

ABSTRACT

IMPLEMENTATION OF TRANSITIONAL PROVISIONS OF LAW CRIMINAL JUSTICE SYSTEM OF CHILDREN

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The enactment of the Criminal Justice System gives children a special attention to children who commit a crime, but there is a gap that is at the time of entry into force of the law, file lawsuits children despite being sent to trial but have not tried it should use the Law No. 11, 2012. The problem of this research are: (1) How is the implementation of the transitional provisions of the Act Criminal Justice System Child (2) Why the obstacles in the implementation of the transitional provisions of the Act Child Criminal Justice System.

This study uses normative juridical and empirical jurisdiction. Informant composed of prosecutors, judges and academics. Data collected by literature and field studies. The data were analyzed qualitatively.

Based on the results of research and discussion, it can be concluded: (1) The implementation of the Transitional Provisions Act Child Criminal Justice System, conducted by law enforcement officials refer to the provisions of Law No. 3 of 1997 on Juvenile Justice, because Law Criminal Justice System Child not yet in force. Juvenile Justice Act still adhered to the formal juridical approach by emphasizing punishment of children, so that children who commit criminal acts as if the same with adult criminals. (2) The factors that impede adoption of the Transitional Provisions Act Child Criminal Justice System are: a) the law enforcement officers factors, namely the lack of professionalism investigating officers and investigation officers in carrying out special investigations to minors who committed the crime. Officers were poorly trained and accustomed to carry out the duties of investigation in their capacity as investigators would impede the process of investigation. b) Factors of facilities, namely the lack of availability of infrastructure and facilities required in the implementation of criminal investigations conducted minors, allowing the investigation can be carried out with the best.

Suggestions put forward in this study were: (1) law enforcement process is more advisable to consider and prioritize implementation of a diversion in handling criminal cases committed by children. (2) The government is advised to prepare law enforcement officers are really special to deal with children.

Keywords: Implementation, Transitional Provisions, Child Criminal