved in the investigation process has access to adequate legal assistance, The investigation process is to ensure that the child does not become a victim of violence, inhumane treatment, or discrimination and collaboration with child protection agencies and civil society organizations concerned about children's rights is also important in ensuring that the investigation process is carried out in accordance with the principles of the CRC.

By ensuring that the investigation process against children in conflict with the law follows the principles of the CRC, it can ensure that the rights of children are protected and that their best interests are prioritized at every stage of the legal process

b. Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning

Child Protection, Law No. 11 of 2012 concerning the Criminal Justice System.

In the Law on the Juvenile Criminal Justice System, it is known that there is a child investigator who is authorized to conduct an investigation. This rule also regulates the requirements to be designated as an investigator as stipulated in Article 26 paragraph (3) of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, which states that the requirements to be able to be designated as an investigator as referred to in paragraph (1) include: having experience as an investigator; have interest, attention, dedication, and understanding of the Child's problems; and have participated in technical training on juvenile justice.

Furthermore, in the process of investigating children who are faced with the law regulated in Law Number 11 of 2012 concerning the Child Criminal Justice System, Article 26 paragraph (1) stipulates that: The investigation of the child case is carried out by an investigator determined based on the Decree of the Chief of the National Police of the Republic of Indonesia or other officials appointed by the Chief of the National Police of the Republic of Indonesia and paragraph (3) states that the examination of the victim's child or The Witness Child is carried out by the Investigator as referred to in paragraph (1).

Then Article 18 paragraphs (1) and (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System stipulates that in handling cases of children, victims' children, and/or child witnesses, 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 strive to maintain a family atmosphere.

Children as perpetrators of criminal acts will also experience a legal process that is identical to adults who commit criminal acts, the meaning of the word identical here contains the meaning of "almost the same", which differs only in length and how it is handled. The detention period at the investigation level for children in the first stage is 7 (seven) days and if the investigation process has not been completed, it can be extended for 8 (eight) days, so the total is 15 (fifteen) days, this is as stipulated in article 30 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

This has never been realized because the face of Wisma Anak still cannot be removed from the impression of a prison or bars so that Social Companions and PPTP3A always object to placing ABH in children's homes. The problem in the community is also not simple, such as ABH is a 16-year-old male, the community in the neighborhood where ABH lives does not want to accept ABH back to his home, so that with the agreement of the investigator and ABH's parents he is temporarily secured at the police station, while the Police do not have adequate facilities for ABH's residence, not for a while ABH has been in the Police Station for approximately 3 (three) months.

During the investigation process and ABH, detention was carried out at the Police Station at the next stage, namely the stage of sanction decisions from the judge, the detention period was not applied like adults, this clashed with article 22 paragraph 4 of the Criminal Code which states that the period of arrest and/or detention is completely reduced from the sentence imposed.

The judge's decision at the time of the imposition of the sanction contained a sentence that there was no reduction in the period of detention, this clashed with article 22 paragraph 4 of the Criminal Code, the reason was because there was no letter of detention, detention was carried out if detained in the police or in the LPKA during the judicial process reduced the period of detention, even though his freedom was deprived of separation from his family, did not reduce the period of detention during the investigation process.

In addition, the handling of children who are in conflict with the law is a process that involves various institutions (Community Advisors, Professional Social Workers, and Social Welfare Workers) and systems in order to handle cases involving children as perpetrators of crimes or as victims of crimes²⁰. This treatment aims to ensure that children's rights are protected, the best interests of children are prioritized, and provide protection and rehabilitation in accordance with children's needs.

In the implementation of the investigator, in this case, the police from the Women and Children Service Unit as stipulated in Article 1 point (9) of the Regulation of the National Police Chief Number 3 of 2008 concerning the Establishment of Special Service Rooms and Procedures for Examining Witnesses and/or Victims of Criminal Acts. The Women and Children Service Unit, hereinafter abbreviated as the PPA unit, is a unit that is in charge of providing services, in the form of protection for women and children who are victims of crime and law enforcement against the perpetrators in accordance with the applicable laws and regulations. Of course, the investigation process against children who are in conflict with the law or often referred to as ABH is different from adults. Children who are in conflict with the law are children who are in conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts

In conducting an investigation against a child who is in conflict with the law, investigators are obliged to ask for consideration or advice from a community supervisor after a criminal act is reported or complained about as stipulated in Article 27 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Furthermore, in the implementation of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, it is stated that BAP can be carried out within 24 hours. It is not mentioned in the working day, only explained in the explanation, as stipulated in article 30 paragraph (1) of the explanation of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System which states: The calculation of 24 (twenty-four) hours of arrest by the Investigator is calculated based on working time.

This regulation has not yet realized legal certainty because in practice in the field at the time of the investigation process, the National Police investigators do not comply with the regulations, as a result of which the rules of implementation are different, as part of the assistance of children who are carrying out the investigation process, of course this is against the rules, because children who are faced with the law will be disturbed in their health, even psychologically there will be a sense of fear, This is what the investigator author thinks should at least pay attention to several aspects so that the existing regulations have legal certainty as shown in table 1, namely:

Table 1 Several aspects so that existing regulations have legal certainty

No.	Aspects
1	It is very important for the authorities, including investigators, to comply with applicable laws, including the provisions contained in Law No. 11 of 2012. In this case, the provision that the Audit Report (BAP) can be carried out within 24 hours must be considered and carried out in accordance with the rules that have been set and not carried out early in the morning such as above 12 midnight
2	Although in article 30 paragraph (1) of the explanation of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, it does not specifically mention that the 24-hour period is only valid on weekdays, the explanation given in the explanation of Law No. 11 of 2012 states that the time is calculated based on working time. Therefore, the investigation process should pay attention to this matter and be carried out in accordance with the set working time.
3	The implementation of the investigation process must be consistent with the provisions in the law. If there is a case where the investigation process is carried out outside of working hours or even in the early hours of the morning, this can be considered a violation of the rules that have been set.
4	It is important to remember that children who are under investigation have rights that must be protected, including the right not to be tortured or abused, the right to be accompanied by a parent or guardian, and the right to be treated humanely. The implementation of the investigation process outside of working hours can threaten these rights and have a negative impact on children's welfare.
5	It is important for law enforcement officials, including investigators, to continue to increase their training and awareness of children's rights and their obligations in accordance with applicable laws. This can help avoid breaking the rules and ensure that the investigation process is conducted in accordance with human rights principles.

By paying attention to these aspects and increasing awareness and obedience to the law, it is hoped that the implementation of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System can be more effective in protecting children's rights and ensuring justice in the legal process and legal basis as a legal umbrella to protect children, both perpetrators and victims have legal certainty.

c. Law No. 11 of 2012 concerning the Juvenile Criminal Justice System

The Juvenile Criminal Justice System Law is known for having a child investigator who is authorized to conduct investigations. This law stipulates the conditions that must be met by an investigator are having experience as an investigator, having interest, attention, dedication, and understanding of children's problems, and having participated in technical training on juvenile justice. Indeed, it is not as simple as what is implied in the law, several problems arise in the field, investigators and prosecutors do not detain during the legal process that ABH should be placed in the Temporary Child Placement Institution (LPAS) or the Social Welfare Implementation Institution (LPKS) as long as LPAS or LPKS is not

available, then on the agreement of the Ministry of Law and Human Rights with the Ministry of Social Affairs, ABH is placed in Wisma Anak which is in the Correctional Institution

This regulation has not yet realized legal certainty because in practice in the field at the time of the investigation process, the National Police investigators do not comply with the regulations, as a result of which the rules of implementation are different, as part of the assistance of children who are carrying out the investigation process, of course this is against the rules, because children who are faced with the law will be disturbed in their health, even psychologically there will be a sense of fear, This is what the investigator author said at least pay attention to several aspects so that the existing regulations have legal certainty, namely It is very important for the authorities, including investigators, to comply with the applicable laws, including the provisions contained in Law No. 11 of 2012, Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 15 of 2010 concerning General Guidelines for the Handling of Children in Conflict with the Law

Investigation process against children who are in conflict with the law This rule is clear that the investigator of the investigation process against children who are in conflict with the law, especially related to the time of the examination of the child for the preparation of the Examination Report (BAP) is not more than 4 (four) hours a day and is not carried out at night, this is intended that: is an important step to protect the welfare of children, Presenting parents, guardians, and legal advisors of children during the investigation process is important to ensure that the rights of children are protected and that the best interests of children are prioritized, The rules governing the time of examination and the presence of parents, guardians, and legal advisors of children are in accordance with the General Guidelines for the Handling of Children in Dealing with the Law of the Republic of Indonesia Number 15 of 2010. It is important for law enforcement officials, including investigators, to increase their awareness and understanding of the importance of complying with the rules and guidelines governing the process of investigating children, It is important to foster collaboration between various relevant institutions, including the police, social institutions, child protection agencies, and other legal institutions, to ensure that the process of investigating children is carried out with good coordination and pays attention to all aspects related to child welfare and protection.

Based on this, some of these rules show that in the implementation of regulations on children who are in conflict with the law, there are several rules that are related to each other such as the Convention on the Rights of the Child (CRC), Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Law No. 11 of 2012 concerning the Child Criminal Justice System and the Regulation of the Minister of State Women's Empowerment and Child Protection of the Republic of Indonesia Number 15 of 2010 concerning General Guidelines for the Handling of Children Facing the Law, however, these interrelated rules are not applied consistently and do not go hand in hand to provide maximum protection for children facing the law. This is because investigators sometimes do not fully follow the procedures set out in the regulation, the implementation of the regulation can be hampered by a lack of training and awareness among investigators about the

importance of children's rights and procedures that must be followed in handling cases of children facing the law. Limited resources, both human and material, can also be an obstacle to the implementation of regulations. Sometimes, the pressure to resolve a case or obtain a confession from a suspect can cause investigators not to prioritize the best interests of the child during the investigation process. To ensure legal certainty and strong protection for children, law enforcement is stricter against violations of rules committed by investigators.

Thus, to realize legal certainty and optimal protection for children facing the law, it is important for investigators and relevant authorities to consistently implement the rules that have been set, as well as ensure strict law enforcement against violations of these rules. This will provide better protection for children and ensure that justice is realized in the justice system.

Sanctions for Law Enforcement Officers deep Handling Children in Conflict with the Law (ABH) Not in accordance with Regulations

1. Evaluation of the implementation of regulations on the handling of children in conflict with the law (ABH).

Evaluation of the Implementation of Regulations on the Handling of Children in Conflict with the Law (ABH), taking into account existing regulations, reveals that in their implementation, these regulations are not always implemented comprehensively, which results in the lack of legal certainty, described as follows:

a. Convention on the Rights of the Child (CRC)

The evaluation shows that some of the children's rights recognized in the CRC, such as the right to protection, the right to a hearing, the right to education, and the right to health, are not always guaranteed in the practice of handling ABH. Although Indonesia has ratified the Convention on the Rights of the Child (CRC), its implementation has not always been consistent, so children's rights in the justice system are often not fully fulfilled.

b. Law Number 35 of 2014 concerning Child Protection

The evaluation found that although the law establishes a comprehensive framework for child protection, its implementation is often inconsistent and the implementation process of this regulation is hampered by a lack of understanding of the importance of adhering to established rules and a lack of oversight of their implementation.

c. Law No. 11 of 2012 concerning the Juvenile Criminal Justice System

Although the Act establishes specific procedures for the handling of child cases, evaluations show that these processes are often not implemented in accordance with the established rules and the lack of training and awareness of children's rights among law enforcement officers is a factor hindering the implementation of these regulations.

d. Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 15 of 2010 concerning General Guidelines for the Handling of Children in Conflict with the Law

Although these guidelines provide operational guidance for the handling of children in conflict with the law, evaluations show that their implementation is often inconsistent, as well as the lack of monitoring and supervision of the implementation of these guidelines leads to uncertainty in the handling of ABH.

Therefore, the evaluation of the implementation of these regulations reveals that although there is a framework in place to protect children in conflict with the law, its implementation is not always consistent, resulting in the lack of legal certainty. Therefore, greater efforts are needed to improve understanding, implementation, and monitoring of these regulations so that children's rights can be fulfilled more effectively in the justice system.

2. Comparison between Regulations and Field Practice and Sanctions for Law Enforcement Officials in Handling Children in Conflict with the Law (ABH)

The comparison between regulations and field practices that are contrary to these regulations in the handling of Children Facing the Law (ABH) is described in table 1 as follows:

Table 1 Comparison between regulation and field practice

No.	Rule of Law	Implementation of Regulations	Practice Implementation
1	Convention on the Rights of the Child (CRC)	<p>establish various rights and protections for children, including the rights to protection, education, health, and fair treatment during the legal process.</p> <p>provide a comprehensive framework for protecting children's rights, including the right to protection from all forms of violence, exploitation, and discrimination.</p> <p>Emphasizing the importance of prioritizing the child's best interests in any decision or action that affects them</p> <p>Recognize the right of children to participate in processes that affect them, including in legal</p>	<p>In field practice, there are still many cases where these rights are not fully fulfilled. For example, children still often experience inhumane or unfair treatment in the legal process.</p> <p>Although the CRC has been ratified by many countries including Indonesia, the practice is often inappropriate</p> <p>with the standards set out in the CRC. For example, there are still children in prison with adults, lack of access to education and health services, and lack of protection for children who are vulnerable to exploitation and violence.</p>

proceedings involving them.

No.	Rule of Law	Implementation of Regulations	Practice Implementation
2	Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection	<p>The law aims to strengthen children's protection from various forms of violence, exploitation, and discrimination, as well as increase children's access to basic needs such as education, health, and legal protection</p> <p>The law covers various aspects of protection, such as the prevention of violence, protection during the legal process, and rehabilitation for children involved in the justice system.</p> <p>The Act also establishes a framework for the establishment of a comprehensive child protection system, including the handling of cases of children facing the law by competent and authorized institutions.</p>	<p>The implementation of this law is still not optimal. Some cases show that children still do not receive adequate protection from violence and exploitation, and still have difficulty accessing the basic services they need.</p> <p>often shows a lack of awareness and training among law officers regarding children's rights and the protection standards set out in the Act. This can result in abuse of legal process against children or injustice in handling ABH cases.</p>
3	Law No. 11 of 2012 about the Juvenile Criminal Justice System	<p>establish special procedures in handling child case, with the aim of providing protection and rehabilitation that suits the needs of the child</p>	<p>There is still abuse Legal procedures that do not meet the standards children's rights, such as the detention of children without clear reasons, lack of access to adequate legal aid, and inhumane</p>

	emphasizing the importance of rehabilitation for children involved in the justice system, by providing opportunities for coaching, education, and social reintegration.	treatment of children during legal proceedings.
	emphasizing the importance of preventing child criminalization by prioritizing alternative out-of-court settlements and social rehabilitation.	Although this law establishes special procedures for children, in practice there are often abuses of legal procedures that lead to injustice, such as the detention of children without clear reasons or without adequate legal assistance.
		In practice, there is still a greater emphasis on the law enforcement process than on prevention and rehabilitation efforts, which is contrary to the spirit of Law No. 11 of 11 2012
4	Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 15 Years 2010 on General Guidelines for the Handling of Children in Conflict with the Law	guidelines to protect the rights of children facing the law, such as the right to adequate legal assistance, the right not to be separated from parents or guardians, and the right to fair and appropriate treatment.
	This guideline recognizes the importance of children's participation in the legal process involving them, in accordance with the principles of the Convention on the Rights of the Child (CRC)	Children who are faced with the law often do not get adequate legal assistance in accordance with what is guaranteed by PMPPA No. 15/2010, so that they could not properly defend their rights in court.
		Sometimes, children who face with the law still experiencing unfair or discriminatory treatment both from law enforcement officials and in the judicial system, which is contrary to the principles stipulated in PMPPA No. 15/2010.

emphasizing the importance of rehabilitation and social reintegration of children involved in the justice system, by providing the necessary support and services.	Although rehabilitation and social reintegration are regulated in PMPPA No. 15/2010, Limited access to adequate rehabilitation services is often become an obstacle in practice
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Source : Processed by the Author

Based on table 1, it is explained that the comparison between regulations and field practice for children who are dealing with the law is still quite significant between the existing rules and the practice in the field. This shows that the regulations related to the handling of Children in Conflict with the Law (ABH) are not properly implemented as stipulated in Law No. 11 of 2012 concerning the Child Criminal Justice System (SPPA Law) and the Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 15 of 2010 concerning General Guidelines for the Handling of Children Facing the Law.

There are no sanctions for law enforcement officials as per article 30 paragraph (1) of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) makes something ordinary, because as stipulated in Chapter XI article 95 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law), states that: "Officials or officers who violate the provisions as referred to in Article 7 paragraph (1), Article 14 paragraph (2), Article 17, Article 18, Article 21 paragraph (3), Article 27 paragraph (1) and paragraph (3), Article 29 paragraph (1), Article 39, Article 42 paragraph (1) and paragraph (4), Article 55 paragraph (1), and Article 62 are subject to administrative sanctions in accordance with the provisions of laws and regulations".

In addition, as stipulated in article 25 of the Regulation of the Chief of the National Police of the Republic of Indonesia Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of the Duties of the National Police of the Republic of Indonesia states: "In carrying out detention measures against children, officers are obliged to consider the application of special procedures for the protection and justice of children. This statement aims that the investigator in its implementation is of course in accordance with a special procedure, namely the application of regulations in Law No. 11 of 2012 concerning the Children's Criminal Justice System (SPPA Law), because children cannot be equated with adults, by not implementing as regulated by the Law on the Children's Criminal Justice System, of course, there will be a violation of procedures and the investigator will get sanctions as stipulated in article 60 paragraph (2) of the Regulation The Chief of the National Police of the Republic of Indonesia Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards which states: "Sanctions as referred to in paragraph (1) d are imposed through the process

of enforcing discipline, enforcing police ethics and/or criminal justice processes".

Based on this, the researcher concluded that there are no sanctions against law enforcement officials in handling Children Facing the Law as stipulated in Article 30 paragraph (1) of Law No. 11 of 2012 concerning the Child Criminal Justice System (SPPA Law), so the investigator did not carry out the procedures as stipulated in the USPPA and there was a violation of human rights for children, namely the right to self-protection for children as regulated in Article 5 paragraph (1) letter u which states: the right to self-protection, personal, family, honor, dignity and property.

CONCLUSION

There are regulations that regulate the investigation process, including the Convention on the Rights of the Child (CRC), Law No. 35 of 2014 concerning Child Protection, Law No. 11 of 2012 concerning the Child Criminal Justice System, and Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia No. 15 of 2010 concerning General Guidelines for the Handling of Children in Conflict with the Law, however, In practice, these regulations are not always implemented appropriately. One of them is in the process of investigating children who are in conflict with the law, which is often carried out until late at night, violating provisions that cause the rules to become ambiguous and lose the legal force that should be the handle in handling ABH cases. There are no sanctions for law enforcement officials as per article 30 paragraph (1) of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) makes something ordinary, as stipulated in Chapter XI article 95 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law), namely officials or officers who violate the provisions in article 7 paragraph (1), Article 14 paragraph (2), Article 17, Article 18, Article 21 paragraph (3), Article 27 paragraph (1) and paragraph (3), Article 29 paragraph (1), Article 39, Article 42 paragraph (1) and paragraph (4), Article 55 paragraph (1), and Article 62. The government needs to increase awareness and training for investigators, officers of the Community Unit, and a stricter supervision mechanism and effective in the implementation of the investigation process against ABH, the preparation of clear and detailed guidelines and SOPs on ABH investigation procedures in accordance with applicable regulations and the allocation of adequate resources, including facilities and infrastructure, to support the implementation of the investigation process that meets legal and ethical standards. There needs to be a revision to Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law), especially in article 95 because article 30 is not included in the violation.

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