

LEGAL PROTECTION OF CHILDREN INVOLVED IN CASES OF FIGHTS BETWEEN STUDENTS BASED ON A CRIMINOLOGICAL PERSPECTIVE**PERLINDUNGAN HUKUM TERHADAP ANAK YANG TERLIBAT DALAM KASUS PERKELAHIAN ANTAR PELAJAR BERDASARKAN PERSPEKTIF KRIMINOLOGI****I Wayan Landrawan*, Ni Ketut Sari Adnyani, Dewa Ayu Eka Agustini**

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Abstract: This study aims to analyze the basic principles in the juvenile justice system in Indonesia as well as legal protection for children involved in cases of fights between students. This study uses normative legal research methods with conceptual, legal, and case approaches. The juvenile justice system in Indonesia is based on the principle of *parens patriae* based on the provisions of Article 6 paragraph (2) of Law Number 4 of 1979 which states that children found guilty of violating the law must be provided with services and care. Legal protection for children involved in cases of fights between students can be categorized into two, namely preventive and repressive legal protection. Preventive legal protection can be done in two ways, namely by conducting socialization and raids to prevent fights between students. Repressive legal protection can be done in three ways, namely by carrying out restorative justice, punishment based on a judge's decision, or rehabilitation.

Abstrak: kajian ini bertujuan untuk menganalisis prinsip dasar dalam sistem peradilan anak di Indonesia serta perlindungan hukum terhadap anak yang terlibat dalam kasus perkelahian antar pelajar. Kajian ini menggunakan metode penelitian hukum normatif dengan pendekatan konseptual, hukum, dan kasus. Sistem peradilan anak di Indonesia didasarkan pada asas *parens patriae* dengan berpedoman pada ketentuan Pasal 6 ayat (2) Undang-Undang Nomor 4 Tahun 1979 yang menyatakan bahwa anak yang dinyatakan bersalah karena melakukan pelanggaran hukum harus diberikan pelayanan dan pengasuhan. Perlindungan hukum terhadap anak yang terlibat dalam kasus perkelahian antar pelajar dapat dikategorikan menjadi dua yaitu perlindungan hukum preventif dan represif. Perlindungan hukum preventif dapat dilakukan melalui dua cara yaitu dengan melakukan sosialisasi dan razia untuk mencegah terjadinya perkelahian antar pelajar. Perlindungan hukum represif dapat dilakukan melalui tiga cara yaitu dengan melakukan *restorative justice*, hukuman berdasarkan keputusan hakim, atau rehabilitasi.

INTRODUCTION

Legal protection for children is contained in the 1989 Convention on the Rights of the Child which was ratified by Indonesia through Presidential Decree Number 36 of 1990. This Presidential Decree is a follow-up to the Convention on the Rights of the Child which the government has been effective since the issuance of presidential

decree (Sumiarni, 2019). The ratification of this convention is because local arrangements are not sufficient for children's issues, so they must participate in signing the convention on children's rights, as well as legal dynamics that are not static making Indonesia participate and issue Presidential Decree Number 36 of 1990. The ratification of an international legal

agreement made by Indonesia is embodied in a law or presidential decree. The ratification of the most important international agreements is regulated by making laws, while ratification of less important international agreements is done by making a presidential decree.

The government in 2002 issued Law Number 23 of 2002 concerning Child Protection. The provisions of this child protection act adopted the contents of children's rights contained in the Convention on the Rights of the Child. The affirmation of child protection which contains the principles in the Convention on the Rights of the Child is contained in Article 2 of Law Number 23 of 2002. The affirmation of child protection which contains the principles in the Convention on the Rights of the Child is also contained in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Legal protection is not only related to the welfare of children who face the law, but also relates to the position of children as perpetrators, victims, and witnesses. The Supreme Court responded to this by signing Supreme Court Regulation Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System.

Law Number 11 of 2012 came into effect on July 30, 2014 and when this law came into force, Law Number 3 of 1997 was no longer valid. Lawmakers have taken a firm stance on the age of a person who is designated as a minor, so they are entitled to leeway to apply special treatment for the psychological interests of children (Soetodjo, 2018). Article 66 paragraph (1) of Law Number 39 of 1999 concerning Human Rights is also emphasized, namely every child has the right not to be mistreated, tortured, or punished inhumanely. It means that juvenile imprisonment can only be carried out as a last resort and that every child who is deprived of his liberty has the right to be treated humanely and with due regard to his personal development needs according to his age and must be separated from adults, except for his own interests (Nurunnisa, 2021). The Law Number 11 of 2012 regulates a wider range of criminal sanctions compared to the Law Number 35 of 2014.

Juvenile delinquency that is rife in Indonesia can be categorized as a crime. Data from Komnas Anak shows that the number of student brawls that occurred in Indonesia in the first six months of 2012 reached 139 brawls and 12 of which resulted in death, whereas in 2011 there were 339 cases of brawls which caused 82 children to die (Priliawito & Ruqoyah, 2012). All of these crimes are punishable by imprisonment for a maximum of 15 years. Other violent crimes that often occur are the existence of motorcycle gangs, street racing, beatings, and gambling in the form of betting.

Criminology is the body of knowledge regarding delinquency and crime as social phenomenon. It includes within its scope the process of making law, the breaking of laws, and reacting to word the breaking of law (Utari, 2012; Sutherland, Cressey, & Luckenbill, 1974). Criminology deals with three things, namely: (a) the basic concept of crime includes the categories of parties who commit and their causative factors, (b) violations of the law include the identity of the party who commits, the reasons for the violation of the law, and the influencing factors, and (c) reactions to violations of the law through the criminal justice process and community reactions (Mulyadi, 2014). The legal person cannot avoid legal capacity especially criminal law. The reason for the imprisonment of children, especially in the juvenile justice system, is based on the criminal capacity of the justice system as a whole.

Based on the above phenomenon, legal problems arise namely: (a) there is a tendency for judges to impose prison sentences because the juvenile criminal law policy stipulated in laws and regulations still applies prison sentences, (b) there is a tendency for crimes committed by children to grow rapidly and match adult crimes, even if they are very serious crimes, (c) the tendency of imposing prison sentences is due to the fact that there are not many choices of types of punishment that can be chosen by judges in deciding cases of juvenile offenses. This shows that further studies need to be carried out on legal protection in the criminal justice system against crimes committed by children. Therefore, this study discusses several issues, including basic principles in the juvenile justice system in Indonesia and legal protection

provided to children involved in brawl cases between students.

METHODS

The legal research used is the normative legal research method. The normative legal research method is legal research from an internal point of view with the research object being legal norms (Adnyani, 2021). The approaches used in this study are conceptual, legal, and case approaches. The conceptual approach is carried out by examining the views and doctrines that develop in criminal law. The legal approach is carried out by examining the substance of the sanctions system for children regulated in the juvenile justice law. The case approach is carried out by examining cases that have been decided by the court and have permanent legal force. The study of the system of sanctions against children and their implementation as an effort to protect the law against children that will be carried out includes a study of the nature of justice and punishment of children, a review of existing legal provisions or positive law. This study reviews the application of the sanctions system regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, specifically comparing the application of criminal sanctions with sanctions for actions carried out by judges at the Makassar District Court. Data analysis is carried out in a qualitative descriptive manner to obtain conclusions as the final result of the research conducted

RESULTS AND DISCUSSION

Basic Principles in the Juvenile Justice System in Indonesia

Children as buds, potential, and the young generation who will continue the ideals of the nation's struggle have a special strategic role, character, and characteristics so they must be protected from all forms of inhumane treatment which results in violations of human rights. Therefore, efforts to protect children's rights are human rights, where every child has the right to survival, growth and development, and has the right to protection from violence and discrimination as mandated in the 1945 Constitution of the Republic of Indonesia. Criminal justice process cannot be separated from the essence of the objectives or foundations of juvenile justice. This shows that with this

purpose and rationale, the nature and form of legal protection that should be given to children is then determined. The aims and rationale of juvenile justice clearly cannot be separated from the main aim of realizing children's welfare which is basically part of social welfare. The interests of children must not be sacrificed for the interests of society (Marzuki, 2017). This does not mean that the interests or welfare of children are below the interests of society, but it must be seen that prioritizing the welfare or interests of children is essentially the beginning of efforts to realize social welfare.

Juvenile justice prioritizes the welfare of children in addition to the welfare of the community, so that all activities carried out in the framework of juvenile justice whether carried out by police, prosecutors, judges, or other officials must be based on one principle, namely for the welfare of children. The judge in giving the sentence or action must be based on criteria that are best for the welfare of the child concerned (Muladi & Arief, 2012). Efforts to protect children in the criminal justice process materialized for the first time with the establishment of a juvenile court in Illinois, United States of America in 1899. Juvenile justice law is based on the principle of *parens patriae* which means that officials must act when a child is in need, in this case by providing help not punishment (Sudarto, 2016). This principle can be found in England because the king had the prerogative to act as *parens patriae* to protect people in need of help, including children.

Legal protection of children is regulated in UN Resolution Number 44/25 which later gained legal force in Indonesia through Presidential Decree Number 36 of 1990 and UN Minimum Standard Regulations for the Implementation of Juvenile Justice or UN Resolution 40/33. This regulation states that children as the next generation of the nation have rights that must be protected, both children in general and children who have social behavior problems (Prema, Ruba'i, & Aprilianda, 2019). The state through its apparatus acts as a substitute for parents if the parents or guardians for one reason or another cannot act as parents who are responsible for their children. The handling of troubled children, in terms of their social behavior is included in the field of criminal law, which is carried out through the administration of criminal justice

is directed at adhering to the principle that the administration of criminal justice is an integral part of child welfare efforts (Sudarto, 2016). Juvenile justice as an integral part of child welfare efforts must be able to guarantee that any reactions to perpetrators of delinquency or crime are always treated proportionally according to the environmental situation of the perpetrators and their actions.

The goals and rationale for prioritizing child welfare are emphasized in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice. UN Resolution Number 40/33 which refers to two very important goals or objectives, namely improving child welfare and the principle of proportionality. Goal firstly it is the main focus of the legal system dealing with child offenders, especially in the legal system that handles the criminal justice model which must prioritize the welfare of children (Purnomo, Djatmika, & Aprilianda, 2022). This principle means upholding the principle of avoiding the use of purely punitive sanctions. The second objective namely the principle which is a tool to regulate the use of punitive sanctions in the sense of mere retaliation. The children who commit crimes must not be seen as criminals, but must be seen as people who need help, understanding, and compassion (Muchtar, 2014). This shows that from the starting point of an approach that is oriented towards the problem of child protection and welfare, it is clear that another approach or a special approach is needed in terms of legal protection for children in the criminal justice process.

Education is a very important investment to prepare human resources, especially for competition in the current global era. The Indonesian nation with education will be able to plan and prepare educated personnel who have the ability to compete with other countries. This is incompatible with practice in the field which shows that an educational environment that upholds academic values does not escape conflict. Conflict is a social phenomenon that is present in social life so that conflict is inherent, meaning that conflict will always exist in every space and time. Conflicts that often occur in the educational environment are fights between students. The national legal system has regulated provisions regarding crimes in the form of fights among students (Moeljatno, 2021). This

act is considered to disturb the interests and security of society so that criminal law as part of public law regulates this act in Article 170 of the Criminal Code concerning Attacking and Vandalism.

Fighting among students as a crime can be studied based on criminology. Criminology views conflict as a social problem because of a conflict of interests. Different interests result in differences in views between each individual. This difference in views not only occurs in society but also occurs among students, which often causes conflict between students. Current developments are proof that crimes cannot be solved by relying solely on resolving crimes through criminal law enforcement that is purely positivist in nature. A criminological perspective is very helpful in finding the causes of crime. The causes of crime are studied to find appropriate solutions regarding crime prevention and eradication. This is because the development of crime is apparently triggered by the development of an increasingly modern society, as well as criminal law enforcement which only relies on the application of the law without considering the sociological aspects thus giving rise to inequality and a sense of injustice in society.

The campus world is synonymous with the existence of students as agents of change. The Tri Dharma concept is a universal description of an ideal point that all universities want to achieve. The campus is a means of developing talents and instilling values so that from the lecture halls and various campus activities it is hoped that creative, critical, and responsible students will be born. The *parens patriae* principle must be interpreted that child law must start from the rights of the child itself, so that juvenile justice must be able to realize these children's rights. Children must be given the opportunity to express their opinions and these opinions must receive proper attention. The meaning of "in the interest of the child" should not be only for the benefit of the child according to the judge's mind, but really for the child's own personal development in a broad sense.

The students are the inherited resources of a nation which will determine its future. With regard to the efforts made to produce good resources, students or academics who are the main actors often fall into juvenile delinquency

which even leads to crime. One form of pathology committed by students is brawls. Referring to its complex development, students often fall into bad things that start from juvenile delinquency. Teenagers are looking for a lifestyle that is most suitable for them and this is often done through the trial and error method even though there are many mistakes. The mistakes he makes often cause anxiety and unpleasant feelings for his environment and his parents. Mistakes made by teenagers will only please their peers, because they are all still in the process of searching for their identity. Mistakes that cause environmental resentment are what are often referred to as juvenile delinquency.

Article 6 paragraph (2) of Law Number 4 of 1979 concerning Child Welfare state that services and care are provided to children who are found guilty of violating the law based on a judge's decision. It is necessary to make efforts so that the child does not enter the correctional house, but is examined and decided based on what is best for the child in question. Juvenile justice arrangements need to be based on the principle of *parens patriae*, which means the government or authority must act when a child needs help and children who commit criminal acts are not punished, but receive protection and assistance. The commitment to provide special protection for children as described above has been further emphasized by the promulgation of Law Number 39 of 1999 concerning Human Rights. The regulation contains 15 provisions that specifically detail the rights of children. The provision is basically adopted from the international legal instrument on child protection as stated earlier. This shows that international legal instruments on child protection have been recognized and accepted as the source of national law formation.

Law Number 39 of 1999 states that every child has the right not to be subjected to mistreatment, torture, or imposition of inhumane punishment. Death penalty or life imprisonment cannot be imposed on minors, and every child has the right not to be deprived of his freedom unlawfully. Arrest, detention, or imprisonment of children can only be carried out in accordance with applicable law and can only be done as a last resort. Every child deprived of liberty has the right to be treated humanely and with attention to personal development according to his age

and must be separated from adults, except for his own interests. Every child deprived of liberty has the right to receive legal assistance or other assistance effectively at every stage of the applicable legal remedy (Muladi & Arief, 2012). Every child who has been deprived of his liberty has the right to defend himself and obtain justice before the Children's Court which is objective and impartial in a session closed to the public.

Based on some of the quotations above, it is clear that a principle is adhered to that even if a child in conflict with the law is forced to be given a sanction, that sanction must not forget the importance of the child's well-being. Sanctions must also be able to guarantee the principle of proportionality in the treatment of children. Law enforcement officials in the criminal justice system on behalf of the government or state must adhere to the *parens patriae* principle in dealing with children who commit delinquency or crime. Criminalization is a series of processes manifested in various types of activities and carried out in a planned manner. The central point is to restore the mental attitude and behavior of the convict child to himself or nature. It could be despicable behavior and mental attitude that encourages a person to commit reprehensible actions that must be cleansed from himself.

Based on data from the criminal investigation and crime section of the Buleleng Regency Police throughout 2020-2021 regarding brawls in several regions in Indonesia, it was found that there were perpetrators who were still students on average it was still in the range of 10% which is in the low but still necessary category serious treatment from the authorities. Thus, there needs to be awareness that when dealing with children who commit criminal acts what is important is not whether the child can be punished or not, but what actions must be taken to correct and educate the child. Punishment is not aimed at punishment but to improve conditions, maintenance and protection, and prevent the recurrence of constructive actions (Muladi, 2017). Restrictions on freedom must be placed as a last resort after considering other alternatives made possible by existing legal regulations.

This research is considered urgent to be carried out immediately considering that

the essence of a student is to learn and seek knowledge. The developments experienced by students vary, depends on the factors that influence the teaching and learning process. Not always the development of students leads to positive things, sometimes some students actually show developments in a negative direction, one of these negative things is brawls between students. Brawls between students have recently become a blurry portrait of the world of education. The perpetrators are not only among students, but what is more worrying is that it occurs among middle and high school students. The students are the benchmark for the nation's future, but brawls have distorted the nature and function of students. A brawl is synonymous with a fight or act of violence carried out by a group of students or a community group, so brawls often cause harm to both the perpetrators themselves and damage to existing public facilities and infrastructure.

Legal Protection of Children Involved in Student Brawls

The perpetrators of fights are dominated by teenagers who have high egos and poor emotional control. The perpetrators admitted that the reason they fought was to make fun of each other or make fun of each other. This often causes fights to occur. This is in line with the theory of psychoanalysis put forward by Sigmund Freud which states that a person carries out forbidden behavior because his conscience or superego is so weak or imperfect that his ego is unable to control his impulses. Impulses are parts of the personality that contain strong desires and urges to be satisfied or fulfilled. Superego is essentially a very deep image of the parents awakened when the child accepts the attitudes and moral values of his parents, then if the absence of such an image is likely to give birth to an uncontrollable id and subsequent delinquency. Teenagers form social groups in their environment. These teenagers find it difficult to control their emotions, cannot respect each other, and always superior to their friends so make fun of each other. These taunts caused offense between the perpetrators and eventually a fight broke out.

The perpetrators of fights who are relatively young are very easily provoked, tend to accept information without seeking the truth. Teenagers when hear things don't like, will immediately

get angry and attack. The perpetrators of inter-village brawls in carrying out attacks will invite friends, even though some of the perpetrators of the brawl do not know the core of the problem and just follow along. These teenagers usually carry arrows and other sharp weapons for self-protection reasons. The behavior can be learned and replaces social disorganization with differential social organization (Sutherland, Cressey, & Luckenbill, 1974). This theory argues that there is no evil behavior inherited from both parents, in other words evil behavior patterns are not inherited but are learned through close association. Teenagers learn and imitate behavior from their environment. The perpetrators see and influence each other so that they eventually join in the fight. The results of the interaction and communication between these actors form a sense of solidarity so that every behavior is considered correct. These behaviors include fighting, injuring people, and carrying sharp weapons.

Handling brawls among students can be done in two ways, namely preventive efforts and repressive efforts. Preventive efforts are efforts to prevent crime from occurring by controlling and supervising actions that give rise to crime, or creating an atmosphere that is conducive to reducing and suppressing crime so that crime does not develop in society. Repressive efforts are actions taken by law enforcement officials after a crime or criminal act has occurred to eradicate crime and violence by taking action aimed at deterring the perpetrator and not repeating it.

Preventive efforts of brawls between students can be done by carrying out socialization and raids. Many fights occur due to juvenile delinquency, therefore it is necessary to conduct regular socialization in each school to prevent conflicts. This outreach was carried out by providing legal education regarding the dangers of sharp weapons and fighting. This outreach is carried out every month by being a ceremony supervisor and delivering material related to the impacts of alcohol, drugs, and sharp weapons. This program aims to increase legal awareness among students regarding the prevention of brawls or fights in order to create security and order in society. Routine raids are carried out every day when lectures take place by checking students' bags and school equipment. These

raids are to inspect students' luggage. Raids were also carried out at city limits by checking every student from outside who wanted to enter the campus area.

Repressive efforts are carried out by involving the police in three stages, namely investigation, investigation, and guidance. In this stage of the investigation, the police immediately went to the crime scene after receiving reports of a fight. Police personnel were assigned to dispel and break up the fighting so that it did not spread further. This fight between students can be said to be an emergency so that the police can immediately look for evidence and information. On the orders of investigators, police personnel at the crime scene can immediately arrest the perpetrators of the fight and will be detained at the police station. The detention was carried out because it was feared that the perpetrator would run away, repeat the crime and destroy evidence. If this fight results in losses, casualties and the file is deemed complete, it will be handed over to the prosecutor's office. Furthermore, coaching is carried out by opening the minds of the perpetrators that these fights destroy the order of social life and can harm many parties.

The regulation of the criminal act of brawling between students is actually not in the Criminal Code, but the regulation will be related to the articles regarding beatings or fighting together known as Article 170 and Article 351 of the Criminal Code. Prosecution of brawls that disturb public order or disturb the community, whether resulting in casualties or those that do not result in casualties, is more appropriately subject to Article 170 of the Criminal Code. If a brawl results in serious injury or death to the victim, only then can they be prosecuted under Article 358 of the Criminal Code. Brawl incidents generally involve quite a lot of people so they will always be linked to provisions regarding participation in committing criminal acts. The development of acts of violence among students which always appear and increase in the midst of society in everyday life is a real picture that is always seen and witnessed by our school students, then this is applied by them in their lives to become violent criminal acts committed by students (Iman, 2018). Schools lately tend to worry all parties, there are two factors that cause criminal acts of brawls between students both internal and external factors (Lubis, 2021).

Fights or brawls between students if explained, there are several psychological factors that cause a teenager to get involved in a student fight.

The ideal punishment model for children in the future that can be developed is restorative justice with diversion by accommodating traditional solutions, punishment based on instructions, and rehabilitation. The legal basis for restorative justice is found in Article 24 paragraph (1) of the Covenant on Civil and Political Rights which stipulates that every child has the right to obtain the right to protective measures (Yusrizal, Asmara, & Iskandar, 2021). This decision is valid because judges are given the freedom in Article 28 paragraph (1) of Law Number 4 of 2004 to explore, follow, and understand the legal values and sense of justice that exist in society (Damaiyanti, Nofrial, & Erniyanti, 2023). The punishment based on instructions gives rise to crime obligation to repair relationships damaged by criminal acts. Justice is interpreted as a process of finding a solution to problems that occur in a criminal case where the involvement of victims, the community, and perpetrators is important in efforts to repair, reconcile, and ensure the sustainability of these improvements. Rehabilitation can be given in the form of education about religious values and moral values, social rehabilitation, psychosocial assistance during treatment until recovery, and provide protection and assistance at every level examination starting from investigation, prosecution, up to examination in court.

Restorative justice according to Article 1 point 6 of Law Number 11 of 2012 is settlement of criminal cases involving perpetrators, victims, families of perpetrators or victims, and other related parties to jointly seek a fair solution by prioritizing restoration to its original state and not retribution. The United Nations Restorative Justice working group is a law enforcement officials, governments, and communities who are in a particular violation come together to decide collectively how to deal with the consequences of the violation and its future implications. Restorative justice according to Braithwaite is divided into two concepts, namely the first concept focuses on process and the other concept focuses on value. Restorative justice as a process of uniting all interests affected by wrongdoing. Restorative justice as a process and as a value is closely related to reconciliation

between perpetrators and victims (Bassiouni, 2010). Restorative justice as a value is related to healing or recovery victims of injustice and placing victims before the occurrence of crimes including improving the relationship between perpetrators and victims.

The concept of restorative justice develops in efforts to resolve human rights violations both peacefully and in conflict situations, especially after a conflict occurs by prioritizing the principles of non-domination and empowerment as well as respect listening. According to Martha Minow, restorative justice has the character of building connections and increasing communication between perpetrators and those who are victims (Atmasasmita, 2012). This model requires the perpetrator to apologize to the victim for past injustice, preferably in the form of money or other forms of compensation (Arief, 2010). Article 5 paragraph (1) of Law Number 11 of 2012 requires that the juvenile criminal justice system must prioritize a restorative justice approach (Harahap, 2018). The provisions of Article 5 paragraph (3) of Law Number 11 of 2012 must be pursued by diversion to realize restorative justice.

Diversion in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice is the granting of authority to law enforcement officials to take discretionary action in dealing with or resolving cases of violence against children by not taking formal means. This includes stopping or not continuing or releasing from the criminal justice process or returning or handing over to the community and other forms of social service activities (Black, 1990). The notion of diversion is contained in Article 1 number 7 of Law Number 11 of 2012 namely the transfer of settlement of child cases from the criminal justice process to processes outside the court. Diversion can be carried out at all levels of examination, intended to reduce the negative impact of children's involvement in the judicial process.

Brawl as a social problem seems to be not only a problem for a particular society, but also a problem faced by all societies in the world. It has become an international phenomenon or according to Seiichi Ono's term a universal phenomenon. The problem of brawls and perpetrators has existed throughout human history and is one of the major problems faced

by every society. Efforts made to understand every phenomenon of crime and criminals have been going on for centuries, which then gave birth to a branch of science called criminology. This scientific discipline focuses on crime, deviant behavior, patterns of criminal behavior, motivation for crime, criminals, and social reactions to crime. One of the serious behavioral problems that needs attention is juvenile delinquency which involves the law or leads to criminal acts known as juvenile delinquency. Juvenile delinquency is important to receive special attention because it has a broad impact on adolescents, their families, society, nation, and state. The morality crisis that is occurring among the nation's young generation, one of the biggest indicators of the cause is the failure of the world of education, both formal, non-formal, and informal education. This means that the role of parents and the environment is also the scope for forming the character of the child who will also occupy the status as a student.

The affirmation of restorative justice and diversion in the Law Number 11 of 2012 is the aim of the criminal justice system with a restorative paradigm. Indicators of achieving the goal of imposing sanctions are achieved by looking at whether the victim has been recovered, the victim's satisfaction, the amount of compensation, the perpetrator's awareness of his actions, the number of remedial agreements made, the quality of work services, and the whole process that occurs (Hadisuprpto, 2017). The forms of sanctions are restitution, mediation of perpetrators of victims, victim services, community recovery, direct services to victims, or restorative fines.

Crime in the form of brawls between students can be viewed from two theoretical perspectives, namely control theory and criminology theory. Control theory tries to find answers to why people commit crimes. In contrast to other theories, control theory no longer questions why people commit crimes but is oriented to the question of why not everyone breaks the law. Control theory attempts to explain delinquency among adolescents. Delinquency among teenagers by Steven Box is said to be a primary deviation. The primary deviation is every individual who deviates periodically or rarely, does it without being organized or without using clever methods, the perpetrator does not see himself as a violator,

and basically what was done was not seen as a deviation by the authorities.

Control theory theorists view humans as beings who have pure morals. Therefore, every individual is free to do something. This freedom will lead a person to various actions. This action is usually based on a choice obeying the law or breaking legal rules, meanwhile the actions chosen are based on predetermined social ties. Another approach was used by Walter Reckless with the help of his colleague Simon Dinitz. Walter conveyed containment theory which explains that juvenile delinquency is the result of interactions between two forms of control, namely internal (inner) and external (outer). Internal and external control have a neutral position being influenced by the social pull of the environment and encouragement from within the individual. Control theory or often also called social control theory departs from an assumption that individuals in society have an equal tendency to be good or bad. Whether a person is good or bad depends entirely on what society makes him do, and becomes evil if society makes him that way.

The main target of criminology's attention is primarily related to crime, criminals, and social reactions to crime and criminals. Criminology has several schools of thought to explain these three problems. The science of criminology studies the causes of crimes committed by both adolescents and adults. Some of the causes of brawls between school teenagers include lack of alertness of the commission for residual sciences to respond to problems within its scope, lack of preparedness in educational institutions to deal with similar incidents, so that the policies and steps taken to overcome the problem are based more on a groping thinking framework, and lack of alertness by law enforcers to deal with problems maybe the National Police, for example, are too busy improving themselves or having to carry out various operations. Fights between groups of teenagers as a form of behavior, which if seen by the victims and the form of behavior is no different from other violent criminal acts committed by adults arise in the ecological area of capital cities and metropolitan sub-cultural locations. Explanation or analysis of this behavior must take into account the comprehensive social contest of unequal power,

authority, and prosperity in a society that is still confined by structures of injustice.

Criminological theory say that the causes of child delinquency are because of the expectation gap or lack of correspondence between ideals and the means that can support the achievement of these ideals. Theoretically, efforts to overcome the problem of crime include child delinquency behavior as a social phenomenon (Pangemanan, 2015). In fact, the emphasis is on revealing the correlation factors towards symptoms of child or adolescent delinquency as criminogenic factors. Discussion of this problem is the scope of the discussion of criminology (Pradityo, 2016). Criminology in examining its object of study regarding crime is influenced by classical, positive, and critical thinking or paradigms. The classical school of thought holds that evil is the result of one's free choice after rationally calculating the pros and cons of committing a crime. It is based on the assumption that humans actually have free will and that human behavior is entirely influenced by reason and mind. Criminology in the context of this thinking leads to the study of efforts to formulate patterns and test legal systems that are considered the most effective for minimizing the occurrence of crime in society.

Various roles in supervising the growth and development of students determine the direction of student interactions which should focus on learning and developing their creativity in both academic and non-academic activities. The factor of closeness to God Almighty also plays a role in preventing the successors of this nation from falling into things that will harm themselves and even others in the future. It is an obligation for police officers to study new methods used by perpetrators to complete the disclosure of cases or perhaps even anticipate the occurrence of a criminal act of brawling between students. Children as humans in a transition period full of physical, psychological, and social turmoil in certain age groups will navigate a life full of precariousness. Children nowadays have a unique lifestyle and have their own characteristics, namely having an appetite for curiosity as an embodiment of self-identity. The children are very easily influenced by the environment and easily join with each other who then form groups or gangs.

CONCLUSION

The juvenile justice system in Indonesia is based on the principle of *parens patriae* based on the provisions of Article 6 paragraph (2) of Law Number 4 of 1979 which states that services and care are provided to children found guilty of violations of the law based on a judge's decision. Legal protection for children involved in cases of fights between students can be categorized into two, namely preventive and repressive legal protection. Preventive legal protection can be done in two ways, namely by conducting socialization and raids to prevent fights between students. Repressive legal protection can be done in three ways, namely by carrying out restorative justice, punishment based on a judge's decision, or rehabilitation. Restorative justice is carried out based on the provisions of Article 1 number 6 of Law Number 11 of 2012 which states that the settlement of criminal cases involving perpetrators, victims, families of perpetrators or victims, and other related parties to jointly find a fair solution by prioritizing restoration to its original state. Penalties can be given based on the provisions of Article 170, Article 351, and Article 357 of the Criminal Code. Rehabilitation can be provided in the form of education about religious values and moral values, social rehabilitation, psychosocial assistance, and providing protection and assistance at every level of examination from investigation, prosecution, to examination in court.

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