INDONESIA’S PROVISIONS FOR CHILDREN IN CONFLICT WITH THE LAW

APCJJ Subcommittee for ASEAN Member States
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State Intervention

- Indonesia as a state has guarantee the protection for the children under this law

Law No. 23 of 2002 Revised by Law No. 35 of 2014
Indonesia as a state has guarantee the protection for the children in conflict with the law under this law.

- Law No. 3 of 1997
- Revised by
- Law No. 11 of 2012
Paradigm Shifting on Juvenile Justice System

Retributive Justice

- Emphasize justice to retaliation
- Children as an object
- Unbalance settlement of conflict

Restorative Justice

- Emphasize justice to a compensation

Restorative Justice

- Emphasize justice to reintegration and recovery of situation
- Victim-oriented
- Gives opportunity for the offender to disclose his/her regret as well as responsible
- Gives opportunity for victim and offender to meet to reduce the animosity
- Restore the balance in society
- Involving community members in recovery efforts.
Fundamental Changes in Indonesia’s Juvenile Justice System

- Age limitation on criminal liability (minimum 12 years old)
- Strengthening the role of correctional officer
- Diversion and restorative justice
- Obligation to give a legal assistance
- Temporary child placement unit and special development center for children in conflict with the law
- Limitation of detention period
- Criminal sanction
National Plan on Children in Conflict with the Law


Presidential Instruction No. 10 of 2015 on Human Rights Action 2015
National Plan on Children in Conflict with the Law (continue)

- National action plan on children in conflict with the law is an integral part of national action plan on human rights
- Indonesia has several strategies on child protection and children in conflict with the law
NAP Strategies on Children in Conflict with the Law

Action no. 20 of Presidential Instruction
- increasing the quantity and quality of law enforcement and institutional officers in the treatment of the children in conflict with the law

Action no. 21 of Presidential Instruction
- training for the organizer of Integrated Services Center on Women and Children Empowerment

Action no. 81 of Presidential Instruction
- increasing the development of supporting facilities on Correctional Centers, Temporary child placement agency, and special development center for children in conflict with the law
| Action no. 82 of Presidential Instruction | • developing the Social Welfare Institution for children in conflict with the law |
| Action no. 83 of Presidential Instruction | • identifying the availability of child’s treatment room at the investigation level |
| Action no. 84 of Presidential Instruction | • identifying the availability of child’s treatment room at the court level |
## NAP Strategies on Children in Conflict with the Law (continue)

<table>
<thead>
<tr>
<th>Action no. 85 of Presidential Instruction</th>
<th>• improving special protection for children who are victims of drug abuse, alcohol, and other addictive substances</th>
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<tr>
<td>Action no. 86 of Presidential Instruction</td>
<td>• violence prevention in school environment</td>
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Challenges on the Implementation of Juvenile Justice System

- Three days is not enough for Correctional Research
- Correctional Centers did not invited in the making of Police Investigation Report
- Police did not involve Correctional Centers when terminate the investigation
- Correctional Centers also sometimes received the results of a court verdict more than three days
- no common perspective regarding the diversion
Challenges on the Implementation of Juvenile Justice System (continue)

- No clear understanding on the difference between the Professional Social Worker and the Social Welfare Workers
- No common understanding in the implementation of Juvenile Justice System
- Short period of detention causing in-a-rush investigation
- Children don’t have sufficient knowledge on their right to have legal aid/assistance when they are in conflict with the law.
- Short number of advocates who wants to handle the case of children in conflict with the law
Indonesia’s Best Practices

1. Formulation of the integrated module for law enforcement officer on the treatment of child in conflict with the law;
2. Trials for Integrated Module on Juvenile Justice System in 2013 to 2014
3. Integrated Training on Juvenile Justice System by Ministry of Law and Human Rights Training Center.
4. Research about children in conflict with the law in cooperation between UNICEF and Directorate General of Correctional Affairs.
5. International expert meeting on restorative justice in Bali, 2013
6. Study visit to Thailand and Philippine
7. Issued Government Regulation No. 65 Year 2015 on Diversion and Presidential Regulation No. 175 Year 2014 on Juvenile Justice System Integrated Training
8. Modified children correctional institution into a child-friendly and children-rights-perspective facility
Recommendations for ASEAN

1. We have to make common perception of the children in conflict with the law within the region;
2. ASEAN law enforcement officer also should have a common perspective and practice concerning the treatment for children in conflict with the law;
3. We should improve and encourage public participation for the treatment of children in conflict with the law (community-based approach);
4. There should be an integrated training for law enforcement officer within ASEAN Member States;
5. To establish the ASEAN Action Plan on Cross-border Safeguards on Children in Conflict with the Law.
THANK YOU