

Investigation of Child Criminals Carrying Sharp Weapons in the Juvenile Criminal Justice System

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Abstract: *This study aims to determine and analyze the investigation of child perpetrators of criminal acts carrying sharp weapons in the juvenile criminal justice system at the Banyumas Police, along with the obstacles faced and their solutions. This study uses a sociological legal approach method. The research specification is descriptive analytical, while the data uses primary data and secondary data. The collection method is field study and literature study. The data analysis method used is qualitative. The theories used in this study are law enforcement theory and legal benefit theory. Based on the results of the study, it can be concluded that the investigation of child perpetrators of criminal acts carrying sharp weapons in the juvenile criminal justice system at the Banyumas Police is carried out by referring to the Criminal Procedure Code, the SPPA Law, and Law Drt Number 12 of 1951. In the investigation process, child perpetrators are accompanied by parents, Bapas, and lawyers and also involve community officers from Bapas to make research reports as considerations for investigators. Obstacles in the investigation of children who commit crimes carrying sharp weapons at the Banyumas Police are the difficulty of presenting children in the examination process and mandatory reporting because the children are not detained, limited resources, and the lack of public understanding of the law. The solution to overcome these obstacles is for investigators to coordinate with parents and schools, increase the budget and training for law enforcement officers who handle cases of children, and conduct socialization in schools and socialization through social media about the prohibition of brawls and violence and the prohibition of carrying sharp weapons.*

Keywords: *children; investigation; weapons.*

1. Introduction

Children are an inseparable part of human survival and the survival of a nation and state.¹As part of the younger generation, children are an important and determining initial link in efforts to prepare and realize the future of the nation and state.²Children are also the hope of parents, the hope of the nation and state who continue the baton of development and have a strategic role in ensuring the continued existence of the nation and state in Indonesia.³Considering the important role of children, the state guarantees children's rights as stated in Article 28B paragraph (2) of the Constitution of the Republic of Indonesia (UUD 1945) which states that every child has the right to survival, growth and development and the right to protection from violence and discrimination.

Children must always be protected because they have inherent dignity and rights as human beings which must be upheld.⁴Children's rights are part of human rights as stated in the 1945 Constitution and the UN Convention on the Rights of the Child.⁵Maintaining the survival of children is the responsibility of parents, namely the obligation to maintain and educate children until the child is an adult or can stand on his own. Parents are responsible for realizing the welfare of children.⁶Apart from the above, according to the Islamic perspective, children must also be looked after as stated in Surah Al-Nahal verse 78 which means "And Allah brought you out of your mothers' wombs in a state of not knowing anything, and He gave you hearing, sight and hearts so that you might be grateful."

Even though children have the ability to think, their reasoning ability is generally still not as stable as that of adults.⁷In general, children are easily influenced by life in their surroundings, so they easily fall into criminal acts or criminal behavior.⁸One of them is a brawl involving sharp weapons as regulated in Article 2 paragraph (1) of Emergency Law No. 12 of 1951.

¹Nikmah Rosidah, 2019, Juvenile Criminal Justice System, <http://repository.lppm.unila.ac.id>, accessed 20 July 2024

²Ahmad Eko Setiawan, Investigation of Children Who Commit Criminal Acts of Molestation, *Lex Crimen*, Vol. V No. 3, March 2016, p. 89.

³Robertus David Mahendra Saputra, Jawade Hafidz and Denny Suwondo, The Legal Protection for Children as Criminal Actors, *Law Development Journal*, Volume 4 Issue 3, September 2022, p.461.

⁴Widya Cindy Kirana Sari, Legal Protection for Children as Victims of Sexual Exploitation Crimes, *IPMHI Law Journal*, Volume 2 Number 1, 2022, p. 63.

⁵Aris Munandar Pamungkas, Umar Ma'ruf and Bambang Tri Bawono, The Juridical Analysis of Criminal Responsibility Performer on Children, *Law Development Journal*, Volume 4 Issue 1, March 2022, p.1

⁶Maidin Gultom, 2014, Law on Protection of Children in the Juvenile Criminal Justice System in Indonesia, Refika Aditama, Bandung, p. 1

⁷Gatot Supramono, 2007, Juvenile Court Procedure, Djambatan, Jakarta, p. 11

⁸Wahyu Ismail, Jawade Hafidz and Denny Suwondo, The Process of Investigation on Child Criminal Theft Committed Under Diversion, *Law Development Journal*, Volume 4 Issue 2, June 2022, p. 273

In the juvenile criminal justice system, the police are the spearhead in enforcing the law against child perpetrators of crimes who are given the authority to conduct investigations.⁹In the case where the perpetrator of the crime is a child, based on Article 7 of Law Number 11 of 2012 concerning the Child Criminal Justice System (UU SPPA), then in carrying out the investigation it is mandatory to apply diversion with the condition that in the case of the crime committed is threatened with imprisonment of less than 7 (seven) years and is not a repetition of the crime. Children who bring sharp weapons to fights are threatened with imprisonment for a maximum of 10 years in prison., so that the requirements for diversion are not met.

This study aims to determine and analyzing the investigation of child perpetrators of crimes involving sharp weapons in the juvenile criminal justice system at the Banyumas Police, the obstacles faced and their solutions.

2. Research methods

The approach method in this research is sociological juridical. SThe research specification is descriptive analytical. The type of data is primary data and secondary data obtained through field research and library research. The data analysis method uses qualitative analysis.

3. Results and Discussion

3.1. Investigation of Child Criminals Carrying Sharp Weapons in the Juvenile Criminal Justice System at the Banyumas Police

Based on the results of research at the Banyumas Police, brawls between teenagers are quite common. According to Saifuddin Zuhri, this phenomenon is due to the lack of a place for young people to express themselves in a positive way. Sarong wars or brawls with sharp weapons are one of the efforts made by teenagers to show their existence but in the wrong way.¹⁰

Based on research results at the Banyumas Police, the number of children committing crimes carrying sharp weapons is as follows:

⁹Anita Indah Setyaningrum and Umar Ma'ruf, Diversion as a Form of Settlement of Criminal Cases of Children Through the Restorative Justice Approach by Investigators of the Central Java Regional Police, *Khaira Ummah Law Journal*, Vol. 12 No. 4 December 2017, p. 174

¹⁰Sumarwoto, Sarong wars are rife, this is the response of UIN Academician Prof. KH Saifuddin Zuhri, <https://jateng.antaranews.com>, accessed 28 September 2024.

Table of Number of Child Criminals Carrying Sharp Weapons at Banyumas Police Headquarters in 2022 to 2024

Year	Number of cases	Number of Actors
2022	-	-
2023	1	1
2024	7	16

Source: PPA Unit, Banyumas Police

The crime of carrying sharp weapons during a brawl, the examination process is carried out in a separate room. The investigation of the child perpetrator of the crime of carrying sharp weapons was carried out after receiving reports from the public and also from members of the Police who knew the incident directly. The investigation of the child perpetrator of the crime of carrying sharp weapons was carried out by the PPA Unit of the Banyumas Police.

In this case, after the police receive a police report about a child committing a crime of carrying a sharp weapon, an investigation will be carried out to determine whether the elements of the crime in the article suspected of the child are fulfilled. In the investigation process, an examination will be carried out on witnesses, the reporter, and the reported party (child). After that, if there is sufficient evidence, the reported party's status will be raised to that of a child perpetrator.¹¹

During the examination process at the investigation level, the child perpetrator is accompanied by parents, Bapas, and lawyers. In the preparation of the case file, there are results of community research (lit mas) from Bapas. After the case file is completed and compiled, it is sent to the prosecutor's office. After the case file is considered complete by the prosecutor's office, P21 is issued.¹²

Based on the results of the interview with Mrs. Metri Zul Utami, the implementation of the investigation of children who commit crimes carrying sharp weapons is guided by the Criminal Procedure Code, Law Number 11 of 2012 concerning the Child Criminal Justice System (UU SPPA) and Emergency Law No. 12 of 1951. At the stage of investigation and inquiry into crimes with child perpetrators, then in accordance with the provisions of Article 5 of the SPPA Law, it is mandatory to prioritize the restorative justice approach through diversion. However, in practice, the crime of carrying sharp weapons whose

¹¹Results of an interview with Ipda Metri Zul Utami, as a Child Investigator at the Banyumas Police, September 25, 2024.

¹²Results of an interview with Ipda Metri Zul Utami, as a Child Investigator at the Banyumas Police, September 25, 2024.

perpetrators are children cannot be diverted. This is considering the provisions of the requirements for diversion which refer to the provisions of Article 7 paragraph (2) of the SPPA Law which states that diversion is carried out in cases where the crime committed is threatened with imprisonment of less than 7 (seven) years; and is not a repetition of the crime. While the crime of carrying sharp weapons is threatened with the threat of criminal penalties as regulated in Article 2 paragraph (1) of Law Drt Number 12 of 1951 is threatened with a maximum imprisonment of 10 years. Moreover, the age of the child perpetrator of the crime is more than 12 years old. Therefore, against the child perpetrator of the crime of carrying a sharp weapon, diversion cannot be carried out.¹³

This is in accordance with the considerations and suggestions of Bapas in the social research which states that children who commit crimes have fulfilled the elements of a crime as regulated in Article 2 paragraph (2) which is threatened with a maximum prison sentence of 10 years. Considering that the maximum criminal threat is 10 years, if associated with the provisions of Article 7 paragraph (2) of the SPPA Law, then children cannot be resolved through diversion and must be resolved through a court hearing.¹⁴

Considering that child perpetrators of crimes carrying sharp weapons cannot be diverted, the investigation process is continued in accordance with the provisions of the Criminal Procedure Code and the SPPA Law. In both cases, no detention was carried out on the child. However, the child is required to report every Monday and Thursday. This is intended so that the child can still continue the education process, considering that the child perpetrator still has the status of a student.

Based on the recommendation results of the Bapas Purwokerto Correctional Observation Team, which are based on the results of community research, it is recommended that the perpetrator of the crime of carrying sharp weapons be sentenced to institutional guidance in accordance with Article 71 paragraph (1) letter d by placing the child in the Baturaden "Satria" Center to undergo mental and social rehabilitation, as regulated in Article 81 of the SPPSA Law. The recommendation was submitted with the consideration that the child has regretted his actions and promised not to commit any unlawful acts, the child's age is still young and he still wants to continue his education. With this recommendation, it is hoped that the child can grow and develop optimally and change into a better person and gain additional work skills.

¹³Results of an interview with Ipda Metri Zul Utami, as a Child Investigator at the Banyumas Police, September 25, 2024.

¹⁴Results of an interview with Urip Tri Kusuma as the Community Supervisor of Bapas Purwokerto, September 27, 2024.

Based on the description above, it can be seen that many cases of children carrying sharp weapons are processed legally without diversion. This is due to several reasons, namely:

1. Legal provisions, namely based on the provisions of Article 7 paragraph (2) of the SPPA Law, the type of crime of carrying sharp weapons which carries a maximum prison sentence of 10 years may not meet the criteria for diversion.
2. The seriousness of the crime committed, where the act of carrying a sharp weapon is a serious act and can threaten the safety of others, so that law enforcement feels the need to take firm steps.
3. Attitude and repetition, namely if the child shows an uncooperative attitude or if there is a history of previous violations, then the authorities will be more inclined to process it legally.

The investigation of the child perpetrator of the crime of carrying sharp weapons at the Banyumas Police has been in accordance with the provisions of the Criminal Procedure Code, the SPPA Law, and Law Drt Number 12 of 1951. The stages in the investigation have been in accordance with the provisions of the Criminal Procedure Code, where every action taken by investigators such as arrest, detention, search, confiscation, examination of witnesses and examination of children, is based on the existence of a warrant and a report is made. Furthermore, during the investigation process, the child is given legal assistance (lawyer) appointed by the investigator and also a community counselor from Bapas Purwokerto.

3.2. Obstacles and Solutions in the Investigation of Child Criminals Carrying Sharp Weapons at the Banyumas Police

Investigations into children who committed crimes involving sharp weapons at the Banyumas Police Department do not always run smoothly, but sometimes also encounter obstacles. These obstacles are as follows following:¹⁵

1. Difficulty in presenting children in the examination process and mandatory absence

In the investigation process against the child perpetrator of the crime of carrying a sharp weapon, the child was not detained because there was a letter of guarantee from the parents. However, when the investigator was going to ask for information from the child perpetrator, the investigator had difficulty in presenting the child. In addition, the child may not necessarily be able to carry out mandatory reporting every Monday and Thursday because the child is still in school.

¹⁵Results of an interview with Ipda Metri Zul Utami, as a Child Investigator at the Banyumas Police, September 25, 2024.

The solution to overcome these obstacles is for investigators to coordinate with parents and the child's school to take responsibility for presenting the child when they are asked for information and also the obligation to report every Monday and Thursday by giving permission not to attend lessons during the examination process or reporting to the Banyumas Police.

2. Limited resources

In the discussion of the previous sub-chapter, it has been obtained that the number of personnel in the PPA Unit of the Banyumas Police Criminal Investigation Unit is 13 personnel. Of the 13 personnel, 6 personnel have a Decree as a General Investigator, of which only two of the six personnel have attended the Juvenile Criminal Justice System training.

The description above can provide an illustration that the number of personnel in the PPA Unit of the Banyumas Police Criminal Investigation Unit is not comparable to the number of child cases handled by the PPA Unit of the Banyumas Police Criminal Investigation Unit, where on average there are 10 child cases every month. This condition can hamper the investigation process against child perpetrators of crimes due to a lack of personnel. In addition, only 2 investigators have received training in the juvenile criminal justice system. Meanwhile, the number of child cases is quite large, and considering that children require special handling, investigators must also have the qualifications as child investigators.

The solution to overcome these obstacles is to increase the budget and training for law enforcement officers who handle child cases. In addition, investigators must also collaborate with non-governmental institutions in the child investigation process.

3. Lack of public understanding of law

In community life, many parents do not control or supervise their children in their social interactions, so that many children are involved in cases of violence such as brawls while carrying sharp weapons. Parents do not understand the legal consequences if their children are involved in brawls and carrying sharp weapons. Likewise, many children do not understand the legal consequences of their actions by joining brawls and carrying sharp weapons. As a result, brawls are still rampant in society, the perpetrators of which are mostly minors.

The solution to overcome these obstacles is to conduct socialization in schools and socialization through social media about the prohibition of brawls and violence and the prohibition of carrying sharp weapons. In addition, patrols are also carried out in locations that are often used as places for children to brawl.

Obstacles in the investigation of criminal acts of carrying sharp weapons based on law enforcement theory are influenced by legal factors, in this case the

conflict in the regulation of the SPPA Law is not carried out by detention considering that the child is still in school, but in practice it is difficult to present when the examination will be carried out. Reviewed from the law enforcement officers have not met the quantity, where the number of personnel is not comparable (the number of personnel is less than the number of child cases each month), thus hampering the child investigation process. Reviewed from the community factor is the lack of awareness of parents in supervising children so that many children are involved in brawls and carrying sharp weapons.

4. Conclusion

Investigations of children who committed crimes of carrying sharp weapons at the Banyumas Police are carried out based on the Criminal Procedure Code, the SPPA Law, and Law Drt Number 12 of 1951. In its implementation, there are several obstacles that occur, but with the right solution the investigation process can run well. In order to prevent criminal acts of carrying, the police should conduct socialization while parents should supervise their children so that they are not involved in brawls and criminal acts of carrying sharp weapons.

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