

JURIDICAL REVIEW IN EFFORT TO COMMAND OFFENSIVE CRIMINAL ACTIONS PERFORMED BY UNDERAGE CHILDREN (CASE STUDY DECISION NO. 563/PID.SUS/2021/PN LBP)

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| Keywords | Abstract. In writing this thesis the author discusses the juridical review in an effort to overcome immoral crimes committed by minors. This is motivated because the author feels the importance of protecting children in legal matters. On the basis of looking at the condition of the surrounding environment and the circumstances in which the violation of this law is increasingly rampant. This study aims to find out about how the process of tackling immoral crimes against children as the next generation. This research was conducted in Deli Serdang Regency by choosing an agency that has a connection with this problem having its address at the Lubuk Pakam District Court Class IA Jl. General Sudirman No. 58 Lubuk Pakam, Postal Code: 20512, North Sumatra. The type of research used is juridical research, namely legal research conducted based on norms and rules and legislation, especially those relating to the implementation of Law no. 35 of 2014 concerning Child Protection. The results of the study discuss the factors that cause immoral crimes in children, namely family factors, environmental factors, educational factors and social media technology development factors. Completion of cases of judges' decisions on perpetrators of immoral criminal cases. Efforts made in tackling immoral crimes against children, namely legal counseling are very important, given that in general criminals are criminals. Especially immoral crimes against children is the level of legal awareness is still relatively low, so that with this outreach activity, it is hoped that they can understand and realize that immoral crimes against children are unlawful acts and are detrimental to society, which are threatened by law. Then repressive efforts in tackling immoral crimes against children. The repressive action is carried out by arresting and legally processing the perpetrators of immoral crimes against children in accordance with applicable legal regulations. |
| Overview, Immoral Crimes, Children. | |

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1. INTRODUCTION

It is very important to discuss cases of immoral crimes, so that as a teenager, especially women aged 12-21 years, they can be more concerned about the problems that occur around us. To raise awareness to the related parties to further improve supervision of feasibility and safety because it concerns the public interest.¹In this regard, children are part of the younger generation and are the next generation of the ideals of the nation's struggle. Children are human resources for development in realizing quality Indonesian human resources and can lead and maintain the unity and integrity of the nation, in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution.

The impact of immoral acts committed against minors is very traumatic for the victim, the impact is both psychological and physical. The psychological impact of victims of violence will experience deep trauma, besides the stress experienced by victims can interfere with brain function and development. The physical impact, immoral acts are the main factors in the transmission of Sexually Transmitted Diseases (STDs). In addition, the victim also has the potential to experience internal injuries and bleeding. In severe cases, internal organ damage may occur.

The severity of the law that must be carried out by a person to account for his actions depends on the community's assessment of that person's actions. And the assessment given by the community to a

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good deed or not in accordance with the measure of a sense of justice and the public interest. Therefore, the provisions in the criminal which become the benchmark are the interests of the community in general. It is indeed the case in criminal law that its provisions include prohibitions which are also provisions in politeness, decency, and sacred religious norms which in legal events can harm the community, for example as humans, respect and send others. This statement is required to apply by social life.

Generally, the causes for these deviations are due to, among others, internal factors and external factors from the perpetrator, the consequences of which can harm the interests of the child, because of this action the child does not get the opportunity to get attention, protection from the community, institutions and existing legal instruments. Deviations in behavior towards children include sexual crimes against children, these criminal cases are carried out by those who have absolutely no morals, only based on mere lust. Sexual crimes committed can bring enormous consequences for the development and growth of children, especially in terms of mental (psychological), physical and mental.

The position of children as the young generation who will continue the noble ideals of the nation, future future leaders and as a source of hope for the previous generation, needs to be protected in order to obtain the widest possible opportunity to grow and develop properly, both spiritually, physically and mentally. social.

In this case, it is necessary to pay attention to legal protection for children and justice for children. Legal protection, in this case, contains the meaning of child protection based on applicable legal provisions (which regulates Juvenile Justice), both as suspects, defendants, convicts/convicts. So this study reveals the existence of legislation on child protection in Law no. 23 of 2002 concerning Child Protection. Children in relation to legal protection for children, whether as suspects, defendants, convicts/convicts, its application in handling cases of child delinquency starting from investigation, prosecution, court and correctional, knowing the obstacles and efforts to overcome them. then the author takes the formulation of the problem, namely how are the factors that cause cases of immoral crimes committed by minors. How to resolve the case of the judge's decision in cases of immoral crimes committed by minors (case study Decision Number: 563/Pid.Sus/2021/PN Lbp). How are the efforts made to tackle cases of immoral crimes committed by minors. The purpose of this paper is to obtain a degree in law at the Faculty of Law, Universitas Muslim Nusantara Al-Washliyah. To find out and analyze what factors cause cases of immoral crimes committed by minors. To find out how to resolve cases of judges' decisions in cases of immoral crimes committed by minors.

2. METHOD

Research is an important thing in the whole series of activities of writing a scientific paper, because with research, the object of the problem described in the formulation of the problem will be answered. The location of this research is located at the Lubuk Pakam District Court Class 1-A Jl. General Sudirman Number 58 Lubuk Pakam, Postal Code: 20512, Tel/Fax: (061) 7955861, North Sumatra.

The type of research used is juridical normative empirical, namely legal research conducted in the field, which examines the applicable legal provisions and what has occurred in people's lives based on norms and rules and legislation, especially those relating to the implementation of Law no. 35 of 2014 concerning Child Protection.

Data collection activities in this study are by collecting secondary data in the form of laws and regulations, articles and other documents needed to be then categorized according to the appropriate grouping. In this research, the writer uses library research and field research to collect and compile the required data.

Data analysis used with a qualitative approach can answer and solve as well as thoroughly and thoroughly deepen the object being studied in order to produce descriptive conclusions.

3. RESULTS AND DISCUSSION

A. Factors That Caused Cases of Immoral Crimes Against Children

The definition of a child according to the Law of the Republic of Indonesia Number 35 of 35 of

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2014 concerning child protection is someone who is not yet 18 years old, including children who are still in the womb. In essence, children are gifts and gifts from God Almighty, therefore their rights should be protected, cared for and respected. In addition, Article 4 of the Child Protection Law states: "every child has the right to live, grow, develop, and participate fairly according to discrimination".

Based on this article, children should not be treated arbitrarily and protected from all forms of violence, including sexual harassment. A person can have the opportunity to become a criminal because for example: *Broken homes* (splits in the household), The Emotionally Uneducated Family (lack of a sense of kinship / insufficient family feelings), Family Failure in Training (failed/less educated families), Family Failure in Supervision (families that lack supervision), Family relations who are less well off in society, families who are economically depressed, unemployed, have low incomes, and mothers work outside the home or often leave the house. These things make children feel unnoticed and lack the love of their parents so that they feel uncomfortable being at home and choose to be outside where there is a lack of parental supervision. It is outside or in an environment that is not supervised that he begins to do negative things as a form of escape.

Through technology makes it easier for someone to access adult sites that will make or stimulate someone to do what he sees on the site. As a result, many obscene acts occur after viewing the site, resulting in a sense of desire to do like the scenes on the site.

This situation will increase immoral crimes committed by someone who is caused by the negative influence of technological developments, because technological developments make information easier to obtain so that the influence of globalization is inevitable. When the influence of globalization enters, it will eliminate the cultural values and moral values of society and it will also affect a person who has not been able to think to accept a situation.

B. Settlement of Judges' Decisions in Cases of Immoral Crimes Perpetrated by Minors (Case Study of Decision Number 563/Pid.Sus/2021/PN Lbp)

Considering, whereas on the opportunity given by the Judge to the defendant to propose a mitigating. Witness (a de charge) and evidence, the Defendant stated that he would not propose a mitigating Witness (a de charge) in this case;

Considering, that the Public Prosecutor has read the *Visum Et Repertum* from the Deli Serdang Regional General Hospital Number: 24,440/RSUD/I/2021 dated January 26, 2021 which was drawn up and signed by Dr. Masjuanda, Sp. OG by remembering the oath of office, with the results of the examination that the victim suffered a torn hymen at 3,6 and 9 and the victim's witness was no longer a virgin;

Considering that based on the evidence and the evidence presented, the following legal facts were obtained:

- Whereas the defendant M. Taruna Sani together with Mhd. Agung Zuhri, Fanny Yus Piter Gea, (separate case files and have been sentenced) and Dimas (not arrested) have had sexual intercourse with the victim's child Ika Wulandari who is still 15 (fifteen) years old;
- Whereas the victim's child knew the defendant Muhammad Taruna Sani and the three other friends from a friendship on Facebook since early 2021, and the relationship was only a friendship relationship;

That a series of lies is that there must be several series of false words spoken so that it is a story that can be accepted as a true situation, so it can also be interpreted as a series of false words arranged in such a way that one lie can be covered by another lie so that the whole is a story of something as if it were true;

That to persuade or move is to bring the victim into a situation with the means specified in this first law until the victim is willing to commit the said act;

Considering that in his room, Mhd. Agung Zuhri seduced the victim's child and invited the victim's child into the room, and in Mhd's room. Agung Zuhri lay down the victim's body on the bed, and said "okay, come on" Mhd. Agung Zuhri opened the pants and underwear of the victim's child, Mhd. Agung Zuhri took off his pants and underwear and then kissed the lips of the victim's witness, felt the victim's breast, then raised the victim's shirt and bra so that the victim's breasts could be seen, then

Mhd. Agung Zuhri sucked the nipples of the victim's child until the victim's child was aroused, then Mhd. Agung Zuhri straddled both the legs of the victim's child and then Mhd. Agung Zuhri inserted his gaping genitalia into the child's genitals and then shook his buttocks until Mhd's pubic shaft. Agung Zuhri went in and out of the victim's child's genitals, until Mhd. Agung Zuhri felt good not long after Mhd. Agung Zuhri pulled out his genitals from the genitals of the victim's witness and threw his sperm outside the genitals of the victim's child. In this case Provide education and information on health and reproduction for children, how to view, respect and be responsible for the child's own body so that children understand and understand about it and do not arbitrarily use their bodies with things that are not good. Can also make a seminar on sex by inviting experts who can explain in more detail. For example, a doctor or psychologist who is capable and understands in matters of adolescent lifestyle and reproductive health.

But not only getting supplies from school, communication from parents and children is also needed. Not only teenagers who have the right to get knowledge about sex and the lifestyle of today's teenagers, parents also need to get knowledge about the lifestyle of today's teenagers, so that open communication can be established between parents and children. Because it is not impossible, those who are not near or far from parental control are more likely to fall into negative things.

In the juvenile justice system as regulated in Law No. 3 of 1997 on the Juvenile Court, the settlement of child cases is through the diversion mechanism. This diversion is motivated by the desire to avoid the negative effects on the psychological development of children from the implementation of the criminal justice system with all the consequences of imposing a crime. Diversion is the transfer of the settlement of juvenile criminal cases from the judicial process to a settlement through deliberation involving victims, perpetrators, their families and the community outside the judicial process. Diversion is part of resolving child criminal cases through a restorative justice approach. This is very important, so that the rights of children, both victims and perpetrators, are protected for their future, while at the same time restoring social order in society. Finally, if the child is already in prison, the prison officer can make a diversion policy against the child so that the child can be transferred to a social institution, or alternative sanctions that are useful for correctional. The coaching action in the Correctional Institution aims to provide practical knowledge in the form of skills and provide guidance to inmates so that after leaving the prison they can become good citizens.

Of the two types of coaching carried out, of course it is good enough to foster the mentality of criminals so that after leaving the Correctional Institution they can live normally again as usual. This also does not guarantee that the perpetrator of the crime will return to the Correctional Institution, whether with a similar case or with a different case.

Therefore, serious coaching is needed, namely coaching that is right on target and illustrates that the Correctional Institution is a form of revenge for what we do in the world and not in the hereafter, we will also get a reply. So, this coaching opens the awareness of thinking and acting for the perpetrators of crimes to return to the right path while still being based on the religious values they adhere to.

4. CONCLUSION

These things make children feel unnoticed and lack the love of their parents so that they feel uncomfortable being at home and choose to be outside where there is a lack of parental supervision. Social environmental factors, the influence of a bad playing environment forms a bad mentality with various deviant actions. Educational factors, Children tend to be given less understanding about it. In this case children and adolescents are vulnerable to misinformation about sex. If they do not get proper sex education, they will be influenced by information about sex that is not true and the development factor of social media technology. Declaring that the Defendant Muhammad Taruna Sani Als Runa has been legally and convincingly proven guilty of committing the crime of "persuading a child to commit an obscene act" as stated in the Primary indictment, imposing a sentence on the Defendant with imprisonment for 9 (nine) years and a fine of Rp. 1,000,000,000.00 (one billion rupiah) provided that if the fine is not paid, it will be replaced with a minimum sentence of 3 (three) months. Determining the period of arrest and detention that has been served by the Defendant is reduced entirely from the sentence imposed. Efforts that can be made in overcoming cases of immoral crimes against children,

namely preventive efforts are actions taken by law enforcement before a crime occurs so that a crime can be prevented beforehand by approaching families and children, providing knowledge about health and reproductive education, building quality relationship between parents and children, conducting counseling in every school. The second is with repressive efforts. Combating immoral crimes with a repressive nature is an effort that is carried out after a crime has occurred. This action can be in the form of arrest, detention, by imposing a sentence and placing in a correctional institution.

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