

Substantial Justice In Handling Of Child Actors "Klitih"

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Abstract. "Klitih" has become a negative label of the last few years in the area DIY. Label is pinned to the perpetrators of criminal acts of persecution accompanied by vandalism committed by children, the widespread and massive occur within this period and led to loss of life and property. Act No. 11 of 2012 on the Criminal Justice System of Children who are formally to be done by the Regional Police of Yogyakarta in the treatment of perpetrators of maltreatment ("klitih"), has not given the benefit and sense of justice to the people. This happens because the concept of juvenile criminal justice system does not provide a deterrent effect to the child as a criminal offender. The pattern of interaction of children is also one of the causes of delinquency,

In the juvenile criminal justice system, there is the concept of restorative justice should be applied at the beginning of the judicial system (investigation), in order to provide protection (special treatment) for children in conflict with the law so as not to disturb or shut off the child's development. It is true that the protection obtained by children in conflict with the law (especially actors), but it is different for the victim and the community, not necessarily the effect of juvenile criminal justice system can provide substantial protection and justice for him.

Keywords: Children; *Klitih*; Juvenile Justice System; Substantial Justice.

1. Introduction

Kids are the smallest and vulnerable parts of society to whom placed great expectations as a successor civilization. Directly or indirectly in social life, child interaction. Meanwhile, the community as a social environment has a life of institutions / regulations / laws in order to regulate the pattern of relationships between people / person or person with their environment, which they are intended to ensure order and minimize friction in interactions that occur.

As a result of technological advances, global association and complex interactions with humans / other children from different parts of the world as well as the surrounding environment, allowing children to behave / act contrary to applicable law. In connection with the child's actions, and the need special provisions to ensure the survival of children as future expectations and successor civilization, with consideration of the position of vulnerable children in the social interaction. Thus the necessary assistance both morally and materially, so that children feel safe and comfortable in order to provide their rights as children as mentioned in general in the Convention on the Rights of the Child 1989, as follows:³

- The right to survival (survival rights), the rights of children in the Child Rights Convention which includes the rights to preserve and maintain life (the rights of life) and to acquire the standard of the highest health and care as well as possible (the

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³ Muhammad Joni dan Zulchaina Z. Tanamas, 1999, *Aspek Hukum Perlindungan Anak dalam Prespektif Konvensi Hak Anak*, PT. Citra Aditya, Bandung, p. 33.

rights to the highest standards of health and medical care attainable). Regarding the right to survival in CRC, contained in Article 6 and Article 24 of the Convention on the Rights of the Child. In Article 6 of the CRC contained provisions obligating each participating country to ensure the continuity of the right to life, the survival and development of children.

- The right to protection (protection rights), the rights of children in the Child Rights Convention which includes the right to protection from discrimination, violence and neglect for children who do not have a family for refugee children.
- The right to grow and develop (development rights), namely the rights of the child in the CRC covering all forms of education (formal and non-formal) and the right to achieve a standard of living adequate for physical, mental, spiritual, moral and social development.
- The right to participate (participation rights), the rights of children in the Child Rights Convention which includes the right of children to express opinions in all matters affecting the child.

In Indonesia, the handling of children in conflict with the law, formally regulated in Act No. 11 Of 2012 on Child Criminal Justice System. In the law formally provides fresh air for children to get special treatment in the legal process. One of the efforts that must be made in Act No. 11 of 2012 on the Criminal Justice System Children is an attempt of diversion, it is intended that the position of the child in the law does not harm the child.

The problems that arise with the enactment of Act No. 11 of 2012 on the Criminal Justice System Children in handling children in conflict with the law (especially for actors), it did not provide a deterrent effect / fear for the child to not commit criminal acts back. One example of the effects of the implementation of the juvenile criminal justice system is the phenomenon of "*klitih*" that occurred in the area DIY. This criminal act is done by doing a randomized stabbing against the victim without the victim must be determined beforehand, and this action is performed on a deserted places, generally acts were carried out at night although it is possible to do during the day.

Delinquency which uses means "*klitih*" of the data at 2016 in the province has reached 43 cases, for the Years 2017 and 2018 alone there were 44 cases and 59 cases⁴, It clearly shows that the process of handling behavioral issues related to mistreatment must be taken seriously without distinguishing one another. The problems that related to child delinquency in the form of "*klitih*" it turns out every year does not subside, even more massive and cause victim soul. At the end of the of 2017 there were cases of "*klitih*" involving children aged 15 to 16 years to do stabbing against the victim in the city of Yogyakarta ended dies. The existence of this problem a lot of pressure from some elements of the community to take firm action against crime "*klitih*" the goal in order to provide safety and comfort to the general public in conducting activities and deterrent for perpetrators of "*klitih*".

2. Discussion

⁴ <http://www.republika.co.id/>, Accessed on February 17, 2017.

Substantial justice or commonly also called the substantive justice which is the opposite of procedural justice, it is justice created by the judge in its decisions are based on the results dig up a sense of justice in society, without shackled by the sound of Article legislation apply. To achieve substantive justice judges must dare diligence beyond the provisions of the law so that justice could be found to make the decision, it is necessary to accommodate the development of a dynamic society. Although the forms and due to a different action if the background and surrounding circumstances are different. Not a certainty, but the justice required in law, certainty can only be followed throughout can ensure that justice is done⁵,

Currently the concept of substantial justice is no longer only used as a polemical literature in academic discourse, but it already poured in the form of judgments by the Constitutional Court and judges. Many verdict MK deliberately out of the formal provisions of the legislation in order to create justice which was welcomed in the world of law enforcement in Indonesia. The idea of justice is essentially substantive meeting with the idea of progressive laws which intensified by Prof. Satjipto Raharjo. Satjipto say that justice is not only of the articles of the law, but should be more diary impulses in people's lives⁶,

The word "Klitih" (*klitihan / nglitih*) was originally a vocabulary of the Javanese language / Yogyakarta, which has the meaning of "activity someone out of the house aimlessly or wandering"⁷, Other terms that *klitih* identified "as activity around the city using the vehicle that committed by juveniles"⁸. Currently in the region of Yogyakarta province ranked, meaning *klitih* attributed as adolescent behavior are synonymous with violence on the road at night or early morning. This is in line with the statement of Yogyakarta police chief, Inspector General of Police Drs. Ahmad Dofiri, M.Si, that "klitih have the same elements, namely the perpetrators of students (teenagers), the victim of students (teenagers) and use the bike"⁹.

Action "*klitih*" have to do with science referred to as Juvenile Delinquency, namely delinquency committed by young people, which is a symptom of illness (pathological) socially in children caused by a form of social neglect, so they developed a form of deviant behavior".¹⁰ Based on this definition shows that deviant behavior will result in harm to others and to the immediately necessary treatment, because of the impact resulted in a loss then inevitably there is a regulation, it certainly is not to protect the public interest and provide the best interests of the child itself ,

According to Article 1 paragraph 2 of Act No. 11 Of 2012 on Child Criminal Justice System, there are two categories of child behavior that can make a child dealing with the legal status of offenses and criminal offenses. Status offenses are the delinquency behavior which, if exercised adults excluding children who commit crimes or acts

⁵ <https://jurnaltoddoppuli.wordpress.com/2014/09/03/keadilan-substantif/>

⁶ Ibid.

⁷ Zulfikar Pamungkas, 2018, *Fenomena Klitih Sebagai Bentuk Kenakalan Remaja Dalam Perspektif Budaya Hukum di Kota Yogyakarta*, Scription, Faculty of Law, Islamic University of Indonesia Yogyakarta, p. 3-4.

⁸ Ibid.

⁹ R. Budi Sarwono, 2017, *Mengendalikan Kegaduhan Sosial 'Klitih' Dengan Ketahanan Keluarga*, in the journal Proceedings of the National Seminar and Workshop on Revitalizing the Laboratory and Scientific Journals In the Implementation Guidance and Counseling Curriculum Based KKNi, Malang, East Java.

¹⁰ Nunung Unayah and Muslim Sabarisman, *Op. Cit.*, p. 127.

forbidden for a child. For example, do not think, skipping school, running away from home, while criminal offenses are "the behavior of the delinquency which, if exercised adults categorized as crimes or children who are in trouble with the law".¹¹ Then see scope to children in conflict with the law can be divided into:

- The perpetrator or criminal suspects;
- Victims of crime;
- Witness a crime.¹²

Based on these guidelines then any criminal offenses committed by children all can not stand alone, of course, there's a reason children do things like that, because children in conflict with the law can also be regarded as children who are forced into contact with the criminal justice system because:

- Suspected, indicted or found guilty of violating the law; or
- Have become victims of acts of violation committed person / group / institution / country against him; or
- I have seen, heard, felt, or know of an event lawlessness.¹³

In the sanctions given to children in Article 23 paragraph (2) of Act No. 11 Of 2012 on Child Criminal Justice System that is against brat includes criminal sanctions and measures. Criminal sanctions in the form of imprisonment, imprisonment, criminal fines or criminal surveillance, while for the additional penalty can be a deprivation of and payment for damages. For the action taken against brat include (a) the return of the child to the parent / guardian / foster parent, this is done if the judge considers that the child still can be fostered in the parent / guardian / foster parents, but the child remain under the supervision and guidance of the Supervisor Community, (b) submitted to the state,

In connection with the child to a criminal act is influenced by several factors, it can be classified into internal and external factors.

- Internal factors; Internal factors or endogenous factors lasted through the internalization process in response to a false self and surrounding areas and all influences from outside. Such behavior is wrong or irrational reactions of the learning process, in the form of their inability to adapt to the surrounding environment. In other words, the behavior is done through the mechanism of escape from self-defense is wrong or irrational in the form of customs maladaptation, aggression, and violation of social norms and formal law, embodied in the form of crime, violence, the habit of fighting mass and etc.
- External factors; Factors external or exogenous factors, also known as the influence of the environment, social factors or sociological factors, are all stimulants and outside influences that cause a particular behavior (violence, crime, mass fights and so on).¹⁴

External factors that encourage children to commit offenses under Sudarsono include:

- Environmental factor

¹¹Soerjono Soekanto, 2001, *Sosiologi Suatu Pengantar*, PT Raja Grafindo Persada, Jakarta, p. 30.

¹²Apong Herlina, 2004, *Perlindungan terhadap Anak yang Berhadapan dengan Hukum*, Unicef, Jakarta, p. 17.

¹³Ibid.

¹⁴Kartini Kartono, 2003, *Patologi Sosial 2: Kenakalan Remaja*, Raja Grafindo Persada, Jakarta, p. 109.

- Environmental factors that affect mainly the family and community environment.
- Family factors
- Family is a nearby neighborhood for raising, mature and in which children get the first time. The family is the smallest community groups, but is most powerful neighborhood in raising children and especially for children who are not attending school. Therefore, a good family will be positive for the development of children, while poor families will have negative effect. Therefore since childhood reared by the family and for all, most of the time is in the family then it is appropriate that the possibility of delinquency was mostly also come from families.¹⁵

Generally in principle cause of delinquency which is influenced by internal factors are usually children whose families are intact, so the presence of the child in the family of an unfavorable position, with the condition of children in the care and upbringing of parents who are no longer intact. Another effect linked to the delinquency factor is influenced by the environmental community. Because in human life as social beings course also has a conscience to hang out. So with the wrong crowd made possible the child stuck in the influence of the environment, that it is sometimes difficult to be controlled by parents and schools because children are usually more than happy social life is closed and will not tell anyone.

Economic factors also can influence on delinquency. It can not be irrefutable when the social and economic life that a liberal such as this greatly affects the pattern of children's education, because education provided by parents will be more effective, but when the children of the poor and generally low knowledge of his religion, then he would do violence for others, giving rise to forms of discomfort in people's lives. The most decisive factor is the factor of the mass media, both electronic and print media. Because of the social changes shaping acceleration of change in the education system and ways of life of the child and the child obscurity capture of information in the mass media, and the tendency of children to follow,

There are many cases of *Klitih* action in Yogyakarta. As stated in a news portal Liputan6.com on March 16, 2017 were reported on a long list of violence *Klitih* in Yogyakarta. It about casualties named Ilham, a junior high student Piri 1 Yogyakarta killed because of the action of a group of young school-age *Klitih*. *Klitih* action that killed the student is not the first, nor the second yet. Based on the record of Yogyakarta Police Watch (JPW), at least eight action *Klitih* in Yogyakarta in the last year, namely:¹⁶

- Monday, February 8, 2016, the victim named Syafii Anam, a student at DIY stabbed in Street of Mayangan Trihanggo Limestone District, Sleman. The incident on the victim suffered wounds to the wrist and left elbow. One culprit is DRS's status as a high school student.
- Saturday, May 7, 2016, the victim named Ariyanto Hamlet Karangasem, Gilangharjo Village, Pandak, Bantul, suddenly stabbed by convoy graduation ceremony of one of the vocational high school (SMK) in Yogyakarta. As a result of the brutal action of the victim to the thug's arm a sharp weapon. In addition, two other people were

¹⁵ Agus Sujanto, 1981, *Psikologi Perkembangan*, Aksara Baru, Jakarta, p. 226.

¹⁶ Zulfikar Pamungkas, 2018, "*Fenomena Klitih Sebagai Bentuk Kenakalan Remaja dalam Perspektif Budaya Hukum di Kota Yogyakarta*", Scription, Islamic University of Indonesia, Yogyakarta, p. 1.

also stabbed by the student group.

- Monday, May 16, 2016, two residents of Depok, Sleman, do stabbing against Krisnawan in the area Pugeran Maguwo, Depok, Sleman.
- End of August 2016, the victim Iqbal Dinaka Rofiqy died. The events that claimed the lives of Iqbal is because only a trivial problem, namely offended between victim and offender-on-one time with each other.
- Tuesday, September 29, 2016 at Street of Pakem, Cangkringan, Sleman, six students were suddenly attacked and stabbed by a group of students from other schools.
- Friday, September 20, 2016, back stabbing cases fatal. This time the victim was named Adnan Hafid Pamungkas. This stabbing action occurred on Street of Ring Road West, Gamping, Sleman. In addition to killing the victim, two friends who are not involved precisely perpetrators were killed because ravaged masses.
- Monday, December 12, 2016, the death toll named Adnan Wirawan Ardiyanto. Students in Muhi Yogyakarta killed by being stabbed by a horde of other high school students. Adnan died the next day at around 19:30 pm after being treated at Panti Neat Hospital Yogyakarta.
- Early Sunday morning, March 12, 2017, a junior high student Piri 1 Yogyakarta, Ilham Bayu Fajar become victims *klitih* action performed again the majority of the students were still in junior high and high school. Ilham victims suffered stab wounds were quite deep in the chest.

Also in mid-2018 back again the action "*klitih*" that hit (late) Dwi Ramadhani Herlangga, UGM students from the city of Semarang who had died from wounds sabetan sharp weapon committed by two (2) offenders identified as MWD (16) and AD (19), on Thursday, June 7, 2018 around 02:30 pm at the Street of C Simanjuntak, Yogyakarta. Victim breathed his last after suffering severe bleeding wounds in his back slashes sharp weapon. According to the witness (friend of the victim), the incident occurred when the victim and the witness was about to return to the north after distributing the meal. When the intersection Mirota, stranger shouted 'Bastard' to victims and witnesses. Victims and witnesses and then push his bike shortly after it determines the person who shouted carrying weapons. When in sponger,¹⁷

Performers *Klitih* to (late) Herlangga Ramadhani Dwi finally bekuk by Resmob team Progo Way on Saturday, June 9, 2018 at the residence of each offender. Police seized evidence in the form of four (4) pieces of sharp weapons and one motor matic. Actors who caught it turns out one of them still minors.

Some action "*klitih*" recorded in the news media over the resulting loss of material and spirit, and of course make restless residents of Yogyakarta in their daily activities, especially at night and in the example above case, the action *Klitih* done teenagers no longer as a form of delinquency, but has become a crime involving minors or teenagers. *Klitih* is no longer seen as an activity without a purpose, but it has led to an activity that give rise to crime.

Handling of criminal offenses committed on *klitih* by the Yogyakarta police action in the form of pre-emptive action, preventive and repressive. The act of pre-emptive form of the approach taken by the police officers in the form of education and positive

¹⁷ <http://www.tribunnews.com/regional/2018/06/10/duh-ternyata-salah-satu-pelaku-pembacokan-yang-tewaskan-mahasiswa-ugm-masih-di-bawah-umur>, seen July 28 2019 At 21:45.

activities in schools and the community, while preventive measures carried out by officers in the field in the form of police activities are enhanced (KKYD) form an integrated operation by all levels of police in Yogyakarta police region were carried out at night and early morning during which time the clock prone *klitih* action. Further Police crackdown is an attempt to find the perpetrators *klitih* to be subject to the legal process with the aim of giving the benefit and justice for perpetrators and victims and society. For the child actors,

In the legislation the main thing that requires police officers to do is attempt of diversion, the diversion of children from the settlement of the criminal justice process to a process outside the criminal justice¹⁸, Diversion is expressly referred to in Article 5, paragraph 3 that the criminal justice system of the child shall be pursued diversion. Article 8, paragraph 1 of Law Criminal Justice System Children has also arranged that the diversion process is done through consultations involving children and their parents or guardians, victims and or their parents or guardians, community mentors and professional social workers based restorative justice approach. Diversion is intended for (Article 6 of Law SPPA):

- Achieving peace between victims and children;
- Resolving cases of children outside the court process;
- Prevent children from deprivation of liberty;
- Encouraging people to participate, and
- Instill a sense of responsibility to children.

That at the level of investigation, prosecution, and the case investigation Kids in state court diversion shall be pursued in accordance with Article 7, paragraph 1 of Law Child Criminal Justice System (SPPA). Diversion was only done implemented in terms of the Crime committed (Article 7, paragraph 2 of Law SPPA):

- Punishable by imprisonment under the 7 (seven) years;
- Crime is not a repetition.

In connection with the detention of children, Article 32 paragraph 2 of Law SPPA gives the terms of arrests of children as follows:

- The child has to be 14 (fourteen) years or more; and
- Alleged to have committed the Crime with imprisonment of seven years or more;¹⁹

Refer to the diversion terms and conditions of detention of children, it can be seen that the diversion is done if the Crime committed by the child threatened with imprisonment under seven years, while detention can only be done if the threat of prison Criminal seven years or more. This means that, logically, the child shall be conducted versioned (the criminal threat under 7 years), against impossible detained and certainly should not be detained (detention only for criminal threats over 7 years). Judge children shall seek diversion in the case of a child accused of committing Crime punishable by imprisonment under the 7 (seven) years.

In connection with some of the things mentioned above, it becomes double-edged sword in terms of the application of Act No. 11 of 2012 on the Criminal Justice System Children in action "*klitih*" in the province, why is that, because of the application of the

¹⁸ Article 1 paragraph 7 of Act No. 11 of 2012 on Child Criminal Court System.

¹⁹ <http://www.hukumonline.com/klinik/detail/lt54ba7ec6f14af/mungkinkahdilakukan-penahanan-terhadap-anak-yang-dalam-proses-diversi> accessed on Sunday July 29, 2019 at 05.15WIB

law, to follow criminal threats under seven (7) years, each sub-system of the criminal justice system shall seek diversion, so that when viewed from the development of the case "*klitih*" from 2016 until 2018, has increased, from 43 cases in 2016 became 44 and 53 in the Of 2017 and 2018, therefore, that the handling of the case has not had an impact *klitih* reduction or it can be said that the deterrent effect of handling *klitih* action yet to be felt.

On Friday, December 7, 2018, action was repeated in Seyegan *klitih*²⁰, Two teenagers called carrier chicken hit the windshield, the driver is not received then reverse and go after him. Had been threatened about to be killed, the reckless driver hit a bi-teens to death on the spot. The driver actions can be considered as the main act itself, but it gets a lot of support netizens supported the carrier driver chicken²¹ saying that "eradication of criminal / *klitih* DIY preceded by a pack driver, 2 thumbs up for the pack driver Pick-up".

Continues on the impactor *klitih* action, the driver Pick-up were named as suspects by the Police Investigator Sleman²² on the basis of a report from one of the families who were killed. Pick up the initials driver IR charged with Article 338 of the Criminal Code on murder with a maximum penalty of 15 years in prison. In connection with the determination of these suspects, the ICJ forum (Info interception Jogja) on Facebook, many netizens questioned the response of granting the status of a suspect, many suspect that there is a backing on the back of the case to police put the suspect to IR.

On January 9, 2019, hundreds of residents of Yogyakarta staged "Peace Jogja 9119" with a march from the North Square up to Kepatihan (Office of the Governor). Implementation of the action related to the rampant street crime that occurred in Yogyakarta and in one of the banners reading "Fight Action *Klitih*"²³,

From some of the comments and opinions in reporting cases, it can be seen that the public has not really felt the justice of handling action "*klitih*" performed during this time, so it is necessary to study and evaluate the handling carried out by law enforcement officers at this time. Opinion of Br. Yanto Sumantri as Chairman of the Forum of Justice that the action "*klitih*" in Yogyakarta committed by juveniles, not only inspired by the environment or the interaction itself. However, the social role of the media also helped inspire youth to take action for the sake of his existence *Klitih* or group. Mas Yanto Sumantri also added, "for the event" *klitih* ", postings on facebook ICJ group members (Info interception Jogja) we stop."²⁴,

Opinion of the ICJ Forum Chairman reinforce the notion that the concept of handling carried out so far to the action of "*klitih*" does not provide a deterrent effect for offenders and potential offenders, even in the presence of news related "*klitih*" it gives inspiration to other potential offenders. Application of Act No. 11 of 2012 on the

²⁰ <https://www.suara.com/otomotif/2018/12/07/134155/aksi-nekat-sopir-colt-tabrak-terduga-klitih-di-jogja-hingga-tewas>, Accessed Monday, July 29th, 2019 at 05:30 pm.

²¹ <https://m.mobimoto.com/mobil/2018/12/07/130414/diancam-sopir-colt-tabrak-terduga-klitih-hingga-tewas>, Senis accessed July 29, 2019 at 05:30 pm.

²² <https://jogja.tribunnews.com/2019/07/01/penabrak-pelaku-klitih-di-sleman-ditetapkan-sebagai-tersangka>, Senis accessed July 29, 2019 at 7:50 pm.

²³ <https://news.detik.com/berita-jawa-tengah/d-4376750/aksi-jogja-damai-9119-saatnya-warga-yogya-lawan-klitih>, Accessed July 29, 2019 08:15 pm.

²⁴ Zulfikar Pamungkas, 2018, "*Fenomena Klitih Sebagai Bentuk Kenakalan Remaja dalam Perspektif Budaya Hukum di Kota Yogyakarta*", Scription, Islamic University of Indonesia, Yogyakarta, p. 60.

Criminal Justice System Children in the handling of the action "*klitih*" is not right, because it does not provide a deterrent effect for offenders and will it, give / trigger a broad impact with the rise of the action "*klitih*" and the street crime that other.

With this phenomenon, in particular law enforcement police as the gate of the criminal justice system, it is necessary to seek proper treatment concepts face the rise of the action "*klitih*" happened. This is as in the concept of a progressive law that the empirical reality of the working of the law in the public form of discontent and concern over the performance and quality of law enforcement in Indonesia setting the end of the 20th century²⁵ gave birth to progressive legal concepts and progressive legal science which can not be called as a typical legal types and finishes, but the idea of running, which does not want to be stuck in the status quo, so that it becomes stagnant. Law progressive and progressive legal science always wanted to be faithful to the great principle, that "the law is for humans"²⁶, Because human life is full of dynamism and change from time to time.

Besides, according to Satjipto, progressive law is a law that can keep abreast of the Age and able to answer the changing times with all the basics in it. The mention of these changes are closely related to habitat basis of the law itself. As in the 19th century, the modern state emerged and become a physical basis for determining territorial laws, concepts, principles and doctrines of the matter should be reviewed and updated.

Based on this, the handling of the action "*klitih*" with perpetrators of child, not necessarily by applying the Act No. 11 of 2012 on the Criminal Justice System Child, but look at the phenomenon that happens it would be appropriate and provide a deterrent effect as well as a sense of justice for the people and victim if the crime committed under penalty of less than 7 (seven) years, fixed by applying article persecution in the criminal Code, but with due regard to the rights and development of children in the provision of facilities / concept of punishment and not to seek diversion as contained in Act No. 11 of 2012 on Child Criminal Justice System.

3. Closing

Based on the above description that the model of the handling of the action "*klitih*" with child offenders using Act No. 11 of 2012 on the Criminal Justice System Son, yet provide good benefits for the perpetrator, the victim, and the community. For the implementation of the Criminal Justice System perpetrator Children do not provide a deterrent effect and it gives inspiration to other actors. For victims and society is of course that the application of such systems have not provided the actual sense of justice, so that the emergence of demand for law enforcement officials, especially the police to be firm in handling the perpetrators "*klitih*".

In accordance with the above description, it is advisable to law enforcement officials, especially the police, the handling of child perpetrators "*klitih*", not necessarily using the concept of diversion, especially against crime that carries a minimum sentence of less than 7 (seven) years, but by applying the criminal provisions in the Criminal Code in order to provide a deterrent effect for offenders and provide

²⁵Satjipto Raharjo, 2005, "Hukum Progresif, Hukum Yang Membebaskan", Jurnal Hukum Progresif, Vol. 1/No/ 1/April 2005, PDHI Undip, p. 3.

²⁶Satjipto Raharjo, 2006, "Hukum dalam Jagad Ketertiban" UKI Pers, Jakarta, p. 151.

justice to the victims and the community, and to prevent its massive development of action "*klitih*" and other street crimes.

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