The 2nd Proceeding
“Indonesia Clean of Corruption in 2020”

"Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe"

IMAM AS SYAFEI BUILDING
Faculty of Law, Sultan Agung Islamic University
Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

UNISSULA PRESS

ISBN. 978-602-1145-41-8
TABLE OF CONTENTS

Front Page ..............................................................................................................   i
Information of the International Seminar .................................................................  ii
Committee Composition ......................................................................................... iii
Preface....................................................................................................................... iv
Greeting From The Dean Faculty of Law ................................................................. vi

INDONESIA’S KPK AND NSW’S ICAC: COMPARISONS AND CONTRASTS
Prof. Simon Butt .................................................................................................... 1

CAN INDONESIA FREE ITSELF FROM CORRUPTION IN 2020?
Prof. Dr. Hikmahanto.,S.H.,LLM ................................................................. 4

AN ACT TO ESTABLISH THE ANTI-CORRUPTION AGENCY, TO VEST POWERS ON OFFICERS
OF THE AGENCY AND TO MAKE PROVISIONS CONNECTED THEREWITH.
Rohimi Shapiee................................................................................................. 7

STRATEGY TO CREATE INDONESIA FREE CORRUPTION IN 2020
Dr. Jawade Hafidz, S.H., M.H ........................................................................... 11

THE NETHERLANDS INGLOBAL CORRUPTION
Siti Malikah Marlou Feer, M.A. ......................................................................... 28

ROBUST YET FRAGILE: EFFORTS IN COMBATING CORRUPTION IN INDONESIA
Laras Susanti.,S.H., LLM................................................................................... 33

LEGAL STATUS OF AKTOR’S FOR CORRUPTION
(In the Perspective of Islamic Law)
Sumarwoto Umar .............................................................................................. 37

THE ROLE OF LAW IN THE POVERTY REDUCTION STRATEGY
Lantik Kusuma Aji ............................................................................................... 46

THE INDEPENDENCY OF THE INSTITUTION FOR THEPROTECTION
AND THE ESTABLISHMENT OFHUMAN RIGHTS TOWARDS
THE GLOBALIZATION ERA 2020
Khalid ................................................................................................................... 55

THE URGENCY OF ANTI CORRUPTION EDUCATION
FOR COLLEGES IN INDONESIA
Siska Diana Sari .................................................................................................. 62

THE PROBLEMS OF DIVORCE IN CUMULATION AT THE RELIGIOUS COURTS BASED ON THE
PRINCIPLES OF SIMPLE, FAST AND LOW COST
Elis Rahmawati .................................................................................................... 78

DISPARITIES DECISION RELATED TO INTERPRETATION
OF ARTICLE 2 AND 3 CORRUPTION ERADICATION ACT
Agung Widodo ....................................................................................................... 87

DIVERSITY ADULT AGE LIMITS POSITIVE LAW IN INDONESIA
(Studies in Multidisciplinary Perspective)
Muhammad Andri ............................................................................................... 102
<table>
<thead>
<tr>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>THE APPLICATION OF BALANCE IDEA IN SETTLEMENT OF DOCTOR MALPRACTICE CASE THROUGH PENAL MEDIATION</td>
<td>111</td>
</tr>
<tr>
<td>MODERNIZATION LAW AS A CRIME CORRUPTION VERY EXCEPTIONAL THROUGH ENFORCEMENT OF ETHICS</td>
<td>118</td>
</tr>
<tr>
<td>CORRUPTION POTENCIES IN LAND USE POLICY (A Case Study in Kuningan Regency)</td>
<td>126</td>
</tr>
<tr>
<td>CORRUPTION PREVENTION AND CONTROLS</td>
<td>133</td>
</tr>
<tr>
<td>ISLAMIC LAW VALUES TRANSFORMATION IN THE RECONSTRUCTION OF THE LEGALITY PRINCIPLE OF INDONESIAN CRIMINAL CODE</td>
<td>145</td>
</tr>
<tr>
<td>JUSTICE AND CHARITY IN JAKARTA’S NORTH COAST RECLAMATION PROCESS THAT WILL LEAD TO INDONESIA CLEAN OF CORRUPTION</td>
<td>155</td>
</tr>
<tr>
<td>CORRUPTION CRIMINAL SANCTIONS WITH VALUES OF JUSTICE-BASED</td>
<td>162</td>
</tr>
<tr>
<td>THE REFLECTION OF ISLAMIC BANKING IN THEORY AND PRACTICE</td>
<td>171</td>
</tr>
<tr>
<td>THE IMPLEMENTATION OF LOCAL WISDOM SIRI’NA PACCE AS AN EFFORT OF CORRUPTION ERADICATION IN INDONESIA</td>
<td>181</td>
</tr>
<tr>
<td>DISCOURSE POLITICAL LAW IN INDONESIA ON A COMPLETATION OF PLATO PHILOSOPHY</td>
<td>189</td>
</tr>
<tr>
<td>STUDY OF INDONESIA’S PARTICIPATION IN ICSID</td>
<td>202</td>
</tr>
<tr>
<td>NOTARY ROLE IN THE IMPLEMENTATION OF EXECUTION PROCUREMENT OF GOODS AND SERVICES ARE FREE OF CORRUPTION BASED ON THE PRINCIPLE OF GOOD GOVERNANCE</td>
<td>211</td>
</tr>
<tr>
<td>ANALYSIS WIRETAPPING AUTHORITY UPPER KPK LAW ENFORCEMENT IN THE PERSPECTIVE OF HUMAN RIGHTS</td>
<td>221</td>
</tr>
<tr>
<td>SOCIAL WORKING PENALTY AS SOLUTION IN ERADICATING CORRUPTION IN INDONESIA</td>
<td>232</td>
</tr>
<tr>
<td>LEGAL POLITICSOF EMPLOYMENT IN TERM OF PART OF TASK HANOVER TO OTHER COMPANIES IN INDONESIA</td>
<td>244</td>
</tr>
<tr>
<td>Title</td>
<td>Page</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>RESOLUTION OF DISPUTES OF OUTSOURCING WORK FORCE IN THE COMPANY EMPLOYING OUTSOURCING SERVICE</td>
<td>256</td>
</tr>
<tr>
<td>THE APPLICATION OF CORRUPTION LAW TO WARD CRIMINAL ACT IN THE FIELD OF FORESTRY</td>
<td>267</td>
</tr>
<tr>
<td>THE EFFORTS OF ERADICAT ION OF CORRUPTION THROUGH INSTRUMENTS OF MONEY LAUNDER ING LAW AND RETURN ACTORS’ ASSETS</td>
<td>276</td>
</tr>
<tr>
<td>AFFIRM ROLE OF EXISTEN CE RECHTSVERWERKING TO ACHIEVING LEGAL CERTA INTY IN LAND REG ISTRAT ION</td>
<td>287</td>
</tr>
<tr>
<td>ANTI-CORRUPTION EDUCATION AT AN EARLY AGE AS A STRATEGIC MOVE TO PREVENT CORRUPTION IN INDONESIA</td>
<td>304</td>
</tr>
<tr>
<td>FREED INDONESIA’S CORRUPTION BETWEEN HOPE AND REALITY</td>
<td>313</td>
</tr>
<tr>
<td>UTILIZATION OF INDONESIA MARINE RESOURCES IN AN EFFORT TO REALIZE INDONESIA I TO WARDS THE SHAFT OF THE MARITIME WORLD</td>
<td>319</td>
</tr>
<tr>
<td>POTENTIAL CORRUPTION IN THE VALIDATION POLICIES ON ACQUISITION TAX OF LAND AND OR BUILDING</td>
<td>325</td>
</tr>
<tr>
<td>THE EFFORT OF LAW ENFORCEMENT IN COMBATING CORRUPTION IN SOUTH SUMATERA</td>
<td>334</td>
</tr>
<tr>
<td>ETHICAL PERSPECTIVE AND THE MAPPING OF NORM IN CORRUPTION ACT</td>
<td>344</td>
</tr>
<tr>
<td>AN EXPANSION OF CONCEPT THE STATE ECONOMIC LOSS IN CORRUPTION IN INDONESIA</td>
<td>354</td>
</tr>
<tr>
<td>JURIDICAL STUDIES ON SUBSTANCE AND PROCEDURE OF THE DISMISSAL OF THE PRESIDENT AND/OR VICE-PRESIDENT AFTER THE REFORMAT ION</td>
<td>364</td>
</tr>
<tr>
<td>THE ROLE OF THE SHARIA SUPERVISORY BOARD IN THE FRAMEWORK ENFORCING SHARIA PRINCIPLES AT THE INSTITUTE OF ISLAMIC BANKING IN SEMARANG</td>
<td>376</td>
</tr>
<tr>
<td>SEMARANG CITY GOVERNMENT ROLE IN CONSERVATION AND ENVIRONMENTAL PROTECTION TO THE CAPITAL OF THE NATIONAL HERITAGE IN INDONESIA</td>
<td>390</td>
</tr>
</tbody>
</table>
STUDYING THE WISDOM OF ZAKAT
Moch. Gatot Koco (Indonesia), Basuki R Suratno (Australia) ........................................... 398

HOMOLOGATION RECONSTRUCTION IN BANKRUPTCY THAT IS BASED ON
DIGNIFIED JUSTICE
Agus Winoto ......................................................................................................................... 410

RECONSTRUCTION OF EXECUTIVE AND LEGISLATIVE AUTHORITY
IN MAKING GOOD GOVERNANCE (GOOD GOVERNANCE) VALUES BASED ON
WELFARE
Mohamad Khamim ................................................................................................................ 420

THE TASK RECONSTRUCTION AND BPKP’S AUTHORITY IN THE CASE
OF JUSTICE VAUE BASED CORRUPTION
Sarbudin Panjaitan .................................................................................................................. 429

THE RECONSTRUCTION OF MADLIYAH AND IDDAH MAINTENANCE
AND MUT’AH IN DIVORCE CASE FOR JUSTICE AND WELFARE
Mustar ...................................................................................................................................... 438

JURIDICAL ANALYSIS OF THE ALLEGED CRIMINAL OFFENSE TO MANUFACTURE
A NOTARY DEED
Subiyanto .............................................................................................................................. 446

REVITALIZATION DEAL IN AKAD HYBRIDS IN SHARIA BANKING VALUE BASED
ISLAMIC JUSTICE
Masduqi .................................................................................................................................. 452

RECONSTRUCTION OF LEGAL PROTECTION DISTRICT HEAD IN THE ELECTION
IMPLEMENTATION OF VALUE-BASED JUSTICE
Kukuh Sudarmanto Alugoro .................................................................................................. 462

ABUSE OF AUTHORITY OFFENSE THEOLOGICAL RECONSTRUCTION LAW
ERADICATION OF CORRUPTION (LAW NUMBER 31 OF 1999
JO. LAW NUMBER 20 OF 2001) BASED ON VALUE OF JUSTICE
As’adi M. Al-ma’ruf ................................................................................................................ 472

RECONSTRUCTION OF THE DAILY PAID WORK AGREEMENT IN THE EMPLOYMENT
LAW BASED ON JUSTICE
Christina N M Tobing ........................................................................................................... 479

THE LAW AND THE IMPACT OF MARRIAGE SIRRI
Sahal Afhami ......................................................................................................................... 489

CRIMES AGAINST CHILDREN AS ACTORS
Muhammad Cholil ............................................................................................................... 503

RECONSTRUCTION OF CRIMINAL PROCEDURAL LAW
(KUHAP) ABOUT THE DETENTION
Muhammad Khambali ........................................................................................................... 512
BASED ON JUSTICE
PROBLEMS OF DISPUTE RESOLUTION REGIONAL CHIEF ELECTION (GOVERNOR, REGENTS AND MAYOR)
Esti Ningrum ................................................................................................................................. 520

RECONSTRUCTION REGIONAL MINIMUM WAGE (UMR) IN RENEWAL OF EMPLOYMENT LEGAL REMEDIES BASED INDONESIA THE VALUE JUSTICE PANCASILA
Urip Giyono ..................................................................................................................................... 531

IMPLEMENTATION OF LAW AS TO MAINTAIN SECURITY IN THE CONTEXT OF PROFESSIONAL POLICE POLMAS (CASE STUDY IN LAMPUNG POLICE)
Muhammad Yaman ............................................................................................................................. 539

RECONSTRUCTION OF CRIMINAL SANCTIONS PENAL CODE ACTORS ON ABORTION CRIME BASED ON THE VALUE OF JUSTICE
Hanuring Ayu Ardhani Putri ............................................................................................................. 549

REGISTRATION FIDUCIARY GUARANTEE REALIZE LEGAL PROTECTION OF CREDITORS AND DEBTOR
Ansharullah Ida .................................................................................................................................. 556

RECONSTRUCTION OF LEGAL DISPUTES MEDIATION IN HEALTH CARE FOR PATIENTS HOSPITAL BASED ON THE VALUE OF JUSTICE
Teguh Anindito .................................................................................................................................. 569

RECONSTRUCTION OF CRIMINAL SANCTIONS AGAINST CRIME OF ACTORS AND MURDER MURDER IN PLAN BASED ON VALUE OF JUSTICE CRIMINAL CODE
Maria Marghareta Titiek Pudji Angesti Rahayu Teguh Anindito ......................................................... 579

IMPLEMENTATION OF PENAL MEDIATION IN CRIMINAL LAW
Aji Sudarmaji ....................................................................................................................................... 587

FAIR SETTLEMENT RECONSTRUCTION OF PROBLEMATIC CREDIT DISPUTE AT BANK RAKYAT INDONESIA (STUDY CASE AT MEDAN-SINGAMANGARAJA BRI BRANCH OFFICE)
Bachtiar Simatupang .......................................................................................................................... 594

RECONSTRUCTION OF THE WASTE MANAGEMENT LAW BASED ON WELFARE VALUE
M. Hasyim Muallim .............................................................................................................................. 616

RECONSTRUCTION LAW OF PUNISHMENT AGAINST CHILDREN NARCOTICS ABUSE-BASED PROGRESSIVE LAW
Salomo Ginting .................................................................................................................................... 625

LEGAL PROTECTION PROBLEM OF WIFE AND CHILDREN OF POLYGAMY SIRRI IN INDONESIA
Muhlas .................................................................................................................................................. 639
IDEAL RECONSTRUCTION OF REHABILITATION PUNISHMENT FOR NARCOTICS ADDICTS AND ABUSER’S VICTIMS JUSTIFIED BASED ON THE LAW OF THE REPUBLIC OF INDONESIA NO. 35 YEAR 2009 (CASE STUDY IN SUMATERA UTARA PROVINCE)
Ahmad Zaini .......................................................... 648

IMPLEMENTATION OF ACCELERATION SYSTEMATIC LAND REGISTRATION FULL IN HUMBANG HASUNDUTAN DISTRICT
Ruslan .......................................................... 658

RECONSTRUCTION OF STATUS AND AUTHORITY OF THE SHARIA COURT IN THE NATIONAL JUDICIAL SYSTEM BASED ON JUSTICE
Jufri Ghalib .......................................................... 667

RECONSTRUCTION OF LIABILITY NOTARY PUBLIC OFFICERS TO ACT AS A VALUE-BASED JUSTICE
Elpina .......................................................... 679

RECONSTRUCTION OF CONSUMER PROTECTION LAW IN MAKING THE BALANCE BUSINESS BASED BUSINESS AND CONSUMER VALUE OF JUSTICE
Ramon Nofrial .......................................................... 693

RECONSTRUCTION OF LAND USED RIGHT EIGENDOM VALUES BASED ON JUSTICE AND LEGAL CERTAINTY
Hakim Tua Harahap .......................................................... 706

RECONSTRUCTION OF DIVERSION CONCEPT IN CHILD PROTECTION OF CONFLICT WITH THE LAWS BASED ON THE VALUE OF JUSTICE
Ulina Marbun .......................................................... 726

RECONSTRUCTION OF PARATE EXECUTION MORTGAGE RIGHTS TO LAND BASED ON THE VALUE OF JUSTICE
Zaenal Arifin .......................................................... 740

THE RECONSTRUCTION OF DIVORCE DUE TO MARITAL STATUS UNDER THE UNAUTHORIZED GUARDIAN AS VALUE OF JUSTICE
Abdul Kholiq .......................................................... 751

THE RECONSTRUCTION OF LEGAL AID LAW FOR CHILDREN WHO GET CONFLICT WITH LAW IN PROCESS OF JUSTIFICATION FOR CHILDREN BASED ON THE VALUE OF PANCASILA
Adi Mansar .......................................................... 767

MEDIATION RECONSTRUCTION AS ONE OF THE ALTERNATIVE SETTLEMENT OF DECLINE IN THE COURTS BASED ON THE VALUE OF JUSTICE (Study at the Simalungun District Court)
Mariah S.M. Purba .......................................................... 778

POLYGAMIC POLICY IN INDONESIA (Analysis of Polygamic Arrangements and Practices 1959-2015)
Warman .......................................................... 790
LAW ENFORCEMENT AGAINST CORRUPTION
IN PERSPECTIVE OF HUMAN RIGHTS IN INDONESIA
Sekhroni .......................................................................................................................... 798

THE PRINCIPLE OF NATURAL JUSTICE AND HUMAN’S RIGHT PROTECTION FOR
CITIZENS IN ERADICATION OF CORRUPTION IN INDONESIA
Indriyana Dwi Mustikarini ............................................................................................... 809

PREVENTING LAND MAFIA USING POSITIVE LAND
REGISTRY SYSTEM
Bambang Sulistyowidjanarko .......................................................................................... 816

UNRULY PASSENGER IN AVIATION:
THE REGULATIONS AND CASES IN INDONESIA
Adya Paramita Prabandari ............................................................................................... 826

EDUCATION ANTI-CORRUPTION IN INDONESIA: PROBLEMS, CHALLENGES AND
SOLUTIONS
Alwan Hadiyanto ............................................................................................................. 839

SPIRITUAL URGENCY OF RELIGIOUS AND EXPENSES OF EVIDENCE IN COMBATING
CORRUPTION IN INDONESIA
Sulistyoawati .................................................................................................................... 852

SUE FOR THE STATE ADMINISTRATION OF JUSTICE IN INDONESIA
Sarjiyati ............................................................................................................................ 863

CONSISTENCY MODEL OF COURT DESIGNATION TO
FOSTER PARENT RIGHTS AUTHORITY
DUE TO DIVORCE ON CHILDREN
Erna Trimartini ................................................................................................................ 873

AN INVESTIGATION AUTHORITY OF CRIMINAL ACT ON CORRUPTION IN CRIMINAL
JUSTICE SYSTEM IN INDONESIA
Sukmareni ....................................................................................................................... 885

PRO CONS THE EXISTENCE OF DEATH PENALTY IN CORRUPTION ACT OF 1999 IN
INDONESIA
Anis Rifai .......................................................................................................................... 903

PENAL MEDIATION IN SOLVING MEDICAL MALPRACTICE CASES AS AN ALTERNATIVE
OF PENAL SANCTIONS BASED ON LOCAL WISDOM
Sri Setiawati .................................................................................................................... 913

SPECIAL PROTECTION OF CHILDREN IN CRIMINAL JUSTICE SYSTEM
Achmad Sulchan ................................................................................................................. 922

MORAL REFORM BUREAUCRACY AS PREVENTION OF ILLEGAL PAYMENTS TO
INDONESIA CLEAN OF CORRUPTION
Herwin Sulistyowati ........................................................................................................ 932

STANCE AND AUTHORITY OF PEOPLE’S CONSULTATIVE ASSEMBLY DURING
REFORMATION ERA 1945
Ahmad Mujib Rohmat .................................................................................................... 944
TAXES AND ALMS SEEN FROM ISLAMIC LAW
Mohammad Solekhan .................................................................................................................. 954

DIVERSION IN COURT (Case Studies in Karanganyar District Court)
Anita Zulfiani ............................................................................................................................. 964

International Seminar
Photos........................................................................................................................................ 971
1. Introduction.

Indonesia country is a constitutional which is coming from the law number three/ MPR / 2000 about the law and the order of rules of law. Chapter 28D verse one stated “everyone has a right in testimonial, guarantee, protection, and the law which must be fair and have the same treatment in law. Constitution has given the guarantee that all of society, will not be treated discriminatively and forbid the human right based on the chapter 28 verse 2 stated “everyone has a right to be free from the discriminated action and get the protection for the discriminative things.

Pancasila as the ideology and the rules of social live in Indonesia has become a priority with the vision to guarantee the process of life and nation character, in order all of Indonesian society has a right to get law protection, therefore the little children.

Some helps from law for children who get conflict with law, the treatment be difference with adults, children have no ability to protect their own right, many side convince their live, the country and society have importance to protect children.

Based on the abstract above, so the problem study is formulated below:

1. How the setting of legal aid the children who have conflict with law in the process of children law is positive right now?
2. How is the application of legal aid the children who have the conflict with law is positive nowadays?
3. How is the reconstruction of legal aid for children who have the conflict with the law in process of legalization for children based on the value of Pancasila?

Based an Soerjono Soekanto, the base of theory is using paradigm. Where the paradigm is divided in two three kind, they are:

1. Paradigm means law, 2.) paradigm differenciate law, 3.) paradigm as the laws order sector.
The kind of research is a sociological juridis law research or empirical jurudis. According to kirk and miller, the qualitative research is a certain tradition in social science fundamentally depended on the observation of human in the region and term. According to sugiyono the method of qualitative is suitable to be used in the research which the problem is unclean, and it is being done in the narrow social situation, so the result of this research will be deeper. According to Soerjono Soekanto the qualitative approach is actually the research which result is descriptive.

The research uses the social legal research approach, tamahana states that socio-legal studied is given to law and society studies. Based on F.X. Adji samekto, social legal studies form the law as norm and reality, researcher in socio legal studies demand the controller of law which have been built in the knowledge of law it self (as the apriory law and unlimited of values), and the domination of how theories work. As the consequen which look at as a reality.

The location of research is in Medan city (the court of law grade 1A, Medan, the office of public prosecutor, resort police office medan, PERADI). This research uses the primary data and secondary data and the object of tertiery law.

The technique of data collecting has been done by observation and interview with the key informan whom have been decided by researcher based on the charasteristic of research. To get the accurate data, it needs sampling distribution and random decision whether it is simple and more difficult.

The respondents whom will be asked are law practitioner and advocates, policeman, lawyer, public prosecutor. Meanwhile the collecting of secondary data, is being done by library research (documentation) that is a chronological way to find out the data by reading, analyzing, classifying and being done by the understanding of law as reflected in rules, the literature which is relevant with the problems.

The technique of analysis with the primary data, the researcher uses the technique of data analysis and type is strauss and J.Corb in, by analyzing the data since the researcher was in the field. Then the researcher arranges the category of the data in term on theme. After the data has been given the validation, the researcher did the reconstruction and analysis with the qualitative inductive to answer the problem.

The technique of validation has a purpose to know the validity of data which has been got in the research. The technique which is used is triangulation for the source, they are:
1. By comparing the data which has been taken from observation with the data which has been taken form the result of interview with the informant.

2. By doing the comparison between perception, point of view and general opinion and the opinion research.

3. By comparing the result of interview with library research after the triangulation process done. The researcher will decide the valid data which will be used as a material for research.

   The grand theory which is used in this dissertation is the theory of justice.

1. John Rawls theory about justice.

   Based on john rawls in the book of “a theory of justice” explains the theory of social condition as the difference principal, is the social difference and economy must be settled to give a benefit for them who are not lucky. The term of social economy different in the different principal to answer. The difference in prospect of someone to get the element of welfare income and authority. Meanwhile the principal of fair equality of opportunity shows them who have low chance to achieve the prospect of wealth, authority and income. Themselves must be given the special protection.

2. John Stuart Mill’s Justice Theory

   Based on john stuart mill’s idea of utilitarianism, there are two kinds. They are happiness and truth. Mill stated the happiness and the truth as the assumption which the base of thinking about justice based on utilitarian perspective. Mill stated the purpose of life is the happiness and there is no pain, but mill stated that the justice is not sui generis because depended on functions. Mills approach through the justice is placed in analysis about logics and morality sense, started from the unfair things in society and it build is the universal concept to analyze it. Mills stated the justice theory which is separated from the function prosecution.

3. The theory of Pancasila justice

   Pancasila is the philosophy for Indonesian country and laws of 1945 is source of law for all of rules of Indonesian laws. Laws manage every single life is element in a nation. So the justice can be built continuously and it has purpose for country to achieve welfare of society. One of nation purpose is to create the justice for everyone, that thing consist in the second part and fifth in pancasila. As well as can be seen in the principal of thought in UUD NRI 1945 and country is willing to create the social justice for all of people in Indonesia.

4. The theory of restorative
The restorative justice is a form of justice which is centered for the need of victim, the criminals and society. The approach of restorative justice is a paradigm to be used as a strategy and frame in handling crime problems which answer the dissatisfaction of justice system of criminal nowadays. The restorative approach is assumed as the changing of model and mechanism which work in the justice system in handling the problems of criminal nowadays.

The middle theory is the system law theory of Lawrence M. Friedman. As a system, Friedman divides the system of law into the three element, they are: a. Legal structure, b. Legal substance, c. Legal culture.

Friedman states the law can not be straighten if there is no credible law upholder, competent and also independent. The weak of mentality in laws upholder cause the inability to straight up the law as well.

The dissertation applied theory uses the progressive theory, the concept of progressive law was born and developing from the dissatisfaction feeling from the expert of law through the theory and traditional law practice which develop and criticize the asymmetrical between law and theory (law in books) with the law in action, and the failure from law in giving the respon through the problems which happened in society. The progressive law is started from the basic assumption, law is the institution which has a purpose to transport the human in to the balance life, wealth and make the human get the happiness. Law it self does not reflect the law as the absolute and final, but is decided by it is ability to serve human. Characteristic of progressive law based on satjipto rahardjo is: law is presented to serve the society. a.) progressive law will be still exist because the law will always be on it is position as the law in the making and will not be final as long as human present, so the progressive law will always be exist to arrange to life of society. b.) in progressive law, the ethnic and humanity moral will be very strong, which will give the respon for the developing and human needs and serve the justice and wealth.

The process of green table of children who have conflict with law in the civil court of law based on the requirement of chapter 5 2/ till chapter 62 laws numb 11, 2012 about the system of Crime Judicature. In the court of law, ist class in Medan, the process of green table for children who have the conflict with law based on the requirement of law is the laws numb 11, 2012 about system of crime judicature of children and KUHAP.

A. Value Reconstruction
Value reconstruction is known as process to rebuilt or recreate and recognized, reconstruction is an interpretation of psychoanlitic data as well to explain the development which has the material meaning. Indonesian society need to do reconstruction for basic values of lordly Pancasila, humanity, unity, citizen and justice, because Pancasila as the Philosophy od Nation and National Wisdom. For one life of human which can be seen in numb. 4 the value which has a basic in country and society, are : 1. Justive, 2. Truth, 3. Law, 4. Moral

The second part of Pancasila has the Koherent meaning with the charactiristics of situation and the Nations authentic and human authentic which are “Monopluralis”. The 5 th part of Pancasila, “The Social justice for all of Indonesian citizens” the value of social justice explain the law and justice are not walking by themselves, but must be seen and done as a unity. If the law and justice are separated, so at the time law has lost the orientation for it self. The social justice is a distributive justice which is stated by general justice.

Reconstruction value is meant as the process of rebuilding on recreating or reorganized. If there is rebuilding process, in this case there is value. The laws as product of national legistation will be perfect if Pancasila can be made as way of life with the Pancasila’s value as basic.

B. Legal aid For children who have conflict with laws in some countries

1. Australia

The history of law in Australia before 1973 was done with the from of counseling which was done by accompanying a person who acts suspiciously in the court of law, then it will raise the legalization laws freely to fulfill the needs in of law. In 1997 federal government change the common things in legal aid generally, so the legal aid which is financed is the community of legal aid or group legal aid, one of the children group who is under 18 years old. The federal government provides 55% for the fee of legal aid and city government provides 45%.

Australia never manage the constitutioal writtenly about the rights of legal aid for all of people, but the problem of legal aid is based on the decision of court of law which is important, where in that decision is known as legal accompaniment. In the case of dietrich and In re K, become yuris prudensi that legal aid for accompaniment or legal aid.

2. South Africa

Legal aid in South Africa wasl already avalaible since the law number 22 1969 was initialed, and it is about legal aid act. South africa finance the legal aid routinely for people
who need 77 US Dollar every year. South Africa is a democratic constitutional which is formed based on the basic values of human dignity, the equality of rights the equality in front of law and the same protection and the function of law can be accepted if:

a. Every people who declare that the right which is settled in carter of human’s right which is violated or threatened, have a right of process in law in the competence court of law to get the protection.

b. Every people presumed, and arrested have a right to get the law advisor in front of court of law, so the substantial unfair can be avoided

c. Every children have a right to get the law advisor in front of law to make sure that there will no unfair in the case where the child is involved.

The South Africa constitution give the responsibility explicitly to the country to prepare the law advisor in law consultation service for a person who get accusation, arrested and children’s problem, where the unfair substantial can be happened but let us back to the interpretation of constitutional problem, sometimes the interpretation ask whether the constitutional country is an obligation to provide the law advisor and the law consultation. South Africa has legal aid council, it is a independent part which was formed based on legal aid 1969. The function of legal aid council is applying the general principal and accountable from the finance user.

3. Taiwan

In Taiwan, the finance is used to legal aid provided by country and put in Judicial Financial (Judicial yuan) and there is no the different crime problem which is done by Adults or children who get conflict with law. Legal aid foundation is controlled by law minister and judicial council, in 2004, there were 17.889 legal aid offers which were accepted by legal aid council 10.000 offers can processed and 4.272 offers were crime and children is involved in it as subject. By the foundation, because the crime was not claimed as a hard crime, so 61.5% can be helped by foundation because children who get conflict witch law come from poor family.

C. Yuridical Reconstruction

The right of legal aid has been accepted universally, eventhough the legal aid was not strictly started as country’s responsibility, but in chapter I, verse (3) UUD 1945 started thet Indonesian country is the state with law, financial help for the poor society is an obligation of country to provide based on the law number 16 2011. About legal aid based on chapter 16
verse (1). “The financing for legal aid which is needed and used to manage the legal aid based on laws given to the budgets of Nation’s income and expenditure.

Finance for legal aid for children who get conflict with law has not been settled clearly in the laws number 11, 2012 about legal aid, the some treatments between children and adults in financing legal aid can be seen not only in the rule of law which manage about fee for legal aid special for children who get conflicts with law.

D. Reconstruction Chapter 23 verse (1) No. 11 2012 about system of criminal justice, chapter 23 is:

(1) In every level of examination, children must be given the legal aid and accompanied by society counselor or another counselor based on the decision of laws rules.

(2) In every level of examination, the victim is child or the witness child must be accompanied by parents/on the trusty guardian whom trusted by victim’s child or yhe child of witness, or social worker.

(3) Parents as suspect or defendant who is Investigated, the requirements as mentioned in 2 and verse is not valid anymore for parents.

E. Theory of legal aid for children who get conflict with the law based on country responsibility

Reconstruction Of chapter 23 verse (1) laws no. 11, 2012 about the system of criminal justive for children who get the guarantee from country automatically become the responsibility of country. Legal aid for children get conflict with law theoretically can be an important basic because of it context, country appears when it is needed by the citizens, the legal aids which bron from country is responsibility is only normative, but it is also constitutionally legal aid.

The theory of legal aid for children who get the conflict with law automatically and freely based on country which try to expand the thoughts about the progressive law theory which reject status quo in law. The theology of friedman law theory specially related with substansial law which really motivate this new theory every day can be used to revise the laws substance which is not clear, so the laws can be clearer and strict and the substance will be clearer also from the progressive thoughts toward the better law substance and fair based on the Pancasila.
F. Conclusion
1. The setting of legal aid in Indonesia based on laws no. 11 2012 about the system of children criminal justice has been set based on chapter 23, verse (1) and a must, but it has not been guaranteed by country clearly. Laws numb 11 2012 manages strictly about diversion in restorative justice which is meant to make a distance for the children from the justice process so can avoid the stigma of law.
2. The implementation of legal aid for children who get conflict with law in Indonesia especially in the region of National court of law in Medan generally deals with laws no. 11, 2012 about the system of children criminal justice based on chapter 52–chapter 62 laws no. 11 2012 about the system of children’s justice.
3. Reconstruction of law for children who get the conflict in process of justification based on the value. Of Pancasila strictly states the legal aid for children who get conflict with law can be received automatically and the responsibility of country to fulfill it. The values reconstruction based on national wisdom of Pancasila must be fair, humanity and full of dignity, so all rules of law in Indonesia can suitable with the and part of Pancasila, “the fair humanity and civilized.”

G. Sugesstions.
1. The setting of legal aid for children who get conflict with law in law numb 11, 2012 about the system of children’s and more strictly about the financial guarantee and availability of advocates for children who get the conflict with law.
2. In giving the legal aid for children who have conflict with law in all level of examination such as investigator, prosecutor, and court of law, there must be the advocates or the legal aid first which has cooperation with all official based on level examination.
3. Reconstruction of laws numb 11, 2011 about the system of criminal justice of children especially chapter 23 (1) stated, “every level of investigation children must be given the free legal aid which is automatically guaranteed by country, verse (2) is: “in every level of investigation, children must accompanied by social counselor or other complainant which is suitable with laws.
H. Implication Of Dissertation

Dissertation entitled: “RECONSTRUCTION OF LEGAL AIDS FOR CHILDREN WHO GET CONFLICT WITH LAW IN PROCESS OF JUSTIFICATION FOR CHILDREN BASED ON JUSTICE VALUE PF PANCASILA” can be useful for the researcher individually and useful for society, and a stimulus for laws maker to revise laws numb. 11, 2012 especially to reconstruct chapter 23 which has 3 verse precisely become 4 verse. This Dissertation also can be useful for the beginning of a new theory in law for the next time, especially for those who want to reasearch about legal aid for children who get the problem with law or legal aid generally. This Dissertation hopefully can be useful for academic and sosiological for society and it can add the elements of scientific research for Doctor Programme of law faculty in UNISSULA.
BIBLIOGRAPHY

Books

Legislation
Undang-Undang Nomor 4 Tahun 1979 tentang Kesejahteraan Anak
Undang-undang Nomor 8 Tahun 1981 (KUHAP)
Keputuslan Presiden No. 36 Tahun 1990
Undang-Undang Nomor 3 Tahun 1997 tentang Pengadilan Anak
Undang-undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia
Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak
Undang-Undang Nomor 13 tahun 2006 tentang Pelindungan Saksi dan Korban

Internet
http://eprints.undip.ac.id/13038/http://acarapidana.bphn.go.id/proses/pemeriksaan-saksi-pembuktian/?s=pemeriksaan-saksi-pembuktian&type=all
http://fh.unpad.ac.id/repo/?p=1525
http://www.hukumonline.com/klinik/detail/lt4d4ab984cb02d/keabsahan-saksi-anak
http://www.uin-alauddin.ac.id/download-
5.%20jurnal%20andi%20RAHMAH%20PERLINDUNGAN%20HUKUM%20BAG
1%20SAKSI.pdf
http://www.hukumonline.com/pusatdata/detail/17453/nprt/539/uu-no-23-tahun-2002-
perlindungan-anak