

Legal Protection of Children as Persons of Criminal Abuse in the Investigation Process at Polres Aceh Tenggara

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Abstract

Children as perpetrators of crimes will also experience a legal process that is identical to adults who commit crimes, the meaning of the word identical here means "almost the same", which differs only in the length and way of handling it. Facing and handling the juvenile justice process involved in a crime, the first thing that should not be forgotten is to look at his position as a child with all of his special characteristics and characteristics, thus the orientation is based on the concept of protection of children in the process of handling them so that things this will be based on the concept of child welfare and the interests of the child. Handling children in the legal process requires an approach, service, treatment. The Southeast Aceh Resort Police as the leading institution in law enforcement has a sizable responsibility to harmonize the duties and authorities of the Police, especially in Southeast Aceh District as stipulated in Law Number 2 of 2002 concerning the Indonesian National Police, in dealing with children in conflict By law, the police always have to pay attention to the condition of children who are different from adults. The 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 how to prevent children from a formal criminal justice system, placing children in prison, and stigmatization of position of the child as a convict. The investigation process is an initial stage where a child is confronted with the police. Irregularities that usually often occur in the process of investigating child crimes in the form of abuse, beatings and other bad treatment certainly experience obstacles so that efforts are needed to achieve the goal of protecting children who are in conflict with the law, especially perpetrator of the crime of torture.

Keywords

Children; legal protection; crime of persecution; investigation



I. Introduction

Childhood is a special time, life experience when childhood affects someone in living life in the future. The success or failure of a person in the future is often influenced by his childhood life. Therefore, the problem of children becomes a serious matter for the Government to think about, because children are the next generation for the ideals of the nation and are human resources as an important factor in the implementation of development in the future.

There is a saying that children see children do. Children will do what they see. Children are great imitators. They will imitate what adults do. Therefore parents will influence the character of a child. Parents are the ones who will shape the character of a child, whether to be good or vice versa. As imitators, it is not uncommon for children to have deviant behavior and even do not rule out the possibility of committing a crime.

Protection of children that is juridical in nature or can be called legal protection of children, is in the 1945 Constitution Article 34 which stipulates that the State provides protection to the poor and neglected children. It is further clarified in Law Number 4 of 1979 concerning Child Welfare which stipulates that welfare is a system of life and livelihood for children that can guarantee their growth and development in a proper manner, both spiritually, physically and socially.

Behavior that violates this norm can not only be seen in adult society, but children are also not immune from deviant behavior and often break the law. There are many factors why children commit criminal acts so that they break the law, not even a few minors are in prison.

The criteria for a naughty child as mentioned by Emiliana Krisnawati are:

- 1) commit a criminal act;
- 2) unmanageable and disobedient to parents/guardians/caregivers;
- 3) often leaves the house without permission/knowledge of parents/guardians/caregivers;
- 4) associating with criminals/immoral people, while the children know that;
- 5) frequent visits to places prohibited for children;
- 6) often uses dirty words, and
- 7) commit acts that have unfavorable consequences for the personal, social, spiritual and physical development of the child.

Delinquency committed by children can lead to criminal acts or crimes, so that these actions cannot be tolerated anymore. Children who commit crimes must deal with law enforcement to be held accountable for their actions. These crimes include: fighting, stealing, carrying sharp weapons, assault, driving recklessly and other criminal acts.

The investigation process is an initial stage where a child is confronted with the police. Irregularities that usually occur in the process of investigating juvenile crimes in the form of abuse, beatings and other ill-treatment as well as being placed in the same cell in detention with adult suspects.

Criminal statistical data from the Southeast Aceh Police, there has been an increase in cases of children as criminal acts, especially in cases of physical violence. In 2019 there were 20 reports that came to the Southeast Aceh Police, then in 2020 it increased to 35 reports that came to the Southeast Aceh Police, therefore, on the basis of this situation the author is interested in further explaining children in conflict with the law, specifically as the perpetrators of the crime of persecution in writing regarding "LEGAL PROTECTION OF CHILDREN AS PERSONS OF CRIMINAL ACTS OF ABUSE IN THE INVESTIGATION PROCESS at the Southeast Aceh Resort Police".

II. Research Method

The type of legal research used is normative juridical with an empirical approach. Normative juridical research is a study that places norms as research objects, both legal norms in laws and regulations, legal norms originating from a law. Normative legal research is known as qualitative legal research. And then to see what obstacles are faced by investigators in carrying out legal protection for children who are in conflict with the law, the approach is carried out empirically, namely by looking at the reality of the application or implementation of normative legal provisions in every particular legal event that occurs in society. In this case the author will go into the field and conduct unstructured interviews with competent informants regarding the problems in this research.

The source of the legal material used in this study comes from secondary data. Secondary data in question includes among others primary legal materials, secondary legal materials, and tertiary legal materials in the form of basic norms, legislation, results of scientific research, books, and so on. Secondary data in the field of law is viewed from the point of view of its binding strength.

The data collection technique needed as material for analysis used the interview technique, namely a direct question and answer technique carried out to obtain information to complement the data. The interview is also a form of direct questioning and answering between the researcher and the subject/respondent being studied so that the question and answer process obtains complete and correct information so that it is useful and supports the research. And document study is by collecting data and materials whose content is closely related to this research. Documentation is also a data collection technique by using important notes and documents in the field that are not directly aimed at the research subject.

Data analysis in this study is that the data obtained through this research is presented descriptively, namely by describing, explaining and describing according to the problems that are closely related to this research. The data analysis method used is a qualitative method, data analysis is carried out qualitatively, comprehensively and completely. Data analysis means describing data qualitatively in orderly, coherent, logical, non-overlapping and effective sentences so as to facilitate data interpretation and understanding of analysis results. Comprehensive means in-depth data analysis from various aspects according to the scope of research. complete meaning that there are no forgotten parts, everything has been included in the analysis.

III. Discussion

3.1 Legal protection arrangements for children who commit criminal acts of abuse in positive law in Indonesia

a. Definition and Scope of Legal Protection

The term legal protection in English is known as legal protection, while in Dutch it is known as Rechts bescherming. The word protection according to the Big Indonesian Dictionary is defined as "a place of refuge, things (actions and so on) that protect". While the legal term according to Soedikno Mertokusumo is the whole regulation regarding behavior that applies in a common life, which can be enforced with a sanction.

The law that is present in the midst of people's lives is to integrate and coordinate various interests that may collide with one another. According to Satjipto, the way to coordinate these various interests is through limiting and protecting these interests. Some of the definitions of legal protection that the author summarizes can be seen from the opinions below.

Harjono gives the understanding that:

"Legal protection as protection by using legal means or protection provided by law and then aimed at protecting certain interests, namely by making the interests that need to be protected into a legal right."

Legal protection is closely related to a person's right to be under legal protection and the right to feel safe. This has been stated in Article 28 letter g of the 1945 Constitution of the Republic of Indonesia which reads:

1. Everyone has the right to protection for himself/herself, family, honor, society, dignity, and property under his control, and has the right to feel safe and protected from threats of fear to do or not do something which is a human right.
2. Everyone has the right to be free from torture or treatment that degrades human dignity and has the right to obtain political asylum from another country

Article 28 letter G of the 1945 Constitution of the Republic of Indonesia means that every citizen has the right to protection from the State for himself, his family, honor and dignity and the property he has under his control. Everyone has the right to feel safe and protected from threats to act or act that is not in accordance with human rights.

Citizens also have the right to be spared and free from acts of torture and treatment that can degrade human dignity and also to protect its citizens. every citizen also has the right to obtain political votes from other countries.

Protection for guarantees of security is also regulated in article 35 of Law Number 39 of 1999 concerning Human Rights which reads:

"Every person has the right to live in a peaceful, safe and secure society and state order, which respects, protects and fully implements human rights and basic human obligations as stipulated in this law".

Article 35 of Law Number 39 of 1999 Concerning Human Rights means that everyone has human rights which are inherent from birth and cannot be revoked even by the State, so that everyone has the right to live in a society and a state that is peace, security and peace that respects and protects and fully implements human rights as stated in Article 35 of Law Number 39 of 1999 concerning Human Rights.

Based on this description, legal protection is an action or effort to protect the community against the dignity and worth that is owned by every legal subject from arbitrary actions by authorities against certain interests that are not in accordance with the rule of law. Legal protection can be used in an effort to protect the public interest from arbitrary action which is the goal of the law which can be realized in the form of legal certainty

According to Muchsin, legal protection is something that protects legal subjects through applicable laws and regulations and is enforced by a sanction. Legal protection can be divided into two, namely:

- a. Preventive Legal Protection, is a protection provided by the government with the aim of preventing violations before they occur. This is contained in laws and regulations with the aim of preventing a violation and providing signs or limitations in carrying out an obligation.
- b. Repressive Legal Protection, is a repressive legal protection which is the final protection in the form of sanctions such as fines, imprisonment, and additional penalties given if there has been a dispute or a violation has been committed.

Satjipto Raharjo argued that legal protection is to provide protection for human rights (HAM) that are harmed by other people and that protection is given to the community so that they can enjoy all the rights granted by law. Because according to him, the nature as well as the purpose of law is to provide protection (protection) to the community, which must be realized in the form of legal certainty. Legal protection is an action for those who are preventive and repressive.

Based on the description and opinions of the experts above, it can be concluded that legal protection is an act to protect everyone from acts that violate the law, or violate the rights of others, which are carried out by the government through its law enforcement

apparatus by using certain methods based on laws or statutory regulations. - laws that apply as an effort to fulfill the rights of every citizen, including for arbitrary acts committed by authorities (law enforcement officials themselves).

b. Understanding and Setting Limits on Children in Legislation in Indonesia

Children are a gift, a blessing from the almighty. Children who are in conflict with the law are children who are victims of criminal acts, and children who are witnesses to criminal acts. In this case when a child is in conflict with the law, whether when he becomes a suspect or a victim, the child has the right to receive legal protection. , and/or economic losses caused by criminal acts.

A person's age is one of the benchmarks in legal studies to determine the qualifications of accountability for the actions he has committed. In general, the understanding of children has varied developments. In the General Indonesian Dictionary it is stated that the definition of a child is as a human being who is still small. In other sources it is explained that children are normal human beings who are still young and are determining their identity and are very unstable mentally, so they are very easily influenced by their environment. Meanwhile, according to Romli Atmasasmita, a child is someone who is underage and immature, and who is not yet married.

Ter Haar argues that when a person becomes an adult is when he (man or woman) as a married person leaves the house of his father's mother or father-in-law to have another house as a young man who is a family that stands alone. Furthermore, Soedjono Dirjosisworo stated that according to customary law, minors are those who have not determined concrete physical signs that they are adults.

The opinion of Ter Haar and Soedjono Dirjosisworo turns out that, according to Indonesian customary law, there is no definite age limit, up to what age a person is still considered a child or up to what age a person is considered immature.

The age limit for children in terms of law in Indonesia is as follows:

1. Article 1 paragraph (6) of Law Number 1 of 1985 (LN of 1985 No. 2), concerning Elections; jo. Article 13 of Law Number 12 of 2003 (LN of 2003 No. 37), regarding the election of members of the DPR, DPD and DPRD, an adult of the right to vote is someone who has reached the age of 17 (seventeen) years;
2. Article 6 letter (q), Article 7 Law Number 23 of 2003 (LN of 2003 No. 93), regarding the election of the President and vice president, the age limit for children entitled to vote is 17 (seventeen) years old, the right to be elected as president / the vice president is at least 35 (thirty five) years old;
3. According to the provisions of Article 330 of the Civil Code, the definition of a child or an immature person is someone who has not reached the age of 21 (twenty one) years and has not married before. If a person who has not reached the age of 21 (twenty one) years has been married, and the marriage is dissolved before the age of 21 (twenty one) years, then he will not return to the status of a minor. A person who is not yet an adult and is not under guardianship on the basis of and in the manner stipulated in the third, fourth, fifth and sixth chapters before coming of age and guardianship;
4. Law Number 1 of 1974 concerning marriage, in this law does not directly regulate the issue of the size of when a person is classified as a child, but it is implicitly stated in Article 6 paragraph 2 which contains conditions for marriage for a person who has not reached the age of 21 years must receive permission from parents. In Article 7 paragraph 1 contains the minimum age limit to be able to marry, for men is 19 years, for women 16 years;

5. Article 1 Paragraph (1) Law Number 4 of 1979 Concerning Child Welfare, provides the understanding that a child is someone who has not reached the age of 21 (twenty one) years and has never been married;
6. Article 1 point 1 Law of the Republic of Indonesia No. 11 of 2002 concerning Juvenile Criminal Justice, what is meant by a child, is a person who in a delinquent child case has reached the age of 12 (twelve) years, but has not yet reached 18 (eighteen) years who is suspected of committing a crime;
7. Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection, what is meant by a child is: a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb;
8. Article 19 of Law Number 15 of 2003, concerning Criminal Acts of Terrorism, a child is someone who is not yet 18 (eighteen) years old;
9. Article 1 paragraph (5) Law Number 39 of 1999 (LN of 1999 No. 165), concerning Human Rights, the age limit for a person to be said to be a child is 18 (eighteen) years;
10. Article 150 of the 2023 Criminal Code states that a child is someone who is not yet 18 years old.
11. Article 110 paragraphs (1 and 2) of the new Criminal Code Bill (2004), are children under 12 (twelve) years old, cannot be convicted, those who can be sentenced to a crime/action are those aged 12-18 years
12. According to Law Number 11 of 2012:
 1. Children in conflict with the law.
Article 1 point 3, "A child in conflict with the law, hereinafter referred to as a child, is one who is 12 (twelve) years old but not yet 18 (eighteen) years old who is suspected of committing a crime." What is meant by a child in conflict with the law is a child who is 12 (twelve) years old but not yet 18 (eighteen) years old who commits a crime or becomes a suspect in a particular case.
 2. Victimized Children.
Article 1 number 4, "Children who are victims of criminal acts, hereinafter referred to as child victims, are children who are not yet 18 (eighteen) years old who experience physical, mental suffering and/or economic losses caused by criminal acts". a child who becomes a victim is a child under the age of 18 (eighteen) years who becomes a victim in a crime. An example is a child who is a victim of abuse.
 3. Children who Become Witnesses.
Article 1 point 5, "A child who is a witness to a crime, hereinafter referred to as a Child Witness, is a child who is not yet 18 (eighteen) years old who can provide information for the purposes of investigation, prosecution and examination of a court hearing regarding a criminal case that is heard, seen, and/or experienced it himself." What is meant by a child who becomes a witness is a child who is not yet 18 (eighteen) years old but the child sees it himself or the child is at the TKP (Case Incident Place) which causes the child to become a witness in a crime.

c. Arrangements for the Crime of Persecution

The definition of persecution based on the Big Indonesian Dictionary is an arbitrary treatment. The Criminal Code does not explain the meaning of persecution, but in general the word persecution refers to crimes against the body. In terms of grammar, persecution is an adjective that comes from the root word "persecution" which gets the prefix "pe" and the ending "an" while the persecution itself comes from a noun derived from the word persecution which shows the subject or perpetrator of the abuse. .

The criminal act of persecution in the Criminal Code is included in the category of crime because it is regulated in the second book on crime. R. Soesilo in his book entitled *The Book of the Criminal Code (KUHP) and the Comments Completely Article by Article*, says that: "The law does not give what is meant by "persecution".

Jurisprudence, then what is meant by "persecution" is intentionally causing bad feelings (suffering), pain, or injury. According to paragraph 4 of this article, also included in the definition of persecution is "deliberately damaging people's health.

Criminal acts of maltreatment can occur intentionally and sometimes due to mistakes. Intentional maltreatment indicates intentional abuse by the perpetrator with an attitude of hostility. There are six types of criminal acts of persecution regulated in the current Criminal Code, namely:

1. Ordinary abuse

Ordinary maltreatment is contained in Article 351 of the Criminal Code, namely in essence all maltreatment that is not serious maltreatment and not light maltreatment. In ordinary persecution divided into several types, namely:

- a. Ordinary maltreatment which cannot cause serious injury or death and is punishable by imprisonment for 2 years and 8 months or a fine of four thousand five hundred rupiahs.
- b. Persecution resulting in serious injury and is punishable by a maximum imprisonment of five years.
- c. Persecution resulted in death and is punishable by imprisonment and a maximum of 7 years.
- d. Persecution in the form of intentional damage to health.

2. Mild abuse

Mild maltreatment is regulated in Article 352 of the Criminal Code, minor maltreatment in the form of not premeditated maltreatment, not maltreatment committed against the mother/father/children/wife, employees on duty, inserting substances that are dangerous to life, and does not cause illness or obstacles to carrying out work and livelihood .

Light maltreatment carries a maximum sentence of three months in prison or a fine of three hundred rupiahs if it is not included in the formulation of Articles 353 and 356 of the Criminal Code, and does not cause illness or an obstacle to carrying out work.

3. Planned persecution

There are three types of premeditated maltreatment as stated in Article 353 of the Criminal Code, namely premeditated maltreatment which does not result in serious injury or death and is punishable by a maximum of 4 years in prison, then premeditated maltreatment which results in serious injury and is sentenced to a maximum of 4 years in prison, and premeditated maltreatment resulting in death punishable by imprisonment for up to 9 years.

A person who commits persecution plans to do so with a calm will and a calm mood.

4. Severe persecution

Serious maltreatment is regulated in Article 354 of the Criminal Code, namely anyone who intentionally seriously injures another person, is threatened with committing serious maltreatment with a maximum imprisonment of 8 years.

If the said act results in death, the offender is punished with imprisonment for a maximum of 10 years. The act of serious maltreatment was committed intentionally by the person who committed it.

5. Planned severe persecution

Aggressive maltreatment is contained in a combination of Article 354 paragraph 1 of the Criminal Code concerning serious maltreatment and Article 353 paragraph 2 of the Criminal Code concerning premeditated maltreatment. In this crime must fulfill the elements of serious persecution and premeditated persecution.

6. Persecution of people

This punishment is determined in Articles 351, 353, 354 and 355 and can be added by one third:

- a. For those who committed the crime to their mother, legal father or wife or child.
- b. If the crime was committed against an official during or because of carrying out his legal duties. If the crime was committed by giving substances that are harmful to life or health to eat or drink.

The new Criminal Code (UU No 1 of 2023), the crime of persecution is regulated in Articles 466 to 471.

Article 466

- (1) Everyone who commits maltreatment, shall be punished with imprisonment for a maximum of 2 (two) years and 6 (six) months or a maximum fine of category III.
- (2) If the act as referred to in paragraph (1) results in Serious Injury, the penalty shall be imprisonment for a maximum of 5 (five) years.
- (3) If the act as referred to in paragraph (1) results in the death of a person, the penalty shall be imprisonment for a maximum of 7 (seven) years.
- (4) Included in the abuse referred to in paragraph (1) is an act that damages health. (5) Attempt to commit a crime as referred to in paragraph (1) shall not be punished.

Article 467

- (1) Everyone who commits maltreatment with premeditation, shall be punished with imprisonment for a maximum of 4 (four) years.
- (2) If the act as referred to in paragraph (1) results in Serious Injury, the penalty shall be imprisonment for a maximum of 7 (seven) years.
- (3) If the act referred to in paragraph (1) results in the death of a person, the penalty is imprisonment for a maximum of 9 (nine) years.

3.1 Implementation of the Protection and Fulfillment of the Rights of Children as Persons of Criminal Acts of Abuse in the Investigation Process at Polres Aceh Tenggara

a. Definition and scope of Investigation

Investigation was used as a legal term in 1961, namely since it was published in the main police law no. 13 of 1961. Previously, the term investigation was used which was a translation from the Dutch language, namely *opsporin*.

Article 1 point 2 (The Criminal Procedure Code) of the Criminal Procedure Code describes that:

"Investigation is a series of investigative actions in terms of and according to the manner stipulated in the law, seeking and collecting evidence with that evidence to make it clear about the crime that occurred and to find the suspect." Talking about investigation is nothing but discussing the problem of

investigating crimes or violations. the British commonly call it the term "criminal investigation"

The purpose of the investigation is to identify who has committed the crime and to provide evidence regarding the matters he has committed. To achieve this purpose, the investigator will collect information based on facts or certain events. Investigations regulated by law, this can be carried out after it is known that an event has occurred where a crime has occurred where in Article 1 point 2 of the Criminal Procedure Code it reads that an investigation is a series of investigative actions to collect evidence which with that evidence makes clear the crime that occurred in order to find the suspect. The investigation begins after the crime has occurred.

From the above definitions, investigation is a series of actions carried out by investigators in accordance with the procedures stipulated in the law to seek and collect evidence, and with evidence to make clear the crime that occurred and at the same time find the suspect or perpetrator of the crime. The investigative action is focused on the act of searching for and finding an event that is considered or suspected of being a crime. As for the investigation, the emphasis is on the act of seeking and collecting evidence so that the crimes found can become clear and find and determine the perpetrators.

b. Children's Rights in Indonesian Legislation

The definition of rights according to Bernhard Windscheid, rights are a will that is equipped with provisions (macht) and which is given by a legal order or legal system to the person concerned. Van Apeldoorn, right is a force (macht) regulated by law. Meanwhile, according to Lamaire, rights are a permit for those concerned to do something. Leon Duguit, said that rights are replaced with social functions that not all humans have rights, otherwise not all humans carry out certain social functions (obligations).

The definition of right is the power granted by law to a person (or legal entity) because of a legal relationship with another person (another legal entity). Children's rights are one of the most important things that should not be forgotten, because they are a form of approach to protecting children from legal problems. The rights of the child have the same position as other human beings or other legal subjects. Children's rights are a will that is owned by a child which is equipped with power (macht) given by the legal system / legal order to the child concerned.

The definition of rights above is an introduction to understanding or putting the meaning of actual rights. According to law, the meaning of rights is permission or power given by law to someone to do something. Rights can be divided into 2 (two) forms, namely:

1. Absolute right

Rights that are given directly to someone to perform an act and which can be maintained and must be respected by anyone. Absolute rights are divided into 3 (three) groups, namely human rights, absolute public rights, and civil rights;

2. Relative rights (relative rights)

The right given to a certain person or group to demand that another person or group give something, do something and/or not do something.

Everyone has their own interests that are different from one human to another. For this reason, legal rules are needed to manage those interests. Legal provisions concerning the interests of children are called child protection laws. Child protection laws are laws that guarantee the protection of children's rights and obligations. Bismar Siregar said aspects of child protection are more focused on children's rights regulated by law rather

than obligations, bearing in mind that legally children have not been burdened with obligations.

3. Fulfilling the Rights of Children Perpetrators of Abuse Crimes at the Southeast Aceh Police

The National Police of the Republic of Indonesia as referred to in Law Number 2 of 2002 concerning the State Police of the Republic of Indonesia in Article 4 aims to guarantee order and upholding of the law and fostering public tranquility in order to realize security and public order in the framework of maintaining domestic security, the implementation of the defense and security function country, and achieving national goals by upholding human rights.

The function of the police is one of the functions of the state government in the field of law enforcement, protection and community service as well as community guidance in the framework of ensuring order and upholding of the law in Law Number 2 of 2002 concerning the Indonesian National Police in Article 4 aims to guarantee order and upholding of law and fostering public peace in order to realize security and public order in the context of maintaining domestic security, carrying out the function of state defense and security, and achieving national goals by upholding human rights.

The process of settling criminal acts is related to the criminal justice system which is a way to enforce criminal law. According to Aipda Imam Syafi'i, Head of the Southeast Aceh Police PPA Unit:

"The process of law enforcement against criminal acts begins with investigations, investigations, prosecutions, trials and ultimately the fall of the judge's verdict and the execution of the decision. The legality of this process is regulated in the Criminal Procedure Code (KUHAP) although there are several exceptions listed in the Criminal Procedure Code. One of the exceptions provided by the Criminal Procedure Code is the settlement of minor criminal cases which use a quick examination procedure.

Furthermore he said:

"The police are the main or first gate of the juvenile justice system and are the first party with the authority to determine the position of a child who is in trouble with the law."

The Law on the Juvenile Criminal Justice System recognizes the existence of Child Investigators, who have the authority to conduct investigations. Child investigators are appointed by the National Police Chief with a Special Decree for this purpose.

"Based on the discretionary attitude of the investigator, that if a child is 17 years old and commits a crime then it is considered to be a child, then the investigation process is carried out based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System."

IV. Conclusion

Based on the results of the research and discussion in this thesis, several conclusions can be drawn as follows:

1. Arrangements for legal protection for children who are perpetrators of criminal acts of abuse in positive law in Indonesia are strictly regulated in Law Number 23 of 2002 concerning Child Protection which regulates children's rights Article 16, Article 17 and Article 18 which are then set forth in Law Number 11 of 2012 concerning the Juvenile

- Criminal Justice System by prioritizing the Restorative Justice approach through a diversion approach as also stated in the 2023 Criminal Code Article 112.
2. Implementation of the protection and fulfillment of children's rights as perpetrators of criminal acts of abuse in the investigation process at the Southeast Aceh Police that child offenders have been granted rights such as the suspect's right to obtain legal assistance. And assistance by the Correctional Center (BAPAS) which has the task and function of carrying out assistance to children who are in conflict with the law from the time they are in the investigation process to the implementation of the Judge's decision, related to the right to obtain legal assistance, the child suspect has obtained his rights, namely the right to informed that he has the right to receive legal assistance during the examination process, while whether this right will be used or not depends entirely on the suspect. Then the investigator also took information from the suspect, the child did not use uniform and only wore polite ordinary clothes.
 3. Obstacles and efforts to protect children as perpetrators of criminal acts of abuse at the Southeast Aceh Police are only in terms of the provision of rooms and facilities, transportation, investigators, and post-mortem examinations, where the PPA Unit of the Southeast Aceh Police only has 1 (one) room dI don't have a special room for children yet. The facilities (computers) used to conduct examinations of complainants, victims and other witnesses as well as suspects are not inventory from the service but are self-help. The PPA Unit of the Southeast Aceh Police in carrying out child case handling activities with a ball pick-up system which always uses transportation facilities is also an obstacle for the PPA unit not having these facilities.

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