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THE FORM OF RESOLUTION OF JUVENILE DELINQUENCY IN INDONESIA

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ABSTRACT

Keywords: Criminal; Delinquency; Offenses; Resolution.

DOI : 10.26532/jh.v40i1.38600 The juvenile delinquency is an impact of a lack of understanding of the character possessed by a child who grows to maturity, apart from parental supervision and a lack of understanding of the rules and norms that apply in society so that deviations occur, in This is juvenile delinquency that often occurs, for example, bullying or brawls that occur until the occurrence of violence and the emergence of criminal violations. The purpose of this research is to analyze the factors of juvenile delinquency crimes in Indonesia, secondly to provide solutions for juvenile delinquency crimes in Indonesia. This study uses a descriptive research method with a normative juridical approach. The research data used is secondary data consisting of primary and secondary legal materials, with analysis of data obtained from research results in the form of data from Library research analyzed qualitatively. The results of this study, Solutions for Juvenile Delinquency Violations in Indonesia are the responsibility of all of us, through an approach in the field of Education, the learning curriculum is included as early as possible and can be started from grade VII education as the basis for understanding legal science, it is hoped that in the development of knowledge of juvenile delinquency law in Indonesia. can be overcome to make a better and more advanced generation, so that it becomes welfare, peace in accordance with the culture based on the values of Pancasila.

1. Introduction

The juvenile delinquency is a problem that often occurs in society,¹ the amount of news in the media is often about cases of relentless juvenile delinquency, in Indonesia and other countries we still often encounter cases of juvenile delinquency, this is of course a separate problem and should be get special attention, because we know that children are the next generation of the nation,

¹ Barbara J. Costello., Social Control Theory: The Legacy of Travis Hirschi's Causes of Delinquency, *Annual Review of Criminology*, Vol.3, 2020, page. 21-41

how do we create superior generations for the realization of human welfare.² Juvenile delinquency itself is all juvenile behavior that deviates from the norms in society, status violations, and violations of the law criminal.³

The actions of a child who are classified as juvenile delinquency if the teenager or child has excessive anti-social tendencies so that these actions cause disturbances to the peace and security of society. Juvenile delinquency is very diverse, ⁴ for example, running away from home, fighting, carrying sharp weapons, illegal racing or speeding on the road, bullying to actions that lead to crime or unlawful acts such as stealing, murder, consuming illegal drugs, free sex and otheracts of violence.

Research conducted by Mevi Sarlince Muskanan with the title causal factors and law enforcement of juvenile delinguency: study of the phenomenon of school gangs in the city of Kupang that Factors causing and law enforcement of juvenile delinguency: Study of the Phenomenon of School Gangs in the City of Kupang: (a) Internal Factors (from within oneself): first, the tendency to satisfy greed, second, increasing aggressiveness and sexual urges, third, the desire to gather with peers, (b) external factors (from outside oneself): first, broken family conditions, low family economic status, wrong parenting and wrong education from parents, the school environment, both schools take the following steps: Changing the wrong paradigms in the family and school, providing opportunities for dialogue between teenagers, parents, educators and the community, emphasizing the Indonesian broadcasting committee KPI, socialization agencies in the form of campaigns, speeches Violence against children must be stopped. Providing character education in schools because schools prioritize cognitive aspects. Third, the Police have taken preventive measures: Penal Efforts, Non-penal Efforts. (2) Implementation of law enforcement against juvenile delinquency (school gangs) in Kupang City, implementation of the law itself for DL smoking in class as regulated in Article 5 Paragraph 1, impregnating a girlfriend. Article 76D of the Child Protection Law regulates the issue of coercion and threatening children to commit crimes. intercourse.⁵

Research conducted by Jefri Rafael Sikumbang with the title The Phenomenon of Juvenile Delinquency: Perspectives on Criminal Law and Policy. The research findings indicate that factors contributing to juvenile delinquency include internal aspects such as low self-control, where adolescents often struggle to

² Aliyah, Y., Susmoro, H., & Patmi, S., Implementation of National Values in Order to Build A Generation of Youth With Integrity through Basic Education for State Defense, *Formosa Journal of Applied Sciences*, Vol.3 No.3, 2024, page.1941–1958.

³ Poltava, Dubovych, Serebrennikova, Sozanskyy, & Krasnytskyi., Juvenile Offenders: Reasons and Characteristics of Criminal Behavior, *International Journal of Criminology and Sociology*, Vol.9, 2022, page.1573–1578.

⁴ Asif Farooq Zai, Dr. Gulshan Wani., Juvenile Delinquency: A Global Challenge in Modern Society, *International Journal of Psychosocial Rehabilitation*, Vol.24 Issue.10, 2020, page.8532-8538

⁵ Mevi Sarlince Muskanan., Causal Factors and Law Enforcement of Juvenile Delinquency: Study of the Phenomenon of School Gangs in Kupang City, *Comserva*, Vol.03 No.02, June 2023, page.445-456

differentiate between acceptable and unacceptable behavior, and external factors such as lack of parental attention and negative influences from the surrounding environment. Police efforts include preventive measures such as increased patrols and presence in vulnerable areas, as well as responsive actions like apprehension and law enforcement against juvenile offenders. These steps are crucial in safeguarding public security and providing protection to adolescents as the nation's future generation.⁶

Juvenile delinquency which is a criminal act according to Law No. 11 of 2012 concerning the Criminal Justice System for Children referred to as Children in Conflict with the Law⁷, hereinafter referred to as Children, are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old who are suspected of committing a crime.⁸ Children who are in conflict with the law can be subject to criminal or action. Children who are not yet 14 (fourteen) years old, are threatened with a criminal sentence of less than 7 (seven) years old. Children who are in conflict with the law, aged over 14 (fourteen) years and threatened with a criminal sentence of morethan 7 (seven) years can be sentenced.

Formulation of the problems raised in this study, namely. One What is a factor in Juvenile Criminal Violations in Indonesia.⁹ Second, how is the solution for juvenile delinquency offenses in Indonesia. The purpose of this research is theoretically to understand and analyze the factors of juvenile delinquency offenses in Indonesia. Second, to contribute ideas about solutions for juvenile delinquency crimes in Indonesia.

The purpose of this research is to analyze the factors of juvenile delinquency crimes in Indonesia, secondly to provide solutions for juvenile delinquency crimes in Indonesia.

2. Research Methods

The approach method in this research is carried out with a normative juridical approach. It is a qualitative descriptive research with case study method. Descriptive research is intended to provide as detailed data as possible about humans, conditions and other symptoms. Bogdan and Tailor, ¹⁰ explain that research using qualitative methods produces descriptive data, in the form of written or spoken words from people and observable behavior. The type of research data used is secondary data consisting of primary legal materials and secondary legal materials, namely research materials taken from books, journals, papers, news in the media, results of previous research, norms and legislation,

⁶ Jefri Rafael Sikumbang., The Phenomenon of Juvenile Delinquency: Perspectives on Criminal Law and Policy, *IJM: Indonesian Journal of Multidisciplinary*, Vol.2 No.5, 2024, page.1-8

⁷ Chuasanga A., Ong Argo Victoria., Legal Principles Under Criminal Law in Indonesia and Thailand, *Jurnal Daulat Hukum*, Vol.2 No.1, 2019;

⁸ Haris Dwi Saputra dan Muhammad Miswarik., Implementasi Diversi Dalam Sistem Peradilan Pidana Anak Yang Berhadapan Dengan Hukum, *Journal Inicio Legis*, Vol.2 No.1, 2021, page.36-50

⁹ Hikmah, F., and Yanto, A., Reformulation of Criminal Procedural Law Policies By Strengthening Diversion In Juvenile Criminal Cases In Indonesia, *Jurnal Peradaban Hukum*, Vol.1 No.1, 2023, page.45–60.

¹⁰ Moleong, Lexy J,. *Metode Penelitian Kualitatif*, Bandung, PT Remaja Rosdakarya, 2007, page.17

to achieve good results then Analysis The data obtained from the research results in the form of library research data (secondary) were analyzed qualitatively. 11

3. Results and Discussion

3.1. Factors that cause juvenile delinquency in Indonesia

Children are a mandate and gift from God Almighty who has the dignity and worth as a whole human being.¹² Adolescence is a period of searching for one's identity, so that during adolescence, a person will be easily provoked to do things that are positive or negative.¹³ Being provoked in positive things is of course very good for the period of growth and development of adolescents entering adulthood, for example, such as participating in organizations in the school environment. However, if you are provoked into negative actions, for example, discriminating against someone, juvenile delinquency will arise.

Juvenile delinquency is a form of deviant social action carried out by certain individuals with a maximum age of 18 years by violating reasonable boundaries so as to cause harm to themselves and to others.¹⁴ On the other hand, juvenile delinquency behavior can be easily found in everyday life. Both at school, in the community, and in the social environment, there needs to be a serious solution so that later they can realize that their behavior is part of an example of a social problem.¹⁵

Hurlock stated that juvenile delinquency is an act of breaking the law committed by a teenager, where the action can make an individual who commits it go to prison. juvenile delinquency as behavior that deviates from the norms of criminal law.¹⁶

According to Jensen,¹⁷ juvenile delinquency is based on four aspects, namely: Delinquency that causes physical casualties to others: fights, rapes, robberies, murders, and others;¹⁸ Delinquency that causes material casualties: vandalism,

¹¹ Haradhan Kumar Mohajan., Quantitative Research: A Successful Investigation in Natural and Social Sciences, *Journal of Economic Development, Environment and People*, Vol.9 Issue.4, 2020, page.50-79

¹² Yoaclino De Vedruna Ximenes (et. al)., Perlindungan Hukum terhadap Anak Korban Tindak Pidana Pencabulan di Kabupaten Malaka, *June: Jurnal Publikasi Ilmu Hukum*, Vol.2 No.2, 2024, page.176-193

¹³ Nurwahidah (et. al)., Hubungan Antara Strategi Regulasi Emosi Dengan Perilaku bullying pada Remaja Di DKI Jakarta, *JCA* Psikologi, Vol.2 No.4, 2021, page.68-80

¹⁴ Setiawan (et. al)., Kebijakan Pendidikan Karakter Dalam Meminimalisir Kenakalan Remaja. *Al-Mutharahah: Jurnal Penelitian Dan Kajian Sosial Keagamaan*, Vol.18 No.1, 2021, page.62-71.

¹⁵ Fikri Anarta (et. al)., Kontrol Sosial Keluarga Dalam Upaya Mengatasi Kenakalan Remaja, Jurnal Penelitian dan Pengabdian Kepada Masyarakat (JPPM), Vol.2 No.3, 2021, page.485-498

¹⁶ Sarwono, S.W., *Psikologi Remaja*, Jakarta, PT. Raja Grafindo Persada, 2006, page.33

¹⁷ Jumadi Mori Salam Tuasikal., *Juvenile Delinquency*, https://dosen.ung.ac.id/ accessed in May 10 2024

¹⁸ Tom D. Kennedy, David Detullio, Danielle H. Millen., Juvenile Delinquency, Theory, Trends, Risk Factors and Interventions, Nova Southeastern University, Fort Lauderdale, USA, 2020, page. 17

theft, pickpocketing, extortion, and others; Social delinquency that does not cause victims on the part of others: prostitution, drug abuse, and free sex; Delinquency against the child's status as a student by playing truant, running away from home, and denying parental orders.

The factors that cause juvenile delinquency include:

The condition of a broken family (broken home). Disorganized family conditions are a reflection of disharmony between individuals (husband and wife, or parents and children) in household institutions.¹⁹ A husband's relationship that is not in line or in rhythm is marked by continuous quarrels, squabbles, or conflicts. During a fight, children will see, observe, and understand the lack of peace and tranquility between their parents. As a result, they run away to seek love and attention from other parties bydoing mischief outside the home.

Lack of attention and affection from parents. The needs of a child's life are not only material, but more than that, children also need psychological needs for the growth and development of their personality. In entering this era of industrialization, many modern families, husband and wife, work outside the home only to pursue sufficient material needs, the longer there is a tendency for duties and responsibilities as parents to be handed over to servants, as a result, children tend not to feel at home, children run away by doing promiscuity. This has a negative impact on their personal development and behavior, they carry out actions that violate societal norms.

The socioeconomic status of the parents is low. Economic life is limited or lacking, causing parents to be unable to provide fulfillment of food, health and education needs. With the unavailability of sufficient economic needs, children are unable to complete higher levels of education. The lack of education makes individuals work perfunctory, even become unemployed and to channel their energy they do things that violate the norms of society.

Inappropriate family conditions. Some parents think that the application of discipline to children means that it must be carried out firmly, hard, without compromise, and does not have mercy on children. When children often receive harsh and harsh treatment from their parents, maybe children will obey in front of their parents, but the nature of obedience is only temporary. They tend to take negative actions, as an escape orprotest against their parents.²⁰

Answering the first problem, there are factors that cause juvenile delinquency, we can conclude that there are:

Internal Factor: These factors consist of personality, psychological condition, status and role in society. Teenagers are not mature enough to find a permanent personality in themselves. Moreover, young children who are in development do not get enough attention. not being able to adapt is also a problem for every teenager. Moreover, the transition period and the search for

¹⁹ Muslih, M., Correlation of Family Disharmony with Student Achievement in Islamic Education Lessons at SMP NUHA *Banjarharjo* Brebes. *Edunesia: Jurnal Ilmiah Pendidikan*, Vol.2 No.3, 2021, page.581-590.

²⁰ George W. Holden., Why Do Parents Hit Their Children? From Cultural to Unconscious Determinants, *The Psychoanalytic Study of the Child*, Vol.73 Issue.1, 2020, page. 10-29

identity at this age is very dominant. Many teenagers tend to look at their idols and follow a behavior that is only considered cooler without thinking about the consequences of these attitudes and behaviors. Physical disabilities can also be a trigger for someone to make mistakes. This is due to lack of confidence in their own abilities. Moreover, conditions that are not ideal like this often become ridicule or satire of people around. And the next internal factor is the status factor. Without realizing it, people often call someone with the social status inherent in them. For example, children whose fathers are thieves or corruption are often referred to as children of corruption or others. This becomes the growth of deep hatred and resentment.

External Factors: External factors from the birth of juvenile delinquency are the family environment, social interaction with the wrong community, natural geographical conditions, social inequality and social and cultural factors. All of these factors have a role in encouraging juvenile delinquency. Families that do not have strong control will grow indifferent and indifferent. That's why it is highly recommended that the family should be the best place for all family members. If the family condition is very good and enough to be a filter for children's lives, other factors cannot easily affect teenagers. Social inequality that occurs in today's life is a trigger for increasing juvenile delinquency. The gap in life differences makes behavior also tend to be limitless. Everyone feels they have the right to determine their own lives, this makes apathy and selfishness.

Juvenile delinquency criminal violations are contained in the Law of the Republic of Indonesia Number 11 of 2012 concerning the Juvenile Criminal Justice System:

That children are a mandate and gift from God Almighty who has the dignity and worth as a whole human being; That in order to maintain their dignity, children are entitled to special protection, especially legal protection in the judicial system; That Indonesia as a State Party to the Convention on the Rights of the Child (Convention on the Rights of the Child) which regulates the principle of legal protection of children has an obligation to provide special protection to children in conflict with the law;

Article 1 states: The Juvenile Criminal Justice System is the entire process of resolving cases of children in conflict with the law, starting from the investigation stage to the stage of mentoring after serving a crime.²¹ Children in Conflict with the Law are children who are in conflict with the law, children who are victims of criminal acts, and children who are witnesses of criminal acts.²² Children in Conflict with the Law, hereafter referred to as Children, are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old who are suspected of committing a crime. Children who become victims of criminal acts, hereinafter referred to as children under the age of 18

²¹ Wardianti (et. al)., Pemangku Kepentingan Mengatasi Permasalahan Anak Berhadapan Dengan Hukum Melalui Diversi, *Sosio Konsepsia: Jurnal Penelitian Dan Pengembangan Kesejahteraan Sosial*, Vol.13 No.2, 2024, page.158-172

²² Hartoyo (et. al)., Perlindungan Hukum Terhadap Anak Yang Berhadapan Dengan Hukum Melalui Restoratif Justice, *Disiplin : Majalah Civitas Akademika Sekolah Tinggi Ilmu Hukum Sumpah Pemuda*, Vol.27 No.1, 2021, page.1-12.

(eighteen) years who experience physical, mental, and/or economic losses caused by criminal acts. Child who is a witness to a crime, hereinafter referred to as a witness child, is a child who is not yet 18 (eighteen) years old who can provide information for the purposes of investigation, prosecution and examination in court regarding a criminal case that is heard, seen, and/or or experienced it yourself.²³ Restorative Justice is the settlement of criminal cases by involving the perpetrators, victims, families of the perpetrators/victims, and other related parties to jointly seek a fair solution by examining restoration back to its original state, and not retaliation.

3.2. Solutions to Overcome Juvenile Delinquency in Indonesia

Seeing things related to juvenile delinquency is certainly a concern and concern so that it is necessary to break the chain in juvenile delinquency. to answer the problem of the two solutions of Juvenile Criminal Offenses in Indonesia:

Internally: The role of parents in building character and equipping personality from the beginning of growth and development, namely by:

Equipping children with moral and religious foundations, in educating a child, the most important thing that should be instilled is religious and moral values.²⁴ Because religion and morals are the main foundation in forming a human's character. If a person does not have morals, then his attitude will be bad, likewise if a person does not have a religion, then his life goals will not be clear. That is why aspects of religious and moral values are so important for young children. Children are like a piece of white paper that is still clean. And what we teach is like black ink that will be imprinted on the child. Therefore, from an early age, children must be taught things that are good according to morals and religion. Of course, this aims to provide the child with provisions when facing life in the following days until he becomes an adult

Establish good communication between parents and children. Establishing good communication with children sounds commonplace. But in reality, many parents complain about the difficulty of establishing good communication with their children, especially those who have entered the teenage phase. Even though communication between children and parents has an important role in the parenting process. According to Prasetyo, parent and child communication is a process of relationship between parents (mother and father) and children which is a relationship that is able to provide a sense of security for the child through a relationship that allows both of them to communicate with each other so that there is openness, confidence in facing and solving problems.²⁵ Therefore, existing relationships can create pleasure, which has an impact on better relationships. Communication that exists between parents and children in the

²³ Erwin Asmadi., Perlindungan Hukum Bagi Anak Sebagai Saksi dalam Pemeriksaan Perkara Pidana, *Iuris Studia: Jurnal Kajian Hukum*, Vol.1 No.2, 2020, page.51-60

²⁴ Aiena Kamila., Pentingnya Pendidikan Agama Islam Dan Pendidikan Moral Dalam Membina Karakter Anak Sekolah Dasar, *Al-Furqan: Jurnal Agama, Sosial, Dan Budaya,* Vol.2 No.5, 2023, page.321-338

²⁵ Ewaldo Imam Prasetyo., Pola Komunikasi Orang Tua Dengan Anak Remaja Terhadap Ketergantungan Internet Di Kelurahan Bagelen Kota Tebing Tinggi, *Jisos: Jurnal Ilmu Sosial*, Vol.2 No.1, 2023, page.1353–1366

family, parents have the responsibility to educate children.²⁶ The relationship between parents and children must be two-way. Both parties must have a mutual understanding of something, such as parents and children can convey opinions, thoughts, information or advice. Therefore, communication between parents and children should be able to create pleasure which can lead to better relationships. This effective and harmonious communication relationship exists because of several things, such as a sense of openness, empathy, support, positive feelings, similarities between parents and children.

Be a role model and good example for children. Parents, especially mothers, are figures who are expected to provide role models for their children.²⁷ A mother must be able to set a good example for her child, for example teaching children to be diligent in worshiping, parents can do this by being obedient in worship, for example praying five times a day and reciting the Koran, so that children will see and imitate what their parents do. The child will later ask what are you doing? Then the mother can explain that she is praying to the child, so that the child will imitate the mother in worship. Being a role model for children is certainly not an easy thing, but we must do it continuously and consistently, so that children can see, imitate and apply what we do well. As the saying goes, the fruit doesn't fall far from the tree, a child's character is not much different from his father and mother, so let us all set a good example for our children.

Externally in the form of a school environment: In this case, the school always programs development in the field of student affairs that is integrated into the school program, developing character education components into the school curriculum, both intracurricular and extracurricular. Apart from that, the school seems to always be trying to increase the active role of the school community. For preventive action or prevention of student delinquency (adolescent age), the activities carried out are:²⁸ (1) carrying out socialization regarding the rules and regulations, (2) carrying out extracurricular activities based on character education (education about attitudes, morals and values). behavior) by involving subject teachers, homeroom teachers, principals, school committees, OSIS, and relevant experts according to needs, (3) holding motivational activities at each grade level by inviting motivators from outside, (4) holding plastic counseling which is sharing with students carried out by guidance and counseling teachers, (5) establishing a drug task force. (6). Control cleanliness every break or at certain times.

Then the role of the community environment; One form of community role is by holding social activities involving teenagers, such as mentoring, skills training and religious activities. Through this activity, teenagers can be invited to become active and responsible members in the community, thereby avoiding an

²⁶ Yusuf, R. N. (et. al)., Kontekstualisasi Keterlibatan Orang Tua melalui Sharing Session pada Pendidikan Anak Usia Dini. *JIIP-Jurnal Ilmiah Ilmu Pendidikan*, Vol.6 No.12, 2023, page.10584-10596

²⁷ Esli Zuraidah Siregar and Nurintan Muliani Harahap., Peran Orang Tua Dalam Membina Kepribadian Remaja, *Al-Irsyad Jurnal Bimbingan Konseling Islam*, Vol.13 No.1, 2022. page.64-80

²⁸ Ratnaning Tyasasih., Penanggulangan Kenakalan Anak Dan Remaja, Dampak Dan Penanganannya. *Integritas : Jurnal Pengabdian*, Vol.4 No.1, 2020, page.70-81

environment that influences them to commit delinquency. The approach through the community environment is an approach that involves all members of society in overcoming social problems, including juvenile delinquency. Through community education, every individual in Cilibang village can play an active role in creating a safe and healthy environment for the future of the young generation.

4. Conclusion

The juvenile delinquency is an act or behavior that violates the law of young people aged 16-18 years, both of which can harm themselves and others. This action is caused by a form of social neglect, so they develop a form of deviant behavior in the form of violating the law. Factors that cause juvenile delinquency are: a) internal factors, namely things that are internal from within the teenager itself. either as a result of its development or growth or as a result of some kind of mental illness, or mental illness that exists within the individual himself; and b) external factors, namely: things that encourage juvenile delinquency originating from outside the teenager's personality, namely the surrounding environment, or the state of society. Solutions for juvenile delinquency crimes in Indonesia are: Internally, The role of parents in building character, The role of the family (class 1 to group 4 siblings), Being a role model both in behavior and in terms of maintaining a healthy environment, Establishing good communication, Improving family harmony. Externally from school environment and community environment.

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