

## CRIMINAL POLICY IN OVERCOMING THE JUVENILE DELINQUENCY

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### ABSTRACT

*Juvenile delinquency is all deeds that are not appropriate or out of values and norms that can cause social anxiety and anxiety in society, juvenile delinquency commonly referred to as juvenile delinquency. The causes of juvenile delinquency include 1) Identity, 2) Self-control, 3) Age, 4) Gender, 5) Expectations for education and school values, 6) Parental influence, 7) Influence of friends peer, 8) Socio-economic status, and 9) Quality of the environment around the place of residence. Law enforcement officials have made many efforts in tackling juvenile delinquency, but this juvenile delinquency still exists in the community. Efforts to tackle crime with criminal law are essentially a part of law enforcement, especially criminal law enforcement. Therefore, it is often said that political or criminal law policy is also part of the law enforcement policy in order to achieve the ultimate goal of the criminal policy itself, which is to provide community protection in order to achieve prosperity for the community.*

Keywords: Overcome, Delinquency, Juvenile

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### A. Introduction

The emergence of the phenomenon of juvenile delinquency is a worrying problem both from the perspective of education, psychology, social, and culture. Teenage life which is characterized by various kinds of juvenile delinquency is proof of the weakness of morality and the personality of adolescence. Indonesian teen problems are especially social, psychological, cultural, and moral issues.<sup>1</sup>

Lately news about juvenile delinquency is increasingly being discussed. Juvenile delinquency is all deeds that are not appropriate or out of values and norms that can cause social anxiety and anxiety in society, juvenile delinquency commonly referred to as juvenile delinquency.

According to Santrock, John W argued that juvenile delinquency refers to a wide range, from socially unacceptable behavior (eg being excessive in school) to status violations (such as escaping) to criminal acts (eg theft).<sup>2</sup> The causes of juvenile delinquency include 1) Identity, 2) Self-control, 3) Age, 4) Gender, 5) Expectations for education and school values, 6) Parental influence, 7) Influence of friends peer, 8) Socio-economic status, and 9) Quality of the environment around the place of residence.

Here are some forms of juvenile delinquency that actually lead to crime/criminality of teenagers, who often dominate mass media coverage:

#### 1. Drug abuse.

Drug abuse among teenagers is increasingly craze. Research conducted by the National Narcotics Agency (BNN) found that 50-60 percent of drug users in Indonesia are among students and students. The total number of drug users based on the research conducted by BNN and UI was 3.8 to 4.2 million. Among that number, 48% of them are addicts and the rest are just trial and error. Such was as stated by the Head of Public Relations (Kabag Humas) BNN, Kombes Pol Sumirat Dwiyanto as contacted by Health seconds, Wednesday (6/6/2012).

#### 2. Access pornographic media.

Pornography and porno-action that thrives in our country provoke teenagers to indulge their lust, both in the street vendors and cyberspace. Zoy Amirin, a sexual psychologist from the University of Indonesia, citing the Sexual Behavior Survey 2011, shows that 64 percent of young people in big cities in Indonesia are 'learning' sex through pirated pornographic films or DVDs. As a result, 39 percent of ABG respondents aged 15-19 years have had sexual intercourse. The remaining 61 percent are aged 20-25 years. The survey, supported by the Fiesta condom plant, interviewed 663 respondents aged 15-25 years about their sexual behavior in Greater Jakarta, Bandung, Yogyakarta, Surabaya and Bali in May 2011.

#### 3. Free sex.

The Moral Movement Don't Be Naked in Front of the Camera records a significant increase in the circulation of pornographic videos made by children and adolescents in Indonesia. If in 2007 there were 500 types of original pornographic videos produced in domestic production, then in mid-2010 the number jumped to 800 types. The most concerning fact from the above phenomenon is the fact that around 90 percent of the videos, the cast comes from

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<sup>1</sup> Santrock, John W. *Life-Span Development: Perkembangan Masa Hidup* 5<sup>th</sup> Edition Jakarta: Erlangga. 2002. p. 3

<sup>2</sup> *Ibid*, p. 3

students and students. In accordance with research data conducted by the Center for Population and Policy Studies, Gadjah Mada University Yogyakarta.

#### 4. Abortion.

The lifestyle of free sex results in unwanted pregnancies that are often experienced by young women. Because of fear of social sanctions from family, school, or surrounding communities, many pregnant students take shortcuts: aborting their womb. Base line survey conducted by LDFE UI BKKBN (2000), in Indonesia there were 2.4 million cases of abortion per year and around 21% (700-800 thousand) were carried out by teenagers. The same data was also conveyed by the National Child Protection Commission in 2008. Of the 4,726 junior and senior high school students in 17 major cities, 62.7 percent of junior high school students were not virgins, and 21.2 percent of teenagers claimed to have been abortion (Kompas.com, 14 / 03/12).

#### 5. Prostitution.

In addition to abortion and the transmission of sexually transmitted diseases, the free sex lifestyle has also triggered the growth of teenage sex workers who are often known as 'girls'. A study reveals the fact that the number of children and adolescents trapped in the world of prostitution in Indonesia has increased in the past four years, especially since the monetary crisis. Every year since the onset of the monetary crisis, around 150,000 children under the age of 18 become sex workers. According to an expert, half of sex workers in Indonesia are under 18 years of age, while 50,000 have not yet reached the age of 16.

Crime is a behavior that violates the law and violates social norms, so that people oppose it.<sup>3</sup> In the social context, crime is a social phenomenon that occurs at every place and time.<sup>4</sup> Crime is a social phenomenon that occurs in the community and until now it is difficult to eradicate or disappear, but prevention efforts and prevention are still carried out in various ways, crime must be eradicated because it impedes the achievement of public welfare. This shows that crime is not only a problem for a particular community that is local and national scale, but also a problem faced by all people in the world, in the past, present and future, so that it can be said that crime as a universal phenomenon.<sup>5</sup>

Efforts or policies to prevent and overcome crimes committed by adolescents, including criminal policy. This criminal policy is also inseparable from a broader policy, namely social policy which consists of policies/efforts for social welfare (social-welfare policy) and policies/efforts to protect the community (social defense policy).<sup>6</sup>

Law enforcement officials have made many efforts in tackling juvenile delinquency, but this juvenile delinquency still exists in the community. Efforts to tackle crime with criminal law are essentially a part of law enforcement, especially criminal law enforcement. Therefore, it is often said that politics or criminal law policy are also part of the law enforcement policy. This, of course, is carried out through the Criminal Justice System which consists of the police subsystem, the prosecutor's subsystem, the court sub-system, and the penal institution subsystem.

Based on the foregoing, the issue of being examined is how criminal policies are in handling crime committed by adolescents.

### B. Discussion

Crime problems carried out by adolescents as an example in the capital city of Central Java Province, Semarang is one of the cities in Indonesia where most of the population is a group of teenagers. The Central Bureau of Statistics in the 2013 population census stated that at least 7.72% of the 1,572,105 inhabitants in Semarang consisted of children aged 10-14 years, 9.26% consisting of teenagers aged 15-19 years, and 9, 80% of teenagers are 20-24 years old. Overall, the population with the teen age group in Semarang is 26.78%, more than a quarter of the total population of Semarang City residents. The number of teenagers in Semarang can also be seen from the number of educational institutions in Semarang ranging from elementary, junior high, high school, to university.

Because the city of Semarang is one of the provincial capitals on the island of Java, the development of teenagers in this city is quite advanced. This is marked by the tendency of better public education in various fields. The Central Statistics Agency recorded there were 272,360 students in 2015 in Semarang. Besides that, various entertainment activities and performing arts and recreational and educational art performances have also begun to be held by both government and private parties. The activities of art shows and music performances in the city of Semarang were dominated by youth participation.

Juvenile Delinquency is evil behavior, or crime / delinquency of young children; is a symptom of social (pathological) pain in children and adolescents caused by a form of social neglect, so that they develop a deviant form of behavior.

<sup>3</sup> Kartini Kartono, *Patologi Sosial*, Jilid I Edisi Baru. Jakarta: Rajawali Press, 1992, p. 134.

<sup>4</sup> Andi Matalata "Santunan Bagi Korban", dalam J.E. Sahetapy. *Viktimologi Sebuah Bunga Rampai*. Jakarta: Pustaka Sinar Harapan, 1987, p. 35.

<sup>5</sup> Barda Nawawi Arief, *Kebijakan Legislatif dalam Penanggulangan Kejahatan dengan Hukum Pidana*. Semarang: Ananta, 1994, p. 2.

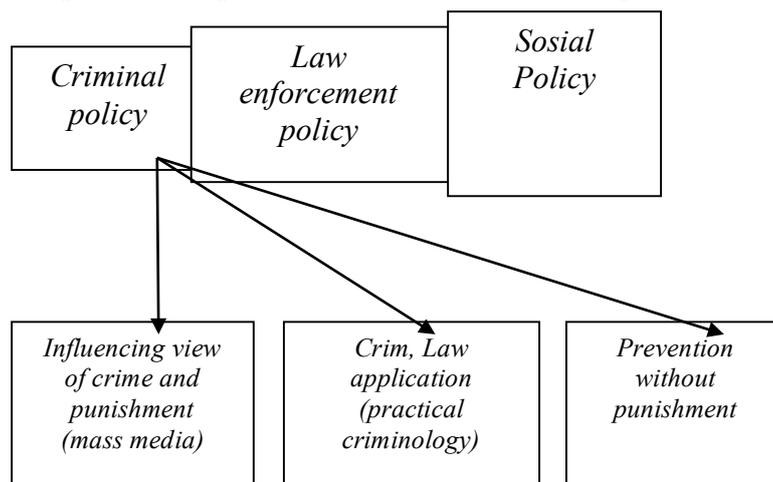
<sup>6</sup> Barda Nawawi Arief, "Masalah Penegakan Hukum & Kebijakan Penanggulangan Kejahatan", Bandung: Citra Aditya Bakti, 2001, p. 73.

Based on this, the role of law enforcers immediately takes a stand in carrying out its role as a law enforcement tool to overcome.

Criminal policy that aims to uphold the central norms of society in order to overcome crime, contained in the politics of criminal law, where criminal law politics is an attempt to realize criminal laws and regulations that are appropriate to the circumstances and situations at a time and for periods of will come. The criminal law itself has a function to regulate the life of the community and to protect the legal interest from the actions that want to rape it with criminal sanctions which are more severe than the sanctions of other branches of law such as constitutional law which provides administrative sanctions and civil law which impose civil sanctions.

According to Hoefnagels, criminal policy can be done by combining efforts to criminal law application, prevention without using criminal law (prevention without punishment) and efforts to influence people's views on crime and punishment through mass media (influencing views of society on crime and punishment (mass media)).

In the criminal policy theory expressed by G. Peter Hoefnagels, criminal policy can be described as follows.<sup>7</sup>



From the above scheme, it can be explained that crime prevention efforts need to be pursued through a policy approach, namely the existence of integration between efforts to overcome crime by "reasoning" and "non-penal"

This can be achieved by:

- a. criminal law application;
- b. prevention without punishment; and
- c. influencing views of society on crime and punishment.

Overcoming crime through the "non-penal" channels (points (b) and (c)), is more of a precautionary measure for crime to occur, so the main objective is to deal with conducive factors causing crime. These conducive factors, among others, center on social problems or conditions that can directly or indirectly lead to or grow in crime, especially in the area of juvenile delinquency.

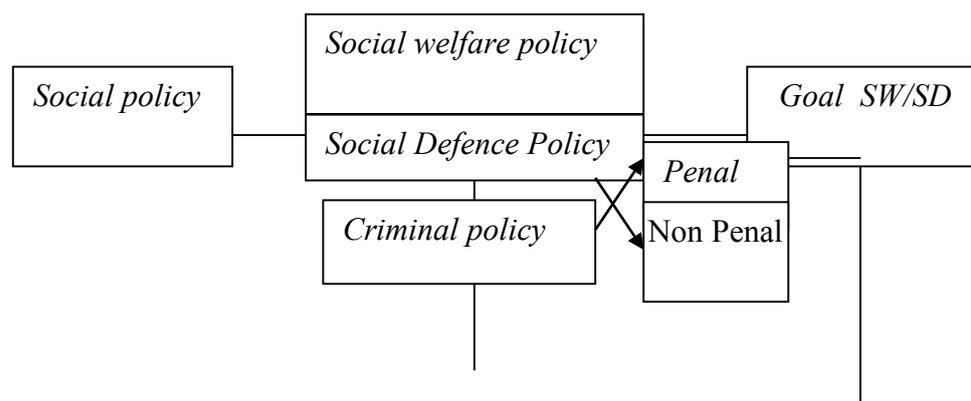
Starting from this conception, the policy of overcoming juvenile delinquency does not mean much if the social policy or development policy itself actually cause criminogen and victimogen factors. While the handling of crime through the "penal" path, its functionality through several stages, namely:

1. Formulation stage (legislative policy);
2. Application stage (judicial / judicial policy); and
3. Execution stage (executive / administrative policy)

As previously explained, this criminal policy cannot be separated from broader policies, namely social policy which consists of efforts for social welfare policy and efforts for community protection (social defense policy ) More clearly can be described as follows.

Crime prevention efforts must be carried out systematically and integrally, there is a balance between efforts to protect the community (social defense) and the efforts of community welfare (social welfare). Thus it can be said that criminal politics is essentially an integral part of social politics, namely policies or efforts to achieve social welfare. These relationships can be schematically described as follows:

<sup>7</sup> G. Peter Hoefnagels dalam Badra Nawawi Arief, 2008, *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru)*, Kencana Prenada Media Group, Jakarta, p. 2



The above scheme, in addition to describing the relationship between criminal policy and social policy, also illustrates that criminal policies can be broadly pursued through penal and non-judicial efforts, as explained in criminal policy theory by G. Peter Hoefnagels. The scheme also shows that the function of "reasoning" its functionality is not only through law enforcement (application stage) but also through the formulation stage, namely legislative policy and through the execution stage namely executive/judicial policy). While "non-punitive" efforts are not only carried out by police institutions but all parties related to crime prevention efforts, such as: local government, DPR/DPRD, religious institutions, traditional institutions and other community organizations, as well as the community itself .

Prevention of juvenile delinquency through the Criminal Policy approach is integral crime prevention, namely the existence of integration between efforts to overcome crime by reasoning and non-punishment. This was done because the use of criminal law alone could not be effective in overcoming crimes committed by teenagers.

According to Nigel Walker there are some limitations of criminal law in overcoming crime, these limitations are caused by:<sup>8</sup>

1. The crime arises from other factors beyond the reach of criminal law.
2. Criminal sanctions so far are not drugs to deal with the causes of the disease but only to overcome the symptoms or consequences of the disease.
3. Policies that are oriented to the offender's perpetrators are very wrong because criminal sanctions mean directed at the purpose of preventing people from committing crimes rather than preventing them from happening.
4. Types of criminal sanctions and formulation of criminal sanctions that is rigid and negative so that the judge has no choice.
5. Weak supporting facilities.

Based on this opinion it appears that the problems that occur in criminal law are actually caused by factors outside the criminal law which certainly affect the enforcement of the criminal law itself. Factors outside the criminal law, for example: political, economic, socio-cultural factors and so on. Especially regarding the handling of juvenile delinquency, the external factors of criminal law which also influence are cultural factors and community customs.

Based on the existing reality, the author agrees with the theory presented by G. Peter Hoefnagels that efforts to overcome crime committed by adolescents, especially juvenile delinquency need to be pursued by a policy approach, namely the existence of integrity between efforts to overcome crime by "reasoning" and "non-reasoning", in the formulation stage, efforts need to be made to reform criminal law, the renewal of the criminal law can involve:

1. Determination of an act can be punished.
2. Criminal sanctions imposed.

Non-Penal Efforts in overcoming juvenile delinquency. This non-penal effort needs to be carried out to support and assist the penal effort in overcoming crime, this is because the attempt to justify it can not be too effective in overcoming crime, especially concerning the crime committed by adolescents the need for:

1. Increasing welfare and reducing unemployment.
2. Improved education and good religious understanding

Education is a human right of every citizen and for that every citizen has the right to get quality education according to his interests and talents regardless of social status, economic status, ethnicity, religion, and gender. Equitable access and improving the quality of education will make Indonesian citizens have life skills so as to encourage the establishment of whole human beings and civil society and modern life imbued with the values of Pancasila, as mandated in Law No. 20 of 2003 concerning the National Education System .

<sup>8</sup> [http://ediunisba multiply com/journal/item/](http://ediunisba.multiply.com/journal/item/) accessed on March 14, 2017 at 13.30 Wib

3. Increased awareness and compliance of community law.

Legal compliance is essentially about a person's loyalty or legal subject to the law, which is manifested in the form of real behavior. Legal compliance is different from legal awareness, if legal awareness is still abstract, it is not yet a form of real behavior that accommodates the will of the law itself. Legal awareness is related to the values that grow and develop in a society.

Thus it can be said, that criminal policy is essentially an integral part of social politics. Efforts to overcome crime committed by teenagers can be described:

1. Prevention of crime prevention (PPK) must support goals, social welfare and social defense. Where the aspects of social welfare and social defense that are very important are aspects of community welfare / protection that are immaterial, especially the value of trust, truth, honesty / justice.
2. Prevention of crime prevention is carried out by an "integral approach", there is a balance of means of "reasoning" and "non-reasoning".
3. Prevention of overcoming crime by means of reasoning or "reason-law enforcement policy" whose functionalization / operations are carried out in several stages: (1) Formulation (legislative policy). (2) Application (judicial policy). (3) Execution (executive / administrative policy).

**C. Conclusion**

Whereas efforts to overcome crime, especially juvenile delinquency, must be pursued through a policy approach, namely the existence of integrity between efforts to overcome crime by "reasoning" and "non-reasoning", so that in the formulation stage, efforts need to be made to reform criminal law. Tackling crime by using criminal law is part of criminal policy. The handling of these crimes is in order to achieve the ultimate goal of the criminal policy itself, which is to provide community protection in order to achieve prosperity for the community.

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