



THE REVIEW OF LEGAL SOCIOLOGY ON CHILDREN AS CRIMINALS

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ABSTRACT

The article emphasizes that understanding criminal acts committed by children requires considering the sociological aspects of their environment. It highlights that various causal factors contribute to children engaging in inappropriate behavior at their age. The purpose of the article is to raise awareness among parents and the broader community regarding the importance of nurturing children's growth and development, focusing on positive activities that deter them from harmful actions and potential criminal behavior. To address this issue, the article utilizes normative research theory and draws on data from draft laws, existing legislation, books, research findings, scientific work within the legal field, and expert opinions. Through this approach, the study concludes that legal sociology plays a crucial role in guiding children's development into adulthood. It emphasizes the significance of considering a child's social attitude and underscores the pivotal role parents play in caring for, raising, and providing quality education to ensure the child's growth and development. These efforts aim to prevent children from engaging in criminal activities.

Keywords: Children, Juvenile Crime, Legal Sociology

INTRODUCTION

In essence, children are a gift given by God to every parent. With the presence of a child in household life, every parent, of course, feels incomparable happiness. Children should be raised with good religious and educational backgrounds so that these children know good ethics, values and/or norms in carrying out their lives.

In fact, today there is a lot of news about children who are perpetrators of crimes, not only minor crimes that they commit, but have reached serious crimes that are very detrimental and disturbing to society, such as disturbing public peace by convoying vehicles carrying sharp weapons. which can lead to theft by mutilating the victim to the point where the victim's life is lost, to abuse his own friend which causes a great sense of trauma for the victim, to the point of killing his own parents.

According to Law Number 23 of 2022 concerning Child Protection in Article 1 number 1 what is meant by "a child is someone who is not yet 18 (eighteen) years old including children who are still in the womb", but according to Law Number 11 of 2012 concerning The Juvenile Justice System in Article 1 point 3 states "a child in conflict with the law, hereinafter referred to as a child, is a child who is 12 (twelve) years old but not yet 18 (eighteen) years old who is suspected of committing a crime".



Criminal acts committed by children, of course, have several causes that encourage the child to commit a crime where one of the factors that encourages it is social factors where the environment in which the child lives, lives and is raised greatly influences what he will do, so that he can it is ensured that the life of the community around the child has a major influence on what actions the child will take against the wider community.

Therefore, it is necessary to pay attention to the factors that cause a child to commit a criminal act, especially to the social norms and/or values of the child's social life so that the child is not included in the world of crime.

METHODS

The research method that the author uses in compiling this research is Normative Research, where research is carried out with a process to find legal rules, legal principles, and legal doctrines in order to answer the research that the author is researching.

The data used in this study is secondary data, namely data collection techniques non-binding documents which provide explanations that can be used as sources of data obtained such as draft laws, applicable laws, reading books, research results, and works from legal circles.

DISCUSSION

3.1. Sociological Factors Cause Crime

In social life every human being will certainly interact with other humans, as Aristotle once said that humans are zoon politicon, which means that humans are creatures who always want to associate and gather with other human beings. And because of that nature, humans are called social beings. It is human social life that has the influence to change the character of a human being.

Children who live in a bad environment will affect the psyche of the child so that the impact on the child can do things that are outside the reasonable limits that a child should do. There are several Sociological Factors that have an important role in influencing a child to commit a crime, namely:

1) Family

In the perspective of legal sociology, family factors have a role in influencing children's behavior whether the child behaves well or behaves badly. Factors in this family such as parenting factors that are less effective, family instability, role models, lack of quality education and parenting.

First, ineffective or inadequate parenting styles can contribute to children's criminal behavior. Authoritarian parenting styles such as parents forcing parents' will without seeing whether the child is able and/or wants it or not, lack of supervision of children's activities both inside and outside the home, inconsistent levels of discipline, and violence in the family both experienced by the child alone or not. These things can cause the child not to get good direction so that the child does not get an understanding of proper social norms and values which results in the child not feeling responsible for their actions.



Second, Family instability such as divorce, household conflict, or inconsistent parental presence can provide uncertainty and insecurity for children. This can cause emotional stress, lack of adequate support, and loss of consistent supervision, which in turn can increase the risk of children being involved in criminal behavior.

Third, The behavior and values shown by significant family members, especially parents can be a model for children or in other words, children imitate the behavior and values shown by family members. If a child is consistently exposed to criminal behavior or behavior that is not in accordance with social norms, the child may tend to imitate and adopt that behavior.

Fourth, lack of access to quality education and proper care can affect children's development. Children who do not get adequate education or lack attention and support in the learning process tend to have limited opportunities in terms of developing social and academic skills. This can increase the risk of children being trapped in an adverse environment and involved in criminal acts

It is important to remember that these family factors are not deterministic, meaning that not all children who are exposed to these factors will commit crimes, but research in the field of legal sociology has shown a relationship between these family factors and an increased risk of children being involved in crime. criminal behavior.

2) *Peers and social environment*

In the perspective of legal sociology, peer factors and the social environment have an influence on children to commit crimes, where there are several ways and opportunities that result in these children being able to commit crimes, namely, First, children tend to be influenced by the norms and values that apply in groups. peers. If children are involved with peer groups that support criminal behavior or are exposed to harmful group norms, they may feel compelled to follow patterns of behavior that are inconsistent with widely accepted social norms.

Second, pressure from peers can play an important role in encouraging children to engage in criminal acts. Children may feel compelled to commit criminal acts in order to be accepted or considered cool by their peer group. This social pressure can increase a child's tendency to take risks or engage in unlawful behavior.

Third, if the child is in a social environment where the child has weak social control or is exposed to an environment that permits or even encourages criminal behavior, then it is likely that the child will be involved in a criminal act. Children's social environment includes access to resources and opportunities which can also influence their motivation to engage in criminal acts. If children live in an environment of poverty and lack of opportunity, then they may feel trapped in a disadvantageous environment and adopt criminal behavior as a way of meeting their needs.

Fourth, Children can learn and imitate behavior from their social environment, including their peers. If children are exposed to criminal behavior or norms that support criminal behavior in their social environment, they may tend to imitate that behavior as part of their social learning process.



In the study of legal sociology, it is important to understand the role of peers and the social environment in shaping children's behavior related to criminal acts. In this factor, parents have an important role to pay attention to and know with their peers and the social environment outside their family environment.

3) *Poverty and Social Inequality*

Fada these factors in the perspective of Sociology of Law affect children so that they are involved in criminal acts where poverty and social inequality can create a sense of injustice in society. When parts of society do not have equal access to resources and opportunities, this creates feelings of frustration, dissatisfaction and feelings of hopelessness. Children who grow up in these conditions tend to see crime as a way to achieve justice or fulfill their economic needs. This factor also causes children to lack access to quality education so that children cannot think logically which ones are good and which are bad which results in children thinking that all the actions they take are good things for them, including committing criminal acts which result in the child becoming a criminal. It is also certain that children only have a social environment and their peers. Very few children who live in poverty and social inequality have good thoughts to move forward, in the sense that their adult life will be better than the life of their parents. It is also an important role for parents to give suggestions to children to be able to think logically in order to change their lives for the better than before.

4) *Schools and Education environment*

As we know, school is a place where children get good education for the development of these children to become smart, which is beneficial for them when the child is an adult. However, based on a sociological perspective, school law and the educational environment do not guarantee that children cannot be involved in committing a crime. This can be influenced by the quality of education that children receive in the school environment. Schools that provide quality education, a safe learning environment and adequate academic support tend to provide children with better opportunities to develop social, emotional and academic skills. Children who do not receive adequate education or face challenges in a poor educational environment may be more vulnerable to limited future opportunities, frustration and potential involvement in criminal activity. In addition, the influence of labor cannot be separated from the influence of peers at school, one of which can influence children to be involved in criminal acts. Parents have a role in knowing their child's peers at school to find out whether these friends have criminal behavior or harmful group norms, because children in the age range up to 18 (eighteen) years tend to imitate this behavior as part of their socialization process at school. A school environment that promotes violence,

It is appropriate for a child to be able to take part in positive extracurricular activities to prevent children from being involved in criminal acts such as sports activities, arts, social activities, or learning clubs. This can build positive thinking for the child. Teachers/school staff have a big role in children's behavior in the school environment, where being able to provide care, support and show attention to children can help build the child's self-confidence which can reduce the possibility of children being involved in criminal behavior.



5) *Media and Popular Culture*

At this time it will be referred to as the millennial generation where children can access life outside their home environment through social media which can be accessed via smartphones. In today's sophisticated era, if you don't monitor what children see on their social media, it can result in negative thoughts for children, that's why parental guidance is needed for what children access.

Media and popular culture often present violence and crime in forms of entertainment such as movies, TV shows, music and video games. Reflection of what children see from the media has an effect especially on children who are still unstable, who are still unable to distinguish between good and bad.

Intensive advertising in the media has a negative influence on children by promoting the values of materialism, consumerism and instant gratification. Children who are exposed to these messages may develop attitudes that encourage unsatisfied desires, a drive to acquire luxury items instantly, or a tendency to acquire things by illegal means so that the child can engage in violent behavior. crimes such as theft, fraud or copyright infringement.

The factors described above are interrelated with each other, so the cause of a child committing a crime is not only due to one factor, but often several factors that interact and influence one another. However, not all children who are exposed to these sociological factors will commit crimes. In fact, understanding these factors can assist in designing a more holistic approach to preventing children from engaging in crime and promoting positive development.

3.2. CHILDREN AS CRIMINAL ACTORS ACCORDING TO LEGAL SOCIOLOGICAL PERSPECTIVE

Children who are dealing with the law as perpetrators in this case must use sociological studies, where a child in his life in society, nation and state is a vulnerable legal subject if the child is in conflict with the law especially as a perpetrator of the crime itself, because in his association In society at that age/age, what children say is that in their life they still want to find out and are in the process of developing to become someone who is later said to be an adult (competent in law).

Therefore, children really need guidance and protection where they will socialize in their social life. So to guarantee and maintain the rights and obligations of every child, several regulations are made to realize them by establishing regulations:

1. UU no. 3 of 1997 concerning Juvenile Court;
2. UU no. 39 of 1999 concerning Human Rights;
3. UU no. 23 of 2002 concerning Child Protection;
4. UU no. 11 of 2012 concerning Juvenile Criminal Justice;

With the enactment of the aforementioned laws and regulations, it is hoped that in practice, especially in law, there will be no human rights violations against children and also to distinguish how the law should behave towards what is called a child and is called an adult in law.



Sociology views children as perpetrators of crimes in 3 (three) stages:

1. Views on before the Child committed a Crime;
2. Views on children who are serving criminal sentences;
3. Views on the child after serving a criminal sentence for the crime he committed;

1. *Views of Sociology of Law on children before committing a crime (Anticipation Phase)*

Legal Sociology looks at the phase before a child is involved in committing a crime, it is necessary to anticipate it by paying attention to several factors that cause a child to commit a crime and enter into the world of crime. Apart from that, in anticipating that children do not get involved in the world of crime, several things can be of concern to us in anticipating that children do not commit crimes such as:

- a) Providing quality and inclusive education both provided by parents internally and by schools externally. This is very important in preventing children from being involved in criminal acts. Good education does not only provide academic knowledge and skills, but also involves moral values, social norms and social skills that promote positive behavior. Equitable education and good accessibility can help children develop their potential and increase opportunities for a positive future.
- b) Building a strong community by involving collaboration between families, schools, government, social institutions and the wider community. Measures such as the provision of extracurricular education facilities and programs, positive social activities, child empowerment, and family support can help prevent children from being involved in criminal behavior. Communities that care, support one another and provide a safe and inclusive environment can form a solid foundation for the healthy growth of children.
- c) The importance of identifying risk factors that can increase the likelihood of a child being involved in a crime. Early intervention programs such as providing counseling services for children, psychosocial guidance and support can help children deal with emotional problems, family conflicts and other difficulties that can affect their behavior. An effective child protection system is also important to protect children from exploitation, violence and neglect.
- d) Helping children develop good social and emotional skills is very important. This includes the ability to communicate, manage emotions, empathize, resolve conflicts nonviolently and make good decisions. Providing social skills training programs integrated into education can help children build skills and provide a better understanding of the consequences of their actions.
- e) It is important to provide access to positive opportunities for children. These include access to education, skills training, decent work, positive extracurricular activities, and a positive role model in society. Increasing accessibility to these opportunities can help children develop their interests and talents, help meet their needs, and provide healthy alternatives to engaging in criminal behavior.

2. *Views of Sociology of Law on Children Who Are Undergoing Criminal Punishment (Phase of the process of imposing sanctions)*

A criminal act committed by someone, of course, has the effect of imposing sanctions on what he has done. This does not discriminate, both children and adults who have been proven to have committed a crime based on the decision of a panel of judges who are willing, a convict must carry out a



sentence as a sanction for his actions which aim to provide a deterrent effect for the convict so that in the future he will not commit his actions the.

Sociology of law views convicts specifically against child convicts who are serving criminal sentences including an understanding of the social, psychological and rehabilitation impacts on these children. Some aspects of the view of legal sociology towards children who are serving criminal sentences include:

- a) Children who are serving criminal sentences often face stigmatization and social marginalization similar to children who are involved in criminal acts. This affects children's identity and recognition in society and can hinder their reintegration into society after serving time.
- b) Sociology of law considers children as perpetrators of crimes as individuals who can be rehabilitated. The rehabilitation and socialization approach aims to help children change their criminal behavior, acquire the skills and knowledge necessary for a positive life, and prepare them for social reintegration after serving time.
- c) The view of the sociology of law emphasizes the importance of empowering children who are serving criminal sentences to change their own punishment and encourage broad social change. Through a holistic rehabilitation program, children are given the opportunity to obtain good education, skills training, psychosocial support, and an understanding of social norms and values.
- d) Sociology of law also puts forward the principles of social justice and equality in the context of children serving criminal sentences. This includes ensuring that children receive fair treatment, access adequate rehabilitation services, and have equal opportunities to improve their lives after serving a sentence.
- e) The view of the sociology of law underlines the importance of protecting the rights of children who are undergoing criminal punishment. This includes basic rights such as education, adequate health care, humane treatment and elimination of discrimination. Protection of children's rights is an important factor in ensuring their successful reintegration and re-establishing their lives after serving a sentence.

3. Views of Sociology of Law on Children after Serving Criminal Punishment

Sociologically, it is important to handle giving understanding to children so that they are not involved in the criminal world and committing crimes, both minor crimes and serious crimes, but it is also important for sociology to view and provide understanding to children who have committed crimes and have carried out punishments for the crime he committed. This includes an understanding of the social, emotional and behavioral impact that can have on children and society more broadly. Here are some sociological views of these effects, namely:

- 1) Children who are involved in criminal acts often face stigmatization and social marginalization. Society tends to mark them as “criminals” or “criminals” which can lead to denial of discrimination, and isolation. This stigma can have a negative impact on children's identity development, the development of healthy social relationships, and their access to future opportunities, such as education and employment.
- 2) Engaging in crime at a young age can increase the risk of children continuing to engage in criminal behavior in the future. This happens because of social and environmental factors that affect children, such as peer groups involved in criminal activities, habits and patterns of



behavior that are formed, as well as the existence of criminal networks that influence children's choices and opportunities in society.

- 3) When children are involved in criminal acts, they may be exposed to the criminal justice system and receive legal sanctions. The sociological view recognizes that the experience of arrest, court proceedings and legal sanctions can have a significant impact on children such as causing trauma, stress and decreasing the child's emotional and psychological well-being. In addition, legal sanctions can also create social and economic barriers for children, limit future opportunities and increase the risk of being involved in further criminal acts.
- 4) Children involved in criminal acts may face limited future opportunities. Criminal records can make it difficult for them to obtain education, employment and social support. This can create a vicious circle where it is difficult for the child to get out of the criminal circle and change their life. The inability to access positive future opportunities can have a negative impact on children's social and economic well-being.
- 5) Crimes committed by children also have a wider social impact on society. This can create insecurity, increase fear, and undermine social cohesion. Society may be threatened and reinforce negative thoughts towards children who are involved in criminal acts.

CONCLUSION

Based on the description of the discussion above, the conclusions of this research are:

1. Factors that cause children to be involved in the act of crime include family factors, peers and the social environment, poverty and social inequality (economic factors), school and educational environment and media and popular culture factors;
2. Sociology of law views that a child committing a crime can be observed in 3 (three) phases, namely, the anticipation phase where attention can be paid so that the child does not commit a crime, the child's phase is undergoing criminal sanctions where this phase includes where the child is punished in prison still get what he should get and can have an impact on the child being able to think positively and not repeating his actions and the third phase where legal sociology pays attention to children after serving a sentence, this phase includes the impact that occurs on children who are afraid of being ostracized in the community who should have been after serving a sentence Punishment Children can develop positively in the community and correct the negative mistakes they have made.



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