

# Reconstruction of Diversion in the Juvenile Justice System in Indonesia (Constructivism Paradigmatic Study: Guba dan Lincoln)

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**Abstract.** Juvenile delinquency who commit criminal acts from time to time tends to increase. Children who commit crimes must receive protection for their rights. The guarantee on the rights of children is intended to prevent children from the negative stigma of criminal justice process through diversion. This paper aims to examine the importance of the reconstruction of diversion in juvenile justice, according to the perspective of the constructivism paradigm of Guba and Lincoln. Data from the study on Law No. 11 of 2012 on the Juvenile Criminal Justice System, indicates that the diversion arrangement in the law has not been able to secure the protection of the rights of children who are perpetrators of crimes. Based on the results of the study, it can be emphasized the need to proximately reconstruct the provisions regarding diversion, in order to ensure the materialization of best interests and welfare of the children as perpetrators of crime.

**Keywords:** Reconstruction; diversion; justice; juvenile

## 1 Introduction

Juvenile delinquency occurs as there are many influencing factors. The poor quality of relationship between parents and children is one of the contributing factors. It mostly happens as parents are overly occupied that they are ineffective in looking after their children. For example, single parents in parenting.<sup>2</sup> However, children have a need to develop their talents and interests that encourage them to play outside with their peers. Meanwhile, parents have not enough time to accompany their children to play outside at all times.

The factor of harmonious relationship between parents and children is crucial in shaping children's behavior. As it is from the family environment that the good behavior education is first obtained by children. It is in line with the statement of experts that “the quality of a good relationship between parents and children will have a significant effect on children's behavior”<sup>3</sup>. Another statement

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<sup>2</sup> A. Trinidad, et al, *Jumping at the opportunity”: The role of situational and opportunity factors in juvenile delinquency in Southern Europe*, International Journal of Law, Crime and Justice xxx (xxxx) xxx, p.7

<sup>3</sup> Simmons et al, *The differential influence of absent and harsh fathers on juvenile delinquency*. Journal of Adolescence 62 (2018), p.11

also confirms that children who have a poor relationship with their parents tend to have a high risk of committing deviant acts compared to other children who have good psychological ties with their parents<sup>4</sup>.

Children who commit deviant behavior or criminal acts or violate the law are called children with legal conflict (ABH) must obtain protection for their rights in order to continue to get fair treatment for the welfare and future of the children (children's best interests).

The issue of children has become a topic of discussion at various international community meetings focusing on the importance of protecting children with legal conflict starting in the *Universal Declaration of Human Rights 1948*<sup>5</sup>, *United Nation General Assembly Declaration on the Rights of the Child 1959* and *International Covenant on Civil and Rights of the Child tahun 1966*<sup>6</sup>. At the VI Congress of the United Nations in Caracas, Venezuela in 1980, it succeeded in adopting Resolution No. 4 on the *Development of Minimum Standards of Juvenile Justice* and recommended that the *Committee on Crime Prevention and Control* develops *Standards Minimum Rules for the Administration of Juvenile Justice* (hereinafter abbreviated as SMR-JJ), known as the *Beijing Rules*, and confirmed by the United Nations General Assembly with Resolution No. 40/33, dated November 29, 1985<sup>7</sup>. The results of various meetings in the form of guidelines and rules regarding child protection then become the responsibility of each country participants to follow up in the form of national laws and regulations.

Juridically the guarantee of child protection is regulated in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) as a result of amendment IV, Article 28B Paragraph (2) states that "Every child shall have the

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<sup>4</sup> Sunay Firat *et all*, *Results of domestic migration on juvenile delinquency in Adana, Turkey*, Journal of Forensic and Legal Medicine 49 (2017), p.82

<sup>5</sup> Abintoro Prakoso, *Hukum Perlindungan Anak*, (Yogyakarta: LaksBang PRESSindo, 2016), p.27.

<sup>6</sup> Nandang Sambas, *Pembaharuan Sistem Pemidanaan Anak di Indonesia*, (Yogyakarta: Graha Ilmu, 2010), p.58.

<sup>7</sup> Rasdi, *Kebijakan Formulasi Pidana Pengawasan Dalam Hukum Pidana Anak di Indonesia*, (Semarang: Unnes Press, 2011), p.9.

right to live, to grow and to develop, and shall have the right to protection from violence and discrimination.”

Juvenile justice system as part of general justice system must have special characteristics and be different from the adult justice system, as children in committing their actions are still psychologically emotional and unable to rationally consider the negative impact of their actions.

Juvenile justice system is specifically regulated in Law No. 11 of 2012 on the Juvenile Criminal Justice System, hereinafter abbreviated as UU SPPA, which is a juvenile justice system that specifically regulates the protection of children's rights as perpetrators of criminal acts (delinquency).

In the Juvenile Criminal Justice System, as a guarantee of the protection of the rights of children with legal conflict, it must be resolved through diversion with a restorative justice approach. This diversion is carried out so that children are avoided from the judicial process and can materialize the best interests and welfare of the children.

Juvenile justice system as stipulated in the Juvenile Criminal Justice System is aspired to guarantee the materialization of justice and welfare for children with legal conflict, but since their birth it has turned out to have brought juridical defects or weaknesses and is not in accordance with the principles and objectives of the juvenile justice system itself, more specifically related to the provisions on diversion.

According to a report from the Directorate General of Corrections at the Ministry of Law and Human Rights, juvenile delinquency throughout Indonesia as per November 2020, with a total of 1,752 children, consisting of child convicts of 1,375 children, consisting of 1,359 boys, 16 girls, and detained children as many as 377 children, consisting of 371 boys and 6 girls<sup>8</sup>.

Such facts at the field indicates the failure of diversion process in juvenile justice system which is no longer in accordance with the demands of the community law needs. Therefore, now it is the time to reconstruct the diversion

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<sup>8</sup>[http://smslap.ditjenpas.go.id/public/grl/current/monthly/year/2020/month/4/sort:jml\\_nal/asc/page/0](http://smslap.ditjenpas.go.id/public/grl/current/monthly/year/2020/month/4/sort:jml_nal/asc/page/0)  
accessed on 27 November 2020, at 14.30

concept by changing and offering a new paradigm that can materialize the vision of diversion in juvenile justice system.

In this paper, we will begin by describing what and how diversion is. Then, proposals or ideas on a new paradigm are described in order to materialize the vision of diversion to ensure the materialization of the protection of children's rights. And at the end or closing, conclusions are presented as a result of study of this paper.

## **A. Discussion**

### **B.1 Concept, Purpose and Function of Diversion**

Law No. 11 of 2012 on the Juvenile Criminal Justice System states that children who commit criminal acts (with legal conflict) are those of 12 (twelve) years but have not reached 18 (eighteen) years who are suspected of having committed crime<sup>9</sup>. Children who commit or involved in criminal cases are entitled to special protection through the juvenile justice system with diversion approach.

Concept of diversion in the juvenile justice system was initially emphasized on the formal law enforcement process<sup>10</sup>. The juvenile criminal justice process as referred to in the provision is essentially unoriented to the best interest of the child. It is because the provision has not been able to fully guarantee the rights of the child who deal with the law adequately.

The term of diversion originates from the term “diversion” in English, which means to turn around a direction from which it deviates from the norm, as stated by Black's Law Dictionary, that:

*Diversion is a deviation or alteration from the natural course of thing; diversion program that refers certain criminal defendants before trial community programs on job training, education, and the like, which if successfully completed may lead to the dismissal of the charges; a community-based program*

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<sup>9</sup> Definition of child with legal conflict is based on the provisions of Article 1 Number 3 of Law No. 11 of 2012 on *Juvenile Criminal Justice System*

<sup>10</sup> Mahrus Ali, *Victimologi* (Depok: Raja Grafindo Persada, 2021), p.103.

*or set services designed to prevent the need for court intervention in matters of child neglect, minor juvenile delinquency, truancy or incorrigibility*<sup>11</sup>.

The term “diversion” was first introduced as a vocabulary in a report on the implementation of juvenile justice presented by the President of the Australian Crime Commission in 1960 in the United States<sup>12</sup>.

The practice of implementing a similar diversion actually existed before 1960 through the establishment of children's courts before the 19<sup>th</sup> century, which was diversion from the formal criminal justice system and the official form was carried out by the police through police cautioning.

In the 1970s in the United States the term Teen Court was promoted, which was stated by Denise M. Wilson “Teen court (TC) is an innovative juvenile justice diversion program that involves teens in judicial decision-making about the behavior of other juveniles who have committed misdemeanor offenses”<sup>13</sup>. The Teen Court in its implementation was almost similar to diversion in the juvenile justice system in Indonesia and was even more creative as it involved other children or adolescents in the practice of implementing justice.

At a meeting of UN experts on “Children and Juveniles in Detention of Human Rights standards” in Vienna, Austria from October 30 to November 4, 1994, the idea of diversion in the SMRJJ (The Beijing Rules) was launched as an international standard in the administration of juvenile criminal justice and has called on all countries to implement “*The Beijing Rules, The Riyadh Guidelines and The United Nations Rules of The Protection of The Juveniles Deprived of their Liberty*”<sup>14</sup>.

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<sup>11</sup> Bryan A Garner (Ed), *Black's Law Dictionary*, Eighth Edition, St. Paul, MN: Thomson/West, 2004), p.511-512. See also Mahrus Ali, *Victimologi*, (Depok: Raja Grafindo Persada, 2021), p.103.

<sup>12</sup> Cunneen and R. White (1995) *Juvenile justice: An Australian erspective*. Oxford, Oxford University Press, yang dikutip dari buku Kenneht Folk. (2003), *A national review of current approach to diverting juvenile from the Early Intervention: Diversion and Youth Conferencing Criminal Justice System*. (Australia Government Attorney-general's Departement, Canberra, Commonwealth of Australia), p.1

<sup>13</sup> D.M. Wilson et al., *Gender differences in effects of teen courts on delinquency: A theory-guided evaluation*, *Journal of Criminal Justice* 37 (2009), p.21

<sup>14</sup> Setyo Wahyudi, *Implementasi Ide Diversi Dalam Pembaharuan System Peradilan Pidana Anak Di Indonesia*, (Yogyakarta: Genta Publising, 2011), p.4-5

The idea of diversion is further used in Indonesia with various modifications and improvements (adjusted to the moral, social and culture values of the Indonesian people) formulated in Law No. 11 of 2012 on the Juvenile Criminal Justice System, which currently applies in Indonesia. The provisions of Article 1 point 7 of the Law No. 11 of 2012 states that diversion is “the transfer of the settlement of children's cases from litigation to non-litigation process.”<sup>15</sup>

*United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*, diversion is the provision of policies to law enforcement officials to take necessary actions in resolving cases of child as perpetrators of crime by not taking formal steps, for example, stopping or continuing or releasing from criminal justice process or returning or delivering to the community or other forms of social services<sup>16</sup>. The implementation of diversion is carried out at all levels of examination, both in the process of investigation, prosecution, and inspection of juvenile courts. It is intended to reduce the negative stigma of juvenile justice process on mental condition of the child.

Diversion also aims to prevent greater negative impacts on children's phy and mental development, as stated by Rasdi “*Diversion in juvenile justice is done to prevent children from the formal criminal justice system which has negative impacts to children*”<sup>17</sup>. There are definitely positive aspects of the process, but they are not comparable to the negative consequences that children must receive for their future, “*this diversion process will have a positive impact, because not all actions (criminal offenses) should be resolved through court proceedings that led to the punishment, especially for children who still have their future goals and the future is high*”<sup>18</sup>.

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<sup>15</sup> R Wiyono, *Sistem Peradilan Pidana Anak di Indonesia*, (Jakarta: Sinar Grafika,2016), p.47

<sup>16</sup> *Ibid.*, p.47-48

<sup>17</sup> Rasdi dan Saru Arifin, *Model of Diversion and Its Implementation in The Criminal Justice System*, *International Journal of Business, Economics and Law*, Vol. 11, Issue 4 (Dec. 2016), p.88

<sup>18</sup> *Ibid.*, p.90

Diversion is also “*The basic reason that the court will give the stigmatization of children for their actions as the child is considered evil, so it is better to avoid it outside the criminal justice system*”<sup>19</sup>

The role of the court in dealing with problems of children and their families is always aimed at the best efforts for the welfare of children<sup>20</sup>. Children who commit violations are not real criminals, as juvenile delinquency acts only as behavior that violates social and moral values<sup>21</sup>. However, another impact of tension in the relationship between fellow children or adolescents can lead to delinquency in the form of fights, so that many criminologists apply *General Strain Theory* to clarify it. It was stated by Crystal A. Garcia and Jodi Lane “*many criminologists who study the juvenile justice system have relied on General Strain Theory (GST) to explain delinquency*”<sup>22</sup>.

According to the Law No. 11 of 2012 the most basic substance is a strict regulation of restorative justice and diversion. This provision is intended to keep and avoid children from the judicial process that has a negative, stigmatization effect on children.

Implementation of diversion has very noble goals, including:

1. Avoid child detention;
2. Prevent bad stigma against children;
3. Preclude recurred criminal acts;
4. Train children to be responsible for the consequences of their own actions
5. Keep the children away from negative influences of the juvenile justice process;

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<sup>19</sup> Rasdi, *Criminal Justice System Model to Protect Rights of Children in Conflict with Law*, South East Asia Journal of Contemporary Business, Economics and Law, Vol. 9, Issue 4 (Apr.2016) p.24, Issue 4 (Apr.)

<sup>20</sup> Rika Saraswati, *Hukum Perlindungan Anak di Indonesia*, (Bandung: Citra Aditya Bakti,2015), p.108

<sup>21</sup> Nandang Sambas, *Pembaharuan Sistem Pemidanaan Anak di Indonesia*, (Yogyakarta: Graha ilmu, 2010), p.209.

<sup>22</sup> C.A. Garcia dan J. Lane, *Dealing with the fall-Out: Identifying and addressing the role that relationship strain plays in the lives of girls in the juvenile justice system*, Journal of Criminal Justice 40 (2012), p.259

6. Instill a sense of responsibility to children<sup>23</sup>.

Diversion also has very useful functions for the juvenile justice system, including:

1. Provide opportunities to improve life skills
2. Give training of responsibility to children
3. Promote necessary interventions for victims and perpetrators without going through a criminal justice process
4. Keep children away from the judicial process so that they can avoid the negative impact or stigma of criminal justice process<sup>24</sup>

Law enforcement officers as components or sub-systems of the juvenile criminal justice system, both the Indonesian National Police, the Indonesian Attorney's Office and the Court in implementing diversion must have the same goals and vision as regulated in the provisions of the juvenile justice system according to the SPPA Law No. 11 of 2012.

Based on the results of the research, it indicates that in order to overcome the behavior of juvenile delinquent, it shall be done by means of therapeutic interventions, *“therapeutic interventions support change in delinquent youths rather than rely on surveillance and deterrence”*<sup>25</sup>. These activities also cover the stages of investigating and addressing mental health disparities among adolescents or children, *“the need to investigate and address health disparities among justice-involved adolescents is critical”*<sup>26</sup>.

## **B.2 Various Paradigms**

Generally speaking, according to laws and regulations, including the making of laws and regulations on the Juvenile Criminal Justice System in which they formulate diversion, it is actually inseparable from the most basic thing, which is the philosophical foundation that guides the operation of laws and

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<sup>23</sup> Provisions in Article 6 of Law Number 11 of 2012 on *Juvenile Criminal Justice System*.

<sup>24</sup> Mahrus Ali, *Op.Cit.* p.109.

<sup>25</sup> Cécile Mathys, *Effective components of interventions in juvenile justice facilities: How to take care of delinquent youths*, *Children and Youth Services Review* 73 (2017), p.319

<sup>26</sup> A.B. Loyd, et al., *Associations of ethnic/racial discrimination with internalizing symptoms and externalizing behaviors among juvenile justice involved youth of color*, *Journal of Adolescence* 75 (2019), p. 138



regulations regarding diversion. Erlyn Indarti stated that discussing the philosophical basis, it should include a description of various *basic beliefs* or *world views* that form the main substance of the study<sup>27</sup>. She further emphasized that talking about basic beliefs or world views regarding the subject matter of study (pen.: diversion), means discussing “various paradigms” that provide direction, goals and implementation of the subject matter of study (pen.: diversion), as well as directions, goals, and its implementation (pen.: diversion)<sup>28</sup>.

Erlyn Indarti also stated “*One way to set up new foundation of thought is through the adoption of paradigmatic analysis into the realm of philosophy, including philosophy of law. It was Thomas Kuhn, a theorist of physics, who first introduced the term 'paradigm' to science in the first years of the 60s*”<sup>29</sup>.

What is a paradigm? According to Thomas Kuhn in Erlyn Indarti's writings, it is called *disciplinary matrix*, which is a base, vessel, template, or source in or from which a scientific discipline is considered to have started, originated, rooted, printed, sourced, flowed or created.

On the other hand, Erlyn Indarti stated by citing WL Newman's opinion, the paradigm is considered similar to the approach and tradition<sup>30</sup>, as it is a system of thinking or the whole systems of thinking that includes basic assumptions or theory (research) questions, which must be answered or puzzles (scientific) to solve, various research techniques or methods to apply, as well as various examples of how good scientific research actually is.

Paradigm represents a certain basic belief system that is concerned with main principles that bind adherents or users to a certain worldview, as well as how the world is understood and studied and directs the actions or behavior of these users. Therefore, it can be said that the paradigm defines for its users the nature and characteristics of the world, position of the individual in the world,

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<sup>27</sup> Erlyn Indarti, *Legal Constructivism: Paradigma Baru Pendidikan Hukum Dalam Rangka Membangun Masyarakat Madani*, Journal of Legal Issues, Vol.XXX No. 3, July-September 2001, p.145.

<sup>28</sup> Ibid.

<sup>29</sup> Erlyn Indarti, *Bridging the Gaps: A Paradigmatic Insight into Philosophy of Law*, Diponegoro Law Review, October 2016, Volume 01, Number 01, p.3

<sup>30</sup> Ibid.

and the possible relationship between the individual and the world with all its components. Hence the true paradigm always looks at every thought, attitude, word, and action of its adherents.

There are 4 (four) main paradigms that foreign academics generally accept based on 3 (three) basic questions<sup>31</sup> that include ontological questions: what is the nature and characteristics of reality; epistemological questions: how to relate to reality, and methodological questions: how to recognize reality<sup>32</sup>.

The four main paradigms are *positivism*, *postpositivism*, *critical theory et. al.*, and *constructivism*. There is a difference between positivism and postpositivism. The main difference between constructivism and other paradigms lies in its relativism ontology that is separated from the realism ontology as adopted by other paradigms.

In this paper, we will not discuss the entire four paradigms considering the limited space or opportunity. However, in general, it can be said that it should be ascertained that even if there is a polemic between paradigms, there should be no need to create tensions, endless debates that leads to intense situations. On the contrary, it is a place to provide space for scientific competition for scientists to compete constructively and put forward the persuasiveness and utility of the chosen paradigm. There is no need to oppose one another, and let each of us choose according to the assumed logic.

After careful consideration, let us then determine, which new paradigm to adopt or hold and use.

### **B.3 Constructivism Paradigm**

Based on the grouping of the main paradigms, in reality it seems that the legal system developed in Indonesia so far has been dominated by positivism paradigm, or at least by postpositivism paradigm. Positivism paradigm applies a dualist epistemology, in which the subject must be completely separated from the object and theory.<sup>33</sup> A positivist fact is a “real fact.” A positive fact is something

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<sup>31</sup> Ibid., p.146-149.

<sup>32</sup> Erllyn Indarti, *Filsafat Ilmu: Suatu Kajian Paradigmatik, Kuliah V*.

<sup>33</sup> Akhyar Yusuf Lubis, *Filsafat Ilmu: Klasik Hingga Kontemporer* (Jakarta: Raja Grafindo Persada,2019), p.173.

that everyone can test or verify<sup>34</sup>. Dualist or objectivist of the reviewer and the science are two independent entities, as the findings are true<sup>35</sup>. Legal positivism is more concerned with logic and written legal provisions<sup>36</sup>.

While postpositivism paradigm is a modification of dualist or objectivist: tradition or critical community; researchers and science are two entities that are not completely independent, as the findings may be true<sup>37</sup>. Postpositivism paradigm that emphasizes the criteria of falsification, prediction, and control as a scientific goal, so that the actual position of postpositivism has not completely separated itself from positivism paradigm.

As the biggest contribution from paradigm of positivism and postpositivism to tradition of Modern Western Law is normative-dualism dichotomy, between rationality and irrationality, reasoning and feeling, objectivity and subjectivity, as well as abstraction and context. Therefore, the main characteristics are straightforward, indifferent, impartial, neutral, formal, and detachment between perpetrators and the seeker of justice. Thus, considering the occurrence of anomalies in implementation of the concept of diversion, it is time to think about a paradigm shift. Leaving behind the paradigms of positivism and postpositivism to propose an alternative paradigm for the concept of diversion so that it is able to materialize substantive justice is a form of protection of rights in the juvenile justice system.

The concept of diversion in the provisions of Law No. 11 of 2012 on Juvenile Criminal Justice System, that settlement of cases of children with legal conflict must be pursued by diversion. The intended diversion must involve the parties, both perpetrators, victims, community and law enforcement officers as mediators. The concept of diversion in the provisions of the Law is still formal, procedural, and rigid and the concept of thinking is highly inherent with a positivistic paradigm or at least the liberal and individualistic post-positivistic.

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<sup>34</sup> Ibid., p.142.

<sup>35</sup> Erlyn Indarti, Op.Cit., *bahan kuliah VII*.

<sup>36</sup> Muhammad Syukri Albani Nasution et al., *Hukum Dalam Pendekatan Filsafat* (Jakarta: Kencana,2016), p.107.

<sup>37</sup> Erlyn Indarti, Op., Cit.

Such conditions result in insufficiently or hardly accommodating the full aspirations of the parties involved in diversion process. In addition, it is still likely for implementation of diversion to fail as the provisions are expressly possible in the diversion regulations.

Based on the results of field research<sup>38</sup>, it turns out that the parties involved in diversion as stipulated in Law No. 11 of 2012 have no mutual understanding of the meaning of diversion that results in the failure in implementation of diversion and therefore many child perpetrators with legal conflict are forced to go through imprisonment. It is therefore an impact of the strong attached positivism paradigm that dominate the considerations, especially on law enforcement officers and the community itself.

It should be underlined that although there are points of contact, especially in the use of settlement of children's cases in with one accord or deliberation for the parties into diversion, concept of diversion has not been able to ensure the welfare of children as the goal of legal protection in juvenile justice system. Therefore, it is important to propose the idea of a new paradigm here, which is constructivism paradigm.

According to *constructivism* paradigm, law is a relative entity, formed and then built and understood transactionally and subjectively, as well as hermeneutic and dialectical. *Constructivism* strongly opposes objectivism, empirical-realism, objective truth, and essentialism. The constructivism standpoint believes that humans actively construct and modify concepts, models, reality, including knowledge and legal truths, and not merely discover them<sup>39</sup>.

Law is considered plural and plastic. The term plural means that it is expressed in many and various symbols, languages, and discourses. It is said to be plastic as it is defined as the nature and characteristics of law that can be extended and shaped according to human needs. Constructivism paradigm regards constructivism of knowledge is no longer considered objective and detached from experience.

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<sup>38</sup> Rasdi dan Saru Arifin, Op.Cit., p.

<sup>39</sup> Erlyn Indarti, Op.Cit., p.151.

Knowledge is not a product or representation of an object that exists independently from the knower, but it is articulated/processed from experiences that humans organize. Such process involves the unremitting and limitless adaptation and equilibration. Knowledge is also a social artifact, shaped from social exchange between humans. Thus, according to Guba and Lincoln in the writing of Prof. Erlyn Indarti<sup>40</sup>, it is a social construction process based on shared experience, including reciprocal intersubjective meaning.

Construction and reconstruction process of legal knowledge (pen.: concept of diversion), always flows unceasingly. In the view of constructivism paradigm, a constructivist will see himself and law enforcement officers in the diversion process as a facilitator. As the construction of legal knowledge (diversion) is highly dependent on the parties involved in the diversion process, which are perpetrators, victims and common people as well as justice seekers.

#### **B. Closing**

Based on description on the reconceptualization of diversion with the study of constructivism paradigm as mentioned above, the following conclusions are presented as closing:

1. Concept of diversion as regulated in Law No. 11 of 2012 on the Juvenile Criminal Justice System, is still dominated by the liberal-individualistic thinking/view of positivism and/or postpositivism paradigm.
2. Implementation of the concept of diversion has had a negative impact on children d
3. ue to the stigmatization of child imprisonment.
4. Constructivism paradigm is regarded as very appropriate as a supporting/operational basis for reconstructing diversion in order to achieve the materialization of the protection of children's rights in the juvenile justice system in Indonesia so that the best interests of children can be materialized.

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<sup>40</sup> Ibid., p.152



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