

ABSTRACT

The appropriate implementation of the *ultimum remedium* concept in criminal adjudication for juvenile delinquent is very important thing. In this way, a good and positive solution to overcome the delinquency problem in Indonesia could be made. Thus, the notion that criminal sanction as an *ultimum remedium* is indeed a legal protection for the juvenile delinquent who performed an offence. In this research, statute approach, conceptual approach and case approach are needful to apply here. As we have already known that, Indonesia since 1990, has already ratified the Convention on The Rights of The Child as well as the other countries in the world. Concurrently, also the ratification of several international instruments, such as Beijing Rules, The Tokyo Rules, Riyadh Guidelines and Havana Rules. In those international instruments we could find the notion of *ultimum remedium* explicitly regulated and recommended to accommodate in the statutes of the countries concerned. Regarding the *ultimum remedium* in juvenile delinquency cases, our pertaining law accommodate it, in various Acts. Respectively: The Act Number 4 Year 1979 concerning Child Welfare; The Act Number 3 Year 1997 concerning Child Court; The Act Number 39 Year 1999 concerning Human Right and The Act Number 23 Year 2002 concerning Child Protection. Nevertheless, this *ultimum remedium* concept, is not really undergoing. For, until now we still have some judge decisions which contrary to that good notion. Although, in fact most of the criminal sanctions sentencing exercised to the juvenile delinquent is ineffective. Beside that, there is a possibility to apply the restorative justice approach. Considering the lack and improper solution experienced by the juvenile delinquent, through the child criminal justice system.

Keywords : (*ultimum remedium*, criminal sanction, child protection, juvenile delinquent)

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