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The Role of Psychology of Law in Legal Protection of Children as Criminal

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Abstract: Children who are in conflict with the law both as perpetrators and victims must be protected by the government and must not be treated in a discriminatory manner. The purpose and benefit of this study is to understand and know the role of psychology of law on legal protection for children as perpetrators of criminal acts. In this study, the Research Method used is normative juridical research with a statute approach, conceptual approach and examines the handling of cases of children conflict with the law not only using a legal approach but an extrajudicial approach, namely psychological science which in this study is focused on psychology and law. There is also a form of legal protection for children conflict with the law can not only be resolved through the judicial process, but can also be resolved through diversion, where the settlement involves the perpetrator, victim, and family, both the perpetrator/victim's family and related parties to jointly seek a fair solution by emphasizing restoration to the original situation, and not by means of retaliation known as the restorative justice. The role of psychology of law for children criminal acts can be given from the time the child is examined at the Police until the child undergoes coaching at Lembaga Pembinaan Khusus Anak.

Keyword: Children Criminals, Child Protection, Psychology and law.

INTRODUCTION

Children are the greatest gift God gives to every family. Every child has the right to survival, growth and development and the right to protection from violence and discrimination. The protection of children's rights by the international community is contained in (1) 1959 United Nations General Assembly Declaration on the Rights of the Child; (2) 1966 International Covenant on Civil and Rights of the Child; and (3) 1966 International Covenant on Economic, Social & Cultural Right; (4) 1989 United Nations Convention on the Rights of the Child. The Convention on the Rights of the Child (CRC) is a comprehensive legal and human rights instrument to promote and protect children's rights. Indonesia is one of the countries that ratified the CRC in 1990 which was approved by the United Nations (UN) General Assembly on November 20, 1989. KHA (Convention on the Rights of the Child) which was ratified by the Indonesian government through Presidential

Decree Number 37 of 1990, then Law Number 4 of 1979 concerning Child Welfare, Law Number 35 of 2014 concerning Child Protection (PA Law). Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law), all of which set forth the general principles of child protection, namely non-discrimination in the best interests of children, survival that respects and grows, although the presence of these regulations has formulated the protection of children's rights, but in reality still has not received very beneficial treatment for the best interests of children.

Children who are in conflict with the law, both as perpetrators and victims, must be protected by the government and must not be treated in a discriminatory manner. Child protection in Indonesia has been regulated in the PA Law that child protection is all activities to guarantee children and their rights in order to live, grow, develop and participate optimally in accordance with human dignity and dignity and get protection from violence and discrimination. Children are very different individuals when compared to adults both physically and psychologically, sometimes children experience difficult times that encourage children to do actions that are contrary to the law. Children aged 12 to 18 years, is an age range that in a psychological perspective is classified as adolescence which has developmental characteristics that can make it difficult for children to make adjustments that cause behavioral problems. Delinquent or criminal children are considered maladaptive children, that is, children who are unable to perform behaviors that are in accordance with social values and norms.

In Psychology, children who are in conflict with the law are also called juvenile delinquency. The term child crime should be avoided with a more child-friendly mention of child delinquency. Child delinquency is closely related to child criminality. According to Sandrock, child delinquency ranges from socially unacceptable behavior such as excessive actions at school, offenses such as running away from home to criminal behavior. The forms of crime and criminal acts that many children commit are as follows: theft, drug abuse, fighting, sexual abuse crimes, traffic violations, and molestation to murder cases and motorcycle gang crimes (begal). Anderson put forward, the theory of the cognitiveneo-associationist model and the theory of the general active aggression model (GAAM), the cause of the emergence of aggressive behavior is unpleasant or disturbing situations, and the presence of individual and situational factors that can interact with each other affect a person's internal condition. There is a relationship between affective, cognitive, and arousal aspects that react and process to existing impulses and cause negative feelings, as well as the role of cognitive processes in determining the behavior generated. Activating one component activates the other component which then determines a person's response to the impulse he faces. A person's thoughts and interpretations of external events greatly affect his emotional and behavioral functioning. Aggressive behavior is not only triggered by events in the individual's external environment, but also arises from how the events are received and processed cognitively.

According to data from the Direktorat Jenderal Pemasyarakatan Kementerian Hukum dan Hak Asasi Manusia (Ditjen Pemasyarakatan Kemenhumham), cases of children in conflict with the law, show an increasing trend in the period 2020 to 2023. As of August 26, 2023, nearly 2,000 children are in conflict with the law. A total of 1,467 children are in detention and still undergoing trial, while 526 children are serving sentences as prisoners. Children serving time in prisons are placed in various correctional facilities. Currently, 1190 juvenile prisoners are accommodated in Special Child Development Institute (LPKA). There are also 234 prisons, 53 state prisons, and 7 women's prisons. In 2023, there are still four months left until the end of the year, meaning that the figure is likely to still move up. According to data from the Indonesia Child Protection Commission (KPAI), it was found that physical violence and sexual violence are the two most common types of crimes

committed by children. In 2020, the proportion of physical violence accounted for 29.2% of total crimes, while sexual violence stood at 22.1%.

Children who are in conflict with the law according to the SPPA Law are children who conflict with the law hereinafter referred to as Children are children who have reached the age of 12 (twelve) years, but are not yet 18 (eighteen) years old who are suspected of committing criminal acts while According to Caspi and Moffit's research, child criminal behavior (from minor crimes such as stealing to serious crimes such as murder) has emerged from childhood but will increase at an age adolescence and reaches its peak in late adolescence (16-18 years). The legal process for child crimes is not the same as the judicial legal process in general, because the perpetrator of the crime is a child who is legally incompetent and the law enforcement process on children as perpetrators of criminal acts must be in accordance with the SPPA Law starting from diversion, detention and arrest, investigation, prosecution, judicial process to carrying out the judge's decision. In accordance with the SPPA Law, children must be treated differently from adults in the investigation process, where children must be given legal assistance and accompanied by parents, psychologists and community counselors, in every examination to the judicial process in addition to the legal process for children who are in conflict with the law is also regulated in the Circular Letter of the National Police of the Republic of Indonesia Number 8 of 2018 concerning the Application of Restorative Justice in the Settlement of Criminal Cases, affirming the regulation of the SPPA Law as stipulated in Pasal 7 that at the level of investigation, prosecution, and examination of children's cases in the district court, Diversion must be sought.

Based on the description above, it raises the desire to examine these problems related to the form of legal protection for children as criminal and the role of psychology of law for children as criminal, as well as the framework of legal or regulatory policies to minimize the occurrence of criminal acts involving children as perpetrators in terms of legal psychology. For this reason, it is very relevant for the author to analyze and review scientific papers entitled "The Role of Psychology of Law in Legal Protection of Children as Criminal".

The purpose and benefits of the study are to know and understand the form of legal protection for children as criminal and to understand the role of psychology of Law for children as criminal. The benefits of the research are expected to explain the form of legal protection for children as criminal and the role of psychology of law for children as criminal.

Conceptual Framework

a. State of Law

The concept of the rule of law is diverse and can be viewed from various points of view. Scholars who describe the rule of law are always tied to the space, time and phenomena of the problems they observe. Indonesia as a state of law bases its state life on Pancasila. The conception of the Indonesian legal state is different from the understanding between rechtsstaat and rule of law.

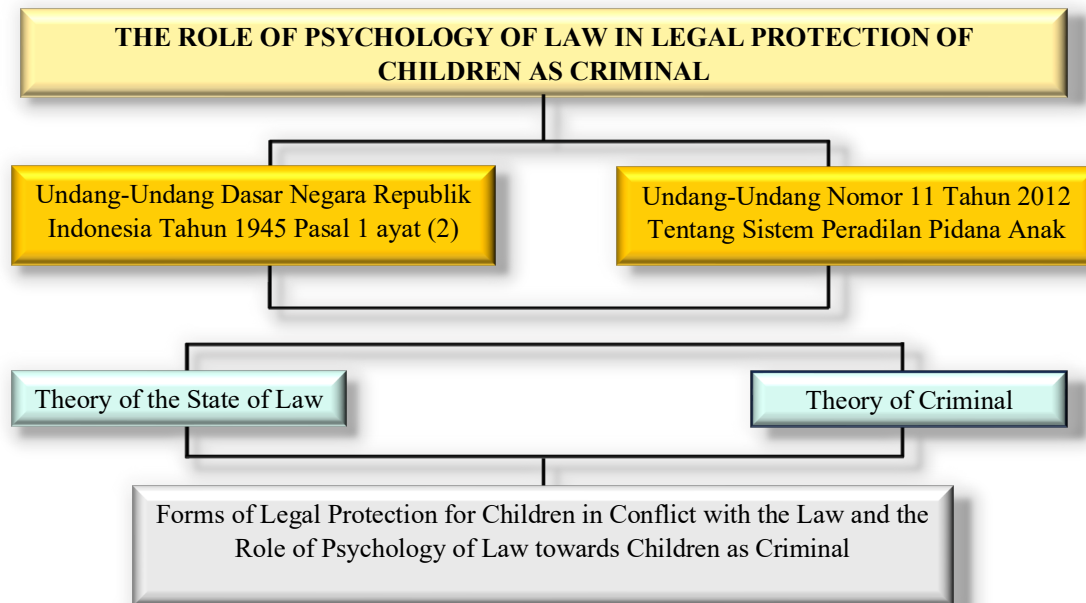
b. Psychology of Law

The birth of legal psychology because of its demands and needs in the study of legal science, especially for law enforcement practice, including for the benefit of upfront examination before the court. Various theories and research in legal psychology emerged as a response to problems that developed in society. Legal psychology is a new field of law, which arises from the mixing of criminal law rules with social psychology as part of psychology so that it becomes a group of legal rules that are round, homogeneous and have their own personality. Legal psychology is needed in law enforcement practice to uncover and explain why the individual in question violated the law and also the psychological factors that encourage to commit the crime.

c. Legal Protection of Children

Child legal protection is an effort to protect various fundamental rights and freedoms of children, and various interests related to child welfare. Legal protection for children as perpetrators covers a wide scope. Protection of children as perpetrators of criminal acts, in this case, children as criminal undergoes fundamental changes in their resolution. The resolution of children's cases can not only be resolved through the judicial process but can be resolved outside the judicial process (diversion) the diversion process is carried out through deliberation involving perpetrators, parents/guardians, victims, parents/guardians, as well as community counselors and professional workers based on a restorative justice approach.

Frameworks



METHOD

In this study, the author used a type of normative juridical research. Normative juridical research is a type of research conducted based on the main legal material by examining theories, concepts, legal principles and laws and regulations related to this research. According to Soerjono Soekanto, normative juridical research is literature law research carried out by examining literature materials or mere secondary data. The research approach in this scientific work uses a statute approach and library approach. The nature of normative research in research utilizes existing laws and interprets these laws based on the role of psychology of law in the form of legal protection for children as criminal regarding the application of restorative justice. To further explore normative juridical research, the author utilizes legal norms and elements in the legal settlement process. The legal materials used include Primary Legal Materials, namely the Constitution of the Republic of Indonesia Year 1945, Law Number 35 of 2014 Amendments to Law Number 23 of 2002 concerning Child Protection and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Secondary materials are sourced from literature studies such as books, journals that assist the author in explaining the implementation of restorative justice in society, especially in solving children's cases. In the process of searching for data for this study, utilizing books and other electronic references related to the application of restorative justice and child protection as perpetrators.

RESULTS AND DISCUSSION

Forms of Legal Protection for Children as Criminal

According to Satijipto Rahardjo, legal protection is to provide protection for human rights (HAM) that are harmed by others and that protection is given to the community in order to enjoy all the rights provided by law. Children as a vulnerable group in society have the right to be protected in all aspects of their lives. Every level of society has an obligation to provide protection for children. This also applies to children who face the law, namely children as victims, perpetrators and witnesses of a criminal.

Legal protection arrangements for children as perpetrators of criminal acts in criminal justice are contained in Law Number 3 of 1997 concerning Children's Court as follows:

1. Article 1 paragraph (1), Article 4 and Article 5 paragraph (1) Law Number 3 of 1997 determine the existence of age restrictions on children as criminal
2. Article 1 paragraph (2), Articles 2, 3 and Article 40 of Law Number 3 of 1997 determining the juvenile court is an absolute competence of the general judiciary
3. Article 1 paragraph (5, 6, 7) of Law Number 3 of 1997 determining the child's matters are handled by a dedicated office
4. Article 42 paragraph (1), Article 57 paragraph (1) of Law Number 3 of 1997 determine the Juvenile Court to examine children in a family setting
5. Article 7 paragraph (1 and 2) of Law Number 3 of 1997 determine that the Juvenile Court requires "Splittings of Cases"
6. Article 8 paragraph (1) of Law Number 3 of 1997 determine the examination of the child's matter in the child's congregation is carried out in a closed hearing
7. Article 22, Article 23 paragraph (1, 2, 3) and Article 24 paragraph (1) huruf a, b, dan c Law Number 3 of 1997 determine the fall of a child who is lighter than an adult
8. Article 57 paragraph (1) of Law Number 3 of 1997 determine The presence of parents, guardians or foster parents is required and the recognition of community counselors is required
9. Articles 44 to 50 of Law Number 3 of 1997 determine the detention of children is shorter than that of adults

Legal protection of children in the Juvenile Criminal Justice System needs attention. Legal protection in this context is the protection of children based on applicable legal provisions or those governing juvenile criminal justice, either as suspects, convicted defendants or prisoners. This is explained in UU PA Article 1 Paragraph (2), It is said that child protection is all activities carried out to guarantee and protect children and their rights in order to live, grow, develop, and participate optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination.

The juvenile criminal justice system is the entire process of resolving cases of Children who are in conflict with the law from the investigation stage to the guidance stage after undergoing criminal proceedings based on protection, justice, non-discrimination, best interests for children, respect for children, for the survival and development of children, proportionality, deprivation of independence and punishment as a last resort and avoidance of retaliation. Juvenile Justice System, is a term used in conjunction with a number of institutions incorporated in the courts, which include police, public prosecutors and legal counsel, supervision agencies, juvenile detention centers, and child development facilities.

In Indonesia, the juvenile criminal justice system has been regulated in UU SPPA. There are 2 (two) things that become the rationale in the implementation of the criminal justice process for children, namely:

1. That children who commit crimes (crimes) are not seen as criminals (criminals), but should be seen as people who need help.
2. The juridical approach to children should prioritize persuasive-educative and (psychological) approaches, namely as far as possible to avoid legal processes that

are solely punitive, mental degradation and discouragement and avoid stigmatization processes that can hinder the process of development of maturity and independence reasonably

Children as criminal certainly get different treatment from adults. It has been stipulated in the law that children must be separated from adults, both in terms of the legal process that is specifically designed, and the location of the formation that is specifically for children. Separation between juvenile prisoners and adults is a right obtained by children. It is also regulated in the UU SPPA that the priority of the legal process for children as criminal is through a restorative justice approach. Which means that the judiciary must strive for the restoration of relations between perpetrators and victims and the social functions of perpetrators as much as possible so that they can be returned to society and not repeat their actions again.

The forms of crime and criminal acts that many children commit are as follows: theft, drug abuse, fights, sexual abuse crimes, traffic violations, and molestation to murder cases and motorcycle gang crimes. According to data, various other crimes also recorded by the KPAI in the 2020 period include theft (11.1%), traffic accident cases (10.6%), psychological violence such as threats and intimidation (5.5%), sodomy or pedophilia (5.5%), possession of sharp weapons (5.5%), entangled in abortion cases (5%), and murder cases (4%).

Based on the report entitled "Implementation of the Juvenile Criminal Justice System 2020" which contains a compilation of reports from 8 (eight) ministries and 5 (five) state institutions, a recap of data on handling juvenile criminal cases through a diversion scheme was found. One of them reported by the National Police, in the period 2017-2020 the police have received as many as 29,228 reports related to alleged criminal acts committed by children. There were 4,126 cases where investigations were stopped and cases were resolved by diversion. Which means, if you look at the proportion, within 4 (four) years, there are 14.1% of cases closed through the diversion scheme. When viewed from the data, the recipients of the diversion scheme are still relatively small. The cause is unknown due to the threat of a criminal sentence of more than 7 (seven) years or due to other things. Data from the Directorate General of Corrections of the Ministry of Law and Human Rights indicates that in 2023 most children in legal conflict will be sentenced to more than 1 (one) year in prison. The group of prisoners belongs to class B I which amounts to 1,089 as of August 25, 2023. The population of class B I prisoners reached 72.3% of the total child prisoners. The other group is B II A with a sentence period of 3 (three) months to 1 (one) year as much as 25.8%. Furthermore, prisoners who must languish in prison for up to 3 (three) months (group B II b) by 1.9% only. Of course, the duration of the sentence imposed refers to how severe the crime committed by each child Children who are in conflict with the law.

In the UU SPPA, it explains that the juvenile criminal justice system is the entire process of solving children's cases facing the law, starting from the investigation stage to the guidance stage after serving a criminal sentence. The Juvenile Criminal Justice System has more emphasis on Resocialization, rehabilitation, social welfare efforts. The Juvenile Criminal Justice System is also said to have different objectives depending on the paradigm of the juvenile justice system adopted by the state.

The Role of Psychology of Law for Children as Criminal

Child delinquency is taken from a foreign term called juvenile delinquency, juvenile delinquency with delinquency mentioned in the Kitab Undang-Undang Hukum Pidana (KUHP) Pasal 489 has a different meaning. Juvenile means Young in English and means children or young people in Indonesian. Where, it has distinctive characteristics in adolescence while Delinquency is interpreted as Doing Wrong in English and has the

meaning of neglect or neglect, which is then expanded to mean evil, a-social, criminal, rule-breaker, commotion-maker, troublemaker, terrorist, irreparable, wicked, and wicked.

The study of psychology cannot be ruled out in the handling of Juvenile Delinquency, because these children, both children who are in conflict with the law, children who are victims, and Witness Children are human beings who have feelings and souls or psychic, Psychology according to experts for example Floyd L. Ruch states that psychology is a science that discusses the process of human adjustment in the form of behavior that tries to meet needs, both biological and social life needs. Floyd L. Ruch, relates the context of criminal law with psychology, namely criminal law that regulates human behavior so that there are adjustments in meeting the needs of individual life and the public interest.

In children who are perpetrators or children who are in conflict with the law are children who have been suspected, charged, or have been found guilty of violating the law, and urgently need legal protection. Children as perpetrators are children who commit delinquency, which will hereinafter be referred to as child delinquency, namely crimes in general and the behavior of children who conflict with the law or children who commit crimes in particular.

Children as criminal in juvenile criminal justice must get protection of their rights, as stated by Maidin Gultom that in essence children cannot protect themselves from various kinds of actions that can cause mental, physical, and social harm, in various areas of life and livelihood. The child must be assisted by others in protecting himself in view of his situation and condition, especially in the conduct of Juvenile Criminal Justice which is foreign to him. Children really need to be protected from misapplication of laws and regulations imposed on them, which can cause mental, physical, and social harm. Child protection in this case is called legal / juridical protection (legal protection). The factor of children committing crimes does not only come from a single factor but several factors that together become the cause of child crime, both internal and external factors.

Internal factors

Internal factors that influence delinquent behavior by children, are aspects of personality that originate from within children such as low self-concept, social adjustment and low problem-solving skills, excessive attitudes and low self-control. Self-concept is how individuals perceive themselves including physical aspects and psychological aspects. The physical aspect is how the individual perceives the condition of his own body and appearance, while the psychological aspect is how the individual views his abilities, self-esteem and self-confidence of the individual. Internal factors are children's inability to make social adjustments or adapt to values and norms that apply in society.

According to Ericson, that children are in the developmental stage of identity vs. identity confusion, if successful then the child will reach the developmental stage of fulfilling a clear sense of self-identity, and vice versa the child will experience identity confusion if it fails to pass this stage of development. At this time children and adolescents are also in a period of stroke and stress, because at this stage it is no longer children who are always dependent on their parents and also not adults who are completely independent and autonomous, these children are still very dependent on parents especially in economic terms where all their needs still have to be met by their parents. The conditions faced by this child as well as physical and hormonal development cause emotional instability because children are driven to find their identity that is autonomously unique and different from others. In developing himself, a child needs a model and the developmental model for adolescence is shifting from adult authority figures such as parents and teachers to shifting to their peers. This shift in identification models in self-discovery is also a result of the child's need to be autonomous and independent of his parents. In this condition, the psychological condition of children during adolescence has characteristics that are unstable, difficult to control, resist

and rebel, have high curiosity, aggressive, and easily aroused and have high loyalty. The family environment is the first environment of a child, when entering adolescence, children begin to recognize and interact with environments other than their family environment. In this situation, children tend to compare more conditions in the family environment, school environment, peer environment or even social environment where each environment has different conditions. The difference in various environmental conditions causes teenagers to experience confusion and find out and try to adapt to be accepted by society. When experiencing multiple conditions, the psychological condition of adolescents is still unstable, so that it can cause delinquency and criminal acts committed by adolescents

External factors

On the external factor that has a great influence on children with crime is the family, in this case the condition of the family environment. The condition of the family environment during the development of children and adolescents has long been considered to have a relationship with the emergence of antisocial behavior and crimes committed by adolescents. Several studies on the development of delinquency and crime in adolescents, found that crime is caused by experiences of poor parenting. And the three parenting styles of parents towards children, namely authoritarian, permissive and uninvolved parenting, cause a child to behave antisocially.

The function of psychology of law in legal proceedings began to be seen since the establishment of the Indonesia Psychological Association (HIMPSI). This shows that legal psychology is needed to assist in revealing criminal cases, deviant behavior, as well as for the enforcement of the legal system. Some of the branches of psychology that play a role in legal systems and legal processes are cognitive psychology, developmental psychology and clinical psychology. The role of psychology in the legal process is applied from the stage of examination, trial, verdict to the correctional stage. Psychology of law can also be used to explain the behavior of defendants and victims which will then be used in the trial process.

According to Mark Contanza, there are 3 (three) roles for legal psychology, namely:

1. As an advisor, the psychologist as an advisor to the judge or lawyer in the trial process. Be asked to give opinions and input on whether a defendant or witness is worthy of questioning in the trial process.
2. As evaluators, psychologists are required to be able to evaluate a program, whether the program is successful or in accordance with the goals set. Programs related to psychological interventions reduce criminal/deviant behavior. For example, in prevention programs for adolescents not to get caught up in drug abuse. Whether or not to suppress or reduce the level of drug use among adolescents. To find out, it is necessary to evaluate the program.
3. As reformers, psychologists are expected to have more important roles in the legal system. To be able to apply their knowledge to the applicative level so that the stages of criminal proceedings starting from the process of arrest, detention, trial, coaching to punishment are based on scientific (psychological) studies.

The role of psychology of law in legal protection of children as criminal such as assistance from community officers, shorter detention periods compared to adults, facilities by special child law enforcement officials, including the separation of child prisoners from adult prisoners is one form of legal protection for children. Criminal acts committed by children have always received criticism from law enforcers who are considered to ignore the procedures for handling children as perpetrators of criminal acts, and there is an impression that they are often treated as adults in "small forms" who commit crimes. The penal system that until now sometimes still treats children involved as perpetrators of criminal acts like criminal committed by adults. Children who are placed in the position of a perpetrator of a

crime deserve the same punishment as adults and apply in Indonesia. The punishment itself is more directed to the individual perpetrator or commonly referred to as individual responsibility or particular (Individual responsibility) where the perpetrator is seen as an individual who is able to take full responsibility for the actions he committed. While children are individuals who have not been able to fully realize the actions or actions they do, this is because children are individuals who are immature in thinking. Therefore, by treating the child the same as an adult, it is feared that the child will quickly imitate the treatment of those who are nearby.

In the UU SPPA, the principles adopted in the Juvenile Justice System include the best interests of children; respect for the opinion of the Child; survival and growth of the child; child coaching and guidance; deprivation of liberty and punishment as a last resort; as well as evasion of retaliation. The Juvenile Justice System must also prioritize the Restorative Justice approach, and diversion must be pursued with the aim of achieving peace between victims and children; resolve Children's cases outside the judicial process; prevent children from deprivation of liberty; and encourage the public to participate; and instilling a sense of responsibility to the child.

In line with the issuance of the UU SPPA, which includes the obligation to prioritize the Restorative Justice and Diversion approach. In UU SPPA Article 1 number 7, Diversion aims to transfer the resolution of child cases from the criminal justice process to processes outside criminal justice. The diversion process can be carried out on children who are threatened with imprisonment under 7 (seven) years; and does not constitute a repetition of a criminal offence. During the diversion process, children need to get protection and rights in order to grow and develop optimally without violence and discrimination. In this case, they need to get special protection, including getting protection and assistance from professionals such as Social Workers. As mandated in UU PA article 59A, special protection for children in conflict with the law is carried out through efforts:

- 1) Prompt treatment, including physical, psychological, and social treatment and/or rehabilitation, as well as prevention of diseases and other health problems;
- 2) Psychosocial assistance at the time of treatment until recovery;
- 3) Provision of social assistance for children who come from poor families; and
- 4) Provision of protection and assistance in every judicial process.

Analyze special protection for children as criminal through mentoring efforts as point 4 above, one of which is assistance from psychologists. So far, the role of psychology on law is more procedural, especially in selecting law enforcers and becoming experts in trials. The lack of participation of psychological scientists in legal aspects is caused by several factors, among others, due to the lack of interest of psychological scientists to want to be directly involved in law.

The inclusion of psychologists as one of the processes in the punishment of children as brings criminal law reform, especially to efficient law enforcement against children as perpetrators. So far, the process of law enforcement against a criminal act committed by children starting from the process of examination, investigation, investigation, to trial in court is considered to take a long time and incur costs that must be borne by the State. If the criminal process is included by psychologists as one of the processes that must be passed before children suspected of committing criminal are processed until the procuratorate and court, then in revealing alleged criminal committed by children will be completed faster only at the stage in the police so that it will not take long and light costs. In this case, a child who is suspected of committing a crime, will not undergo such a long process if in the process at the police after being examined by a psychologist he is declared unable to be held criminally responsible because a good law enforcement indicator in a psychological perspective is a change in the behavior of criminal offenders for the better, meaning that the perpetrator did not commit unlawful.

Juridically related assistance can be provided from the time the child is examined at the Police until the child undergoes coaching at Lembaga Pembinaan Khusus Anak (LPKA). Anticipating Lembaga Pemasyarakatan (LP) or detention centers during the legal process, the role of psychologists is quite important in providing protection and assistance, including encouraging children to get a case resolution process outside conventional criminal mechanisms. By way of redirection or diversion. While waiting for the court decision (investigation, prosecution and judicial process) and getting a diversion approach, ideally the child is placed in a social rehabilitation institution instead of being in an LP or detention center. Therefore, the study in this study reveals the role of psychologist assistance for children as perpetrators while waiting or undergoing the legal process / diversion. Sometimes this condition raises the question of the extent to which children as perpetrators get protection while waiting for a court decision, both during the investigation process (Police), prosecution (Prosecutor's Office), and examination (Court) and while in prisons or detention centers. When viewed from the process of law enforcement stages, psychology plays a role in 4 (four) stages, namely, among others: 1) prevention (deterrent); 2) handling (disclosure and investigation); 3) conviction; and 4) imprisonment.

The main difficulty of assisting children as criminal is recognizing and expressing problems, which mainly stems from emotional involvement, complexity of problems and adaptation to problems. The empathetic ability of a psychologist will help in finding, recognizing and expressing problems that are being experienced by children. A psychologist needs to recognize the small changes that children experience as actors and draw conclusions and meaning from these changes. Psychologist assistance to children as perpetrators of criminal acts must distance themselves from generalization attitudes (stereo type).

CONCLUSION

Protection of children who face the law can not only be resolved through the judicial process, but can also be resolved through diversion, where the settlement involves the perpetrator, victim, perpetrator/victim's family and related parties to jointly seek a fair solution by emphasizing restoration to the original state, and not retaliation known as the restorative justice approach which means, The judiciary must strive to restore the relationship between perpetrators and victims and the social functions of perpetrators as much as possible so that they can be returned to society and not repeat their actions again.

Juridically related to psychologist assistance for children as criminal can be given from the time the child is examined at the police until the child undergoes coaching at Special Child Development Institute (LPKA). Anticipating the placement of children in prisons or detention centers during the legal process, the role of psychologists is quite important in providing protection and assistance, including encouraging children to get a case resolution process outside conventional criminal mechanisms. Arrangements for psychologist assistance for children Children conflict with the law should be regulated in the SPPA Law with the addition of an article related to special protection for children facing the law. Psychologist assistance for children as perpetrators is implementatively very important in the examination process both at the level of investigation, investigation, and in court to provide punishment or sanctions that do not harm children. The role of the psychologist will help provide input to law enforcement regarding the psychological condition of the child and the reasons behind the criminal acts committed by the child, so that the imposition of sanctions still prioritizes the best interests of the child.

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