



Criminal Responsibility of Juvenile Offenders for Aggravated Mobile Phone Theft Based on Decision No. 22/Pid.Sus-Anak/2023/PN.Liw

Article	Abstract
<p>Author Dicky Eriyadi¹, Erlina B², Kaneishia Rahmadika Putri³,</p> <p>¹ West Lampung Resort Police ² Master of Law, University of Bandar Lampung ³ Master of Law, University of Bandar Lampung</p> <p>Coresponding Author: * Dicky Eriyadi, Email: dickyeriyadi06@gmail.com</p> <p>Data: Received: Nov 11, 2024; Accepted: Dec 10, 2024; Published: Dec 31, 2024</p>	<p>One of the criminal acts involving minors as perpetrators is theft with violence (robbery) of a mobile phone under aggravating circumstances, as decided by the Liwa District Court in Decision No. 22/Pid.Sus-Anak/2023/PN.Liw with the defendant Anak bin Kausar Arif. The research aims to identify the aggravating factors that led the minor to commit the act of violent theft (robbery) and to analyze how the court decision regulates the criminal responsibility of minors in such aggravated conditions. This research employs both primary and secondary data using an empirical and normative legal approach. The data were analyzed qualitatively through descriptive explanations arranged systematically. Based on Decision No. 22/Pid.Sus-Anak/2023/PN.Liw, the findings reveal that the aggravating factors contributing to the child's involvement in the theft were: an environment providing opportunities to commit crimes, peer influence offering negative examples, and economic conditions fostering poverty and hardship. The court found the child legally and convincingly guilty of violating Article 363 paragraph (1) points 3 and 5 of the Indonesian Criminal Code (KUHP) and sentenced him to imprisonment in the Special Child Development Institution (LPKA) Pesawaran for four months and fifteen days. The decision demonstrates that the child was proven guilty of committing aggravated theft of a mobile phone.</p> <p>Keywords: <i>Criminal responsibility; Minor; Theft; Aggravating circumstances</i></p>

INTRODUCTION

The increasingly complex dynamics of social life have made the environment less supportive of the healthy development of children (Fuentes et al., 2018). As an integral part of society, children inevitably interact with other community members, and such interactions may result in conflicts arising from clashes of interest. Conflicts involving children, who are part of the community, cannot be separated from these realities (Brocklehurst, 2017). Nowadays, conflicts that involve minors are resolved through various legal and non-legal mechanisms, all of which aim to protect the rights and welfare of the child (Limanté et al., 2021). Although children who commit crimes are considered both perpetrators and victims of the diverse social conditions surrounding them, they often suffer disadvantages in every conflict they face because, regardless of

the reason, they are not yet fully responsible individuals. Therefore, a legal system is necessary to regulate the status and legal protection of children in conflict with the law.

According to Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, a child is a living being essential for the survival of humankind and the continuity of a nation(Angriani et al., 2023). The 1945 Constitution of the Republic of Indonesia, particularly Article 28B, explicitly mandates the State to protect every child's right to life, growth, development, and protection from violence and discrimination(Simamora & Dame Panjaitan, 2023). Consequently, the best interests of the child must always take precedence over other interests. In line with this constitutional mandate, the government has enacted several child protection laws, including Law Number 35 of 2014 on Child Protection, which defines child protection as all efforts to guarantee and safeguard children's rights so that they can live, grow, and develop optimally in accordance with human dignity and free from violence and discrimination.(Collins, 2017)

Children involved in the criminal justice system are entitled to special rights as stated in Article 3 of Law Number 11 of 2012, such as the right to humane treatment according to their age, legal and other necessary assistance, protection from cruel or degrading treatment, separation from adults during detention, and a fair trial in a child court(Darmika, 2018). Furthermore, children may not be subjected to life imprisonment or the death penalty(Johnson & Tabriz, 2011). Law Number 35 of 2014 also stipulates that the detention period for minors must be shorter than that of adults, and the place of detention must be separated(Alfar et al., 2023). These provisions affirm that when a child commits a criminal act, the legal process must prioritize the child's rights and protection, and imprisonment should only be a last resort, particularly when the crime involves violence or aggravating circumstances(Khairunnisa & Rasji, 2024).

Nevertheless, modern crimes have evolved more rapidly than the law can adapt, causing gaps in legal regulation(Iskandar et al., 2024). Some actions committed by minors may not yet be sufficiently governed by existing provisions in the Indonesian Criminal Code (KUHP), thus necessitating special laws such as Law Number 17 of 2016 concerning Child Protection. This law introduces stricter sanctions for specific crimes involving minors and reinforces the state's duty to protect both the child victim and the child perpetrator. Although a child may be the offender, he or she is also a victim of an environment that fails to support proper growth and development. Hence, the prosecution and punishment of child offenders must balance accountability with rehabilitation and protection.

A concrete example of such a legal issue can be seen in the Decision of the Liwa District Court Number 22/Pid.Sus-Anak/2023/PN.Liw, involving a minor, Anak bin Kausar Arif, charged with aggravated theft of a mobile phone (curanmor). The act occurred on July 6, 2023, around midnight, when the child broke into a residence in Seray Village and stole an OPPO A15s smartphone valued at approximately Rp. 2,500,000 without the owner's permission. Based on the court's decision, the aggravating factors behind the child's actions included a permissive environment, negative peer influence, and economic hardship. The child was found guilty under Article 363 paragraph (1) points 3 and 5 of the KUHP and sentenced to four months and fifteen days of imprisonment in the Special Child Development Institution (LPKA) of Pesawaran.

Therefore, this study seeks to analyze, first, what aggravating circumstances led to the involvement of a minor in the crime of aggravated theft of a mobile phone as stated

in Decision Number 22/Pid.Sus-Anak/2023/PN.Liw, and second, how the same decision regulates the criminal responsibility of minors as perpetrators of aggravated theft.

RESEARCH METHODS

This study uses a normative juridical and empirical approach. The normative juridical approach is carried out by analyzing laws and regulations related to correctional security, especially Minister of Law and Human Rights Regulation Number 33 of 2015, as well as relevant legal literature. The empirical approach is conducted through direct observation and interviews at the Class IIB Kotabumi Detention Center with officers and inmates to examine how security systems are implemented in practice. Data were collected from primary and secondary sources through documentation, observation, and interviews. The data obtained were then analyzed qualitatively by describing and interpreting the relationship between legal provisions and their implementation in the field to provide logical conclusions and practical solutions to the research problems.(Hartono et al., 2024)

RESULTS AND DISCUSSION

A. Factors Causing Juvenile Offenders to Commit Aggravated Theft of a Mobile Phone Based on Decision No. 22/Pid.Sus-Anak/2023/PN.Liw

Every individual has a reason or background that motivates them to commit a crime, delinquency, or other unlawful act. Elements such as intention, desire, motivation, need, and aspiration that drive an action are generally referred to as motives. Likewise, the act of aggravated theft specifically the theft of a mobile phone cannot be separated from the factors that cause it.(Zainudin Hasan et al., 2023)

According to Police Inspector (IPTU) Algy Ferlyando Seiranausa, an investigator at the West Pesisir Police Department, the child committed aggravated theft (curanmor) as stated in Decision No. 22/Pid.Sus-Anak/2023/PN.Liw, based on the findings at the crime scene. The act was motivated by several factors, including:

1. Educational Factor

One of the driving forces behind the commission of aggravated theft is the lack of education. This arises from ignorance of various matters, such as social norms and other aspects of daily life. Education plays an essential role in shaping a person's understanding of what is right and wrong and whether an action will lead to benefits or harm. Thus, a low level of education becomes one of the fundamental reasons influencing an individual to commit theft.(Sudin et al., 2022)

2. Personal Factor

A person with good behavior will be respected by society, whereas someone with poor conduct will create problems within the community. Those who can manage and develop positive character are better able to help themselves and others. Conversely, individuals who cannot control themselves and are easily influenced by external changes will often be swept along by negative circumstances. As previously mentioned, human desires are unlimited this can be one of the reasons someone commits a criminal act.(Bayat et al., 2023)

According to Public Prosecutor Fernando Nara Sendi, based on Decision No. 22/Pid.Sus-Anak/2023/PN.Liw and research conducted at the West Lampung District Attorney's Office, the factors underlying the child's act of aggravated theft include:

a. Economic Factor

Economic hardship can motivate individuals to commit crimes. Families from lower socioeconomic backgrounds often lack sufficient financial resources to meet their basic needs, which can push family members especially children to engage in criminal activities such as theft to fulfill personal desires. In this case, the juvenile offender stole one unit of an OPPO A15s Black Dynamic smartphone for personal use and intended to sell it if a buyer was available.

b. Environmental Factor

Environmental conditions also significantly influence the occurrence of aggravated theft. Individuals who grow up in environments that tolerate or support criminal behavior are more likely to engage in it themselves. Several environmental factors play a role, such as peer influence, lack of supervision, and social interactions among friends. Since children interact not only with their families but also with broader social circles, the social environment becomes the third most important factor in education after the home and school environment. The social environment can have a profound impact either positively or negatively on shaping behavior.

According to Nur Kastwarani Suherman, Judge at the Liwa District Court, as stated in Decision No. 22/Pid.Sus-Anak/2023/PN.Liw, there are several underlying factors behind the juvenile's act of aggravated theft, including:

a. Peer Association

The social relationships of the offender significantly influence character formation and psychological development. Juvenile offenders often associate with inappropriate peers, which increases their likelihood of engaging in criminal acts. Frequently, older peers introduce them to negative behaviors such as stealing, smoking, fighting, and other misconduct.

b. Family Factor

The family plays a vital role in preventing various causes of delinquency, including economic hardship, social issues, educational neglect, and exposure to negative technological influences. A family serves as the primary environment where individuals learn from birth to adolescence. Parents have the main responsibility to monitor their child's development. However, economic difficulties often cause parents to neglect supervision, thus allowing children to engage in misconduct.

As stated by D. Soedjono, A. Lacassagne was the pioneer of this school of thought. His theory of the causes of crime is based on the idea that society bears greater responsibility for an individual's criminal behavior. According to this theory developed in response to anthropological theories one's surrounding environment may strongly influence their decision to commit a crime. Environmental conditions that provide criminal opportunities, social settings that offer deviant role models, and economic environments marked by poverty and misery are among the contributing elements.

Based on the above explanation, it can be concluded that the factors underlying juvenile offenders in committing aggravated mobile phone theft, as stated in Decision No. 22/Pid.Sus-Anak/2023/PN.Liw, are primarily based on the Anthropological Theory. These include environmental conditions that provide opportunities for crime, social environments that present negative examples, and economic environments characterized by poverty and deprivation. Hence, environmental influences play a crucial role in shaping criminal behavior.

Economic hardship, in particular, is a significant aggravating factor that drives minors to commit theft, aligning with the Anthropological Theory of A. Lacassagne. The world's social environment contributes to one's development, and environmental conditions offering opportunities, role models, and poverty form the foundation of criminal causation. Therefore, according to Decision No. 22/Pid.Sus-Anak/2023/PN.Liw, the variables causing juveniles to commit aggravated smartphone theft are consistent with Lacassagne's Anthropological Theory, in which social environments provide examples, economic environments cause suffering, and situational opportunities enable the commission of criminal acts.

B. Criminal Responsibility of Juvenile Offenders for Aggravated Mobile Phone Theft Based on Decision No. 22/Pid.Sus-Anak/2023/PN.Liw

According to IPTU Algy Ferlyando Seiranausa, Investigator of the West Pesisir Police, the case of aggravated theft as referred to in Decision No. 22/Pid.Sus-Anak/2023/PN.Liw had been fully investigated and the suspect detained. The investigation aimed to gather sufficient preliminary evidence to convince the public prosecutor regarding the facts of the case.

During the investigation of the aggravated mobile phone theft, the police conducted various actions to determine the nature of the crime and identify the offender. These included examining reports, complaints, and any evidence obtained, followed by interrogation and the collection of supporting documents. The suspect was detained after witness statements and evidence confirmed their involvement in the crime.

Based on an interview with Public Prosecutor Fernando Nara Sendi, the prosecution's role was to prepare for trial by studying the investigation files, verifying whether the individuals and evidence met legal standards for prosecution. Two primary principles guide the prosecution process: the principle of legality, which obliges the prosecutor to pursue charges when sufficient evidence exists, and the principle of opportunity, which allows discretion not to prosecute even when a crime has occurred.

According to the prosecutor, the indictment against the juvenile offender, Anak Bin Kausar Arif, resulted in a conviction of eight months' imprisonment, reduced by the time spent in detention. The defendant was found legally and convincingly guilty of committing aggravated theft as defined under Article 363 Paragraph (1) Subparagraphs 3 and 5 of the Indonesian Penal Code (KUHP). The court declared the OPPO A15s Black Dynamic smartphone as material evidence.

Judge Nur Kastwarani Suherman of the Liwa District Court explained that, pursuant to Law No. 4 of 2004 in conjunction with Law No. 48 of 2008 on Judicial Power, law enforcement and the judiciary must ensure justice is served fairly and impartially. In deciding the case, the court considered three main aspects:

1. Juridical Aspect

This aspect relates to the formal legal foundation of the decision. Article 183 of the KUHAP (Criminal Procedure Code) stipulates that a conviction may only be rendered if at least two valid pieces of evidence establish that the defendant indeed committed the crime. Article 184 specifies the acceptable forms of evidence: witness statements, expert testimony, documents, indications, and the defendant's confession.(Rizky Reza Pahlevi et al., 2021)

2. Sociological Aspect

This concerns the social background of the defendant, including education, occupation, and living conditions. The court took into account both aggravating and mitigating circumstances. The aggravating factors included the defendant's act of harming the victim and causing public unrest. The mitigating factors included the defendant's confession, remorse, lack of prior criminal record, absence of personal gain from the crime, and the fact that he still had a promising future.(Hartono et al., 2024)

3. Philosophical Aspect

This aspect emphasizes justice for both the offender and the victim, reflecting moral and philosophical values underlying the law. Philosophical justice requires balancing punishment and humanity, ensuring fairness while upholding the principle of non-maleficence and respect for human rights.(S Endang Prasetyawati et al., 2022)

After considering these aspects, the Liwa District Court sentenced the juvenile offender to four months and fifteen days in the Special Correctional Institution for Children (LPKA) Pesawaran.

According to the author's analysis, the act committed by the juvenile offender falls under the legal principle *geen straf zonder schuld* (no punishment without fault). In line with Van Hamel's theory, criminal liability arises only when there is culpability, either intentional (*dolus*) or negligent (*culpa*). Intent implies a deliberate will and awareness of consequences, while negligence refers to carelessness leading to unintended harm.

Based on Decision No. 22/Pid.Sus-Anak/2023/PN.Liw, the juvenile was proven to have intentionally committed aggravated theft of a mobile phone with the purpose of unlawfully taking another person's property. His actions fulfilled all elements of a criminal act: unlawful conduct, culpability, and personal responsibility. As such, the offender is legally accountable for his crime and must serve the sentence imposed by the court.

The court's decision reflects a balance between justice and rehabilitation, recognizing the offender's youth while emphasizing responsibility. The four-month-and-fifteen-day imprisonment imposed reduced from the eight-month demand was deemed fair and proportionate, upholding both legal certainty and restorative justice.

CONCLUSION

Based on the analysis of Decision Number 22/Pid.Sus-Anak/2023/PN.Liw, it can be concluded that the main factors causing minors to commit the crime of aggravated cellphone theft are largely influenced by their environment, economy, education, and family conditions. These findings align with the Anthropological Theory proposed by Alexandre Lacassagne, which posits that a person's environment significantly shapes their behavior. Poverty, lack of parental supervision, poor education, and negative social interactions create opportunities and motivations for children to engage in criminal acts. Therefore, environmental and social surroundings play a crucial role in shaping a child's moral and behavioral development, ultimately influencing their involvement in crime.

Furthermore, the decision also reflects the principle of criminal responsibility based on the existence of intent or negligence (*dolus* or *culpa*). The juvenile offender, Anak Bin Kausar Arif, was proven guilty under Articles 363 paragraph (1) points 3 and 5 of the

Indonesian Penal Code (KUHP) and was sentenced to four months and fifteen days at the LPKA Pesawaran. The verdict demonstrates that even though the perpetrator is a minor, accountability still applies within the framework of restorative justice, which prioritizes the child's rehabilitation rather than punishment. Hence, the decision embodies a balance between legal, sociological, and philosophical considerations to uphold justice for both the victim and the offender while ensuring the child's moral correction and reintegration into society.

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