

Application of Participation (*Deelneming*) in the Crime of Mistreatment of A Child (Case Study of Decision Number 4/PID.SUS-ANAK/2023/PN JKT.SEL)

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Abstract. *This study analyzes the application of participation theory (deelneming) in child assault cases under Indonesian law, focusing on whether participation in such criminal cases aligns with the principles of criminal law in Indonesia. The research uses a descriptive juridical-normative approach, examining statutory regulations (statute approach) and case law (case approach), specifically the Child Protection Law and the consideration of the panel of judges in Decision No. 4/Pid.Sus-Anak/2023/PN Jkt. Sel. The findings show that the application of participation theory in the case involving AGH, a minor who was involved in organizing the meeting that led to the criminal act, aligns with the principles of child criminal responsibility in Indonesian law. Despite not directly committing physical violence, AGH's role as an organizer and liaison in the planning of the crime fulfills the elements of participation under Article 55 of the Criminal Code, making him accountable for the offense. Additionally, the application of rehabilitative punishment through sentencing in a Juvenile Detention Center (LPKA) is consistent with the objectives of the Indonesian juvenile justice system. AGH is given the opportunity to receive guidance appropriate to his age and psychological development, in line with the principles of reformation and restorative justice emphasized in Article 71 of Law No. 11 of 2012 on the Juvenile Criminal Justice System. The focus on rehabilitation and education, rather than mere punishment, aims to reintegrate the child into society in a positive and productive manner. In conclusion, while AGH was involved in the crime of maltreatment, the legal process has appropriately considered rehabilitation, ensuring that the legal response aligns with the principles of juvenile criminal law in Indonesia.*

Keywords: Assault; Child; Participation.

1. Introduction

Children are an integral part of the sustainability of human life and the sustainability of the nation and state, because children represent the leadership of a nation and state in the future, therefore it is important to protect a child from micro to macro scale, in the form of preventive and repressive.

Child protection is the responsibility of all levels from the family, the environment to the government, the synergy of the three is very important to achieve the goal of equitable protection, but initially there were challenges in the process of legal protection, due to the lack of certainty of the rules governing child protection, which in the end the rules were accommodated by the Indonesian government through Presidential Decree No. 36 of 1990 which ratified *the Convention Of The Right For The Child*.

As an effort to strengthen the law for child protection, the government then implemented Law No. 17 of 2016 concerning Child Protection. After the enactment of this sanctioned law, it turned out that it had not been able to overcome the many violations that occurred to children, especially in the end the government enacted Law No. 35 of 2014 concerning the Second Amendment to Law No. 23 of 2002 concerning Child Protection.¹

Children who are the subject of legal protection that has been regulated in the Law above can also be the subject of offenders who can be called children in conflict with the law, in the explanation of Article 1 paragraph (3) of Law No. 11/2012 concerning the Criminal Justice System for Children explains that children in conflict with the law, hereinafter referred to as children, are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old who are suspected of committing a criminal offense.

There is terminology related to children in conflict with the law which is often called *juvenile delinquency*, children in conflict with the law begin with actions that lead to acts against the law (*weder rech telijkheid*) and harm other parties such as brawls, theft, drinking, to the loss of someone's life.² This action is categorized as *juvenile delinquency*, which means an individual behavior that is contrary to the general consensus that is considered appropriate and good, if the individual is still a child then we often call it a delinquent act (*behavior*

¹ Nashrina. (2011). *Legal Protection for Children in Indonesia*, (Jakarta: Rajawali Pers, p.1-2.

² Kartini Kartono. (2017). *Juvenile delinquency* (Jakarta, RajaGrafindo Persada , p. 7

problem), if he is a teenager called (*delinquency behavior*) and if he is an adult called a criminal (*criminal behavior*).³

Juvenile delinquency is not only carried out in the form of individuals but can be in the form of a group, this group offense aims to produce certain criminal acts, where each person has their own role in producing a criminal act, meaning that the role of each person when put together becomes an act prohibited by criminal law. The responsibility attached is also different for each individual because they usually have different actions in realizing the criminal offense.⁴

A person's participation in a criminal act is commonly referred to as participation (*deelneming*). *Deelneming* comes from the Dutch word "*deelnemen*" which means accompanying, accompanying is an act of participating in a crime committed by more than one person.⁵ This act of participation is not only physical but also psychological in which each person has a role in realizing this offense.⁶ Participation or *deelneming* in the Criminal Code (KUHP) provides a basis for imposing punishment on a person involved in a criminal offense, even if he only partially participates in the act intended to complete the offense. The theory of participation (*deelneming*) focuses on the role of each perpetrator in committing a criminal offense, examining the acts committed by each individual, so that they can be classified as perpetrators in the form of participation and determining the criminal responsibility that must be borne by each. Participation regulated in Articles 55 and 56 of the Criminal Code expands the scope of criminal responsibility, which includes actions as the main perpetrator (*pleger*), an orderer (*doen pleger*), a participant in committing (*medepleger*), an activator to commit (*uitlokker*), and an accomplice (*medeplichtige*). However, this theory of participation does not specifically regulate the involvement of children in criminal acts. Criminal responsibility for children who commit a criminal offense is different from adults. In the juvenile criminalization system, there is a concept of a *double track system*, which regulates the provision of criminal sanctions and action sanctions, with the position of the two paths considered equal. This means

³ Marwan Setiawan. (2015). Characteristics of Child and Adolescent Criminality (Bogor: Galia Indonesia), p.100

⁴ H.M. Ikhwan Rays. (2019) Juridical Analysis of the Application of Article 55 paragraph 1 to 1 in the Crime of Maltreatment against Children (Study of the Decision of the Luwuk District Court No: 285/Pid.B/2013/PN Lwk), Yustisiabel Journal, Vol. 3 No. 2, 2019, p. 157. 157.

⁵ Muhammad Aniq Al Faruqi. (2022). "Participation (Deelneming) in Violence Causing Death Committed by Minors According to Islamic Criminal Law (Analysis of the Decision of the Jepara District Court Number 11/Pid.Sus- Anak/2019/PN.Jpa)," Eprints Walisongo, 2022, p. 14.

⁶ Ike Indra Agus Setyowati. (2018). Assistance and Participation (Deelneming) in Child Rape Cases, Media Juris Vol. 1 No.2, 2018, p. 284

that both criminal sanctions and measures have an equally important position in the process of imposing punishment on children.⁷

With no dichotomy in the two matters above, this is in line with the criminal rules for a person or group of children in conflict with the law will be given criminal sanctions as stipulated in Article 71 paragraph 1 and 2 of Law 11 of 2012:

1. Basic punishment for children consists of:
 - a. warning punishment;
 - b. punishment with conditions, namely:
 1. coaching outside the institution;
 2. community services; or
 3. supervision.
 - c. job training;
 - d. coaching within the institution; and
 - e. imprisonment.
2. Additional punishment consists of:
 - a. forfeiture of profits derived from the criminal offense; or
 - b. fulfillment of customary obligations

A criminal offense that still occurs frequently in the community, especially among teenagers, is the crime of persecution committed in groups. Many factors influence the occurrence of this offense, including the lack of adequate education and the negative influence of a bad social environment. In addition, fights that occur individually or in groups can trigger violence that ends in maltreatment. These factors are often interrelated and exacerbate the situation, thus increasing the high incidence of maltreatment in the community.⁸ In addition to these factors, persecution often occurs due to grudges, feeling

⁷ Fransiska Novita Eleanora, (2021) Analysis of Child Punishment According to the Provisions of Law Number 11 of 2012 concerning the Criminal Justice System, *Journal of Yure Humano*, Vol. 5 No. 2 of 2021, p. 25

⁸ Andi Hamzah. (2016). *Bunga Rampai Hukum Pidana dan Acara Pidana*, Jakarta, Ghalia Indonesia, 2001, p. 26

wronged, feeling betrayed, defamation, and other factors.⁹ The provisions of the offense of maltreatment are regulated in Articles 351-358 of the Criminal Code.

In this case, the defendant Agnes Gracia Haryanto (AGH) was proven to be involved in the crime of maltreatment committed by Mario Dandy against the victim Crystalino David Ozora. Based on the evidence presented during the trial, it was revealed that AGH, although not directly involved in the physical maltreatment of the victim, acted as the party who contacted the victim at the behest of Mario Dandy. On February 20, 2023, AGH, who was at Lotte Mart Bintaro for self-care, contacted the victim via WhatsApp and arranged a meeting where the victim was invited to the location on the pretext of returning a student card. AGH only relayed the message and acted on instructions from Mario Dandy, without knowing the exact intentions of Mario Dandy to commit violence against the victim. At the scene of the incident, AGH was only a witness to the assault committed by Mario Dandy against the victim. AGH did not attempt to stop the violence that was occurring because she was in a state of fear and confusion. Nonetheless, AGH is still considered to have contributed to the planning process of the persecution, as he played a role in establishing the communication that led to the criminal act.

The public prosecutor in his indictment requested that the defendant AGH be sentenced in accordance with his role in the crime of maltreatment. Although AGH was not directly involved in the physical act of violence against the victim, he played a role in contacting the victim and arranging the meeting that formed the background to the crime. The prosecutor argued that AGH should be given a sentence that takes into account his minor age, as well as his participation in the planning of the persecution. The prosecutor also argued that although AGH was not the main perpetrator in this crime, he should still be held responsible for his role in the incident. Therefore, the prosecutor proposed that AGH be sentenced in accordance with the provisions applicable to children involved in criminal offenses, with a focus on rehabilitation and guidance.

In giving its reasoning, the Panel of Judges took into account several important matters related to the involvement of the defendant AGH in this case. The judges stated that although AGH was not directly involved in the physical maltreatment committed by Mario Dandy against the victim, his role as the party who contacted the victim and arranged the meeting for reasons that were actually only a tactic to lure the victim into a situation that eventually led to maltreatment, made AGH still considered involved in this criminal act. The judge also considered that AGH was acting on Mario Dandy's orders and was unaware of

⁹ Mohammad Eka Putra. (2009). *Attempt and Participation*, Medan, Usu Press, 2016, p. 41.

the main defendant's malicious intent to commit the offenses. Nevertheless, the judge considered that AGH should be held responsible for his participation, even though he was not directly involved in the act of violence. In addition, the judge noted that AGH was still a minor and therefore, he should be sentenced to a punishment that is educative and rehabilitative, in accordance with the juvenile justice system. The judge emphasized that the main purpose of imposing punishment on children is to provide guidance and rehabilitation so that the child can return to society with better behavior. Therefore, the punishment imposed on AGH must prioritize guidance and not only punishment. In this case, imprisonment in the Special Correctional Institution for Children (LPKA) is seen as an appropriate step to provide guidance in accordance with the needs of AGH's psychological and social development.

Based on these considerations, the South Jakarta District Court, in Decision Number 4/Pid.Sus-Anak/2023/PN Jkt.Sel, decided to punish the defendant Agnes Gracia Haryanto with a prison sentence of 3 (three) years and 6 (six) months in the Special Correctional Institution for Children (LPKA). This imprisonment is intended to provide an opportunity for AGH to receive age-appropriate guidance and rehabilitation, as well as to prevent the recurrence of similar behavior in the future. In addition, this verdict also reminds the importance of participation in the planning of criminal acts even if not directly involved in acts of physical violence. The judge emphasized that this sentence aims to provide a deterrent effect for the defendant and encourage him to be more responsible in the future, as well as to ensure an effective coaching process so that AGH can return to functioning as a useful individual for the community.

2. Research Methods

This research uses a case approach and a statutory approach, namely an approach that analyzes, examines the laws and regulations relating to the legal issues currently faced, by also correlating with the case that the researcher raises in this study.¹⁰ The author also uses a normative juridical approach, Soerjono Soekanto argues that a normative juridical approach (normative legal research method). Normative juridical research method is library legal research conducted by examining library materials or secondary data only.¹¹

Data Sources of this research are Primary data will be obtained through: Relevant laws and regulations as well as court decisions related to cases that will be

¹⁰ Peter Marzuki Mahmud. (2013). *Legal Research*, (Jakarta: Prenada Media Grub, 2014), p 133-134.

¹¹ Soerjono Soekanto and Sri Mahmudji,(2003) *Normative Legal Research, A Brief Overview*, (Jakarta: Raja Grafindo Persada) p. 13.

examined in this study Secondary Data: legal literature, scientific journals, and the results of relevant previous studies.

This research uses qualitative data analysis techniques by describing in detail and systematically to answer how the responsibility of a company director should be carried out towards policy making for justice and benefits for the company. Qualitative data analysis techniques use inductive data analysis, starting with the stages of data collection, data classification, data presentation and conclusion drawing.¹²

The data collection technique used by researchers is the library research method, namely literature study. The library method is research conducted by reading books or magazines with other data sources in the library. This research activity is carried out by collecting data from various literatures, which are used not only in books, but can also be in the form of documentation materials, magazines, newspapers, and others. .¹³

3. Results and Discussion

3.1. Application of the Theory of Participation (*Deelneming*) in a Case of Child Maltreatment Based on Decision Number 4/Pid.Sus-Anak/2023 PN Jkt SlT

Participation that has been listed in the introduction is the definition of participation in the physical or psychological scope that has each task until the achievement of a criminal act. The criminal act cannot be separated between one act and another, because each role has a close relationship to realize the criminal act, and also the responsibility of each person in realizing the criminal act is different, this is one of the realization of legal objectives, especially justice for the perpetrator of the criminal act.

In the process of criminal law enforcement, Article 55 of the Criminal Code is often used in dealing with a criminal offense that involves more than one person, such as in the case of child abuse committed by employees of the Directorate General of Taxes, AG acts as a child who participates in the criminal act. The provisions on this participation are regulated in Article 55 of the Criminal Code and Article 76C of the Child Protection Law. If we relate AG's role to these two articles, the explanation is as follows. First, when viewed from the type of participation of the

¹² Yasin, M., Garancang, S., & Hamzah, A. A. (2024). Data Collection Methods and Instruments (Qualitative and Quantitative). *Journal of International Multidisciplinary Research*, 2(3), P. 161-173.

¹³ Bambang Sunggono. (2006). *Legal Research Methods*, (Jakarta: PT RajaGrafindo Persada), p. 31.

perpetrator (pleger), the perpetrator (pleger) is a person who fulfills all the conditions for committing the criminal offense.¹⁴

In relation to the crime of serious maltreatment, this has been regulated in Article 354 of the Criminal Code. The elements of the crime of serious maltreatment include fault in the form of intent, an act in the form of serious injury, an object in the form of another person's body, and an impact in the form of serious injury. In this case, AG is not included in the category of the main perpetrator (pleger) because AG does not fulfill the elements required for the crime of serious maltreatment, especially related to the element of serious injury which is the core of serious maltreatment. Secondly, when viewed from the type of participation in the form of ordering to commit (doen pleger), there are two parties involved, namely the party who acts as an orderer and the party who is ordered to commit a criminal offense. In this context, AG acted as the party who ordered and arranged the meeting with the victim, even though AG was not directly involved in the physical abuse. AG acted as the party who directed the victim towards a situation that allowed the maltreatment to take place, which made him a party to the planning and execution of the crime.¹⁵

In this case, AG did not act as one of the two parties in the participation, either as an orderer or as an ordered one. AG did not order Mario Dandy Satriyo to maltreat DO, nor was AG ordered by Mario Dandy Satriyo to commit the crime. Therefore, AG's actions cannot be categorized under this type of participation. Furthermore, when viewed from the type of participation in the form of co-perpetration, Memorie van Toelichting explains that co-perpetration is an act committed intentionally to participate in causing an event to occur. What needs to be considered in this type of participation is the strong cooperation between the parties involved. AG fulfills the elements of this type of participation, as proven by the legal facts in the trial, namely AG clearly knew that Mario Dandy Satriyo was still emotional towards DO. Despite this, AG still informed Mario Dandy that DO's student card was still with him, which in turn gave Mario Dandy the opportunity to meet directly with DO and vent his emotions. Furthermore, AG tried to trick DO by saying that he had arrived at the location with AG's aunt to return DO's student card in a Camry vehicle.

In fact, AG together with Mario Dandy and Shane Lukas Rotua Pangondian Lumbantoruan actually used a Rubicon vehicle. After that, AG was silent and did not try to stop the violence committed by Mario Dandy Satriyo against DO, even though he witnessed the abuse firsthand. Finally, when viewed from the type of

¹⁴ Moeljanto. (1985). *Attempted Delicts and Contributed Delicts*, Jakarta, Bina Aksara, p. 71-72.

¹⁵ Siswantari Pratiwi. (2022). "Delict of Participation in the Criminal Code (KUHP)," *Binamulia Hukum* 11, no. 1): p 72-76.

participation in the form of advocating to commit, this refers to someone who encourages others to commit a crime. In this case, AG did not encourage or push Mario Dandy Satriyo to commit maltreatment against DO, so AG's actions do not fall into the category of encouraging participation.

In the trial recorded in Decision Number 4/Pid.Sus-Anak/2023/PN.JKT.SEL, AG was charged with several articles. The first charge, in primair, is Article 355 paragraph (1) of the Criminal Code jo Article 55 paragraph (1) to 1 of the Criminal Code, while the first subsidiary charge is Article 353 paragraph (2) of the Criminal Code jo Article 55 paragraph

(1) to 1 of the Criminal Code. The second charge, in the primaries, is Article 355

(1) of the Criminal Code jo Article 56 paragraph (2) of the Criminal Code, and the second subsidiary charge is Article 353 paragraph (2) of the Criminal Code jo Article 56

(2) of the Criminal Code. In addition, the third charge is Article 76C jo Article 80

(2) of the Child Protection Law. The judge decided to try AG based on the first charge, considering that AG's actions had fulfilled the following elements: whoever commits serious maltreatment with premeditation, as well as the elements of doing, ordering to do, and participating in doing. The judge was of the opinion that AG was guilty of committing the crime of participating in serious maltreatment with prior planning. AG's legal team then filed appeals and cassations. However, these legal efforts were unsuccessful. The panel of judges of the DKI Jakarta High Court rejected the appeal, and the Supreme Court also rejected AG's cassation. Thus, based on this decision, AG will continue to serve a prison sentence of 3 years and 6 months in the Special Correctional Institution for Children (LPKA).

In this case, I think AG can be categorized as a *medepleger* (participant in the commission of a crime). He acted on instructions from Mario Dandy to contact the victim and arrange a meeting, despite not knowing the exact malicious intent of Mario Dandy. However, he was still involved in the planning that led to the persecution. Therefore, AGH

is still considered responsible for the criminal offense that occurred, even though he was not involved in the physical act. The application of the theory of participation in this case shows that Indonesian criminal law does not only focus on the main perpetrator, but also takes into account the smaller roles in a series of criminal acts. In the context of child protection law, although AGH is a minor,

his participation in the persecution is still accountable, with an emphasis on guidance and rehabilitation.¹⁶

AGH's role in this crime was very important even though he was not directly involved in the physical abuse. In planning the crime, AGH acted as a liaison who directed the victim to come to the scene of the crime for reasons that did not match Mario Dandy's malicious intent. In this case, AGH acted as a participant in the criminal act that made the crime of persecution possible. The application of this theory of participation in this case is very relevant, because although AGH did not commit physical violence, he still participated in supporting the crime through communication that led to the crime.¹⁷

3.2. Is the Application of the Theory of Participation (*Deelneming*) in Decision Number 4/Pid.Sus-Anak/2023 of the South Jakarta District Court in Accordance with the Principles of Criminal Law Applicable in Indonesia?

The principles of criminal law applicable in Indonesia, especially in juvenile criminal law, emphasize the objectives of rehabilitation and development of children in conflict with the law. The application of the theory of participation in Decision Number 4/Pid.Sus-Anak/2023 of the South Jakarta District Court needs to be examined from two main aspects, namely the principle of child criminal responsibility, the principle of rehabilitative punishment, and the principle of restorative justice. In this case, the application of the theory of participation is in accordance with the applicable principles, because the court's decision reflects an effort to achieve balanced justice and educate children not to repeat their mistakes.

a. Child Criminal Liability

As a child under the age of 18, AGH falls into the category of children in conflict with the law, which is legally regulated in Law Number 11/2012 on the Juvenile Criminal Justice System. Article 1 Paragraph (3) of the Law states that children aged 12 to 18 years can be held criminally responsible if proven to have committed a criminal offense. In this case, although AGH was not directly involved in the physical act of persecution, his role in planning and organizing the meeting still provides a basis for his criminal responsibility.

The application of the theory of participation in this case shows that AGH is not only accountable for his physical actions, but also for his participation in the planning of the criminal act that led to the persecution. This is consistent with the provisions in Article 55 of the Criminal Code, which stipulates that those who

¹⁶ *Ibid.*

¹⁷ Teguh Prasetyo, (2011). Criminal Law, Jakarta, Rajagrafindo Persada, p. 67

participate in criminal acts (whether as movers, abettors, or helpers) can still be held accountable for the criminal act.¹⁸ In addition, Article 71 Paragraph (1) of Law No. 11 of 2012 on Juvenile Criminal

Justice System states that children involved in criminal offenses can be subject to basic and additional punishment, which includes warning punishment, punishment with conditions, coaching outside the institution, and imprisonment in the Special Correctional Institution for Children (LPKA). In this case, AGH was sentenced to imprisonment in LPKA as part of the coaching and rehabilitation process.

b. The goal of rehabilitative punishment

The implementation of the double track system in Indonesian juvenile criminal law provides room for rehabilitative punishment, where punishment is not solely retaliatory. This system allows for punishment that aims to correct and foster children who are guilty, not just punish. This is in accordance with Article 71 Paragraph (2) of Law No. 11/2012 which states that the punishment of children must include sanctions for educational actions, such as coaching in institutions, community service, or coaching outside institutions. In this case, the punishment of AGH is more focused on rehabilitation, which is more suitable for his age and needs guidance.¹⁹

The implementation of a sentence in the form of imprisonment for 3 years and 6 months at LPKA aims to provide AGH with guidance that is in accordance with his social and psychological development. LPKA provides more appropriate facilities for children involved in criminal acts, with rehabilitation programs that are expected to help children return to society with better and more productive behavior. Therefore, the sentencing of AGH in LPKA also reflects the implementation of rehabilitation goals in line with Indonesian juvenile criminal law.

c. Restorative Justice Principles

The principle of restorative justice in the juvenile criminal justice system focuses on restoring the relationship between the offender, the victim, and the community. In this case, the main purpose of punishing children is to provide an opportunity for the guilty child to realize their mistakes and take

¹⁸ Muhammad Ainul Syamsu. (2016). The Shift of Participation in the Teaching of Participation in Critical Studies based on the Theory of Separation of Crime and Criminal Responsibility, (Jakarta: Kencana Prenadamedia Group, February 2014) p. 70-72.

¹⁹ Nandang Sambas. (2010). Reform of the Juvenile Justice System in Indonesia, (Yogyakarta: Graha Ilmu) p. 126

responsibility for their actions, as well as provide rehabilitation that helps the child reintegrate into society. The application of the inclusion theory in AGH's case does not only aim to provide punishment, but also to ensure that he gets the opportunity to improve his behavior through the coaching process.

The application of restorative justice principles in this case prioritizes teaching and changing behavior, not merely punishment. In addition, the imposition of imprisonment in LPKA is also expected to minimize the negative impact on the child's development and prevent the recurrence of similar acts in the future. Conformity with Indonesian Criminal Law Principles. The application of the theory of participation in the AGH case shows that the Indonesian criminal law system does not only view criminal offenders based on their physical role in the crime, but also involves more complex roles, such as in planning and supporting the crime. By using the principle of justice that prioritizes rehabilitation, Indonesian criminal law seeks to provide balanced and educational punishment, especially for children involved in criminal acts.²⁰

The application of this theory of participation is very relevant and consistent with the objectives of Indonesian criminal law which focuses more on fostering children, while still paying attention to the principles of justice and children's rights. Therefore, even though AGH was involved in the crime of persecution, the imposition of punishment that is educational, rehabilitative, and takes into account his age and status as a child, is in accordance with the principles of criminal law that protects and nurtures children in conflict with the law, and provides opportunities for children to grow into independent human beings.²¹

4. Conclusion

The application of the theory of participation (*deelneming*) in AGH's case is in accordance with the principles of child criminal responsibility regulated in Indonesian law. Although AGH was not directly involved in the physical persecution, his role as a liaison and organizer of the meeting that led to the criminal act of persecution has fulfilled the elements of participation in criminal law. In accordance with Article 55 of the Criminal Code, AGH can be held accountable for the crime because he participated in planning and organizing the meeting that led to the violence. Based on the applicable legal provisions, children involved in criminal acts, albeit in a smaller role, can still be held accountable in accordance with the laws governing child protection and justice.

²⁰ Simanjuntak in Nandang Sambas. (2013), *Renewal of the Juvenile Justice System in Indonesia* (First Edition, Yogyakarta: Graha Ilmu) p. 10

²¹ Fitri Wahyuni. (2017). *Basics of Criminal Law in Indonesia*, (South Tangerang: PT Nusantara Persada Utama) p. 83

In addition, the application of rehabilitative punishment in this case is in line with the objectives of the Indonesian juvenile criminal justice system. With a sentence in the form of imprisonment in a Special Correctional Institution for Children (LPKA), AGH is given the opportunity to obtain guidance that is more appropriate to his age and psychosocial development. This approach prioritizes rehabilitation and education, not merely punishment, in accordance with the provisions of Article 71 of Law No. 11/2012 on the Juvenile Criminal Justice System. The main objective is to provide opportunities for children to improve their behavior and return to society in a more positive and productive way. Therefore, although AGH was involved in the crime of maltreatment, the legal process applied has considered aspects of rehabilitation in accordance with the principles of juvenile criminal law in Indonesia.

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