


## Restorative Justice as an Alternative to Law Enforcement Against the Child of Motorcycle Theft Perpetrators

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### Abstract

**Introduction:** Law enforcement is a concrete effort to reflect the moral values contained in legal norms. The increasing prevalence of motor vehicle theft committed by children is rising in Medan City, supported by complex social, economic, and psychological factors.

**Purposes of the Research:** This research aims to analyze how law enforcement is applied to children who commit motorcycle theft in Medan City, and to identify the causative factors of children's involvement in such criminal acts.

**Methods of the Research:** The research uses a normative juridical approach with qualitative methods through interviews, observations, and literature studies.

**Findings of the Research:** The results indicate that law enforcement against juvenile perpetrators of motor vehicle theft in Medan City is implemented based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, prioritizing a restorative justice approach through diversion mechanisms. This approach is applied because children have not yet achieved full psychological and emotional maturity, making rehabilitation-oriented handling more appropriate. Causative factors include: weak family supervision, peer pressure, economic hardship, low moral education, emotional instability, and inadequate community security systems. Restorative justice serves as an alternative law enforcement approach that emphasizes not only legal certainty but also more humane justice for all parties.

**Keywords:** Restorative Justice; Children; Motorcycle Theft; Diversion; Juvenile Criminal Justice System.

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## INTRODUCTION

Children are an essential element in the sustainability of the existence of humanity and the sustainability of nation building. In their position as the next generation, children have a strategic role as the foundation of the nation's future that must be maintained, fostered, and protected in order to ensure optimal physical, mental, and social growth. Therefore, the state is obliged to provide guarantees of protection for children in all aspects of their lives, as affirmed in Article 28B paragraph (2) of the Constitution of the Republic of Indonesia in 1945.

The development of an increasingly modern era has encouraged the increasing need of people for motor vehicles. But on the other hand, uneven economic growth triggers poverty rates which leads to an increase in crime, including motor vehicle theft. Based on data from the Directorate of General Criminal Investigation of the North Sumatra Regional Police, throughout 2024 there will be 12,375 cases of 3C crimes (theft, theft, theft), where theft cases tend to increase from 613 to 805 cases in the fourth quarter, with a total of 2,989 cases. The city of Medan was recorded as one of the areas with the most prominent surge in cases.

The worrying reality is that these crimes are no longer only committed by adults, but have penetrated among children. For example, a Vocational High School student with the initials YR was arrested by the East Medan Police Station for being the brains behind a motorcycle theft in January 2024. Similar cases continue to emerge, showing a pattern that requires special legal handling that is different from the handling of adult offenders. Theft committed by children is often a response to the pressures of life they experience, both economically and socially<sup>1</sup>. Children who grow up in less supportive environments – both physically, emotionally, and socially – tend to experience identity crises and lose direction in the formation of identity. The national legal system provides clear limits on the age at which children can be held criminally accountable. Based on Article 1 paragraph (3) of Law Number 11 of 2012, a child in conflict with the law is a child who is 12 (twelve) years old but not yet 18 (eighteen) years old who is suspected of committing a criminal act.

Responding to this phenomenon, an alternative approach to criminal case resolution has emerged known as restorative justice. This approach differs fundamentally from the conventional criminal justice system which tends to be repressive and sentencing oriented<sup>2</sup>. Restorative justice focuses on restoring relationships between perpetrators, victims, and society through participatory and inclusive mechanisms. This study aims to analyze the application of restorative justice as an alternative to law enforcement against children who commit motorcycle theft in Medan City, as well as identify the factors that cause children's involvement in these crimes.

## METHODS OF THE RESEARCH

This research uses a normative juridical approach, which is an approach that focuses on the study of written legal norms or rules such as laws and regulations, legal principles, and court decisions related to the problem being studied. The nature of this research is descriptive analytical, which not only describes the applicable legal rules or norms, but also analyzes its application in legal practice, especially related to the process of resolving children's cases through a restorative approach. The sources of legal materials used include primary legal materials in the form of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 35 of 2014 concerning Child Protection, Regulation of the Chief of the National Police of the Republic of Indonesia Number 6 of 2019, and Circular Letter of the Chief of the National Police of the Republic of Indonesia Number SE/8/VII/2018 concerning the Application of Restorative Justice. Secondary legal materials are in the form of relevant law books, scientific journals, articles, and previous research results. Data collection techniques were carried out through interviews, observations, and literature studies, with data analysis using descriptive qualitative methods.

## RESULTS AND DISCUSSION

### A. Law Enforcement Against Children of Perpetrators of Motor Vehicle Theft in Medan City

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<sup>1</sup> Arilasman Cornelius, and Beniharmoni Harefa. "Penerapan Restoratif Justice dalam Undang-Undang Sistem Peradilan Pidana Anak." *Jurnal Yuridis* 8, no. 1 (2021): 83-101.

<sup>2</sup> Arief Rachman Hakim, Shera Tri Ambarini, Waode Pinggala, Charlina Retno Puteri Afrianda, and Syalaizha Febtria Putri Prasetya., "Analisis Yuridis Penanganan Tindak Pidana Pencurian Oleh Anak di Bawah Umur Berdasarkan UU Sistem Peradilan Pidana Anak," *Kultura: Jurnal Ilmu Hukum, Sosial, dan Humaniora* 2, no. 8 (2024): 303-311. <https://jurnal.kolibri.org/index.php/kultura/article/view/2337>

### a. Legal Basis and Principles of the Juvenile Criminal Justice System

Law enforcement against minors who commit criminal acts, especially motor vehicle theft in the city of Medan, must be understood within the framework of the Juvenile Criminal Justice System as regulated by Law Number 11 of 2012. The Law on the Juvenile Criminal Justice System is present as a legal instrument that not only provides a criminal response to children who commit crimes, but also emphasizes aspects of protection and coaching. This means that criminal prosecution is not the only goal; Children's education and rehabilitation are a very important part of handling children's cases.<sup>3</sup>

The Child Criminal Justice System Law contains a number of basic principles that are the basis for the enforcement of juvenile criminal law, including: non-discrimination, the best interests of children, and respect for children's rights<sup>4</sup>. The principle of non-discrimination means that children facing the law are treated fairly without adverse treatment solely because of their status. The best interests of the child principle demands that any policy and action in the juvenile justice process must consider what is best for the child's physical, mental, and social development. The Juvenile Criminal Justice System also affirms that the deprivation of liberty is the ultimate remedium, in line with the spirit of individualized criminalization.

### b. Investigation Stage and Role of the Women and Children Service Unit

In the early stages, when a minor is suspected of committing motor vehicle theft, law enforcement begins with an investigation. At the Metropolitan City Resort Police Medan, the unit that handles children is the Women and Children Protection Unit. This unit specifically handles children's cases, including child offenders, and is tasked with ensuring that children's rights during the investigation process are guaranteed<sup>5</sup>. Children have the right to be accompanied by a parent or legal advisor during the examination, and must not be treated harshly or subjected to physical or psychological violence.

### c. Diversion as an Effort to Resolve Outside the Judiciary

Diversion is the most essential element in the implementation of the Juvenile Criminal Justice System. Diversion is the resolution of children's cases outside the formal judicial process by involving the child, family, victim, social worker, and law enforcement to reach an agreement that is restorative rather than retributive<sup>6</sup>. The main goal is to replace the formal criminal justice process with a mechanism that is more educational, rehabilitative, and oriented towards the best interests of the child.

Investigators from the Women and Children Service Unit of the Metropolitan City Resort Police Medan in its implementation, invited community supervisors from Community Guidance Center, social workers, victim representatives, children of the perpetrator, and children's families to discuss the form of settlement. Diversion agreements can be in the form of material compensation, apologies from children to victims, social coaching, and

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<sup>3</sup> Ina Helianny, "Tinjauan Yuridis Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak Terhadap Efektivitas Individualisasi Pidana Dalam Perkara Anak Yang Berkonflik Dengan Hukum," *Jurnal Ilmiah Hukum DE'JURE: Kajian Ilmiah Hukum* 2, no. 2 (2017): 264-283.

<sup>4</sup> Mhd Nur Arifin Ilham, Agung Pramana Ginting, Aldi Marselino Sitanggang, Sigar P Berutu, and Agus Irawam. Tinjauan Yuridis Terhadap Penerapan Sanksi Pidana Bagi Anak di Bawah Umur Menurut Undang-Undang Nomor. 11 Tahun 2012 (Tinjauan Kasus Nomor: 23/PID. SUS-ANAK/2020/PN GNS). *Jurnal Darma Agung* 30, no. 1 (2022): 1282-1288.

<sup>5</sup> Rahul Ardian Fikri. "Implementasi Diversi Terhadap Anak Yang Berhadapan Dengan Hukum Ditinjau Dari Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak." *Jurnal Abdi Ilmu* 13, no. 2 (2020): 72-81.

<sup>6</sup> Aryani Witasari, and Muhammad Sholikul Arif. "Implementasi Diversi Guna Mewujudkan Restorative Justice Dalam Sistem Peradilan Pidana Anak." *Jurnal Hukum Unissula* 35, no. 2 (2019): 165-184. <https://dx.doi.org/10.26532/jh.v35i2.11052>

supervision or social work obligations<sup>7</sup>. The agreement is outlined in the diversion minutes and officially reported. The application of diversion subject to strict requirements can only be carried out if the criminal threat is not more than seven years old and the child is not recidivist. However, diversion doesn't always work. Various factors can lead to failure, such as poor coordination between law enforcement officials, a lack of parental understanding of the child's rights, the victim's absence from negotiations, or the child's unwillingness to compensate. The implementation of diversion in Medan City still faces administrative and structural obstacles that need to be overcome systematically.

#### **d. Juvenile Justice and Sanctions Process**

If the diversion does not reach an agreement, the child's case is proceeded to a formal court. The children's trial at the Medan District Court was carried out behind closed doors, not open to the public, in order to protect the identity of children from social stigmatization<sup>8</sup>. Children are required to attend the trial, accompanied by the Community Guidance Center who compile a social inquiry report for judges. The judge considers this report along with the child's maturity level and potential rehabilitation before handing down a verdict.

The Law on the Juvenile Criminal Justice System classifies two types of sanctions: acts (non-imprisonment) and criminal. Non-prison measures include the return of children to parents, the obligation to participate in educational programs, social rehabilitation, supervision by community counselors, and social work. Criminal sanctions in the form of coaching at the Special Children's Development Institution are only imposed as a last resort, with the orientation of coaching not just punishment. The effectiveness of sanctions is highly dependent on the quality of rehabilitation programs and post-coaching assistance.<sup>9</sup>

### **B. Factors Causing Children to Be Involved in Motorcycle Theft in Medan City**

The involvement of children in the crime of motor vehicle theft is a complex social problem and cannot be understood from one point of view. Deviant behavior in children is generally formed through the interaction of various factors that affect each other.

#### **a. Family Factor**

Lack of parental attention is the main trigger. When both parents have a high work intensity and the time to interact with the child is limited, the lack of communication in the family has an impact on reduced opportunities to build emotional closeness and provide moral guidance<sup>10</sup>. Children often look for substitute figures from the external environment that have the potential to be negative. In addition, improper parenting, both too authoritarian and too permissive, can hinder the development of children's discipline. The low level of parental supervision also gives children uncontrolled freedom in daily activities, increasing the risk of engaging in behavior that does not conform to the norm<sup>11</sup>.

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<sup>7</sup> Anshorullah. "Prinsip Restorative Justice Pada Diversi Dalam Penegakan Hukum Pidana Anak Sebagai Pelaku Tindak Pidana." *Jurnal Perspektif Hukum* 6, no. 1 (2025): 36-49. <https://doi.org/10.35447/jph.v6i1.1193>

<sup>8</sup> Meyfa Lumintang, "Perlindungan Anak yang Berhadapan dengan Hukum Berdasarkan Undang-Undang Nomor 11 Tahun 2012," *Lex Privatum: Jurnal Hukum* 14, no. 5 (2025):1-12.

<sup>9</sup> Suhaila Zulkifli, Yanti Agustina, Atika Sunarto, Iin Hotprinauli Purba, and Muhammad Ali Adnan. "Penyuluhan Tentang Perlindungan Hukum Terhadap Anak Dibawah Umur." *ABDIMASKU: Jurnal Pengabdian Masyarakat UTND* 1.2 (2022): 7-13. <https://doi.org/10.36490/jpmtnd.v1i2.267>

<sup>10</sup> Wahyuni, Muslim, and Cici Nur Azizah. "Peran Orang Tua Dalam Pencegahan Kenakalan Remaja Di Kelurahan Kubu Marapalam Kecamatan Lubuk Begalung Kota Padang." *Jurnal Binagogik* 9, no. 2 (2022).177-185

<sup>11</sup> Uut Rahayuningsih, Alya Khairunnisa, Putri Amanda Wulandari, and Audrie Annasya Paramitha, "Analisis Faktor Sosial-Ekonomi dalam Mendorong Anak Melakukan Tindak Pidana," *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 3, no. 2 (2025).

## **b. Environmental and Social Factors**

Peer influence is one of the most significant factors in shaping children's behavior<sup>12</sup>. Interactions with peer groups that have negative behavior tendencies, such as involvement in motorcycle gangs, can increase the likelihood that children will follow similar behavior patterns. Adolescents' drive to be part of a group makes it easier for them to conform to peer behavior patterns, even if it goes against the norm<sup>13</sup>. Residential environments that have a high level of crime vulnerability also create situations that are not conducive to the development of positive behaviors seeing criminal activities in daily life make children normalize these actions.

## **c. Economic Factors**

The child's inability to meet personal needs is often a driving factor for deviant behavior. The desire to have money to fulfill a certain lifestyle can encourage children to look for ways that do not conform to the norm. The family's economic difficulties also play a significant role—unstable financial conditions often make children feel the need to help meet household needs in unlawful ways. Motor vehicle theft is considered attractive because stolen goods are relatively easy to sell with a high enough value, so as to provide quick profits for the perpetrators.

## **d. Educational and Psychological Factors**

School dropouts increase children's vulnerability to criminal behavior because they deprive the structure, guidance, and positive activities that the school environment usually provides. The low inculcation of moral values such as honesty, responsibility, and discipline makes children less likely to have guidelines in distinguishing between correct and deviant behavior. From a psychological perspective, unstable emotions in children and adolescents make them more susceptible to environmental influence, make impulsive decisions, and engage in risky actions. The desire to gain social status and recognition from peers also encourages some children to exhibit behaviors that violate norms.

## **e. Opportunity Factor**

An inadequate environmental security system opens up opportunities for criminal acts<sup>14</sup>. Conditions such as the use of motorcycles without additional safety keys, parking areas with minimal supervision, and weak night patrol systems are loopholes used by perpetrators. This lack of oversight creates a situation where criminal acts can occur without any significant hindrance.

## **CONCLUSION**

Law enforcement against minors involved in motorcycle theft in Medan City is in principle not only to punish, but also to foster and protect them. The Child Criminal Justice System places children as individuals who are still in the process of growth and development, so they must be given the opportunity to improve themselves. Starting from the investigation stage through the Metropolitan City Resort Police Women's and Children's Service Unit to the trial at the Medan District Court, all legal processes are designed to

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<sup>12</sup> Grace Nathaline, and Sondang Maria J Silaen. "Kontrol Diri dan Tekanan Teman Sebaya (*Peer Pressure*) dengan Kenakalan Remaja Pada Kalangan Remaja Kelurahan Klender." *Ikra-lth Humaniora: Jurnal Sosial Dan Humaniora* 4, no. 3 (2020): 1-7.

<sup>13</sup> Singgih D Gunarsa, *Psikologi Remaja*, (Jakarta: PT BPK Gunung Mulia, 2008).

<sup>14</sup> Raihan Virgatama, Andri Suprayogi, and Hana Sugiastu Firdaus. "Identifikasi Pengaruh Sistem Keamanan Lingkungan Terhadap Tingkat Kejahatan Pencurian Di Kota Surakarta Dengan Metode Sistem Informasi Geografis." *Jurnal Geodesi Undip* 8, no. 1 (2019): 398-407.

protect children's rights, provide assistance, and prioritize diversion as a more educational settlement. If diversion is unsuccessful, the case is proceeded to court with a special mechanism different from adult court, with sanctions that focus on coaching, education, and rehabilitation. The involvement of children in motorcycle theft in Medan is the result of various interrelated factors: weak family attention and supervision, negative peer and environmental influences, economic pressure, low moral education, emotional instability, and weak public security systems. So that children's criminal behavior is formed by a combination of family, environmental, economic, educational, and psychological factors that affect each other. Restorative justice is a solution that is not only oriented towards legal certainty, but also on restoring social relations and more humane justice for all parties.

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