

GUIDELINE FOR REGISTRATION OF A CASE ON ANY CHILD AND CHILD OF THE VICTIM

**(Government Regulation of the Republic of Indonesia
Number 9 Year 2017, dated March 13, 2017)**

WITH THE BLESSING OF THE ONE AND ONLY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA

Considering:

Whereas, to implement the provision in Article 25 paragraph (2) of Law Number 11 Year 2012, concerning Judicial System on any Child Committing Crime, it is necessary to stipulate Government Regulation on Guideline for Registration of A Case on any Child and Child as Victim;

In view of:

1. Article 5 paragraph (2) of 1945 Constitution of the Unitary State of the Republic of Indonesia;
2. Law Number 11 Year 2012, concerning Judicial System on Children Committing Crime (Statute Book of the Republic of Indonesia Year 2012 Number 153, Supplement to Statute Book of the Republic of Indonesia Number 5332);

DECIDES:

To stipulate:

GOVERNMENT REGULATION ON GUIDELINE FOR REGISTRATION OF A CASE ON ANY CHILD AND CHILD AS VICTIM.

CHAPTER I
GENERAL PROVISION

Article 1

What is meant in this Government Regulation by:

1. Any Child having conflict with the law hereinafter referred to as Child, shall be any Child of 12 (twelve) years old, but not reaching 18 (eighteen) years old yet, alleged to have committed criminal act.
2. Any Child constituting a Victim of Criminal act hereinafter referred to as Child as Victim not reaching the age of 18 (eighteen) years old yet that encounters physical and mental defects, and/or looking chance to earn money due to the criminal act.
3. Registration of a Case on any Child and Child as Victim shall be registration of a Case on any Child and Child as Victim in Registration of a Case on any Child and Child as Victim.
4. Registration Book of a Case on any Child and Child as Victim shall be Registration Book specifically prepared for any Case on any Child and Child as Victim.
5. Identification of any Child and/or Child as Victim shall be complete data on the name, sex, place and date of birth, name of parent / benefactor, religion, and education of any Child or Child as Victim.
6. Socialization Public Hall hereinafter referred to as Bapas shall be technical socialization operating unit exercising duty and function on Community research, management, supervision, and assistance.
7. Children Development Institution hereinafter referred to as LPKA (Lembaga Pembinaan Anak) shall be Institution or place where any Child endures his/her criminal penalty.
8. Children Temporary Placement Institution, hereinafter referred to as LPAS (or Penempatan Anak Sementara) shall be temporary placement of any Child during the course of judicial process.
9. Social Welfare Implementation Institution, hereinafter referred to as LPKS or (Lembaga Penyelenggaraan

Kesejahteraan) shall be Institution or place for providing service on Social Welfare to Children.

CHAPTER II

PROCEDURE FOR REGISTRATION OF ANY CASE ON ANY CHILD

AND CHILD AS VICTIM

Article 2

- (1) Any data on handling any Case on any Child and Child as Victim shall be registered by the Institution handling any Case on any Child.
- (2) Any Institution handling any Case on any Child as referred to in paragraph (1) covers:
 - a. Institution conducting pre-investigation;
 - b. Institution exercising any claim;
 - c. judicial Institution;
 - d. Bapas;
 - e. PKA;
 - f. LPAS; and
 - g. LPKS.

Article 3

- (1) Registration of any Case on any Child and Child as Victim must be conducted separately from that of any Case on any Adult person.
- (2) Registration of any case on any Child shall be conducted separately from Registration of any Case on Child as Victim.

Article 4

- (1) Registration of any Case on any Child and Child as Victim shall be conducted electronically and/or non-electronically.

- (2) Electronic Registration of any Case on any Child and Child as Victim as referred to in paragraph (1) shall be conducted by inputting information on any Case on any Child and Child as Victim into the information system of Registration of any Case on any Child and Child as Victim at the respective Institution handling any Case on any Child.
- (3) Registration of any Case on any Child and Child as Victim non-electrically as referred to in paragraph (1) shall be conducted by recording it in the Registration Book.

CHAPTER III

DATA ON REGISTRATION OF ANY CASE ON ANY CHILD AND CHILD AS VICTIM

Article 5

- (1) All data in the Registration of any Case on any Child and Child as Victim is Confidential.
- (2) The Officer appointed at the Institution handling any Case on any Child shall be obliged to protect the confidentiality of the data in the Registration of any Case on any Child and Child as Victim in accordance with the provisions in the statutory regulation.
- (3) For protection of any Child in enforcing the law, all the data referred to in paragraph (1) may only be obtained based on application to the Management of Institution handling any Case on any Child.

Article 6

Registration of any Case on any Child and Child as Victim at the Institution conducting pre-investigation shall cover the data as cited below:

- a. Sequence Number;
- b. Registration Number;
- c. Number and Date of Police Report;
- d. criminal act and issue claimed;
- e. identity of Victim;

- f. identity of suspect;
- g. identity of witnesses;
- h. identity of Parents / Guardian;
- i. place where a Case takes place;
- j. modus operandi;
- k. Instruction Letter for Pre-Investigation;
- l. Instruction Letter for Arrest;
- m. relationship of Victim with the suspect;
- n. brief description of a Case;
- o. identity of Lawyer or Legal Advisor;
- p. evidential items;
- q. recommendation for report on Community review;
- r. recommendation on social report;
- s. result of diversion; and
- t. remarks.

Article 7

(1) Registration of any Case on any Child and Child as Victim at Institution filing a claim covering:

- a. Registration of any Case on any Child in pre-claim, claim, legal remedy, pass judgment, Diversion; and
- b. Registration of any Case on any Child as Victim.

(2) Registration of any Case on any Child in pre-claim phase covering data as follows:

- a. sequence Number;
- b. Registration Number;
- c. Number and date of Notification Letter on commencement of pre-investigation and the date of receipt thereof;
- d. Identity of the Child and the Case being claimed;
- e. status of a Case;
- f. Number, date, and name of public prosecutor attending to the pre-investigation progress;

- g. Number and date of detainment and extended detainment;
- h. type and volume of evidential proofs;
- i. date of receipt and investigation over a Child;
- j. Number and date of notification on the result of investigation but still incomplete;
- k. identity of Community Bapas Chief;
- l. Number and date of the result of pre-investigation to be completed;
- m. Number and of the complete result of pre-investigation; and
- n. remarks.

(3) Registration of any Case on any Child during the claiming phase covers the data below:

- a. sequence Number;
- b. Registration Number;
- c. Number, date of Appointment Letter of Public Prosecutor for settlement of a Case and the name of Public Prosecutor for settlement of a Case; and
- d. date received and examination on the Child and evidential items;
- e. Number and date of Letter of Assignment of a Case;
- f. Number and date of Letter of Claim;
- g. dictum of Claim; and
- h. remarks.

(4) Registration of any Case on any Child during the phases of remedy and passing judgment covers data as follows:

- a. sequence Number;
- b. Registration Number;
- c. Number, date of Appointment Letter of Public Prosecutor for settlement of a Case, and the name of Public Prosecutor;
- d. Number and date of Judgment of District Court, Court of Justice, and Supreme Court;
- e. dictum of Judgment of District Court, Court of Justice, and Supreme Court;
- f. Number and date of passing judgment on a Child and evidential proof;

- g. Number and date of Case fee; and
- h. remarks.

(5) Registration of any Case on any Child in Diversion phase covering data as follows:

- a. sequence Number;
- b. Registration Number;
- c. Number, date of Appointment Letter of Public Prosecutor for settlement of a Case, and the name of Public Prosecutor;
- d. Identity of the Child and issue of criminal act;
- e. status of the Case;
- f. date of receipt and examination over a Child;
- g. type and number of evidential items;;
- h. date, agreement, and term for exercising Diversion;
- i. date and contents of report on supervision;
- j. Number and date of Judge's Decision; and
- k. Number and date of Letter for Termination of pre-investigation or Letter for Termination of filing a claim.

(6) Registration of any Case on any Child as Victim covers the data as follows:

- a. sequence Number;
- b. Registration Number;
- c. Identity of Child as Victim and issue of criminal act;
- d. identity of suspect / accused / Child;
- e. Number and date of Notification Letter notifying commencement of pre-investigation, Appointment Letter of Public Prosecutor to attend to the pre-investigation progress, and the name of Public Prosecutor;
- f. date of receipt of Case document resulting from pre-investigation
- g. identity professional social worker / Social Welfare;
- h. date of receipt of report on examination of any Child supported by evidential proof;
- i. physical condition of the victim based on visum et repertum / Statement Letter from Psychiatrist;

- j. recommendation on report of social matter;
- k. identity of referral Institution;
- l. type and term of rehabilitation program / reintegration program;
- m. Number, date, and dictum of claim;
- n. Number, date, and dictum of judgment;
- o. date and type of remedy; and
- p. remarks.

Article 8

- (1) Registration of any Case on any Child and Child as Victim at First Degree Judicial Institution covering:
 - a. Registration of any Case on any Child; and
 - b. Registration of any Case on any Child as Victim.
- (2) Registration of any Case on any Child as referred to in paragraph (1) letter a covers data below:
 - a. Sequence Number;
 - b. Registration Number;
 - c. Case Number at First Degree;
 - d. type of Case;
 - e. Identity of Child
 - f. identity of Lawyer;
 - g. identity of Bapas Public Chief;
 - h. date of receipt of document from Public Prosecutor;
 - i. brief description of claim and issue being claimed;
 - j. date / type of arrest in phases of pre-investigation, claim, and examination for by Judicial Court;
 - k. date of appointment of the Judge;
 - l. identity of Judge and Replacement Registrar.
 - m. process of Diversion;
 - n. date of Court session;
 - o. date and content of claim on crime;
 - p. date and dictum of judgment

- q. date of submission of excerpt of Judgment to the Child or Lawyer, Public Prosecutor, and Bapas Community Chief;
- r. date of delivery of copy of Judgment to the Child or Lawyer, Public Prosecutor, and Bapas Community Chief;
- s. remedy; and
- t. remarks.

(3) Registration of any Case on any Child as Victim as referred to in paragraph (1) letter b contains data as follows:

- a. Sequence Number;
- b. Registration Number;
- c. Number Case in first degree;
- d. type of Case;
- e. type of examination;
- f. Identity of Child as Victim;
- g. identity accused;
- h. identity professional social worker / worker on Social Welfare;
- i. recommendation on social report;
- j. date of receipt of document from Public Prosecutor;
- k. brief description of claim and issue being claimed against perpetrator;
- l. date of decision on appointment of a Judge;
- m. identity of Judge and Replacement Registrar;
- n. process of Diversion;
- o. date of stipulation of Court session;
- p. date and content of claim on crime;
- q. date and dictum of Judgment;
- r. remedy; and
- s. remarks.

Article 9

Registration of any Case on any Child on Appeal degree at Judicial Institution covering data as below:

- a. Sequence Number;
- b. Registration Number;
- c. Case Number at Appeal degree;
- d. date of application;
- e. Appeal Petitioner;
- f. date of receipt of document from First Degree Court;
- g. Identity of Child;
- h. identity of Lawyer;
- i. identity Of Bapas Community Chief;
- j. dated of Judgment of First Degree Court;
- k. Case Number of First Degree Court;
- l. dictum of Judgment of First Degree Court;
- m. identity Judge and Replacement Registrar at First Degree Court;
- n. date of stipulation on appointment of Judge on Appeal Degree;
- o. identity of Judge and Replacement Registrar of Court on Appeal Degree;
- p. date, type of arrest, and extension of arrest;
- q. date and dictum of Judgment of Appeal;
- r. date and Number transmittal letter of document on a Case to First Degree Court;
- s. remedy; and
- t. remarks.

Article 10

Registration of any Case on any Child at judicial Institution at Cassation Degree covering the data below:

- a. Sequence Number;
- b. Registration Number;
- c. Case Number at Cassation Degree;
- d. Identity of Child;

- e. Number, date, and dictum of Judgment of First Degree Court;
- f. Number, date, and dictum of Judgment of Court of Appeal Degree;
- g. Appellant of Cassation;
- h. date of Appeal, notification of Appeal; receipt of Memory, delivery of Memory, receipt of Counter-Memory, and delivery of Counter-Memory;
- i. date and Number of transmittal letter of Case document file to the Supreme Court;
- j. date of receipt of Case document file from the Supreme Court;
- k. date and dictum of Judgment of Cassation;
- l. date of notification of Judgment of Cassation to Appellant, Appellee, and Bapas Community Chief; and
- m. remarks.

Article 11

Registration of any Case on any Child at Judicial Institution in remedy of review covering data as shown below:

- a. Sequence Number;
- b. Registration Number;
- c. Case Number at Review;
- d. Appellant for Review;
- e. Identity of Child;
- f. Number and date of Judgment of the Court of First and Appeal degree, and/or Cassation degree;
- g. date of notification of Judgment being appealed for re-review;
- h. date of receipt of appeal and reason for re-review;
- i. date of stipulation on appointment of a Judge;
- j. identity of Judge and Replacement Registrar;
- k. date and number of transmittal letter of Case document file to the Supreme Court;
- l. date of receipt of Case document filed from the Supreme Court;
- m. date and dictum of Judgment for re-review;
- n. date of notification of Judgment to Appellant, Appellee, and Bapas Community Chief; and
- o. remarks.

Article 12

(1) Registration of any Case on any Child at Bapas in phases of providing assistance and initial management that at least covering data as cited below:

- a. Sequence Number;
- b. Registration Number;
- c. Number and date of request for public pre-investigation;
- d. Number of Police Report;
- e. criminal act and issue being charged;
- f. identity of accused;
- g. evidential items;
- h. identity of Bapas Community Chief;
- i. recommendation for report on community pre-investigation;
- j. phases of examinations;
- k. result of Diversion;
- l. referral Institution;
- m. identity of Prosecutor, Public Prosecutor, and Judge as well as Replacement Registrar;
- n. claim by Public Prosecutor;
- o. result of Court Judgment of first degree, appeal degree, cassation degree, and re-review; and
- p. remarks.

(2) Registration of any Case on any Child at Bapas in phases of providing assistance, further fostering, and supervision covering:

- a. Sequence Number;
- b. Registration Number;
- c. Identity of Child;
- d. identity of parents;
- e. Case, Number, and date of stipulated Judgment;
- f. result of Judgment of Court of first degree, Appeal degree, Cassation degree, and re-review;
- g. Number and dated of Judgment;
- h. date and period of forstering and supervision;

- i. last day of fostering and supervision period;
- j. identity of forster parents for Bapas community; and
- k. remarks.

Article 13

Registration of any Case on any Child pada LPKA memuat data sebagai berikut:

- a. Sequence Number;
- b. Registration Number;
- c. Identity of Child;
- d. identity of parents;
- e. Case / issue being accused / claimed on/ resolved;
- f. Number and date of Letter of Arrest;
- g. effective date of arrest;
- h. date entering LPKA;
- i. identity of Bapas fostering of the community;
- j. recommendation for report on pre-investigation on the community;
- k. institution that passes Judgment;
- l. period of Judgment on crime;
- m. date and dictum of Judgment of Court of Appeal / Cassation degree;
- n. remision of prosecution period;
- o. period of fostering;
- p. expiry of prosecution period; and
- q. remarks.

Article 14

Registration of any Case on any Child at LPAS covers data as below:

- a. Sequence Number;
- b. Registration Number;
- c. Identity of Child;
- d. identity of Parents;

- e. Case / issue accused;
- f. institution exercising arrest;
- g. Number and date of Letter of Arrest;
- h. date and effective date of arrest;
- i. identity of Prosecutor, Public Prosecutor, Judge, and Replacement Registrar;
- j. identity of Bapas Community Fostering;
- k. recommendation for report on pre-investigation of the community;
- l. date joining LPAS;
- m. expiry of period of arrest;
- n. date and dictum of Judgment of Court of Appeal / Cassation degree;
- o. Number and date of Letter of Reminder notifying the period of detention expires; and
- p. remarks.

Article 15

(1) Registration of any Case on any Child at LPKS covers data as shown below:

- a. Sequence Number;
- b. Registration Number;
- c. date of joining LPKS;
- d. date leaving LPKS;
- e. period of rehabilitation;
- f. period of temporary placement;
- g. date of arrest;
- h. Number and date of stipulation;
- i. contents of stipulation;
- j. institution / identity of officer executing the stipulation;
- k. Case Number;
- l. Number of Police Report;
- m. Identity of Child;
- n. identity of Parents / Guardian;
- o. identity / of professional social worker / Social Welfare worker;

- p. identity of community fostering;
- q. description of criminal act;
- r. recommendation for report on social matter;
- s. recommendation for report on community investigation;
- t. Minutes of Hand-Over of a Child;
- u. result of Diversion;
- v. stipulation of Diversion;
- w. claim;
- x. Court Judgment; and
- y. remarks.

(2) Registration of any Case on any Child as Victim at LPKS covers data as cited below:

- a. Sequence Number;
- b. Registration Number;
- c. date joining LPKS;
- d. date leaving LPKS;
- e. period of rehabilitation;
- f. Number of Police Report;
- g. Identity of Child as Victim;
- h. identity of Parents / Guardian / Child as Victim;
- i. identity of professional social worker / Social Welfare worker;
- j. description of criminal act;
- k. recommendation for report on social matter;
- l. Minutes of Hand-Over of Child as Victim;
- m. result of Diversion;
- n. stipulation of Diversion; and
- o. remarks.

Article 16

(1) Addition to the data in Registration of any Case on any Child and Child as Victim as referred to in Article 6

through Article 15 may be made by any Institution handling any Case on any Child as needed.

- (2) Format of Registration of any Case on any Child and Child as Victim as referred to in Article 6 through Article 15 shall be stipulated by the Management of Institution handling a Case on a Child.

CHAPTER IV

PROCEDURE TO ACCESS REGISTRATION OF ANY CASE ON ANY CHILD

AND CHILD AS VICTIM

Article 17

- (1) Data stated in Registration of any Case on any Child and Child as Victim may be obtained based on the application referred to in Article 5 paragraph (3).
- (2) The application referred to in paragraph (1) shall at least mention:
- a. identity of Applicant;
 - b. reason for obtaining data on Registration of any Case on any Child and Child as Victim; dan
 - c. data requested.
- (3) The reason as referred to in paragraph (2) letter b is for the purpose of protecting any Child in the enforcement of the law.
- (4) The Management of Institution referred to in Article 5 paragraph (3) shall either grant approval or reject such application.
- (5) If the application is rejected this must be supported by reason for rejecting such application.

Article 18

The Applicant whose application has been approved shall be obliged to guarantee the confidentiality of data in the Registration of any Case on any Child and Child as Victim based on the provisions in the statutory regulation.

Article 19

Further provision on procedure for request for data for Registration of any Case on any Child and Child as Victim shall be governed in Regulation of Management of the respective Institution handling any Case on any Child and Child as Victim based on their respective authority.

CHAPTER V**CLOSING PROVISION****Article 20**

By the time this Government Regulation comes to force, Registrasi of any Case on any Child and Child as Victim that is presently in process by the Institution registering any Case on any Child in the existing Registration Book must be adjusted with this Government Regulation within one (1) year at the latest effective as of the date this Government Regulation is enacted.

CHAPTER VI**CLOSING PROVISION****Article 21**

This Government Regulation takes effect on the date it is enacted.

For public recognition, this Government Regulation ini shall be announced by placing it in the Statute Book of the Republic of Indonesia.

Stipulated in Jakarta

Dated March 13, 2017

PRESIDENT OF THE REPUBLIC OF INDONESIA,

sgd.

JOKO WIDODO

Enacted in Jakarta

Dated March 16, 2017

**MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,**

sgd.

YASONNA H. LAOLY

(BN)