



Issue: Crime and Justice: A Global Perspective

Research Article

Crime and Street Children (Study on Emas Indonesia Foundation)

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Abstract: Humans are social creatures where one human needs another human being so that in their daily activities they always interact with one another. Naturally, each individual adapts to an environment that makes the individual comfortable and adapts to the environment in which he is and lives together so that there are order and order in living together, society as a container or social environment that influences the lives of the individuals in it. This research aims to analyze the phenomenon of crime among street children in the city of Semarang. This research method uses a qualitative approach, where the author sees and observes directly the various activities of street children in the city of Semarang. This research found that crime is caused by several factors such as economy, relationships, opportunities, and others. These factors that have occurred in Indonesia have shown a negative effect. A large number of people commit wrong actions with the sole purpose of wanting to make ends meet. Street children choose the environment on the streets sometimes not only because of economic hardship but also because they enjoy the environmental conditions on the streets. Street children do not always have a place to live, children who feel stressed by the condition of their family and home environment, sometimes feel more comfortable choosing the streets as their living environment.

Keywords: *Street Children; Crime; Child Protection; Criminology*

Introduction

Humans are social creatures where one human needs another human being, so that in their daily activities they always interact with one another. Naturally, each individual adapts to an environment that makes the individual comfortable and adapts to the environment in which he is and lives together so that there is order and order in living together, society as a container or social environment that influences the lives of the individuals in it.

One of the problems that often arise in society is crime, especially violence in society. In the end, this crime model has formed a distinctive perception among the people. This is what makes the various aspects of violent crime continue to develop rapidly to meet and keep abreast of various cases of crimes that use violence in the era of globalization and modern technology that has grown from time to time (Erlina, 2014).

Crime is caused by several factors such as economy, association, existing opportunities and others 9Baumer &

Gustafson, 2007). These factors that have occurred in Indonesia have shown a negative effect. The large number of people who commit wrong actions with the sole purpose of wanting to make ends meet (Djanggih, 2008).

Children are candidates for the nation's successor. A child who is born and raised in a good environment with guidance and love will produce quality individuals, and vice versa. Delinquency as a social problem is a reality that must be faced by every level of society. The problem of street children has been developing for a long time. As the population increases and the uncontrolled migration of people from villages to cities results in poverty, socio-economic disparities between the urban poor and the urban rich are often found in big cities in Indonesia, one of which is Semarang.

Poverty or economic problems, the cause of children dropping out of school is also caused by the unpleasant conditions of the school, including very low teaching, the condition of the teaching force is also alarming. Poor children, beside a school building that does not meet the requirements and the school is too far away. The number of child trafficking has been increasing and is carried out for the purposes of prostitution, begging, domestic help, drugs, and many more (Gunarsa, 2000).

The narrowing of employment opportunities in a small community has a big impact. Forcibly, children from under-privileged families have to participate in making a living for the survival of their families. The child makes a living by begging, busking, selling newspapers, and some even pickpockets. The sight of street children in big cities is familiar, where their daily lives are on the streets and mingled with the harshness of street life.

Street children tend to do delinquency because of a sense of the same fate between one child and another, where they feel that they are not the same as children who generally like their parents' love, have sufficient assets, complete and comfortable facilities both at home and facilities for school. The existence of social inequality makes it a sight for some people that street children are just social trash. There are many factors that trigger street children to work when they should not be required to work. Demands to meet needs only in order to survive.

Street children choose the environment on the streets sometimes not only because of the economic hardship, but also because they enjoy the environmental conditions on the streets. Street children do not always have a place to live, children who feel stressed by the condition of their family and home environment, sometimes feel more comfortable choosing the streets as their living environment. The problem of street children cannot be separated from the ongoing structural poverty in society and the increasingly limited places to play for children due to development that does not consider the interests of children's needs and protection, then increasing economic symptoms of wages and opening opportunities for children to look for flowers on the streets has been perceived by some as a form of disturbance. Social factors also affect the phenomenon of street children, the low aspirations of parents about the importance of education for children. Low parental support for children so that children can go to school, but nursing children to languish in the world of work.

In the city of Semarang, there are many places where street children will be found. More often they are found in the places where people are playing, such as Tugu

Muda, Kota Lama, Sampangan and also Kariyadi Hospital. With this condition, there should be special handling to deal with street children.

In accordance with Article 34 paragraph (1) of the 1945 Constitution which reads that "*the poor and neglected children are cared for by the State*", in this case the State is represented by both the central and regional governments who are obliged to ensure a decent life for neglected children. According to Article 1 paragraph (6) of Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, neglected children are children who do not meet their needs properly, whether physically, mentally, spiritually, or socially. When referring to this definition, street children are among the neglected children. With regard to child protection, according to Law Number 4 of 1979 concerning Child Welfare, it is stated that children are the potential as well as the successor to the ideals of the nation whose foundations have been laid by the previous generation. In order for every child to be able to assume this responsibility, it is necessary to have the widest possible opportunity to grow and develop naturally spiritually, physically and socially.

The life that street children have to live affects the order of their lives against negative things so that it has an impact on the decline in religious values and also the mental value of each individual. Children who take to the streets from an early age will affect mentally both mentally and spiritually. This is what causes these children to commit delinquency because they think that their fate is not the same as the fate of other children.

Legal protection for children can be interpreted as an effort to protect the law on

children's freedom and human rights as well as various interests related to children's welfare (Midgley, 1995). The issue of legal protection for children currently covers a very broad scope. The way a society treats children, not only reflects the quality of compassion, the desire to protect and care for children, but also reflects its sensitivity to a sense of justice, its commitment to the future and the important role of children as the nation's next generation (Pamungkas, 2014).

The emergence of street children without realizing it can cause various problems such as disturbing the orderliness and comfort of others, it is not uncommon for people to feel uncomfortable seeing street children passing around them. Then the emergence of street children also does not rule out providing fertile conditions for the growth of crime. And of course, the emergence of street children gives a bad impression of the existence of the nation and state (Sudarsono, 2004).

A lot of news in the mass media contains about children who commit crimes, especially street children who commit crimes against people around them, such as theft, drugs, pickpocketing, rape, fraud, murder and so on. The actions they do are caused by many factors, one of which is the social and economic conditions of their families.

In the city of Semarang, there are many places where street children will be found. More often they are found in the places where people are playing, such as Tugu Muda, Kota Lama, Sampangan and also Kariyadi Hospital. With this condition, there should be special handling to deal with street children. Based on data from the Social Service, Semarang City is a contributor to the high number of street children in Central Java, with a total of 302 children. This

number is likely to increase again, because there are street children who have not been registered by the Semarang City Social Service (Maulana, 2019).

By being able to allow street children to commit criminal acts, for reasons of various background factors, such as economic factors and family factors.

The Chairperson of the Indonesian Child Protection Commission also added that throughout 2015 there had been an increase in the number of crimes committed by children compared to 2014. In 2014, there were 67 cases of children who were perpetrators of violence. Meanwhile in 2015 it increased to 79 cases. In addition, children as perpetrators of brawl also experienced an increase from 46 cases in 2014 to 103 cases in 2015 (Ni'am, 2016).

This research focuses on two important things, namely answering the background of street children committing crimes based on criminological theories, and legal protection of street children in the city of Semarang.

Method

A. Types and Research Approaches

The research method used in the preparation of this report is a method qualitative research. Qualitative research method according to Lexy J. Moleong is research that intends to understand the phenomenon of what is understood by research subjects, such as behavior, perception, motivation, action, etc., holistically and descriptively in the form of words and language in a natural context (Moleong, 2013).

Qualitative research according to Kirk & Miller was originally based on qualitative observations as opposed to quantitative observations. Then they define that qualitative methodology is a particular

tradition in social science which fundamentally relies on observing humans in their own terms and relating to these people in their language and in their terminology (Nasution, 2003).

Qualitative research has characteristics or characteristics that differentiate it from other types of research. Qualitative research is defined as research that does not make calculations. Qualitative research has characteristics, namely:

- 1) in qualitative research the data are collected in the original conditions
- 2) Research as a research tool, meaning that the researcher is the main tool for collecting data, namely the method of collecting data based on observations and interviews.
- 3) In qualitative research, it is attempted to collect descriptive data which is then written in the report. The data obtained from this research are in the form of words, pictures, and number books.
- 4) Qualitative research is more concerned with process than results, meaning that data collection often pays attention to the results and consequences of various variables that influence each other.

Qualitative research does not aim to test or prove the truth of a theory but is developed with the data collected. This qualitative research method is considered by researchers as the most suitable method to use because the purpose of this study is to know and understand what are the factors, forms and efforts to overcome the delinquency phenomenon committed by street children.

This research focuses on the symptoms that occur in society, factors the influence and social phenomena of certain societal culture. The author uses a sociological juridical approach because considering the problems studied are about

the relationship between social factors and juridical factors. Soerjono Soekanto stated that the sociological juridical approach is to identify and conceptualize law as a real and functional social institution in a real life system. "This sociological juridical approach is carried out based on the problems that occur in society, both actions taken by humans in the community, as well as law enforcement by social institutions" (Soekanto, 1986).

The phenomenon of street children delinquency according to the researcher cannot be separated from the role of the environment around the street children themselves. By using this sociological juridical approach, it will be seen how to deal with delinquency in street children not only in terms of the prevailing positive norms but also the norms that live in society.

B. Types and Sources of Data

In this study, authors used primary data and secondary data. "Primary data is data obtained directly from research sources without any intermediaries" (Amiruddin & Asikin, 2004). Primary data in this study will be the results of interviews conducted with street children and staff from the Indonesian Golden Child Foundation related to issues that are the focus of this research. Then secondary data is data obtained indirectly from the object of research in the form of reports and so on. Secondary data in this study sourced, among others, from the literature and from the internet.

Primary data sources are the words and actions of the people being observed or interviewed which are the main data sources. The main data sources are recorded through written notes or video / audio recordings, photographic or film taking. Secondary data sources are indirect sources that provide additional and reinforcement to research

data. Sources of secondary data in the study were obtained by conducting literature studies both through books and or internet media whose content was related to the issues raised in the study to support analysis and discussion of juvenile delinquency.

C. Data Collection Method

The data collection method is the method used by researchers in collecting research data. In this study, data collection techniques were carried out in the following ways:

1) Literature Study

This literature study is carried out by reading, recording literature and obtaining data using legislation and other sources that are directly related to the problems discussed in the study. What the writer uses in this research is data related to the problems that will be discussed in writing this research. These data are obtained from materials or literature such as books, articles, journals related to issues to be discussed regarding juvenile delinquency.

2) Interview

An interview is a conversation with a specific purpose, the conversation is carried out by two parties, the person who asks and the person who provides the answer to the question (Moleong, 2013). The interview is a process of interaction and communication. The results of the interview are determined by various factors that interact and influence the flow of information. These factors include the interviewer, the interviewee, the research topics contained in the list of questions and the interview situation (Soemitro, 1990). Interviews were conducted directly with each respondent, namely street children who are cared for by the Indonesia Emas Foundation.

3) Study of Document

Study of Document or documentation method is to find data about things or variables in the form of notes, transcripts, books, newspapers, magazines, inscriptions, minutes, meetings, agendas and so on (Arikunto, 1999). In this study, the documentation used was document notes and archives related to street child delinquency fostered by the Indonesia Emas Foundation.

D. Research Location

This research was conducted by the author at the Indonesia Emas Foundation which is located at Jalan Untung Suropati 18, Manyaran, Ngesrep and then there is a halfway house located at Jalan Gombel Indah 24, Ngesrep, Semarang. The Indonesia Emas Foundation also conducts routine assistance points at 3 locations, namely the first at Gunung Brintik every Tuesday at 19.00 WIB attended by 40-70 children, the second at Medoho Market every Thursday at 19.00 WIB attended by 20 children, and the third at Pasar Johar Baru every Friday at 15.00 WIB attended by 30 children. Yayasan Emas Indonesia is a community organization engaged in social protection. The author feels that this is in accordance with the focus of research which focuses on factors, forms and overcoming delinquency committed by street children. The Indonesian Gold Foundation is considered by the authors as a suitable place because they see street children and street children delinquency as a phenomenon that occurs due to the lack of community participation in paying attention to children's growth and development. In addition, the Indonesian Gold Foundation also prioritizes children's rights that must be fulfilled, including street children in it.

Result and Discussion

A. Children: Definition and Limitation

Children are individuals as a result of a husband and wife relationship in a marriage bond. The child according to language is the second offspring as a result of the relationship between a woman and a man. According to Law Number 23 of 2002, it is said that children are a mandate and gift of God Almighty, which is inherent in their dignity as a whole human being (Djamil, 2013). The article explains that what is meant by a child is someone who is not yet 18 years old, including children who are still in the womb, thus all interests in the protection of children have been started since the child is in the womb until the age of 18 years. When viewed in a juridical aspect, namely positive law in Indonesia, children are defined as people who are not yet mature, people who are under the age or condition under age or are often referred to as children who are under the supervision of a guardian.

The laws and regulations regarding children are generally not uniform, in various countries especially regarding age limits for the formulation of different children, for example in America. A person who is called a child in America is a person aged 8 (eight) to 18 (eighteen) years old, it is different in America, in Australia a person is called a child if he is 8 years to 16 years old, in England the age limit of the child is 12 years to 16 years, whereas in the Netherlands a person who is called a child is 12 to 18 years old. Likewise in Sri Lanka, Japan, Korea, the Philippines and Singapore (Gosita, 2004). The definition of children also varies in Indonesian positive law, which of course can be difficult because the definitions in each regulation are different from one another. This lack of uniformity

certainly makes it difficult to apply the law on children. The differences regarding the age limit of children in Indonesian positive law can be seen from the regulations regarding children including:

- 1) Criminal Code, in article 45 of the Criminal Code, what is meant by a child is someone who is not yet 16 years old and has never been married.
- 2) Code of Civil law, in article 330 of the Civil Code, children are people who are not yet 21 years old and have never been married.
- 3) Law Number 1 of 1974 concerning Marriage, stated that a child is someone who is under 16 years old for girls and 19 years old for boys.
- 4) Law No. 4 of 1979 on child welfare, in Article 1 states that what is meant by a child is someone who is not yet 21 years old and has never been married.
- 5) Law No. 3 of 1997 on Juvenile Cour, article 1, a child is someone who is not yet 18 years old and has never been married.
- 6) Law number 39 of 1999 concerning Human Rights, article 1 point 5, a child is every human being who is under 18 years of age and is not married, including children who are still in the womb.
- 7) Presidential Decree No. 36 of 1960 concerning the Convention on the Rights of the Child stated that a child is any person who is 18 years of age, unless under the law applicable to children it is determined that adulthood is reached earlier.
- 8) Law Number 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning child protection, article 1 what is meant by child is someone who is not yet 18 years old, including children who are still in the womb.
- 9) Law Number 11 of 2012 concerning the juvenile criminal justice system, article 1 number 3 a child is someone who is 12 years old but not yet 18 years old.

With the difference in age restrictions regarding children, of course there will be difficulties regarding what age someone can be called a child according to the existing positive laws.

B. Criminology, Street Children, and Crimes

Criminology is a branch of science that studies crime. The name criminology was coined by P. Topinard (1830-1911) a French anthropologist, literally derived from the word "*crimen*" which means crime or criminals, and "*logos*" which means science, so criminology can mean the science of crime or criminals (Santoso & Zulfa, 2012). Criminology is a science that began to develop since 1850 together with sociology, anthropology, and psychology as well as branches of science that study human symptoms or behavior in society. This understanding when interpreted only narrowly. Some of the definitions of criminology according to several experts (Alam & Ilyas, 2010) include:

- 1) Edwin H. Sutherland
According to him, Criminology is the body of knowledge regarding delinquency and crime as social phenomena. Sutherland revealed that criminology is a collection of knowledge that discusses juvenile delinquency and crime as social symptoms.
- 2) J. Constant
Criminology is a science that aims to find the factors that cause crimes and criminals to occur.

- 3) WME. Noach
Criminology is a science that investigates the symptoms of crime and indecent behavior, its causes, causes and consequences.

Frank P. William III and Marilyn Mschane also classify various theories of criminology into three parts, namely:

- 1) Classical Theory and Positivist Theory
In principle, classical theory discusses legal statutes, government structures and human rights. Positivist theory focuses on criminal pathology, overcoming and correcting criminal behavior.
- 2) Structural Theory and Process Theory
This theory focuses on the way society is organized and the impact of behavior. The basic assumption is that society creates tension and can lead to deviant behavior. Meanwhile, process theory discusses, explains and analyzes how people become criminals.
- 3) Consensus theory and conflict theory
Consensus theory uses the basic assumption that in society there is consensus or agreement so that there are general values which are then mutually agreed upon. Meanwhile, conflict theory has a different basic assumption, namely that in society there is little agreement and people hold the values of conflict.

Apart from the above, Bonger also defines criminology as a science that aims to investigate the broadest possible symptoms of crime. Bonger also divides this criminology into encompassing criminology (Santoso & Zulfa, 2012):

- 1) Criminal Anthropology
Namely the science of evil or somatic humans, this science provides answers to questions about criminals related to

the physical characteristics and background of the criminal's life.

- 2) Sociology of Crime
Sociology of crime is the science of crime as a symptom of society. The main problem that is answered by this field of science is the extent to which the causes of society's crimes lie.
- 3) Criminal psychology
It is the science of criminals from the perspective of their mental state.
- 4) Criminal Psychopathology and Criminal Neuropathology are the sciences of criminals with mental or neurological disorders.
- 5) Penology is the science of the development of punishment.

In addition, Bonger also classified criminology into applied criminology in the form of:

- 1) Criminal Hygiene
Namely efforts that aim to prevent crime. For example, the efforts made by the government to implement laws, a life insurance system, and welfare that are carried out solely to prevent crimes from occurring.
- 2) Criminal Politics
Namely, crime prevention efforts where a crime has occurred. Here we see the reasons a person commits a crime. If it is caused by economic factors, the effort is to improve skills or create jobs. So not solely with sanctioned criminals.
- 3) Criminalistic (Police Scientific)
Is the science of the implementation of investigation, crime techniques, and crime reduction.

The dimensions of criminological theories in the perspective of modern criminal law science are also divided into several parts (Mulyadi, 2012), namely:

1) Differential Association Theory

In essence, this theory grew and developed from social conditions (social heritage) in the 1920s and 1930s. Concretely, this theory is based on: Ecological and Cultural Transmission Theory, Symbolic Interactionism and Cultural Conflict Theory. Edwin H. Sutherland explained that all behavior is learned, nothing is passed on based on parental inheritance. With this theory put forward, Sutherland wanted to make his view a theory that could explain the causes of crime.

2) Anomie Theory

The term Anomie was introduced by Emile Durkheim which is defined as a state without norms. Emile Durkheim uses the term anomie to describe a state of "*deregulation*" in society which is defined as disobeying the rules that exist in society so that people do not know what is expected of others and this situation causes deviation.

3) Sub-Culture Theory

Basically, this theory discusses and explains the form of lower-class juvenile delinquency and the development of gang types. In the criminology literature there are two sub-culture theories, namely:

a. Delinquent Sub-Culture Theory

This theory was put forward by Albert K. Cohen, his basic conclusion was that delinquent behavior among adolescents, young people of the lower classes is a reflection of dissatisfaction with the norms and values of the middle-class groups that dominate American culture.

b. Differential Opportunity Theory

The theory of difference in opportunity was put forward by Richard A. Cloward and Lloyd E. Ohlin, this theory is basically oriented and discusses irregularities in urban areas. This deviation is a function of the different

opportunities children have to achieve legal or illegal goals.

c. Culture Conflict Theory

Cultural conflict theory is further studied regarding:

i. *Social Conditions*

According to the Chicago school, urbanization and industrialization have created societies that have a variety of competitive cultures and are likely to be divided as a result of individual families, friendship groups and social groups that have become more individual, resulting in conflicts. Deviant behavior generally occurs when a person behaves according to his actions in conflict with the dominant cultural order.

ii. *Intellectual Heritage*

Cultural conflict theory is influenced by the intellectual conditions of some intellectuals.

The focus of this theory refers to the basic criminal norms and patterns of thought / attitude. Basic Assumptions of Culture Conflict Theory, according to Thorsten Sellin, all culture conflicts are conflicts in social values, interests and norms. Conflicts of behavior norms can arise due to differences in social methods and values that apply between groups.

d. Labeling Theory

From the perspective of Howard S. Becker, the study of label theory emphasizes two aspects, namely:

- i. Explain why and how certain people are labeled.
- ii. The effect / effect of the label as a consequence of behavioral deviations.

e. Conflict Theory

i. *The Conservative Conflict Perspective*

This theory assumes that conflict occurs between groups that try to exert control over a situation. Conflict theory assumes that who has higher power in social class will have powerful members in society.

ii. *Radical Conflict Perspective*

Radical conflict theory positions itself from political anarchy to connect Marxism and economic materialism to value differences.

f. **Control Theory**

Control theory is oriented to the question of why not everyone breaks the law or why people obey the law. The emergence of control theory is due to three kinds of developments in criminology. First, there is a reaction to the labeling orientation and conflict that re-investigates people's behavior. Second, the emergence of studies on "criminal justice" which as a new science has influenced criminology to be more pragmatic and system-oriented. Third, social control theory has been linked to a new research technique, especially for child/adolescent behavior, namely self-report surveys.

To learn about delinquency, there are three approaches taken, including:

1) **Descriptive Approach**

The descriptive approach is an approach by observing and collecting data relating to facts about crimes and criminals, such as:

- a. Forms of criminal behavior
- b. How mischief is done
- c. The frequency of delinquency at different times and places
- d. Characteristics of perpetrators of delinquency, such as age, gender, and so on

e. The career development of a delinquent.

2) **Cause and Effect Approach**

The causal approach means that the facts contained in society can be interpreted to find out the causes and causes of delinquency, both in individual and general cases. The cause-and-effect relationship in criminology is different from the causal relationship between an act and the prohibited effect, while cause-and-effect in criminology is a cause-and-effect that is sought after the cause-and-effect relationship in criminal law is proven. Attempts to identify delinquency using a causal approach are said to be causal and this is said to be a criminal etiology.

3) **Normative Approach**

H. Bianchi stated, if the crime is a juridical concept, it means that it is an impetus for criminology to study norms. Therefore, criminology is a normative discipline.

C. Definition of Street Children

In Indonesia, cases regarding child delinquency have become a serious matter, this is because at present the number of crimes committed by children is increasing. The definition of street children according to the United Nations is children who due to certain reasons to their parents are on the streets daily to earn a living (Asniar, 1999). Meanwhile, according to the Ministry of Social Affairs of the Republic of Indonesia Street Children are children who spend most of their time doing daily activities on the streets, either to earn a living or roaming the streets and other public places. Street children have characteristics, between the ages of 8 and 18, doing activities or roaming the streets, their appearance is mostly dull and clothes are neglected, their mobility is

high (Kemosos, 2000). Usually, the factors behind a child becoming a street child are family disharmony and social relationships. To earn a living on the streets, street children usually do it on their own initiative and many are forced to work such as busking, begging, shining shoes, scavengers, and others.

The living conditions of street children can be said to be marginal this is because the work they do has no clear career path, is underappreciated and generally does not promise a decent life in the future. Then street children are said to be at great risk from long working hours in an environment that is not supportive from health and social aspects. Then it is said to be exploitative because it is in a weak bargaining position, which is less competitive, so it is prone to arbitrary treatment by irresponsible people. According to Mulandar, the concept of street children can be identified based on the characteristics of street children, there are four characteristics that are inherent when a child is classified as a street child (Mulandar, 1996), namely:

- 1) Stay in public places (streets, markets, shops, entertainment venues) for 3-24 hours.
- 2) Low education (mostly drop out of school, very few graduate from elementary school).
- 3) Come from poor families (mostly urbanites, some of which have unclear families)
- 4) Doing economic activities (doing work in the informal sector).

From the description above, of course, a policy from the government is needed to deal with street children, because children are the successor of the nation so that their welfare must be fulfilled.

D. Child Delinquency

Children are the nation's future generations who have limitations in understanding and protecting themselves the various influences of the existing system and are the spearheads of change from every era. The problem of delinquency is a social problem that often occurs in everyday life regardless of the social status of the person who does it. The term delinquency is a deviant behavior or negative action. Child delinquency is also called the juvenile Delinquent. Juvenile comes from the Latin word "*juvenilis*" which means children while delinquent in Latin is called "*delinquere*" which means neglected, ignoring which is then expanded to mean being evil, naughty, anti-social, kiminal, rule breaker, troublemaker, troublemaker, not can be repaired again (Kartono, 2010).

The background of children committing delinquency is certainly not the same as the background of adults committing crimes. One of the backgrounds of child delinquency is disharmony with the family so that the child also looks for an outlet so that his frustration can be channeled, examples of that disharmony can be caused by, for example, parents busy looking for money, besides that the cause of children's delinquency can also be caused by too limited children's freedom, divorce of parents can also be one of the factors causing children to misbehave, this is because because a child feels confused about who to take shelter from if the two parents are separated. Social control theory shows that children's prosocial behavior patterns develop because they attach themselves to their social environment, such as school and family.

E. Factors Affecting the Emergence of Street Children

Mischief in a child is a common thing. Child delinquency is a product of social structures that do not meet the needs of adolescents, especially during their development. From any point of view, juvenile delinquency has a negative impact on themselves and other communities. The social department states that there are 3 kinds of causes for the existence of street children, namely factors at the micro level, factors at the meso level, and factors at the macro level (Herdina, 2004).

1) Macro level

Namely factors related to children and their families. Odi Shaludin also mentioned the factors caused by the family, namely as follows:

- a. Poor family
- b. Divorce and loss of parents
- c. Family violence
- d. Limited space in the house
- e. Economic exploitation
- f. Homeless family

2) Meso level

Namely the factors that exist in society. Odi Shaludin explained the factors at the meso level, namely as follows:

- a. Join with friends
- b. Troubled with neighbors or the community
- c. Environmental indifference or tolerance to the existence of street children

3) Macro Level

Namely the factors related to the macro structure. The Ministry of Social Affairs explained that at the macro level (community structure) the causes that could be identified were:

- a. Economy, the existence of informal sector job opportunities that do not

really need skilled capital, they have to be on the streets for a long time and leave school, inequality in villages and cities that encourage urbanization.

- b. Unemployment and expulsion of poor families from their land / houses for reasons of development, they are increasingly helpless with government macroeconomic policies that benefit a handful of people.
- c. Education, that is, with school fees that are too high, discriminatory teacher behavior, and technical and bureaucratic provisions that beat learning opportunities.
- d. The lack of diversity in the elements of the government in seeing street children between them as a group that needs treatment and the approach of seeing street children as problem makers.
- e. There is a gap in the social safety net system so that there is no social safety net when families and children face difficulties.
- f. Development has sacrificed play space for children. The impact is especially pronounced in urban slum areas, where children make the streets a place to play and work.

F. Analysis of Street Children Crimes from Law and Criminology Perspective

There are three approaches in studying delinquency, namely the Descriptive Approach, the *Cause and Effect* Approach, and the Normative Approach. The descriptive approach is an approach by observing and collecting data related to facts about crimes and criminals, such as forms of criminal behavior, how delinquency is

committed, frequency of delinquency at different times and places, characteristics of perpetrators of delinquency, such as age, gender, etc., as well as the career development of a delinquent (Hasibuan, 1994). The cause-and-effect approach is the facts that exist in society that can be interpreted to find out the causes of delinquency, both in individual and general cases. The causal relationship in criminology is different from the cause-and-effect relationship contained in law. Criminal law, in order for a case to be prosecuted, it must be proven that there is a cause-and-effect relationship between an act and the prohibited effect, while cause-and-effect in criminology is cause-and-effect sought after the causal relationship in criminal law is proven. The normative approach according to H. Bianchi states that "if crime is a juridical concept, it means that it is an impetus for criminology to study norms. Therefore, criminology is a normative discipline" (Soekanto, 1986).

Based on our observations, we have concluded that not all street children commit crimes. Street children generally come from families whose jobs are hard and their economies are weak. Street children grow and develop with a background in street life and are familiar with poverty, persecution, lack of affection, so that it is burdensome for the soul and makes it behave negatively. delinquency of a child is "an act or behavior which in addition to harming the sufferer, is also very detrimental to society, namely in the form of loss of balance, peace and order (Ridwan, 1994). According to Surbakti street children can be grouped into three, namely Children on the street, Children of the street, and Children from families of the street. Children on the street, namely children who have economic activities as child laborers on the streets, but have a

strong relationship with their parents. Children of the street, namely children who fully participate in the streets, both socially and economically, some of them still have relationships with their parents but the frequency is uncertain. Meanwhile, children from families of the street, namely children who come from families who live on the streets, even though these children have strong kinship relationships, their lives are swayed from one place to another with all the risks (Atmasasmita, 1983).

Child delinquency includes several acts, namely Actions committed by adults are criminal acts (crimes), but if they are committed by minors, they are called delinquency, such as theft, robbery and murder, actions of children who deviate from the norm of the group that cause disturbances such as speeding. blindness, group fights, and so on, as well as children whose lives need help and protection, such as abandoned children, orphans and so on who if allowed to roam can develop into bad people (Dirdjonosisworo, 1983). Children's delinquency is known as the Juvenile Delinquent. Juvenile which comes from the Latin "*juvenilis*" which means children, youth, characteristic features of youth, and typical traits in the adolescent period, while delinquent in Latin is called "*delinquere*" which means neglected, neglected, which is then expanded. meaning to be evil, naughty, anti-social, criminal, rule breaker, troublemaker, troublemaker, irreparable, evil, and so on. So, it can be interpreted that juvenile delivery or child delinquency is evil behavior or child delinquency is a symptom of social (pathological) illness in children caused by a form of social neglect, so that they develop a form of deviant behavior (Kartono, 2010).

One of the reasons for children's delinquency is the Differentiation Association

theory put forward by E. Sutherland. Mischief is like a crime, even like any other common behavior that is generally something that is learned. The background behind this theory is the opinion put forward by Rose Giallombardo which states that "a criminal act when a situation is appropriate for it, as defined by the person, is present." Sutherland, in explaining the process of the occurrence of criminal behavior, including delinquent behavior by children, proposes (Hadisuprpto, 1997), among others:

- 1) Criminal behavior is learned behavior, negatively means that behavior is not inherited.
- 2) Criminal behavior is learned in a communication process that is verbal or using sign language.
- 3) An important part of the process of studying this criminal behavior occurs in intimate personal groups. Negatively, this means communication that is impersonal in nature, having a relatively insignificant role in the event of a crime.
- 4) If criminal behavior is studied, it includes techniques for committing crimes, certain motives, motivations, justification, including attitudes.
- 5) The direction of those motives and drives is studied through the definitions of the rule of law.
- 6) A person becomes delinquent because of access from a mindset that sees the rule of law as an opportunity to commit crimes rather than seeing the law as something that must be observed and obeyed.
- 7) Differential associations vary in terms of frequency, time period, priority and intensity.
- 8) The process of studying criminal behavior that is obtained through the relationship with the patterns of crime and anti-crime which involves all

mechanisms that usually occur in any learning process in general.

- 9) While criminal behavior is a statement of general needs and values, it is not explained by those general needs and values, because non-criminal behavior is also a statement of the same needs and values.

Basically, every child has the right to survival in terms of the nation and state, because children are the future of the nation and the next generation of the ideals of the nation so that they have the right to survive, grow and develop, participate, and are entitled to protection from acts of violence and discrimination as well as civil rights and freedoms. Children in the family are happy bearers, because children give meaning to their parents. The meaning here implies giving content, value, satisfaction, pride, and a sense of self-perfection due to the success of parents who have had offspring, who will continue all aspirations, hopes and existences (Kumham, 2011). Law of the Republic of Indonesia of 35 of 2014 concerning Amendments to Law 23 of 2002, concerning Child Protection, Article 2 of Law of 1979 concerning Child Welfare, Government Regulation Number 2 of 1988 concerning Social Welfare efforts for Children who have problems. Basically, child protection aims to ensure the fulfillment of children's rights as stipulated in the Child Convention. Regarding children's rights related to the issues raised in this study, it is regulated in more detail in Article 13 Paragraph (1) of Law Number 23 Year 2002 concerning Child Protection, namely "Every child while in the care of a parent, guardian, or any other party who is responsible for or caring for, has the right to receive protection from discrimination, exploitation, both economic and sexual (Soeaidy & Zulkhair, 2001).

According to Abdulsyani, stated that the theory of the occurrence of crime is the causes of crime which can be found in various factors that can lead to certain criminals, so that other factors can lead to criminal types (Abdulsyani, 1987). One of them is Internal Factors which are divided into two, namely internal factors that are specific in nature and internal factors which are general in nature. Internal factors that are specific are the psychological state of the individual, including mental illness, emotional power, low mental health, confusion.

Meanwhile, general internal factors consist of age, gender, individual position in society, individual education, recreational issues or individual entertainment. Apart from that, it is also influenced by external factors consisting of economic, religious, reading, and film factors. Economic factors have a relationship with the incidence of crime. The development of the economy in the modern age, when free competition grew, stimulated consumer interest by placing advertisements and so on. The norms contained in all religions teach truth and goodness, and religion is always good and guides humans towards the required path, so that if humans really deepen and understand the content of their religion, they will always be good humans too, will not do things that harm others including crime act. Reading factors can lead to crime, namely bad reading factors, porn, crime, for example, from stories, erotic images, and pornography, and those related to sex, so they tend to provide encouragement to acts that violate the law or crime. In addition, the effect of films on the onset of crime is almost the same as that of reading, only the difference lies in the imagination of the reader or the audience.

Theory of Crime Prevention Efforts, policies or efforts to combat crime are essentially an integral part of efforts to protect society (social defense) and efforts to achieve social welfare (Arief, 2010). According to Bongser, the classification of crimes based on the motives of the perpetrators consists of:

- 1) Economic crimes, for example smuggling and crimes exploiting children.
- 2) Sexual crimes (economic crimes), for example adultery, Article 284 of the Criminal Code
- 3) Political crimes (political crimes), for example the rebellion of the Indonesian Communist Party, DI / TII and so on.
- 4) Self-crime (miscellaneous crimes), for example persecution with vengeful motives (Bongser, 1962).

Crime can be called a social and historical phenomenon, because action becomes a crime that must be recognized, labeled and responded to as a crime, there must be a society whose norms, rules and laws are violated, as well as an institution whose task is to enforce norms and punish offenders. The symptoms that are perceived by crime basically occur in a process where there is social interaction between sections in society who have the authority to formulate crimes and which parties have indeed committed crimes. Crime is not an event of heredity (congenital, inherited), nor is it a biological inheritance. Crime can be committed by anyone, both women and men, with different levels of education. Crime can be carried out consciously, that is, thought, planned and directed to a certain purpose in a conscious manner. Crime is an abstract conception, where crime cannot be felt and seen except for its consequences (Kartono, 2005).

Crime in social life consists of various types depending on the target of the crime. As stated by Mustofa, the types of crime according to the target of the crime are crimes against the body (murder, rape, assault), crimes against property (robbery, theft, fraud), crimes against public order (drunkenness, gambling), crimes against state security. A small part of the increase in crime in society is due to several external factors, mostly due to the inability and unwillingness of people in society to conform to the norms prevailing in society (Mustofa, 2005). According 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.

The talent of a criminal can be seen psychologically/spiritually, there are criminals who are physically irritable, whose soul is powerless to withstand external pressures, and is weak in spirit. There are also those who have acquired spiritual defects from birth. In addition, there is the term kleptomania, namely those who are often very greedy people, see what they want and steal. This kind of stealing nature was solely his favorite, though unnecessary for him. In addition, the talent of a criminal can also be seen according to gender, based on gender that the percentage of crimes committed by women and men is different. It can be seen from the statistics that the percentage of crimes committed by men is more than that of women. This is of course related to differences in the characteristics of women with the characteristics of men who have been born since birth. It is also known that the physical characteristics of women are lower than that of men. According to the natural factors surrounding the criminal, it can be seen from the perspective of his daily personal

education and teaching, the vices and disorder as well as the chaos of teaching education experienced by children in their development can stimulate and influence the child's behavior towards evil deeds. Especially if the child has never received regular education either from school or from his parents. The family and community environment can also have the impact of crime, for example poverty and overcrowding of families, delinquency and overcrowding of their families, delinquency and parental crimes, division in the family due to husband-wife divorce, lack of security due to tensions in the home, disharmony in the family, lack of parental supervision, harsh father discipline, and children's hostility towards parents. In addition, communication media such as newspapers, magazines, brochures, story books, photos, radio, films, TV, comic books, and other news in culture about major crimes affect children (Gosita 1983).

In general, the laws and regulations in various countries, especially on the age approach, do not have uniform formulation of children. In connection with this, Suryana Hamid explained that in America, the age limit for children is eight to eighteen years. In Australia it is called a child if the age is at least 8 years old with a maximum of 16 years, in the UK the age limit for children is 12 years and a maximum of 16 years, while in the Netherlands what is called a child is if the age is between 12 to 18 years, as well as Sri Lanka, Japan, Korea, the Philippines, Malaysia and Singapore (Hamid, 2004).

Furthermore, the Task Force on Juvenile Delinquency Prevention determined that the age limit for children who can be accounted for under the criminal law is 10 to 18 years old. UN Resolution Number 40/33 concerning Minimum Standards Rule for the Administration of

juvenile Justice, sets a limit for the age of children up to 18 years (Mulyadi, 2005). The factors behind the appearance of street children according to Abu Huraerah are:

- 1) Parents encourage children to work on the grounds of helping the family economy;
- 2) Cases of violence and mistreatment of children by parents are increasing so that children run to the streets;
- 3) Children are threatened with dropping out of school because their parents cannot afford school fees;
- 4) More and more children are living on the streets because house contract costs are expensive / increased;
- 5) The emergence of competition with adult workers on the streets, so that children are slumped into doing high-risk work for their safety and exploitation of children by adults on the streets;
- 6) Children stay longer on the streets, causing new problems; or
- 7) Street children become victims of extortion and sexual exploitation of street girls (Huraerah, 2006).

Based on the observations we carried out at Rumah Singgah II, which is located on Jl. Gombel Indah No. 24, we have the view that basically street children do not always commit crimes and that some do do crimes. There were several children we interviewed, namely:

- 1) Septi is a grade 3 junior high school student from Semarang. She claims to be a street child and has to go to the streets to beg for money because of her parents' economic factors. He started living in Rumah Ringgah II since grade 1 SD until now.
- 2) Nike, originally from Semarang, grade 3 who is Septi's younger brother, also entered Rumah Singgah 2 because he

joined his brother. Nike started to enter the 2nd halfway house at the age of 4, which was influenced by economic factors.

- 3) Puspa started to enter Halfway House II since grade 2 SD until now grade 6 SD, coming from Semarang. Entered halfway house II due to economic factors.
- 4) Asih is a woman who has only completed her education at junior high school. Since the age of 9 years, he has been living in a halfway house, he has tried to come out of the halfway house to commit crimes such as promiscuity and drinking alcohol and the heaviest crime he has committed is having sex with his girlfriend so that at a young age he already has a child. And the most sad thing is that her boyfriend is not responsible for her pregnancy and the child that Asih's sister is caring for is 7 months old. This happened because of the disharmony of her family (broken home parents) so that it resulted in the lack of parental attention to her so that she did promiscuity.
- 5) Kevin is a child educated at the Halfway House on Jalan Untung Suropati and now he is 21 years old. Through the results of the interview we conducted, Kevin said that the crime he had committed was stealing his parents' money in order to buy a cellphone due to jealousy with his younger siblings where his mother bought a cellphone for his younger brother while Kevin was not given, Terrorizing his family because of him. have a sense of resentment also against the younger sibling of his mother, and poison drugs taken by his family members who are sick because they have a sense of revenge too. The crime was committed by Kevin because he had painful inner pressure from his own biological mother. His mother always compared Kevin to his

younger siblings because Kevin was not in school.

There are two shelters to protect street children, namely the Halfway House I as well as the secretariat on Jalan Untung Suropati No. 18, Manyaran, Semarang. While the 2nd halfway house is on Jalan Gombel Indah No. 24, ngesrep, Semarang. Street children in the Semarang area are often accompanied by several points, namely:

- 1) On Gunung Brintik every Tuesday at 19.00 WIB, there are around 40-70 children.
- 2) At Medohos Market every Thursday at 19.00 WIB, around 20 children
- 3) At Pasar Johar, about 30 children every Friday at 15.00

Before entering a halfway house, street children live in a place that is not conducive, with very little family supervision and a very wide exposure to the outside world. This condition makes street children very vulnerable to various forms of violence. Therefore, street children are vulnerable to becoming victims of crime because they spend a lot of time in places exposed to alcohol, drugs, or free sex. Street children are more likely to be exposed to the risk of various forms of crime and violence. They are exposed to risk on a larger scale and affect their physical and mental health, and personal safety. With harsh and dangerous street life conditions, they are vulnerable to physical, verbal, sexual and psychological violence that comes from workers, supervisors, and from other street children. This unfriendly street condition is often exacerbated by the fact that street children rarely get social support for their protection and make street children more vulnerable to being treated arbitrarily (Fatimah, 2013).

In addition, street children can also be analyzed using anomie theory, which is

described globally, actual and representative of the anomie theory of birth, growth and development based on social conditions, this can describe crimes committed by street children. The emergence of the industrial revolution to the great depression in France and Europe in the 1930s resulted in a deregulation of social traditions, the effect on individuals and social institutions / society. The next development, the importance of the theory of social structure analysis is very much motivated by the government's New Deal Reform effort with a focus on reconstructing society. For the first time, the term Anomie was introduced by Emile Durkheim which is defined as a state without norms (the concept of anomie referred to on absence of social regulation normlessness) (Hagan, 1989).

Conclusion

This study concludes and underlines that children's delinquency includes several acts, namely actions committed by adults are criminal acts (crimes), but if they are committed by minors it is called delinquency such as theft, robbery and murder, children's actions that deviate from the norm of the group. which causes disturbances such as speeding, group fights, and so on, as well as children whose lives need help and protection, such as abandoned children, orphans and so on who if allowed to roam can develop into bad people. The talent of a criminal can be seen psychologically / spiritually, there are criminals who are physically irritable, whose soul is powerless to withstand external pressures, and is weak in spirit. There are also those who have acquired spiritual defects from birth. In addition, there is the term kleptomia, namely those who are often very greedy people, see what

they want and steal. This research also concludes that various crimes committed by street children are based on various factors, ranging from family background, experience of being victims of crime, revenge, to external factors (other parties who encourage evil).

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QUOTE

Because of social pressure, individualism is rejected by most people in favor of conformity. Thus the individual relies mainly upon the actions of others and neglects the meaning of his own personal life. Hence he sees his own life as meaningless and falls into the “existential vacuum” feeling inner void. Progressive automation causes increasing alcoholism, juvenile delinquency, and suicide.

Viktor E. Frankl