

Law Enforcement Against Children as Perpetrators of the Criminal act of Motorcycle Theft

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Abstract. *Today's community life and technological advances indirectly also trigger the development and diversity of criminal behavior in society, crimes can happen to anyone, not only adults but also often happen to children if we pay attention to the information in print and electronic media, cases of children in conflict with the law tend to increase. The existing laws and regulations are still felt to be unable to provide protection for children in conflict with the law so that an update is needed. The purpose of the research in this study: 1). To find out, analyze the Law Enforcement of Children as Perpetrators of Motorcycle Theft in the Jurisdiction of the Batu Ampar Police. 2). To find out, analyze the obstacles and solutions to the Law Enforcement of Children as Perpetrators of Motorcycle Theft in the Jurisdiction of the Batu Ampar Police. This study uses a normative legal method, with an analytical descriptive research method. The data used are primary and secondary data that will be analyzed qualitatively. Research problems are analyzed using the Law Enforcement theory, Restorative Justice theory, and Legal System theory. Law enforcement at the investigation level against children who are perpetrators of motorcycle theft in the jurisdiction of the Batu Ampar Police is faced with complex challenges. As perpetrators with child status, they have special protection regulated in various laws such as the Child Criminal Justice System Law which emphasizes different treatment from adults and efforts to protect children's rights at every stage of the legal process. The investigation process carried out against child perpetrators of crimes such as motorcycle theft involves the following stages: a). The arrest of children must be carried out very carefully and taking into account the rights of children. Detention of children can only be carried out if absolutely necessary, and must be in accordance with applicable legal provisions, namely separately from adult perpetrators. b). In the case of children, diversion is a process that must be considered from the investigation stage, especially if the crime committed does not involve violence or major losses. Diversion aims to resolve cases without having to go through the court process, with a restorative justice approach. This is the main step in handling child perpetrators of crimes to avoid the long-term negative effects of involvement in the criminal justice system.*

Keywords: *Child; Criminal; Enforcement; Perpetrators.*

1. Introduction

Today's social life and technological advances have indirectly also triggered the development and diversity of criminal behavior in society, crimes can happen to anyone, not only adults but also often happen to children if we pay attention to the information in print and electronic

media, cases of children in conflict with the law tend to increase. The existing laws and regulations are still felt to be unable to provide protection for children in conflict with the law so that a renewal is needed. According to Barda Nawawi, in fact, efforts to reform the law in Indonesia have begun since the birth of the 1945 Constitution. This cannot be separated from the foundation and at the same time the goals to be achieved as formulated in the preamble to the 1945 Constitution, namely to protect the entire Indonesian nation and to advance public welfare based on Pancasila. This is the general policy line that is the basis and goal of Indonesian legal policy.¹

The needs and interests of modern society today are very diverse, basic needs are not only in the form of clothing, shelter and food as before. Technological advances and developments from time to time have made the needs and interests of society increase. To support activities and shorten time, transportation has now become a basic need for modern society because without transportation humans can be isolated and cannot make a movement.

Welfare for all people without exception is the main foundation for every policy-making including legislative policies to continue to strive to improve the standard of living of the people which is basically the constitutional right of every Indonesian citizen. Welfare for all Indonesian people is an elaboration of the values of social justice.² There are so many benefits and conveniences when having a motorbike, but not everyone can fulfill these needs because of the expensive price and maintenance, the limited economy of the community to buy a motorbike, therefore many people cannot fulfill their children's requests to give them a motorbike so that the child commits theft.

According to Sudikno Merokusumo, the main purpose of law is to create an orderly social order, to create order and balance. Then Soejono said that the law that is held or formed carries a certain mission, namely the awareness of the means of control and change in order to create peace and tranquility in society.³

Law is a system of rules. What guides us is the system of rules, not the people who happen to occupy positions. People who hold public positions come and go dynamically, but the system of rules is stable and relatively permanent..⁴

Based on the background of the problem, the author would like to examine it in more depth with the title "LAW ENFORCEMENT AGAINST CHILDREN AS PERPETRATORS OF THE CRIMINAL ACT OF MOTORCYCLE THEFT"

2. Research Methods

a. Approach Method

The approach method in this research is to use a normative legal approach, namely a process to find legal rules, legal principles, and legal doctrines to answer the legal issues faced.⁵ In this type of legal research, law is conceptualized as what is written in statutory regulations or law

¹Barda Nawawi Arif, *Anthology of Criminal Law Policy Developments in the Drafting of the New Criminal Code*, Jakarta; Kencana, 2008, p. 34

²Anis Mashdurohatun, 2016, *Developing the Social Function of Indonesian Copyright*, UNS Press, Surakarta, p.1.

³Ibid, p. 11

⁴Gunarto, *Law Enforcement Agenda and Its Relevance for National Development*, *Journal of Legal Reform* Volume I No.1 January-April 2014, page 3

⁵Peter Mahmud Marzuki, 2010, *Legal Research*, Jakarta: Kencana Prenada, p. 35.

Master of Law, UNISSULA

is conceptualized as a rule or norm which is a benchmark for human behavior that is considered appropriate.⁶

b. Research Specifications

The research conducted by the researcher is an Empirical Juridical legal research which is a research that directly obtains data in the field. With research in the field, researchers will understand more and be able to more realistically find out the real events related to the title of the research being studied.

c. Data source

The type of data used is secondary data. Secondary data is data obtained from various existing sources. Secondary data is obtained through literature study. Literature study is the collection of data sourced from books, literature and opinions of legal experts related to this research, or other sources in the field to support the success and effectiveness of the research, namely by separating the main lines between primary data and secondary data.⁷

d. Method of collecting data

The techniques used in collecting data to find information for this research are: Literature Study, Document Study and Field Study.

e. Data analysis

The data obtained is then analyzed using qualitative analysis, meaning that the data successfully collected from the research is selected based on quality and is related to the problems discussed. Data that has been collected through data collection activities does not provide any meaning for the purpose of a research.

3. Results and Discussion

3.1. Law Enforcement at the Investigation Level of Children as Perpetrators of Motorcycle Theft in the Jurisdiction of the Batu Ampar Police

Crime as a social phenomenon is influenced by various aspects of life in society, such as politics, economy, socio-culture, and factors related to national defense and security. The criminological perspective is dynamic and shifts along with social change and continuous development. Therefore, it is important to pay attention to the criminological perspective in understanding crime and its problems.

In discussing criminal law enforcement in Indonesia, we cannot be separated from two main pillars, namely material criminal law and formal criminal law. Material criminal law in Indonesia is generally regulated in the Criminal Code (KUHP) and is specifically contained in various laws and regulations containing criminal provisions. Meanwhile, formal criminal law is generally regulated in the Criminal Procedure Code (KUHAP), with several special provisions also regulated in laws that include criminal provisions.

Based on the two positive legal rules, criminal law enforcement in Indonesia adopts two systems that are applied simultaneously. First, the criminal law enforcement system with the division of tasks and authorities between criminal law enforcement officers institutionally

⁶Amiruddin and H. Zainal Asikin, 2006, Introduction to Legal Research Methods, Jakarta: PT. Raja Grafindo Persada, p. 118

⁷Sugiyono, 2013, Quantitative, Qualitative and R&D Research Methods, Alfabeta, Bandung, p. 205

(Functional Differentiation). Second, the criminal justice system that regulates the implementation of criminal law enforcement (Integrated Criminal Justice System). This is because in the structure of criminal law enforcement in Indonesia, from upstream to downstream, it is handled by institutions that stand alone separately and have their respective tasks and authorities.

For example, in the criminal law enforcement system in Indonesia, the investigation and inquiry process is carried out by the police, the prosecution by the prosecutor's office, and the trial examination and verdict are the responsibility of the judge under the auspices of the Supreme Court. This is the application of a functional differentiation system. However, although these institutions stand alone and have their respective duties and authorities, they work continuously and sustainably.

For example, in the relationship between the police and the prosecutor's office, the police prepare a report of the examination which will be the basis for the prosecutor's office to prepare an indictment. In addition, there is a pre-prosecution process where files from the police that are considered incomplete by the prosecutor's office will be returned to the police to be completed, accompanied by instructions from the prosecutor concerned.⁸ Efforts to combat crime, whether related to the legal interests of individuals, society, or the state, are not as easy as imagined, because it is almost impossible to completely eliminate crime. Crime will continue to exist as long as humans still live on this earth and will appear in various forms at all levels of society. Crime is very complex in nature, considering the various variations in perpetrator behavior and increasingly sophisticated technological developments. Technological advances, especially through electronic and print media that disseminate information without filtering negative content, contribute to the increase in criminal acts of indecency and other forms of crime.

The crime of motorcycle theft committed by children in Batam City faces significant problems related to the enforcement of justice. The punishments imposed on the perpetrators are often considered ineffective enough to change their behavior, so that the victims feel they do not get adequate justice. This shows that the implementation of the law needs to be more than just the application of rules. There must be an emphasis on the benefits and usefulness of the law for society. The law should not only function as a rule, but also provide real and effective justice to protect victims and prevent perpetrators from committing similar crimes in the future.

It should be understood that the quality of development and law enforcement expected by society today does not only include formal quality, but also material or substantive quality. Therefore, development and law enforcement strategies must focus on substantive aspects. Opinions that are developing in society today demand several things, including:

1. Real Justice. Law enforcement must ensure that justice is not only on paper, but is also felt in real terms by the community, especially by victims of crime.
2. Effectiveness of Punishment. The punishment imposed must be effective enough to prevent the perpetrator from committing similar crimes in the future, as well as provide a deterrent effect.

⁸Satjipto Rahardjo, *Legal Studies*, Bandung: PT Citra Aditya Bakti, 2000, p.43

3. Legal Certainty. The public wants consistent and fair legal certainty, where every violation of the law is handled appropriately.
4. Transparency and Accountability. The law enforcement process must be transparent and accountable, so that the public can be sure that the law is applied in a correct and fair manner.
5. Crime Prevention. Law enforcement strategies should also include preventive efforts to reduce the potential for crime to occur, not just dealing with crime after it occurs.
6. Protection of Individual Rights. Law enforcement must ensure the protection of individual rights, especially for vulnerable groups such as children, so that they do not become victims of violence or exploitation.

Law enforcement against criminal acts of motorcycle theft committed by children in Batam City has been considered efficient. However, there are several factors that may affect the effectiveness of law enforcement, including:

1. The quality and speed of case investigation and prosecution can affect the final outcome of the legal process. Inexperienced or overworked investigators can slow down the process.
2. The effectiveness of prosecution by the prosecutor's office, including in the preparation of charges and prosecution strategies, can influence the final decision in court.
3. Judges' decisions and rulings in cases of child theft, including the sentences imposed, play a major role in the effectiveness of law enforcement.
4. The availability and effectiveness of monitoring systems and rehabilitation programs for child offenders can influence how offenders reintegrate into society and prevent recurrence of criminal acts.
5. Adequate resources, including budget, facilities, and technology, can affect the effectiveness of law enforcement. Lack of resources can hinder efficient legal processes.
6. Effective collaboration between the police, prosecutors, courts and other relevant institutions is essential to ensure comprehensive and sustainable law enforcement.
7. Public support and the role of the media in raising awareness and monitoring cases can also influence law enforcement, including in terms of supervision and transparency.
8. The existence of clear and up-to-date legal policies and regulations, as well as their consistent implementation, also influences the effectiveness of law enforcement.

It is important to note the need for ethics, standards, and responsibility as the core values of law enforcers to support and ensure the sustainability of a healthy justice-seeking process. Debates on this matter often arise from the side of society, which is increasingly dependent on the expertise and skills of professional groups. This dependence ultimately makes professional ethics one of the means of community control over the profession. In some cases, professional ethics can still be assessed through general ethical parameters that exist in society.

Thus, the moral dimension of the law enforcement profession is closely related to the meaning, function, and role of law enforcers and the code of ethics that governs the profession. Honor, courage, commitment, integrity, and professionalism are the basis for law enforcers. For a long time, the law enforcement profession has been considered a noble profession. Therefore, law enforcers must respect the law and justice in accordance with their

role as law enforcers. Understanding the code of ethics of the profession is an obligation for every law enforcer in carrying out their duties. This code of ethics serves as a moral guideline in acting and carrying out their duties and obligations. Professionalism without ethics can lead to a lack of control and direction, while ethics without professionalism can hinder progress and effectiveness.

Law enforcement against children who are perpetrators of criminal acts has different characteristics compared to law enforcement against adults. In Indonesia, legal protection for children in conflict with the law is regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.⁹

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System is the main legal basis in handling children in conflict with the law. This law emphasizes the principles of restorative justice and diversion as the main approach in resolving cases involving children. In addition, Law Number 35 of 2014 concerning Child Protection is also an important basis in ensuring the guarantee of children's rights during the legal process.¹⁰The investigation process against children as perpetrators of motorcycle theft crimes at the Batu Ampar Police must follow the provisions of the law on the juvenile criminal justice system, including:

1. Diversion

In the law on the juvenile criminal justice system, investigators are required to try to resolve juvenile cases through a diversion mechanism, especially if the juvenile commits a crime with a prison sentence of less than 7 years and is not a repeat of a serious crime. Diversion aims to prevent children from the formal criminal justice system and provide an opportunity to improve themselves through a non-penal approach.

2. Protection of Children's Rights

During the investigation process, children have the right to be accompanied by parents or guardians, advocates, and social workers. Investigators must also treat children with full respect for their dignity and pay attention to the child's special needs.

3. Detention

Detention of children is a last resort and can only be done if necessary. If detention is carried out, they must be placed in a Social Welfare Institution (LPKS) with special supervision, not in a detention center or the same correctional institution as adults.

4. Involvement of Related Agencies

Investigations of children involve other agencies such as the Correctional Center (BAPAS) and child protection agencies, to ensure a multidisciplinary approach that is appropriate to the child's needs.

In Law Number 8 of 1981 concerning the Criminal Procedure Code, it regulates the authority of the Police in conducting investigations and inquiries which are then regulated in the implementation and instructions of the police. These regulations serve as guidelines for every member of the Police in carrying out their duties and functions.¹¹

⁹ Law Number 11 of 2012 concerning the Juvenile Criminal Justice System

¹⁰ Law Number 35 of 2014 concerning Child Protection

¹¹ Marlina, *Juvenile Criminal Justice in Indonesia: Development of the Diversion Concept*, Bandung: PT. Reflika Aditama, 2012, p. 86

Legal protection efforts for children in conflict with the law (ABH) are important efforts in the justice system that focus on the best interests of children. In Indonesia, legal protection efforts for ABH are regulated in various laws, especially in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System and Law Number 35 of 2014 concerning Child Protection. The police also have implementation instructions and technical instructions called a pocket book for the police, in the pocket book for the police contains a guide to handling children.¹²The act of arrest is regulated in Article 16 to Article 19 of the Criminal Procedure Code, according to Article 16 of the Criminal Procedure Code for the purposes of investigation, investigators on the orders of investigators, assistant investigators are authorized to make arrests in accordance with Article 18 of the Criminal Procedure Code, arrest orders are made based on sufficient initial evidence by showing an arrest warrant unless caught red-handed, the maximum arrest time is one day.¹³Protection of the rights of children suspected of committing criminal acts is regulated in Law Number 23 of 2002 concerning child protection.

Specifically for arrests of children in conflict with the law, the police pay attention to children's rights by taking protective measures for children, namely as follows:

- a. Treat children with the presumption of innocence.
- b. Treat children wisely, politely and prudently, and as you would treat adult criminals.
- c. When making an arrest, immediately notify the parents and guardian.
- d. Children caught red-handed must immediately inform their parents and guardians.
- e. The authority to take other actions according to the law that is responsible, the police or the community based on the principle of obligation.

Law enforcement against children as perpetrators of criminal acts at the Batu Ampar Police must be carried out by paying attention to the principles in the SPPA and Child Protection Laws.

The investigation process must prioritize diversion mechanisms and pay attention to children's rights as a whole. Despite the challenges faced, capacity building efforts, inter-agency coordination, and public education can be important steps to ensure that children's rights are protected during the legal process.

Law enforcement against children who steal motorbikes at the Batu Ampar Police Station. From the data obtained by the author, the factors causing children to steal motorbikes are: Children who steal motorcycles are usually influenced by various complex and interrelated factors. These factors can come from the family environment, social, economic, or the child's own personal influence. The main factors that children steal motorcycles are:¹⁴

1. Family Factors

- a. Lack of Parental Supervision. Children who lack supervision from parents or guardians

¹²Ibid, p. 86

¹³Criminal Code Article 19

¹⁴Interview with the Head of the Batu Ampar Police, Batam, Commissioner Dwihatmoko Wiroseno, SIK, M.Si on November 1, 2024, at 10.00 WIB

tend to be more susceptible to engaging in deviant behavior, including theft.

b. Disharmonious Family Life. Conflict in the household, divorce, domestic violence, or the absence of one of the parents can affect the emotional stability of children and encourage them to seek attention or escape from problems in the wrong way.

c. Poverty and Economic Stress. Families in difficult economic circumstances may not be able to meet their children's basic needs, so children may feel compelled to steal as a way to get what they need or want.

2. Social environmental factors

a. Peer Influence. Children tend to be easily influenced by their peers, especially if they hang out with groups that have deviant behavior. The pressure to fit in with these groups can be a strong motivator to get involved in theft.

b. Criminal Environment. Living in an environment with a high crime rate or where theft is considered commonplace can make children accustomed to and even interested in trying to commit such crimes.

3. Economic factors

a. Financial Needs, Children who are in difficult economic conditions may feel they have to steal to meet daily needs, both for themselves and their families.

b. Desire to Own Valuables, Children may be tempted to steal motorbikes because they want to own valuables that they cannot buy legally, especially if they are often exposed to a consumerist lifestyle.

4. Education factor

a. Lack of Moral and Ethical Education. Lack of education in moral and ethical values, both at home and at school, can leave children without a strong understanding of the consequences of criminal acts.

b. Dropping Out. Children who drop out of school or have low academic performance are more likely to engage in illegal activities, including theft, due to the lack of positive activities to channel their energy.

5. Psychological Factors

a. Feelings of Helplessness. Children who feel helpless or have no control over their lives may steal as a way to gain control or prove themselves.

b. Feelings of Frustration or Anger. Children who feel frustrated, angry, or disappointed with their life situations may express these feelings through deviant behavior such as stealing.

c. Loss of Identity. Children who lack a clear sense of direction or purpose in life, or who feel unappreciated by those around them, may steal to seek attention or recognition.

6. The Influence of Media and Technology

a. Glorification of Crime in the Media. Exposure to media depicting crime or a life of luxury obtained through ill-gotten means can influence children to imitate such behavior.

b. Use of Technology. Technological advancements can also be a factor, where children can learn how to steal through information that is widely spread on the internet.

7. Emptiness of Positive Activities

Lack of Constructive Activities: Children who are not involved in positive activities, such as sports, arts, or extracurricular activities, tend to find other ways to fill their free time, which can lead to criminal behavior.

8. Lack of effective law enforcement

Lack of Deterrent Effect. If law enforcement in an area is weak or ineffective, children may not fear the legal consequences of their actions, and are therefore more likely to commit theft.

Still the statement of the Batu Ampar Police Chief that the factors that encourage children to steal motorbikes are very diverse and interrelated. Therefore, a comprehensive approach is needed to address this problem, including intervention from the family, education, community, and law enforcement. Prevention must involve better supervision, moral education, improving the economic conditions of families, and providing positive activities for children to direct their energy in a constructive direction.¹⁵

The state's responsibility for victims of motorcycle theft committed by children involves several legal aspects. In Indonesia, the state's responsibility in cases like this can be described as follows:

1. Children who commit crimes, including motorcycle theft, will be faced with a different legal process compared to adults. Juvenile criminal law is regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Children under the age of 12 generally cannot be subject to criminal penalties, while children aged 12 to 18 can be subject to criminal penalties with a different approach from adult criminal law, such as rehabilitation and education.

2. The state has a responsibility to ensure that victims of crime receive protection and recovery. In this case, the state can provide assistance in the form of:

- a. Theft victims can apply for compensation or restitution. Restitution is a payment of damages that must be paid by the perpetrator to the victim, while compensation can be given by the state if the perpetrator is unable to pay or if the legal process cannot resolve the problem.

- b. The state can also provide protection and counseling services for victims, which can help them deal with the psychological and social impact of the crime they have experienced.

Overall, state accountability in cases of theft committed by children involves efforts to provide justice for the victim, as well as ensuring that the legal process against the perpetrator is carried out in accordance with the principles of child protection and applicable laws.

3.2. Obstacles to Law Enforcement at the Level of Investigation of Children as Perpetrators of Motorcycle Theft in the Jurisdiction of the Batu Ampar Police

Obstacles to law enforcement at the level of investigating children as perpetrators of motorcycle theft crimes in the jurisdiction of the Batu Ampar Police can include several important aspects, including:

1. Legal and Regulatory Aspects

¹⁵Ibid

The Child Protection Law and the Child Criminal Justice System Law regulate the protection of children in the legal process. Obstacles can arise if law enforcement does not fully follow the principles set out in these laws, such as the child's right to receive humane and rehabilitative treatment.¹⁶

Procedures for investigating children are different from those for investigating adults. Obstacles can occur if investigators do not understand or do not apply appropriate procedures, for example related to the involvement of legal counsel or a separate trial process.

2. Social and Psychological Aspects

Children involved in crime often have complex psychological or social backgrounds. Investigators must take these factors into account and take a more sensitive approach. Obstacles can arise if investigators do not have training or expertise in dealing with children's cases.

The child's social environment, including family and neighborhood, can influence the child's behavior. Obstacles can arise if investigators do not take these factors into account in the investigation process.

3. Resources and Infrastructure Aspects

Police stations may face constraints in terms of resource capacity, such as the number of investigators trained in handling juvenile cases, facilities to conduct appropriate interviews, and access to psychological or social services.

Lack of adequate facilities for children, such as child-friendly interview rooms and access to rehabilitation services, can be an obstacle to law enforcement.

4. Law Enforcement and Coordination Aspects

Handling child cases involves coordination between various institutions, such as the police, prosecutors, courts, and child protection agencies. Obstacles can arise if coordination between institutions is ineffective.

Law enforcement must also take into account international standards related to child protection, such as the Convention on the Rights of the Child. Obstacles can occur if there is a mismatch between local practices and international standards.

5. Aspects of Communication and Public Education

Lack of understanding among the community and children regarding their rights in the legal process can be a barrier. Adequate legal education for children and their families is essential to ensure proper understanding.

Ineffective communication between the police, the child, and the family can cause obstacles in the investigation process. Investigators need to ensure that all parties involved understand the process and their rights.

Consistent law enforcement must continue to be pursued by the Batu Ampar Police to restore public trust in the laws in Indonesia. The public plays an important role in supporting the law enforcement process, but lately many problems have emerged in the mass media, such as the existence of a legal mafia that uses the law as a tool of power for certain individuals. This has

¹⁶ Child Protection Act and Juvenile Criminal Justice System Act

caused public trust in the law in Indonesia to slowly fade. Therefore, the Batu Ampar Police must prioritize professionalism, honesty, and cleanliness from the influence of certain individuals in carrying out their duties in the field of law enforcement.¹⁷

The police as one of the law enforcement agencies has a very important role in realizing a safe and peaceful life. In Batam City, efforts made by the police in overcoming motorcycle theft include conducting routine patrols and raids to improve public security and order (kamtibmas). In addition, the police also routinely provide legal counseling to the community with the assistance of related institutions. While efforts are not enough to enforce the law against motorcycle theft committed by children. So in the author's research, bicycle theft at the Batu Ampar Police Station is increasing day by day.¹⁸

Based on the author's research on motorcycle theft committed by children. There is a weakness in the regulation that until now there has been no legal certainty in the form of legal protection for victims of motorcycle theft committed by children, so that children are used by adults to commit crimes.

The weaknesses of the Batu Ampar Police in enforcing the law against criminal acts of motorbike theft committed by children include the following aspects:¹⁹

1. Limited Legal Approach Law enforcement for children differs from that for adults, with an emphasis on rehabilitation rather than punishment. Police face difficulties in balancing the rehabilitation needs of children with the rights of victims, as well as in implementing an approach that is consistent with the principles of juvenile criminal law.
2. Lack of Specialization in Juvenile Law Not all police personnel have specific training in handling juvenile cases. This lack of specialization can result in cases being handled inconsistently with juvenile law procedures and principles, as well as a lack of understanding of children's needs and rights.
3. Limitations in Rehabilitation and Guidance Programs Law enforcement often focuses on formal legal aspects, while child rehabilitation requires specialized programs and support that are often unavailable or inadequate. This can reduce the effectiveness of law enforcement in the long term.
4. Coordination Issues with Social Institutions Handling of child criminals requires coordination with social, psychological, and educational institutions. Limitations in coordination between the police and these institutions can hinder holistic case handling.
5. Lack of Support for Victims The police may face challenges in providing adequate support to victims of motorcycle theft, especially when the perpetrator is a child. This includes obtaining compensation or restitution and protection during the legal process.
6. Workload and Resources Heavy workloads and limited resources can affect police prioritization and attention to cases involving children, which can often be considered less urgent than other cases.
7. Stigma and Negative Perception Handling cases involving child perpetrators often involves

¹⁷Ibid

¹⁸Interview, Head of Criminal Investigation Unit of Batu Ampar Police, IPTU BIMO DWI LAMBANG, S.TrK, SIK., on September 5, 2024

¹⁹ Ibid

Master of Law, UNISSULA

social stigma and negative perceptions, which can affect the motivation and objectivity of law enforcement. Police may face challenges in overcoming these biases and stigmas.

8. **Slow Legal Process** The legal process for children can take a long time, especially if it involves various institutions and rehabilitation procedures. This delay can affect justice for victims and the effectiveness of law enforcement.

In accordance with the theory of legal protection as a legal subject, humans have the rights and obligations to carry out legal actions. Associated with the recognition and protection of human rights, the recognition and protection of human rights have a primary place and can be associated with the objectives of the rule of law.²⁰

In the author's research, if it is connected with the theory of legal certainty, the theory of law enforcement and the theory of legal protection, then victims of motorbike theft automatically receive legal protection.

4. Conclusion

Law enforcement against children as perpetrators of motorcycle theft in jurisdictions such as the Batu Ampar Police Station faces various obstacles, including: Fulfillment of the Principles of Child Protection is often not optimal, especially in the implementation of diversion and restorative justice approaches. Limited Facilities and Human Resources (HR) competent in handling children cause the investigation process not to run according to expected standards. Ineffective Inter-Institutional Coordination hinders the smooth running of investigations and the protection of children's rights. Social and Psychological Pressures experienced by children in the investigation process are not always addressed properly, so that they can affect the results of the investigation. Lack of Public Legal Awareness regarding children's rights in the legal process hinders alternative resolution efforts such as diversion.

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