

CHILD PROTECTION IN THE CRIMINAL JUSTICE SYSTEM TOWARDS RESTORATIVE JUSTICE IN THE MIDDLE OF THE COVID-19 PANDEMIC

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Abstract

Children are an almighty gift and are a treasure and the next generation of the nation for the better progress of the country in the future. The existence of a child's status has become the main conversation and is protected by law. Many cases of child abuse and dealing with the law as victims and perpetrators traumatize children and damage their future. So that it needs to be done efforts to protect children to protect the rights and interests and needs of children. The rise of COVID-19 that spreads in the environment has many negative impacts, not only is it dangerous for humans but the presence of COVID-19 influences performance so that the law enforcement audience is hampered. In this case, it would be appropriate if the settlement of the child case during the COVID-19 pandemic was to use diversion efforts that did not relinquish the goal of achieving restorative justice. The research method of this article uses doctrinal and is assisted with a conceptual, analytical, legislative, and case approach and supplemented with primary, secondary, and tertiary legal materials to complete the data needs of this study. Settling child cases amid a COVID pandemic 19 makes it very impossible to use the juvenile justice system using litigation, considering that not only parents who are prone to age but children are also prone to health infected with COVID 19. So the implementation of the juvenile criminal justice system using litigation can endanger the psychic children and their parents.

Keywords: *child protection; diversion; COVID-19*

Introduction

The development of the era is always moving and changing into the latest direction and applies to all fields of needs and even to the interests of humans, which is not releasing the status of children as the next generation of ancestors (Novika, Disemadi & Rochaeti,

2020). The concept of a state certainly does not forget children as a substitute generation in the current era to develop and bring the country to be even better. At present, the role of children is not yet prominent in terms of the contribution of the nation's progress, but busyness other than learning, competition, and

achievement shows that children have been prepared early to participate in the progress of the nation and country especially in various fields of scientific discipline (Pradityo, 2016).

Obtaining in achieving the goal of child welfare is inseparable from the responsibilities and attention of parents (Disemadi, 2019). Implementation of love, attention, and learning facilities that are fulfilled is very influential in growing and developing children's interests and talents. It does not stop at special attention, but children need support from the state in the form of legal protection. Both together it is known that the interests of children are highly prioritized and protected, especially given the legal protection of children (Lasmadi, Sari & Disemadi, 2020). The protection is carried out to be able to foster children to realize human resources that are healthier and of spiritual and physical quality (Nusantara & Kusumah, 1986).

The existence of children today in the global world is very common and even if talking about the law some children have been involved in serious crimes. Romli opinion in his book said that children in dispute with the law are children under 18 years who violate legal norms and can affect children's growth (Atmasasmita, 1993). Recently in the early 2020s, it was precisely in the province of West Java that there was a girl who was a victim of sexual harassment and at the same time the perpetrators of the tragic murder of a toddler. Until now the case by children occurred again, he was a victim of violence from his family to

become victims of sexual abuse by his family as well, it affected his condition even worse to make new mistakes (Rofiq, Disemadi & Jaya, 2019).

The recurrence of cases of child cases that occur the current law finds a solution that is resolved either non-litigation or even litigation. It has been specifically regulated in Law Number 11 of 2012 concerning the Criminal Justice System for Children (SPPA Law) that a child has a special settlement in the juvenile justice system (Lasamadi, Sari & Disemadi, 2020). The purpose of the existence of a juvenile criminal justice system is none other than to increase the existence and uphold of justice, but not only that the purpose of the existence of the SPPA Law can provide child welfare through legal attention and guidance and legal protection for child offenders. There is a concept of solving child cases through non-litigation channels (Wahyudi, 2015). This is a top priority in the settlement and legal protection of children in conflict with the law (Imam, 2018). Child protection has several aspects in the form of policies and legislation governing child protection and then other aspects relating to the implementation of these policies and regulations (Sekedang & Rahman, 2008).

In its development, the concept of Diversion is a renewal in juvenile justice which is legalized by law and is a priority in the case of children. The concept of Diversion places child cases to be resolved outside the path of the juvenile justice system. This means diverting the settlement of a child's case from formal to non-

formal ways, by providing other alternatives as long as it can provide equitable justice for victims of crime and the interests of children as perpetrators of crime. The application of the Diversion concept is expected to be true to realize the restoration of justice or restorative justice (Gultom, 2008). The juvenile court has the responsibility and power to investigate, determine and resolve children's cases as provided for in the statute.

The act of judging is central to getting justice. Judges are conducting acts and actions. To continue with, investigate the reality of the circumstances raised to him. So consider by providing an assessment of the case and comparing it to the relevant rule, so give a conclusion and make a decision about the incident. The prosecutor, in appealing, sought to re-enforce the broken statute. One of the law enforcement initiatives is through criminal justice, in an attempt to prevent children from avoiding punishment in order to educate them. Juvenile justice is provided to re-educate and improve children's attitudes and actions, so that he may stop the negative conduct he had been doing. In the sense of recovery and resocialization, the protection of children sought by offering instruction or counseling is the pillar of juvenile justice.

Add to this the pandemic Corona Virus Disease 2019 (COVID-19) which is developing in Indonesia, causing several institutions and educational institutions to temporarily stop their activities until normal conditions return. This is a good step to break the chain of

transmission of COVID 19. The state of Indonesia which is characterized by the presence of COVID-19 affects all fields to the extent that it affects the implementation of the law. It does not rule out the possibility that juvenile justice can be hindered by the still rampant and circulation of COVID-19 positive patients, so that it is done to protect themselves from being infected, including the system and implementation of the law hampered to be done directly (Nurhayati & Aji, 2020).

Based on the description of children who are dealing with the law amid a COVID-19 pandemic from the above background, it can be concluded that an important issue is to be resolved regarding the application of the concept of restorative justice to child protection in a formal legal process amid a COVID-19 pandemic.

Research Methods

The method used in this research is doctrinally integrated with the analytical concept approach, case, and legislation for problem-solving (Aprilianda, 2017). The form of the research specification is in the form of an analytical perspective framework around the updates quoted from previous researchers (Annisa, 2016). The research data involved in this article are primary legal material in the form of the results of previous research, literature, related documents, and legal opinions which are then followed by secondary legal material as important analysis data of some positive regulations and tertiary legal materials as a support in this research (Jamilah & Disemadi, 2020).

DISCUSSION

Concept of Restorative Justice Against Child Protection

To achieve restorative justice which is a mechanism where the parties involved in a particular crime discuss together the question of how to deal with the consequences in the future. He also tends to seek restorative justice when resolving cases of child abuse. According to Fruin J. A., Children's restorative justice departs from the premise that solutions or reactions to child offenders will not succeed without victims, suspects, and community support and participation. The basic assumption is that justice is better served if each party receives equal and reasonable treatment, is fully involved in the legal process, and benefits from their experience with the juvenile justice system (Hadisuprpto, 2006).

Implementation of Restorative Justice in the Act The juvenile justice system is performed through the Diversion process, through a court of law products (Articles 12 and 52) and non-diversion / mediation, which may be performed outside or inside the case, with the court of the product in the form of a ruling, i.e. prosecution or intervention (Article 69); Communication and process of mediation conducted by including both the offenders and the victims, rather than the second, can also be parties. Based on the findings of the study results in the field of criminal justice, the implementation of restorative justice as a means of defense of children's rights in conflict with the law is not becoming the key phenomenon (Sosiawan, 2017).

Restorative justice in resolving crimes involves children outside the courtroom that emphasizes reducing the impact of criminal acts by promoting the rehabilitation process and the rights of all involved, including perpetrators and victims and the community. Throughout the Indonesian legal system, the paradigm for resolving disputes outside the judicial process is not new. Alternative conflict resolution has long been established in civil law. Peace is something that needs to be found at all levels of the courthouse (Laksana, 2017).

Justice that has been going on in Indonesia's criminal justice system is retributive, while what is needed is restorative justice, a mechanism in which all parties involved in a specific criminal act collectively address a issue, how to manage potential consequences (Satriana, 2013).

Now the punitive aspect of the model of juvenile justice has started to be discarded and replaced with the idea of resolving criminal cases of children with the restorative framework that sees both actors, offenders, victims and the public have the same ability to settle the ensuing dispute in a crime (Mardiah, Din, & Nizarli, 2012). The definition of restoration refers to the 1990 Convention on the Rights of the Child (Convention on the Rights of the Child), which was accepted by the countries of the world through Instrument International.

Another opinion was conveyed by Bagir Manan that children who are in a criminal justice environment are treated in 2 (two) forms of Restorative Justice in the Settlement

of Children Cases Confronting the Law in the Criminal Justice System for Children referred to differently as "young adults" so that the whole process of the case except in Corrections Institutions carried out the same as the case of adults (Suparmono, 2000). There are 2 (two) categories of children's behavior that make him face the law, namely: 1. Offender status, is a form of deviant behavior and misbehavior of children in which adults are not considered a crime, such as disobedience, not listening, leaving school without permits, etc. 2. Juvenile delinquency is the opposite of status offender that this Juvenile Delinquency behavior of children is considered a crime and against the law for adults. Even though children must undergo a criminal justice process, children's rights must still be given. Article 3 of the Convention on the Rights of the Child provides for the fulfillment and protection of the rights of children in conflict with the law as follows: 1. In all actions concerning children, carried out by state or private social welfare institutions, the courts of law, administrative authorities or legislative bodies, the best interests of the child must be the main consideration; 2. States parties endeavor to guarantee the protection and care of children as necessary for their welfare, taking into account the rights and obligations of their parents, legal guardians, or others who legally own them, and for this purpose, must take all appropriate legislative and administrative measures; 3. State parties must ensure that the various institutions, services, and facilities responsible for

the care and protection of children must conform to standards set by the authorities, especially in the area of safety, health, in numbers, and the appropriateness of staff, and also authorized oversight (Garcia, Disemadi, & Arief, 2020).

According to the spirit of the purposes of the Juvenile Court Statute "Protecting children and maintaining children's safety, even though it clashes with the statute" (Wahyudi, 2015). In addition to providing security and care for children, it also seeks to be genuinely equitable in enforcing legal sanctions on children, not only by enforcing punishment-oriented sanctions (imprisonment) but also by providing other alternatives in the form of guidance (treatment), namely by extending the principle of restorative justice to non-criminal criminal sanctions (actions).

The characteristics of the restorative justice model according to Muladi are as follows, namely: 1. Crime is formulated as a violation of others and is recognized as a conflict; 2. The main focus is on solving the problem of responsibility and obligations for the child's future; 3. The normative nature is built based on discussion and negotiation between the children's families of both parties; 4. Restitution as a means of improving the parties, reconciliation, and restoration as the main objective; 5. Justice is formulated as rights relations and is assessed based on mutual agreement of the parties; 6. The goal of recovery is to repair social scale losses; 7. The community is a facilitator in the restorative process of the parties; 8. The role of victims and perpetrators

of crime is recognized, both in the problem and in the settlement of the rights and needs of victims. Perpetrators of crimes are encouraged to take responsibility and take precedence with consensus channels between the family parties; 9. The perpetrator's responsibility is formulated as an impact of understanding the act and to help decide the best; 10 Crimes are understood in a holistic, moral, social, and economic context; and 11. Stigma can be removed through restorative measures (Mardiah, 2012).

The definition of restorative justice is its implementation well in the social structure of a country, the group was founded according to cultural roots, since one of the parties that made it was society itself (Mardia, Din, & Nizarli, 2012). So restorative justice makes the perpetrators responsible for repairing the damage caused by their mistakes; offering incentives for offenders to demonstrate ability and quantity on the part of constructively resolving guilt; including victims, parents, extended family, school and close friends; To create a joint platform to solve problems; to develop a direct and tangible relationship between mistakes and social reactions solely in the child's best interest that law enforcement officials adopt law enforcement through restorative justice (Primasari, 2012).

Children's legal defense (advocacy) in an attempt to discourage children from enduring unequal treatment / child abuse either explicitly or indirectly to ensure children's safety, growth, and development naturally, both

physically and mentally as well as socially (Wahyudi, 2015).

According to Faturrohman restorative justice is one of the systemic changes that provide a solution to the problem of juvenile delinquency. He believes the justice system does not fulfill the element of substantive justice, and that action is needed to address the problem of juvenile delinquency. Because this allows all parties in the process of seeking support to sit together in deliberations that must be done are to recover all damage from the "injuries and injuries" caused by child crime, and moral progress of the child in such a way that he no longer repeats his actions, and opposes detention which can affect a child's physical, emotional, and mental growth or the process of restorative justice seems to be stronger than the rehabilitation process and the model that is now applicable (Hidayati, 2013).

Restorative justice is achieved by flexibility (politics) and Diversion, which is to settle litigation by moving the issue from the traditional criminal justice process to the non-formal process to be resolved by deliberation (Satriana, 2013).

Child Protection in the Criminal Justice System in the Middle of the COVID-19 Pandemic

The criminal justice system illustrates how it operates when dealing with a crime that is based on a systemic approach that involves sections: Police departments, departments The Prosecutors' Office of Justice, the Judiciary, and the Penitentiary, which have short-term objectives of re-popularizing crime

offenders, the medium-term objective of crime prevention, and the long-term objective of social security (Satriana, 2013).

The court for children who are dealing with the law is the last resort after various efforts have been made using a family approach. In general, the principles of restorative justice are 1. Make offenders accountable for repairing the damage caused by their mistakes; 2. Providing opportunities for violators to prove their capacity and quality while overcoming constructive guilt; 3. Involving victims, parents, extended families, schools, and peers; 4. Creating a forum for cooperation in solving problems, establishing a direct and tangible relationship between mistakes and formal social reactions (Unicef, 2004).

Underlying the penal limits means there is a deficiency or failure in criminal law in terms of the essence of the criminal law (sanctions) itself working or running. Furthermore, when perceived as a societal concern from the viewpoint of violence, several factors allow a violence to happen (Djanggih, 2018).

Juvenile justice which has its characteristics and differences in many ways, especially treating children when dealing with the law (whether as victims, perpetrators or witnesses), is certainly seen as a specialty of the justice system in general. This statement is supported by the formulation of qualifications of criminal acts of the same type as adults listed in the Criminal Code (KUHP), but the judicial process and sanctions obtained are of course different. Suwantji Sisworahardjo said the same thing, that against

children who commit delinquency should be treated differently from adults who commit criminal acts (Sisworahardjo, 1986).

It is clear that the goal of juvenile justice is to understand child welfare which is an integral part of social welfare. Therefore, the departments responsible for criminal justice must work to obtain accountability. The judiciary is granted a special role to engage in the "sovereignty of the country that exists and power that is practical in a way to carry out tasks like that (Mardiah, Din, & Nizarli, 2012).

The purpose of the justice system juvenile crime in SMRJJ / The Beijing The rules are listed in Rule 5.1, as follows "The juvenile justice system shall emphasize the wellbeing of the juvenile and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offense" (System justice for children will give priority child welfare and will ensure that any reaction to a violator of a child's law will always be commensurate with good circumstances at lawbreakers as well violation of the law).

Article 8 (1) SPPA Law Diversion process is carried out through deliberation by involving children and people parents / guardians, victims and / or parents / guardians. Community Counselors, and social workers professional based on the Justice Restorative. (2) In case it is needed, deliberation social welfare staff, and/or community. Based on Article 8 number (3) above is clear that the Diversion process must be considered 6 (six) aspects, namely: the interests of the victim; child

welfare and responsibility; avoidance of negative stigma; avoidance retaliation; community harmony; and decree, decency, and public order.

Furthermore, in Article 9 paragraph (1) SPPA Law above concerning things that must be taken into consideration by Investigators, Public Prosecutors, and Judges in Diversion. The intended matters includes criminal categories; the age of the child; social research results from Bapas; and family and community environment support. Article 9 (1) SPPA Investigators, general observers, and aim in implementing Diversion must consider a. Criminal category; b. Age of child; c. Results of social research from father; and D. Environmental support family and community. Besides, deep terms of the agreement in the version there must be approval victims and / or victims' families and willingness child and family, except for a few things, as stated in.

Article 9 (2) SPPA Law follows: (2) Diversion agreement must be get the victim's consent and / or the child victim's family and the willingness of the child and his family, except, for: a. a criminal offense in the form of the violation; b. Criminal crime; c. A crime without a victim; or d. Loss value the victim is not more than the minimum wage local province.

The version of the agreement as referred to in paragraph (1) shall be carried out by the Educator on the recommendation of the Social Supervisor in the form of a. restitution in the event of a victim; b. medical and psychosocial rehabilitation; c. Submission back to

parents/guardians; d. participation in education or training in educational institutions or LPKS no later than 3 (three) months; or e. community service no later than 3 (three) months (Sosiawan, 2017).

In restorative justice, the method used is a deliberation on recovery by involving victims and perpetrators along with their families, plus community representatives who are expected to be able to represent the environment in which the criminal act with the child offender occurred. With the support of the local environment to solve problems outside the juvenile justice system, it is expected to produce decisions that are not punitive, but still prioritize the interests and responsibilities of the child who committed the crime, victims and the community. The restorative approach and principle of Diversion as the spirit of the SPPA Law to humanly resolve child legal cases. Thus, systematically the law contents of the authority of the juvenile justice will not and may not be, as follows: 1. Exceeds the absolute competencies (absolute competencies) of the General Courts; 2. Checking, adjudicating, and deciding cases that have become absolute competencies in the environment of other judicial bodies, such as the Religious Courts.

The concept of Restorative Justice in the juvenile justice system is part of the application or implementation of diversion. The main principle of the implementation of efforts to resolve cases of children that is a Diversion in the face of a persuasive approach or non-penal approach in terms of criminal law and provides an opportunity for children to

correct mistakes and not cause trauma that can damage the child's future (Pradityo, 2016). Diversion is a transfer of the settlement of a child case from the criminal justice process to a process outside of criminal justice or it can be said that the principle of Diversion emphasizes out-of-court settlement, with a family approach and coaching, no longer with imprisonment or punishment. As the purpose of the principle of Diversion is regulated Article 6 of Law no. SPPA is to achieve peace between victims and children, resolve cases of children outside the court, prevent children from deprivation of liberty, encourage community participation, instill a sense of responsibility to children (Annisa, 2016).

Diversion is a transfer of handling cases of children suspected of having committed a criminal offense from a formal process with or without conditions. The Diversion approach can be applied to the resolution of cases of children in conflict with the law. As for the objectives of Diversion, efforts are: to prevent children from detention, to avoid labeling children as criminals, to prevent a repetition of criminal acts committed by children, so that children are responsible for their actions, to conduct interventions needed for victims and children without having to go through a formal process, avoiding children from following the justice system process, distancing children from the influence and negative implications of the judicial process (Ali, 2002).

The formulation of the Diversion is even clearly regulated in positive Indonesian law (Pradityo, 2016),

precisely in article 1 number 7 of the SPPA Law, which reads as follows: "Diversion is the transfer of the settlement of a child case from a criminal justice process to a process outside of criminal justice". As stated by Barda Nawawi Arief, that Diversion can be carried out by the police, prosecutors, the court, and the guards of the prison. The application of Diversion at all levels is expected to reduce the negative effects of children's involvement in the justice process. A law enforcement will succeed and run optimally if it is not separated from the three pillars that influence each other, namely fulfilling the structure substance, and legal culture (Arief, 2011).

Diversion can be implemented in several forms. Broadly speaking, there are three forms of Diversion, namely (Hidayati, 2013) (i) Diversion in the form of a warning, this will be given to the police for minor violations. As part of the warning, the offender will apologize to the victim. Warnings like this have often been done. (ii) Informal Diversion, which is applied to minor violations where it is felt inappropriate if it merely warns the offender, and to the offender requires a more comprehensive intervention plan. Victims should be invited to ensure their views on informal Diversion and what they want in the plan. The progressive will of law enforcement to be applied in the investigation and prosecution stages of SPP children in Indonesia still faces many obstacles (Wahyudi, 2009).

Informal Diversion must have a positive impact on victims, families, and children. It is ensured that child

offenders will be suitable given informal Diversion. This informal Diversion plan, children will be responsible, recognize the needs of victims and children, and if possible parents are held accountable for the incident, (iii) formal Diversion, which is done if informal Diversion cannot be done, but does not require court intervention. Some victims will feel the need to tell their children how angry and hurt they are, or they want to hear it directly from the child (Sirait & Cahyaningtyas, 2019). Because the problem arises from within the child's family, it helps to have other family members present to discuss and draw up a good Diversion plan for all parties affected by the act. The formal Diversion process in which perpetrators and victims meet face to face is internationally referred to as "Restorative Justice" (Dewi & Sukur, 2011).

Explanation in the positive law there are stages in juvenile criminal proceedings through restorative justice (Diversion) regulated in Article 52 of the SPPA Act, among others as follows: paragraph (1) The head of the court is obliged to appoint a Judge or Panel of Judges to handle the case of the child no later than 3 (three) days after receiving the case file from the public prosecutor, paragraph (2) the Judge is obliged to work on Diversion no later than 7 (seven) days after being determined by the District Court as a Judge, paragraph (3) of the Diversion as referred to in paragraph (2) is to be implemented no later than 30 (thirty) days, paragraph (4) Diversion process can be carried out in the mediation room of the District Court,

paragraph (5) In the event that the Diversion process succeeds in reaching an agreement, the Judge submits the minutes of the Diversion event along with the Diversion agreement to the Chairperson of the District Court to make the determination, paragraph (6) In the event that Diversion is not successfully implemented, the case is continued to the trial stage and Article 1 paragraph (7) of the SPPA Law, Diversion is p the transfer of case settlement from criminal justice processes to processes outside of criminal justice.

In the practice of juvenile criminal justice, the imposition of sanctions for naughty children is very little compared to the imposition of imprisonment or imprisonment or other sanctions (Coard, Widom & Crowell, 2001). Observing various reasons for the judge in imposing a prison sentence for children, it appears that the reasons used are directed to merely see acts that are prohibited by children and have been detained against the naughty child. While consideration of the importance of the protection of naughty children has not become a consideration (Soetadjo, 2006).

The stages or process stated above will not run optimally if the resolution of a child criminal case is oriented to the interests of the child offenders as the goal of the restorative justice approach, due to the lack of understanding and integration of the vision or objectives of the restorative justice approach. Prioritizing or paying attention to the interests of children as perpetrators are even reaffirmed in

the provisions of Article 10 paragraph (1) of the Covenant on Civil and Political Rights which guarantees that every person deprived of their liberty must be treated humanely with respect for the inherent dignity in themselves. Restorative justice is an attempt to treat children who conflict with the law under their dignity (Pradityo, 2016).

Legal Instruments Against COVID-19 that Affect the Juvenile Justice System

In handling the COVID-19 pandemic, the central government issued various legal instruments in the form of Ministerial Regulations, Presidential Decrees, to the making of Laws. It can be said that the government is doing the right thing because legal instruments are firm and effective praxis solutions in solving various problems including the COVID-19 problem. This needs to be appreciated further when the government undertakes mitigation, minimization, and prevention efforts at the right time. Unfortunately, reality does not say that. The Indonesian government continues to stop the spread of the coronavirus by issuing several policies, including 1. Government Regulation (PP) No.21 / 2020 concerning Large-Scale Social Restrictions. 2. Presidential Decree No.11 / 2020 concerning Determination of Public Health Emergency 3. Regulation instead of Law (Statute) No.1 / 2020 concerning State Financial Policy and Financial System Stability for Handling the COVID-19 Pandemic and in the Context of Threats that Endangers the National Economy or

Financial System Stability (Susanto, Indriati, Arsyah, Mulyani, Athilla, Al Faruq & Aldebarant, 2020).

The new central government issued 3 legal instruments above on March 31, 2020. The legal instruments aim to break the chain of transmission of COVID-19 even though the performance of the state especially the juvenile justice system will be hampered. If conclusions are drawn, this is even a good policy for children who are dealing with the law so that the settlement of the case can be done at home so that children do not need to arrive at the criminal justice system.

Before establishing a large-scale social restriction policy, President Joko Widodo, in a limited meeting with the Task Force for the Acceleration of Covid-19 Handling on March 30, 2020, had the chance to spark a discourse on the application of civil emergency based on Statute No. 23 of 1959 Dangerous Conditions (Ihsannudin, 2020). The discourse then caused controversy because the Statute to be used was judged to be incompatible with the current conditions. Pepper No. 23 of 1959 concerning Dangerous Conditions was published in the era of President Soekarno administration, in which this Statute approach was more towards "controlling" citizens under the pretext of realizing the interests of security and public order because at that time there was a revolution, disintegration until the problem threatened the existence of the country. The discourse was finally canceled.

There is legal uncertainty about the legal instruments that will be issued. At the beginning of March,

the issue arose regarding territorial emergencies. *Oce Madril* in the "Perception" Discussion Program said that the government "stuttered" in issuing a strategic policy in handling COVID-19 cases (Susanto, Indriati, Arsyah, Mulyani, Athilla, Al Faruq & Aldebarant, 2020). This is proven by the fact that the Government did not immediately implement the existing regulations, namely the Health Quarantine Law issued in 2018. The government instead made the public busy with the issue of discourse using Statute No. 5 of 1989 which will be discussed more deeply in other segments of this Study. The scope regulated by PP a quo is not useful in the long run. In the same article Fitriani also explained that the scope stipulated in the PP a quo only regulates PPSB during COVID-19 natural disasters, not natural disasters in the form of epidemics in the implementation of PPSB in general. Even though there are a lot of potential emergence of outbreaks of natural disasters that vary but are not regulated in the laws and regulations handling (Sjarif, 2020).

Related to the authority that the Minister of Health has to establish the PSBB the authority is an active authority, which is not based on the request. So that the application of PSBB should not need to be based on a request from the local government, but the Minister of Health can actively implement the PSBB directly without waiting for the submission of the request from the regional government. In the application of the juvenile criminal justice system amid large-scale social restrictions, it is very impossible to do a criminal

justice system in litigation, because it will certainly violate the regulations that publish the entire community so as not to get out and limit themselves so that the Diversion process can be done in their respective homes. This certainly brings a good change because children's cases do not need to be resolved in the justice system process but can be done with Diversion efforts through bringing the two parties together directly or with assistance in the form of connecting on the internet network.

The role of supervision is that parents are one way to protect children from the effects of behavior. Related to the supervision of children who are dealing with the law, this role is related to the dimensions of understanding and acceptance not to judge, and involves the full attention of various attributes and expectations that are better for children (Kurniati, Alfaeni & Andriani, 2020). According to Sardiman, the parents' motivation for children is a series of efforts in creating certain conditions for recovery due to the delinquency of children who can provide touches so that children can do something better (Harahap, 2018). Parents need to read the situation experienced by the child and show responsiveness to the situation in the achievement of the child's case to be better (Mayasari, 2018).

CONCLUSION

Restorative justice is a way of law enforcement to achieve substantive justice. To achieve restorative justice in the case of children carried out jointly with the parties namely the child's parents. But it can also

involve law enforcement officials. Of course, the involvement of law enforcement officials does not relinquish the rights of children stipulated in the SPPA Law so that the interests of children remain a priority in legal considerations because it involves the child's future.

The settlement of children cases can be done by litigation and non-litigation. In the SPPA Law, it is regulated that in juvenile justice cases there is another effort to achieve restorative justice. Diversion is one way of resolving cases of children outside the juvenile criminal justice. Diversion is carried out outside the litigation path or out due process of law by involving the child's parents and by considering the rights of the child and the interests of both parties.

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