

**LEGAL ANALYSIS OF THE POSITION OF SOCIAL  
RESEARCH REPORT ON CHILD CRIMINAL DECISIONS  
(Study of Decision No. 14/Pid.Sus-Anak/2018/PN.Mdn and  
Decision No. 48/Pid.Sus- Anak/2019/PN.Mdn )**

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**ABSTRACT**

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*Criminal sanctions are The Last Resort or ultimum remedy which is applied after other developmental and preventive efforts have failed. In the juvenile criminal case number. 14/Pid.Sus-Anak/2018/PN.Mdn and Decision Number. 48/Pid.Sus-Anak/2019/PN.Mdn, Children were sentenced to prison for theft even though recommendations from Community Guidance Officers prioritized children's growth and development. This research analyzes the role of Community Development Officers in the Juvenile Criminal Justice System, what the Community Development Officer conveys to the Judge to be taken into consideration in the Decision, and the position of the Community Research Report in the Judge's consideration in Decision Number. 14/Pid.Sus-Anak/2018/PN.Mdn and Decision Number. 48/Pid.Sus-Anak/2019/PN.Mdn. The research method used in this research is normative juridical with a statutory approach and case studies. The research results show that in decision number. 14/Pid.Sus-Anak/2018/PN.Mdn and Decision Number. 48/Pid.Sus-Anak/2019/PN.Mdn, the position of the Community Research Report is only a reference. The judge did not even consider that in this case there had been a peaceful settlement between the victim witness and the child. When examining and deciding cases, judges should consider the Public Research Report in depth.*

**Keywords:** *Child Criminal Justice System; Criminal Sanctions*

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**INTRODUCTION**

Children are a national asset who have limitations in understanding and protect yourself from various influences of existing systems. <sup>1</sup> Seen from the side of life

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<sup>1</sup>Marlina, *Peradilan Pidana Anak di Indonesia Pengembangan Konsep Diversi dan*

nation and state, children are the heirs and portraits of the nation's future future, the next generation of ideals nation, so that every child has the right to continuity life, grow And develop, participate as well as entitled on protection from action violence and discrimination as well right civil and liberty.<sup>2</sup>

In the Indonesian constitution<sup>3</sup>, children have a strategic role which is explicitly stated. stated that country ensure right every Child on continuity life, grow, And develop as well as on protection from violence And discrimination. Therefore, the best interests of the child should be considered as an interest. best for the survival of mankind.

Protection of children can be seen from the provisions of the Convention on the Rights of the Child. (*Convention on the Rights of the Child*) which was ratified by the Indonesian Government through Decision President Number 36 Year 1990, Which Then poured out in Law Number 35 of 2014 in conjunction with Law Number 23 of 2014 2002 about Protection Child as well as Constitution Number 11 Year 2012 on the Juvenile Criminal Justice System. All of these regulations state principles general protection child, that is about non discrimination, interest best for child, continuity life And grow flower And value child participation.<sup>4</sup>

The Juvenile Criminal Justice System Law, hereinafter also referred to as The SPPA Law is one of the tools for Indonesia to implement child protection. to Children Which face to face with law, Where Constitution This regulates how criminal procedure for children is carried out, the institutions involved in it process justice Child, form responsibility answer criminal Child, as well as base consideration judge in making a decision regarding the matter criminal Child.

In general general, law criminal Child No Far different with law criminalon generally, However draft law criminal Child more prioritize interests of children, because children are the future generation who are in time growth, Handling child face to face law different with handling of adults in conflict with the law, in the juvenile criminal justice system prioritize handling of children's cases by prioritizing restorative justice<sup>5</sup> or return to condition back to than give effect deterrent And retaliation. Therefore, in the stages of child justice, the term

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*Restorative Justice*, (Bandung: Refika Aditama,2009), p.15.

<sup>2</sup>Ahmad Kamil dan H.M., Fauzan, *Hukum Perlindungan Dan Penangkatan Anak Di Indonesia*,Edisi. 1, (Jakarta: PT. Raja Grafindo Persada,2008), p. 7.

<sup>3</sup>Pasal 28B ayat (2), Pasal 28G dan Pasal 28I UUD Negara Republik Indonesia Tahun 1945

<sup>4</sup>Ridwan Mansyur, "Keadilan Restoraif Sebagai Tujuan Pelaksanaan Diversi Pada Sistem Peradilan Pidana Anak", <https://www.mahkamahagung.go.id/id/artikel/2613/keadilan-restoratif-sebagai-tujuan-pelaksanaan-diversi-pada-sistem-peradilan-pidana-anak>, diakses tanggal 22 Maret 2020

<sup>5</sup>Mahir Sikki Z.A., "Sekilas tentang Sistem Peradilan Pidana Anak", <http://www.pn-palopo.go.id/index.php/berita/artikel/363-sekilas-tentang-sistem-peradilan-pidana-anak>, diakses tanggal 23 Maret 2020

Report is used. Study Society. In trial Child, Judge must consider report study community from mentor community before making a decision on a case.<sup>6</sup> In the case of a research report society does not under consideration in decision judge, decision cancelled for the sake of law.<sup>7</sup>

With thus, existence report study community (LITMAS) very much important as base consideration judge in the fall sanctions inside facts and evidence in court.<sup>8</sup>

Report study community is report Which containing results observations carried out by the Correctional Center, the Correctional Center which furthermore called Father is unit executor technical correctional Which carry out task And function study society, guidance, supervision, And assistance.<sup>9</sup>

Report study community in a way general convey data all information about children in conflict with the law, such as children's personal data, condition family Child, environment life And life social Child, Where The social research report will refer to a conclusion Why a Child do a act criminal, so that from report the research can identify the best solution to resolve the case and to build Child become more Good through the fall sanctions by judge in trial.<sup>10</sup>

However, in some decisions, the social research report Still Not yet used in a way effective as base consideration judge in the fall sanctions to Child. As example that the results report study community of course Already listed in base consideration judge However decision judge No in line with consideration Which There is, that is Juvenile criminal case decision No. 14/Pid.Sus-Anak/2018/PN.Mdn and Decision No. 48/Pid.Sus-Anak/2019/PN.Mdn

The cases in these decisions are thefts committed by children. in the city of Medan, the judge decided that Anak should be imprisoned. This is contrary to chapter Article 81 paragraph (5) of the SPPA Law states that "Imprisonment sentences for children are only used as a last resort". This provision may indicate that the purpose Act SPPA is give justice for Child, as much as possible Possible Child No imprisoned. However, after eight years of the birth of the SPPA Law, has the SPPA Law been really implemented, especially in the case of recommendations from the Supervisor Community (PK) in the form of Litmas

In decisions related with Criminal Child, Litmas impressed only formality that is merely mentioned in the Judge's considerations. Even though mentioned in decision that has consider Litmas, the reality Judges impose more criminal

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<sup>6</sup>Pasal 60 ayat (3) UU No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak

<sup>7</sup>Pasal 60 ayat (4) UU No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak

<sup>8</sup>Lisa Savitri Younan Putri, "Laporan Penelitian Kemasyarakatan Sebagai Dasar Pertimbangan Hakim Dalam Putusan Perkara Pidana Anak", Kementerian Riset Teknologi Dan Pendidikan Tinggi Universitas Brawijaya Fakultas Hukum Malang, 2015, p 4.

<sup>9</sup>Pasal 1 angka (24) UU No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak

<sup>10</sup>Lisa Savitri Younan Putri, *op.cit.*

sanctions than actions. Criminal sanctions The sentences imposed are mostly in the form of imprisonment. This deviates from the advice that submitted by PK in Litmas. PK gave advice to the Judge to get it giving the lightest possible verdict to the child but in reality the judgemore Like impose criminal sanctions prison for Child.

Imposition of criminal sanctions on children should be avoided as much as possible, because The criminal sanction of imprisonment is *the last resort* which is the last means Which must done after efforts other Which nature coaching And prevention failed to be done.

## METHOD

This research uses normative juridical research methods.<sup>11</sup> The data collection technique used is through document and library studies of secondary data in the form of primary, secondary and tertiary legal materials. The analysis used is descriptive with the approach used being statutory regulations (statute approach) and case studies. SutePlease adjust the margin to the previous oneki and Galang Taufani stated that the legislative approach is intended to examine all laws and regulations related to the legal issue being handled. Meanwhile, case studies are studies of certain cases from various legal aspects.<sup>12</sup>

The data sources used in this research are secondary data consisting of: Primary legal materials in the form of statutory legal materials related to the research material, namely the Criminal Code (KUHP), Law Number 11 of 2012 concerning the Criminal Justice System Children, and Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection, and other statutory regulations governing children. Secondary legal materials are materials that can provide explanations of primary and secondary legal materials such as books and the results of daily practice. Tertiary legal materials are supporting materials outside the legal field that provide explanations of primary and tertiary legal materials such as dictionaries, encyclopedias.<sup>13</sup>

The data collection technique in this research was carried out by means of library research. The data collection tool used is document study to obtain secondary data, by reading, studying, researching, identifying and analyzing primary, secondary and tertiary data related to this research.<sup>14</sup>

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<sup>11</sup> Eka NAM Sihombing, Cynthia Hadita, *Penelitian Hukum* (Malang: Setara Press, 2022).

<sup>12</sup> Ibid

<sup>13</sup> Nomensen Sinamo, *Metode Penelitian Hukum dalam Teori dan Praktek*, (Jakarta: BumiIntitama Sejahtera, 2010), p 16.

<sup>14</sup> Bahder Johan Nasution, *Metode Penelitian Ilmu Hukum*, (Bandung: Mandar Maju, 2011),p. 8.

## DISCUSSION

### **The Role of Community Counselors in the Juvenile Criminal Justice System**

Law Number 11 of 2012 concerning the Criminal Justice System provides an important and strategic role to community counselors in the restorative justice process. Community counselors have 2 (two) roles, namely first acting as law enforcement officers because they are involved in the juvenile justice process and second, acting as community officers who carry out community guidance duties and functions during the judicial process until completion. Since the investigation process to the trial of juvenile criminal cases and the results of community research are considered at every stage (investigators in the investigator diversion process, prosecutors' considerations in the process at the prosecutor's office and judges in the trial).<sup>15</sup>

The role of the Community Guidance Officer in each stage of the examination of a juvenile criminal case is as follows:

#### 1. Investigation Stage

According to Article 27 paragraph (1) of the SPPA Law, in conducting investigations into cases of children, investigators are required to ask for consideration or advice from the Community Guidance Officer after the crime. After the stages of Community Research have been carried out, the Community Guidance Officer provides the results of the report to the police. Investigators can use the results of the Community Research in making the best decision for the child. Based on the Community Research report, investigators consider whether to continue the criminal process to the prosecution stage or stop the examination process which can be carried out with restorative justice for a child's case. For criminal cases of children that are not diverted at the investigation level, then a Minutes of Examination (BAP) is made from the results of the investigation which is then submitted to the public prosecutor to be studied and examined for completeness as a basis for making an indictment. In this case, one of the completeness of the BAP is the report on the results of the Community Research by the Community Guidance Officer. At this stage, the Community Guidance Officer has a very important role in conducting Community Research and making a report on the results of the Community Research. So that investigators can use the results of the Community Research in making the best decision for the child.

#### 2. Prosecution Stage

Similar to the investigation stage, at the prosecution stage, the Public Prosecutor is required to attempt Diversion no later than 7 (seven) days after

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<sup>15</sup> Wawancara dengan Pembimbing Kemasyarakatan pada Balai Pemasyarakatan Klas 1 Medan pada tanggal 02 Desember 2020.

receiving the case files from the Investigator. <sup>16</sup>Diversion is carried out no later than 30 (thirty) days. <sup>17</sup>If the Diversion process succeeds in reaching an agreement, the Public Prosecutor submits the Diversion minutes along with the Diversion agreement to the head of the district court to make a decision. <sup>18</sup>If Diversion fails, the Public Prosecutor is required to submit the Diversion minutes and refer the case to the court by attaching a report on the results of the community research. <sup>19</sup>

The role of the Community Guidance Officer and Community Research in the prosecution stage of this child case is that when the police investigator submits the investigation file to the prosecutor's office, it must be accompanied by submitting a Community Research report as a requirement for the completeness of the investigation file. Thus, the public prosecutor can also examine the Community Research report file conducted by the Community Guidance Officer to be used as a consideration in making an indictment (prosecution process)

### 3. Trial stage

In accordance with Article 57 paragraph (1) of the SPPA Law, after the indictment has been read, the Judge orders the Community Guidance Officer to read the report on the results of the community research regarding the Child concerned without the Child being present, unless the Judge is of a different opinion.

In addition, if based on Article 60 paragraph (3) of the SPPA Law, the Judge is required to consider the social research report from the Community Guidance Officer before passing a verdict on the case. The judge's decision differs from the recommendation of the social research report because of several factors. Among them, it could be that according to the judge, the weight of the child's guilt as revealed in court actually makes the judge disagree with the recommendation of the social research report, it could be that the judge then decides with a sentence that is heavier or lighter than the recommendation of the social research report. All of course is adjusted to the spirit of restorative justice which is the soul of the SPPA. Then the factor of the demands from the prosecutor/public prosecutor is also quite influential, where there is a tendency for judges to agree more with the type and length of punishment contained in the demands of the public prosecutor rather than <sup>20</sup>the recommendations of the social research report.

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<sup>16</sup> Pasal 42 ayat (1) UU No.11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak

<sup>17</sup> Pasal 42 ayat (2) UU No.11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak

<sup>18</sup> Pasal 42 ayat (3) UU No.11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak

<sup>19</sup> Pasal 42 ayat (4) UU No.11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak

<sup>20</sup> Wawancara dengan Hakim Pengadilan Negeri Sei Rampah pada tanggal 02 Desember

The importance of community counselors in trials was reinforced by the first female Supreme Court Justice in Indonesia, Sri Widoyati W.S. In the Circular of the Supreme Court Justice dated July 4, 1971 Number MA/PEM/040/1971 concerning "Children's Case Trials" which stated that in children's trials:<sup>21</sup>

- a. A social worker must be present and
- b. There must be a social data report.

Through the circular, until now the existence of community counselors in trials has become important, both legally formal and actually. This aims to ensure that other law enforcement officers receive input/opinions from other parties (second opinion) regarding the background of children in the legal process so that the decisions taken are appropriate because they relate to the future of the child.<sup>22</sup>Based on this, it can be concluded that the role of community counselors in the criminal justice system is very important and strategic because in making community research reports, Community Counselors hope that the main objective of restorative justice can be achieved, namely restoring community welfare and resolving child criminal cases that are educational in nature and what is important is to restore conditions and restore them as before the crime occurred.

### **Urgency of Community Research Reports as Consideration for Juvenile Criminal Decisions**

In handling cases involving children, law enforcement officers are required to pay attention to the best interests of the child and to ensure that a family atmosphere is maintained. The community research report is based on empirical sociological data (parents, client development history, surrounding community, and local government officials), legal, and theoretical. Therefore, the community research report is a description for law enforcement officers regarding the child so that it can be used as a consideration in making the best decision for the child.<sup>23</sup>

The social research report is very important and very useful in helping judges to make the right and fairest decision. The above is regulated in Article 60 paragraph (3) of the Child Protection and Child Protection Act which states: the

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<sup>21</sup> Tim Direktorat Bimbingan Masyarakat dan Pengentasan Anak, Modul Pembimbing Masyarakat, ( Jakarta: Direktorat Jenderal Masyarakat Kementerian Hukum dan HAM, 2012), p. 7

<sup>22</sup> *Ibid*

<sup>23</sup> Wawancara dengan Pembimbing Masyarakat pada Balai Masyarakat Kelas 1 Medan pada tanggal 02 Desember 2020

judge's decision must take into account the social research report from the social guidance counselor.

The Community Research Report provides very complete details regarding the child's condition, the condition of the parents, the child's environment, the condition of the victim, and the opinion of the community. This means that the Community Research Report is a product that has a restorative justice spirit, namely emphasizing the involvement of children, victims, families of victims and perpetrators, the community, and parties with an interest in a crime that occurs to reach an agreement and resolution.

The social research report is a vital basis for the judge's consideration, but it cannot determine or direct the judge in making a decision as suggested by the social research report. Because the social research report is not *pro justitia* in the sense of the legal process. The social research report is more social in nature or contains social considerations, not considerations of justice and legal considerations.<sup>24</sup>

Article 60 paragraph (4) of the SPPA Law states that in the event that the community research report is not taken into consideration in the judge's decision, the decision is null and void. According to the explanation in the SPPA Law, null and void in this provision is without a request to be cancelled and the decision does not have binding legal force.

Meanwhile, the legal implications of not including the results of the community research report according to child judges are as follows:<sup>25</sup>

a. The decision is null and void by law

When the judge does not consider LITMAS in the decision, then according to the law it is certainly null and void. Void and void means that the decision is considered to have never existed (never existed). What is meant by a null and void decision is if the decision does not meet the requirements as stipulated in Article 197 paragraph (1) of the Criminal Procedure Code. <sup>26</sup>In the case of criminal cases involving children, the provisions of Article 60 paragraph (3) and paragraph (4) of the SPPA Law also apply, which specifically regulates reports of community research, but still refers to the Criminal Procedure Code as long as the SPPA Law does not regulate it.

A court decision is said to be “null and void” (*venrechtswege nietig*)

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<sup>24</sup>Lisa Savitri Younan Putri, *op.cit.*, p.10.

<sup>25</sup> *Ibid*, p.14.

<sup>26</sup> Fachmi, *Kepastian Hukum Mengenai Putusan Batal Demi Hukum dalam Sistem Peradilan Pidana Indonesia*, (Bogor: Ghalia Indonesia publishing, 2011) p. 163.

or ab initio legally null and void) meaning that the decision is considered to have never existed from the start (never existed). Because it never existed, such a decision has no legal force and has no legal consequences, so that the decision itself cannot be executed or implemented by the Prosecutor as the executor of the court decision.<sup>27</sup>

If that is the case, namely there is a judge's decision that does not consider the social research report, then in my opinion the reason why the decision is not null and void is because the related parties did not file a legal action. Considering that even though the consequence is null and void, there must still be a mechanism for objection to the decision so that later a higher judge/court can cancel the decision and declare the decision null and void.<sup>28</sup>

- b. The case was re-examined and the verdict was revised.

One form of null and void is that a case filed through legal action can be re-examined by considering LITMAS by the high court and then issuing a new decision. The previous decision is revised by including the LITMAS results in the decision as a basis for consideration.

A decision that is null and void has no other alternative but to be corrected, to be perfected. The problem is the authority to correct or perfect. Some experts argue that the panel of judges who issued the decision must change it, others argue that a higher court declares it null and void and has the authority to correct it. Both of these views and opinions are not supported by a strong legal basis and reasons/considerations.<sup>29</sup>

The correction or improvement of a null and void decision is only valid if it is carried out based on the instructions of the Supreme Court. Such a thing is very much needed in a developing society so that if there is negligence or error, such a thing will not happen again.<sup>30</sup>

### **Legal Analysis of the Position of the Community Research Report in the Judge's Consideration in Decision No. 48/Pid.Sus-Anak/2019/PN.Mdn**

In Decision No. 48/Pid.Sus-Anak/2019/Pn.Mdn, the Child was sentenced

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<sup>27</sup> Yusril Ihza Mahendra, "Pendapat Hukum Terhadap Putusan Batal Demi Hukum", <https://yusril.ihzamahendra.com/2012/05/17/pendapat-hukum-terhadap-putusan-batal-demi-hukum/>, diakses tanggal 22 November 2020

<sup>28</sup> Wawancara dengan Hakim Pengadilan Negeri Sei Rampah pada tanggal 02 Desember 2020.

<sup>29</sup> Leden Marpaung, *Proses Penanganan Perkara Pidana Di Kejaksaan Dan Pengadilan Negeri Upaya Hukum Dan Eksekusi*, (Jakarta: Sinar Grafika, 2010), p. 146

<sup>30</sup> *Ibid*, p. 147

for theft with violence under Article 365 paragraph 2 of the Criminal Code. In this decision there is a Community Research Report which in essence recommends that the child be returned to his parents, but the Judge sentenced the Child to 6 (six) months in prison.

In resolving child cases, judges are required to consider reports on the results of community research (litmas) collected by community counselors at the local Correctional Center (Bapas), regarding personal and family data of the child concerned. The results of the report are expected to provide the judge with an accurate picture to provide the fairest possible decision for the child concerned.<sup>31</sup>This is in accordance with Article 60 (3) of the SPPA Law.

In this case, did the Judge ignore the provisions of Article 60 paragraph (3) of the SPPA Law? Of course we cannot say that considering means having to follow it, but it is possible not to follow it. Therefore, in fact, the judge has considered the Community Research Report.

The judge has also considered the existence of Article 81 paragraph (5) of the SPPA Law regarding "Imprisonment against Children is only used as a last resort". This can be seen in the judge's consideration that although Article 81 paragraph (5) of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System has determined that imprisonment against Children is only used as a last resort, but with all the considerations above, the best punishment for children is imprisonment. In fact, if we look at the principle in Article 2 letter I of the SPPA Law "deprivation of liberty and criminal punishment as a last resort", then the judge's decision is not correct.

In this case, the Judge was of the opinion that by imposing a prison sentence, it is hoped that the child will receive guidance and education in a Special Institution for Children, so that when the child has finished serving his sentence, he will be a better child than before.

The next question is whether coaching and education so that children become better must be punished with imprisonment. Considering Article 71 paragraph

- 1) The SPPA Law states that the main criminal penalties for children consist of:
  - a. criminal warning;
  - b. criminal penalties with the following conditions:
  - c. coaching outside the institution;
  - d. community service; or

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<sup>31</sup> Rehngena Purba, *Mekanisme Mengadili Seorang Anak*, (Jakarta: Majalah Forum Edisi 46, 2006), p 74.

- e. supervision.
- f. job training;
- g. coaching within the institution; And
- h. prison.

Imprisonment is in last place, indicating the position of the imprisonment itself, in accordance with the principle of *ultimum remedium*.

The existence of a Community Guidance Officer who conducts Community Research as an effort to ensure that the social conditions of children are also considered by judges in making decisions. The juvenile justice system will prioritize the welfare of children and will ensure that any reaction to juvenile offenders will always be commensurate with the circumstances of both the offenders and the violation of the law.

The judge needs to pay attention to the condition of the child who has admitted to having consumed narcotics in the form of crystal methamphetamine for a long time together with his adult friends, indicating bad social interactions and therefore needs guidance.

So it is actually clear why the Community Guidance Officer recommended that the child be returned to his parents. In the trial, the child's parents stated that they were still able to foster, educate and supervise the child so that he becomes a good child. The recommendation from the Community Guidance Officer includes action sanctions, namely returning to parents/guardians according to Article 82 paragraph (1) letter a. The recommendation from the Community Guidance Officer is in line with Bentham's theory. When viewed from Bentham's theory, action sanctions are sanctions that are not retaliatory. They are solely aimed at special prevention, namely protecting society from threats that can harm the interests of that society. Action sanctions are oriented towards the idea of protecting society and their purpose is more educational.<sup>32</sup> Therefore, it is clear that the intention of the Community Guidance Officer is for the child to be further educated by the parents.

The position of the Community Research Report in a child criminal decision is as a consideration for the judge in determining the type and length of punishment for the child if the child is found guilty of committing a crime. The community research report is not binding on the judge, but the judge must still consider the community research report in his decision because if it is not considered, the decision will be null and void by law.<sup>33</sup>

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<sup>32</sup> Sholehuddin, *Sistem Sanksi dalam Hukum Pidana Ide Dasar Doble Track System dan Implementasinya*, (Jakarta : PT RajaGrafindo Persada, 2004), p 33.

<sup>33</sup> Wawancara dengan Hakim Pengadilan Negeri Sei Rampah pada tanggal 02 Desember 2020.

The position of the Community Research Report in this decision is as a reference only, just like the decision discussed previously, the Judge did not really consider the Community Research Report in a deeper sense.

## CONCLUSION

Based on the discussion in writing the thesis that has been outlined by the author, so the following conclusions can be drawn:

The role of Community Guidance in the juvenile criminal justice system is very important. important And strategic. Task main Mentor Community is make report study community For interest investigation, prosecution, And trial in case child, do mentoring, provide guidance and supervision to children during process diversion And implementation agreement. Function main from Mentor Community that is produce report study community Which used by the Police, Prosecutors and Judges as well as Correctional Institutions, as one of the basic considerations in the implementation of juvenile criminal justice and coaching in prison.

Community research reports are very important and very useful in assist judges to make the most appropriate and fair decision. In accordance Chapter 60 paragraph (3) Act SPPA that judge must consider community research report from community counselor. Report This Community Research is a product that has a spirit *restorative justice*, namely emphasizing the involvement of children, victims, families victims and perpetrators, the community, and interested parties. a act criminal Which happen For reach agreement and completion.

In Decision No. 14/Pid.Sus-Anak/2018/PN.Mdn and Decision No. 48/Pid.Sus- Child/2019/PN.Mdn, position Report Study Community here is for reference only. The judge did not even consider that In this case, a peace agreement has been made between the victim and the witness. party Child. Report study community used as guidelines in examining and deciding the case, but it is not taken into consideration deep.

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