



Synchronization of Prosecutors to The Implementation of Work Training as Institution of Criminal Fine for Children in Decision of State Court Number 30 / Pid.Sus-Children / 2016 / Pn

Hanis Aristya Hermawan; Nurini Aprilianda; Lucky Endrawati

Master of Law Study Program, Postgraduate Faculty of Law, Universitas Brawijaya, Indonesia

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Abstract

The purpose of writing this article is to synchronize prosecutors' arrangements for the implementation of job training as a substitute for criminal fines for children in the Bangil District Court Decision Number 30 / Pid.Sus-Anak / 2016 / Pn.Bil. The study method uses a statutory approach (statue approach), a case approach. Children are an inseparable part of the sustainability of human life and the sustainability of a nation and state. The presence of Law no. 11 of 2012 concerning the Criminal Justice System for Children (UU SPPA) as a substitute for Law no. 3 of 1997 concerning Juvenile Courts (UUPA), one of the substances that is regulated is the placement of children who undergo a judicial process to be placed in the Special Development Institution for Children (LPKA). Bangil Court Decision Number 30 / Pid.Sus-Anak / 2016 / PN.Bil, that is, there has been a criminal act of intercourse against a minor in Pasuruan Regency which was committed by the defendant, namely a child who was still a minor. In the letter of the Public Prosecutor's demands at the Pasuruan District District Attorney, it states that imposing a sentence against the defendant with imprisonment of 04 (four) years is reduced as long as the defendant is in detention on the order of the defendant to remain in detention, and fines that are not paid are replaced with Job Training at a Vocational Training Center. Pasuruan for 03 (three) months. Whereas in the decision of the Bangil District Court Number 30 / Pid.Sus-Anak / 2016 / PN.Bil, namely imposing a sentence against the defendant with imprisonment of 02 (two) years and 02 (two) months, and fines that are not paid are mandatory Job Training at the Vocational Training Center for 01 (one) month.

Keywords: *Job Training; Attorney; Judge; Children*

Preliminary

Children are an inseparable part of the sustainability of human life and the sustainability of a nation and state. In the Indonesian constitution, children have a strategic role which explicitly states that the state guarantees the right of every child to live, grow and develop as well as protection from violence and discrimination. Therefore, the best interests of children should be lived out as the best interests for the survival of mankind. The consequences of the provisions of Article 28B of the 1945 Constitution of the

Republic of Indonesia (UUD NRI 1945) need to be followed up by making government policies aimed at protecting children.

Treatment of children suspected of committing criminal acts is often of a very repressive nature. The judicial process against children often loses its essence as a mechanism that must end in an effort to protect the best interest of the child. The juvenile justice process often presents itself as a mechanism that is only oriented towards formal law enforcement and is not oriented towards children's interests (Koesno Hadi, 2009).

Treatment that tends to stigmatize children is prioritized, compared to the treatment of law enforcement officials, which reflects the protection of the rights of children who commit crimes. Children who are involved in the criminal justice process receive bad treatment and even in some cases have been treated worse when compared to adults who are in the same situation. The majority of children who commit criminal acts experience violence during the criminal justice process.

There are three main reasons why so many children suspected of committing criminal offenses are processed legally which causes some of them to live in prisons or detention centers, namely: (KPAI, 2010).

- a. There is a very strong doctrine of living in society, with the view that all wrongdoing children must be punished, and that punishment means being processed by justice as adults. Adults, especially those of the victim's family, will be satisfied when a child who has done something wrong is punished as severely as by putting him in prison;
- b. The culture of law enforcement officers in Indonesia that prefers the formal justice process over other paths which is actually also possible through the process of restorative justice (justice using the method of restoring relations) and diversion (transfer of the process). Law enforcement officials would prefer to take the formal way rather than the informal way, which apart from the absence of clear rules, is considered too complicated, takes longer, it is also possible that other factors will emerge behind the decision of law enforcement officers not to bring children to justice formal;
- c. There are state regulations that criminalize children, namely the provisions of juvenile justice as reflected in Law no. 3 of 1997 on Juvenile Court. This law feels more like a spirit to judge, than a spirit to protect children. As long as Law No.3 of 1997 is maintained, during that time children will easily be prosecuted, detained and imprisoned, because there are many articles that make it easier for children to be imprisoned.

The violations committed by children are felt to have troubled all parties, especially parents. The phenomenon of increasing criminal behavior committed by children seems not to be proportional to the age of the perpetrator. Therefore, there are various efforts to prevent and overcome child crime. It needs to be done immediately.

The presence of Law no. 11 of 2012 concerning the Criminal Justice System for Children (UU SPPA) as a substitute for Law no. 3 of 1997 concerning Juvenile Courts (UUPA), one of the substances that is regulated is the placement of children who undergo a judicial process to be placed in the Special Development Institution for Children (LPKA). One of the most fundamental differences in the SPPA Law is regarding the strict regulation regarding Restorative Justice and Diversion which is intended to avoid and keep children away from the judicial process so that they can avoid stigmatization of children who are in conflict with the law and it is hoped that children can return to the social environment properly . Compulsory job training as a substitute for fines has been known since the enactment of law number 3 of 1997 concerning Juvenile Court. Then the child who is sentenced to a fine as an alternative is replaced by

carrying out job training. As the purpose of this Juvenile Criminal Justice System is to realize children's welfare as a basis for legal protection for children with legal problems, which is to provide skills so that they can be independent and have a better life after returning to be part of society.

To carry out the judge's decision regarding the imposition of job training penalties for children, the prosecutor's office is the only executing institution to carry out the execution of the District Court decisions. The executor is a party that has the authority to seize, take action or implement a decision based on the provisions or laws in force. The executor is the person who carries out the execution. For the authority of the prosecutor in the criminal field concerning the executor, it is an act of the prosecutor as the executor (executor), namely to carry out judges' orders and court decisions that have permanent legal force.

According to Article 1 point 6 (a) of the Criminal Procedure Code (KUHAP), the prosecutor is an official who is authorized by this law to act as public prosecutor and implement court decisions that have obtained permanent legal force. According to Bambang Waluyo (Bambang Waluyo, 2004), prosecutors are functional officials who are appointed and dismissed by the Attorney General.

Article 1 point 6 (b) of the Criminal Procedure Code also explains that public prosecutors are prosecutors who are authorized by this law to carry out prosecutions and carry out judges' orders. From this explanation, it can be concluded that there are two powers of the prosecutor, namely as public prosecutor and as executor.

According to Yesmil Anwar and Adang (Yesmil Anwar and Adang, 2004), the difference between the two is that the prosecutor who handles cases in the prosecution stage is called the public prosecutor. It is the public prosecutor who can carry out the judge's order. Thus, other prosecutors cannot carry out the order of a judge, but the public prosecutor can carry out the execution because he is a prosecutor. The difference between prosecutors and public prosecutors is that the prosecutor is in charge of case handling activities at the prosecution stage, so the prosecutor is called a public prosecutor. If he is on duty outside of prosecution, then he is still called a prosecutor.

There is an example of a case that can be adopted by the author, namely in the Bangil Court Decision Number 30 / Pid.Sus-Anak / 2016 / PN.Bil, namely that there has been a criminal act of sexual intercourse against a minor in Pasuruan Regency committed by the defendant, namely a child who is still a minor. In the letter of the Public Prosecutor's demands at the Pasuruan District District Attorney, it states that imposing a sentence against the defendant with imprisonment of 04 (four) years is reduced as long as the defendant is in detention on the order of the defendant to remain in detention, and fines that are not paid are replaced with Job Training at a Vocational Training Center. Pasuruan for 03 (three) months. Whereas in the decision of the Bangil District Court Number 30 / Pid.Sus-Anak / 2016 / PN.Bil, namely imposing a sentence against the defendant with imprisonment of 02 (two) years and 02 (two) months, and fines that are not paid are mandatory Job Training at the Vocational Training Center for 01 (one) month.

Based on the above case, there is a Conflict of Norms, in the decision of the Bangil District Court Number 30 / Pid.Sus-Anak / 2016 / PN.Bil, namely in this case the Bangil District Court Decision did not mention a place for job training for the defendant. Meanwhile, in the demands of the State Attorney for Job Training at the Pasuruan Vocational Training Center. From this case, it can be concluded that the prosecutor carried out the court's decisions and decisions that have obtained permanent legal force. So in this decision there is no synchronization between the duties of the prosecutor and the judge's decision regarding the work training punishment imposed on children.

The form of the unsynchronization is that there are no technical rules regarding the implementation of work punishment for child training, so that the prosecutor will find it difficult to carry out the execution of the judge's decision and will also find it difficult to also supervise the implementation of work training crimes for children that have been passed through the judge's decision. Moreover, the work training punishment for children is the main crime contained in the SPPA Law, while the Law on the Prosecution does not regulate and explain the criteria for criminal work training for children.

The task of the prosecutor in carrying out the verdict on criminal work training for children is to supervise whether the job training is carried out or not. Vocational training centers often do not carry out even tendencies after the prosecutor carries out the execution, the child is sometimes sent home and does not undergo job training and whether the child has carried out job training in the vocational training center, because there are no reports of activities carried out by the child from the training center work. This is where the role of prosecutors' supervision is important in carrying out their duties. Supervision of work training crimes oriented to the best interest of the child. Job training is applied so that children who are dealing with this law after the completion of the sentence or rehabilitation period, this child will have a job in accordance with their expertise in accordance with that job training.

Meted

The approach used by the author is the statute approach and the case approach. The approach taken is to analyze and understand laws and regulations that have a relationship with the legal issue at hand. The results of this will be used by the author as an argument in answering and solving the legal issue being researched. The authors use this approach by examining Law No. 8 of 1981 concerning the Criminal Procedure Code, Law no. 16 of 2004 concerning the Republic of Indonesia Attorney General's Office, and Law no. 2 of 2011 concerning the Child Criminal Justice System. And the decision of the Bangil District Court No. 30 / Pid.Sus-Anak / 2016 / PN.Bil ". Case approach This method is carried out by looking for legal issues in case disputes in the Bangil District Court Decision No. 30 / Pid.Sus-Anak / 2016 / PN. Then the legal issues are analyzed to obtain answers to problems from legal issues.

Results and Discussion

A. Mengenai Putusan di Putusan Pengadilan Negeri Bangil Nomor 30/Pid.Sus-Anak/2016/Pn.Bil

Case: The Public Prosecutor at the Pasuruan District Public Prosecutor's Office by observing the results of the trial examination in the case on behalf of the defendant Anak ARDIANSYAH TRI KURNIAWAN Bin JOKO SUWANDI, on Sunday, February 14, 2016 the defendant had intercourse with him or with another person, as referred to in Article 76D .

Based on these descriptions, the Public Prosecutor in the case REG Number. {ERL: PDM-262 / BNGIL / Ep2 / IX / 2016, with due observance of the provisions of the law concerned demand that the head of the Panel of Judges have a Bangil District Court to examine and adjudicate the case this decided:

1. Declare that ARDIANSYAH TRI KURNIAWAN Bin JOKO SUWANDI's child was legally proven and convinced that according to the law he was guilty of a criminal act "deliberately committing trickery, a series of lies or persuading the child to have intercourse with him or with other people" as regulated in the second indictment article 81 paragraph (2) Law of the Republic of Indonesia No. 35 of 2014 on amendments to Law of the Republic of Indonesia No. 23 of 2002 concerning Child Protection.

2. Sentenced the child to ARDIANSYAH TRI KURNIAWAN Bin JOKO SUWANDI with a sentence of 04 (four) years of imprisonment that is reduced while the defendant is in detention with the order of the defendant to remain detained and fines not paid are replaced with Job Training at the Pasuruan Vocational Training Center for 03 (three) months.

In PETIKAN PUTUSAN Number 30 / Pid.Sus.Anak / 2016 / PN.Bil, the Bangil District Court which examined and tried criminal cases in the first instance tried the defendant ARDIANSYAH TRI KURNIAWAN Bin JOKO SUWANDI:

1. State that the child named ARDIANSYAH TRI KURNIAWAN Bin JOKO SUWANDI has been legally proven and convinced that he is guilty of a criminal act "Deliberately inducing the child to have intercourse with him or other people".
2. Sentenced a child named ARDIANSYAH TRI KURNIAWAN Bin JOKO SUWANDI, with imprisonment for 02 (two) years and 02 (two) months, and fines that are not paid are replaced by compulsory Job Training at the Vocational Training Center for 01 (one) month.
3. To determine the length of time that the child named ARDIANSYAH TRI KURNIAWAN Bin JOKO SUWANDI was detained, it is fully deducted from the sentence imposed.
4. To stipulate that the child remains in detention.

B. Analysis of the Decision of the Bagil District Court Number: 512 / Pid.Sus / 2017 / Pn.Bil

Position From the decision of the Bangil District Court Number 30 / pid.Sus.Anak / 2016 / PN.Bil, namely in this case the Bangil District Court Decision did not mention a place for job training for the defendant. Meanwhile, in the demands of the State Attorney for Job Training at the Pasuruan Vocational Training Center. From this case, it can be concluded that the prosecutor carried out the court's decisions and decisions that have obtained permanent legal force. So in this decision there is no synchronization between the duties of the prosecutor and the judge's decision regarding the work training punishment imposed on children.

The form of the unsynchronization is that there are no technical rules regarding the implementation of work punishment for child training, so that the prosecutor will find it difficult to carry out the execution of the judge's decision and will also find it difficult to also supervise the implementation of work training crimes for children that have been passed through the judge's decision. Moreover, the work training punishment for children is the main crime contained in the SPPA Law, while the Law on the Prosecution does not regulate and explain the criteria for criminal work training for children.

The task of the prosecutor in carrying out the verdict on criminal work training for children is to supervise whether the job training is carried out or not. Vocational training centers often do not carry out even tendencies after the prosecutor carries out the execution, the child is sometimes sent home and does not undergo job training and whether the child has carried out job training in the vocational training center, because there are no reports of activities carried out by the child from the training center work. This is where the role of prosecutors' supervision is important in carrying out their duties. Supervision of work training crimes oriented to the best interest of the child. Job training is applied so that children who are dealing with this law after the completion of the sentence or rehabilitation period, this child will have a job in accordance with their expertise in accordance with that job training.

C. The Urgency of Synchronizing the Supervision of Prosecutors Against the Implementation of Criminal Work Training by Children in the Bangil District Court Decision Number 30 / Pid.Sus-Anak / 2016 / PN.Bil

1. Job Training as an Alternative to Convicting Children

The examination process in court proceedings against children in the first level is carried out with a single judge, however, the Head of the Court in examining children's cases with a panel judge in the case of criminal acts punishable by 7 years imprisonment or more difficult to prove. Judges in examining children's cases in children's trials are declared closed to the public, except for reading the verdict. During the trial process, the judge is obliged to order the parent / guardian or companion or other legal aid provider; in the event that a parent, guardian or companion is absent, the trial shall be continued accompanied by an advocate or other legal aid provider and / or community adviser. (Article 55 of Law No.11 of 2012 concerning the Criminal Justice System for Children).

Whereas when examining the victim's child or the witness's child, the judge may order that the child be taken out. (Article 58 of Law No.11 of 2012 concerning the Criminal Justice System for Children) In the event that a child victim or child of a witness is unable to testify in front of a court session, the judge can order the victim's child or witness's child to be heard outside the court through electronic recordings conducted by social advisers in the presence of investigators or public prosecutors and advocates or legal aid providers, through remote examination or teleconference.

The judge before giving the decision gives the parent / guardian / companion the opportunity to say things that are beneficial to the child, then when the court's decision is read out, it is carried out in a trial open to the public and the child may not attend. Sentencing a child who is in conflict with the law can be subject to crime and action, and a child can only be convicted or subject to the provisions of this law. Whereas children in legal conflicts who are not yet 14 years old can only be subject to non-criminal action, which includes returning to their parents, surrendering to someone, treatment at a mental hospital, and treatment at Social Welfare Organizing Institutions (LPKS), the obligation to attend formal education. and / or training held by the government or private bodies and the revocation of driving licenses, and repairs due to criminal acts. Meanwhile, children who are 14 years of age and over can be sentenced to various kinds of crimes as in the Article of the SPPA Law, namely as follows:

1. The principal crimes, which consist of a. criminal warning; b. conditional punishment (guidance to institutions, community services, supervision); c. work training; d. guidance in institutions and prisons;
2. Additional penalties in the form of confiscation of profits obtained from criminal acts, fulfillment of customary obligations.

If in material law a child in conflict with the law is threatened with cumulative punishment in the form of imprisonment and fines, then the fine is replaced with job training for a minimum of 3 months and a maximum of 1 year. (Article 78 paragraph (2) Law No.11 of 2012 concerning the Criminal Justice System for Children) The punishment for restricting freedom imposed on children is no longer than half of the maximum imprisonment imposed on adults, (Article 79 paragraph (3) Law No.11 2012 concerning the Juvenile Criminal Justice System) while the special minimum provisions for imprisonment do not apply to children.

Article 81 of the SPPA Law explains that:

- (1) A child is sentenced to imprisonment in LPKA if the condition and actions of the child will endanger the community.
- (2) The imprisonment that can be imposed on a child is a maximum of 1/2 (one half) of the maximum threat of imprisonment for adults.
- (3) Guidance at LPKA is carried out until the child is 18 (eighteen) years old.
- (4) Children who have undergone 1/2 (one half) of the length of training at LPKA and are of good character are entitled to receive parole.
- (5) Child imprisonment is only used as a last resort.
- (6) If the criminal offense committed by a child constitutes a criminal offense which is punishable by death or life imprisonment, the punishment imposed is a maximum imprisonment of 10 (ten) years.

Detention of children in conflict with the law is placed in the Temporary Child Placement Institution (LPAS), while the place where the child is serving his sentence is placed in the Special Child Development Institution (LPKA). Then the place where the child gets social services is in the Social Welfare Organization (LPKS). Regarding the judge's decision at the first level, both children in conflict with the law and the public prosecutor can of course make further legal remedies, namely appeals, cassation and reconsideration.

Criminalization is an activity carried out by judges to impose crimes against perpetrators of criminal acts so as to cause a deterrent effect. Criminalization can be interpreted as the stage of determining sanctions and also the stage of imposing sanctions in criminal law. Basically, the sentence is imposed so that a person who has been proven to have committed a crime will no longer commit evil and that other people are afraid to commit a similar crime. Criminalization was not intended as an attempt at revenge but as an effort to guide a prisoner as well as as a preventive measure against the occurrence of a similar crime. (Eka Rose Indarwati, year 2006).

Some of the negative effects of the deprivation of liberty are that a prisoner can lose his identity due to the rules and procedures of life of the correctional institution, while serving a sentence the prisoner is always supervised by officers so that he is less secure and always feels suspicious of his actions, it is very clear that his individual independence will be deprived, this causes feelings depressed so that it can hinder development and so on.

Children as criminals in Law no. 11 of 2012 concerning the Child Criminal Justice System (UU SPPA), termed as a child in conflict with the law, this statement is contained in Article 1 point 2 which states that "Children in conflict with the law (ABH) are children who are in conflict with the law, children who are in conflict with the law. being a victim of a crime, and a child who is a witness to a crime ". Article 1 point 3 explains the definition of a child who is in conflict with the law, namely a child who is 12 (twelve) years old, but not yet 18 (eighteen) years old, who is suspected of having committed a criminal act.

D. Synchronization of Prosecutor's Supervision Arrangements Against Criminal Implementation of Child Work Training

Children are the buds, potential, and young generation who are the successors of the ideals of the nation's struggle, have a strategic role and have special characteristics and characteristics that ensure the continuity of the existence of the nation and state in the future. Therefore, in order for every child to be able to bear this responsibility, he needs to get the widest possible opportunity to grow and develop optimally, physically, mentally and socially, and have a noble character, it is necessary to make protection

efforts and to realize children's welfare by provide guarantees for the fulfillment of their rights and the existence of treatment without discrimination. (M. Nasir Djamil, 2013).

The presence of Law No.11 of 2012 concerning the Child Criminal Justice System (UU SPPA) is expected to be able to provide protection for children who are perpetrators of criminal acts and children who commit acts that are prohibited according to laws and regulations and according to other legal regulations that apply in society. In the SPPA Law, there are regulations regarding the age limit of children who are their absolute competence, criminal sanctions that can be threatened, procedural law, and actions (maatregel) for children in conflict with the law). The protection and guidance mechanism in the SPPA Law reflects the protection of the interests of children in conflict with the law. Child cases which become the competence of juvenile courts have increased the number of cases, this is due in addition to the economic factors of the child as well as the general purpose of punishment (general deterrence), namely preventing the public from committing criminal acts less effectively.

Initially, one type of criminal imposition against children was additional punishment in lieu of fines, namely job training. If punished by a cumulative sentence in the form of imprisonment and a fine, the penalty is replaced by job training. Although the regulations still mention fines, fines may no longer be applied in practice and must be replaced by work training penalties. It is hoped that this job training can provide social experiences for the children in prison. We can find it in court decisions that still write fines in their decisions and have not replaced them with job training penalties. However, in several recent decisions it can be seen that job training crimes have been mentioned in the court decisions. However, only how long is stated in the decision, it is not stated where to implement it. (Heni Susanti and Indah Fitriana Azis, 2004).

The presence of the SPPA Law, clearly in Article 71 paragraph (1) letter c, which states that one of the main types of punishment for children is work training punishment. This means that job training punishment is no longer an additional type of crime but is included in the category of principal crime and fines have been replaced by work training penalties.

According to Mohammad Kholid, coaching children using criminal sanctions can be applied to children who commit a criminal act (a criminal act), where the criminal act in question is a criminal act concerning acts that are contrary to the Criminal Code and special laws outside the Criminal Code committed by children, but the actions committed by the child do not rule out the possibility of implementing sanctions as their guidance (Mohammad Kholid, 2009).

Every case, be it a criminal case or a civil crime, after the decision has permanent legal force, it will end at an end point that must be determined by the Court, namely implementing the Court's decision or executie. The implementation of the executie, of course, must be based on a provision of law and always respect human interests and rights. Every decision must be executable, because it will be meaningless if the decision cannot be executed, as it is known that the judge's decision at any time will become a decision with permanent legal force (inkracht van gewijsde). To what extent the verdict has permanent legal force or legal force, what are the judges' decisions that have permanent legal force. The Executie is the last institution in a criminal case examination process, in order to carry out court decisions that have obtained permanent legal force (Allan Rouwman Supit, 2016).

Basically the judge's decision must contain and describe clearly, logically and systematically everything that happens before the trial, namely the facts that are proven according to the testimony of witnesses, the defendant's confession, instructions as well as other means of evidence and according to juridical analysis. by the judge. In the end, it can be concluded from the evidence that the defendant was guilty. In today's era, where our society is progressively developing, it is felt by the citizens of the community that the sharp focus on all events and actions that are against the law and the sense of justice

of the community is felt. The court and even the judges are not free from the public's spotlight, especially regarding court decisions. Executie is a realization of the implementation of the Court's decision, so that the Court's decision must be based on real facts according to a juridical assessment. This is because the implementation of court decisions is related to the rights and interests of the executed or convicted person.

As a part of a criminal justice system, the prosecutor's office has the authority to implement court decisions against convicted convicts whose cases have been terminated and there are no further legal remedies so that the decisions have permanent legal force, which in the rulings contain convictions. The duties as executor of court decisions that are borne by prosecutors are regulated in article 1 point 1 of Law No. 16 of 2004 concerning the Republic of Indonesia Prosecutor's Office, which states that prosecutors are functional officials who are authorized by law to act as public prosecutors and enforce court decisions has obtained permanent legal force and other powers based on law.

E. Forms of Synchronization of Prosecutors' Arrangements Against the Criminal Implementation of Job Training by Children in the Bangil District Court Decision Number 30 / Pid.Sus-Anak / 2016 / PN.Bil

A. Legal Protection of Children in the Criminal Court Process

Children are small humans whose existence must be protected. Children's rights are part of human rights contained in the 1945 constitution and the United Nations convention on children's rights. Seen from the perspective of national and state life, children are heirs as well as portraits of the future of the nation in the future, the next generation of the ideals of the nation, so that every child has the right to live, grow and develop, participate and have the right to protection from violence and discrimination civil rights and freedoms. (Ahmad Kamil and H.M., in 2008).

The position of children as the younger generation who will carry on the noble ideals of the nation, candidates for future leaders of the nation and as a source of hope for previous generations, need to have the widest possible opportunity to grow and develop naturally both spiritually, physically and socially. Child protection is an effort and activity of all levels of society in various positions and roles, who are well aware of the importance of children for the country and the nation in the future. If they have matured their physical, mental and social growth, then it is time to replace the previous generation. (Maidin Gultom, Year 2008).

Children need to be protected from the negative impacts of rapid development, the flow of globalization in the field of communication and information on advances in science and technology, as well as changes in the style and way of life of some parents that have brought about fundamental social changes in people's lives which greatly affect values and Child behavior. Behavioral deviations or unlawful acts committed by children, among others, are caused by factors outside of the child (Law No.11 of 2012 concerning the Criminal Justice System for Children, 2nd Paragraph).

According to Septiano, in general there are four kinds of delinquency in children (teenagers), namely: (Muhammad Fajar Septiano).

1. Criminal offenses committed by children (teenagers)
2. Other offenses that are not included in the regulations applicable to adults
3. Pre-delinquency or violation of educative norms
4. Children who are in need of care and protection or provide provisions for child welfare

Septiano further explained that the symptoms of juvenile delinquency would be revealed if we examined the characteristics that were very prominent in the child's behavior, including:

1. Stronger sense of self-worth and too much prestige and the need to show off,
2. Abundant energy manifests itself in the form of courage which tends to exaggerate one's own abilities, for example, reflected in the preference of young people for speeding on the road.
3. Enjoys seeking attention by showing yourself off, for example by drinking alcohol.
4. His life style is asocial and out of the objective world towards the subjective world so that he no longer likes technical pragmatic uses but prefers to hang out with peers.
5. The search for an identity of maturity tends to break away from the old identity and identification and seek his ideal as a new identity and substitute for the old identification.

Article 1 paragraph (2) Law no. 23 of 2002 concerning Child Protection, states that child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and protection from violence and discrimination. The basic objective of child protection is to ensure that all parties who have the obligation to protect child protection recognize their duties and can fulfill these duties. Ethically and legally there must be, child protection is a matter for everyone at every level of society, and in every area of duty. Child protection creates obligations / duties for the president, prime minister, judges, teachers, doctors, soldiers, parents and even the children themselves. (Agus Riyanto, 2006).

Starting from the conception of child protection that is complete, comprehensive and comprehensive, Article 2 of Law no. 23 of 2002 concerning Child Protection puts the obligation to provide protection to children based on the principles, namely:

- a. Non-discrimination;
- b. Best interests of the child;
- c. Right to life, survival and development; and
- d. Respect for children's opinions.

Legal protection for children is one way to protect the nation's future growth. Legal protection for children concerns all applicable legal rules. This legal protection is deemed necessary because children are a part of society who have physical and mental limitations. Therefore, children need special protection. (Marlina, 2009).

Child protection is an effort made to create conditions so that every child can exercise their rights and obligations for the proper and proper development and growth of children, both physically, mentally and socially. Child protection is a manifestation of justice in a society, thus child protection is sought in various fields of state and social life. Child protection activities have legal consequences, both in relation to written law and unwritten law. The law is a guarantee for child protection activities.

Child protection is all efforts made to create conditions so that each child can exercise his rights and obligations for the proper development and growth of children physically, mentally and socially. Child protection is a manifestation of justice in a society, thus child protection is sought in various fields of life as a state and society. Child protection activities have legal consequences, both in relation to written law and unwritten law.

The form of justice is where the implementation of rights and obligations is balanced. The implementation of rights and obligations for children who commit criminal acts needs assistance and protection so that it is balanced and humane. It needs to be underlined that obligations for children must

be treated according to the situation, mental, physical, social and ability conditions at a certain age (Wagiati Soetodjo, 2008).

The aim of the judiciary is not merely to state whether a concrete event is proven or not and then to issue a verdict, but rather to settle the case. The decision must complete the case so that the decision is not implemented or it creates new cases or problems. Considering that children must receive protection and therefore need special attention and treatment, then in this juvenile court should not focus solely on whether the act or violation committed by the child is proven or not, but should pay more attention and consider the background and causes. -because as well as the motivation for the violation or act committed by the child and what are the possible consequences of the verdict for the child for the child's future. (Moch Faisal Salam, 2005) Legal protection for children must be provided before the trial, during the trial, and after the trial.

Based on the difficulties experienced by the public prosecutor and the LPKA in executing decisions regarding job training sentences for children that are in conflict with the law, it shows that the juvenile criminal justice system cannot work properly and correctly in implementing Article 71 paragraph (1) letter c of the SPPA Law.

Whereas theoretically, the Court, the prosecutor's office and the LPKA are a criminal justice system which in their work must be integrated. (Rusli Muhammad, 2011), in an integrated criminal justice system, institutions or agencies that work in law enforcement, although their duties are different and internally have their own goals, in essence each sub-system in the criminal justice system is work together and bound by one common goal. This can happen if it is supported by synchronization in the field of the criminal justice system which allows all sub-systems to work coherently, coordinatively and integratively.

A decision that contains a criminal on job training and procedures for its implementation will facilitate the performance of the public prosecutor and LKPA in executing the decision. This is because the basis for the execution is the judge's decision. Indeed, the main task of judges in making decisions is more to apply material law to concrete events and not related to formal law, but in overcoming the vacuum of formal law, especially the execution, then the decision also needs to determine the procedural or procedure for its implementation. This is because by not making implementing regulations by the government, judges can use the principle of judge made law to regulate the procedures for implementing work petitions for children who have been sentenced to work training crimes. Thus, this decision is a law that must be obeyed and implemented by all parties.

This is in line with the view (Titik Tutik) that the judge's decision is basically a law (judge made law). As law in general, it must be obeyed and have binding force, especially binding the parties in a case. Such a judge's verdict, is indeed unusual, because as has been stated above, in general judges only apply material law to concrete criminal events and the length of sentence that must be served. But in overcoming the legal vacuum, the judges are also expected to provide solutions to overcome the legal vacuum. This is the best way for the criminal justice system to do than for judges to only apply job training penalties without regulating the procedure for its implementation so as not to make it difficult for the public prosecutor and the LPKA to implement the decision.

As we all know, the imposition of job training penalties for children is intended so that children have skills such as sewing, screen printing, graphic design, etc. The child is undergoing a job training sentence while serving a prison sentence, so that when he is finished serving his sentence, the child can continue his life in the midst of society.

Conclusion

The urgency of synchronizing the regulation of prosecutors to the implementation of work training crimes by children in the Bangil District Court Decision Number 30 / Pid.Sus.Anak / 2016 / PN.Bil, namely that if the judge in his decision gives a verdict in the form of a job training crime as referred to in Article 71 paragraph (1) letter c of the SPPA Law, there must be synchronization with the duties of prosecutors as executors of court decisions in accordance with the mandate of Article 30 paragraph (1) letter b of the Law on the Prosecutor's Office, because the implementing rules are in the form of government regulations regarding the forms and procedures for implementing crimes as in Article 71 paragraph (5) The SPPA Law does not yet exist, whereas Article 107 of the SPPA Law states that the implementing regulations of this Law must be enacted no later than 1 (one) year after this Law was enacted. The urgency of this synchronization is important because later it will be used as a legal basis in implementing the forms and procedures for criminal work training which will be coordinated by the prosecutor with several other institutions as institutions or bodies that will later implement the job training. This synchronization is very urgent to be carried out as a technical rule for implementation in the field, so that court decisions regarding the imposition of work training penalties for children can be implemented properly without any significant obstacles.

The form of synchronization of prosecutors' arrangements for the implementation of work training crimes by children in the Bangil District Court Decision Number 30 / Pid.Sus.Anak / 2016 / PN.Bil, namely: (1) Immediately issue a Government Regulation as an implementing rule as mandated by Article 71 paragraph 5 of the SPPA Law which states that further provisions regarding the forms and procedures for the execution of crimes as referred to in paragraph (1), paragraph (2), and paragraph (3) shall be regulated by a Government Regulation. (2) If the said Government Regulation has not been issued, then in the dictum of Judge's Decision, it must state which institution should carry out said work training punishment by stating the type of training punishment appropriate to the child's talent, so that the prosecutor in coordinating the implementation of the judge's decision can carry out the decision. the court well.

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