

Crime of violence by children (case study of child crime in Palopo City)

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ABSTRACT

The main problem discussed in this research is action crimes committed by children in Palopo City, how criminal acts are treated by children and how Islamic law treats criminal acts by children. This type of research is empirical, namely direct research in the field to obtain data and information, then analyzed using descriptive analysis methods, meaning explaining and describing problems related to drug abuse among young children in Palopo City. The approach used in this research is Sociological Juridical. The aim of the research is as follows: To find out the causes of acts of violence committed by children in the city of Palopo and to find out solutions and efforts for legal treatment against criminal acts committed by children in the City of Palopo. The problem of child delinquency in Palopo City leading to crimes occurring Criminal violence by children is quite worrying. Judging from the data obtained by the author in the field over a period of three years from 2017 to 2019, cases of children who commit unstable violent crimes sometimes increase and sometimes the number decreases, such as in 2017 there were 21 cases, then this number decreased in 2018, namely with only 6 cases, and increased slightly in 2019 with 14 cases. So the total number of cases is 41 cases from data obtained by the author at the Palopo Police.

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1. INTRODUCTION

Indonesia is one of the countries that ratified the United Nations (UN) convention on Children's Rights, through Presidential Decree (Keppres) Number 36 dated 25 August 1990. With the ratification of this convention, the State should be legally obliged to protect and fulfill their rights. children, both social, political, cultural and economic.

A child is a child who is 12 years old, but not yet 18 years old and if a child is in conflict with the law who is married but not yet 18 years old then they are still said to be children (Ruzaipah et al., 2021). A criminal act or crime is an act or action that violates the rules/what has been determined by law as an act that must not be carried out/an act that is prohibited and an act that can be blamed (Leonardy & Indra, 2016). Criminal acts do not recognize any age limit from the perspective of the perpetrator or the victim. Anyone can be involved in a criminal act, including children (Heri, 2016).

The levels and forms of juvenile delinquency in a particular society are different, as well as the social reactions that arise will also be different (Fatchurahman, 2012). The delinquency of juveniles

who use violence in general has increasingly complex social reactions, the upheaval of juvenile crime is felt to be increasingly widespread and diverse, both in frequency and in the seriousness of the quality of crime (Baharudin et al., 2019; Unayah & Sabarisman, 2015). There are many cases such as fights, muggings, rape, drug abuse and violent theft (Latifah, 2019).

Violent theft is theft that is preceded, accompanied or followed by violence or the threat of violence, against a person with the intent to prepare or facilitate the theft, or in the case of being caught red-handed, to enable the escape of oneself or another participant, or to retain possession of the stolen property (Basri et al., 2015). Law enforcement against child crimes creates problems because the perpetrators of these crimes are children who are not yet legally competent (Purnomo & Gunarto, 2018). Thus it can be said that law enforcement against children sometimes ignores the child's age limit.

In Palopo City itself, juvenile crime and delinquency are already known to the public, generally in Palopo City many teenagers who are still at school age or underage have started trying to smoke cigarettes and Fox4 Glue in Palopo City and the level of juvenile delinquency is very diverse as we saw during the holy month of Ramadan. This year there has been a surge of wild racing by teenagers in Palopo, a different location they use every night in the holy month of Ramadan. The police and Satpol PP have tried to control the perpetrators of this illegal racing action. On May 13 2019, at least 56 two-wheeled vehicles were seized by the Palopo City Police.

Children are a nation's assets, as part of the young generation, children play a very strategic role as successors to a nation (Lubis, 2021). In the Indonesian context, children are the successors of the ideals of the nation's struggle (Mudrikah, 2017). This strategic role has been recognized by the International Community to give birth to a convention which essentially emphasizes the position of children as human beings who must receive protection for their rights. Currently, teenagers who commit crimes are more likely to be given prison sentences rather than guidance and rehabilitation (RIEZKIKI, 2023). The implementation of imprisonment has the aim of punishment/retaliation to provide a deterrent effect to perpetrators of criminal acts, but it can have a negative impact on the development of adolescents. Adolescents who serve a prison sentence will automatically lose their independence so they will not be able to enjoy their rights, for example they will not be able to carry out education (school), lack of socialization with the community so that the child's future will be disrupted by imposing imprisonment (In et al., 2021; Faqurais, 2021; Krisna, 2018).

Children are our future, the future of religion, the future of the nation and the hope of humanity. If a nation wants a good future, then children as the nation's successors are the main key. A child is someone who is not yet 18 (years old), and includes children who are still in the womb (Kamala, 2022). Educating children is our collective task, the task of all elements of society. In the smallest scope, children will learn new things from the family, then develop in the environment where they live, continuing the learning process at the school level which not only teaches formal lessons, but also learns about the norms that apply in society. Law is a means of regulating society as social control, so the law is tasked with ensuring that society remains within the patterns of behavior that are accepted by it (Sulaiman, 2013). If we follow daily news developments, whether in magazines, newspapers or other mass media, we often read and hear news about unlawful acts in the form of murder, robbery, theft, assault and so on. These unlawful acts are not only committed by adults, but also by children. In social interactions, every day there are relationships between members of society. This association gives rise to various incidents or occurrences that can set in motion legal events. Children are the nation's next generation. Therefore, every child should have the right to play, learn and socialize. However, the situation changes if a child commits a criminal act, but this does not mean that the police or other authorized officials treat children the same as adults who commit criminal acts.

2. METHOD

This research uses empirical (qualitative) legal research (Purwati, 2020). Empirical legal research or what is commonly called empirical legal research starts from primary/basic data, namely data obtained directly from the community as the first source through field research. Meanwhile, the approach used is a descriptive approach. The descriptive approach is data analysis carried out by collecting data either in the form of interviews or through documents, managing the data and then presenting observation data so that other parties can easily obtain an overview of the object being studied in words and language.

Sociological Juridical Approach, namely where research is carried out by reviewing the problem being studied from a juridical perspective (normative law), by connecting facts and events that occur in society (sociology), in order to be able to describe the polemics or problems that occur in Palopo City.

This research was conducted in the city of Palopo. The choice of this location was based on the reason that this location is an area that has a fairly rapid population level and development development. This has also been followed by an increase in the number of violence perpetrated by children in recent years. with data taken from secondary and primary data obtained by means of interview techniques, observation and documentation as well as by data analysis using a data analysis system, namely qualitative analysis which is then presented in descriptive form, namely by harmonizing and explaining the real picture of criminal acts violence committed by children among the people of Palopo City.

3. RESULTS AND DISCUSSION

Criminal law is the law that determines criminal acts, determines the guilt of the offender and the law that determines the implementation of the substance of criminal law. The law for criminal acts of violence in Islamic Criminal Law comes from the Al-Quran and Sunnah whose validity cannot be doubted, while the law for criminal acts of abuse is contained in article 351 of the Criminal Code. Paragraph:

1. Persecution is punishable by a maximum imprisonment of two years and eight months or a maximum fine of four thousand five hundred rupiah.
2. If the act results in serious injury, the guilty person is threatened with imprisonment for a maximum of five years.
3. if it results in death, is punishable by a maximum imprisonment of 7 years.
4. with abuse is equated with deliberately damaging health.
5. attempts to commit this crime were not punished.

It is a legal formulation made by humans, which is not appropriate and does not provide a sense of fairness. In article 351 concerning crimes against the body or human body, it is a material crime, where the crime is deemed to have been completed by the perpetrator. The elements of this crime are not determined, only the qualifications are determined.

In Islamic Criminal Law, persecution is included in the category of jarimah which is defined as sharia prohibitions, which Allah threatens with the punishment of had or tazir, and the punishment for perpetrators of abuse in Islamic criminal law has two levels, namely the main punishment is qisas, while the alternative punishment is diyat. Deviant behavior or violations of the law by children are usually caused by various factors, including increasingly advanced developments and the creation of increasingly sophisticated communication technology, encouraging the realization of globalization which is an inevitable process of social change.

Table 1. Number of cases of criminal acts of violence by children in the Police

No	year	Case
1	2017	21
2	2018	6
3	2019	21
Amount		41

From the first table above we can see how many cases of child abuse there are at the Palopo Police Station. The total number of cases is 41 cases and all of the cases are cases of abuse that resulted in injuries. Of all the cases, the average age of children who commit violent crimes falls into the school age category, namely 15-18 years old. In this case, the background for a child committing a criminal act is mostly from his environment.

Table 2. Number of cases of criminal acts of violence by children which ended peacefully and which were referred to the Prosecutor's Office

No	Year	PEACEFUL ENDING (PALOPO POLICE)	attorney
1	2017	6	5
2	2018	2	-
3	2019	2	1
Amount		10	6

The second table is the number of cases of criminal acts of violence by children which ended peacefully at the Palopo Police, cases which ended at the Palopo Police by taking legal steps, namely mediation with both parties and the number of criminal cases which were delegated to the Prosecutor's Office and usually cases which were delegated to Because there is no common ground for peace between the two parties, this will be delegated to the prosecutor's office. 5 If we look at the number of cases from the two tables above, cases involving children as perpetrators over the last 3 years until this month are getting smaller. This is an achievement in Palopo City itself, this cannot be separated from the support of parents and the environment of our current young generation.

3.1 Laws against criminal acts by children in Palopo City from an Islamic Law Perspective

Islamic Sharia puts forward the concept of responsibility for immature children which is based on two things, namely; the power of thinking and choice (iradah and endeavor). Therefore, the position of small children varies according to the different periods of their lives. According to Islam, a law is applied with the aim of achieving human benefit even though the punishment is undesirable. In Islamic criminal law the purpose of punishment is divided into two main purposes: preventive (prevention) in Arabic terms called alRad'u al-Zajru and educational (teaching) purposes or al-Islah wa alTa'dib.¹⁴

Human behavior that is considered a form of crime in the concept of Islamic criminal law is divided into five parts, namely: (1) Crimes against the body such as injury/damage to body parts, whether intentionally, semi-intentionally and unintentionally or by mistake. (2) crimes against property, namely theft, robbery. (3) Crimes against the lineage such as adultery. (4) Crimes against religion, namely apostasy. (5) Crimes against the mind such as drinking liquor. Meanwhile, Islamic jurisprudence does not provide definite limits on the age limit for children, despite the many differences of opinion among scholars. Fiqh scholars believe that if a child has attained ihtilam, he is considered to be mature. Likewise a girl, with the arrival of menstruation.

This definition applies to certain acts that are threatened with sanctions that have been determined by Sharia law. Included in this category are apostasy, drinking alcohol, committing adultery, accusing of committing adultery without witnesses, stealing, and carrying out a coup against the government in power. In addition to evil acts as mentioned above, in Islamic law there are also terms related to behavior that connotes criminal behavior, namely jarimah¹⁸ and jinayah.¹⁹

According to Hamka Haq, the jinayah law in Islam is enforced with the aim of protecting and ensuring the implementation of the purposes of the Shari'a, which include: protecting religion (hifz al-Din), protecting the soul (hifz al-Nafs), protecting the mind (hifz al-Aql), protecting offspring or honor (hifz al-Nasb) and protecting assets (hifz al-Mal) position of being a minor and not under the authority of parents.

4. CONCLUSION

Especially for naughty children to be trained religiously, if the threat of imprisonment is less than 7 years then the authorities will carry out mediation between the two parties, if this is not successful then the authorities will continue to carry out diversion attended by religious leaders, community leaders, government officials. social and BAPAS. Of course, this can help children become better individuals and not repeat the mistakes they make. The efforts made by the relevant government parties are: appoint a legal advisor to accompany children who are in conflict with the law; carry out mediation; carry out diversion; carry out and carry out social development and religion towards children; establishing a special boarding school for naughty children. As for the legal treatment of child crimes in Islamic law, in this case the judge must be active in order to safeguard children's rights which have been regulated by law and remain in line with what has been determined by sharia law.

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The suggestions that the author can express regarding this thesis research are: Parents must pay more attention to their children's behavior, never try to ignore their children, especially since children really need a lot of love and support from their parents, if that happens the child will fall into negative things that can destroy them. himself and his family. And this can disrupt the child's psychology. There is a need to instill religious knowledge in children so that they know better what is good and what is bad for themselves and also provide maximum guidance in the school environment by teaching the importance of living peacefully without taking actions or actions that can

harm themselves and also harm others. Government officials must also be more aggressive in protecting the children of this country, by paying more attention to providing social guidance to children, not only that, the authorities must also show a good example to children who are already in conflict with the law, so that these children there is a desire to change this life for the better.

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