

Criminological Study On Children As Actors Of The Crime Of Theft

Yunita Lestari*)

*) Prosecutor at the Pasuruan District Prosecutor's Office, Student of the Master's Degree Program (S2) in Law Faculty of Law, UNISSULA Semarang, email:niayuntet@gmail.com

Abstract

This paper aims to find out and the factors that cause children to commit the crime of theft are studied criminologically, in this study using an empirical juridical writing method, namely research conducted on the real situation of society or the community environment with the intent and purpose of finding facts, which then leads to identification and ultimately leading to problem solving with data sources obtained directly through field observations and interviews with respondents regarding children who are perpetrators of the crime of theft.

The results of this study are that the factors that cause children to commit the crime of theft are caused by several kinds of factors, namely economic factors, family factors, educational factors, and environmental factors. good morals and morals so that children do not commit crimes, besides that community participation is no less important in building a safe, orderly, and child-friendly environment.

Keywords :children, perpetrators of crimes, crimes of theft.

1. Introduction

Philosophically, children are the future of the nation, and as the next generation of struggle. A problem child is a national problem, therefore it is in the best interest of the child to be an option that must be prioritized in dealing with children with problems/conflicts with the law. The number of crime cases involving children as perpetrators of criminal acts such as cases of theft committed by children is certainly a problem that must be a concern, children who should live life like other normal children such as playing and learning must live their lives behind bars Of course, things like this cannot be allowed to continue.

Problems that occur in children cannot be separated from the responsibility of parents, because parents are the first to be responsible for the realization of children's welfare both in terms of spiritual, physical, and social. In Article 45 of Law Number 1 of 1974 concerning Marriage, it has been expressly stipulated that parents are obliged to maintain and educate children who are not yet mature until the child concerned is an adult or can stand alone.

Children who don't get the attention and love of their parents always feel insecure, feel they have lost their shelter and foothold. Later they will develop compensatory reactions in the form of resentment and hostility towards the outside world. The children began to leave the house, preferring to be homeless and looking for the imaginary pleasures of life in other places. He started lying and stealing to attract attention and annoy his parents. Or he begins to develop negative

compensatory reactions to gain the pleasure and satisfaction of life by committing a crime.¹

Some experts reveal that the causes of child delinquency are due to the expectation gap or there is no match between the ideals and the means that can support the achievement of these goals. Theoretically, efforts to overcome crime problems, including juvenile delinquency as a social phenomenon, actually focus on revealing the correlation factors to the symptoms of child delinquency as a criminogenic factor.²

In Perpu No. 1 of 2016 concerning the second amendment to Law No. 2 of 2002 concerning Child Protection, it is stated that children are a mandate and gift from God Almighty, who has inherent dignity and worth as a whole human being. Furthermore, it is said that children are buds, potentials, and the younger generation who succeeds the ideals of the nation's struggle, has a strategic role and has special characteristics and characteristics that ensure the continuity of the existence of the nation and state in the future. A person or child is certainly not destined by God Almighty. Almighty God to be a bad person, but who makes children dare to commit criminal acts because of internal and external factors that affect the behavior and mindset of these children.

Child delinquency or criminal acts committed by children are basically a product of the attitudes of the people around them with all the social upheaval that is in them as a form of indifference to the child. One of the crimes that often occur in society is theft. Seeing the current state of society, it is very possible for people to find shortcuts by stealing. As the crime of theft develops, other forms of theft also develop.³

Children commit crimes of course there are causes of crime which are the main factors in the process and occurrence of criminal acts, either directly or indirectly. Crime is always evolving and never static following society's civilization "Crime is the shadow of civilization" crime is the shadow of civilization so that people always want the crime control organ in the form of the Police through policing activities in terms of missions/duties as crime hunters and law enforcement can overcome and control crime so as not to destroy and destroy civilization.⁴ So to find out the factors that are more essential than the form of a crime or crime committed in its entirety, it is known as the crime factor that arises externally (external factors) and (internal) factors from the perpetrators of a crime, especially children. Therefore, children need care, protection, and protection so that they do not take actions that cross the line that lead to criminal acts committed by small children. In addition, the protection of children is

¹ Kartini Kartono, *Patologi Sosial 2 Kenakalan Remaja*, PT RajaGrafindo Persada, Jakarta, 2003, Pg. 60

² Nandang Sambas, *Pembaruan Sistem Pemidanaan Anak di Indonesia*, Graha Ilmu, Yogyakarta, 2010, hlm.119; Mokhammad Dony Arifin. 2018. Model of Implementation of Juvenile Criminal System to the Criminal Offender (Educative Perspective on Institute for Special Development Children LPKA Kutoarjo, Central Java, Indonesia). *JILS (Journal of Indonesian Legal Studies)* 3(2) 253-72

³ Chainur Arasjid, *Dasar-Dasar Ilmu Hukum*, Sinar Grafika, Jakarta, 2000, p. 133.

⁴ Ridha Ari Setyono, "Tinjauan Kriminologi Dan Hukum Pidana Mengenai Kejahatan Dalam Kegiatan Asuransi", *Jurnal Hukum*, Vol. 12. No. 4 (December 2017), 967.

also the government's commitment, namely the issuance of Perpu No. 1 of 2016 concerning the second Amendment to Law No. 2 of 2002 concerning Child Protection.⁵

Stealing for some children arises out of habit. He who does not get enough from his parents, or who is always restrained by his desires, prefers to steal to satisfy his desires. Once or twice this activity is indeed dangerous, for fear of being caught. But over time it will become a pleasant habit. Therefore, crimes committed because of these habits are inherent in the perpetrators, so it is not easy for the perpetrators to leave the crime, because the system that has been running for a long time cannot quickly be replaced with a new one.

2. Methods

This research is descriptive qualitative. Qualitative research is research that intends to understand the phenomenon of what is experienced by the research subject, for example behavior, perception, motivation for action and others, holistically, and by way of description in the form of words and language, in a special context that is natural with using various natural methods.⁶This makes qualitative research able to describe a life from a different side based on the point of view of everyone who observes it. The data used is secondary data, including primary, secondary, and tertiary legal materials related to the crime of theft committed by children. The research method used in this paper uses an empirical juridical writing method, namely research conducted on the real state of society or the community environment with the intent and purpose of finding facts, which then leads to identification and ultimately leads to problem solving. The source of the data is obtained directly through observations in the field and interviews with respondents regarding children who are perpetrators of the crime of theft.

3. Discussion

3.1. Boundary Terms and Theory in Research

Criminology, namely, the criminal acts committed (crimes), the person who committed the crime (the perpetrator) and the public's reaction to the perpetrator and his crime. Surtherland and Cressey suggest that what is included in the definition of criminology is:is the process of law-making, law-breaking, and reaction to law-breakers. Thus criminology does not only study the problem of crime but also includes the process of law formation, law violations and the reactions given to criminals.⁷The term in criminology comes from two words, namely crime and logos which respectively mean crime and science. Criminology is defined as the science that studies crime.⁸Criminology seeks to gain knowledge and understanding of social phenomena in the field of crime, what is happening in society or in other words why the defendant

⁵ Sri Endah Wahyuningsih, "Perlindungan Hukum terhadap Anak Sebagai Korban Tindak Pidana Kesusilaan Dalam Hukum Pidana Positif Saat In", Jurnal Pembaharuan Hukum, (May - August 2016), 174.

⁶ Lexy. J, Meleong, 2011, Metodologi Penelitian Kualitatif. PT Remaja Rosdakarya, Bandung. Pg ,6.

⁷ Made DarmaWeda, Kriminologi (Jakarta: PT Raja Grafindo Persada, 1996), p. 1, 2.

⁸ B. Simanjuntak, Pengantar Kriminologi dan Patologi Sosial, Bandung, Tarsito, 1981, p.2.

committed the crime.⁹The object of criminology (people in conflict with social norms), while the object of criminal law (violations of law and order) thus naturally gives rise to different understandings of "crime" according to criminology and according to criminal law. Because criminology as a science that stands alone in addition to criminal law, it has its own definition of what is called a crime. Crime according to criminology is a human action in opposition to some norms determined by the community in which humans live. Crime as a human action and as a social phenomenon.¹⁰

Crime is all forms of action that meet the formulation of the provisions of the Criminal Code. Crime is behavior that violates the law and violates social norms, so that society opposes it.¹¹According to Sutrisno and Sulis, the cause of crime can be seen from several factors, namely the talent of the criminal, the natural surroundings and the spiritual element. There is an act that is hated and gets a reaction from the community as a crime. No one wants a crime to occur in their community, because a crime will be disturbing and detrimental to people's lives.¹²The talent of a criminal can be seen according to his psyche or spirituality, there are criminals whose mentality is irritable, his soul is powerless to withstand external pressures, and weak in spirit. There are also those who are born with spiritual disabilities.¹³

Follow criminal acts, namely behavior. While criminal is crime.¹² Then the definition of crime is criminal act, evil act, behavior, act of behavior¹³ Action is a person's steps, actions, behavior, or behavior. While criminal is a crime or criminal. Crime is the act or behavior of a person who commits acts of a criminal or criminal nature that can harm others. is a basic part of a crime committed against a person in committing a crime.¹⁴

According to the Indonesian dictionary, theft comes from the word "steal" which means taking someone else's property without permission or illegally, usually in secret. Theft starts from the word "pen" and ends with the word "an" so it can be defined theft, namely the process, method, act of stealing.¹⁵In the Criminal Code theft is "anyone who takes something, wholly or partly belonging to another person, with the intention of being owned against the law, is threatened with theft, with a maximum imprisonment of five years, or a maximum fine of nine hundred rupiahs".

3.2. Factors that cause children to commit the crime of theft

Criminology aims to investigate the symptoms of crime as broadly as possible. According to Bonger, the broadest understanding means that criminology also studies other symptoms of social pathology. In delimiting Criminology, Bonger divides

⁹ Sahetapy, 1982, *Paradoks Kriminologi*, Rajawali, Jakarta, p. 82.

¹⁰ Utrecht, 1958, *Hukum Pidana I*, Universitas, Jakarta, p.135.

¹¹ Kartini Kartono, *Patologi Sosial* (Jakarta Utara: CV Rajawali, 1992), p. 134.

¹² Saleh Muliadi, "Aspek Kriminologis Dalam Penanggulangan Kejahatan", *Jurnal Hukum* Vol. 6. No. 1 (January-April 2012), 5.

¹³ Adam Chazawi, 2002, *Pelajaran Hukum Indonesia*, Jakarta, Raja Grafindo Persada, p. 71.

¹⁴ Wirjono Prodjodikoro, *Asas-Asas Hukum Pidana di Indonesia* (Bandung: PT Refika Aditama, 2011), p. 58.

¹⁵ Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia Pusat Bahasa Edisi Keempat* (Jakarta: PT Gramedia Pustaka Utama, 2011), p. 281.

criminology into 2 (two) aspects, namely: first, practical criminology, namely criminology which based on the results of his research concludes with practical benefits; second; Theoretical criminology is a science based on experience like similar sciences.

Many theories cause children to commit crimes, according to children Ninik Widiyanti and Panji Anogara in their book "Development of Crime in terms of Criminology and Social" says that there are two types of factors that can cause children to commit crimes, namely factors that affect directly and factors that affect children. affect indirectly, the factors that influence directly are endogenous and indirect factors are exogenous.¹⁶What is meant by endogenous factors are factors that come from within the child itself that affect his behavior, namely:¹⁷

- Biological and psychological disabilities.
- The development of personality and intelligence is hampered so that they cannot live up to the prevailing norms.

In addition, since humans live in society and cannot be separated from the processes that take place in society, the social processes indirectly affect their exogenous factors. Exogenous factors are factors that come from outside the child, which affect his behavior, including:¹⁸

- Negative influence from parents;
- The negative influence of the school environment;
- The negative influence of the community environment;
- No/lack of parental supervision;
- No/less supervision from the government;
- There is no/lack of supervision from the community;
- No healthy charging time;
- No healthy recreation;
- No job;
- Big city physical environment;
- Anatomy due to the large population of big cities;
- And others.

So today juvenile delinquency is increasing both in quality and quantity. What is more concerning is that the delinquency committed by the juvenile is not an ordinary delinquency, but tends to lead to criminal acts, which are not in accordance with the norms prevailing in society (especially criminal acts of decency). Therefore, the protection of children's rights should not be ignored, for this reason, efforts are needed to provide guarantees for the maintenance of the protection of children's rights. In this case the principle of the best interests of children is in all actions involving children carried out by the government, society, so that today juvenile delinquency is increasing both in quality and quantity.

¹⁶ Ninik Widiyanti dan Panji Anogara, *Perkembangan Kejahatan dan Masalahnya Ditinjau dari Segi Kriminologi dan Sosial*, Pradnya Paramita, Jakarta, 1987, p 23

¹⁷Ibid

¹⁸Ibid, Pg. 24

The author conducted interviews with child perpetrators of the crime of theft stating: "Basically I also don't want to steal but I never noticed my parents. More often scolded by my parents and scolded. I was hated and never got what I wanted so I just stole it. For me, stealing is not evil, I am just naughty."¹⁹

The child's statement above reflects the crime he did not without cause. There are factors that include the child's self that led to the delinquency he did. What is more concerning is that the delinquency committed by the juvenile is not an ordinary delinquency, but tends to lead to criminal acts, which are not in accordance with the norms prevailing in society (especially criminal acts of decency). Therefore, the protection of children's rights should not be ignored, for this reason, efforts are needed to provide guarantees for the maintenance of the protection of children's rights. In this case the principle of the best interests of the child is in all actions concerning children carried out by the government, society, legislative and judicial bodies,

3.2.1. Economic Factor

The demands of economic needs have been able to cause very fundamental changes, both in terms of physical and social, political and cultural aspects that are able to transcend existing legal institutions.²⁰The view that economic life is fundamental to all social and cultural structures, and therefore determines all affairs within that structure, is a view that has always been and is still widely accepted. The opinion that economic conditions and changes have a major influence on the occurrence of crime is influenced by ecology and class, among others. The view that economic life is fundamental to all social and cultural structures, and therefore determines all affairs within that structure, is a view that has always been and is still widely accepted. The opinion that economic conditions and changes have a major influence on the occurrence of crime is influenced by ecology and class, among others.

3.2.2. Family Factor

The family is the smallest social unit in society. However, its role is very large for social development, especially in the early stages of development which is the basis for further personality development. The family is the first and foremost educational institution. This means that the family plays a major role in the child's learning process. Here, the factors that cause children to commit crimes are due to the lack of attention and love of parents for their children, even parents (fathers) do not play a role in educating children, fathers educate children by means of violence, such as scolding and hitting the child, thus causing the child to be naughty. .

A child in this modern era really needs direction, attention from parents is needed. Because the older a child gets, the more he or she wants to know more about what they want to know. With the decline in morals and the development of

¹⁹ The interview was conducted at the Pasuruan Police Station, on Monday 8 November 2021, at 13.00 WIB.

²⁰ Zulfi Diane Zaini, "Perspektif Hukum Sebagai Landasan Pembangunan Ekonomi Di Indonesia (Sebuah Pendekatan Filsafat)", Jurnal Hukum, Vol XXVIII, No. 2 (December 2012), 946.

technology and social styles today, the role of parents to supervise and guide their children is increasingly needed so that their children do not lead to negative things.

That parents are responsible for children's education. This gives an understanding that a child is born in a state of helplessness, in a state of dependence on others, unable to do anything and even unable to help himself.

3.2.3. Educational Factor

Education is a transformation of values and the formation of personality with all the aspects it includes. Parents should have a big responsibility in achieving the education of a child. Parents are obliged to send their children to school until they reach adulthood. School as a social group has a very important position in the life of individuals and society. At school, children learn that it is a different world from the world of their family, besides that, they get rules and values that are sometimes different from those in their family.²¹

The number of dropout phenomena has a major impact on children's morale. Lack of education due to dropping out of school can be a factor causing children to commit crimes, especially theft, most of the time children should use to study at school to gain knowledge must be neglected due to dropping out of school. Misuse of the time spent by children who are not in school to roam the streets can have a negative influence on him, the influence can come from his friends or from other people.

3.2.4. Environmental factor

As the fact that humans in their lives need interaction or reciprocal relationships with various parties. Especially in our social life, a child will make friends with anyone he meets, both from the age of children to adults. The relationship will continue, they will hang out with anyone without distinguishing which one is good and which one is bad, when children start to be teenagers then they begin to recognize bad things, if they stay away from bad things, then he will be difficult to fall into it, but if he feels comfortable with bad associations then he will be difficult to get out of his world. The problem of violating the law or by other names, crime is the responsibility of every element of society.²² That humans in their social life often have deviations from norms, both norms that apply in society itself or legal norms that apply as a whole.

As the fact that humans in their lives need interaction or reciprocal relationships with various parties. Especially in our social life, a child will make friends with anyone he meets, both from the age of children to adults. The relationship will continue, they will hang out with anyone without distinguishing which one is good and which one is bad, when children start to be teenagers then they begin to recognize bad things, if they stay away from bad things, then he will be difficult to fall into it, but if he feels comfortable with bad associations then he will be difficult to get out of his world.

²¹IS Susanto, *Criminology*, p. 104.

²² Andri Winjaya Laksana , "Pemidanaan Cybercrime Dalam Perspektif Hukum Pidana Positif", *Jurnal Hukum*, VOL.35 NO.1 (2019), 53.

That humans in their social life often have deviations from norms, both norms that apply in society itself or legal norms that apply as a whole.

3.3. Prevention and Control Efforts Against Children Who Do Theft

3.3.1. Socialization and Guidance for Children by Law Enforcement Officials

Preventive efforts are one of the efforts made when the crime has not occurred, so that the crime of theft committed by children can be dammed especially during a pandemic.COVID 19, so that it does not happen again in the future, of course, preventive efforts need to be considered and carried out so that the perpetrators can be repaired and can return to life in the midst of a good society. In this effort, the role of law enforcement, religion, environment and family is needed. Law enforcement officials in their efforts to prevent the occurrence of theft crimes committed by children, one of them is by conducting socialization in schools both in elementary, junior high and high school in order to provide guidance on criminal acts including the crime of theft. As for the socialization, law enforcement officers provide more understandings about crime and the impact of crime for themselves, their families and society.

3.3.2. Improving Religious Education for Children from an Early Age

Religion is a stronghold that is needed in everyone to reject various kinds of negative behaviors including committing crimes. Religion is one of the highest and most powerful names to suppress the occurrence of crime, especially the crime of rape committed by children. Many crimes occur because the perpetrators leave or do not practice the teachings of their religion or do not practice their religious teachings properly. Therefore, religious activities must be carried out frequently both in schools and in the community.

3.3.3. The Role of the Community in Creating a Safe, Orderly, and Child-friendly Environment.

The environment is an indicator of factors that can overcome the crime of rape by increasing a safe and peaceful atmosphere. That creating security and order is not only the duty of the police but also the duty of the community, therefore he appealed to the community to increase the sense of brotherhood among fellow citizens to eliminate the feeling of indifference between fellow citizens. That creating security and order is not only the duty of the police but also the duty of the community, Therefore, he appealed to the community to increase the sense of brotherhood between fellow people to eliminate the sense of indifference between fellow people if our environment is protected from crime, especially the crime of theft, indirectly, the community in the environment will also be spared from these crimes. Therefore, the participation of all communities is very important, both with the formation of Polmas, procurement of patrols and others. Supervision of children must be optimized, therefore all parties, both academics, community leaders, child care groups and other parties, must work together to provide assistance to children.

4. Closing

That the factors that cause children to commit the crime of theft are caused by several factors, namely the first due to economic factors. Economic conditions, of course, strongly encourage someone to commit crimes, including children, especially during the COVID-19 pandemic, the community's economic problems are getting higher. The second is due to family factors. Lack of attention from parents to their children so that children become vulnerable to crime. The three factors of education. Children who drop out of school are more likely to commit crimes, because where and with whom they hang out determines the child's development. The four environmental factors. Not a few children commit crimes because of the invitation of their friends or because of the pressure of others.

Efforts in preventing and tackling children who commit the crime of theft include the following: socialization and guidance to children by law enforcement officers. Socialization and guidance can be done by providing counseling to the school in order to provide good moral and moral education so that children do not commit crimes. To improve religious education for children from an early age. Strengthening the moral and moral foundation of children can of course reduce the potential for children to commit crimes because with religious education children are taught to be responsible for their actions not only in this world but also in the hereafter. Finally, community participation is equally important in building a safe, orderly and child-friendly environment. The community can support this by eliminating a sense of indifference to fellow community, the community can also synergize with law enforcement officials in creating a safe and peaceful environment.

5. Reference

Journal

- [1] Andri Winjaya Laksana , "Pemidanaan Cybercrime Dalam Perspektif Hukum Pidana Positif", Jurnal Hukum, Vol.35 No.1 (2019).
- [2] Zulfi Diane Zaini, "Perspektif Hukum Sebagai Landasan Pembangunan Ekonomi Di Indonesia (Sebuah Pendekatan Filsafat)", Jurnal Hukum, Vol XXVIII, No. 2 (Desember 2012).
- [3] Ridha Ari Setyono, "Tinjauan Kriminologi Dan Hukum Pidana Mengenai Kejahatan Dalam Kegiatan Asuransi", Jurnal Hukum , Vol. 12. No. 4 (Desember 2017).
- [4] Saleh Muliadi, "Aspek Kriminologis Dalam Penanggulangan Kejahatan", Jurnal Hukum, Vol. 6. No. 1 (Januari-April 2012).
- [5] Sri Endah Wahyuningsih, "Perlindungan Hukum terhadap Anak Sebagai Korban Tindak Pidana Kesusilaan Dalam Hukum Pidana Positif Saat In", Jurnal Pembaharuan Hukum, Vo. III. No. 2 (Mei - Agustus 2016).

Book

- [1] Adam Chazawi, 2002, Pelajaran Hukum Indonesia, Jakarta, Raja Grafindo Persada.

- [2] B. Simanjuntak, 1981, Pengantar Kriminologi dan Patologi Sosial, Tarsito.
- [3] Chainur Arasjid, 2000, Dasar-Dasar Ilmu Hukum, Jakarta, Sinar Grafika
- [4] Departemen Pendidikan Nasional, 2011, Kamus Besar Bahasa Indonesia Pusat Bahasa Edisi Keempat, Jakarta: PT Gramedia Pustaka Utama.
- [5] Kartini Kartono, 2003, Patologi Sosial 2 Kenakalan Remaja, Jakarta, PT RajaGrafindo Persada.
- [6] Lexy. J, Meleong, 2011, Metodologi Penelitian Kualitatif. Bandung, PT Remaja Rosdakarya.
- [7] Made DarmaWeda, 1996, Kriminologi, Jakarta: PT Raja Grafindo Persada.
- [8] Nandang Sambas, 2010, Pembaruan Sistem Pemidanaan Anak di Indonesia, Yogyakarta, Graha Ilmu.
- [9] Ninik Widiyanti dan Panji Anogara, 1987, Perkembangan Kejahatan dan Masalahnya Ditinjau dari Segi Kriminologi dan Sosial, Jakarta, Pradnya Paramita, Jakarta.
- [10] Sahetapy, 1982, Paradoks Kriminologi, Jakarta, Rajawali.
- [11] Utrecht, 1958, Hukum Pidana I, Universitas, Jakarta.
- [12] Wirjono Prodjodikoro, 2011, Asas-Asas Hukum Pidana di Indonesia, Bandung: PT Refika Aditama.

Regulation

Perpu No.1 of 2016 concerning the Second Amendment to Law No. 2 of 2002 concerning Child Protection