

CRIMINOLOGICAL REVIEW OF CHILDREN WHO COMMIT MURDER AGAINST THEIR FAMILIES

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ABSTRACT

Adolescents often engage in criminal acts, a phenomenon referred to as Juvenile Delinquency. Crimes committed by juveniles are generally minor offenses that mostly cause material harm. However, there are also cases where juveniles commit serious crimes such as murder. What is particularly concerning is that in some cases, the murder is not committed against strangers, but rather involves members of the juvenile's own family. Problem Identification in This Juridical Research What are the factors that lead juveniles to commit murder against their family members? How can juvenile-perpetrated familial murder be addressed and prevented? This study uses a qualitative research method with a normative juridical approach. This study explains, first, the factors that lead children to commit acts of murder against their family, using social control theory as the analytical framework. It was found that the most dominant factor is the family's role in child-rearing. Second, efforts to address crimes committed by children who murder family members involve both penal and non-penal approaches, with a greater emphasis on non-penal measures to prevent the recurrence of similar offenses. The conclusion of this study is that juvenile-perpetrated murder against family members is influenced by both internal and external negative factors. The prevention and control of crimes committed by children should not be the sole responsibility of the state; rather, society must also play an active role in educating children as part of non-penal efforts to prevent juvenile crime. "The researcher suggests that the Ministry of Social Affairs is expected to strengthen intervention programs for at-risk families, including providing assistance to children living in dysfunctional family environments, in order to prevent aggressive behavior. It is also hoped that law enforcement will impose penalties in accordance with the applicable laws."

Keywords: *Criminology, Juveline Murdered, Family.*

I. INTRODUCTION

The state's provision of legal protection for children is mentioned in Article 28B Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that 'Every child has the right to survival, growth and development, and the right to protection from violence and discrimination' (1945 Constitution Amendment, 2002: 52). The provisions of the Convention on the Rights of the Child, which was ratified by the Indonesian government through Presidential Decree No. 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child, which was then also incorporated into Law No. 4 of 1979 on Child Welfare and Law No. 35 of 2014 on Child Protection, which in principle have similarities, namely the principles of providing protection to children, non-discrimination, the best interests of the child, survival and growth and development, and respecting child participation.

Adolescence is a turbulent period due to the many changes that occur and emotional instability, which sometimes leads to attitudes and actions that adults consider to be misbehaviour (Gatot Supramono, 2007: 2). Therefore, it is important to supervise children during adolescence. This supervision can be carried out by the family, the surrounding community, and teachers at school, but the most decisive factor in shaping the characteristics of children during adolescence is the family. The failure of families to shape their children's character will result in the growth of a society that lacks character. Therefore, every family must be aware that the character of the nation is highly dependent on the character education of children within the family (Ni Wayan Suarmini, 2014: 129).

Delinquency committed by children in criminology is called Juvenile Delinquency which has various forms of delinquency. There are several crimes that are more often committed by children in Indonesia, namely: Murder, sexual harassment or violence, violence or bullying, Drug Use. Of the many criminal crimes, the four crimes mentioned often occur today (Fairuzzen, Hosnah and Putra, 2024). There are many murder cases involving children as the perpetrators of murder committed not against other people but against the child's family.

The crime of murder is a form of crime in a person's soul where the act is very contrary to the norms that exist in society, namely religious norms, customs, contrary to the norms of criminal law provisions and violates human rights, namely the right to life (Kartika Kartono, 1992: 21-23). The crime of murder is called a crime against a person's soul which is regulated in CHAPTER XIX Book II of the Criminal Code (KUHP) which consists of 13 Articles, namely Articles 338 to 350 of the Criminal Code, and in the latest criminal law regulations Law Number 1 of 2023 concerning the Criminal Code, which is stated in CHAPTER XXI Book II concerning Criminal Acts against life and fetuses.

The case involving a child as the perpetrator of the murder of a family in 2023 in Dumai Riau according to Kompas news sources, stated that the murder was carried out by a child with the initials LZP) years and KT (twelve) years against his mother Kartini 41 (forty-one) years old, the murder was revealed after the victim was found wrapped in a sack in a ditch under a bridge.

The second case involving a child committing murder against a family also occurred in 2022 in Negara Batin, Way Kanan Regency, according to Kompas news sources, the murder was carried out by Erwin and a child with the initials DW, 17 (seventeen) years old, against his uncle Juwanda, 26 (twenty-six) years old. The murder was revealed after the two suspects were arrested by the police.

There are many cases involving children as perpetrators of murder against family members, but researchers focus on the murder case committed by a 14-year-old child, NR, against his grandmother, S, which occurred in 2019 in Trimulyo III Hamlet, Pancatunggal Village, Merbau Mataram District, South Lampung Regency, by slitting the victim's throat using 1 (one) kitchen knife until the victim's neck was torn and resulted in death.

The cases mentioned above demonstrate that every year, child-involved murders against family members continue to occur. The phenomenon of child-involved murder impacts not only the victims who die but also the perpetrators, the children, demonstrating a failure of social function within both the family and society.

Murder incidents committed by children require research to examine the role of the family environment and social environment in shaping the behavior of children as perpetrators of murder. According to Hirschi and his colleague Michael Gottfredson regarding low self-control which assumes that: (Stephen G 2023: 196). "Individuals are born predisposed toward selfish, self-centered activities and that only effective child-rearing and socialization can create self-control. Without such socialization (i.e., social controls) and reduction of criminal opportunities, individuals will follow their natural tendencies to become selfish predators." Free translation: "Individuals are born with a tendency towards selfish and self-serving behavior, and only through effective parenting and socialization processes can self-control be formed. Without such socialization (i.e., social control) and reduction of opportunities to commit crimes, individuals will follow their natural tendencies to become selfish predators."

The level of control of each child depends on the effectiveness of parenting and socialization carried out by the community. Without strong social control, individuals will be more likely to exhibit criminal behavior driven by natural selfish tendencies. Cases of murder committed by children against their families do not occur suddenly. This action is the result of an accumulation of various psychological, social and environmental factors that influence the child's behavior. Children who experience physical or emotional violence in the household, mental stress that is not handled well by the child, or children who have a bad environment can be more likely to be driven to commit crime as a form of escape.

Based on this explanation, this study will describe the causes behind the incident of children as perpetrators of murder against their families and the efforts that should be made to overcome criminal acts committed by children as perpetrators of murder.

II. RESEARCH METHODOLOGY

The research method is qualitative research with a normative juridical method with a case study approach, data sources (secondary and primary data) and data collection techniques using literature studies.

III. RESULT AND DISCUSSION

A. Factors That Cause Children to Commit the Crime of Murder Against Their Families.

Sudarsono in his book states that juvenile delinquency is when an act is contrary to the norms that apply in a certain place or an act that challenges the social rules of the local community (Sudarsono, 1991: 34). An act committed by a child in the form of a crime in law is also called a child in conflict with the law, of course there are certain reasons or factors in the process of a criminal act occurring.

Currently, children who commit serious crimes such as murder are no longer victims of other people but rather their families. Murder is an act carried out to take a life in a manner that is not justified by law, or in a manner that is justified by law. (Laden Marpaung, 2000: 19). Cases in which a child kills a family member are very complex and require approaches from various perspectives. In the context of criminal law, this act is seen as a violation of the law that demands accountability and the application of sanctions against the perpetrator. The law focuses on the legal aspects, the elements of the crime, and the enforcement of norms through the justice system. However, when viewed from a criminological perspective, crimes like this are not only

considered legal violations, but also as social phenomena that require in-depth analysis to uncover the root causes.

In line with the objectives of criminology, IS Susanto provides the understanding that criminology is a set of sciences that studies crime as a social phenomenon, including the process of making laws and punishing lawbreakers. In general, criminology aims to study crime from various aspects so that it is hoped that it can gain a better understanding of the phenomenon of crime. (Susanto 2011: 1-2). In other words, criminology studies crime in order to find better methods for dealing with crime.

The results of the data obtained from researchers through the case files of Noval Ramadhan can be described as follows: That the murder occurred on Saturday, June 8, 2019 which took place in Trimulyo III Hamlet, Pancatunggal Village, Merbau Mataram District, South Lampung Regency, using a tool in the form of 1 (one) kitchen knife for cutting meat, by slitting the victim's throat using the right hand until the victim's neck was torn and resulted in the victim's death. On the same day after the crime of child murder against the grandmother, the child took cash amounting to Rp. 8,500,000., (eight million five hundred thousand rupiah) belonging to the victim which was in a bag stored in the cupboard, then the child also took 1 (one) black Honda Beat motorbike belonging to the victim then the child left the scene of the crime by locking the house which was the scene of the crime.

This case started when the child was sleeping and was then woken up by his grandmother, Sister Sukatmi, who is hereinafter referred to as the victim, and asked the child "where is the old cellphone, why is there a new cellphone?" and the child answered, "the old cellphone has been sold to buy a new cellphone, but the victim did not believe what the child said and said, "When the cellphone is sold, you can buy a new cellphone," then the child answered, "lack of money to buy a new cellphone from the Eid THR money that the child got", to which the victim slapped the child on the left cheek as much as possible. once, who then left the child's room, leaving the child to go to the back room to get washing soap.

Next, the child approached the victim who was in the back room and pulled the victim's back collar until the victim fell to the floor in a supine position, then the victim kicked the child until the child fell, then the child stood back up and saw a meat cutting knife lying on a bamboo bed, then the child took the knife using his right hand, then sat on the victim's stomach and immediately slit the victim's left throat approximately 5 (five) times, after the victim stopped moving the child placed the knife on the victim's chest and closed the back room door after the child took the victim's money, the child took the knife that had previously been used to slit the victim's throat and stored it under a wooden cupboard near the well.

Based on the case description presented, the author attempts to analyze the factors underlying the murder committed by children, referring to the social control theory proposed by Albert J. Reiss and Walter Reckless. According to them, juvenile delinquency is caused by a lack of internal and external control. Internal factors are factors originating from the individual, while external factors are factors caused by factors outside the individual. (Yesmil Anwar Adang, 2010: 103).

Inner containment refers to the internalization of conventional behavioral values and the development of personality traits that enable an individual to resist pressure. A strong self-concept, identity, and resistance to frustration are examples. Meanwhile, outer containment is represented by an effective family and close support system that establishes conventionality and protects the individual from external pressures. (Frank

E. Hagan, 2013: 118). The internal and external factors in Noval Ramadhan's case are as follows:

1. Internal Factors

Internal factors are drives from within an individual that can lead to criminal acts. Research on NR found that the main internal factor was emotional instability, in line with Rechless's opinion on inner containment or internal control, which states that children lack a strong self-concept, a factor of emotional instability.

Emotional instability is one of the reasons NR committed murder against his family. A child experiencing uncontrolled emotions often leads to impulsive and aggressive behavior. According to research, adolescents who frequently experience emotional stress, such as anger, hatred, or revenge, are more susceptible to criminal activity. This internal conflict is often caused by traumatic experiences or unresolved personal issues. (Dewi S, Gagarin A, and M Abas, 2024: 1906).

In the case of the murder committed by NR's child against his family, namely S, it was revealed that one of the factors causing the murder was the accumulation of emotions that were not channeled "the child stated that the grandmother as his family and caregiver often shouted and scolded the child" which then culminated on the day of the murder committed by NR against his grandmother S, NR was slapped on the left cheek by the victim S after answering a question given by the victim, as a result of the slap by the victim caused a peak in emotions and the child could not control these emotions so that NR followed the victim from behind, kicked him and committed murder against the victim by slitting the victim's throat S.

A child who cannot manage his emotions tends to behave aggressively as an escape from emotions that cannot be processed properly, weak control in children so that children are able to commit criminal acts that are usually carried out by adults.

2. External Factors

External factors can have several effects. First, family and parental divorce, lack of communication between family members, second, peer relationships. Third, a poor community/living environment. Fourth, inadequate religious education in the education system. Fifth, technological advances (Soerjono Soekanto 2012: 55-60). Internal and external factors have a very clear distinction. Internal factors are more about the child's own motivation, while external factors are more about the child's environment in the child's growth and development process.

In the research on the case of the child NR as the perpetrator of the crime of murder against his family, there were external factors, namely family factors and social environment factors, in line with Rechless's opinion discussing outer containment or external control, that external control can restrain someone from committing deviations.

a) Family factors

Family conditions play a crucial role in shaping a child's character. According to Harsanti Intaglia and Dwi Gita Verasari in their journal (2013), the primary cause of juvenile delinquency in adolescents experiencing parental divorce is the family. For a child, the family is the closest person to them, who will teach them how to behave well. The family is often referred to as the primary and primary institution for the education of children born into the family. It is called the primary educational institution because every human child is born into a family and receives their first education from it.

A harmonious family environment with good communication, affection, and emotional support tends to produce individuals who are emotionally and socially stable and less likely to engage in criminal behavior. Conversely,

dysfunctional families where violence, a lack of effective communication, or a lack of attention and affection can create conditions that foster deviant behavior. (Salsa D, Risma, Adinda, and Tugimin 2024: 223)

As attached to the prosecutor's demands against NR's child as the perpetrator of the murder of his family, the psychologist Yurni, who in essence explained "That it is true that the expert explained from the results of the examination that the reason the child committed his act was due to several problems, including family problems, because the child had lived with his grandmother (the victim) since childhood because the child's parents were divorced.

b) Social Environment Factors

Children often have a circle of friends in the process of living their lives, a social environment with good friends will lead to goodness and vice versa, if children have a bad social environment, children often imitate what their friends do. Teenagers who hang out with friends who are involved in criminal activities are more likely to participate in these actions. (Dewi S, Gagarin A and M Abas, 2024: 1907).

The influence of peers or the environment of friendship on children has a big influence and usually children will follow what their friends do without thinking about their actions, including whether they are right or wrong. Children are usually loyal to their friends by doing what their friends do.

Based on the statement of the psychologist who handled the child in conflict with the law, NR, in the prosecutor's demands, stated "That the child's social life in social circles has known and consumed tuak (alcoholic drinks), then there were mistakes in raising the child. (Prosecutor's Demands) In the investigation process carried out by Gunako, the Police Investigator also stated that it was true that the child had known about drinking alcohol in the child's social circle.

Based on the description above, the occurrence of the crime of murder committed by NR's child against his grandmother S was motivated by weak internal control, namely emotional instability in the child and weak external control, namely the family environment and social environment because basically the family has a very large role in shaping the character of children, if education in the family is good, it is very possible for children to grow into good individuals, families, especially parents, can direct children on how to solve problems and direct them to good social interactions for children.

Because the consequences if children do not have a good relationship with their families, both parents and caregivers, will have an impact on the number of crimes committed by children, this is due to children having a more aggressive nature and tending to look for bad solutions to every problem, so parents are needed to guide and provide solutions to every child's problem.

B. Efforts to Address Child Murder Against Family

Crime prevention can be defined as a series of systematic and coordinated efforts implemented by the state through institutions authorized to enforce law, security, and social order. The primary goal of these efforts is to prevent similar crimes from occurring in the future, either through a preventive approach focused on preventing crimes before they occur, or through a repressive approach involving prosecution of perpetrators to create a deterrent effect.

G. Peter Hoefnagels sees that crime prevention can be taken into two paths, namely Penal and Nonpenal, non-penal efforts with the term "prevention without

punishment" according to him the efforts included in this term are social policy, community planning and Child Welfare as well as the application of administrative law and civil law (G Peter Hoefnagels, 2018: 7). The non-penal approach seeks to involve social policies and also outside social policies in crime prevention based on the Community (social) as the object of study, including policies other than criminal law (Japansen Sinaga and Bisdan Sigalinggin, 2018: 10).

Handling of crimes against children as perpetrators of murder against families is carried out with two different approaches, the penal and non-penal approaches as follows:

1. Efforts to overcome the crime of murder committed by children against families using penal means.

In efforts to combat crimes within society, the government uses penal means, namely the means of power granted by the state to law enforcement to impose sanctions on violators of regulations or also known as perpetrators of criminal acts. In relation to the murder case that occurred in South Lampung, which was carried out by NR against his family, namely S, who is the grandmother of a child in conflict with the law, a series of mitigation steps have been taken through the criminal justice system mechanism. These steps include the process of investigation, inquiry, and prosecution by law enforcement officials.

The primary goal of this process is not only to enforce the law, but also to encourage perpetrators to recognize their mistakes, repent, and refrain from repeating similar actions in the future. This approach aligns with the basic principles of the correctional system, which derives from the concept of penitencia, which in Latin means regret. In the context of penal policy, one form of crime prevention is implemented through correctional guidance. This guidance aims to educate and reshape the character of inmates to develop better personal qualities. It is hoped that through this process, inmates will not only be able to reintegrate positively into society but also avoid the tendency to reoffend or become recidivists.

Penal facilities as one of the efforts to prevent the occurrence of crimes committed by children, namely by implementing the Child Criminal Justice System (SPPA) which is not only aimed at imposing penalties on child perpetrators but is also expected to be a means used to provide support for protection and guidance to achieve child welfare. There are several things that must be considered by judges in deciding child cases, namely: (Wagiati Sutedjo and Melani 2013: 48).

1. The nature of the crime committed.
2. The Development of the Child's Soul.
3. The place where he has to serve his sentence.

According to Article 2 of Law Number 22 of 2022 concerning Corrections, the correctional system is organized for the following purposes:

- a. Providing guarantees of protection for the rights of prisoners and children
- b. Improving the quality of personality and independence of inmates so that they realize their mistakes, improve themselves, and do not repeat criminal acts, so that they can be accepted back into the community, can live normally as good citizens, obey the law, are responsible, and can play an active role in development; and
- c. Providing protection to the community from repeating criminal acts (UUD Number 22 of 2022 Page 5).

Children who have committed a crime and been sentenced by the court will spend their days in a detention center or special juvenile correctional institution as a form of punishment for the actions committed by the child. According to Bambang

Purnomo, the objectives of correctional institutions include the following: (Bambang Purnomo 1985: 180).

- a. Trying to ensure that prisoners or students do not break the law again in society in the future.
- b. Becoming a prisoner or student as an active and creative participant in Development.
- c. Helping prisoners or students to be happy in this world and the hereafter.

In the case of murder committed by a child based on decision Number 9/Pid.Sus-Anak/2019/PN.Kla the district court judge sentenced the child to 6 years, which was then appealed by the public prosecutor and then decided Number 15/Pid.Sus-Anak/2019/PT.TJK the high court judge ruled based on the prosecutor's indictment and sentenced him to 7 years in prison.

2. Efforts to prevent the crime of murder committed by children against their families using non-penal means.

Efforts to combat a crime by using criminal law policies with Non-penal means that have a Preventive nature which means prevention. Preventive efforts as efforts to prevent crime that are more towards social policy. Preventive efforts to prevent murder committed by children against families carried out by the state Based on the results of the 6th and 7th UN Congresses, there are various forms of crime prevention efforts through a non-penal approach, which focuses more on prevention outside the formal criminal law channels.

Prevention of criminal acts of murder committed by children through policies implemented by the state, namely through the police apparatus, Sudarto once stated that continuous police patrol activities include non-penal efforts that have a preventive effect on potential criminals (Barda Nawawi Arief, 2008, 53). This indicates the need for the presence of law enforcement officers to maximize the potential preventive effect in the community. This presence not only carries out a repressive function, but also has a deterrent effect because it creates a sense of security and has a psychological effect that reduces the perpetrator's intention to commit crime.

Further prevention involves the use of mass media and technology. The use of mass media in crime prevention is used to increase public legal awareness. Furthermore, the use of modern technology for crime prevention, known as techno-prevention, is also an important instrument, for example through electronic surveillance systems, CCTV, and early detection tools for potential criminal acts. Thus, the combination of public education, the use of technology, and optimizing the role of law enforcement officers is an integral part of a comprehensive non-penal crime prevention strategy.

Prevention of crimes committed by children, in addition to using police officers and the use of mass media, prevention can be done by each individual by instilling religious morals taught in every family environment, so that children avoid acts that violate the rules, Islamic religious guidance in efforts to prevent crime is an appropriate step or a good alternative carried out by the government, community leaders, and religious leaders to anticipate the occurrence of criminal acts. Religious activities are very suitable to be applied to teenagers (Syamsudin, 2019: 92).

That from the results of the interview conducted with the child of the perpetrator of the murder of NR against the S family, it was stated that the child has a religion, namely Islam, but was not given teachings on how to practice religion properly, even NR's child did not carry out the obligations in Islamic law, namely prayer and NR's child could not recite the Koran. (Results of the Interview with NR 2024)

IV. CONCLUSION

Based on the research that has been conducted, conclusions can be drawn.

1. Criminological Review of child murder against family committed by 14 (fourteen) year old Noval Ramadhan against his 55 (fifty five) year old grandmother Sukatmi, influenced by various interrelated factors. Some of the factors found are internal factors and external factors, internal factors or so-called internal control are factors that encourage someone to commit a crime. The internal factor found in Noval Ramadhan's child is emotional instability which results in the child committing the crime of murder. While external factors or so-called external control are factors that influence the child's behavior including family, friends and society. In Noval Ramadhan's child, the factors that caused the murder to occur were family factors and environmental factors. The family as the closest environment has an important role in shaping the child's behavior, the absence of a good parental role and a bad environment for the child and the presence of verbal and physical violence from the victim so that it triggers the crime of murder.
2. Crime prevention can be interpreted as a series of systematic and coordinated efforts implemented by the state through institutions that have authority in the field of law enforcement, security, and social order. Efforts to overcome the crime of murder committed by children against families are through penal and non-penal efforts. Penal efforts involve law enforcement officers through the juvenile criminal justice system and non-penal efforts through the state carried out by the police through the mass media. The prevention carried out by the Community is to provide a good understanding of religion to every child and provide a good environment from the family and community.

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