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RESEARCH ARTICLE

IDEAL RECONSTRUCTION OF CRIME LIABILITY OF UNDERAGE DRIVERS CAUSING THE LOSS OF LIFE OF OTHERS BASED ON VALUES OF JUSTICE.

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Abstract

The objective of this research was to reconstruct the ideal crime liability for underage drivers, whose action resulting in the loss of life of others based on the value of justice. This research uses empirical juridical research method. Which is descriptive analytical. Sources of data used in this study are Primary Data and Secondary Data. These secondary data are obtained from: Primary Law Material, Secondary Law Material, and Tertiary Law Material. Data collection techniques used in this study includes field research, interviews and literature study. The results of the study found that the ideal reconstruction of crime liability for underage drivers resulted in the loss of lives of others based on justice values, namely the law system for the protection of children is in conflict with the law within the Crime Justice System in Indonesia by the issuance of Law no. 11 of 2012 on the Crime Justice System on Childrens which must prioritize the approach of restorative justice, and must attempt to diverse it with the aim of achieving peace between victims and children. In addition, solving child cases outside the judicial process; can Prevent children from deprivation of liberty; Encourage people to participate; And instill a sense of responsibility to the child.

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Introduction:-

Traffic issues are an important part of safety, comfort, and security issues in driving. When considering the non-conceived traffic activity imaginable, there are many incidents of traffic violations and traffic accidents. In addition, there is also a clash between the interests of one road user and the other road users and this collision is getting more and more frequent and the quality also increases along with the development of roads and the improvement of existing means of transportation. Some traffic accidents that occur, surprisingly can be avoided if among road users complied with traffic regulations as regulated in Law Number 22 Year 2009, in particular the provisions of Article 105, mentions that every person who uses the road must behave in an orderly manner; And / or prevent any obstacles, jeopardize the security and security of traffic and road transport, in which may cause road damage.¹In

¹Meta Suryani, Anis Mashdurohatun, Penegakan Hukum Terhadap Eksistensi Becak Bermotor Umum (Bentor) Berdasarkan Undang-Undang Nomor 22 Tahun 2009 Tentang Lalu Lintas Dan Angkutan Jalan, artikel di Jurnal Pembaharuan Hukum, Program Doktor Ilmu Hukum Unissula. Volume III No.1 Januari-April 2016 p. 21

particular, traffic accidents are always resulted in casualties, mainly in consists of human deaths (MD), serious injuries (LB) or minor injuries (LR) as well as other material losses.²

Traffic violations that are surprisingly often found done by underaged children can still be found. they are still can not be resolved properly due to lack of insight of children in traffic due to not enough age and weak supervision from parents. Accident data released by Polda Metro Jaya (Jakarta city Police) in 2012, there are at least 104 cases of traffic accidents with the main perpetrators of children under 16 years. That number jumped 160 percent over the previous year, 2011, which only recorded 40 cases. While other age groups, between the ages of 22 to 30 years recorded an increase of 8.53 percent, the rest actually decreased between 2-6 percent.³ While the data released by Satlantas Polrestabes Semarang (traffic police of semarang) obtained the incidence of accidents during the year 2013 is 957 cases with 196 cases of deaths, serious injuries 49 people, minor injuries 1,221 people, with total loss of material worth Rp 1.438.200.000, -.

The recent social facts that occur in social life are issues related to children, where in social life is strongly influenced by various factors, we are faced with the problem of handling children who allegedly committed a criminal act that resulted in another person died due to negligence of the child to drive vehicle. Law Number 11 Year 2012 on the Criminal Justice System for juvenile Child all of which presents general principles of child protection, namely non-discrimination, best interests for children, survival and growth and appreciation of children's participation.⁴

Law enforcement officials involved in the handling of Children in Conflict with the Law (ABH) refers not only to Law No. 11 of 2012 on the Criminal Justice System of the Child or other legislation relating to the handling of Children in Conflict with the Law (ABH), But prioritizes peace rather than the formal legal process which came into effect 2 years after the Criminal Justice System Act (SPPA) Law was enacted.

On that basis, the reason for the amendment of the Criminal Justice System Act (UU SPPA) is due to the following matters: first, the failure of the criminal justice system to produce justice; Second, the rate of crime and crime perpetrated by child still does not decrease; Third, the judicial process fails to treat the child; Fourth, the courts use more criminal deprivation of independence (imprisonment) than any other form of sanction; And the fifth, approach is too Legalistic.⁵

The application of restorative justice to perpetrators of criminal offenses is done to accommodate the votes of the people involved, and provide input to the leadership or competent in the drafting of laws / regulations / provisions to legalize restorative. Justice as one way to solve the case with a more humane reason and express a sense of justice and conscience, so that will be obtained legal legal and legal standing, as a form of application of modern law.⁶ Based on this it is necessary to do research on the accountability of vehicle drivers by minors causing traffic accidents and resulting in the death of others.

Based on the description in the background of the problem mentioned above, then the problem in this research how ideal reconstruction of criminal liability of the driver of minors resulting in the loss of life of others based on the value of justice?

²Mukhtarudin, Gunarto, Jelly Leviza, *Police discretion using restorative justice approach in peaceful settlement on traffic accidents*, *International Journal of Law* ISSN: 2455-2194, RJIF 5.12, Volume 3; Issue 4; July 2017; P. 18

³ Mohamad Taufik, www.merdeka.com/peristiwa/kecelakaan-lalu-lintas-melibatkan-anak-anak-melonjak-160-persen.html, date access 9 September 2017.

⁴ Ridwan Mansyur, *Keadilan Restoratif Sebagai Tujuan Pelaksanaan Diversi Pada Sistem Peradilan Pidana Anak*, *Berita Utama MA*, Date access 3 July 2017.

⁵ Diani Sedia Wati, *Indonesia akan Berlakukan UU No.11 tahun 2012 tentang sistem Peradilan Pidana anak*, *Berita Harian Bappenas*, 14 July 2014.

⁶ Juyanto, Gunarto, Anis Mashdurohatun, *Restorative justice penal system based from value of justice: A study in Kotawaringin city of Indonesia*, *International Journal of Law* ISSN: 2455-2194, RJIF 5.12, Volume 3; Issue 4; July 2017; P. 14

Method of Research:-

This research uses empirical juridical research method which is also called doctrinal law research. In the opinion of H. Zainuddin Ali this method is as follows: "empirical juridical is a science that arose from the development of legal science known by studying social phenomena in society that looked its legal aspect"⁷

The results of this study are expected to provide an analytical descriptive picture. Descriptive nature of this research is expected to explain the picture of crime liability of drivers that because of negligence resulted in the death of others. Analytical nature of the results of this study is expected to describe the findings of both primary and secondary data directly processed and analyzed with the aim to clarify the data category by category, arranging systematically and then discussed or studied logically.

Sources of data used in this study is Primary Data and Secondary Data that indirectly provide material research studies and legal materials in the form of documents, archives, legislation and various other literature. These secondary data are obtained from : ⁸Primary Legal Material, Secondary Law Material, and Tertiary Law Material.

Data collection techniques used in this study includes field research or interviews and literature study. The data obtained from the research activities then analyzed precisely to solve a legal problem that has been studied. Data analysis used in this study is a qualitative inductive data analysis, the data in this study were analyzed by using qualitative empirical method, where the analysis was done together with the process Data collection, followed to the time of writing the report by describing the data obtained based on legal norms or legal rules and legal facts that will be associated with research problems.

Research Result and Discussion:-**Law Protection on Children:-**

Before outlining the legal protection of children, it will first be described what constitutes legal protection. According to the great dictionary of Indonesian language, the meaning of legal protection is an act to safeguard and protect the subject of law, based on the prevailing laws and regulations..⁹

According to Soedikno Mertokusumo, the protection of the law is: A matter or act to protect the subject of law based on the applicable laws and regulations accompanied by sanctions if there is a tort(Wanprestasi).¹⁰

The legal protection for children in Indonesia already has a rule of law that has been used as a guideline to improve the welfare of children and minimize the possibility of children becoming victims of criminal acts, this is because the State of Indonesia is a country based on the law so that everything done and executed in the State This must be based on the law.

According to the general provisions of Article 1 paragraph (2) of Law no. 35 of 2014 on Child Protection states: "Child protection is all activities to guarantee and protect children and their rights in order to live, grow, develop and participate optimally in accordance with human dignity and values, and to be protected from violence and discrimination."

Child protection is a national development field, in which the child is the future for the continuity and success of a national development. So with the protection of children is expected to be able to give a positive influence on national development.

Protection For Children Who Have A Law Problem According To Act No. 11 Year 2012 About Penal System For Criminal Children:-

Problematic children need to be handled through a special justice institution because children can not to be treated the same as adults. Article 25 of Law Number 48 Year 2009 concerning Judicial Authority states that: "In the court of the General Courts may be held specializing regulated by law."

⁷ H. Zainuddin Ali, *Sosiologi Hukum*, Jakarta: Sinar Grafika, 2008, p. 13

⁸ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Pengantar Singkat*, Jakarta: PT Raja Grafindo Persada, 2003, p. 13

⁹ Depdikbud, 1989, *Kamus Besar Bahasa Indonesia*, Buku Satu, Balai Pustaka Utama, Jakarta, p.874

¹⁰ Soedikno Mertokusumo, 1991, *Mengenal hukum (Suatu Pengantar)*, Liberty, Yogyakarta, p.9

Juvenile court system is one of the Special Courts handling child crime cases, in addition to some other Special Courts in Indonesia, namely Road Traffic and Economic Justice. Legal protection in the process of investigation to the child regarding the crime he or she committed is as a form of attention and special treatment to protect the interests of children. Such special attention and treatment shall be the legal protection for the child not to be a victim of the improper application of law which may cause his mental, physical and social suffering. The forms of legal protection provided to such children in conflict with the law includes :

Child-Specialized Investigator:-

Article 1 point 8 of Law No. 11 of 2012 on the Criminal Justice System of the Child confirms that the Investigating Officer is a Child Investigator. The investigator, who can investigate a child suspected of a particular offense, is an investigator who can only be specifically conducted by a Child Investigator.

Child Investigator in this case is investigator declared by the Decree of the Chief of Police of the Republic of Indonesia or other officer appointed by the Chief of Police of the Republic of Indonesia. The requirement to be stipulated as Child Investigator as regulated in Article 26 paragraph (3) of Law no. 11 of 2012 on the Criminal Justice System of Children is as follows :¹¹

- 1) Experienced as an investigator;
- 2) Have interest, attention, dedication, and
- 3) Understanding Children's problems; and
- 4) Have attended technical training on Juvenile justice..
- 5) Investigation with Friendly Atmosphere

Article 18 of Law no. 11 of 2012 states that the process of investigation conducted on child offenders must pay attention to the best interests of the Child and maintaining the family atmosphere while investigating. This provision requires that the examination be conducted with an effective and sympathetic approach. Effectively, it can be interpreted that the examination does not take long, using that which is easy to understand, and can invite the suspect to give a clear explanation. Sympathetic at the time of the examination, the investigator is polite and friendly and does not frighten the suspect. The goal is to have the examination go smoothly, because a child who feels fearful when facing the Investigator will find it difficult to reveal the correct and clearest information.

The Investigator must Not Use Official Attributes While Investigation Takes Place from Article 22 of Law no. 11 of 2012 on the Criminal Justice System of the Child states that the Investigator at the time of investigating the child suspected perpetrators of criminal acts, must not wear a toga or any official attribute. Child Investigators can be summed up approaching sympathetically, and do not use coercion, intimidation, that can cause fear and trauma to the child.¹²

Diversion Implementation Duties

Article 29 paragraph (1) of Law no. 11 of 2012 states that the first thing to do in the process of investigation of juvenile who reported or complained of a criminal act that investigators must seek is to firstly verified with the provision that the criminal acts committed:

- 1) Threatened with imprisonment under 7 (seven) years, and
- 2) It is not a repetition of a crime

The transfer of the juvenile justice process or so-called diversion (a form of discretionary exercise in the investigation) is useful to avoid the negative effects of subsequent judicial proceedings in the administration of juvenile justice, such as the labeling of guilt or conviction.

Obligation to Request a Community Research Report:-

Article 27 of Law no. Law No. 11 of 2012 stipulates that the Investigator in the case of investigating a child who is reported or complained of a criminal offense should seek advice or advice from a Community Guidance Counselor, and if necessary, may also seek advice or advice from educational experts, psychologists, psychiatrists, religious

¹¹ Undang-Undang No. 11 tahun 2012 Tentang Sistem Peradilan Pidana Anak

¹² Maidin Gultom, 2008, *Perlindungan Hukum Terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*, Bandung , PT. Refika Aditama, p. 101

leaders, Social Workers Professional or Social Welfare Workers, and or other experts.¹³If the investigation is conducted without involving the Community Guidance then, the investigation is null and void.¹⁴

Community research on children needs to be done, so that the resulting decisions have a positive impact on the Naughty Child and against the aggrieved party, as well as to enforce the law and justice of Community Research on Naughty Children, aiming for the results of the examination in accordance to the actual circumstances. Based on the results of Community Research, Child Investigators can consider the case file / Minutes of Examination (BAP) can be forwarded to the prosecutor or not.

Confidentiality of child identity:-

The identity of a child who is reported to have committed a crime must be kept confidential both from the press in print and in the electronic media. This provision is regulated in Article 19 paragraph (1) of Law no. 11 of 2012 as another form of protection that must also be given to the child of the offender. It also deals with the principle of the presumption of innocent. This principle implies that children who commit delinquency can not be considered guilty if there is no judicial decision that has a permanent legal force. The confidentiality of this suspect's identity strongly supports the rights of children to be enforced in the Juvenile Justice System in conflict with the law.

Ideal Reconstruction of Crime Liability of Underage Drivers who Causes casualties based on Justice Value:-

The Criminal Code which is now prevails as a positive law in Indonesia is the legacy of the former Dutch Colonial Government, which in many ways is no longer compatible with the existence and development of the Indonesian nation as an independent and sovereign nation. The Criminal Code is still valid as a positive law, it is to fill the legal vacuum after our independence and from year to year, we as the Indonesian nation trying to create a national legal system that serves the national interest. This Indonesian government effort is manifested by codifying and unification in certain legal areas, including the renewal of the Criminal Code as well as the Criminal Procedure Law (criminal law and formal criminal law).

There is an irregularity when we have succeeded in creating a National Criminal Procedure Code, namely Law No.8 Year 1981 on Criminal Procedure Code (KUHAP), without being followed or even preceded by the preparation of the Book of Law Criminal, so that the crime procedure law which was previously stipulated in Herziene Inlands Reglement, Stb. No. 1941 44 has been replaced by Law no. 8 in 1981 but the Criminal Code still remains the same. Therefore, the legislature in our country hung the hope of the entire community to someday when we can have a National Criminal Code which is a product of our own nation in accordance with the development and needs of society.

It is said that one source of the unrest that exists in society is related to criminal justice is because law enforcers still use a systematic normative approach solely. With such an approach the jurist has detached himself from the realities of society that are still always in motion and change.¹⁵

From the fact that the society develops so that there is a change in the values that live in society, the law with the primary aim of achieving peace, order, prosperity, justice and legal certainty must be in line with the development of society so that the law can achieve its objectives. Bambang Poernomo, says that: The growth of reality in society is closely related to changes with the circles of the causes of reality both within oneself to each individual human being and to the social conditions and environments that can result in the improvement and development of different criminal behavior Time-to-time and unpredictable.¹⁶

In connection with the development of society which is accompanied by the development of criminal behavior then A.Z. Abidin stated the following: "The rapid development of society with all its consequences, demands the existence of adequate legal regulations to regulate it, including criminal law The existing KUHP is far behind and many new needs arising from the development of Indonesian society, Therefore it needs to be updated immediately".¹⁷

¹³ Pasal 27 ayat 1 dan 2 Undang-Undang No. 11 tahun 2012 Tentang Sistem Peradilan Pidana Anak

¹⁴ *Ibid*, Maidin Gultom

¹⁵ Roeslan Saleh, *Suatu Orientasi Dalam Hukum Pidana*, Aksara Baru, Jakarta, 1978, p.8

¹⁶ Bambang Poernomo, *Pertumbuhan Hukum Penyimpangan Diluar Kodifikasi Hukum Pidana*, Bina Aksara, Jakarta, 1984, p. 10

¹⁷ A.Z. Abidin, *Bunga Rampai Hukum Pidana*, Pradnya Paramita, Jakarta, 1993, p.33

What does A.Z. Abidin says, contains the truth that can not be denied. Many of the Articles in the Criminal Code are 'still valid' but 'unsuccessful', meaning that from a juridical standpoint still valid as positive law, but confronted with reality in society, these rules remain an already categorized as dead and has no power to be applied in terms of sociological and is a 'black letter law' (dead rule). The amendment is an important milestone of the reform era, to rearrange the life of the nation and the State as a whole. Once the significance of the change is made so that the constitutional system is called radical development (Jimly Assiddiqie, 2010: 12), after the amendment process, the issue becomes the background of the need for change, Seems to be answered as reflected in fundamental changes, in both Substance and systematic (Dedy Ismatullah, Beni Ahmad Saebani, 2009: 292).¹⁸

In catching up in the field of criminal law from the development of society and technology, the changes to the Criminal Code especially the sanction system are needed in the context of criminal law enforcement. To follow the development of society and meet the needs of the community then the Shaper of the Law considers necessary in the formation of the National Criminal Code on traffic accidents that result in death is still regulated as a crime.

Law no. 1 of 1960 on the Amendment of the Criminal Code is to increase the penalty for criminal acts in Article 359 of the Criminal Code. In the explanation of the change of Article 359 of the Criminal Code, it has long been felt that there should be a firm action against the negligence of the person who caused the death of another person, especially the driver of the vehicle, who due to negligence or the inadequate nature of the human soul, caused traffic accidents.

In the draft of National penal Code, it has been regulated on the purpose of crime detention, namely: Preventing the commission of criminal acts by enforcing the legal norms for the protection of the community; Conduct a correction of the convicted person and thereby make him a good and useful person; Resolving conflicts caused by criminal acts, restoring balance and bringing a sense of peace in society, and; Release the guilt of the convicted person.¹⁹

In the draft of the Criminal Code Act 1999-2000, errors in the form of negligence or culpa still exist. In the draft of the Criminal Code Draft on Article 359 of the Criminal Code as nowadays it is compacted in one article namely Article 489, although only one article but concerning the substance is regulated more broadly. Concerning culpa in the draft of the Criminal Code Act 1999-2000, culpa in causa is included.

Article 52 of the Criminal Code Act 1999-2000 reads: "a person committing a criminal offense is not exempt from criminal liability on grounds of abolition of a criminal, if such person is to blame as the cause of the circumstances which may constitute grounds of the criminal offense"

In the elucidation of Article 52, it is said that the provisions that contain the principle of "culpa in causa" which is one of the principles. According to the principle of "culpa in causa" one should not seek refuge on the grounds of a criminal offender, against an act or circumstance which as a person deserves to be reproached should be seen from a case based on prevailing moral and social values. Regarding the omission or negligence in Article 18 of the Swiss Penal Code paragraph 3: that if the occurrence of an act can be interpreted because the defendant has no thought of the consequences or because of not paying attention due to lack of caution that is contrary to his obligations, the action is done because of His negligence..²⁰

Therefore, negligence in a traffic crime resulting in death as an unlawful nature must remain because the nature of the offense of negligence is negligence itself. Similarly it should be measured to what extent the driver of the vehicle has been really alert and careful in driving his vehicle. But the question is: "the driver of the vehicle will not do anything, if he knows the consequences that will arise". Motorists are aware of the risks but expecting that bad consequences will not happen.

According to the author's opinion that it has contained elements of "deliberate", because the driver of the vehicle has known and calculate the consequences of his actions, so that has shifted to deliberate deliberation (dolus). Although

¹⁸ Abdul Kholik, Dedy Ismatullah & Widayati, *The Authority Dispute Of State Institutions In The Implementation Of Bicameral System In Indonesia*, *International Journal Of Political Science, Law And International Relations (Ijpslir)* ISSN: (P): 2278-8832; ISSN: (E): 2278-8840 Vol. 7, Issue 4, Aug 2017, p. 37-38

¹⁹ Andi Hamzah, *Asas-Asas Hukum Pidana*, Rineka Cipta, Jakarta, 2000, hp. 37-38

²⁰ Moeljatno, *Azas-Azas Hukum Pidana*, Bina Aksara, Jakarta, 1985, p. 205

it is still complicated to find the element of deliberate injustice in the traffic accident that resulted in death but seen the behavior of the driver of the vehicle has exceeded the limits of honor so that it can endanger the interests of others it is necessary to apply more severe sanctions (maximum imprisonment) and can be added with other sanctions Revocation of driver's license (prohibition to drive a vehicle within a certain time) so that the perpetrators in this case the driver of the vehicle become deterrent and more careful in driving a vehicle.

So the formator of the Law in the formation of the National Criminal Code presumably the crime of accidents that cause death should be more attention, because it still requires scientific solutions. From the description above can be seen that in the formation of the National Criminal Code of traffic accidents that result in death is still very necessary to be regulated as the act of the perpetrators in this case the driver of the vehicle can be accounted for criminally. For example, the criminal liability can be sued to the parent of the child who knows either directly or indirectly to the child of the underage driver.

Any negligence or omission in a traffic crime resulting in death as an unlawful nature shall remain due to the nature of the offense of negligence which is negligence itself. Similarly it should be measured to what extent the driver of the vehicle has been really alert and careful in driving his vehicle. But the question is: "the driver of the vehicle will not do anything, if he knows the consequences that will arise". Motorists are aware of the risks but expect bad consequences will not happen. Article 55 paragraph (1) of the Penal Code explains that :

- 1) For Those who do, who order to do, and who participate in doing the deed;
- 2) For Those who by giving or promising something, by misusing power or dignity, by force, threat or
- 3) misdirection, or by giving opportunities, means or information, deliberately encourage others to do the deed.

According to the author's opinion, in Article 55 Paragraph (1) of the Criminal Code there is the word "means or information", this is enough to ensnare the perpetrator that is a child driving a vehicle caused by the negligence of the parent / guardian causing traffic accidents and the victim dies to be charged with crime In order to provide a deterrent effect while minimizing the occurrence of subsequent accidents. In addition, the authors argue that it has contained elements of "deliberate", because the driver of the vehicle has to know and take into account the consequences of his actions, so that has shifted to deliberate deliberation (dolus). Although it is still complicated to find the element of deliberate injustice in the traffic accident that resulted in death but seen the behavior of the driver of the vehicle has exceeded the limits of honor so that it can endanger the interests of others it is necessary to apply more severe sanctions (maximum imprisonment) and can be added with other sanctions Prohibition to drive a vehicle within a certain period of time for the child, so that the perpetrators in this case the driver of the vehicle becomes deterrent and more careful in driving a vehicle.

Reconstruction of Underage Drivers' Crime Liability That Leads to the Loss of Life of Others Based on Justice Values is as follows :-

No.	Subject	Description
1	Base of Reconstruction	Integrating local wisdom in accordance to the 5th principle of Pancasila and international wisdom through Underage Driver crime liability that Result in the Loss of Life of Others Based Values of Justice. The Theory of Natural Law from Socrates to Francois Geny, retains justice as the crown of law. The Natural Law Theory prioritizes "the search for justice"
2	Paradigm of Reconstruction	Using the constructivism paradigm to reconstruct the Underage Driver's crime Liability That Resulted in the Loss of Other People's Life-Based on the Values of Justice.
3	Reconstruction of act and articles	Chapter X, Marriage act Number 1 Year 1974 Concerning Rights and Obligations of Children and Parents.- Article 45 paragraph 1 on the Obligations of Parents Maintain and Educate Their Children Best.- Article 47 paragraph 1 concerning Parent Power that Has Not Reached Age 18.- Article 47 paragraph 2 of Parents Representing the Child Concerning All Legal Acts in and Out of the Court. Article 55 paragraph 1 and 2 of the Criminal Code, Abusing Power, Giving Opportunity and Facilities. Article 1, paragraph 6, act Number 11 Year 2012 on the Child Criminal Justice System Referring to Diversion Activities.
4	Reconstruction Purposes	Achieving legal justice in Underage Driver Crime Liability that Result in

		the Loss of Life of Others Based on Value of Justice.
5	Reconstruction Substances	<p>The discovery of new theories of law, especially the development of criminal law and criminology, and is expected to add references to future studies in relation to criminal policies in Underage Driver's Crime Liability that Result in the Loss of Life of Others Based Values of Justice. In addition, this research may encourage more and more legal studies that have received less attention from academics and legal practitioners.</p> <p>Providing corrective and evaluative recommendations for law enforcement officers in the legal regulation of Underage Driver's Crime Liability That Resulted in the Loss of Other People's Lives. In addition, the results of the study may also provide input for the Government to develop strategic policies regarding the legal system more effectively and efficiently to Underage Driver's Crime Liability resulting in the loss of lives of others based on the value of justice.</p>
6.	Findings	<p>1. Chapter X on the Rights and Obligations of Children and Parents in Marriage Act No. 1 of 1974</p> <ul style="list-style-type: none"> - Article 45 paragraph 1 - Article 47 verse 1 - Article 47 verse 22. <p>The Penal Code Article 55 paragraphs 1 and 2.</p> <p>Law Number 11 Year 2012 on the Criminal Justice System of the Child, in solving the children's case in the face of the law must prioritize the value of justice also to the victim.</p> <p>Explained that in the handling of children in facing the law, both by investigators, prosecutors and judges, must be done according to the rules first. Not using the means for the purpose of diversion, and lastly, punishment of children who goes against the law, serve as ultimum remedium.</p>

Conclusion:-

The ideal reconstruction of criminal liability for underage drivers resulting in the loss of lives of others based on justice values, namely the legal system for child protection in conflict with the law in the Criminal Justice System of the Child in Indonesia by issuing Law no. 11 of 2012 on the Criminal Justice System of Children which is then abbreviated with SPPA passed on July 3, 2012. The Law on Juvenile Justice System was established to solve the problem of children in conflict with the law. The Criminal Justice System of the Child shall prioritize the approach of restorative justice, and must be attempted to be diverted in order to achieve peace between the victims and the child. In addition to, solving child cases outside the judicial process; Prevent children from deprivation of liberty; Encourage people to participate; And instill a sense of responsibility to the child.

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