

## **Forms Of Legal Protection Of The Identity Of The Child Who Is Dealing With The Law**

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### **Abstract**

The identity of the child who is facing the law for the crime of molestation really needs to be protected and kept secret because for the future. Avoid the negative stigma that children face. The problem raised in this thesis is how the form of ethical violations against the publication of the identity of children who are faced with the law?. What is the form of legal protection for the identity of a child who is dealing with the law? How is the application of sanctions against the media that disseminate the identity of children who face the law?. The research method used in this study is normative juridical research. Normative legal research is secondary data. The nature of this study is descriptive analysis. Data collection techniques this study was conducted by the method of library research (library research). The form of ethical violations against the publication of the identity of children who are faced with the law are: the identity of the child, namely the name of the victim/perpetrator, the name of the perpetrator's parents, the name of the victim's parents, the face of the victim's child, the face of the perpetrator's child, the address of the perpetrator's child and the victim's child. Must be kept secret is that the identity of the child who is dealing with the law that must be kept secret was disclosed in the print media and electronic media. The form of legal protection for the identity of children who are faced with the law is to be treated humanely by paying attention to their age-appropriate needs, separated from adults, obtaining legal assistance and other assistance effectively, conducting recreational activities, free from torture, punishment or other inhumane cruel treatment and degrading their degree and dignity, not sentenced to death or life imprisonment, not arrested, detained, or imprisoned, except as a last resort in the shortest possible time, obtain justice in the face of an objective impartial children's court and in a hearing that is closed to the public, not published identity, obtain the assistance of parents / guardians and people trusted by the child, obtain social advocacy, obtain private life, obtain accessibility, especially for children with disabilities, obtain education, obtain health services, obtain other rights in accordance with the provisions of legislation.

**Keywords:** Legal Protection, Child Identity, Criminal Offense

### **1. INTRODUCTION**

Children are descendants of a married couple. Children in society are the bearers of happiness for both parents. Children are the most precious part of the family and are the most beautiful gift given by God to his people. Based on Article 1 Number 2 of the juvenile criminal justice system law, it is said that children who are faced with the law are children who conflict with the law, children who are victims of criminal acts, and children who are

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witnesses to criminal acts. Article 1 point 3 of the law on juvenile criminal justice system it is said that a child in conflict with the law, hereinafter referred to as a child, is a child who is 12 (twelve) years old, but not yet 18 (eighteen) years old who is suspected of committing a criminal offense.

Children who conflict with the law are children who are suspected of being perpetrators of criminal acts, children who conflict with the law must be protected so that children continue to get their welfare. Therefore, in the criminal law system, juvenile justice is made which is useful to prosecute criminal acts committed by children, but there are several legal efforts to provide protection for children who are in conflict with the law. But the principle of presumption of innocence also applies in relation to mass media reporting is not new. Discussions have often been held, both in a limited environment and in a seminar. So far the presumption of innocence has been considered only for and applies to activities in matters relating to the criminal justice process. So there is indifference to the principle of society, except when unpleasant things happen to him.

This principle in Indonesia used to be contained in Article 8 of Law No. 14 of 1970 on the basic provisions of the judiciary which says: "every person who is suspected, arrested, detained, prosecuted and/or before the court, shall be presumed innocent before a court decision stating his guilt and acquire permanent legal force." To prevent judgment by the mass media, in Article 3 Paragraph (7) of the journalistic code of ethics of PWI, the reporting of the examination of criminal cases in the prosecution hearings must be imbued with the principle of presumption of innocence, namely that a new suspect is considered guilty of committing a criminal offense if he has been found guilty in a court decision that has permanent force.(8) the full name of the, the identity and image of a suspect are exercised with discretion and are avoided in cases involving decency or involving immature children. News must always be balanced between accusations and defense and avoid the occurrence of ' trial by the press'.

According To R.H Siregar mass media reports relating to the presumption of innocence, the first group is those who adhere to the principle specifically against cases that are considered normal. They did not mention the identity of the suspect in full, only his initials. They also do not contain images, but on cases that receive public attention, the identity or image of the suspect is fully loaded. The second group that decides the identity and image of a suspect / defendant in full there are certain criteria. There is an opinion in the mass media that there is no need to protect the identity of the suspect/ accused, because it is considered that the actions carried out by the suspect/accused are cruel and despicable beyond the limits of humanity. For them the act of corruption against public money is

more cruel than corruption against state property. So that for corrupt public money no longer needs to be protected identity.

So if seen from the principle of presumption of innocence that the child as a victim or perpetrator who is faced with the law, his identity must still be kept secret and protected from anything. Providing protection for children in conflict with the law must also be considered, do not let the child's identity can be known by the public. One form of legal protection against children who conflict with the law is described in Article 17 paragraph (2) of Law Number 35 of 2014 concerning child protection, it is said that every child who is a victim or perpetrator of sexual violence or who is dealing with the law has the right to be kept confidential.

Children in conflict with the law should be protected and should not be subjected to discriminatory treatment. Therefore, children have the right to confidentiality in maintaining their identity. The identity of a child who is in conflict with the law must be kept secret and cannot be published, because identity is very influential for the child's growth and development in the future, based on the Child Protection Law in Article 64 letter I, namely the avoidance of publication of his identity.

That in Law No. 40 of 1999 also regulates the identity that must be kept secret where the press has the right to refuse where 1) once the press uses the right of refusal, then in that case all the information reported or broadcast by the press in question, is fully considered to be information from the press, so that all its contents become the burden and legal responsibility of the press in question. If because the disclosure of such information causes legal problems, then those responsible must face these legal problems, the Press that contains or broadcasts the news. Meanwhile, the source whose identity is kept secret is freed from all legal burdens and lawsuits arising from the burden and legal responsibility that has automatically turned to the Press that makes news or broadcasts it. 2) Once the press uses the right to refuse, it must forever keep the identity of the source secret. Disclosure of the source's identity is only possible if authorized by the source in question, or the source himself reveals his identity as an undisclosed source. In the event that the source himself reveals his identity as a news source, the press is freed from the burden and legal responsibility that previously existed for the confidentiality of the source's identity. 3) third, if the press then divulges the secret identity of the source who must be kept secret, the press becomes a violation of the journalistic and judicial codes of ethics at the same time. The disclosure of the source's identity by the press from the point of view of the Journalistic Code of ethics is seen as compromising the security of the source and his family and depriving people of confidence in the integrity and credibility of the press so that it will be difficult to trust to obtain important information for the community.

So if the identity of the child who is in conflict with the law is disseminated, it will have a bad effect on the child. There are other regulations that can protect the identity of children from the news of social media or mass media, namely with the Press Council Regulation Number: 6 / regulation-DP/V/2008 on the ratification of the Press Council Decree Number 03 / SK-DP/III / 2006 on the Journalistic Code of ethics as a regulation of the Press Council journalistic code of ethics in Article 5, it that from the principle of presumption of innocence until the Decree No. 3 of 2006 regulates the secrecy of the identity of the perpetrator or victim and his family, should not be disseminated because it will have a negative impact let alone cases that occur about children, where children will get a negative stigma from the public because of the news in the mass media. Therefore, the identity of the child is very important for the survival of the child, when the child's identity is disseminated, the child is shunned by the surrounding friends either in the home environment or at the school where the child is studying, and the child will be exposed to cyberbullying from the community.

The identity of the child who is disseminated will also have a bad impact on the child who is in conflict with the law, namely that the child will be expelled from school and not accepted at any school due to the actions carried out by the child. Children have the right to get a decent education but the spread of identity can cause the child to stop learning and the child will be respected by the surrounding friends.

Based on the adverse effects mentioned above, it can be emphasized that children must be given protection to grow and develop, even though the child is an offender in a criminal offense. The case of violation of the publication of the identity of children facing the law is the news broadcast by Metro TV television station on May 5, 2016 with the title "reconstruction of Yuyun's case, this is the sadism of the victims of Junior High School students in Bengkulu." The Video shows the face of a minor and one of the names of a 17-year-old. NET TV television broadcast also broadcast a video with the title "flashback tragedy Yuyun-86" , in the video even revealed the faces, perpetrators and victims of rape are still minors, the faces of the victim's parents, even the address and family life of the victim clearly In the news, the existence of a notification of the identity of the perpetrators of abuse should not be done, because in the law on juvenile criminal justice system in Article 19 paragraph (1) and Paragraph (2) it is said that the identity of the child, the victim's child, and/or the witness's child must be kept secret in the news in print or electronic media. The identity as meant in Paragraph (1) includes the child's name, the victim's child's name, the witness's child's name, the parents ' name, address, face, and anything else that can reveal the identity of the child, the victim's child, and/or the witness's child. Starting from the A quo law that the identity including the child's face must be kept secret, but in fact there are still people who

disseminate it to the mass media and there are still many children's identities as perpetrators that should be kept secret, but instead are disseminated by a group of people and journalists, of course it is clear that this violates Article 64 letter i Of The Child Protection Law and Article 5 of the Journalistic Code of ethics as Press Council Regulation Number 1 of 2019 concerning child-friendly news guidelines.

## **2. RESEARCH METHOD**

The type of research chosen is normative legal research that is research establish the law as a system of norms. The system of norms in question is about the principles, norms, rules and regulations. Peter Mahmud Marzuki that: 'normative legal research is a process of finding a rule of law, principles of law, as well as legal doctrines to answer legal problems faced. Normative legal research conducted to produce argumentation, theory or a new concept as a prescription in solving the problem at hand. research normative law is also called doctrinal legal research, namely research aimed at to provide a detailed systematic explanation of the rule of law governing the field of specific legal rules, analyze the relationship between the rules of law one denhan the other, explaining the elusive parts of a rule of law and it also includes predictions of the future development of a particular rule of law. Doctrinal legal research is library-based research whose focus is analysis of primary legal materials. This type of research is based on the thought that this study to analyze a system of norms or rules.

## **3. RESULT AND ANALYSIS**

Law Number 35 of 2014 on Child Protection affirms that the responsibility of Parents, Family, Community, government and state is a series of activities that are carried out continuously for the protection of children's rights. A child is a person who is not yet 18 (eighteen) years old, including children who are still in the womb. Child protection efforts need to be implemented as early as possible from the fetus in the womb until the child is 18 years old. Starting from the conception of full, comprehensive and comprehensive child protection, this law lays down the obligation to provide protection to children

Child protection is all activities to ensure and protect children and their rights so that they can live, grow, develop and participate optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination. The goal to be achieved through the law is to ensure the fulfillment and protection of children's rights to realize quality, noble, and prosperous children. Any child who is a victim or perpetrator of abuse or who is confronted with the law has the right to hide his identity. Legal aid and other assistance are also entitled to be obtained by children who are victims or perpetrators of criminal acts.

Law No. 35 of 2014 on Child Protection, Article 81 confirms that: 1) Any person knowingly committing violence or threats of violence forcing a child to have intercourse with him or with another person. 2) the penal provisions as meant in Paragraph (1) shall also apply to any person who KNOWINGLY engages in wilful deceit and deceit, or persuades a child to have sexual intercourse with him or with another person.

It is also regulated in Law No. 35 of 2014 in Article 76 C, that everyone is prohibited from placing, allowing, ordering to do, or participating in violence against children. Article 76 d: it is forbidden for any person to commit violence or the threat of violence to force a child to have sexual intercourse with him or with another person. And in Article 76 E, that everyone is prohibited from committing violence or threats of violence, forcing, deceiving, committing a series of lies, or persuading a child to commit or allow to be committed obscene acts.

Based on the formulation of Article 81 of Law Number 35 of 2014, the elements that must be fulfilled in applying the act of child abuse are 1. Presence of violence or threat of violence 2. Existence of intrigue 3. A series of lies 4. Presence of persuasion 5. There is a connection with a child. In the case of violations in children, then cumulatively all five elements should be present. This is meant by a threat which means expressing the intention to do something that harms, makes it difficult, distresses, or harms another party and violence which means the act of a person or group of people that causes injury or death to another person or causes physical damage by force.

In the case of committing a violation of an offender will first provide a threat of violence against potential victims. Then what is meant by deception which means the strategy of dishonest actions or words with the intention of misleading, outsmarting or seeking profit. A series of lies that mean something that does not correspond to the true state of affairs and the presence of persuasion that means seduction or solicitation. When you have a child with you, it is the act of having sex or having intercourse with the child. When compared with the formulation put forward in Article 287 KHUP, the methods prohibited in Article 81 are much more complete because they formulate some acts other than violence or threats of violence as a way to force a child to have sex, namely by recognizing the existence of other ways that can be used such as through deception, a series of lies or persuasion.

If one of these methods is fulfilled and the child who is forced to have sex is still 18 years old, then the perpetrator may be sanctioned under Article 81 of Law No. 35 of 2014 concerning child protection, with a maximum imprisonment of 15 (fifteen) years and a minimum of 3 (three) years and a maximum fine of Rp. 300,000,000 (three hundred million

rupiah) and at least Rp. 60,000,000 (sixty million rupiah). Realizing the importance of protection for children who become victims of sexual exploitation, the criminal sanctions for perpetrators of sexual exploitation of children are much heavier. This is contained in Article 81 paragraph (1), Paragraph (2), Paragraph (3) of Law No. 35 of 2014 on Child Protection. 1) Any person who violates the provisions referred to in Article 76 D shall be punished with imprisonment of at least 5 years and at most 15 years and a fine of at most Rp.5.000.000.000 2) the penal provisions as meant in Paragraph (1) shall also apply to any person who deliberately engages in deceit, a series of lies, or persuades a child to have intercourse with him or with another person 3) in the event that the criminal act as referred to in Paragraph (1) is committed by a parent, guardian, childminder, educator, or educational personnel, the punishment shall be increased by 1/3 of the criminal threat as referred to in Paragraph (1).

Provisions regarding perpetrators as stipulated in Article 81 paragraph (1) and Paragraph (2) of Law Number 35 of 2014 concerning child protection use the term "everyone" which can refer to two sexes, namely men and women. This is possible because in the context of child victims, it is also possible for women to become perpetrators for boys who do not understand sexual relations properly and are easily intimidated by violence, deception or persuasion by more mature people. Men and women can also be perpetrators of sexual abuse in the form of coercion to have sex with other people.

There are 2 categories of child behavior that make him have to deal with the law, namely : 1) Status Offence is a child delinquent behavior that when committed by an adult is not considered a crime, such as disobeying, skipping school or running away from home 2) Juvenile delinquency is a child's delinquent behavior that, when committed by adults, is considered a crime or violation of the law.

Juvenile criminal justice is basically to make corrections or rehabilitation, so that sooner or later the child can return to normal people's lives and not to put an end to his future hopes and potential. The imposition of a crime or action is an action that must be accounted for and can benefit the child. Any criminal conduct or attempted act does not cause the victim suffering, mental, physical and social harm. The provision of punishment or sanctions and the legal process that takes place in cases by children are different from legal cases by adults, because the rationale for the provision of punishment by the state is that every citizen is a responsible being and is able to account for all his actions.

Meanwhile, the child is recognized as an individual who has not been able to take full responsibility for his actions. Therefore, in the process of law and punishment, children must receive special treatment that distinguishes them from adults. Regarding justice for children is regulated

in Law Number 35 of 2014 concerning Child Protection, where children who commit criminal acts are called children who are in conflict with the law. A child in conflict with the law, hereinafter referred to as a child, is a child who is 12 years old, but not yet 18 years old who is suspected of committing a criminal offense.

As for detention, it was actually supposed to be a last resort. Every child in criminal justice has the right: 1) be treated humanely with attention to needs according to age 2) separated from adults 3) obtain legal and other assistance effectively 4) Do recreational activities 5) Freedom from torture, punishment or other inhumane and degrading treatment 6) Not sentenced to death or life imprisonment 7) Not arrested, detained, or imprisoned, except as a last resort in the shortest possible time 8) obtaining justice in the face of an objective impartial juvenile court and in a hearing closed to the public 9) identity not disclosed 10) obtain the assistance of parents / guardians and people trusted by the child 11) obtain social advocacy 12) acquire a personal life 13) accessibility, especially for children with disabilities 14) getting an education 15) obtain health services 16) obtaining other rights in accordance with the provisions of legislation.

Basically, the juvenile justice system must prioritize a restorative justice approach. Restorative justice is the resolution of criminal cases by involving perpetrators, victims, families of perpetrators/victims, and other related parties to jointly seek a fair settlement by emphasizing recovery back to the original state and not retaliation. But in the theory of criminal law, a child who commits a crime by committing molestation, although in reality the child is seen as not yet capable or has not fulfilled the elements to be said to be the perpetrator of a criminal offense of molestation. However, the criminal law in force in Indonesia has made laws to provide legal certainty to children who commit criminal acts.

In order to enforce the law to the perpetrators of criminal violations must be subject to a legal effect, which is closely related is the issue of punishment. This is related to the purpose of law enforcement to be achieved, namely the fulfillment of a sense of justice and the achievement of legal certainty. Thus, understanding the purpose of the punishment is important to know the purpose of enforcing the law. The nature of this punishment is not merely punitive (punish) or find fault with the child, but to correct the child by avoiding asocial acts. In addition, efforts to punish children must be non-victimized (do not cause casualties to the child), both non-structural (physical) and structural (social). Punishment for a child is not a reward or a deed. Even if the child must be responsible for his actions that harm others, it must be emphasized to him that the form of punishment is not the price of death or retribution for his actions. This will

create more justice. In the Child Protection Act there is no regulation regarding the minimum criminal and maximum criminal limits.

According to the system of child protection laws, the imposition of appropriate sanctions in the best interests of the child is carried out through rehabilitation efforts. Children in conflict with the law are the responsibility of the government and society. Law No. 35 of 2014 in Article 59 jo Article 64 paragraph (1) and Paragraph (2), in the article it is explained that the punishment of children is not merely punishment, but rehabilitation in the framework of education and Prevention. Thus the punishment given to the child is not as a giver of pain, but as a guidance. Through coaching it is as a giver of pain but as coaching so that with coaching it is hoped that children can realize their actions can return to the midst of society to continue their future.

According to John Lock, the child is a person who is still clean and sensitive to stimuli that come from his environment. The identity of the child who is the perpetrator of the crime must be kept confidential. This is also stipulated in the Convention on the rights of the child (KHA), which establishes the obligation of the state to provide special protection to every child who is deprived of his freedom due to conflict with the law. Article 37 (d) of the Convention on the rights of the Child states that states parties shall ensure that "every child deprived of his or her liberty shall have the right as soon as possible to obtain legal and other appropriate assistance, and also to challenge the lawfulness of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and shall be entitled to an immediate decision on the deprivation of his or her liberty."

Basically, when the identity of the child who is the perpetrator of the crime, his identity is disseminated, indirectly there is a deprivation of the child's own independence because the child loses the privacy of his personal life. Based on the above article, it is explained that the child has the right as soon as possible to obtain legal assistance and other appropriate assistance and can also challenge the validity of the deprivation of his independence before the court or other competent officials. The article is a form of legal protection to protect the independence of the child himself. The above article is also reinforced by Article 40 paragraphs (1) and (2) of the Convention on the rights of the child, namely the following; states parties recognize the right of every child suspected, accused, or found to be in violation of criminal law to be treated in a manner consistent with increasing the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others, and which takes into account the child's age and desire to promote child reintegration and to create children who play a constructive role in society.

To this end, and taking into account the provisions of the relevant international instruments, States Parties in particular ensure that; a. No child shall be suspected, accused or declared to be in violation of criminal law for committing or failing to commit an act that was not prohibited by national or international law at the time the act was committed; b. Any child suspected or accused of violating criminal law has at least the following guarantees: 1) to be presumed innocent until proven guilty according to law; 2) to be promptly and directly notified of the charges against him, and if deemed appropriate, through the child's parent or legal guardian, and to obtain legal and other assistance in preparing and filing his defense. 3) to obtain a decision on the matter without delay by a competent, independent, and impartial judicial officer or institution in a fair hearing in accordance with the law, in the presence of legal counsel or other appropriate assistance, unless it is deemed not in the best interests of the child, in particular taking into account the age or situation of the child, his; 4) not to be compelled to testify or admit guilt, to examine or order to examine burdensome witnesses, and to obtain the participation and examination of witnesses who relieve the child under conditions of equality; 5) if it is considered that it has violated the criminal law, the child has the right to the decision and any action imposed as a consequence reviewed by a higher authorized, independent and impartial official or by a judicial body in accordance with applicable law; 6) to obtain free assistance from an interpreter if the child cannot understand or cannot speak the language used; 7) to be fully respected his personal life in all stages of court proceedings.

Under article a quo children who become perpetrators of criminal acts get a guarantee in the form of legal protection rights against the child. Begins with not being considered guilty until his personal life is fully respected. In the case of the case the perpetrator of the act is a minor child and law enforcement officers conduct a press conference that presents the perpetrator and witnesses and is covered by the media. This is a violation of the guarantee of the rights of the child stipulated in the Convention on the rights of the child. Article 40 paragraph (2) of the Convention on the rights of the child letter iv explained that the child is not forced to testify or admit guilt but in the press conference the child who is the perpetrator of violence confesses to the media that the child is guilty in that case. The legal protection provided by the Convention on the rights of the child has been ratified by the Government of Indonesia on January 26, 1990 as outlined in Presidential Decree No.36 of the 1990 convention on the rights of the child. According To Rule 8.2. SMR JJ said that in principle no information regarding the identity of child offenders should be made public. This should be considered by law enforcement officers because law enforcement officers

are officials who are authorized to handle child cases. Forms of legal protection of the identity of children as perpetrators of criminal acts are not only regulated in international conventions. But it is also regulated in the Child Protection Act and the Juvenile Criminal Justice System Act. The protection of children also includes the responsibility of the state even if the child becomes a perpetrator in a criminal act. This child has the same rights as any other child.

State commitment to ensure child protection efforts contained in The Constitution of 1945 article 28b Paragraph (2) which states that “every child has the right to survival, growth and development and the right to protection from violence and discrimination”. Article 20 of the Child Protection Law explains that the State, Government, Local Government, Community, Family, and parents or guardians obtain a mandate to be obliged and responsible for the implementation of child protection.

Article 59 paragraph (1) of the Child Protection Act the Government, Local Governments, and other state institutions are obliged and responsible for providing special protection to children. Efforts made by the government, local governments, and other state institutions in providing special protection for children include: a) prompt treatment, including treatment and/or rehabilitation in physical, psychological, and social, as well as the Prevention of disease and other health disorders; B) psychosocial assistance at the time of treatment until recovery; C) the provision of social assistance to children from disadvantaged families; and d) provision of protection and assistance in any judicial process.

The protection of children's identity as perpetrators of criminal acts committed by the government is included in physical or psychological rehabilitation and the provision of protection, but in this case it is not explained in detail about the form of child identity protection carried out by the government what kind of protection. Officials in charge of handling child cases such as law enforcement officers must also provide protection against children whose identities are disseminated. Children who become perpetrators of criminal acts or children who conflict with the law must maintain the confidentiality of their identity. Haltersebut that must be done by law enforcement officers, the police is one of the officials authorized to handle cases of children in conflict with the law. One form of legal protection from the police against children who become perpetrators of criminal acts is by running the articles that exist in the child criminal justice system law, especially in terms of Investigation. The investigation has actually been regulated in the Criminal Procedure Code, but in the case of children it is regulated more specifically regarding the handling, because children cannot be equated with adults and by therefore, the police must pay attention to the procedures for investigation in in the Juvenile Criminal Justice System legislation.

The police must also fulfill the rights of the child even though the child is the perpetrator of a criminal offense, one of his rights is not to make his identity public. Therefore, in the process of Investigation the police must keep his identity secret. This is a form of fulfillment of legal protection to the child. Cases of sexual abuse or child molestation committed inside one of the mosques. From the information circulating, the violation was carried out when the child was performing Isha prayers with his mother in one of the mosques in Pangkal Pinang, Bangka Belitung Islands, the act of violation was recorded by CCTV cameras in the mosque, and then went viral.

Child criminal justice system also regulates the investigator, the investigator in question is the child investigator this is stated in Article 1 Number 8 of the child criminal justice system law. The requirements to become a child investigator stipulated in Article 26 paragraph (3) of the juvenile criminal justice system law are as follows: have experience as an investigator; B) have interest, attention, dedication, and understanding of the child's problems; C) have attended technical training on Juvenile Justice The investigator who is authorized to investigate children is a child investigator. Investigators who have attended technical training on juvenile justice is one of the efforts of the form of fulfillment of the law on juvenile criminal justice system. With the child investigator, the investigator will know about the importance of the identity of the child as a criminal offender and will allow those rights to be fulfilled because child investigators are different from investigators for adults.

It is a form of one of the efforts of the fulfillment of the child criminal justice system laws so that legal protection of children can run smoothly both at the investigation level. It's not just the police who have to protect children. However, the prosecutor's office must also provide legal protection for children who are perpetrators of criminal acts whose identities are disseminated or published. The juvenile criminal justice system also regulates the prosecution of children, based on Article 41 paragraph (2) of the juvenile criminal justice system law, it is explained that the requirements to be appointed as a public prosecutor are as follows: have experience as a public prosecutor; B) have interest, attention, dedication, and understanding of the child's problems; and C) have attended technical training on Juvenile Justice.

The above conditions are one of the efforts as a form of protection for children. In Article 1 point 9 of the Juvenile Criminal Justice System Act, it is stated that the public prosecutor is the juvenile public prosecutor. In this case the prosecutor's office also plays an important role in protecting children because the prosecution of children must only be carried out by the children's public prosecutor. Legal protection of the identity of the child who is the perpetrator of a criminal offense at the level of prosecution is not

regulated in detail. However, the public prosecutor is obliged to seek a version in accordance with Article 42 paragraph (1) of the juvenile criminal justice system law because the purpose of one of the versions is to prevent children from being deprived of their independence. The role of the public prosecutor in the prosecution process is very central because the public prosecutor will determine whether the child continues in the trial process or not, based on the failure of diversion and transfer of the case to court.

The child criminal justice process also regulates the judge who will judge the child. In Article 1 Number 10 of the child Criminal Justice System Act, it is said that Hakim is a child judge and is reinforced by Article 43 paragraph (2) of the child Criminal Justice System Act which explains as follows: A) has experience as a judge in the general judicial environment; B) have interest, attention, dedication, and understand the child's problems; C) have attended technical training on Juvenile Justice. Juvenile judges are appointed based on the decision of the Chief Justice or other officials appointed by the Chief Justice on the proposal of the Chief Justice of the state concerned through the Chief Justice. Children's judge is one form of fulfillment of legal protection stated in the children's Criminal Justice System Act.

The judge, in this case, is also obliged to keep the identity of the child as the perpetrator of the convicted act in the process of the trial, that is, by means of a closed hearing to the public, except for the reading of the verdict. At the time of the reading of the verdict is done with the hearing open to the public and can not be attended by the child. The identity of the child must still be kept secret by the mass media by using only initials without a picture. Law enforcement officers both from investigation to trial must pay attention to the child Criminal Justice System Act to protect children, especially children as perpetrators of criminal acts.

In the law, it is said that the investigator must be a child investigator until the judge must be a child judge. If the legal protection is reviewed, it can be said that the child will not get protection if the investigator is not a child investigator to the judge is not a child judge and it is feared that law enforcement officers ignore the rights of children in the children's Criminal Justice System Act. Technical training on juvenile justice to law enforcement officers both from the police, prosecutors to judges is very necessary because it is regulated by the Juvenile Criminal Justice System Act, because with this training investigators to judges understand more about how to handle child cases, especially so that the identity of children is not disseminated or published. With this training, the rights of children in the criminal justice process can be carried out properly and can be fulfilled as a whole. The juvenile criminal justice system does not only regulate procedural law. But arrange from the level of investigation until the child is rehabilitated and returned to the parents. In the process of child criminal

justice, the existence of balaipermasyarakat become one of the important institutions in order to fulfill the rights of children in the criminal justice process. The form of protection provided by the balaipermasyarakat against children who become perpetrators of criminal acts stated in Article 63 of the law on juvenile criminal justice system that community officers consist of: a) community leaders; B) professional social workers; and c) Social Welfare.

Article 65 of the SPPA law community supervisor on duty: a) Make Community Research reports for the benefit of diversion, provide assistance, guidance, and supervision of children during the diversion process and the implementation of the agreement, including reporting to the court if diversion is not implemented; B) Making Community Research reports for the purposes of investigation, prosecution, and trial in children's cases, both inside and outside the trial, including in temporary child placement institutions and Special Child Development Institutions; C) determining child care programs in temporary child placement institutions and Child Development in Special Child Development Institutions together with other correctional officers; D) to provide assistance, guidance, and supervision to children who, based on a court decision, are sentenced or subjected to action; and e) provide assistance, guidance, and supervision to children who obtain assimilation, parole, Pre-Release leave, and conditional leave.

Based on Article 65 of the child Criminal Justice System Act above, it can be said that children who conflict with the law receive adequate protection from correctional counselors, namely with child care and Child Development, children are expected to be better from the physical and mental start. Article 68 paragraph (1) of the child criminal justice system law professional social workers and social welfare workers on duty: a) guide, assist, protect, and accompany the child by conducting social consultations and restore the child's self-confidence; B) provide social assistance and advocacy; C) become a child's best friend by listening to the child's opinion and creating a conducive atmosphere; d) help the recovery process and change the child's behavior; E) make and submit a report to the community supervisor regarding the results of guidance, assistance, and guidance of children who are sentenced based on a court decision or action; f) give consideration to law enforcement officers for the handling of child social rehabilitation; G) accompany the delivery of children to parents, government agencies, or community institutions; and h) to approach the community to be willing to accept children back in their social environment.

The form of protection provided by professional social workers and social welfare workers under Article 65 of the child criminal justice system law is very good for the identity of children who are perpetrators of criminal acts, because with this article it provides a very effective protection that helps the recovery process and changes in children's behavior, this is very

important to do because children whose identity is disseminated causes the child to lose his privacy and allows the child to change his attitude and behavior.

Children whose identities are disseminated on social media and online news sites cause the environment around them to know about the case they experienced which resulted in the child being rejected from their environment. Therefore, the protection provided by professional social workers and social welfare workers such as approaching the community to be willing to accept children back in their social environment, this is very necessary because the child is already known by the general public and allows the child to be rejected from their environment. So this approach is one form of legal protection that is very effective against children who are perpetrators of criminal acts. Protection of the identity of children who become perpetrators of criminal acts is not only the task of law enforcement officers. However, it is the duty of state institutions because the juvenile criminal justice system law can work well due to good coordination between state institutions.

The Ministry of women's empowerment and Child Protection is one of the government agencies that supervises and guides children's cases. Regarding the protection of children's identity the Ministry of women's empowerment and Child Protection cooperates with media such as the Indonesian Broadcasting Commission to ensure that the identity of children who are perpetrators of criminal acts is not displayed and their identity must be kept secret and expects the Press Council to provide guidance to journalists who still do not keep the identity of children as perpetrators of criminal acts secret.

The protection of children's identity according to the Ministry of women's empowerment and Child Protection is very necessary to avoid children from negative impacts and this ministry encourages children to continue to grow and develop and be accepted in society properly. Another form of protection provided by the Ministry of women's empowerment and Child Protection is capacity building and socialization of the juvenile criminal justice system law to law enforcement officers, namely investigators, public prosecutors, judges regarding the application of the juvenile criminal justice system. The form of capacity building is not only carried out by the Ministry of women's empowerment and Child Protection but also carried out by the Ministry of Law and Human Rights as stipulated in Article 92 of the juvenile criminal justice system law, it is explained that: (1) The Government shall provide education and training for law enforcement and related parties in an integrated manner; (2) Education and training as meant in Paragraph (1) shall be conducted in a minimum of 120 (one hundred and twenty) hours; (3) the implementation of education and training as meant in Paragraph (1) shall be coordinated by the ministry

conducting government affairs in the field of law; (4) further provisions on the implementation of education and training as meant in paragraph (3) shall be regulated by a Presidential Regulation.

This article indicates a form of fulfillment of legal protection against children. Through the above article this training is organized through the Ministry of Law and Human Rights it is very necessary to be implemented in order to create an ideal juvenile justice process. With this training, it is possible to have a form of legal protection for children and the fulfillment and respect for the rights of children stipulated in the children's criminal justice system law. This training is also regulated in Presidential Regulation No. 175 of 2014 concerning integrated education and training for law enforcement and Related Parties regarding the juvenile criminal justice system. One of the objectives of the training is contained in Article 3 Paragraph (1), namely increasing the same knowledge for law enforcement and related parties about children's rights, restorative justice, and diversion in the juvenile criminal justice system.

Article a quo is one way to fulfill the rights of children in the criminal justice process, one of the rights of children is the protection of their identity, with the training, it is expected that the identity of children as perpetrators of criminal acts must be kept secret and these rights can be fulfilled properly. Regarding the protection of children's identity, the Ministry of communication and Information also has a role to protect the identity of children by blocking news on social media or accounts that spread the identity of children as perpetrators of criminal acts. Not only does the Ministry provide protection for the identity of children but also the Indonesian Child Protection Commission also provides protection for children and supervises the juvenile criminal justice system. Indonesian Child Protection Commission collaborates with the Press Council on child-friendly news education and the importance of maintaining confidentiality identity of the child. Another form of protection provided by the Indonesian Child Protection Commission is to ask the Regional Child Protection Commission to escort his rehabilitation and if his identity has spread on social media, the Indonesian Child Protection Commission in collaboration with the Ministry of communication and information technology to close access. The protection provided by state institutions is not enough to get there because protection can run well due to a good coordination between state agencies. Article 94 of the SPPA law regulates coordination, monitoring and evaluation which is very functional for the sake of effective legal protection of children.

In particular legal protection that are provided by the government are organized by state institutions. Article 94 of the Juvenile Criminal Justice System Act: (1) The Ministry conducting affairs in the field of child

protection conducts cross-sectoral coordination with related institutions; (2) the coordination as meant in Paragraph (1) is carried out in the framework of synchronizing the formulation of policies regarding preventive measures, settlement of administrative cases, rehabilitation, and social reintegration; (3) Monitoring, Evaluation, and reporting on the implementation of the juvenile criminal justice system shall be carried out by the ministries and commissions that conduct affairs in the field of child protection in accordance with the provisions of laws and regulations; (4) further provisions on the procedure for the implementation of coordination, monitoring, evaluation, and reporting are regulated in government regulations.

Based on the above article, it is one of the efforts to carry out child protection effectively and efficiently because its coordination has been arranged starting from preventive measures to social reintegration. Forms of protection law on the identity of children who become perpetrators of criminal acts, the Indonesian Broadcasting Commission also provides a form of legal protection regulated in the Indonesian Broadcasting Commission Regulation Number 01/P/KPI/03/2012 on Broadcasting Code of Conduct (P3), namely in Article 4 letter h on Broadcasting Code of Conduct provides direction and objectives for broadcasters to respect and uphold the rights of children and adolescents.

Article 14 of the Indonesian Broadcasting Commission Regulation Number 01/P/KPI / 03/2012 concerning the Broadcasting Code of Conduct (P3) also regulates the protection of children, namely: (1) the broadcasting institution shall provide protection and empowerment to the child by broadcasting the broadcast program at the right time in accordance with the classification of broadcast programs; (2) broadcasters shall take into account the interests of children in every aspect of Broadcast Production. Legal protection of the identity of the child who became the perpetrator criminal is regulated in Article 29 of the Indonesian Broadcasting Commission Regulation Number 01/P/KPI/03/2012 concerning guidelines for broadcasting behavior (P3) regarding children and adolescents as resource persons. Broadcasters in broadcasting programs involving children and / or adolescents as resource persons must follow the following provisions: a. Not to interview children and / or adolescents under the age of 18 about matters beyond their capacity to answer, such as: death, divorce, parental and family infidelity, and violence, conflict, and traumatic disasters; b. Must consider the safety and future of children and / or adolescents who become resource persons; and c. Must disguise the identity of children and/or adolescents in events and/or law enforcement, both as perpetrators and victims.

This article emphasizes that the identity of the child is so important that anakwajib disguised identity. Children should also not be interviewed

about violence, conflict and disasters that cause traumatic effects because children cannot be equated with adults. The Indonesian Broadcasting Commission not only regulates the Broadcasting Code of conduct but also regulates the Indonesian Broadcasting Commission Regulation Number 02/P/KPI/03/2012 concerning broadcast Program Standards (SPS). Article 15 Paragraph (3) of the Indonesian Broadcasting Commission Regulation Number 02/P/KPI/03/2012 concerning broadcast Program Standards regulates broadcast programs that feature children and/or adolescents in events/law enforcement must disguise their faces and identities. The importance of children's identity is also regulated in Article 43 letter g of the Indonesian Broadcasting Commission Regulation Number 02/P/KPI/03/2012 concerning broadcast Program standards, regulating the disguise of facial images and the identity of perpetrators, victims, and families of perpetrators and victims of crime are minors.

The Indonesian Broadcasting Commission in this case provides concrete protection of the identity of children who become perpetrators of criminal acts, this protection is very important to do because it is for the growth and development of the child. Not only does the Indonesian Broadcasting Commission provide legal protection for the identity of children as perpetrators, the Press Council also has special rules regarding the reporting of children's identities, namely with the Press Council Regulation on Journalistic Code of ethics as a rule of the Press Council journalistic code of ethics in Article 5, it is said that Indonesian journalists do not mention and broadcast the identity of victims of sexual crimes and do not mention the identity of children who are perpetrators of crimes. In the rules of the journalistic code of ethics, there are differences in the age limit related to child protection, in the law on the child criminal justice system, it is said that it is 18 years old. However, in the Code of ethics of Journalism is said to be 16 years old. Therefore, the Indonesian press community consisting of journalists, press companies and press organizations agreed to create a child-friendly writing guidelines that will be a guide in conducting journalistic activities. The guidelines are written in the Press Council Regulation Number: 1/ regulation-DP/ II / 2019 concerning guidelines for Child-Friendly News. The agreed guidelines for child-friendly reporting use the restrictions of a person who is not yet 18 (eighteen) years old. Whether alive or dead, married or unmarried.

The identity of the child to be protected is all the data and information concerns children who make it easier for others to know the child such as name, photo, picture, name kaka or sister, parents, uncle or aunt, grandfather or grandmother, and did not mention supporting particulars such as home address, Village address, school, society or club, which followed, and special objects which detailing the child. As for some forms of

identity protection of children who become perpetrators of criminal acts written in the guidelines for child-friendly news are as follows: a. Journalists keep the identity of children secret in reporting information about children, especially those who are suspected, suspected, charged, commit violations of the law or convicted of crimes; b. Journalists do not report about children by using material (video/Photo/status/audio) only from social media; c. In juvenile criminal justice, journalists respect the provisions of the Juvenile Criminal Justice System Law in this case, with the guidelines for child-friendly reporting is one of the efforts to meet the rights of children in the criminal justice process.

Identity is very important for children. Therefore, the press makes this rule so that journalists understand more about reporting the identity of children in the mass media and online news sites. Another form of protection provided by the Press Council is to run the guidelines for child-friendly news effectively and efficiently, with the existence of it is a form of identity protection against children who become perpetrators of criminal acts. According to the National Commission on Child Protection, the form of identity protection for children who become perpetrators of criminal acts is by means of good coordination across sectors with related institutions and by carrying out what is in the children's criminal justice system law. Protection of children must meet 3 elements, namely, protection of children's rights, fulfillment of children's rights and respect for children's rights. This is something that must be fulfilled when protecting children. Doing child protection, not just the duty of the government and law enforcement officials. But also the duty of the community to protect the identity of children, especially children who become perpetrators. The role of the community is also regulated in the Juvenile Criminal Justice System Law, as follows Article 93 of the Juvenile Criminal Justice System Law.

Communities can participate in Child Protection ranging from prevention to social reintegration of children by: a. Submit reports of violations of children's rights to the competent authorities; b. Make proposals regarding the formulation and policies relating to children; c. Conducting research and education on children; d. Participate in the resolution of child cases through diversion and restorative justice approaches; e. Contribute to the rehabilitation and social reintegration of children, victim children and / or witness children through community organizations; f. To monitor the performance of law enforcement officers in the handling of child cases; or g. Socialize about children's rights and legislation relating to children.

This article is an article that invites the whole community to participate in child protection, because children are the next generation of the nation that must be maintained and should not be discriminated against. The community in this article is involved in reporting violations of

children's rights, rehabilitation up to the socialization of children's rights. In this case, it can be said that the rights of children must be fulfilled in the criminal justice process, especially children who become perpetrators of criminal acts.

#### **4. CONCLUSION**

Form of legal protection of the identity of children who are dealing with the law, namely a. Children face the law as perpetrators, namely where the child commits an act of criminal abuse regulated in Law Number 35 of 2014 concerning child protection regulated in Article 81, namely : 1) any person who intentionally commits violence or threats of violence forces the child to have intercourse with him or with others. Still children face the law as perpetrators are also given protection in the form of: treated humanely with attention to age-appropriate needs, separated from adults, obtain legal assistance and other assistance effectively, perform recreational activities, free from torture, punishment or other inhumane cruel treatment and degrading the degree and dignity, not sentenced to death or life imprisonment, not arrested, detained, or imprisoned, except as a last resort in the shortest possible time, obtaining justice in the face of an objective impartial children's court and in a hearing that is closed to the public, his identity is not published, obtaining assistance from parents/guardians and people trusted by children, obtaining social advocacy, obtaining personal life , obtaining accessibility, especially for disabled children, obtaining education, obtaining health services, obtaining other rights in accordance with the provisions of legislation. b. Article 40 paragraph (2) of the Convention on the rights of the child letter iv explained that the child is not forced to testify or admit guilt but in the press conference the child who is the perpetrator of violence confesses to the media that the child is guilty in that case. c. The protection of children's identity as perpetrators of criminal acts committed by the government is included in physical or psychological rehabilitation and the provision of protection, but in this case it is not explained in detail about the form of child identity protection carried out by the government what kind of protection. Officials in charge of handling child cases such as law enforcement officers must also provide protection against children whose identities are disseminated. Children who become perpetrators of criminal acts or children who conflict with the law must maintain the confidentiality of their identity. d. The identity of the child must still be kept secret by the mass media by using only initials without a picture. Law enforcement officers both from investigation to trial must pay attention to the child Criminal Justice System Act to protect children, especially children as perpetrators of criminal acts.

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