

Raising the *Fondrak* Tradition for Juvenile Justice, Beniharmoni Harefa Wins Doctoral Degree from UGM

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NIASSATU, YOGYAKARTA – The *fondrak* tradition as one of the local wisdoms of the people of the Nias Islands was raised and proposed to be a reference in the reformulation of several norms in Law No. 11 of 2012 concerning the Juvenile Justice System.

This was raised in the doctoral dissertation raised by Beniharmoni Harefa who was declared to have passed the doctoral program open session at the Faculty of Law, Gadjah Mada University (UGM), Yogyakarta, Thursday (24/1/2019).

"Some of the norms in Law no. 11 of 2012 needs to be revised to accommodate local wisdom values in each region of Indonesia. One of the things that can be used as a reference is the local wisdom values of the Nias people with deliberations based on *fondrak*, " said the conclusion of the dissertation.

The dissertation open session was attended by examiners chaired by Prof. Dr. Sigit Riyanto, SH, LL.M.. While the examiners as members were Minister of Law and Human Rights Yasonna Hamonangan Laoly, SH, M.Sc., Ph.D., Dr. Supriyadi, SH, M. Hum., Dr. Djoko Sukisno, SH, CN., Dr. Rikardo Simarmata, SH, Sri Wiyanti Eddyono, SH, LL.M (HR)., Ph.D., and Supra Wimbari, M.Sc., Ph.D.

The promoter is Prof. Dr. Marcus Priyo Gunarto, SH. M. Hum. and Co-promoter Prof. Dr. Edward OS. Hiariej, SH, M. Hum. Also attended by family, parents and colleagues who were specially invited to the event.

In the open dissertation examination entitled **Values of Local Wisdom of the Nias Community in Settlement of Juvenile Criminal Cases and Their Relevance to the Renewal of the Juvenile Justice System in Indonesia**, Beni was declared to have graduated with the title of Very Satisfactory and is entitled to hold a Doctoral degree. At the same time, it adds to the list of the number of Nias sons who have succeeded in holding the highest academic title.

In his dissertation, Beni, who is also a lecturer at the Faculty of Law at the National Development University (UPN) Veterans Jakarta, proved that *fondrak* in the tradition of the Nias people can overcome various weaknesses in diverting the settlement of child cases from criminal justice processes to processes outside criminal justice or diversion.

According to him, the values of *fondrak* deliberations that can contribute to the renewal of diversion arrangements include the value of *tun* (reports/complaints) . Namely, that the victim fully surrenders the settlement of his case to the *fondrak deliberation forum*.

He also believes that the application of settlement of cases using *fondrak* deliberations will not be abused. In fact, it will actually make daily monitoring of post-diversion children more optimal.

"The value of evidence will not be misused, that it is not fair or unfair, or evidence that has been revealed in the customary court will be used to ensnare children in other judicial processes. Because, the agreement that has been decided together is a shared responsibility," he explained.

He also said that community original law would be more effective in responding to the weaknesses of the formal criminal justice process. Because of that, he asked law enforcement agencies to make the laws that live in society effective, especially in the settlement of juvenile criminal cases.

"Customary criminal law is more corrective, rehabilitative and restorative," he said. (**ns1**/*)

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<http://niassatu.com/2019/01/25/angkat-tradisi-fondrako-untuk-peradilan-anak-beniharmoni-harefa-raih-gelar-doktor-dari-ugm/>



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