



## *Klithih Restorative Solutions for Minors*

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### ABSTRACT

Klithih is basically a form of juvenile or child delinquency that is committed at night by randomly abusing or injuring the victim. Klithih has been on the rise again recently with a peak in 2021, namely 58 cases. The purpose of this writing is to explain glitch behavior as part of crimes committed by minors and restorative efforts in the hope that the perpetrators will become aware and improve their behavior. The method used is a normative juridical approach using primary, secondary, and tertiary legal sources. Data analysis was carried out using a qualitative approach. The results of the research show that Klithih is a criminal act where the perpetrator is considered young or underage, so following the reform of the justice system for children, namely Law no. 11 of 2012 concerning the Juvenile Criminal Justice System which replaces Law no. 3 of 1997 concerning Children's Courts and Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. The case of Klithih in Yogyakarta is better brought to the realm of diversion, namely taking the judiciary out with the aim of creating a balance of justice or restorative justice. It is hoped that the restorative resolution of glitches can lead to the protection of children's rights and also the protection of society in general, as well as there being elements of positive progressive law through education and guidance.

**Keywords: Children, Klithih, Restorative Solutions.**

### INTRODUCTION

Klithih is a term used by the people of Yogyakarta to refer to street crimes that are generally committed by children in the age group and are carried out randomly with unclear motives (Hasanah & Supardi, 2020). Generally, crimes committed are attacking or injuring people with sharp weapons and are usually carried out in groups. Klithih itself is a Javanese term that means roads looking for the wind, but currently, it has turned into a negative direction with street crime that causes the victim to be injured or even die. Therefore, Klithih can be referred to as juvenile delinquency or translated as child or adolescent delinquency (Harahap et al., 2023). This child crime can be categorized as child aggression behavior where the child commits acts to damage or hurt others physically or verbally.

Klithih behavior in Yogyakarta according to data from the Yogyakarta Police in 2020 occurred as many as 52 cases handled, with 38 cases resolved and 14 cases not resolved (Casmini & Supardi, 2020). There were 91 perpetrators arrested with 88 people with student status and 22 others unemployed. In 2021 it increased to 58 cases handled, with 40 cases resolved and 18 cases unresolved. There are 102 perpetrators secured by the aparat. In 2022, there were 27 cases of

glitch cases in Yogyakarta with a total of 45 perpetrators (Mulyadi et al., 2023). Meanwhile, from 2023 until March, the Yogyakarta Police arrested 77 perpetrators.

The perpetrators of glitch in Yogyakarta are dominated by school-age children, both junior high and high school so the settlement is more restorative through non-litigation (outside the court). This is done considering that the age of the perpetrator of the glitch is still a minor, which means that it is done because of ignorance, participation, and identity and needs more guidance and direction than punishment (Suzor, 2019). There are many causative factors of this crime, which can be grouped into internal factors and external factors, including lack of attention from parents, lack of role in school and social environment, and the consequences of wrong associations. Research by Ahmad Riyadi (2021) explains the permissive parenting style behind children behaving klitih.

The aim of this study is to explore glitch behavior as a form of criminality among minors, emphasizing the unique vulnerabilities of adolescents in their mental and physical development (Fox et al., 2015). This paper specifically examines restorative approaches to addressing glitches in Yogyakarta, aiming for effective solutions that respect children's human rights and promote positive behavioral changes among offenders.

## **RESEARCH METHODS**

This paper employs the normative juridical research method, utilizing primary, secondary, and tertiary legal sources (Fox et al., 2015). Data were collected through online literature studies. The research approach is qualitative, thus the data analysis is qualitatively conducted by assessing the conformity of facts with existing norms, supported by pertinent references.

## **RESULTS AND DISCUSSION**

### **Crimes and Crimes Against Minors**

Klitih in the legal context is one of the criminal acts that can be brought to the realm of criminal law (Harahap et al., 2023b). This is because Klitih tends to physically injure or persecute its victims and is carried out on the basis of personal satisfaction or self-proof in a group and spreading fear in the community. The crime of Klitih which is accompanied by the use of sharp weapons or blunt beaters, provides threats of violence to the murder of individuals so that they can be subject to criminal sanctions in Article 170 of the Criminal Code (KUHP) which reads "Whoever blatantly and with 6 (six) months". In addition, perpetrators of violence accompanied by acts of persecution can be subject to Article 358 of the Criminal Code, which reads "Those who deliberately participate in attacks or fights where several people In addition to their respective responsibilities for what they specifically do, they are threatened: 1. with a maximum prison sentence of two years and eight months, if as a result of the attack or fight there are serious injuries; (Criminal Code 90.); 2. With a maximum prison sentence of four years, if someone dies as a result".

However, because *klitih* is included in juvenile delinquency or translated as child/juvenile crime, the legal reference used is Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law). The enforcement of joint forces using violence against people or goods is threatened with a maximum prison sentence of 5 (five) years of imprisonment for children has been regulated in Article 71 of the SPPA Law which consists of the main crimes: a) warning crimes, b) conditional crimes (out-of-institution guidance, community services, supervision), c) job training, d) institutional guidance, and e) imprisonment. Furthermore, additional crimes are a) deprivation of profits from criminal acts, and b) fulfillment of customary obligations.

*Klitih* carried out by teenagers or children requires caution, precision, and discretion from the judge in issuing a verdict. This is done because there are many influential factors that are not necessarily purely due to the fault of minor perpetrators, there is the role of parents, schools, the environment, and other parties who influence it. Besides that, the child's internal factors are also a consideration, such as the child's mental state. The judge's decision can also be made by returning it to the parents, but it must look at how the condition of the parents because *glitch* is often born from a broken family condition, so returning to the family can aggravate aggressive behavior and return to *glitch*. The verdict can also be found guilty which is then handed over to the state to carry out the educational process through social institutions without any criminal imposition (Kaplan et al., 2021).

Basically, crimes related to *Klitih* in Yogyakarta must be solved with the aim of protecting the community from the delinquent behavior of *Klitih* teenagers and restoring a sense of security and comfort in Yogyakarta (Siahaan & Susanto, 2023). But at the same time, it can protect the rights and interests of children, especially those who are facing the law through court and non-court proceedings with the aim of providing guidance and direction so that children do not return to committing crime and children develop to be better in the future. This is because children are also protected by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, especially Article 59, "The government and other state institutions are obliged and responsible to provide special protection to children in emergency situations, children in conflict with the law, children from minority and isolated groups, children who are economically and/or sexually exploited, trafficked children, children who are victims of abuse of narcotics, alcohol, psychotropics, and other addictive substances (drugs), children who are victims of kidnapping, sale, and trafficking, children who are victims of physical and/or mental violence, children with disabilities, and children who are victims of mistreatment and neglect".

In the settlement of *glitch* cases, children who are facing the law can be included, so the government and other state institutions are obliged to provide special protection as stated in 64 Paragraph 2: "Special protection for children who are facing the law as referred to in paragraph (1) is carried out through a. humane treatment of children in accordance with the dignity and rights of children; b. provision of special child assistance officers from an early age; c. provision of special facilities and infrastructure; d. imposition of appropriate sanctions in the best interests of the child; e. continuous monitoring and recording of the development of children who are in

conflict with the law; f. providing guarantees to maintain relationships with parents or family; and g. protection from identity reporting through mass media and to avoid labeling."

### **Klitih Restorative Solution**

The settlement of glitch cases with restorative efforts means the settlement of glitch cases with a diversion approach to achieve restorative justice (Irhammudin & Edrisy, 2022). It is known that Klitih began to flourish again in 2020 until now when there was a term "Jogja emergency glitch" when this case reached its peak in 2021. Klitih is included in juvenile delinquency, so there is an effort to reform the law by the state by organizing a juvenile justice system through Law No. 11 of 2012 concerning the Juvenile Criminal Justice System which replaces Law No. 3 of 1997 concerning Children's Court. This is done by the state in order to realize a judiciary that truly guarantees the protection of children's rights for optimal growth and development for the next generation of the nation with quality (Bartlett et al., 2016).

The presence of the SPPA Law has regulated the implementation of the judicial system for children, namely in the form of diversion (Sinatrio, 2019). According to Article 1 number 7 of the SPPA Law, the definition of diversion is "the transfer of the settlement of a child's case from the criminal justice process to a process outside the criminal court". The process of transferring juvenile cases out of criminal justice aims to provide protection with the law. The diversion system is expected to provide restorative justice for victims and perpetrators and can restore the conditions as before (Lanni, 2021). However, this system in the context of crime that endangers Yogyakarta residents is often considered not to have a deterrent effect on the perpetrators, so the possibility of repeating it will be great.

Theoretically, the law exists to achieve justice and provide rules for the judicial process. However, sometimes the course of the judicial process does not necessarily provide justice, especially for the perpetrators. Therefore, restorative justice is a path taken through diversion or non-litigation (Adi, 2021). This is in accordance with the theory of the purpose of punishment there are 3, namely: 1) the theory of reward, which is the basis for punishment is the crime committed by the perpetrator who causes.

For a child who faces a loss in the face of others, the perpetrator will bear it as an ethical recompense; b) the theory of purpose and purpose, in this theory the purpose of punishment is a form of repairing the losses of the community who are harmed as a result of the crime; c) Combined theory, this theory is a combination of the 2 theories above, that the basis of sentencing is to establish legal order and give the perpetrator the opportunity to improve himself by coaching.

John Rawls explained that there are programs to implement justice in the populist dimension which must focus on two principles of justice, namely first, the provision of broad freedom, as well as equal rights and opportunities (Rosenfeld, 2022). Second, being able to recover the losses caused, thereby being able to provide reciprocal benefits to everyone.

Aulia in progressive legal theory always asks about what positive law can do in providing justice to society, so that the presence of law is not only a need for the system and legislation. Isnawan, it must provide justice to everyone, both the perpetrators, the victims, and the general

public. In the end, progressive law can also be called a law that favors society and justice. This concept is not only concerned with one particular party but for a purpose that is beyond the interests of a certain party.<sup>14</sup> This means that the existence of law is closely related to its social environment as a common goal, so this progressive law is sociological jurisprudence.

The Klitih case in Yogyakarta is a form of criminal act caused by juvenile delinquency, so the effort to resolve it is through diversion to seek restorative justice as stipulated in the UUSPA and the PA Law. This is in accordance with the legal theory related to the process of resolving criminal cases that the purpose of criminalization and the criminal justice system is a form of resolving conflicts caused by criminal acts, normalizing the situation, and providing peace among the surrounding community. This means that the settlement of diversion in the perpetrators of criminal acts is aimed at forming a balance in the form of protection of children's rights and also peace in society with restorative justice in mind (Darmika, 2018).

The application of this legal diversion is aimed at obtaining restorative justice, especially for Klitih perpetrators, some of whom are still minors (Ma'ruf, 2019). This justice can be realized from the perpetrator in which the child must take responsibility for his actions but is also given the opportunity to correct the mistakes he has made by doing good deeds for the victim or the aggrieved party. The victim was also given the opportunity to participate in the perpetrator's recovery process (Meyer, 2016). Child offenders are still allowed to have contact with their families and are given opportunities for reconciliation and recovery. The application of restorative settlement in this glitch is expected to create mutual justice, improvement for perpetrators, and protection for victims and the community. In the end, the settlement of glitch in Yogyakarta should be brought to diversion efforts to obtain restorative justice for all parties (Tirta, 2018). Child delinquency is also the responsibility of parents, the state, schools, and the surrounding environment.

## **CONCLUSION**

Klitih is a form of juvenile delinquency that can be included in criminal cases and should be included in the realm of criminal courts. However, because the perpetrators are still young or minors, there is an update to the judicial system for children, namely Law No. 11 of 2012 concerning the Child Criminal Justice System which replaces Law No. 3 of 1997 concerning the Children's Court and Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection. Based on this basis, the settlement of the Klitih case in Yogyakarta is under the realm of diversion, namely bringing out the court. The implementation process has been regulated in the UUSPPA with the main goal of creating a balance of justice or restorative justice. This condition requires looking at the problem of glitch not only in the problem of law violations but also related to social aspects and aspects of perpetrators who are still children. It is hoped that the restorative settlement of the glitch can lead to the protection of children's rights and also the protection of society in general.

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