



Empirical Review Of The Causes Of Children To Permit The Act Of Theft

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Abstract: This study aims to determine the cause of children committing acts of theft. The method used in this research is empirical or sociological research methodology. This study uses a qualitative approach and sampling using purposive sampling and using descriptive analysis techniques. The results of this study indicate that the causes of children committing the crime of theft include economic factors, educational factors and environmental factors. These three factors are very influential in human life, especially for children, because some of these factors are not fulfilled, then indirectly the mindset of the child does not develop in terms of his knowledge of a crime. Looking at several factors that influence children to commit theft in general, they are interrelated. Providing education from the government and authorized institutions regarding the dangers and adverse effects of committing the crime of theft is highly expected. In addition, the local government cares for children who drop out of school or are pressured because of their weakness

Keywords : Cause; Child; Theft

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1. Introduction

Everyone is inseparable in social situations as long as there is some kind of interaction between people taking place. In this life, humans have limitations that must be realized as productive creatures created by Allah Subbhanahu Wata'ala. People cannot develop if they are not in contact with other humans. Humans have aspirational ideals and fantasies. It is very important to make a positive impact on the course of human history. If people are not reminded of the limitations of their ideals and dreams, they will be misled by it. Moreover, humans are destined to succumb to evil.¹ Life in society in fulfilling the necessities of life there are often crimes and violations committed by certain people and people who threaten some members of the community, which in the science of law are known as criminal acts.²

Because of this criminal act, there is a need for responsibility. The term liability in legal terminology is often also replaced by liability. Responsibility can be interpreted as a basic willingness to carry out what is an obligation.³ Local government is a subsystem of the government of the Unitary State of the Republic of Indonesia. Therefore, all the goals and ideals mandated by the opening of the 1945 Constitution of the Republic of Indonesia are also the ideals and goals of local governments that must be achieved.⁴

The Unitary State of the Republic of Indonesia guarantees the welfare of each of its citizens, including the protection of human rights. The reason is that government policies as outlined in laws and regulations are always followed by criminal sanctions⁵ and the involvement of the State which is also one of the characters of the conflict phenomenon.⁶ Furthermore, the form of the legal system also requires people to have a sense of love and affection, mutual respect, mutual respect, mutual help, loyalty, honesty, and adequate physical and spiritual support, so that the implementation of the legal system can run in accordance with people's lives in general.⁷ Furthermore, an important point in the preparation of every policy issued by the Government comes solely from the

¹Ende Hasbi Nassaruddin. *Criminology*. (Bandung: Setia Pustaka, 2016), 2

²Dian Ekawaty Ismail, Mohamad Taufiq Zulfikar Sarson. (2021). Criminology Analysis Of Women's As Perpetrators Of Domestic Violence Crimes. *Journal of Law Review*. 3(3), 58

³Tijow, Luciana. (2010). *Protection of Human Rights to the Right to Life of Children in the womb outside of a legal marriage*. *Legality Journal*. 3(2), 88

⁴Novendri M. Nggilu. (2020). Juridical Review of Criminal Sanction Arrangements in Gorontalo Provincial Regulations. *Lambung Mangkurat Law Journal*. 5(2), 112

⁵Hwian Christianto, Michelle Kristina. (2022). Fulfilling The Right Of Education During Covid-19 Pandemic Period: A Comparative Study. *Journal of Law Review*. 4(1), 1

⁶Yudha Chandra Arowana. (2019). Mediation Path in the Settlement of Land Disputes as an Impetus for the Fulfillment of Human Rights. *Journal of Law Review*. 1(2), 216

⁷Dedi Sumanto, Titin Samsudin, Fikri Asnawi Amiruddin. (2021). The Existence Of The Religious Court In Handling Divorce Cases On The Reason Of Domestic Violence. *Journal of Law Review*. 3(2), 228

wishes of the people.⁸ So when this does not cause problems and if the policy is not in accordance with the behavior pattern of the community, then the government must resolve a problem with the community itself.⁹ Everyone else, including the government must heed it, by making laws on the basis of natural rights themselves.¹⁰ Because of this, one of the aims of the recognition and establishment of the rule of law is to protect human rights, meaning that individual rights and freedoms are recognized, respected and upheld.¹¹ Considering that Indonesia is also one of the countries that puts forward the constitution in every aspect of the life of the nation and state.¹²

The application of law enforcement in acts of theft generally aims to provide a sense of justice both from the victim's side and from the perpetrator's side. If you refer to what Prof. Fenty Puluhulawa in his writings that the government through the law has provided a starting point for the judiciary, which is done for the sake of justice based on the One Godhead.¹³ To quote as said by Fence M. Wantu in his Journal that the essence of justice is an assessment from one person to another, which is generally seen from the party receiving the treatment only.¹⁴ quoting as said by Suwitno Yutye Imran that Justice serves as a guide to distinguish between fair and unfair actions, elements of the aspect of justice can be contained in the substance.¹⁵

Therefore, law enforcers, especially all *stakeholders*, must act decisively and seriously in dealing with crime to ensure social welfare for the community.¹⁶ The improvement of public welfare facilitated by this law is certainly synergistic with Subekti who has the thought that "the law is dedicated to the direction of the state which in essence is to produce glory and joy for the people."¹⁷

Crime can be divided into two distinct categories. However, it will only be discussed from a legal point of view (criminal acts from a legal perspective).

⁸Nuridin, Putri Handayani. (2019). Political Law Regulation of Political Education by Political Parties. *Journal of Law Review*. 1(2), 146

⁹Fitriyadi, Ahmad Adi. (2020). Differentiation of refugees and asylum seekers in international refugee law and its relationship to the principle of non-refoulement. *Journal of Law Review*. 2(2), 127

¹⁰Daffodils, Dolot Alhasni. (2020). Determination of Legal Protection of Neighboring Right Holders. *Journal of Law Review*. 2(1), 67

¹¹Badu, Lisnawaty. (2012). Euthanasia And Human Rights. *Legality Journal*. 5(1), 1-11

¹²Fakhris Lutfianto Hapsoro. (2020). Interpretation of the Constitution in the Examination of Constitutionalities to Realize The Living Constitution. *Journal of Law Review*. 2 (2), 145

¹³Fenty Puluhulawa, Lusiana M, Tujow, Sutrisno. (2020). Application of the Principles of Justice, Legal Certainty and Benefit in Judge's Decisions. *Gorontalo Law Review Journal*. 3, (2), 174

¹⁴Fence M. Wantu. (2013). Judge Constraints in Creating Legal Certainty, Justice, and Benefits in Civil Court. *Journal of the Pulpit of Law*. 25(2), 206

¹⁵Suwitno Y. Imran. (2021). The Urgency Of Regulation Of The Ultra Qui Judicat Principle In Criminal Judgments. *Journal of Law Review*. 3(2), 398

¹⁶Ariefulloh, Abd Asis, Maskun. (2019). The Dilemma of the Implementation of Traffic Violation Sanctions Against Children. *Journal of Law Review*. 1(2), 198

¹⁷Jufryanto Puluhulawa, Mellisa Towadi, and Vifi Swarianata. (2020). Leato / Japanese Cargo Wreck Underwater Site Legal Protection. *Journal of Legal Reform*, 24(2), 201

From this perspective, any unlawful act is a crime. Even if an act is morally repugnant, if it is not criminally punished, it is still morally repulsive. ¹⁸If crime is defined as a pattern of behavior that harms many people, both physically and materially, then it is a crime.¹⁹

Theft is a social problem that has no end, even though the authorities and citizens have made various efforts to combat it. However, no crime can be completely eradicated. This is practical, but only serves to reduce the impact and quality of the experience. There has been an increase in crime, particularly theft, which has had a negative impact on the progress our country has made. Due to the deteriorating economic structure and high inflation in the unemployment rate, many people commit theft because of their inability to find work. ²⁰If you look at the data obtained from LPKA Class II A Gorontalo City .

Table 1
LPKA Class II Theft Data A

YEAR	AMOUNT
2018	1 Case
2019	4 Case
2020	1 Case
2021	1 Case
Total	7 Cases

Source: LPKA Class II Gorontalo City, 2022

It can be seen in the table above that from 2019 to 2020 there were fluctuations or it could be said that there were ups and downs in cases of theft committed by children, therefore of course there are several things that might cause this to happen.

Theft offenses are regulated in Article 362 of the Criminal Code, which reads as follows: "Anyone who takes something, wholly or partly belonging to another person, with the intention of unlawfully possessing it, is threatened with theft, with a maximum imprisonment of five years or a fine a maximum of nine hundred rupiahs.²¹ Child cases should be tried in juvenile criminal courts in ordinary court settings because of the unique nature of children and to ensure their safety. In cases involving children, the entire legal process must be supervised by individuals who have special training and experience in dealing with the unique needs of children. However, law enforcers, families, and the community must first seek a solution outside the courtroom, namely through

¹⁸AS Greetings And Amir Ilyas. *Criminology An Introduction. First Edition. First Print.* (Jakarta: Kencana, 2018), 30

¹⁹Muhammad Mostafa. *Criminology Research Methodology,* (Jakarta: Kencana Preneda Media Group, 2013), 9

²⁰Saputra, Rian Prayudi. (2019). The Development of the Crime of Theft in Indonesia . *Hero's Journal 2 (2), 2*

²¹Elucidation of Article 362 of the Criminal Code

diversion of restorative justice. When working on cases involving children in the criminal justice method, the Child criminal justice method law regulates everything from the investigation stage to the post-trial counseling stage.²²

2. Method

The type of research used is empirical legal research, according to Mukhti Fajar that empirical research is legal research that will provide a complete understanding of law in the context of norms when applied in a social context.²³This research was conducted through interviews and real actions obtained through direct observation. While the sampling using *purposive sampling* and using a qualitative approach and data analysis techniques using descriptive research.

3. Causes of Children Doing Theft

The crime of theft is very common in society, whether carried out between individuals or groups, various crimes in the community occur with elements that are not planned or have been planned and carried out repeatedly or are called recidivist criminal acts, so that it requires a criminal action in the form of sanctions. firm and has a deterrent effect .²⁴

Refers to anyone who has committed a crime or is often called that. Crime is studied using positive criminology, which aims to understand why people commit crimes in the first place. Assuming that criminals are out of sync, the theory of positivity is built. Diversity can be found in a person's physiology, psychology, or even social and cultural background. For this reason, when looking for the biological and cultural aspects of crimes committed against prisoners or ex-convicts (cultural determinants).

The advancement of the current era basically has a negative impact on the world and society in general. Various kinds of crimes that we often encounter in the field are none other than part of the negative impact of the current developments. Crimes are not only committed by those who are adults but have been committed by all groups, be they children, teenagers, adults and even those who are old, almost to commit crimes that in fact harm others and themselves. So the rapidly growing development of internet technology has had a very big impact on the world community.²⁵ Crimes committed by children in the

²²Makara Mohammad Taufik, et al. *Child Protection Law and the Elimination of Domestic Violence*. (Jakarta: Rineka Cipta, 2013), 64

²³Mukti Fajar & Yulianto Achmad, *Dualism in Legal Research (Normative and Empirical)* , (Yogyakarta: Pustaka Pelajar, 2010), 153.

²⁴Setiono. *Rule Of Law (The Supremacy of Law Matters II)*. (Surakarta: Eleven March Pustaka, 2014), 122

²⁵Mohamad Rivaldi Moha. (2020). The Urgency of Registration of Electronic System Operators for E-Commerce Businesses. *Journal of Law Review* . 2(2), 115

Gorontalo Province are increasing, this is evidenced by the results of interviews conducted with the Head of the Development Section, Mr. Yulianto Maliki, S.Sos LPKA class II A Gorontalo City

"Every year there are definitely children who enter and undergo training at LPKA Class II A Gorontalo City, including cases of drugs, sexual violence, and physical violence, and theft. In this case, especially theft, there were 7 cases recorded."²⁶

Seeing in the field, there are cases of theft carried out by minors, as we know that this action is an act that destroys the order of social life in the family and other environments. However, what must be underlined is that the child's behavior is basically based on various things that can push him in that direction, such as the economy and parental education that has not yet arrived at providing awareness of good and bad things. Based on the results of research at LPKA Class II A Gorontalo City which was conducted by interviewing Mr. Yulianto Maliki as Head of the Development Section at LPKA Class II A Gorontalo City, he explained that some of these factors include:²⁷

1. Economic Factor

In general, that the economy is part of human life, without it humans will not find a balance of life. So we cannot deny that cases of theft that occur in children sometimes come from families who are less fortunate with other languages who are not financially capable. Therefore, the economy is very influential in the life of every human being. The insistence of the development of the times, the children will always follow the development of the times itself, so that when their parents do not fulfill the wishes of the child, then the shortcut of the child is to steal what is not their right. However, the important point is that strict upbringing and providing knowledge to children will also have a positive impact on children, so that the less fortunate in the economy will not be an obstacle if this has previously been provided with knowledge from their parents. We also don't find many in the field there are children who are able to be patient with various kinds of situations, this is because the education of parents to children is able to provide understanding for the child.

Based on the results of interviews with the Head of the Development Section, Bpk. Yulianto Maliki, S.Sos explained that the main factors behind children stealing are economic factors because when they are pressed by needs and lifestyle, it often makes a child reckless to commit theft, without thinking about the impact of the deviant behavior.

²⁶Result of Interview with Mr. Yulianto Maliki S.Sos as Head of Development Section, LPKA Class II A Gorontalo City, On Tuesday, May 24 2022, 11.00-12.00 WITA

²⁷Result of Interview with Mr. Yulianto Maliki as Head of Development Section, LPKA Class II A Gorontalo City, On Tuesday, May 24 2022, 11.00-12.00 WITA

This is justified by child perpetrators who commit the crime of theft which explains that because they are pressed by the necessities of life and lifestyles that are not in accordance with the economy, child perpetrators are forced to do things that deviate without thinking about the impact of their actions. So it's no stranger if the influence of this weak economic factor makes people who have personal desires or needs, desperate to choose shortcuts to immediately these needs by stealing. This of course cannot be separated from the insatiable taste of the human himself. While not comparable to the results of the work value of parents.

2. Education Factor

In addition to education from parents, education also affects the development of the child's behavior patterns. The higher the education of the child, the more knowledge will be absorbed so that good and bad things can be distinguished well. If you look at the data as in the previous discussion, the most thefts are from children whose education has finished elementary or junior high school. The author argues that regardless of the level of children's education, if they are not followed by strict upbringing from their parents, bad things will come to them, not to mention caused by free association.

Based on the previous explanation that the provision of education obtained by children both in the school environment and in the family environment will greatly determine the development of behavior patterns than the child himself. Besides that, it comes back to the child's own personality, sometimes the act is based on the character of the offspring. So with that to overcome this, education for children must be improved as best as possible.

Based on the researcher's interview with Mr. Yulianto Maliki as the Head of the Development Section at LPKA Class II A Gorontalo City, the person concerned stated that:

“The factor of low education is also a factor that causes theft. Due to the low level of education, they cannot distinguish between what is recommended and what is not allowed. Because of this inability, in this case the perpetrators cannot choose what is right and what is wrong. Most of the perpetrators of these thefts actually dropped out of school and some even didn't go to school.”²⁸

Based on the information provided by Mr. Yulianto Maliki, it is sufficient to emphasize that the low level of education is indeed one of the factors that causes the crime of theft, especially in the Gorontalo City area.

²⁸Result of Interview with Mr. Yulianto Maliki S.Sos as Head of Development Section, LPKA Class II A Gorontalo City, On Tuesday, May 24 2022, 11.00-12.00 WITA

In line with the explanation explained by the child perpetrator who commits the theft that the child perpetrator has stopped going to school since junior high school, since he stopped the child perpetrator often hangs out with adults so that their mindset is easily influenced, because sometimes they can express inappropriate behavior. good through deviant actions

3. Environmental factor

The environment is very influential on the development of patterns of human behavior, especially children who will depend on the behavior of the surrounding environment. When the child chooses the wrong friends to hang out with in the environment, the potential to cause criminal acts is there, therefore promiscuity by the child will trigger the child to do bad deeds. Based on the researcher's interview with Mr. Yulianto Maliki as the Head of the Development Section at LPKA Class II A Gorontalo City, the person concerned stated that:

"It is true that environmental factors are one of the factors that cause children to commit the crime of theft, because on average the perpetrators come from a bad environment. Of course, this unsupportive environment makes them have bad associations as well. In contrast to those who have associations with a good and supportive environment. Of course they will stay away from things or actions that should not be done, such as committing the theft."²⁹

Based on the information given by Mr. Yulianto Maliki, it is sufficient to emphasize that environmental factors are indeed one of the factors that cause criminal acts of theft, especially in the Gorontalo City area, to occur frequently. The description above is quite clear that the consequences of bad association greatly affect the perpetrator in committing a crime of theft.

The environment is often a means for interacting, in line with the education of child actors only up to junior high school and immediately engaging in associating with adults of course this is very influential for child actors because if the interaction is carried out in a good environment then automatically a person's character will certainly grow. good too. But if on the other hand, if the child has friends or friends who have bad behavior, it will indirectly reflect on the child and will absorb the bad behavior as well

Based on the results of the interview above, the researcher concludes that the factors that cause children to commit the crime of theft in the city of Gorontalo are:

²⁹Result of Interview with Mr. Yulianto Maliki S.Sos as Head of Development Section, LPKA Class II A Gorontalo City, On Tuesday, May 24 2022, 11.00-12.00 WITA

- a. Economic Factor
- b. Education Factor
- c. Environmental factor

Furthermore, the study conducted interviews with perpetrators regarding cases of criminal acts of theft committed by minors that occurred in 2020, the first example of which was the criminal act of stealing swallow's nest, in which the child as a suspect with the initials AT who was 17 years old. This incident occurred on Friday night at 23.30 WITA, where the incident was carried out by a child perpetrator and several other adults. by using a crowbar and after having a hole they enter and then take the swallow's nest in turn by gouging it using a bamboo with a knife attached to the end and the others collect the swallow's nest that has fallen after being gouged. As a result of this action, the perpetrator with the initials AT was acted upon and subject to Article 363 paragraph (1) to 3e, 4e and 5e of the Criminal Code subs Article 363 paragraph (2) of the Criminal Code Jo Article 65 paragraph (1) of the Criminal Code.³⁰

Based on interviews conducted with child perpetrators with the initials AT, he explained that the reason he committed the crime of theft was due to difficult economic reasons due to being affected by COVID-19 in 2019, for the sake of the demands of the life needs of child perpetrators without hesitation, his brother-in-law invited his brother-in-law to commit a crime. theft is not just one place but from one place to another, supported by environmental factors that are very influential because the child perpetrator admits that his friends are the same age as his brother-in-law so that according to this researcher greatly affects the child, because the child's character will automatically be formed depending on the child associating with If the child gets along with the good, then his behavior will be good, on the other hand, if he gets along with the bad, the character formed from the child is not good.

An example of the second case is the theft committed by a child with the initials RK. The scene in Dembe, West City, at 02.30 WITA, the chronology of the case, namely the child perpetrator with the initials RK saw the motorbike in the yard and the motorbike key was hanging on the motorbike, according to the perpetrator's statement. he looked around to make sure there was no one there then he pushed the motorbike a bit far from the victim's house then got on the motorbike and was immediately taken to an empty house located in batudaa then the perpetrator continued his action by buying pilox and changing all the body colors of the motorbike. After three days the perpetrator used the motorbike, the victim and local residents knew the motorbike used by the perpetrator was a stolen motorbike, so local residents reported and the child perpetrator was raided

³⁰Results of Interview with At as the Perpetrator in the Case of Children as Perpetrators of the Crime of Theft in Gorontalo City, On Tuesday 24 May 2022, 13.00-14.00 WITA

at his residence and immediately secured evidence in the form of a motorbike, the child perpetrator was detained at the West City police station. As a result of this act, the perpetrator with the initials RH was acted upon and subject to Article 363 paragraph (1)

The next interview was conducted with the child perpetrator with the initials RH who is still in the coaching stage at LPKA class II A Gorontalo City, the child perpetrator committed this crime for the same reason, namely demands for needs or the economy, the child who became the perpetrator of the theft also admitted that he had dropped out of school, then by looking at the statement that education is very important for the knowledge of the child, the low knowledge of the child will be easily influenced by bad things in the surrounding environment. If it is associated with the object of research where the child commits a criminal act of theft which basically can harm the child himself or even harm others.

Based on interviews with the two child perpetrators, the researcher can conclude that the factors that cause the crime of theft committed by children are clearly in accordance with what was said by Mr. Yulianto Maliki as the Head of the Development Section at LPKA class II A Gorontalo City, namely economic factors, education, and Environment. Looking at the results of interviews with child perpetrators who commit criminal acts of theft, economic factors are the main factors that trigger children to commit the crime of theft, so according to researchers this can be of special concern to the coaches in LPKA class II A Gorontalo city because they are the parties who play a role because it has the task of providing guidance to correctional students in order to create students who are useful and of higher quality for the nation and state.

4. Conclusion

The causes of children committing the crime of theft include economic factors, educational factors and environmental factors. These three factors are very influential in human life, especially for children, because some of these factors are not fulfilled, then indirectly the mindset of the child does not develop in terms of his knowledge of a crime. Looking at several factors that influence children to commit theft in general, they are interrelated.

Providing education from the government and authorized institutions regarding the dangers and adverse effects of committing the crime of theft is highly expected. In addition, the local government cares for children who drop out of school or are pressured because of their weakness.

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