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## **The Importance of Structural Criminal Responsibility System in Juvenile Criminal Law in Indonesia**

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**Abstract:**

*The current system of criminal liability for children in Indonesia is characterized as individual point of view, which has several disadvantages, such as the imposition of a stigma against a child as a criminal. This stigma will affect the growth of children so that children cannot grow like a child who behaves normally.*

*On the other hand, deviation behavior done by children is not all because of the child but there are factors outside the child that causes children to commit crime. In the context of integrating crime, there is a need for structural criminal responsibility that can be held accountable to other parties that are structurally related to the occurrence of a criminal act even if the facts are not involved in a criminal act.*

*This also needs the involvement of parties of parents, schools, community and the government. Based on the criminal liability of substitute, then the parties can be accounted for by criminal in the form of criminal fine, criminal oversight or compensation to the victim.*

**Keywords:** *structural criminal responsibility, juvenile criminal law, protection for children.*

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## 1. Introduction

Children are an integral part of human survival, and the sustainability of a nation and state, and therefore the state guarantees the right of every child to survive, growth and develop and is entitled to protection from violence and discrimination. However, the coaching and protection efforts are faced with various problems in society. One of them is a child who made the object of protection precisely commits a crime. Therefore, child must be accountable for his actions in accordance with the rules of criminal law. The current criminal law rules for children are contained in Law No.11 of 2012 on the Criminal Justice System of the Child. The Criminal Justice System Act of the Child adopts a system of individual / personal criminal responsibility. Criminal liability is based on acts and wrongs committed by the child. Who is responsible at the responsibility? However, sociologically, the deviation of behavior or unlawful acts committed by the child not only of his own will but can come from outside the child himself.

Chairman of the Indonesian Child Protection Commission Asrorun Ni`am said that the results of data collection throughout 2015, recorded cases of child crime as perpetrators increased compared to the previous year. In 2014, there are 67 cases of children as bullying in school. That number has increased in 2015 as many as 79 cases. While the case of children as perpetrators in school brawl in 2014 recorded as many as 46 cases and in 2015 increased to 103 cases. According to him, many factors indicate the increasing number of children as perpetrators of crime. Among them is the school environment is considered not progressive enough in creating a child-friendly environment. Then, the bad association of the child in the neighborhood that gives bad influence of child delinquency cases ends with a crime (Cohen, 1955; Felson *et al.*, 1994). Not to mention the electronic media that sparked violence, then online games that most of violence, gambling, and pornography. In addition, he continued, the rise of children as perpetrators of crime indicates a pillar of society that has not functioned properly, even with the supervision of the government. The government seemed to ignore the things that endanger the growth of children as pornography and violence in the internet, especially related to online games and the circulation of liquor in mini markets.

The negative impacts of rapid development, the advance of science and technology, as well as changes in the style and way of life of some parents can be a criminogenic factor in the incidence of crimes committed by children. Therefore, crime should be considered to involve elements outside the child, through structural criminal responsibility. Structural criminal liability is a criminal responsibility that is addressed to other parties related structurally with the occurrence of a criminal act is also burdened to account for acts committed by the child even though in fact not involved in committing a crime. Such parties include parents, schools, communities and the government. Based on the background of the above problem, then the problem under study is what is the significance of structural criminal responsibility system in juvenile criminal law.

## **2. Juvenile Criminal Law in Indonesia**

According to the dualistic stream, the conviction of a person is not sufficient if the person has committed an act contrary to law or is unlawful, for punishment there is still a need that the person committing the act has a mistake. In other words, the person must be accountable for his actions or if viewed from his actions, his actions must be accountable to the person. Or the so-called principle of no crime without error. This principle is not contained in the Criminal Code, this principle is applicable in the criminal justice process of children.

The system of child criminal responsibility in Indonesia using Law No. 11 Year 2012 on Child Criminal Justice System and some still use the Criminal Code. Law No. 11 of 2012 is a special criminal law, and the Criminal Code is a general criminal law. According to Article 103 of the Criminal Code, the provisions of Chapters 1 to Chapter VIII of this book also apply to acts which other statutory provisions shall be penalized, unless otherwise provided by law.

According to Article 1 point 3 of Law No. 11 Year 2012, a child who conflicts with the law hereinafter referred to as a child is a child who is 12 (twelve) years old, but not yet 18 (eighteen) years old who is suspected of committing a crime. The criminal responsibility system, which is individual/personal, does not touch the other sides that are closely related structurally/functionally to the actors (and the actions) of the perpetrator (Arief, 2005).

There are factors outside the child that influence to do evil. Parents who are supposed to provide supervision of children do not perform their duties properly, nor should the environment be structurally responsible for the child, nor do they properly supervise. Parental negligence in supervising children, so children commit a crime, can be because parents are busy earning a living, so the control of the child is less, the children do association with the wrong environment and then imitate his friends, because the sense of solidarities friends, they finally committed a criminal act Together, this shows that the boy does have an unstable soul. Rarely happens children do it themselves, but they do together with friends, so that the first coward becomes brave, because there are friends who support it.

## **3. Theoretical Review of Structural/Functional Theory Regarding Causes of Children Performing Crime**

Based on the above description, it is shown that the child who commits a crime must be held accountable for his actions according to the principle of mistake which is seen from the existence of responsible ability, the act is done with deliberate or ignorance and the absence of a forgiving reason. On the other hand, the child commits a criminal act is not entirely the desire of the child, but the environment is influential for the occurrence of crime. Lack of supervision of the attention and affection of parents, schools and communities, causing children to commit a crime.

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Obligations of parents, schools and the unattended community in educating and supervising this child leads to a child who commits a criminal act and must be held accountable for his actions.

This is in accordance with theories of causes of children committing crimes: social control theory (Wiatrowski, Griswold and Roberts, 1981), environmental theory, differential association theory (Matsueda, 2001), delinquent sub-culture theory (Sykes and Matza, 1957) and routine activity theory (Cohen and Felson, 1979).

The environmental theory emphasizes the importance of environmental factors as the causes of evil (Agnew, 2005; Brantingham and Brantingham, 1981; Crank, 1990). The famous speech of Lacassagne (1889) is that the people have criminals according to their services. This means depending on the community itself in its efforts to deal with the existing crime, while the criminals are less important. He compared the criminals as bacteria, whether the bacteria will develop or not depends on where the bacteria are placed, if placed in a sterile place it cannot develop, in this case the people likened to place to put the bacteria. Children who are in a bad social environment will follow her friends.

According to social control theory, lack of reasonable internal control during childhood, the loss of such control and the absence of social norms or conflict between such norms (in schools, parents, or the immediate environment) cause child mischief. Reiss (1951) distinguishes two kinds of control, namely personal control and social control. That for certain individuals the weakening of personal and social control is relatively accountable as the greatest cause of delinquency. Weak control of the child causes the child to commit a crime, such in the case of R, an 8-year-old boy who kicked and beat his friend to death. Lack of supervision from the school led to fights that led to the death of underage elementary students.

In addition to environmental influences, lack of control, crimes committed by children is also due to learned behavior, for example in cases of rape and sexual harassment, children watch porn videos via gadget and out of curiosity and want to try to eventually commit criminal acts of harassment and rape. According to the Differential Association Theory from Sutherland and Cressey (1984), a crime like this is a learned behavior. In explaining the process of the occurrence of criminal behavior, Sutherland proposed the following 9 compositions (Susanto, 2011):

1. Crime behavior is a behavior that is learned negatively means the behavior of crime is not inherited.
2. Crime behavior is learned in interaction with others in a communication process. Such communication is primarily oral or by using sign language.
3. The most important part in the process of learning the behavior of crime occurs in intimate personal groups. Negatively, non-personal communication such as through cinemas, newspapers, has relatively no important role in the occurrence of criminal behavior.

4. If the behavior of the crime is learned, then the learned includes (a) the technique of committing a crime, (b) certain motives, encouragement, justification and attitude.
5. The direction of motives and encouragement is learned through the limits (definition) of the rule of law as both profitable and non-profitable.
6. Someone becomes deliberate because it deals more with patterns of evil behavior than is not evil.
7. Differential associations may vary in frequency, duration, priority and intensity. Relationship with this, then the differential association can be started since the children and lasted throughout life.
8. The process of studying criminal behavior is gained through links to crime and anti-crime patterns that involve all mechanisms involved in every learning process in general.
9. Crime behavior is a statement of common need and values, but it is not explained by the need and values, because non-criminal behavior is also a statement of equal value. Thieves generally steal because of the need to earn money, but honest workers, he works also with the aim of earning money.

Similarly, the causes of children committing crimes are also caused by the class differences that are obtained from their families. Children from the lower classes tend to commit crimes together, wandering the streets later when one of them gets the idea of committing another crime following him. This is in accordance with Delinquency Sub Culture theory, proposed by Albert Cohen (1918-2004) (Cohen and Short, 1958; Cohen, 1955; 1997). This theory seeks the causes of juvenile delinquency from class differences between children it obtains from their families. This subculture is generally characterized by momentary hedonism, a purely pleasure search, with no planning or thought about what to do, where or when. Group autonomy is the most important. The members are faithful to each other and resist any attempt by family, school or community to curb their behavior.

In addition to some of the above theories, according to the theory of routine activity, behavioral aberrations may also be due to opportunities. Cohen and Felson (1979), explain the occurrence of a crime that is influenced by several factors, namely space, place (time), object (object), and individual (person). These four factors are very dominant in influencing and resulting in the emergence of a crime in society.

Child behavior such as the examples above, is a deviation behavior that must be accounted by the child until the occurrence of punishment. On the one hand, criminal accountability that is currently applicable is individual/personal so that the child is responsible for the mistakes he or she has committed.

Individual/personal criminal liability is not sufficient to prevent crime in general, it requires the structural responsibility of others to keep the environment in good standing and avoid further crimes. Therefore, criminal liability can be extended to other parties concerned structural beings with the occurrence of the criminal act,

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although the other parties are in fact not involved in committing a crime. This is what the theory calls vicarious liability.

Associated with the structural theory of Durkheim (1974; 2014), the relationship between the child and the parent is a structural relationship, both psychological and spiritual. The nuclear family is usually structured by three main structures, namely: husband, wife and children. Given the characteristic and characteristic of such a child, then in dropping the crime for the child, should the parent who due to his negligence cause the child to commit the crime should also take responsibility for it.

The functional structural theory sees society by analogizing society as a biological organism. Living things can be healthy or sick. It is healthy if parts of itself (functional groups/individuals) have togetherness with each other. If any part of it is no longer merged collectively, then the health of the community is threatened, or ill. Similarly, in the family of family members who are related to each other and functional to other family members. That in general, the family consists of father, mother and child where each member of the family interacts, needs each other, all develops intensive relationships between family members. Father as the functional head of household of his wife and children. For families in general, fathers have a primary role and responsibility in fulfilling the material needs of their family members, even though other family members (mothers and older children) are also working.

According to functional structural theory, the Society is a system whereby all its social structures are integrated into one, each having different but interrelated functions and creating consensus and social order and overall elements will adapt to both internal and external changes of society. Functional Structural Theory is a theory that examines that society is regarded as an organism of the human body that each has its position and function. The law here is conceived as a pattern of harmonization of relations between members of the public body to run well and balanced.

In addition to structural/functional theory, society is a social system consisting of parts or elements that are interconnected and united in balance. Changes that occur in one part will bring changes also to other parts. The basic assumption is that any structure in a social, functional system against another. Conversely if not functional then the structure will not exist or will disappear by itself. Adherents of this theory tend to look only at the contribution of one system or event to another and therefore ignore the possibility that an event or a system can operate against other functions within a social system. Extremely adherents of this theory assume that all events and all structures are functional for a society (Ritzer, 2011).

In everyday life, people always live in an environment, whether physical environment, psyches or spiritual. In the environment, humans conduct reciprocal relationships with the environment in general. The influence of the social group that

was first faced by man since he was born is the family. The family is the first social group in human life in which he learns and manifests himself as a social human in the interaction with his group (Ahmadi, 1988). In the family occurs the formation of social norms, internalization of the norms, the formation of frame of reference, sense of belongingness and others. In the family, people first learn to pay attention to the wishes of others, learn to work together, help and others. In other words, he first learned to play the role of a social being with certain norms and abilities in association with others.

The experience of social interaction within the family, participate in determining ways of behavior towards others. If the social interaction within the family is not smooth, then the chances of social interaction with the community also goes smoothly. So, in addition to the family's role as a place of human development as a social human, there are also certain roles in the family that can affect the development of individuals as social beings. Social development is determined by mutual influence from factors outside of himself and within himself. So, it is not easy to determine which factors are causing difficulties in the social development of a person who at some point experienced a failure in it.

Another factor that affects the social development of children is the factor of family unity. What is meant by the unity of the family is the unity in the family structure, namely that within the family there are father, mother and children. If there is no father or mother, or both, then the family structure is no longer intact. Similarly, if his father or mother rarely came home or for months away from home, because of other tasks, then the family structure was not intact anymore. Similarly, if the parents live divorced, then the family is not complete anymore.

In addition to the integrity in the family structure is also intended wholeness in the family interaction. If his parents often and express mutual hostility with accompanied by aggressive actions, then the family cannot be called intact. Family disability has negative influences on children's social development. The role of the family to the social development of children is not only limited to the social situation of the economy or the state of the integrity of its structure and its interaction, as well as the ways and attitudes in its association play an important role in it. How to behave parents greatly affect the atmosphere of family interaction and can stimulate the development of certain characteristics personal child, which will affect the environment of the community.

Based on what has been described above, if the child commits a crime, the parent will inevitably share the consequences, because the child's structure is part of the family. The family as part of a social system will also be disrupted, to restore to its original state, the role of each family structure is needed. Similarly, if a child commits a criminal offense, the parent must be held accountable for his / her criminal responsibility, since the child is dependent on the parent. As people who are structurally and functionally have an obligation to supervise the children, it is natural

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that a child commits a crime, the parent is held accountable. It's just this form of parental responsibility is not necessarily but, with attention to several factors. Is the trigger factor of children committing a crime? Such a system of criminal liability is called vicarious liability.

#### **4. The Importance of a Structural and Philosophical Liability System**

The significance of the system of structural criminal liability in terms of philosophy, is that the child is a trust and the gift of God Almighty who has the dignity and dignity as a person, so to maintain the dignity and prestige, the child is entitled to special protection, especially legal protection in the juvenile justice system. The best interests for children should be respected as the best interest for human survival. Based on the above, this system of structural criminal responsibility is one of the institutions that can be used to involve the community, especially the family structure, education, dominant group to take responsibility in solving the child case. Through the application of this structural criminal responsibility system, criminal sanctions imposed will reflect more justice, both for perpetrators, victims and the public. The policy of this structural criminal responsibility system is excellent to apply the concept of criminal individualization. Criminal or judicial action shall be considered by the Judge to see the condition of the accused, the victim and not to injure the justice of the community. Criminal that suits his/her individual will be able to suppress the repetition rate of the crime. For the people of Java is believed to have the philosophy of "Son of the Father", which means that if there are children who do not do good then the parents share the consequences.

#### **5. The Importance of Structural and Sociological Civil Accountability System**

Sociologically, the crime committed by children, nowadays in quantity and quality tends to increase, almost all the crime committed by adults is also done by children. Various factors are the cause of socio-economic conditions that are less conducive, the influence of globalization in the field of communication and information, entertainment, development of science and lifestyle changes. In addition to this problem is also caused by internal factors such as lack of family attention, love and supervision of parents, guardians or parents foster children so easily influenced by negative association in the community. Lack of parental control over children causes the child to commit a crime. According to Reiss (1951), there are three components of social control that can explain the delinquency of children, namely: (1) lack of reasonable internal control during childhood; (2) loss of control; (3) The absence of social norms or conflict between the norms in schools, parents or the immediate environment. Reiss (1951) distinguishes two kinds of control, namely personal control and social control. Personal control (internal control) is the ability of a person to refrain from reaching his needs by violating the norms prevailing in society. While social control (external control) is the ability of social groups or institutions in society to implement norms or regulations to be effective. For certain



individuals the personal and social decline of control is relatively accountable as the greatest cause of criminal act.

According to Hirschi (2004), the social bond of a person with his community is a factor in preventing the emergence of irregularities. A person who is weak or disconnected from his social ties with his society is free to commit irregularities (Hadisuprpto *et al.*, 2008). A person may weaken or disconnect social ties with his/her society, when in that society there has been a decline in the function of social control institutions, both formal and informal. Including an informal social control agency is a custom institution. So, based on the analysis if there is weak social control and cause children to commit criminal acts, then it is appropriate people take responsibility by playing the role of restore to its original state. Similarly, when associated with functional structural theory, that according to the adherents of functional structural theories see society by analogizing society as a biological organism. Living things that can be healthy or sick. It is healthy if parts of itself (functional groups/individuals) have togetherness with each other. If any part of it is no longer merged collectively, then the health of the community is threatened, or ill. Similarly, children as part of the family are members of the family who are interconnected and functional to other family members. If a child commits a criminal offense, then the parent should responsibly be responsible, since all structures are functional for a society.

## **6. The Importance of a Structural and Juridical Civil Accountability System**

Juridically, Law No. 11 Year 2011 on the Criminal Justice System of the Child, still adheres to an individual/personal criminal responsibility system, by looking at certain age limits as being able to be responsible. On the other hand, diversion cannot be applied to criminal offenses whose criminal threats are 7 (seven) years and above. Thus, in the imposition for a crime, for example a crime of theft with a weight, the judge imposes a short-term prison term (Article 363 of the Criminal Code). Although the stolen goods are not expensive, there is no other option. The judge must impose a criminal prison, since the threat in Article 363 has no other option, based on practical considerations then the judge shall impose a penalty by adjusting the length of the child in detention. Determination of duration of crime is not based on the future and conditions of the child and the sense of community justice, but based on how long he has been detained plus a few days for administrative purposes.

The Law on the Criminal Justice System of the Child, does not yet have prospective criminal guidelines to implement the concept of criminal individualization, with such a System will lead to a retributive criminal justice system, and will result in labeling as criminals to children. Imprisonment of child imprisonment can be detrimental to the child, because the community will give the stigma to the child that can damage the career and future of the child, some people will reject the presence

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of former child prisoners, resulting in isolated children from the community, the child becomes more expert in committed crimes for learning to commit crimes while in prison. This will bring negative impact on the child, because through the criminal justice process, the child has already obtained the label as a criminal (Sutatiek, 2015). The label may affect the behavior of the child in the future, because it will create a new delinquency. In this connection, there are two processes of how labeling affects a person who is exposed to a label of deviating his behavior (Atmasasmita, 1992). First, the label draws the attention of the observer and causes the observer to always pay attention to it and then onward the label is attached to the person. Secondly, the label or stigma has been adopted by a person and influences it so that it acknowledges itself as the label is given to it by the observer. One of the above two processes can enlarge the deviation of criminal behavior and form a criminal career person. A person who has obtained a label by itself will be the attention of the people around him. Furthermore, the vigilance or attention of those around him will affect the person so that the second and subsequent crimes will be possible again (Atmasasmita, 1992).

This is in accordance with Becker's (1974) opinion on the study of labeling theory which emphasizes two aspects: first, explaining why and how certain people are labeled or labeled; Second, the effect of label because of behavioral deviation (Adang, 2013). He says: *"the evil is not a person's deed, but because of the imposition of sanctions and regulations by others upon an offender"*. He further said that the villain is someone who has been successfully branded as a villain. Thus, Becker has put the importance of the role of community reaction in the commission of crime. In other words, to understand evil, one must study the process of learning the conditions affecting relationships among the subjects involved in crime, i.e. offenders, victims and society and law enforcement (Susanto, 2011).

The effect or effect of the label as a behavioral aberration is described by Lemert (1995), by distinguishing between primary deviance and secondary deviance. Primary deviations arise in social, cultural and highly variable contexts and have only adverse effects on the physical structure of the individual. In principle, primary aberrations do not result in a symbolic reorganization at the level of self-position and social role. Secondary deviations are deviant behavior or social roles based on primary deviations. The label theorists argue that secondary aberrations are the most important, because it is a process of interaction between people labeled with labels and this approach is often called interaction theory (Sahetapy, 1992).

Of all the above mentioned above, it appears that the individual / personal criminal responsibility system leads to a retributive criminal justice system, and will result in the labeling as a criminal to the child. Therefore, to avoid the label of evil, a structural criminal responsibility system is required which can protect the victim by providing compensation to the victim.

## **7. The Importance of Structural Criminal Liability Systems Viewed from the Criminal Law Policy and Criminal Policy**

Criminal Law Policy from the policy of the law of a regulation in accordance with the circumstances and conditions at a time. Implementing the politics of law by Sudarto (1983) means holding elections to achieve the best criminal proceeds in terms of eligibility for justice and efficiency. Because of legal policy, then criminal law policy means how to cultivate or create and formulate a good criminal legislation.

Efforts and policies to make good rules are essentially inseparable from criminal or criminal policy objectives. One counter measure of crime is to use criminal law with penalty sanctions. The use of criminal sanctions in child criminal law began to be questioned. Critics of the negative side of imprisonment cannot be denied. It is stated that the evil is more after serving a jail term, especially if the imprisonment is imposed on children or teenagers. It is often said that the prison house is a crime or crime factory (Bassiouni, 1978).

Critics of imprisonment are also put forward by The American Correctional Association. It is further stated that punitive imprisonment is not an effective deterrent to the questioning of prison inmates (Arief, 1994). Similarly, Petersen and Thomas (1975) stated that it is unfortunate that a change of view of the prison sentence from a traditional-oriented conception which is narrated toward a more humanistic view does not result in great success in the mechanism of resocialization or rehabilitation.

From a criminal standpoint, a strategic issue that must be addressed is addressing social problems or conditions that directly or indirectly can lead to crime. The criminogenic conditions of crime committed by children are the negative impacts of rapid development, the globalization of information and communications, the advancement of science and technology, and the change of parent's style and way of life (General Elucidation of Law No.11 Year 2012). This means the cause of the child committing the crime is outside the child himself. Therefore, in the handling must also involve factors outside the child. In this case, the parent as guardian, is the person responsible for the child. The community as a representation of environment must also be responsible for the crime committed by the child, given the community environment is the environment where the child interacts with other communities. A structural criminal liability system is needed to address this problem, as it can reduce the effects of labeling on children, and can prevent children from imprisonment, and restore to disturbed environmental balance. This is in accordance with the objective of punishment in Article 55 paragraph (1) point 3 of the draft of the Criminal Code of 2016, namely: resolving conflicts caused by criminal acts, restoring balance, and bringing a sense of peace in the community.

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In some states such as 50 American states (Matthiesen, Wickert and Lehrer, 2015), British (Arief, 2013) and Singapore (Wagiati, Soetedjo and Melani, 2013), in child criminal law, structural criminal responsibility through parental responsibility (parental responsibility), namely in the form of fines, criminal supervision and payment of compensation is applied. In Indonesia, in some indigenous peoples such as Bali and Central Sulawesi Bajo (Kaluku, 2014; Susilo and Syato, 2016), it also embraces a structural criminal responsibility system, with a communal system, which provides customary sanctions to children, parents, families and communities to hold village ritual ceremony or purgatory. Islamic law also regulates this system of structural penal accountability in the payment of dyad (Munajat, 2008; Ghofur and Sulistiyono, 2015; Ghofur and Sulistiyono, 2017), which is imposed on brothers from fathers who have reached the adult age and are rich in intelligence.

From a political point of view, as a State of the Republic of Indonesia based on Pancasila it is natural that the child criminal law for the future also embraces a system of structural criminal responsibility, because sociologically it is done in Indonesian society. Attempts to create good rules in accordance with the current situation and situation is a problem that has been the desire of the Indonesian people since long, because from a political point of view, the self-created law be a symbol and is a pride of a country.

In Law No.11 of 2012 on the Criminal Justice System of the Child, Article 5 paragraph (1) regulating the criminal justice system shall prioritize the restorative justice approach. This is intended to avoid and keep children away from the judicial process to avoid stigmatization of children facing the law and hopefully the child can return to the social welfare naturally. Restorative justice is a process of diversion, that is, all parties involved in a crime jointly solve problems and create an obligation to make things better by engaging victims, children and the community in finding solutions to improve the reconciliation and reassurance an unwarranted heart. It is just that it is diversified with this restorative justice approach according to Article 7 of Law No. 11 of 2012, is only intended for a prison sentence of less than 7 years and is not a repeat of a criminal offense, so for a crime whose threat is 7 years and above cannot be subject to a diversion, even though the loss rate is very small. This is where a system of structural criminal responsibility is required as a general prevention of criminal law.

## **8. The Importance of Structural and Psychological Accountability System**

The imposition of imprisonment on children can be detrimental to the child, because the community will give the stigma to the child that can damage the career and future of the child, some people will reject the presence of former child prisoners, resulting in isolated children from the community. Negative labeling / stigma causes children to be afraid of the outside world, not confident, feel inferior, and feel not welcome in society. Of course, this has a negative impact on the psychological

condition and development of children today and in the future because public labeling also influences the formation of child identity.

The child becomes convicted for the second time when faced with a society who cannot accept his presence in his neighborhood, the child will experience psychological disorders. The structural penal accountability system may prevent children from imprisonment. Children with the help of a parent / guardian, the immediate family will rediscover affection, concern and protection. Parents and communities have an obligation to protect the child as a successor of the nation for the future of the nation.

The settlement of cases conducted in some indigenous peoples such as Bali and Bajo Central Sulawesi, by holding a traditional ceremony clean village by holding a customary ritual as an inner sanctification is also a form of structural criminal liability system. The community is responsible for the disruption of balance, harmony and harmony in the life of the community that inflicts individual and society. Therefore, this disturbance must be restored by traditional ceremonies, returning to a balance between the birth and the magical world, which psychologically will restore the tranquility and happiness of the indigenous peoples. So that the harmonious relationship between man and his God, man and man with the natural surroundings.

## **9. Conclusion**

Based on the above description can be concluded that the system of structural criminal responsibility in child criminal law is needed, both in terms of juridical, philosophical, sociological, psychological, and political criminal law. The system of criminal responsibility is also embraced in 50 states of America, Britain and Singapore with parental responsibility system, as well as in the customary law community of Bali and Bajo in Central Sulawesi also apply the system of structural criminal responsibility with communal system. Based on these conclusion, Indonesia should immediately formulate a system of structural criminal liability in this child criminal law in formulation policy in the form of law, to provide protection to children in conflict with the law.

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