

Law Enforcement Against Violent Crimes by Children Resulting in Death in The Jurisdiction of the Brebes Resort Police

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Abstract. *The development of the current era has not only brought a major influence on the country of Indonesia but also has an impact on the development of society, behavior, and cultural shifts in society. This problem has caused an increasing crime rate, which is not only carried out by adults, but many children have also committed crimes. Some types of crimes that are often committed by children that cause unrest in society include brawls between groups. The problem in this study is to determine the law enforcement against acts of violence by children resulting in death in the jurisdiction of the Brebes Police, and to determine the factors causing the increase in children committing acts of violence, as well as to determine the obstacles experienced by the Brebes Police in enforcing acts of violence committed by children. The method used by the researcher is a sociological legal approach, while the type of research used is descriptive. The sources and types of data in this study are primary data obtained from field studies of interviews with investigators in the jurisdiction of the Brebes Police, and secondary data obtained from literature studies related to the theory of law enforcement and the theory of legal certainty. Based on the results of the study, law enforcement against acts of violence by children in Brebes Regency has been carried out optimally, after a report was made to the police, the Brebes Police immediately secured the suspects and evidence of violence, the Brebes Police also conducted further investigations after a report of a violent crime occurred. Meanwhile, the factors causing brawls between students include internal factors such as disharmonious families and personal problems, as well as external factors such as economics, lack of supervision, bullying, environment, and peer influence. As well as the obstacles faced by the Brebes Police in enforcing the law against acts of violence by children, including lack of information, lack of cooperation from families, and difficulties in collecting evidence.*

Keywords: *Enforcement; Investigation; Obstacles; Violence.*

1. Introduction

The Republic of Indonesia is a state based on law (*rechtstaat*), not on power (*machtstaat*). This is clearly stated in Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the Republic of Indonesia is a state based on law.

Nowadays, there are often violations of the law that occur in society, where the current spotlight is cases involving minors. Currently, crimes are not only committed by adults, but many children have also committed criminal acts. Although children are said to be the next generation of development, namely the generation that is prepared as the object of implementing sustainable development and the holder of control of the country's future, in reality, there are often deviations in behavior or actions among children, which can be detrimental to themselves and society, one of which is cases of violence committed by children.¹

Cases of violence in Indonesia involving children, both as victims and perpetrators of the violence itself, have increased sharply from year to year and have reached a worrying stage. Child perpetrators of violence in Indonesia have recently been in the spotlight. Violence involving children is like an iceberg, because only a small part of it appears on the surface, but in the sea there is still a larger part of the mountain.²

One example of a case of violence resulting in death committed by a child that occurred in the jurisdiction of the Brebes Police Resort is the Criminal Act of participating in violence against a child resulting in death which fulfills the elements of Article 80 Paragraph (3) Jo Article 76 Letter c of the Republic of Indonesia Law Number 35 of 2014 concerning Amendments to the Republic of Indonesia Law Number 23 of 2002 concerning Child Protection which was committed by Child IFM and Child DIN on Monday, July 24, 2023 at around 02.00 WIB or at least at another time in 2023, located on Jalan Raya Klampog, Klampok Village, Wanasari District, Kab. Brebes where the violence arose from a brawl between groups or youth gangs where the perpetrator's gang and the victim's gang fought and when the brawl occurred the victim hesitated and retreated by riding a motorbike which was then chased by the perpetrator and when caught up the perpetrator, the IFM child immediately slashed/slashed a machete 2 (two) times to the victim's back. After that the motorbike ridden by the victim was kicked by

¹Nashriana, 2011, *Legal Protection for Children in Indonesia*, Raja Grafindo, Jakarta, p. 17

²Moerti Hadiati Soeroso, 2010, *Domestic Violence in the Legal Perspective of Victimology* Sinar Grafika, Jakarta, p. 133,

the perpetrator so that the victim's motorbike swerved and hit the concrete road divider until the victim fell into the gutter and died.

For their actions, the perpetrators, Child IFM and Child DIN, have been proven legally and convincingly guilty of committing the crime of "participating in violence against a child resulting in death", as per the Decision of the Brebes District Court Number 6/Pid.Sus-Anak/2023/PN Bbs where the Judge sentenced Child IFM to 2 (two) years in prison, and Child DIN to 3 (three) years and 6 (six) months in the Kutuarjo Special Child Development Institution (LPKA) and Job Training at the Baturaden Satria Center, Banyumas Regency, each for 3 (three) months.

2. Research methods

The research approach method used in this research is the Sociological Juridical approach, namely research that looks at the discipline of regulations or laws based on the reality that occurs in society. The research specification used in this study is the descriptive analysis type, descriptive research aims to create a description, picture or painting systematically, factually and accurately regarding the facts, characteristics and relationships between the phenomena being investigated. In this study, the author uses two types of data sources, namely primary data which is data obtained directly from the field, especially from people who are related to the problem that will be studied in this writing, and secondary data, namely library research and primary materials in the form of applicable laws and secondary materials in the form of expert opinions, law books, journals and magazines.

The data collection method used for Primary data is by interview and observation, while for secondary data using literature study. While the method used is a qualitative analysis method, so the data that has been successfully collected, both primary data and secondary data, can be drawn a conclusion where the data will appear in the form of words, with a starting point on the applicable law or legal norms.

3. Results and Discussion

3.1. Law Enforcement Against Criminal Acts of Violence by Children Resulting in Death in the Jurisdiction of the Brebes Police Resort

In cases of violent crimes committed by the community, the role of the police is very crucial as the front line in the investigation and inquiry process. As law enforcers, the police are responsible for ensuring that the rights of victims are protected, while at the same time, also ensuring that the legal process against the perpetrators is carried out fairly and according to procedure. The police take a series of steps, starting from collecting evidence, interrogating witnesses, to arresting the perpetrators, in order to create justice and security for all parties involved.

The problem of violence against children in our society has recently been seen to have a major place in official discussions and among ordinary people, both among scientists, law enforcers, crime observers and the public in general. Even so, it is felt that there is a need for a special discussion on this issue. By providing a contribution of thought in order to understand the problems of violence such as child abuse further to provide input for future crime prevention efforts.

An act of violence such as abuse, especially that committed against a child as a victim, when viewed from the aspect of positive Indonesian criminal law, then the act can be categorized as a criminal act, because positive Indonesian criminal law regulates not only the interests between individuals but also the state as an institution that has the function of protecting every citizen, in this case a person who has become a victim of a criminal act.

One of the crimes of violence by children that resulted in death in the jurisdiction of the Brebes Police Department started from the existence of 2 gangs in the Brebes area, namely the Patnex gang and the Matsanda gang, who challenged each other to a brawl. Child II was the person who helped order the brawl, while child I was the person who committed violence against the child victims. As a result of what the perpetrators did, 2 of the 3 victims died and 1 victim was injured.

Investigators from the Brebes Regency Police immediately arrested and detained the perpetrator's child, namely detention from July 25, 2023 to July 31, 2023, and the Public Prosecutor's Extension from August 1, 2023 to August 8, 2023. In addition to the arrest and detention of the perpetrator's child, investigators also confiscated evidence in the case. The results of the Visum et repertum from the Bhakti Asih Brebes Hospital also became evidence that the victim's child had been subjected to violence by the perpetrators.

From the case above, investigators immediately named suspects from the evidence and evidence available, namely Fiqih Maulana Bin Warso and Dafa Iqbal Nawawi Bin Sunarso. While the victims of the case were Zulfikar Bin Slamet, Akhmad Kahfi Bin Imam Thobroni, and Tufatul Atfal Bin Warji. Based on the analysis of the case above, there are indications of a criminal case in which everyone is prohibited from placing, allowing, carrying out, ordering, carrying out, or participating in violence against children or violence together against people, which is in accordance with Article 80 paragraph (3) of Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection.

The author can state that in enforcing the law against acts of violence by children resulting in death in the jurisdiction of the Brebes Police, it has been carried out optimally. Because investigators have conducted investigations and inquiries in accordance with the regulations and authority of the police as investigators, such as detention, arrest, confiscation, searches, and examinations. Law enforcement

against suspects who have committed acts of child abuse named the victim's child Zulfikar Bin Slamet (Alm), Akhmad Kahfi Bin Imam Thobroni, and the victim's child Tufatul Atfal Bin Warji where the perpetrators have been secured by Police Investigators since the report of violence was given by the victim to the investigator, and for further investigation, the perpetrators were detained by the investigator.

According to the author, law enforcement against child violence resulting in death at the Brebes District Police is analyzed from the perspective of using the theory of legal enforcement that in law enforcement does not merely mean the implementation of legislation, although in reality in Indonesia the tendency is so, so that the understanding of law enforcement is very popular. In addition, there is a strong tendency to interpret law enforcement as the implementation of judges' decisions.

3.2. Factors Causing the Increase in Children Committing Violent Crimes

Factors of violent criminal acts of brawls between students in the jurisdiction of the Brebes Police Resort. There are several factors that influence the causes of violent criminal acts committed by students, namely:

1) Internal Factors

a. Family

Family is a place where children can get the affection they need when they are in their time. Family is one of the instruments that cannot be separated to shape the character of a child to become what he will be in the future. A harmonious family is certainly a family that is very much desired by everyone. Because from this harmonious family can shape the character of the child to be better and prevent the child from doing unnatural things. In most cases of violence committed by students when investigated further about what caused them to do these actions the answer obtained is because the family conditions are very bad or can be said to be disharmonious. For example, there are those whose parents are divorced, parents who often do not get along in front of their children, parents who are busy working until they have no time for family and there are still many more problems that cause the family to be disharmonious.

Conditions like this are certainly a burden for a child who should receive attention and affection and supervision from their parents, but instead make them unhappy when they are at home with their family. This is what underlies these children to seek pleasure that they cannot feel at home. They go out looking for a place to gather with their friends and without sufficient supervision they start to think about what they can do so that they can vent what they have been feeling all this time. Therefore, the role of the family as a very important and primary factor in

supervising the behavior of these students so that they can do things that are considered good.³

2) External Factors

a. Education

According to the author's research results, education also influences the occurrence of children committing crimes, where the average level of education of the perpetrators is only elementary school graduates. The education factor also influences children committing crimes. This shows that the minimal level of formal education in society has an impact on the community, namely they feel and behave inferior and are less creative so that there is no control over their personality so that it is easy to commit criminal acts, especially children committing crimes.

With minimal education, their thought patterns are easily influenced by social conditions so that their environmental interactions easily express bad behavior through actions that harm society. Indeed, if we talk about education in relation to crime, there may be many problems that will arise, therefore the author limits it to something like education that is less successful, namely from perpetrators who have relatively low education, affecting the perpetrator's work because of the lack of skills they have, so that the perpetrators of Child Crimes that occur in Pekanbaru City are generally laborers whose jobs are not permanent. This is due to low education, resulting in a lack of creativity and related to a lack of employment opportunities.

b. Economy

For the economic level of students in his school, it is included in the middleclass level, but it does not mean that economic factors are not the cause of violent crimes that occur. Economy is one of the factors that makes a student commit violent acts, because not all children who go to school can be said to be capable so that this student feels that there are some needs that he really wants to fulfill because he is influenced by his friends and parents are unable to provide those needs to him.

c. Supervision

Supervision of students is not entirely owned by teachers at school. Very effective supervision is actually in the hands of their own families because the family is the closest person to them. In reality, there are still many families who are negligent in supervising their children because usually supervision is only carried out when the child is at home, therefore teachers as parents of both at school should provide

³<http://www.smuha-yog.sch.id/cetak.php?id=949>, accessed on August 29, 2024 at 10.30.

supervision and education that is very strong so that they avoid negative behavior.
Lack of supervision of student behavior

d. Influence of Friends

In cases of violence committed by students, it is not uncommon for students involved in acts of violence to admit that they did this because they were influenced or invited by their friends, so that usually if they are very close friends, it is very difficult for them to refuse the invitation and choose to carry out negative actions.

e. *Bullying*

Bullying is a bad act done by one or more people to another person. In this advanced era, bullying can be done by phone, sending messages via SMS or email, and leaving bad comments on social media, this also often causes violent acts of brawls between students. Bullies usually get satisfaction from bullying people.

f. Go along without knowing the reason

Doing things as other people do is one form of juvenile delinquency that often involves brawls, joining in in this case means that they do not know the causes of the main core of the problems they face.

g. Ongoing grudge

In this case, it also often causes fights between students, for example, a student from school A hits a student from school B, even though in this case it is a problem that arises outside of school and occurs between the individual students concerned, but because of a feeling of revenge or being embarrassed because of losing the fight, the student brings his problem to school and invites his friends to take revenge, so a fight occurs between the students.

h. Gang

Joining a gang can be a factor that encourages violence, as gang members often engage in aggressive behavior and criminal acts to maintain status or demonstrate loyalty to the group. Gangs often teach norms that support violence as a means of resolving conflict or gaining power, making their members more likely to engage in acts that harm others. In addition, peer pressure within a gang can force individuals to engage in violence, even if they initially had no intention of doing so. One example is in Brebes, namely the Matador gang and the Matsanda gang.

According to the author, the factors that have been described previously are the basis for children to commit crimes. Children do not commit crimes simply because they want to do them, but there are several factors that influence children to commit crimes. Children have a place as members of society who cannot be

unilaterally blamed for the crimes they commit, because there are other parties who are jointly responsible, namely parents, government, law enforcement officers and all elements of society, each of which has its own role to prevent criminal acts in this case, namely the crime of murder committed by children.

3.3. Obstacles Experienced by Brebes Police in Enforcing Criminal Acts of Violence Committed by Children

In accordance with the results of the author's research, after interviewing Mr. Bripka Eko Priyatno SH as a member of the Women and Children's Service Unit of the Brebes Police, in implementing efforts to overcome violent crimes committed by students, there are several obstacles, namely:⁴

- 1) Lack of information from both the perpetrator and the victim in cases involving underage students is often a major obstacle in the police investigation process. When the perpetrator or victim is still a student and not yet mature enough, investigators face significant challenges in obtaining accurate and complete information. Their immature mental and emotional state is often the main obstacle, where they tend to feel afraid, stressed, and ashamed when having to deal with the law. Fear of legal consequences, as well as ignorance of legal procedures, adds to the psychological burden they feel. This causes them to be reluctant to provide the necessary information, or even unable to reveal what really happened. As a result, the investigation process becomes much more difficult and slow, due to the lack of information essential to uncovering the truth and upholding justice.
- 2) The family does not want to cooperate and tries to cover up the existence of their child as the perpetrator of the crime, this is a big challenge for the police in carrying out their investigative and law enforcement duties. The actions of the family who choose to protect their child from the legal process, either by hiding important information or deliberately making it difficult to find the perpetrator, not only hinders the course of justice, but also complicates the investigation process. The lack of cooperation from the family not only slows down the legal process, but can also result in the perpetrator of the crime fleeing or repeating his actions.
- 3) One of the significant obstacles faced by investigators in handling this case is the extraordinary difficulty in collecting evidence, especially when the evidence has been thrown into the river by Children in Conflict with the Law (ABH). The process of collecting evidence is a crucial element in criminal investigations, because physical evidence is often a strong basis for revealing the truth and proving the perpetrator's involvement in a crime. However, when the evidence is

⁴Interview with Mr. Bripka Eko Priyatno SH, member of the Women and Children's Service Unit of the Brebes Police Resort on August 28, 2024, at 13.35 WIB

thrown into a place that is difficult to reach or explore, such as a river, the challenges faced by investigators become even more complex.

Efforts to overcome the obstacles experienced by the Brebes Regency Police are:

- 1) The counseling referred to here is:
 - a. Counseling at school is an effort by the police to educate children to prevent violent crimes at the school level.
 - b. Counseling in the community is an effort by the police to prevent violent crimes committed by students in the community.
- 2) Patrolling in certain areas is one of the police activities by 2 (two) or more members of the Indonesian National Police, as an effort to prevent the meeting of intentions and opportunities, by visiting, exploring, observing or paying attention to situations and conditions that are expected to give rise to all forms of crime or security disturbances that require the presence of the Indonesian National Police to carry out police actions to maintain order and guarantee public security.

4. Conclusion

Law enforcement against acts of violence by children resulting in death in the jurisdiction of the Brebes Police Resort has been carried out optimally. Law enforcement against suspects who have committed acts of violence against child victims named Zulfikar Bin Slamet (deceased), Akhmad Kahfi Bin Imam Thobroni, and child victims Tufatul Atfal Bin Warji, where the perpetrators have been secured by Police Investigators since the report of violence was given by the victim to the investigator, the police also immediately proceeded to other stages of investigation to collect additional evidence needed to strengthen the case. At this stage, investigators take various steps, such as examining witnesses, conducting searches, and collecting relevant evidence. Factors of violent crime of brawls between students are, there are several factors that influence the causes of violent crime committed by students, namely internal factors are factors of less harmonious families and factors within the individual, external factors are factors of education, economic factors, factors of supervision that are still lacking, bullying, the surrounding environment, from the individual himself, and the influence of peers. Other factors are ongoing revenge and wanting to join in without a clear reason. When there is a brawl between students, they join in and without knowing the core of the problem of the brawl. The obstacles experienced by the Brebes Police in enforcing acts of violence committed by children are as follows: (a) Lack of information from both the perpetrator and the victim in this act of violence. (b) The family cannot cooperate and tries to cover up the existence of their child as the perpetrator of the crime. (c) The Brebes Police have difficulty in collecting evidence, especially when the evidence has been thrown into the river by Children in Conflict with the Law (ABH).

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