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Diversion: The Concept of Child Criminal Case Resolution in Indonesia

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Abstract

Diversion is a mechanism for resolving criminal cases of children in conflict with the law outside the formal justice process. The research problem is how the basic principles of diversion for the settlement of juvenile criminal cases in Indonesia? How is the implementation of the principles of diversion in juvenile court practice in Indonesia? This research is a normative legal research, namely research that uses library materials or secondary data consisting of primary legal materials, secondary legal materials as the main data. The results of the study concluded that the principles of diversion in juvenile court practice in Indonesia are guided by the principles of child welfare that exist in international instruments and national legal provisions, which consider the interests of victims, the welfare and responsibility of children, avoidance of negative stigma, avoidance of retaliation, community harmony and decency, decency and public order. The implementation of the principle of diversion in juvenile court practice in Indonesia has resulted in diversion agreements in the crimes of maltreatment, theft, narcotics, traffic accidents due to negligence and child abuse. These various criminal offenses reached diversion agreements through court decisions, including; Stipulation No. 2/Pen.Div/2021/PN Rta jo No. 5/Pid.Sus-Anak/2021/PN Rta, Stipulation No.12/Pid.Sus-Anak/2014/PN.Rantau Prapat, Stipulation No.12/pen.Div/2020/PN Kisaran, Stipulation No/Pen.Div/2020/PN Bbu jo No./Pid.Sus-Anak/2020/PN Blambangan Umpu, Stipulation No.3 /Pid.Sus-Anak/2020/PN.Tenggaron, Stipulation No.8/Pid.Sus-Anak/2018/PN Kuningan, Stipulation No.1/Pid.Sus-Anak/2014/PN Garut, Stipulation No.26/Pid.Sus-Anak/2016/PN Denpasar, Stipulation No.35/Pid. Sus-Anak/2017/PN Batam, Stipulation No.81/JN/2021/Mahkamah Syar'iyah Suka Makmue, Stipulation No.111/Pid.Sus -Anak/2014/PN.Surabaya.

Keywords: Juvenile Diversion, Juvenile Case Resolution and Juvenile Court Practice

1. Introduction

Diversion is an integral part of the settlement of juvenile criminal cases in the world, including Indonesia. The provision on diversion is expressly regulated in Article 5.1 of the United Nations Standard Minimum Rules for the administration of juvenile justice 1985 or The Beijing Rules (SMRJJ) (Wangga, 2016). Article 5.1 asserts that the goal of the juvenile criminal justice system is to prioritize the welfare of the child and to ensure that any response

to juvenile offenders will always be commensurate with the good circumstances of the offender. According to The Beijing Rules, diversion means that the police, public prosecutors/other agencies dealing with juvenile cases are authorized to discontinue the case at their discretion.

International instruments that regulate diversion include The Beijing Rules (SMRJJ), The Riyadh Guidelines, The Tokyo Rules and The United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Even in General Comment Number.10 2007 of The Committee on the Rights of the Child on Children's rights juvenile justice implicitly found rules on diversion. The above international provisions expect participating countries to adopt the provisions of diversion into national provisions in each country, including Indonesia.

2. Problem Statement

Indonesia, has national provisions governing diversion for children in conflict with the law. Although there are provisions on the concept of diversion, it is still felt to be contrary to the basic principles of diversion in the Law. Based on the above description, the problems in this study are; how are the basic principles of diversion for the settlement of juvenile criminal cases in Indonesia? And how is the implementation of the principles of diversion in juvenile court practice in Indonesia?

3. Research Objectives

The object of study is the legal reality in the form of Law Number 11 of 2012 concerning the existing Child Criminal Justice System in Indonesia, Supreme Court Regulation (PERMA) Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Child Criminal Justice System.

4. Literature Review

Diversion" which means diversion, then the word "Diversion" was absorbed into the Indonesian language into the term diversion (KBBI: 2005). According to the history of the development of criminal law, the word "Diversion" was first proposed as a vocabulary in the report on the implementation of juvenile justice submitted by the President of the Australian Crime Commission in the United States in 1960. The basic idea of diversion is to avoid the negative effects of conventional criminal justice examinations on children, both the negative effects of the court process and the negative effects of the stigma (bad label) of the judicial process, so conventional examinations are diverted.

Diversion according to Jack E Bynum (2002), in his book *Juvenile Delinquency a Sociological Approach*, namely diversion is an attempt to divert, or channel out, youthful offenders from the juvenile system (Diversion is an action or treatment to divert or place child offenders out of the criminal justice system). According to Nasir Djamil in his book "Children Are Not to Be Punished" is a transfer of the settlement of cases of children suspected of committing certain criminal offenses from the formal criminal process to a peaceful settlement between the suspect/defendant/criminal offender and the victim facilitated by the family and/or community, Child Community Supervisor, Police, Prosecutor or Judge (Hera Susanti, 2017). The definition of diversion is also stated by Marlina in her book *Juvenile Justice in Indonesia*, which is a policy carried out to avoid perpetrators from the formal criminal justice system to provide protection and rehabilitation to perpetrators as an effort to prevent children from becoming adult criminal offenders (Marlina, 2009). According to M Nasir Djamil (2013), what is meant by diversion is a transfer of settlement of cases of children suspected of committing certain criminal offenses from the formal criminal process to an amicable settlement between the suspect/defendant/offender and the victim facilitated by the family and/or community, child community counselor, police, prosecutor, or judge.

Yul Ernis (2016), in his research, stated that the application of diversion and restorative justice had been practiced long before the SPPA Law was enacted in Indonesia. Ernis added that diversion is practiced to resolve juvenile criminal cases in a family and deliberative manner through the traditions of indigenous peoples. In line with Ernis' research is research from Maidina Rahmati et al. (2022), which suggests that the form of case settlement in indigenous communities can be seen in South Sulawesi, the Flores community of NTT, the Banjar community and others.

The Ammatoa, Kajang indigenous community in Bulukumba Regency, South Sulawesi also has a customary judicial institution that has been recognized by the state through Regulation Number 9 of 2015 concerning the confirmation of the recognition and protection of the rights of the Ammatoa Kajang customary law community. Article 22 of this regulation gives the Ammatoa Kajang customary law community (MHA) the right to carry out its customary law and resolve violations of customary law through its own customary justice system. For the people of Flores, NTT, namely the local community of Lamaholot, Larantuka Regency, NTT has a way of resolving problems with a traditional ritual called "mela sareka" (rite of peace). Meanwhile, the Banjar community is known for "adat badamai", which is a settlement of disputes of both civil and criminal nature that is commonly practiced by the Banjar community. Adat badamai in criminal dispute resolution is also known as "Baparbaik" or "Bapatut".

Achmad Ratomi (2013), in his research, suggests three (3) forms of implementation of diversion at the investigation stage. First; Police deliberation. The parties only consist of the police and the offender. The types of crimes are violations and minor crimes. The sanctions are in the form of informal warnings, namely oral warnings and written warnings. The informal warning is not recorded in an agreement and does not need to be requested to the district court. Second, the family deliberation. The parties involved are the police, the offender and/or his/her parents/guardians, and the community counselor. The types of crimes are minor crimes, victimless crimes and crimes where the value of the victim's loss does not exceed the value of the minimum wage of the local province. The sanction is a formal warning that is recorded in the police record book but does not need to be submitted to the District Court. Third; Community Deliberation. The parties involved are the police, the offender and/or his/her parents/guardians, the victim and/or his/her parents/guardians and the community counselor. The type of crime is a criminal offense punishable by imprisonment of less than 7 (seven) years and is not a repetition of the crime and is not included in the category of criminal offenses, minor crimes, crimes without victims and crimes where the value of the victim's loss is not more than the value of the minimum wage of the local province. The sanction is a formal warning that must obtain the consent of the victim and/or his/her family if the victim is a minor. The results of the deliberation are then outlined in a diversion agreement signed by the parties.

5. Methodology

This scientific paper is a doctrinal legal research, which conceptualizes law as a norm with the scope of *ius constituendum*, *ius constitutum* and judge made law. This legal research is descriptive analytical, which uses secondary data consisting of primary legal materials, secondary legal materials and tertiary legal materials. Primary legal materials, as binding legal materials, consisting of regulations on restorative justice established by law enforcement agencies. Secondary legal materials consist of textbooks, expert opinions, research results, seminar results. Meanwhile, tertiary legal materials are legal materials that support primary and secondary legal materials, including print media, online media, encyclopedias and other tertiary legal materials. The whole data is collected and processed and then analyzed juridically qualitatively to find the meanings hidden behind the object to be studied.

6. Data Analysis

Court decisions on juvenile criminal cases that reached diversion agreements in several District Courts in Indonesia from 2014 - 2021 in the following table:

No	Diversion Case Court Determination Number	Type of Crime	Child's age	Education	The result of the diversion agreement
1	Decisions No2/Pen.Div/2021/PN Rta jo Number 5/Pid.Sus-Anak/2021/PN Rta	Crime of theft	14 years	Elementary School	-The perpetrator's son & the victim agreed to reconcile; -. The perpetrator's son was given guidance by working at the Lokpaikat Resort Police at least 2 days a week.
2	Decisions No.12/Pid.Sus-Anak/2014/PN.Rantau Prapat	Crime of theft	17 years	Middle School	-. The victim & the perpetrator's son agreed to reconcile by returning the laptop & the loss of Rp 5 million to the victim; -. The perpetrator's child was returned to the guardian

3	Decisions No.12/pen.Div/2020/PN Kisaran	Narcotics Crime	17 years	Not mentioned	- The child regrets his/her actions; -. The perpetrator's child was included in job training owned by Mr. M. Nuh in Dusun IV Silo Village, Silau Laut Sub-District, Asahan Regency for 3 months.
4	Decisions No/Pen.Div/2020/PN Bbujo Nomor/Pid.Sus-Anak/2020/PN Blambangan Umpu	Narcotics Crime	17 years	Not mentioned	-child returned to parents with PK Bapas supervision for 6 months
5	Decisions No.3/Pid.Sus-Child/2020/PN.Tenggaron	Narcotics Crime	17 years	Not mentioned	-The child admits guilt & promises not to repeat the crime; -Child undergoes medical rehabilitation & psychosocial rehabilitation at the East Kalimantan Provincial BNN (in accordance with the mandate of Law 35/2009 on Narcotics).
6	Decisions No.8/Pid.Sus-Anak/2018/PN Kuningan	Crime of maltreatment	15 years	Student	-The child admits his/her actions & promises not to repeat the crime; -. The victim forgives the perpetrator's actions & does not hold a grudge and will not retaliate; -. The child undergoes community service 2 hours / day for 1 month in the Kuningan sub-district & program from the Correctional Center Supervisor and the child continues to live with parents and must obey parental advice.
7	Decisions No.1/Pid.Sus-Child/2014/PN Garut	Crime of maltreatment	17 yeras	Not mentioned	-The victim forgives & does not dispute the act committed and does not demand material; -. The victim expects the child's parents to educate, guide, foster the child to be better and the Sakawayana village head who will supervise it & provide direction for parents
8	Decisions No.26/Pid.Sus-Anak/2016/PN Denpasar	Narcotics Crime	16 years	High school grade 2	-.The child realizes his/her mistake & apologizes; -.The child is returned to the parents for guidance & counseling.
9	Decisions No.35/Pid. Sus-Anak/2017/PN Batam	Crime of negligence resulting in accident or damage			-. The victim did not claim damages; -The perpetrator's child is returned to the parents to be educated and sent to school.
10	Decisions No.81/JN/2021/Syar'iyah Court Suka Makmue	Crime of child molestation	Consists of 3 child perpetrators (1) 17 years old (2) 16 years old (3) 17 years old	Intermediate Technical School (STM) Intermediate Technical School (STM) Vocational High School (SMK)	-The perpetrator's son paid compensation of Rp 10,000,000 (ten million) & apologized to the victim; -.there are 2 children of the perpetrator who have STM education received social coaching at the Nurul Iman Mosque, Ujong rambong Village, Gampong Kuta Makmue to carry out & be assigned as muezzin at every prayer at the mosque for 3 months. -. Children with vocational education received social guidance at the pesantren where the child was educated for 3 months.
11	Decisions No.111/Pid.Sus - Anak/2014/PN.Surabaya	Narcotics offenses	17 years	Vocational High School (SMK) Grade I	-The perpetrator's son regretted his actions & promised not to repeat the crime; -. The Integrated Assessment Team of the East Java Provincial BNN recommends that the child undergo rehabilitation at the ANKN (Juvenile Delinquents & Victims of Narcotics) Social Rehab Unit in Surabaya for 4 months and is approved by the Correctional Center's Community Supervisor.

Source of data processed by the author from primary legal materials

The table above shows that diversion agreements are implemented at the level of investigation, prosecution and court hearings so as to request a district court decision. The existence of a court decision causes the termination of the settlement of criminal cases involving child perpetrators. The results of this study found 11 (eleven) court

decisions with a variety of criminal offenses committed by children. 5 children committed narcotics crimes, 2 children committed theft crimes and 2 children committed maltreatment crimes. There was 1 child who committed a criminal offense due to negligence resulting in an accident or damage and 1 child who committed a criminal offense of child abuse.

7. Discussion and Conclusion

7.1. Principles of Diversion in the Settlement of Juvenile Criminal Cases in Indonesia

Diversion in Article 1 point 7 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System is defined as the transfer of the settlement of juvenile cases from the criminal justice process to a process outside of criminal justice. Furthermore, in Articles (5) through Article 14, Article 29, Article 42 and 52 paragraphs (2) through (6) of Law No. 11 of 2012 concerning the Child Criminal Justice System, diversion must be pursued at the level of investigation, prosecution and examination of children's cases in court by prioritizing a restorative justice approach. The word "shall be pursued" implies that juvenile law enforcers from investigators, prosecutors and judges are required to pursue the diversion process. The obligation to seek diversion from the start of the investigation, prosecution and examination of children's cases in the district court, is carried out in the event that the criminal offense is punishable by imprisonment under 7 (seven) years and does not constitute a recidivism. Article 9 stipulates that investigators, public prosecutors, and judges in conducting diversion must consider the category of criminal offense, as an indicator that the lower the criminal threat, the higher the priority of diversion.

Diversion is not intended to be implemented against perpetrators of serious crimes, such as murder, rape, drug trafficking, and terrorism, which are punishable by more than 7 (seven) years, while the age of the child in the article above is used as a determination of the priority of providing diversion and the younger the child, the higher the priority of diversion, taking into account the results of community research from the Correctional Agency (BAPAS) and the support of the family and community environment. The diversion process pursued by investigators, public prosecutors and court judges must pay attention to the interests of victims, the welfare and responsibility of children, the avoidance of negative stigma, the avoidance of retaliation, the harmony of society and decency, decency and public order. All of these principles must be applied to achieve the objectives of diversion, namely achieving peace between the victim and the child; resolving the child's case outside the judicial process; preventing the child from deprivation of liberty; encouraging the community to participate; and instilling a sense of responsibility in the child.

Article 40 of the United Nations Convention on the Right of Children (The CRC) emphasizes the principles of diversion as follows (Wangga, 2016):

- 1) The principle of diversion is only applied in cases where there is strong evidence that the child has violated the law and he/she is willing to voluntarily take responsibility for his/her actions. This means that the ability to take responsibility is not obtained through intimidation, pressure, persuasion or coercion (Paragraph 27 point 1 General Comment No.10 (2007));
- 2) The principle that children must give their free and voluntary consent in the formulation of diversion, which consent is given after the child has received detailed information about the form, content or alternatives of the program. It is necessary to inform the child about the consequences of failure to implement the alternative program that has been determined. Even for children less than 16 years old, parental consent is required (children who violate the law), (Paragraph 27 point 2 General Comment No.10 (2007));
- 3) The principle that there needs to be specific legal rules to determine diversion can be applied in terms of what the authority of the Police, Public Prosecutor and/or other related parties in deciding diversion, must be well regulated and can be changed, especially to protect children from discrimination (Paragraph 27 point 3 General Comment No.10 (2007));
- 4) The principle of the child who has violated the law being given the opportunity to obtain legal or other assistance in the matter of diversion, in particular in order to assess the feasibility and objectives of diversion provided by the competent Institution, such as the possibility of changing the alternative program offered, (Paragraph 27 point 4 General Comment No.10 (2007));

The principle of full and complete implementation of diversion proclaimed in the United Nations Standard Minimum Rules for the administration of juvenile justice 1985 or The Beijing Rules (SMRJJ: 1985) endorsed in UN General Assembly Resolution No.44/33 of November 29, 1985 which consists of 6 (six) chapters and 30 (thirty). Article 5.1 affirms that the purpose of the juvenile criminal justice system is to promote the welfare of the child and to ensure that any response to juvenile offenders will always be commensurate with the good circumstances of the offender. In article 11 of The Beijing Rules (SMRJJ) the concept of diversion is that the police, public prosecutors/other agencies dealing with juvenile matters are authorized to discontinue the case at their discretion. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty (The Havana Rules: 1990) adopted in UN General Assembly Resolution 45/133 of December 14, 1990 affirms the important role of the prosecutor in promoting diversion from criminal proceedings for juveniles. It also emphasizes that juvenile detention should only be used in exceptional cases and as a last resort. The Riyadh Guidelines, as the United Nations Guidelines for the Prevention of Juvenile Delinquency explicitly emphasize the prohibition of criminalizing and punishing children for conduct that does not cause serious damage to the child's development or harm to others. In summary, the provisions of various international instruments emphasize the importance of diversionary measures in dealing with children in conflict with the law. These instruments emphasize that children in conflict with the law may be diverted from any formal judicial process. The mandate of these international provisions has been practiced in court decisions in Indonesia.

8. Implementation of Restorative Justice in Case Resolution in Indonesia

The Supreme Court strengthened the implementation of diversion in the juvenile criminal justice system by establishing Supreme Court Regulation (PERMA) Number 4 of 2014 concerning Guidelines for the Implementation of Diversion in the Juvenile Criminal Justice System. This PERMA requires judges to resolve the problems of children in conflict with the law by conducting diversion first. In addition, this PERMA contains procedures for the implementation of diversion which become the guide for judges in resolving juvenile crimes. According to PERMA 4 of 2014, what is meant by Diversion Deliberation is a deliberation between parties involving the Child and his/her parents/guardians, victims and/or parents/guardians, Community Counselors, Professional Social Workers, representatives and other involved parties to reach an agreement on diversion through a restorative justice approach. The facilitator is a judge appointed by the President of the Court to handle the child's case. Diversion is applied to children who are 12 (twelve) years old but not yet 18 (eighteen) years old or 12 (twelve) years old even though they have been married but not yet 18 (eighteen) years old, who are suspected of committing a criminal offense. Not all criminal offenses can be made diversion efforts, the provisions of Article 7 paragraph 2 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System limit criminal offenses that can be made diversion efforts, namely;

- 1) punishable with imprisonment under 7 years; and
- 2) is not a repetition of a criminal offense.

Government Regulation No. 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children Under the Age of 12 (twelve) years regulates the technical efforts for diversion. Diversion agreements in the settlement of juvenile criminal cases have been implemented in narcotics crimes, theft crimes, maltreatment crimes and crimes due to negligence resulting in accidents or damage as well as sexual abuse crimes with children as perpetrators. The various criminal offenses have successfully reached diversion agreements and have been stipulated in several court decisions, among others; Stipulation No. 2/Pen.Div/2021/PN Rta jo No. 5/Pid.Sus-Anak/2021/PN Rta, Stipulation No.12/Pid.Sus-Anak/2014/PN.Rantau Prapat, Stipulation No.12/Pen.Div/2020/PN Kisaran, Stipulation No/Pen.Div/2020/PN Bbu jo No./Pid.Sus-Anak/2020/PN Blambangan Umpu, Stipulation No.3 (1). /Pid.Sus-Anak/2020/PN.Tenggaron, Stipulation No.8/Pid.Sus-Anak/2018/PN Kuningan, Stipulation No.1/Pid.Sus-Anak/2014/PN Garut, Stipulation No.26/Pid.Sus-Anak/2016/PN Denpasar, Stipulation No.35/Pid. Sus-Anak/2017/PN Batam, Stipulation No.81/JN/2021/Mahkamah Syar'iyah Suka Makmue, Stipulation No.111/Pid.Sus -Anak/2014/PN.Surabaya.

The diversion agreement stipulated in the court decision shows weaknesses as seen in Stipulation No. 2/Pen.Div/2021/PN Rta jo No. 5/Pid.Sus-Anak/2021/PN Rta in the crime of theft. The result of the diversion agreement decided that the perpetrator had apologized and the victim had given forgiveness. The perpetrator's

child was also decided to work at least 2 days a week under the supervision of the public prosecutor and a representative of the Lokpaikat Police. However, the weakness is that it is not stated for how long the child assists with social service work at the Lokpaikat Police. Another weakness that shows disparity in this diversion agreement is the detention of children in the crime of theft, this is found in Determination No.12/Pid.Sus-Anak/2014/PN.Rantau Prapat.

The results of the diversion agreement in narcotics crimes with child victims of abuse have been determined through Stipulation No.12 / Pen.Div / 2020 / PN Kisaran that the child admits guilt and regrets his actions. For the guidance of the child, it was decided that the child would be included in the job training owned by Mr. M. Nuh in Dusun IV Silo Village, Silau Laut Sub-District, Asahan Regency for 3 months. The weakness of this diversion agreement is that the child did not receive a medical rehabilitation or social rehabilitation program, as mandated by Law No. 35/2009 on Narcotics. Violations of the Narcotics Law, which mandates that child victims of abuse undergo medical rehabilitation or social rehabilitation, were also found in two (2) other District Court decisions, namely Stipulation No./Pen.Div/2020/PN Bbu jo Number/Pid.Sus-Anak/2020/PN Blambangan Umpu and Stipulation No.26/Pid.Sus-Anak/2016/PN Denpasar.

The diversion agreement was also successfully carried out in the crime of sexual abuse with a child as the perpetrator, violating Article 76E of Law Number 35 Year 2014. If the criminal elements of Article 76E are fulfilled, the child perpetrator will also be subject to the criminal threat of Article 82 of Law Number 17 Year 2016 with a minimum imprisonment of 5 years and a maximum of 15 years and/or a maximum fine of Rp 5,000,000,000. The result of Determination No.81/JN/2021/Mahkamah Syar'iyah Suka Makmue is that the child perpetrator pays compensation of IDR 10,000,000 (ten million) & apologizes to the victim. The two (2) children of the perpetrator who have an STM education received social guidance at the Nurul Iman Mosque, Ujong rambong Village, Gampong Kuta Makmue to carry out & be assigned as muezzins at every prayer at the Mosque for 3 months. Meanwhile, children who have a vocational high school education receive social coaching at the pesantren where the child is studying for 3 months. The weakness of this coaching program is the absence of supervision from Community Supervisors who should be stipulated in the District Court Determination.

9. Conclusion

Diversion, which is the transfer of the settlement of juvenile cases from the criminal justice process to a process outside of criminal justice, has been successfully implemented in the criminal justice system in Indonesia. The form of this agreement has been outlined, among others; Stipulation No. 2/Pen.Div/2021/PN Rta jo No. 5/Pid.Sus-Anak/2021/PN Rta, Stipulation No.12/Pid.Sus-Anak/2014/PN.Rantau Prapat, Stipulation No.12/pen.Div/2020/PN Kisaran, Stipulation No./Pen.Div/2020/PN Bbu jo No./Pid.Sus-Anak/2020/PN Blambangan Umpu, Stipulation No.3. /Pid.Sus-Anak/2020/PN.Tenggaron, Stipulation No.8/Pid.Sus-Anak/2018/PN Kuningan, Stipulation No.1/Pid.Sus-Anak/2014/PN Garut, Stipulation No.26/Pid.Sus-Anak/2016/PN Denpasar, Stipulation No.35/Pid.Sus-Anak/2017/PN Batam, Stipulation No.81/JN/2021/Mahkamah Syar'iyah Suka Makmue, Stipulation No.111/Pid.Sus -Anak/2014/PN.Surabaya.

The diversion agreements outlined in the various district court decisions above, stem from a variety of criminal offenses including; narcotics offenses, theft offenses, maltreatment offenses and criminal offenses due to negligence resulting in accidents or damage as well as sexual abuse offenses with children as perpetrators. The implementation of diversion in court practice still shows various weaknesses, including child victims of narcotics abuse, not receiving medical rehabilitation or social rehabilitation programs, as mandated by Law Number 35 of 2009 concerning Narcotics, found in two (2) other District Court decisions, namely Stipulation No./Pen.Div/2020/PN Bbu jo Number/Pid.Sus-Anak/2020/PN Blambangan Umpu and Stipulation No.26/Pid.Sus-Anak/2016/PN Denpasar. Another weakness that shows disparity in the crime of theft. The juvenile offender was detained for the crime of theft as stipulated in Stipulation No.12/Pid.Sus-Anak/2014/PN.Rantau Prapat. For other theft offenses in Stipulation No. 2/Pen.Div/2021/PN Rta jo No. 5/Pid.Sus-Anak/2021/PN Rta, the child was not detained.

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