NOMOI LAW REVIEW

VOLUME 3, ISSUE 1
MAY 2022

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385

THE APPLICATION OF RESTORATIVE JUSTICE THROUGH CUSTOMARY INSTITUTIONS AGAINST CHILDREN IN CONFLICT WITH THE LAW IN LHOKSEUMAWE CITY

Budi Bahreisy, Ferdy Saputra, Hidayat
Malikussaleh University
Email: budi_bahreisy01@unimal.ac.id

ABSTRACT

This law is what introduces the concept of diversion which aims to provide protection to children who are in conflict with the law, children who are victims of criminal acts, and society in general as a form of transferring the settlement of children's cases from judicial process to proceedings outside criminal justice in order to realize restorative justice. Based on this background, the formulation of the problem from this study is whether the factors that cause children to conflict with the law in Lhokseumawe City and how the role of indigenous institutions in the Application of Restorative Justice Against Children In Conflict With The Law in Lhokseumawe City. The method used is an empirical research method with qualitative shortness. The purpose of this study is to provide knowledge and understanding about the factors that cause children to conflict with the law in Lhokseumawe City and to provide knowledge about the role of indigenous institutions in the Application of Restorative Justice Against Children In Conflict With Law in Lhokseumawe City.

Keywords: Restorative Justice, Indigenous Institutions, Children.

Journal History

Received : February 15, 2022;
Reviewed : February 22, 2022;
Accepted : March 11, 2022;
Published : March 12, 2022.

INTRODUCTION

Children who commit crimes can be called *juvenile deliquency* or delinquency. *Juvenil* comes from the Latin *juvenils*, which means young children, characteristic traits in youth, characteristic traits in the teenage period. While *delinquent* comes from the Latin

NOMOI LAW REVIEW
VOLUME 3, ISSUE 1
MAY 2022
ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385

delinquere which means neglected, ignored, then this understanding is then expanded to be evil, asocial criminal, rule-breaker, stormmaker, troublemaker, terrorizer, irreparable, durjana, dursila and others.[1] It can be said that the child is in conflict with the law or ABH.

Children who is in conflict with the law, a child who is a victim of a criminal act, and a child who is a witness to a criminal act,[2] in the extent of handling for children in cases of crime is not a simple matter, because the need for equalization of perception, vision, to provide protection, fulfillment of his rights in accordance with good commitment in the form of ratification of international conventions, legislation, local wisdom for the best interests. for the child.

Law No. 11 of 2012 concerning the Criminal Justice System of Children provides strengthening related to the protection of children in Indonesia. It is this law that introduces the concept of diversion which aims to provide protection to children who are in conflict with the law, children who are victims of criminal acts, and society in general as a form of transferring the settlement of children's cases from judicial process to proceedings outside criminal justice in order to realize *restorative justice*). While restorative justice is the settlement of criminal cases involving perpetrators, victims, families of perpetrators / victims, and other related parties to jointly seek a fair solution by emphasizing recovery back to its original state, and not retaliation. Efforts to combat crime with a nonpenal approach is a form of prevention efforts without using criminal law by influencing people's views on crime and prosecution through mass media.[3]

Law No. 11 of 2012, in Article 71 paragraph (2) point b mentioned that additional criminals for children who commit criminal acts can be in the form of "fulfillment of customary obligations". In Law No. 11 of 2012, as well as in Government Regulation No. 65 of 2015 and in Perma No. 4 of 2014, that in the implementation of the Diversi agreement can involve "community leaders". This shows that in the settlement of child criminal cases still recognized "customary law" which in its settlement is also related to indigenous institutions that are still recognized today.

Reform of the constitution marked by an amendment to the 1945 Constitution of the Republic of Indonesia in the period 1999-2002, has implications for the structure in the

[1] Isnatul Rahmi and Rizanizarli, "Penerapan Restorative Justice Dalam Penyelesaian Tindak Pidana Pencurian Oleh Anak Dalam Perspektive Adat Aceh (Suatu Penelitian Di Wilayah Kota Sabang)," *Syiah Kuala Law Journal* 4, no. 1 (n.d.): 12.

[2] Khairani Mukdin & Novi Heryanti, "Efektifitas Pelaksanaan Restorative Justice Pada Anak Berhadapan Dengan Hukum (Abh)," *International Journal of Child and Gender Studies* (2020): 61.

[3] Marlina, *Peradilan Pidana Anak Di Indonesia (Pengembangan Konsep Diversi Dan Restorative Justice)* (Bandung: Refika Aditama, 2009).

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385

constitutional system of the Republic of Indonesia. This very fundamental change also gave birth to many new state institutions.[4]

So the existence of democracy in a country's government system can be demonstrated by the existence of people's representative institutions in that country, as practiced in Indonesia as contained in Article 1 paragraph (2) of the 1945 Constitution.[5]

In fact, at this time the handling for children who are dealing with the law in the criminal justice system there are still some obstacles, namely:[6]

1. The application of the law is not yet fully in accordance with the provisions of the applicable law.
2. There is no equal perception between law enforcement officials regarding the handling of children who face the law in the best interests of children.
3. Limited means and infrastructure for handling for children who face the law during the process in the Court (pre and after court ruling).
4. Coordination between law enforcement officials (police, prosecutors, judges, advocates, ayahs, Rutan, Lapas), is still faltering due to sectoral ego constraints.

Related to the background above, oleh therefore needs to be studied in a study with the title "Application of *Restorative Justice* Through Indigenous Institutions Against Children In Conflict With The Law In Lhokseumawe City". Based on the description in the background above, then in this legal research can be formulated the following problems: What are the factors that cause children to conflict with the law in lhokseumawe city? What is the role of indigenous institutions in the Application of *Restorative Justice* Against Children In Conflict With The Law in Lhokseumawe City?

METHOD

This research is empirical legal research with a quantitatif approach that uses primary data and secondary data. In obtaining primary data, respondents and informants are determined. The activity techniques used in this research use three data collection techniques, namely interviews, observations and documentation studies.

DISCUSSION

Factors Causing Children To Conflict With The Law In Lhokseumawe City

[4] Andryan, Eka NAM Sihombing, Penguatan Mahkamah Konstitusi Republik Indonesia Melalui Constitutional Complaint, *Jurnal Hukum Perancangan Peraturan Perundang-undangan*, Vol. 4 No. 2, November (2018).

[5] Abdul Hakim Siagian. Extension Of The Constitutional Court Authority In The Dissolution Of Corrupted Political Parties. *Nomoi Law Review*. Vol. 1. No. 1. (May, 2020).

[6] F. A. DS. Dewi, *Mediasi Penal: Penerapan Restroratif Justice Di Pengadilan Indonesia* (Depok: Indie-Publishing, 2011).

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385

The implementation of the study was carried out by a team of researchers by directly collecting data at lhokseumawe police and the Aceh indigenous assembly of Lhokseumawe city. From the results of the study of the application of *restorative justice* through customary institutions against children in conflict with the law that in the settlement of disputes against children in conflict with the law can be done through two processes. Namely: The process of resolving disputes through litigation in court and dispute resolution process through cooperation (*cooperative*) outside the court.

Seeing the condition of lhokseumawe against children who are in conflict with the law from the results of interviews with Kanit Perempuan and Child Protection Lhokseumawe Police that children who are in conflict with the law are more to acts of sexual abuse resulting from several factors, namely: *First*, environmental factors such as: due to promiscuity, naughty friends, and not getting supervision from parents. *Second*, electronic factors, such as: the influence of porn films, porn sites, and online games.

Related to police relations is one of the law enforcement institutions in Indonesia that is tasked to maintain the realization of security and order for the community. Its existence has a major contribution in solving various problems that occur in people's lives. In addition to the existence of police agencies as formal institutions provided by the state, the handling of cases in the context of Acehnese people can be resolved by indigenous institutions that were born and maintained until now.

Acehnese indigenous institutions have the opportunity to solve community problems in accordance with the cases that are their authority. Even formal institutions are obliged to submit to non-formal institutions if cases are categorized into minor criminal acts. The handover to indigenous institutions gains legitimacy from the Joint Decree between the Aceh Government,

Aceh Police Chief of Aceh Customary Assembly No. 189/677/2011. The second point of the decision determines that the Police Force provides an opportunity for any disputes / disputes as referred to in the Kesatu dictum to be resolved first through the customary courts of gampong and mukim or other names in Aceh. Other rules that provide settlement opportunities are customarily stipulated in Article 13 paragraph (3) of Qanun Aceh Number 9 of 2008 concerning the Construction of Customs Life. In the provisions stated that law enforcement officials provide the opportunity for disputes / disputes to be resolved first customarily in Gampong or other names. This shows that by regulation, the relationship of formal and non-formal institutions has been comprehensively regulated in the laws and regulations. The good relations of the two institutions are not only on a regulative level, the same is manifested in the form of applicatives. One member of MAA Lhokseumawe City explained:

NOMOI LAW REVIEW
VOLUME 3, ISSUE 1
MAY 2022
ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385

"The relationship of formal institutions with non-formal has been well established. For now formal agencies such as the police will not take immediate action. If it is still possible to be completed in Gampong, then the police will hand it over to be resolved by customary mechanism. ""

Litigation can result in adversarial agreements that have not been able to embrace common interests, even tend to cause new problems, slow in settlement, cost a lot of money, not respond and cause hostility between the parties to the dispute. While through the process outside the court produces a *win-win solution* agreement, guaranteed confidentiality of the parties' disputes, avoided delays caused due to procedural and administrative matters, and resolved problems comprehensively in togetherness and maintaining good relations. Dean G. Pruitt and Jeffrey Z. Rubin put forward a theory of dispute resolution called the theory of dispute resolution strategy, which is first to compete (*conteding*), which is to try to implement a solution that is preferred by one party to the other. Second, yielding is lowering one's own aspirations and being willing to accept the shortcomings of what is actually desired. Third, problem *solving* is finding a satisfactory alternative from both parties. Fourth, withdrawing (*with drawing*) is choosing to leave the disputed situation both physically and psychologically. The fifth *in action* is to do nothing.[7] The factor to give restorative justice is because sometimes the needs of mediation in the criminal case for Children in conflict with the law.

The Role Of Indigenous Institutions In The Application Of Restorative Justice Against Children In Conflict With The Law in Lhokseumawe City

The system of organizing customary criminal justice in Lhokseumawe City from the results of interviews with the Chairman of Aceh Lhokseumawe, Mr. Tgk. H.M. Djalil Hasan that when customary law institutions start from receiving reports, calling parties, witnesses, conducting deliberations, until then to decision-making by the leadership of customary institutions. This process is carried out to achieve the objectives of settlement efforts through customary law. To achieve the objectives in the dispute resolution process. Indigenous institutions work in one system, namely that there are several components of dispute resolution in carrying out customary judicial processes. The customary justice system is always concerned about developments in society.

As for disputes that are included in customary categories and can be resolved by customary institutions, namely: Disputes in households, disputes between families related to fara'idl, disputes between citizens, perverted khalwat, disputes about property rights; theft in the family (light theft),property disputes. , light theft, theft of domesticated cattle, customary violations of livestock, agriculture, and forests, disputes at sea, disputes in markets, mild

[7] Jeffrey Z. Rubun Dean G Pruitt, *Konflik Sosial* (Yogyakarta: Pustaka Pelajar, 2004).

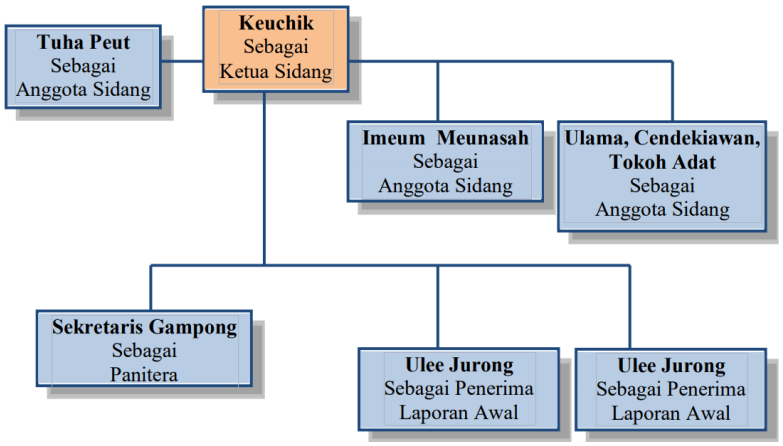
NOMOI LAW REVIEW
VOLUME 3, ISSUE 1
MAY 2022
ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385

persecution, burning of forests (on a small scale that harms indigenous communities), harassment, slander, hasut, and defamation, environmental pollution (light scale), threatening threats (depending on the type of threat),, and other disputes that violate customs and customs.

In Aceh's historical literature known *as the customary term meulangga*, this kind of case keuchik acts as if to be a representative of both parties, but in essence acts as a judge of the dispute. The settlement of cases in the customary judiciary in Gampong is carried out by gampong devices while the arrangement of the customary judicial team in Gampong is by indigenous figures consisting of: Keuchik; imeum meunasah; tuha peut; gampong secretary; and scholars, scholars and other indigenous figures in gampong or other names concerned, according to the needs. In general, the implementation of the Customary Peace Court is carried out by institutions called Gampong and Mukim. The same goes for the whole of Aceh. It's just that, in certain areas, such as Central Aceh and Aceh Tamiang, they use other terms. However, its function remains the same, namely as a dispute resolution institution or customary case.

The customary judiciary in Gampong has the following structure: Keuchik, as Chairman of the Assembly; Secretary Gampong, as Clerk; UIee Jurong as The Recipient of the Initial Report; Tuha Peuet as a Member; lmum Meunasah as a Member; Scholars, Scholars, Indigenous figures, as Members. The structure of judges involved in dispute resolution may refer to the Customary Judicial Guidelines published by the MAA as follows:

Chart 1: Structure of Gampong Customary Justice Judges



Source: Aceh Indigenous Assembly

The organizers of customary justice as in the above structure, are not officially appointed or appointed, but because of their positions as keuchik, imeum meunasah, tuha peuet, and ulee jurong, they are automatically attached to their positions as organizers of gampong customary justice. Membership of indigenous justice is not only limited to men but

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385
must also involve women. Because not all customary law cases can be processed by all men, there are legal issues that must be resolved by female figures such as cases of handling women and children.

The process of resolving disputes through the gampong customary court starts from reporting by the victims to ulee jurong (head of the hamlet). But it is not closed the possibility that the report can also be directly addressed to Keuchik. Sometimes the head of the hamlet or ulee jurong itself who solves it at an early stage, if the case is considered not too serious it can still be handled. But if the case is very serious and complicated and involves the public interest, then the head of the hamlet immediately reports to keuchik as the head of gampong. Then keuchik together with gampong apparatus conducted deliberations to discuss the handling of the case.[8]

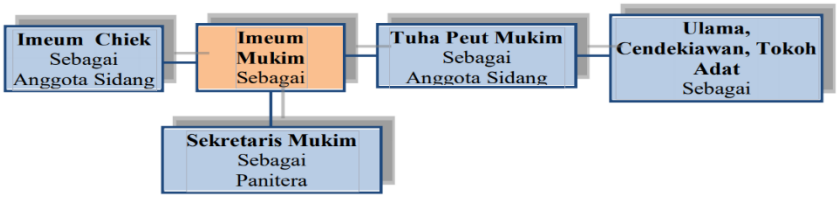
Mukim-level customary trial is a last resort to get justice in customary jurisdiction. If a dispute or conflict cannot be resolved at the gampong level, it can be submitted to be resolved at the mukim customary court through the mukim-level customary judicial assembly. The Mukim Indigenous Assembly serves as a body that maintains and develops customs, organizes customary peace, resolves and provides customary decisions against disputes and customary violations, gives legal force to things and other proofs according to custom. This is as stipulated in Qanun No. 3 of 2003 concerning the Mukim Government, Article 4 letter (e) states that the mukim has a function for settlement in order to decide and or establish the law in the event of disputes or customary matters and customary law. While in Article 12 paragraph (2) states that the mukim customary assembly serves as a body that maintains and develops customs, organizes customary peace, resolves and provides customary decisions against disputes and customary violations, gives legal force to things and other proofs according to custom.

The body of customary judicial equipment at the mukim level and its mechanism of work is almost the same as the gampong level. It's just that the structure of the panel of judges is different, consisting of Imeum Mukim as Chairman of the Assembly, Tuha Peut as a member, community leaders as members, and Secretary Mukim as clerk. The following structure of the panel of judges of the mukim customary judiciary as referring to the Customary Judicial Guidelines published by the MAA is as follows:

[8] Majelis Adat Aceh, *Pedoman Peradilan Adat Di Aceh Untuk Peradilan Adat Yang Adil Dan Akuntabel* (Banda Aceh: MAA, 2012).

NOMOI LAW REVIEW
VOLUME 3, ISSUE 1
MAY 2022
ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385

Chart 2: Structure of the Mukim Customary Judicial Judges



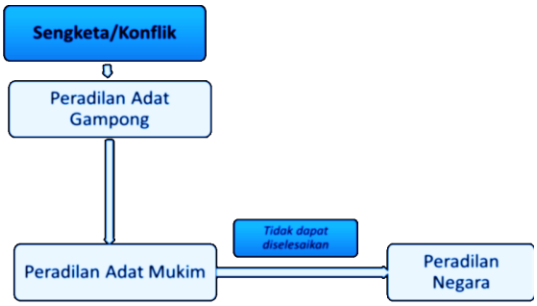
Source: Aceh Indigenous Assembly

The settlement mechanism is also the same as in gampong, namely through the stage of investigation of the report, tracing the gampong level decision, hearing information from the parties, conducted peace deliberations between the two sides and set a decision. The decision can be the same as what has been decided in the gampong level court, and can also be different from what has been decided before. The process of handling cases at the mukim level, as an appeal, is also still presented by the parties and witnesses for the process of resolving the case. Unlike the appeal in the general court that only examines the case file and the first-degree judicial verdict. Although the structure as a guideline described above has been known by the mukim, but often not implemented as is in the trial process, because of the limitations of the mukim customary institution in various aspects, although mukim has been recognized by law / qanun aceh government, but in reality still experiencing various obstacles, so it does not run optimally. Among them is the structure of government mukim still many are not complete. So that the cases handled by the mukim often occur difficulties because the mukim work more independently without any secretariat office or other staff or assistants.

From the above statement it can be concluded that the Government of Aceh and the Regional Government need to immediately strengthen the mukim institution, so that the duties and functions of the mukim do not run effectively. Whereas in the process of dispute resolution the role of mukim is very important as indigenous figures as well as community leaders who are very understanding about the dispute resolution process. In addition, mukim and gampong apparatus are expected to run synergistically and integratedly from any customary issues or customary law cases under the jurisdiction of the territory of the population. So that the duties and authority of the mukim can run optimally. In the reality that occurs on the ground, the robustness and ability of the mukim imeum causes keuchik as the leader of the trial at the gampong level, often asking for input and advice from the mukim, let alone cases that are considered severe and difficult to solve. For more details the system and stages of dispute resolution through the customary judiciary in Aceh can be seen in the chart below:

Chart 3: Stages of Dispute Resolution

NOMOI LAW REVIEW
VOLUME 3, ISSUE 1
MAY 2022
ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385



Source: Aceh Indigenous Assembly

Based on the chart above, the customary judiciary in Aceh in handling community disputes can be classified as follows, namely:

1. The customary peradilan gampong that plays a role in the resolution of disputes that occur at the gampong level, can also be referred to as the first trial. Referring to Regulation No. 7 of 2000, Article 11 paragraph (2) states that: gampong is authorized within 2 months can resolve disputes, if not completed brought to mukim customary meeting. However, the deadline has been revised in Governor Regulation No. 60 of 2013 on the Implementation of Dispute Resolution / Customary Disputes and Customs, in Article 17 paragraph (3) stated that gampong is obliged to follow up on each case after the report no later than 3 days since it was reported. Furthermore, article 6 states that gampong has 9 days to resolve the case.
2. The customary trial of the mukim to handle cases that cannot be resolved in the gampong customary court, or can be referred to as an appeal. It also handles cases that occur between two gampong within the jurisdiction of the mukim concerned. While the time of settlement of cases at the mukim level is authorized for 1 month from the date the appeal is filed, as stated in Regulation No. 7 of 2000, Article 15 paragraph (1). If referring to Governor Regulation No. 60 of 2013, article 5 states that the mukim must immediately handle the reported case no later than 3 days after the report. While the settlement time, as stated in Article 7 has 9 days to resolve the case, since it is reported or devolved from the customary trial gampong. Furthermore, if the mukim customary judiciary cannot solve the case because there is no agreement of the parties, then the next effort that can be taken by the parties is to submit to the general court.

Resolving criminal cases through a restorative approach, children in conflict with the law is seen as a conflict that occurs in the relationship between members of society that must be resolved and restored by all parties together. *Restorative Justice* is in principle a system of dispute resolution outside the court by using mediation or deliberation to achieve a justice in which is expected by the parties involved in the criminal case, namely the perpetrator of the crime (his family) and the victim of the crime (his family) to find the best solution approved and agreed upon by the parties.

NOMOI LAW REVIEW
VOLUME 3, ISSUE 1
MAY 2022
ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385

Restorative justice is said to be the basic guideline in achieving justice carried out by parties outside the judiciary because it is the basis of the peace process of the perpetrator of the crime (his family) and the victim (his family) due to the onset of victims / losses from these criminal acts. From the results of an interview with the Head of the Women and Children Protection Unit (Kanit PPA) of Lhokseumawe City Police Mr. Jafar, S.H. where he quoted from rufinus Hotmaulana Hutauruk's book entitled Tackling Corporate Crime Through Restorative Approach, A Legal Breakthrough, it can be said that *Restorative Justice* has basic principles, namely:[9]

1. Providing peace efforts outside the court by the perpetrator of a criminal act (his family) against the victim of a criminal act (his family)
2. Providing an opportunity for the perpetrator of the crime (his family) to be responsible for making amends by indemnifying the consequences of the crime he committed
3. Resolve criminal law issues that occur between criminal perpetrators and victims of such crimes if agreement is reached and agreement between the parties.

In other cases, such as crimes committed by children, there is an obligation of law enforcement officials to divert and be resolved by mediation. This Hal has been stipulated in the Child Criminal Justice System Law No. 11 of 2012, there has also been a reference for judges through Perma No. 4 of 2014 on Guidelines for the Implementation of Diversion in the Criminal Justice System of Children, has also issued Government Regulation (PP) Number 65 of 2015 on Guidelines for the Implementation of Diversion and Handling of Children Who Are Not Yet 12 (Twelve) Years Old. What is meant by diversion is the transfer of the settlement of children's cases from criminal justice proceedings to processes outside criminal justice. This means that the process of settling children who face the law if the criminal threat is under seven years old is first resolved out of court by putting forward *restorative justice*.

The process of diversion must be carried out at every stage, namely at the police, prosecutorial, court to the correctional center by involving various components. In Article 5 Paragraph (1) of PP No. 65 of 2015 stated that the diversion process is carried out through deliberation involving the child and his/her parents/guardians, the victim or the victim's child and/or his/her parents/guardians, community supervisors, and professional social workers based on a restorative justice approach. The implementation of diversion sometimes gets satisfactory results, there are also diversions that do not result in mutual agreement between the two parties. Can be seen the diversion data of children who are faced with tahun law 2020 obtained from Lhokseumawe Police are as follows:

Table 1: ABH Diversion Data

[9] Rufinus Hotmaulana Hutauruk, *Penanggulangan Kejahatan Korporasi Melalui Pendekatan Restoratif, Sebuah Terobosan Hukum* (Jakarta: Sinar Grafika, 2014).

NOMOI LAW REVIEW
VOLUME 3, ISSUE 1
MAY 2022
ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385

Number	Criminal	Sum	Information
1	Theft	9	6 Cases Succeed, 1 case unsuccessful, 2 cases in the process
2	Laka Then	3	3 successful cases of diversion
3	Persecution	5	3 Cases successfully converted, 1 case unsuccessful, 1 case process
4	Destruction	2	Two cases didn't work.
5	Narcotic	8	7 successful cases, 1 case process
6	Sexual Harassment	19	3 successful cases, 9 cases of process, 7 cases unsuccessful

It can be argued based on the above that the implementation of diversion has not been implemented to the fullest extent, because there are still cases that do not reach a peace agreement. As a result, children are processed through formal mechanisms that are under the realm of the Court. And from the above case also that the level of children who are in conflict with the law is in the criminal act of sexual abuse. The existence of indigenous institutions has relevance to the number of cases handled by law enforcement officials. The police, feel benefited because some of their work has been handled properly. Meanwhile, by itself cases settled in court will also be reduced if indigenous institutions play an effective role in handling community cases. In fact, this is what prompted the Supreme Court in 2008 to issue Perma No. 1 of 2008 which was updated with Perma No. 1 of 2016 on the Implementation of Mediation in the Court. The buildup of cases in the Supreme Court is due to the large number of minor cases that are resolved in court, which should be resolved through mediation in the community. From the description that has been described above, the synergy of formal and non-formal institutions is needed in solving every case that occurs in society. This good relationship needs to be maintained with the aim of creating a harmonious and peaceful society. Police officers must coordinate first with gampong apparatus if the case brought against him includes cases that are the authority of the customary court.

CONCLUSION

NOMOI LAW REVIEW
VOLUME 3, ISSUE 1
MAY 2022
ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385

Seeing the condition of lhokseumawe against children who are in conflict with the law from the results of interviews with Kanit Perempuan and Child Protection Lhokseumawe Police that children who are in conflict with the law are more to acts of sexual abuse resulting from several factors, namely: *First*, environmental factors such as: due to promiscuity, naughty friends, and not getting supervision from parents. *Second*, electronic factors, such as: the influence of porn films, porn sites, and online games. It was concluded that the Aceh Government and the Local Government need to immediately strengthen the mukim institution, so that the duties and functions of the mukim do not run effectively. Whereas in the process of dispute resolution the role of mukim is very important as indigenous figures as well as community leaders who are very understanding about the dispute resolution process. The advice that can be given is: so that in the future in the handling of children who are in conflict with the law can run in accordance with the mandate of the law that lives in the community in the form of: The need for socialization of the role of indigenous institutions to the community related to solving the problem of minors so that the community is more aware and more aware that not all crimes must be resolved legally, and the need for the addition of the types of cases in qanun number 9 of 208 such as crimes that threaten punishment under 7 years in accordance with Law No. 1 of 2012, so that the prosecution of children is the last resort in solving the problem (*ultimum remedium)*. It is also recommended to MAA Lhokseumawe to continuously provide reinforcement to indigenous figures at the gampong level about resolving cases in customary courts and need to strengthen case mediation strategies in order to produce maximum results.

NOMOI LAW REVIEW

VOLUME 3, ISSUE 1
MAY 2022

ISSN (Print) 2723-3413 - ISSN (Online) 2722-3663
DOI: http://dx.doi.org/10.30596%2Fnomoi.v3i1.9385

REFERENCES

Andryan, Eka NAM Sihombing, Penguatan Mahkamah Konstitusi Republik Indonesia Melalui Constitutional Complaint, *Jurnal Hukum Perancangan Peraturan Perundang-undangan*, Vol. 4 No. 2, November (2018).

Aceh, Majelis Adat. *Pedoman Peradilan Adat Di Aceh Untuk Peradilan Adat Yang Adil Dan Akuntabel*. Banda Aceh: MAA, 2012.

Dean G Pruitt, Jeffrey Z. Rubun. *Konflik Sosial*. Yogyakarta: Pustaka Pelajar, 2004.

Dewi, F. A. DS. *Mediasi Penal: Penerapan Restroratif Justice Di Pengadilan Indonesia*. Depok: Indie-Publishing, 2011.

Heryanti, Khairani Mukdin & Novi. "Efektifitas Pelaksanaan Restorative Justice Pada Anak Berhadapan Dengan Hukum (Abh)." *International Journal of Child and Gender Studies* (2020): 61.

Hutauruk, Rufinus Hotmaulana. *Penanggulangan Kejahatan Korporasi Melalui Pendekatan Restoratif, Sebuah Terobosan Hukum*. Jakarta: Sinar Grafika, 2014.

Marlina. *Peradilan Pidana Anak Di Indonesia (Pengembangan Konsep Diversi Dan Restorative Justice)*. Bandung: Refika Aditama, 2009.

Rizanizarli, Isnatul Rahmi and. "Penerapan Restorative Justice Dalam Penyelesaian Tindak Pidana Pencurian Oleh Anak Dalam Perspektive Adat Aceh (Suatu Penelitian Di Wilayah Kota Sabang)." *Syiah Kuala Law Journal* 4, no. 1 (n.d.): 12.

Siagian, Abdul Hakim. Extension Of The Constitutional Court Authority In The Dissolution Of Corrupted Political Parties. *Nomoi Law Review*. Vol. 1. No. 1. (May, 2020).