



Issue: Crime and Justice: A Global Perspective

## Research Article

# Juvenile Delinquency and Theft: How Law and Criminology Said?

Fiany Alifia Lasnita<sup>1</sup>, Muhammad Adji Rahardian Utama<sup>2</sup>✉

<sup>1</sup> Faculty of Law, Universitas Sebelas Maret, Indonesia

<sup>2</sup> Faculty of Law, Universitas Negeri Semarang, Indonesia

✉ adjinfo@gmail.com

**Abstract:** The phenomenon of child delinquency is closely related to child crime and according to many experts this is motivated by socially unacceptable behavior such as excessive acts at school, offenses such as running away from home to criminal behavior. Child delinquency is not only criminal acts, but all acts committed by children that are deemed to violate social, school or community values. Children aged 12 to 18 years (Law No. 12 of 2012, is an age range which in a psychological perspective is classified as adolescence which has developmental characteristics that may make it difficult for children to adapt, causing behavioral problems. In many cases of crimes involving children, various theories of criminology and law try to analyze them, starting from the psychological, environmental, and other external factors. This research aims to analyze the crime of theft by coercion (*begal*) committed by children through an analytical approach to criminological theory and law. This research showed that internal and external factors influence the level of crimes committed by children. In addition, this research has revealed that the Delinquent Subculture and the Differential Association answer why children commit crimes, starting from imitation and environmental factors, including family and school environment.

**Keywords:** *Juvenile; Delinquency; Crime; Theft; Criminology*

## Introduction

Child delinquency is closely related to child crime, and according to Santrock (2003) children's delinquency ranges from socially unacceptable behavior such as excessive acts at school, offenses such as running away from home to criminal behavior. Child delinquency is not only criminal acts, but all acts committed by children that are deemed to violate social, school or community values. Children aged 12 to 18 years (Law No. 12 of 2012, is an age range which in a psychological

perspective is classified as adolescence which has developmental characteristics that may make it difficult for children to adapt, causing behavior problems. Naughty or criminals are considered as maladaptive children, namely children who cannot perform behavior in accordance with social values and norms (Chusniyah, 2014).

Furthermore, crime itself is practically a violation of religious norms, habits, morality that live in society. Crimes are religious violations of the Lord's Command (*sin*) in a juridical crime that is any deed or omission prohibited by public law to protect the public and be given a criminal by the

state and is evident in the state criminal legislation (Efendi, 2017; Amnawaty, & Rifandy, 2019; Jufri, Nazeri, & Dhanapal, 2019).

Teenagers are the transition from children to adulthood. A teenager is no longer able to be said as a child, but he is still not mature enough to be said to be adult. He was looking for a life-appropriate pattern for him and was often done through a trial method though through many mistakes. His mistakes often lead to worries and feelings of unpleasurable environment, his parents. Mistakes made by teenagers will only delight their peers. This is because they are all indeed in the same time seeking identity. Mistakes that cause this environmental pique are often referred to as juvenile delinquency (Januati & Miharja, 2019; Juliana & Arifin, 2019; Suwitno, 2018; Ardi & Sisin, 2018; Latifiani & Arifin, 2018). The crime of theft is one form of crime that is in a marbling happening is the crime of theft. In general, these crimes include criminal acts of theft or deprivation of motor vehicles with the current violence more popularly referred to by the term theft or theft crimes. The seizure of the motorcycle by injuring the victim did not even hesitate to kill it, of course, become an unsettling evil scourge in the community (Husada, 2018; Indrijati, 2017; Utari, Sumardiana, Sastroadmodjo, & Ramada, 2019; Umam & Arifin, 2019).

It is a problem facing the society that is now increasingly lively, therefore the problem of juvenile delinquency and also theft should get serious and focused attention to direct the youth in a more positive direction, the weighing point for the creation of a system in tackling the delinquency among adolescents and also of course the behavior of theft. Therefore, this paper intended to analyze the juvenile

delinquency in the context of law and criminology, and theft doing by children in the law and criminology perspective.

## Result and Discussion

### A. Juvenile Delinquency in Law and Criminology Approach

The phenomenon of adolescent criminality has become a public talk both in the environment of society, Government, and law enforcement, where a lot of teenagers who commit crimes either in their own or in groups. This requires special attention and proper handling of the adolescent's behavior. The role of police as law enforcement and the surrounding community is crucial to the creation of hope to guide the youth in order to behave well in the lives of society (Kartono, 2014). The crimes committed by youth are called Juvenile delinquency. The term is only in the social sciences especially criminology in criminal law is not known. According to Simanjuntak juvenile delinquency is a deed and behavior which is a rape of the legal norm and violations of the morality committed by the Juvenile Delinquents. According to the National Coordinating Board for the welfare of Children's families (BKN-KKA, *Badan Koordinasi Nasional untuk Kesejahteraan Keluarga Anak*) is as a disorder in attitudes and acts or acts of youth that are social (to assess social norms but to be deprived) or even anti-social (do not acknowledge the norm social norms but is violated) in the event that there are violations of the prevailing religious norms in the Society and the Unlawful act which if done by an adult is called a violation or crime that can be prosecuted or punished according to the provisions of the law. Examples of juvenile delinquency, as emphasized by Atmasasmita (1983):

- 1) Fight against parents;
- 2) Go without a companion;
- 3) Like noisy;
- 4) No respect for parents/other people/teachers/lecturers;
- 5) Arbitrarily against others;
- 6) Commit criminal acts such as killing, stealing, robbing, rape and free sex as well as drugs.

According to Sutherland it is based on the blatant or the bribe of the crime consisting of crimes and small mistakes. Evil is subdivided against more serious crimes (*felony*) and less serious crimes (*misdemeanor*) according to Bonger classification based on the motive of the perpetrators of economic crimes, sexual crimes, political crimes and crimes with revenge as the main motive. According to the Marshall B Clinard the crime typology should be compiled based on a general theory of crime with four characteristics (Atmasasmita, 1983; Sutherland & Cressey, 1992), namely:

- 1) Career criminals from lawlessness
- 2) Where the behaviour gained group support
- 3) Reciprocal relationship between crime patterns of legitimate behavior and
- 4) Social reaction of evil.

Example of cases are crimes committed by teenagers in the city of Depok whereas become the indication of Depok City as a nest of criminality in Indonesia. Theories on criminology can be explained that the crime is essentially not only by an adult both in terms of age and physical but also by teenagers who consider to be young generations or the successors of the nation (Noer, 2019; Sari, 2019; Ramadhan, 2017). Youth during the time of the fuse are very vulnerable to the negative influences that come from the Association, family Environment and technological develop-

ments that are increasingly sophisticated and easy to access. According to the Beliefs theory "*is a moral aspect of social bonds, which is a person's belief in moral values. Belief in the norm or religion will cause people to obey the norm*" with faith and weak belief can cause the youth to be very weak beings and very easily affected (Utari, 2012).

Meanwhile, in terms of the environment surrounding the adolescent life according to the theory of Delinquent Sub-Culture by Albert Cohen through a study stated that the behaviour of Delinquent is more common in lower-class males and they are more gang-forming, there is no rational reason for the subculture Delinquent to steal (in addition to searching for togetherness), seeking pleasure by the cause of anxiety in others also underestimate the values of the middle class. Therefore, the teenagers who tend to live in groups with other perpetrators automatically gradually will inevitably participate in the world of crime (Djanggih & Qamar, 2018; Ren, Zhang, Zhao, & Zhao, 2016; Rifai, 2016).

## **B. Theft and Child: How Criminology Explain the Crime?**

The crime of theft is one form of crime that is in a marbling happening is the crime of theft. In general, these crimes include criminal acts of theft or deprivation of motor vehicles with the current violence more popularly referred to by the term theft or theft crimes. The seizure of the motorcycle by injuring the victim did not even hesitate to kill it, of course, become an unsettling evil scourge in society (Hagan, 2014; Sianipar, 2020; Putra, 2017; Imballo, 2017).

In giving brief explanation of the theft in criminology and victimology theories will be examined with a case, The

Lumajang Polres Range manages to capture three of the sadistic Begal kingpin in the Lumajan-Jatiroto road. Because of the fight, the police are affected by the two actors with hot lead. Zaini (31) Residents of the annual Hamlet, Desa/Kecamatan Jatiroto, Sanan (44) Residents of Kaliboto Lor village and Richo Ariyanto (30) the East citizen of the village/district market Jatiroto, police custody. Three actors are also known sadistic, because there are victims who are also dibacok and deprived of the motor. Three actors are well-known sadistic in doing its action, the last perpetrators to seize motorcycles and money 30 million on the road Jatiroto on Tuesday 31 May 2019. The police initially arrested Zaini carrying a motorcycle crime result. After the development, police found Richo and Sanan as the perpetrators of the evildoers in Lumajang and Jember. The perpetrators are also often in action in the Jember region and have done a lot of differentiator action (Guntur, 2019; Haq, 2018).

From the case above some criminological theories that are suitable for the perpetrators of the Begal, the first is the theory of economic factor of life is a significant part of the economy, as well as natural reasonable for economic level condition is weak very likely to commit a crime whose object is what else if it is not an economy whose orientation on the wealth of actors (Haq, 2018; Putri, 2018; Setyawan, 2017).

In authors opinion the two suitable theories are geographic theories, according to this theory of crime that arises not from within the human being itself, but rather a factor that comes from outside itself such as bad environmental factors, call to friends etc. Because of the perpetrators in the case more than one, so it is very likely perpetrator *begal* because friend factor.

Not enough with geographical and economic factors alone, control theory is also very suitable in my opinion, the above cases explain that the perpetrators have often done a little, whereas our country is already famous for the state of law, so it is obvious that the perpetrator is very inclined to disobey the law, can be said the awareness of the law is relatively low, justify all means despite the action (Lily, 2015).

## Conclusion

Based on the explanation above, From the understanding and classification and the various theories of criminology we can conclude that the crime is essentially not only by adults both in terms of age and physical but also by teenagers who consider to be young generations or the successors of the nation. According to the Beliefs theory *"is a moral aspect of social bonds, which is a person's belief in moral values. Belief in the norm or religion will cause people to obey the norm"* with faith and weak belief it can cause humans to become very weak beings and very easily affected. While in terms of the environment that exists around the life of a person according to the theory of Delinquent Sub-Culture by Albert Cohen through a study stated that the behaviour of Delinquent is more common in lower-class males and they are more forming gangs, there is no rational reason for the subculture Delinquent to steal (in addition to searching for togetherness), seeking pleasure by raising anxiety in others also underestimate the values of the middle class. Therefore, someone who tends to live in groups with other perpetrators automatically gradually will inevitably participate in the world of crime. Authors suggest that it is a problem facing the society that is now increasingly lively, therefore the problem of juvenile

delinquency and also theft should get serious and focused attention to direct the youth in a more positive direction, the weighing point for the creation of a system in tackling the delinquency among adolescents and also of course the behavior of theft.

## Declaration of Conflicting Interests

The authors state that there is no potential conflict of interest in the research, authorship, and/or publication of this article.

## Funding

None

## References

- Amnawaty, S. H., & Rifandy, R. (2019). Progressive Juvenile Court Judges: Reform of the Juvenile Criminal Justice System in Indonesia through a Socio-Legal Approach. *Primrose Hall Publishing Group*, 5(2), 753-768.
- Ardi, Z., & Sisin, M. (2018). The Contribution of Assertive Technique Behavioral Counseling to Minimize the Juvenile Delinquency Behavior. *Jurnal Konseling dan Pendidikan*, 6(2), 67-77.
- Atmasasmita, R. (1983). *Problem Kenakalan Anak-Anak Remaja*. Bandung: Armico.
- Chusniyah, T. (2014). "Penyebab Kenakalan dan Kriminalitas Anak", *Online*, retrieved from <http://fppsi.um.ac.id/?p=1276>
- Djanggih, H., & Qamar, N. (2018). Penerapan Teori-Teori Kriminologi dalam Penanggulangan Kejahatan Siber (Cyber Crime). *Pandecta Research Law Journal*, 13(1), 10-23.
- Guntur, W. S. (2019). Kajian Kriminologi Pelaku Pembegalan. *Diversi: Jurnal Hukum Pidana dan Penanggulangan Kejahatan*, 8(2), 117-124.
- Hagan, F. E. (2014). *Pengantar Kriminologi: Teori, Metode, dan Perilaku Kriminal*. Jakarta: Prenada Media Group.
- Haq, N. B. (2018). Peran Humas Polres Lumajang dalam Meminimalisir Tindak Pidana Begal di Kabupaten Lumajang. *Doctoral Dissertation*, Universitas Muhammadiyah Jember.
- Husada, A. A. (2018). Analisis Kriminologis Terhadap Kejahatan Begal di Wilayah Hukum Kabupaten Malang. *Journal Institutional Repository*, 4(4), 225-236.
- Imballoo, I. (2017). Optimalisasi Patroli Roda Empat Satuan Sabhara dalam Mencegah Tindak Pidana Pencurian Kendaraan Bermotor di Wilayah Hukum Polres Kudus. *Police Studies Review*, 1(1), 381-430.
- Indrijati, H. (2017). Juvenile delinquency of senior high school students in Surabaya, Indonesia. *International Journal of Psychological and Behavioral Sciences*, 11(1), 184-188.
- Januati, F., & Miharja, M. (2019). Fenomena Kriminalitas Remaja di Kota Depok. *Pakuan Law Review*, 5(2), 234-245.
- Jufri, M., Nazeri, N. M., & Dhanapal, S. (2019). Restorative Justice: An Alternative Process for Solving Juvenile Crimes in Indonesia. *Brawijaya Law Journal: Journal of Legal Studies*, 6(2), 157-169.
- Juliana, R., & Arifin, R. (2019). Anak dan Kejahatan (Faktor Penyebab dan Perlindungan Hukum). *Jurnal Selat*, 6(2), 225-324.
- Effendi, Tolib. *Dasar-Dasar Kriminologi*. Jakarta: Publisher Setara Press, 2017.
- Kartono, K. (2014). *Patologi Sosial 2 Kenakalan Remaja*. Jakarta: Rajawali Pers.
- Latifiani, D., & Arifin, R. (2018). *Katakan Tidak Pada Main Hakim Sendiri. Penjelasan, Penanggulangan, dan Penanganan: Buku Saku Pencegahan Eigenrichting*. Semarang: BPFH UNNES.
- Lily, J. R. (2015). *Teori Kriminologi Konteks dan Konsekuensi*. Jakarta: Kencana.

- Noer, K. U. (2019). Mencegah Tindak Kekerasan pada Anak di Lembaga Pendidikan. *Sawwa: Jurnal Studi Gender*, 14(1), 47-66.
- Putra, R. T. (2017). Peran Bhabinkamtibmas Polsek Margorejo Dalam Mencegah Tindak Pidana Curanmor Di Wilayah Hukum Polres Pati. *Advances in Police Science Research Journal*, 1(2), 423-470.
- Putri, G. A. M. (2018). Kejahatan Begal yang Dilakukan oleh Anak di Kabupaten Tanggamus (Perspektif Kriminologi). *Doctoral Dissertation*, Universitas Lampung.
- Ramadhan, R. (2017). Penyelenggaraan Kota Layak Anak di Kota Depok (Studi Penelitian di Kota Depok Tahun 2015). *Journal of Politic and Government Studies*, 6(2), 1-10.
- Utari, I. S. (2012). *Aliran dan Teori Dalam Kriminologi*. Yogyakarta: Thafa Media.
- Ren, L., Zhang, H., Zhao, J. S., & Zhao, R. (2016). Delinquent subculture and juvenile offenders' attitudes toward the police in China. *Police Quarterly*, 19(1), 87-110.
- Rifai, I. (2016). The Emergence of Youth Violence in Indonesia: A Socio-Historical Analysis. *Islam Realitas: Journal of Islamic and Social Studies*, 2(1), 105-117.
- Sari, F. A. (2019). Knowledge, Attitude, and Behavior of Depok Residents regarding Child Sexual Abuse. *Jurnal Forensik dan Medikolegal Indonesia*, 1(1), 11-17.
- Santrock, J. W. (2003). *Psychology: Essentials*. Boston: McGraw-Hill.
- Setyawan, D. P. (2017). Pengaruh Pengawasan Terhadap Kinerja Anggota Satuan Lalu Lintas Polres Sukoharjo. *Advances in Police Science Research Journal*, 1(4), 1261-1314.
- Sianipar, C. M. (2020). The Role of Bhabinkamtibmas Through Door to Door System in Preventing Motor Vehicle Theft. *Tanggung Kosala*, 9(1), 19-38.
- Suwitno, S. (2018). Legal Protection of Vehicle Users by Under Age (Minors) Viewed from The Perspective at Present Act No. 22 of 2009 on Traffic and Transportation. *Jurnal Daulat Hukum*, 1(2), 501-508.
- Sutherland, E. H., Cressey, D. R., & Luckenbill, D. F. (1992). *Principles of criminology*. Lanham, Maryland US: Altamira Press.
- Umam, M.M., & Arifin, R. (2019). Aksesabilitas Kaum Difabel dalam Perlindungan Hukumnya dalam Perspektif Hak Asasi Manusia. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 18(1), 46-54. <http://dx.doi.org/10.31941/pj.v18i1.1089>
- Utari, I. S., Sumardiana, B., Sastroadmodjo, S., & Ramada, D. P. (2019, August). Social Controls and Trends Juvenile Delinquency: Criminology Study about Complexity of Child Delinquency In Society. In *1st International Conference on Education Social Sciences and Humanities (ICESSSHum 2019)* (pp. 858-863). Atlantis Press.

Submitted July 27, 2020

Revision received September 15, 2020

Accepted November 10, 2020

### How to cite?

Lasnita, F. A., & Utama, M. A. R. (2020). Juvenile Delinquency and Theft: How Law and Criminology Said?. *Law Research Review Quarterly*, 6(4), 343-348. <https://doi.org/10.15294/lrrq.v6i4.39423>