

# ANALYSIS OF THE CRIME OF MOTORCYCLE THEFT COMMITTED BY A CHILD (A Study of Decision Number 7/Pid.Sus-Anak/2017/PN Pga)

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Received : 01 October 2025

Published : 24 December 2025

Revised : 15 October 2025

DOI : <https://doi.org/10.54443/ijerlas.v5i6.4799>

Accepted : 29 November 2025

Link Publish : <https://radjapublika.com/index.php/IJERLAS>

## Abstract

This study examines juvenile motorcycle theft based on Court Decision No. 7/Pid.Sus-Anak/2017/PN Pga, prompted by the increasing involvement of minors in such crimes. It addresses factors contributing to juvenile offenses, the law enforcement process, and the legal policy applied in the decision. Utilizing a normative juridical method with statutory, conceptual, and case approaches, this research qualitatively analyzes primary, secondary, and tertiary legal materials. Results reveal that economic hardship, insufficient moral and religious education, negative social environments, and weak family supervision are key contributing factors. In enforcement, Law No. 11 of 2012 on the Juvenile Criminal Justice System was applied, upholding child protection principles. The judge's legal policy, prioritizing the child's best interest, sentenced the offender to 10 months in prison, acknowledging remorse and rehabilitation needs. Conclusively, the juvenile justice system should emphasize restorative over repressive approaches. Recommendations urge active roles from government, society, and families in preventing juvenile delinquency through continuous moral education, supervision, and guidance.

**Keywords:** *criminal act, motorcycle theft, minors, legal policy, juvenile justice system.*

## INTRODUCTION

Motor vehicle theft has become a widespread and concerning problem that significantly harms society. Indonesian mass media outlets report cases of motor vehicle theft, especially motorcycles, almost daily (Nabila et al., 2022). This crime is not limited to urban areas but has also spread to rural regions, indicating its prevalence across all segments of society. Despite various efforts by law enforcement, such as increased security patrols and strengthened surveillance systems, the crime rate remains high (Munandar & Safrijal, 2018). Amidst the rapid currents of globalization and modernization, motor vehicle theft as a form of conventional crime persists (Sinaga et al., 2023). Technological advancements and increased public awareness of security have not fully eradicated this crime. Modernization alone is insufficient to eliminate the deeply rooted traditional crimes in society. Ironically, technological and informational advancements are often exploited by criminals to carry out their actions in more sophisticated ways. Motor vehicles have become an integral part of modern society's daily life. High mobility makes motor vehicles, especially motorcycles, the primary means to support various activities.

The public's dependence on motor vehicles contributes to the high theft rates, as high demand increases the economic value of vehicles in the black market (Arief, 2010). Besides being a means of transportation, motor vehicles can also reflect a person's social status in certain circles. In some communities, motor vehicles symbolize social status, where the more expensive the vehicle, the higher the social status. This fuels social inequality in society, especially for those living below the poverty line and unable to afford motor vehicles (Soekanto, 2012). Widening socio-economic disparities are a contributing factor to various crimes, including motor vehicle theft. Inequality in access to resources and economic opportunities drives individuals to engage in illegal activities as a means to meet their living needs. The increased use of motor vehicles in society is accompanied by a growing sense of insecurity. Criminal acts committed by motor vehicle thieves using various modus operandi make the public increasingly vulnerable to becoming victims. The increase in the number of motor vehicles without adequate security systems exacerbates this situation. This study aims to analyze the factors that cause children to commit motor vehicle theft, the law enforcement process against child perpetrators of motor vehicle theft, and the legal policies applied in the case study of Decision No. 7/Pid.Sus-Anak/2017/PN Pga. Thus, this research is expected to contribute to the development of criminal law, especially juvenile criminal law, and provide a better

understanding to the public and law enforcement regarding the handling of motor vehicle theft cases involving children as perpetrators. To achieve these objectives, this study will examine the factors that cause children to commit motor vehicle theft, analyze the law enforcement process against child perpetrators of motor vehicle theft, and evaluate the legal policies applied in the case study of Decision No. 7/Pid.Sus-Anak/2017/PN Pga. The results of this study are expected to provide input for policymakers, judges, prosecutors, advocates, and related parties in efforts to improve child protection in the criminal justice system and prevent motor vehicle theft involving children as perpetrators.

## LITERATURE REVIEW

The term criminal act originates from the Dutch translation *Strafbaar feit*, which is also known as *delict* from Latin (Saragih & Alwan, 2021, p. 67). In the Anglo-Saxon legal system, the equivalent terms are offense or criminal act. The Indonesian Penal Code (KUHP), which is adapted from the Dutch *Wetboek van Strafrecht* (WvS), uses the term *Strafbaar feit* to refer to prohibited acts that are threatened with criminal sanctions (Hamzah, 2010, p. 94). A *tindak pidana* is defined as an act that violates legal prohibitions and is threatened with criminal punishment (Muhammad, 2009, p. 31). The definition of *Strafbaar feit* encompasses various terms such as *tindak pidana*, *perbuatan pidana* (criminal act), *peristiwa pidana* (criminal event), or *delik* (delict). A *tindak pidana* is an act that fulfills the elements formulated in criminal provisions and must comply with the formulation provided in the law (Syamsah, 2011, p. 1). Pompe, as cited by Lamintang (2011, p. 182), formulates *strafbaar feit* as a violation of norms committed intentionally or unintentionally, which necessitates the imposition of punishment to maintain legal order. Simons, in the book by Leden Marpaung (2012, p. 8), defines *strafbaar feit* as an unlawful act committed intentionally or unintentionally by a person who can be held accountable and is declared punishable by law.

The crime of theft constitutes a violation of social norms and state law, and is regulated in criminal law. Criminal law discusses regulations that determine prohibited acts and the punishments imposed (Hasibuan, 1994, p. 8). Theft is an act that harms others and society, and therefore needs to be prevented. In the Indonesian Dictionary, *mencuri* (to steal) is defined as taking someone else's property unlawfully. Article 362 of the KUHP defines theft as the act of taking someone else's property, in part or in whole, with the intention of possessing it unlawfully. The threat of punishment for theft is imprisonment for up to five years or a fine (Soesilo, 1988, p. 249). The crime of theft is a crime against individual interests, specifically against property or wealth. Theft can be carried out actively, i.e., taking someone else's property without the owner's knowledge, or passively, i.e., withholding what should rightfully belong to someone else (Sudarsono, 2007, p. 85). The age limit of a child is very important in juvenile criminal cases to determine whether someone falls into the category of a child or not. The definition of a child varies across different countries. Article 1 of the Convention on the Rights of the Child defines a child as every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier. The juvenile criminal justice system, as regulated in Law No. 11 of 2012, is a system for resolving cases of children in conflict with the law (Fikri, 2020, p. 2).

Law No. 11 of 2012 defines a child as a person who has reached the age of 12 years but has not yet reached the age of 18 years. A child who has not reached the age of 12 years is not included in the definition of a child according to this law (Law No. 11 of 2012). The age of a child must be proven with evidentiary documents such as a Resident Identity Card (KTP), Family Card (KK), or Certificate of Residence (Surat Keterangan Kependudukan) (Law No. 23 of 2006). If these are unavailable, they can be substituted with witness testimony, such as from the child's parents or guardian (Djamil, 2013, pp. 129-130). Marital status does not affect the definition of a child according to this law. The crime of theft committed by children is caused by a variety of complex and interacting factors. Rahmayanti (2023, p. 290) states that children commit criminal acts due to trivial problems and do so merely to survive, without considering the risks. The criminal law enforcement process is interconnected with criminology, which provides input on the reasons why people commit crimes and the efforts that law enforcement officials must undertake (Alvaro & Pura, 2022, pp. 167-177). Advances in technology, population growth, social changes, and cultural values influence the motives, nature, form, frequency, intensity, and *modus operandi* of theft crimes (Nurjanah, 2023, pp. 77-89). Children are vulnerable to sexual violence due to their dependence on adults (Siregar et al., 2022, p. 7). Internal factors that cause someone to commit the crime of theft include poor mental and personality conditions, which are influenced by religious, educational, economic, family environment, and social factors. A lack of religious understanding, inadequate education, economic hardship, a disharmonious family environment, and poor social associations can shape a personality that is prone to committing crimes.

The law enforcement process against children who commit theft differs from that applied to adults, as children require extra attention and support. Police must involve the child's parents or guardians in the investigation and provide guidance (Denadin et al., 2024). If there is sufficient evidence, the police can request a judge to detain the child temporarily. Investigators must remain mindful of the rights of the perpetrator as stipulated by the KUHP (Criminal Procedure Code). Rather than simply imposing punishment, the police strive to help children rectify the situation and find peaceful solutions through the diversion approach. If an agreement is reached, the case is sent to the court for review. If not, the case proceeds to court as usual. Children under the age of 18 cannot be detained immediately, and children who are at least 14 years old can only be detained if they are suspected of committing a serious crime that could result in a prison sentence of 7 years or more.

Criminal law policy involves state efforts through law enforcement officials in handling crime, including formulation, application, and execution (Arief, 2012, p. 20). The primary objective is to uphold justice, restore balance, and provide a coaching effect. In cases of motor vehicle theft committed by children, the legal policies applied by judges reflect the principles of juvenile criminal law based on Law No. 11 of 2012 concerning the Juvenile Criminal Justice System. Judges consider the remorse of the perpetrator, polite behavior during the trial, the fact that they have not been previously convicted, and the need for guidance. This policy is in line with the principle of the best interests of the child and the principles of diversion and restorative justice. The judge also considers the litmas results (social inquiry reports) from the Class II Bapas (Correctional Institution) of Lahat, which state that the child perpetrator can still be guided and has the potential to return to good behavior after serving their sentence.

Based on this literature review, there are several gaps that need to be addressed in this research. Firstly, further research is needed to understand the factors that cause children to commit the crime of motorcycle theft in more depth, particularly in the context of social and technological changes. Secondly, research needs to explore the effectiveness of various law enforcement approaches toward child perpetrators of motorcycle theft, including diversion and restorative justice. Thirdly, research needs to analyze the impact of legal policies on child perpetrators of motorcycle theft, including the implications for rehabilitation and social reintegration. By addressing these gaps, this research is expected to make a significant contribution to the development of juvenile criminal law and provide practical recommendations for policymakers, law enforcement officials, and relevant parties in efforts to prevent and combat the crime of motorcycle theft committed by children.

## **METHOD**

The type of research used is normative legal research, which focuses on a normative case study in the form of a product of legal behavior. This research conceptualizes law as a norm or rule that applies in society and serves as a reference for everyone's behavior (Kadir, 2004). In this normative legal research, several approaches are used to analyze the legal issues being studied. First, the statute approach is carried out by examining various laws and regulations relevant to the legal issue being studied. Through this approach, researchers can understand the applicable legal basis and its relationship to the case that is the object of research. Second, the conceptual approach is used to examine legal concepts that have developed in doctrine, theory, and the views of legal experts. This is important to provide a conceptual foundation in answering the legal issues raised. Third, the case approach is carried out by examining court decisions relevant to the research issue. By examining decided cases, researchers can find patterns of law application and the judge's considerations in resolving cases.

The nature of this research is descriptive, which means that this research is conducted solely to describe the state of the object or event without any intention of drawing conclusions that apply generally. The data sources in this normative legal research consist of primary, secondary, and tertiary legal materials. Primary legal materials include the Criminal Code (KUHP), in particular Article 362 of the KUHP concerning the crime of theft, Law Number 11 of 2012 concerning the juvenile criminal justice system (SPPA) which regulates the procedures for juvenile criminal justice, and the Pagar Alam District Court Decision Number 7/Pid.Sus-Anak/2017/PN Pga which is the main object of research. Secondary legal materials include literature and criminal law books that discuss the crime of theft and juvenile criminal law, as well as legal journals, scientific articles, and relevant previous research results. Tertiary legal materials include materials that can provide instructions or explanations for primary and secondary legal materials, such as encyclopedias, Wikipedia, or the Indonesian General Dictionary. In addition, the materials in this research were also obtained from several internet sites that contain matters related to this research. Data collection in this research is carried out by examining legal materials related to the subject matter. Data is obtained through library research, namely reading and studying laws and regulations, law books, scientific journals, and other relevant literature. In addition, legal documents are also collected, especially the Pagar Alam

District Court Decision Number 7/Pid.Sus-Anak/2017/PN Pga, which is the main object of research. The data obtained in this research was analyzed qualitatively. Qualitative analysis is carried out by describing the legal materials that have been collected, then arranged systematically according to the research problem. After that, interpretation and discussion are carried out by connecting laws and regulations, doctrines or opinions of experts, and court decisions that are the object of research. With this method, the research results are not presented in numerical form, but in the form of in-depth descriptive explanations so that they can provide answers to the problem formulations that have been set.

## **RESULTS AND DISCUSSION (TNR, 12 BOLD)**

### **Factors Causing Children to Commit Motorcycle Theft**

The crime of theft committed by children is often caused by various interconnected factors. The majority of cases show that children are involved in criminal acts due to problems considered trivial, such as efforts to survive or due to a lack of understanding of the risks that may arise as a result of their actions (Rahmayanti, 2023). In this context, it is important to remember that more than one million children worldwide experience deprivation of liberty by law enforcement officials. The crime of theft, which is often conventional and widespread, should be preventable through the application of effective sanctions, especially if the behavior is considered detrimental to society (Rahmayanti, 2023). In crime prevention, it is important to address the root causes of theft, including those involving violence. The criminal law enforcement process is interconnected with criminology, which provides input on why someone commits a crime, the causal factors, and the efforts that law enforcement officials must take (Alvaro & Pura, 2022). Regarding cases of theft or robbery, the Criminal Code has stipulated that theft is a crime that must be punished because it disrupts and takes away the rights of others. With the provision on punishment, it is hoped that fear and reluctance will arise from the community, especially those who intend to commit violent theft. In addition, this rule also functions as a guardian of the rights of the community in social life.

Advances in science and technology, population growth and social structure, as well as changes in social and cultural values also influence the motives, nature, form, frequency, intensity, and modus operandi of theft crimes (Nurjanah, 2023). Many factors, both directly and indirectly, give color and a distinctive impact on the emergence of criminal acts of theft. Children are a group that is very vulnerable to sexual violence because they are often weak, helpless, and very dependent on the adults around them (Siregar et al., 2022). This makes children helpless when threatened not to tell what happened. Sexual violence against children is a violation of morality and law and causes deep physical and psychological harm (Siregar et al., 2022). The crime of theft is regulated in Article 362 of the Criminal Code to Article 367 of the Criminal Code. This crime is the most common crime and is listed in the Criminal Code in various countries around the world. Crimes of this kind are neutral and occur in all countries and eras, from the time of Moses to the present. New crimes as a result of technological advances, such as crimes in the fields of computers, cyber, banking, the environment, capital markets, and so on, may have variations in the threat of punishment (Hamzah, 2016). Non-neutral crimes, meaning that the Criminal Code in the world is not the same, namely crimes of indecency, crimes of religion, and crimes of ideology (Hamzah, 2016).

Internal factors that can cause someone to commit the crime of theft are poor (negative) mental and personality conditions, making them prone to committing crimes. These mental and personality conditions can be formed from several factors, such as religious factors, where someone who lacks religious knowledge or knowledge about religion will be greatly influenced by the level of their actions if religious values are absent within them (Al Rosyid Dkk.). Educational factors also play a role, where children or adults who lack education will greatly influence their mindset and actions. This education consists of education taught by parents, society, and teachers at school. If someone lacks education, then in doing something, that person does not think long about whether the act is prohibited or not and tends to commit deviant acts (Al Rosyid Dkk.). Economic factors can also be a cause, where someone who has difficulty or is unable to meet the necessities of life can form a poor personality and mental state, so they can commit prohibited or deviant acts (Al Rosyid Dkk.). The family environment also has an important role in influencing a child's life, because if the family is not harmonious, it will have an impact on the child's behavior and mindset, leading to deviant acts (Al Rosyid Dkk.). Social association factors can also influence, where if the social associations received by children or someone are not good, it will have a very detrimental impact on the life patterns of children or someone who is wrong in associating with someone who brings them to negative or wrong associations (Al Rosyid Dkk.).

### **Law Enforcement Process Against Children in Motorcycle Theft Cases**

In the process of enforcing the law against children suspected of theft or injuring others, the police have procedures that must be followed. Police first examine the evidence to ensure there is sufficient evidence. If there is sufficient evidence, the police can arrest the person, which means they will detain them to find out more about what happened. The law states that they can only do this if they have sufficient evidence. Sometimes, the police detain someone temporarily to help uncover what actually happened, and this is called detention (Soesilo, 1996). During the policing process, the police of Pagar Alam City follow the applicable legal rules. If they see someone stealing with violence or someone reports a theft with violence, especially if it involves a child, the police can start an investigation. The report can be written and signed by the reporter, or read aloud, and the police will write down what is said and ask the reporter to sign it. After receiving the report, the police will give a receipt to the reporter as proof of having received the report (Soesilo, 1996).

When children commit criminal acts such as stealing with violence in the City of Pagar Alam, the police have special ways of handling them. First, the community reports the incident to the police. The police are always ready to listen and help. Because stealing with violence can be dangerous and the perpetrators can run away, the police must act quickly. After receiving a valid report, they immediately go to the location of the theft. There, they look for clues or things that can help them understand what happened and catch the perpetrators (Hamzah, 2010). When a child is suspected of stealing and committing theft, they are treated differently than adults. Children need extra attention and support. Therefore, when the police conduct an investigation, they must involve the child's parents or guardians to assist and accompany them. If the police find sufficient evidence that the child was involved in theft and violence, they can ask the judge to detain the child, which means they will be placed in a special place temporarily.

The next step is to find out what happened by talking to the perpetrators of the crime and the people who saw or were affected by it. The police in Pagar Alam will ask these questions to learn more. The answers from the theft perpetrators and the witnesses are very important because they help the police understand how the crime occurred and who was involved. During the examination process, investigators must continue to pay attention to the rights of the perpetrators as regulated in Articles 51, 53, 114, 115, and 133 of the Criminal Procedure Code. The police in Pagar Alam City have special ways to help children who may have taken items that do not belong to them, especially if they did it with violence. Instead of directly punishing them, the police try to help the children fix what happened and make things better. They do this by talking to all parties involved to find a peaceful solution, sort of making peace. If the children and the police agree on how to fix it, they write down their decision and send it to court for review. However, if they cannot reach an agreement, the case will be taken to court as usual. This method of handling is based on laws that help young people who have problems with the law. If the people involved or suspected are children (under the age of 18), they should not be detained immediately. According to the law, children who are at least 14 years old can only be detained if they are suspected of doing something very serious that could result in a prison sentence of 7 years or more. After their detention period ends, they must be released and cannot be detained again (Denadin et al., 2024).

### **Legal Policy in the Decision Study Number 7/Pid-Sus-Anak/2017/PN Pga**

Criminal law policy is a step or effort taken by the state through law enforcement officials in handling crime, both in the formulation stage (legislative policy), application (judicial policy), and execution (administrative policy) (Arief, 2012). The main objective of criminal law policy is not merely to punish the perpetrators of crimes, but also to uphold justice, restore the disturbed balance, and provide a coaching effect so that the perpetrators do not repeat their actions (Arief, 2012). In the context of the case of the crime of motor vehicle theft committed by a child as contained in Decision Number 7/Pid.Sus-Anak/2017/PN Pga, the legal policy applied by the judge shows the application of the principles of juvenile criminal law based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). This law explicitly places children who are in conflict with the law as subjects who must be protected, not just as perpetrators of crimes.

The panel of judges imposed a prison sentence of 10 (ten) months, considering that the perpetrators regretted their actions, behaved politely during the trial, had never been punished, and were still categorized as children who needed guidance. This consideration shows that the judge is not only oriented towards retribution (retributive justice), but also pays attention to the function of child protection and guidance as mandated in the SPPA. The legal policy taken by the judge in this decision illustrates the application of the principle of "the best interests of the child". This principle is stated in Article 3 letter d of Law Number 11 of 2012 which affirms that every law enforcement action against children must pay attention to the best interests of the child and avoid the

imposition of imprisonment if guidance outside the institution is still possible. However, because the child's actions in this case included serious crimes and were carried out jointly (in concert), the judge assessed that the imposition of imprisonment was still necessary to provide a deterrent effect and protect public order. In addition, the judge in his decision also considered the results of the litmas from the Class II Bapas (Correctional Institution) of Lahat, which stated that the child perpetrators could still be guided, had remorse, and had the potential to return to good behavior after serving their sentence. Thus, the judge's considerations are in line with the principles of diversion and restorative justice adopted in the juvenile criminal justice system in Indonesia. Substantially, the legal policy in this decision is a form of implementation of penal policy in the field of juvenile criminal law, which places punishment not as an end in itself, but as a means to achieve guidance (Arief, 2012). As stated by Barda Nawawi Arief, criminal law policy must be directed to achieve social goals, namely protecting the community from crime and guiding perpetrators so that they do not repeat their actions (Arief, 2012). In the context of children, this goal is more directed at aspects of education and character formation.

In the judicial aspect, judges have the authority to assess independently based on the facts of the trial and applicable legal provisions. The judge in this case has shown his independence by considering all the evidence and consistent witness testimony, and still upholding the principle of child protection without ignoring the sense of justice for the victims. This is in line with the provisions of Article 71 of Law Number 11 of 2012, which provides space for judges to impose punishments or actions by taking into account the child's age, condition, and level of guilt. From the point of view of non-penal legal policy, this decision also has implications for the importance of the role of family, environment, and social institutions in preventing children from committing criminal acts. Economic factors, education, and social environment are the main causes of children being trapped in the crime of theft. Therefore, legal policy is not only focused on the imposition of sanctions, but also needs to be directed at preventive efforts such as moral education, improving family welfare, and social supervision of children at high risk of committing crimes.

In his considerations, the judge emphasized that the defendant's actions resulted in losses to the victims and caused unrest in the community. However, because the perpetrators are still children, the punishment must remain proportionate and pay attention to the child's future. This kind of legal policy reflects a balance between legal certainty (*rechtssicherheit*), expediency (*zweckmässigkeit*), and justice (*gerechtigkeit*) as taught in Gustav Radbruch's theory. In this case, legal certainty is manifested through the application of clear criminal articles, expediency is reflected in the hope that the child can change into a better person, and justice is achieved when the judge considers the interests of the victims, the community, and the future of the child perpetrator. The approach used by the judge is a restorative approach, where the justice system no longer merely punishes, but also seeks to restore social relations between perpetrators, victims, and the community (Marlina, 2012).

From the results of the analysis of the decision, it can be concluded that the legal policies applied in this case already reflect the basic principles in the juvenile criminal justice system in Indonesia. The judge adheres to the principles of "non-discrimination", "protection of children", and "the best interests of children", and upholds humanitarian values as mandated in Pancasila and the Constitution of the State of the Republic of Indonesia in 1945 (Marlina, 2012). This decision also provides a reflection that the court not only acts as a punishing institution, but also as a moral and social guidance institution for children who are in conflict with the law. By imposing a relatively light and educational sentence, the judge has carried out the function of a progressive and humanistic legal policy. Thus, the legal policy in the study of Decision Number 7/Pid.Sus-Anak/2017/PN Pga is a concrete form of the implementation of juvenile criminal law that is oriented towards protection and guidance. A juvenile criminal justice system that prioritizes restorative justice is expected to reduce recidivism and provide opportunities for child perpetrators to improve themselves and return to the community with a better personality.

## CONCLUSION

Based on the research findings, it can be concluded that the factors causing children to commit motorcycle theft generally stem from a combination of internal and external factors. Internal factors include a lack of moral and religious education, low family economic conditions, and weak self-control, while external factors include a poor social environment, peer influence, and a lack of parental supervision. In the law enforcement process, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) serves as the main reference, where law enforcement officials such as the police, prosecutors, and judges carry out the judicial process by prioritizing the principle of child protection, including assistance by legal counsel, community supervisors, and parents during the trial. The legal implications of this decision reflect an effort to balance legal certainty, justice, and child protection, where law enforcement is not only repressive, but also promotes guidance so that children can return to

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the social environment positively without negative stigma. In connection with these findings, several suggestions are put forward. First, the government and law enforcement officials need to increase the implementation of diversion and restorative justice so that children are not always sentenced to imprisonment, but rather directed towards guidance and social rehabilitation. Second, parents and families need to increase supervision, communication, and moral education within the family, considering the important role of parents in shaping the character of children so that they are not easily influenced by negative environments. Third, the community must actively participate in creating a conducive environment and providing opportunities for child offenders to undergo social rehabilitation without discrimination. Fourth, the world of education, especially schools, needs to strengthen character and religious education and take a preventive approach to deviant behavior among students from an early age.

### REFERENCES

- Abdul Kadir, *Hukum dan Penelitian Hukum*, (Bandung: PT Citra Aditya Bakti, 2004).
- Andi Hamzah, *Asas-Asas Hukum Pidana*, (Jakarta: Rineka Cipta, 2010).
- Chairul Huda, *Dari Tiada Pidana Tanpa Kesalahan Menuju Kepada Pertanggungjawaban Pidana Tanpa Kesalahan*, (Jakarta: Kencana Prenada Media, 2006).
- Djojok Prakoso, *Eksistensi Jaksa di Tengah-Tengah Masyarakat*, (Jakarta: Ghalia Indonesia, 1985).
- Leden Marpaung, *Asas Teori Praktik Hukum Pidana*, (Jakarta: Sinar Grafika, 2012).
- M. Nazir Djamil, *Anak Bukan Untuk Dihukum*, (Jakarta: Sinar Grafika, 2013).
- Muladi dan Barda Nawawi Arief, *Teori-Teori dan Kebijakan Pidana*, (Bandung: PT Alumni, 2010).
- P.A.F. Lamintang, *Dasar-Dasar Hukum Pidana Indonesia*, (Bandung: PT Citra Aditya Bakti, 2011).
- Soekanto Soerjono dan Sri Mamudji, *Penelitian Hukum Normatif*, (Jakarta: Rajawali, 2004).
- Soerjono Soekanto, *Sosiologi Suatu Pengantar*, (Jakarta: RajaGrafindo Persada, 2012).
- Soetodjo Wagiaty, *Hukum Pidana Anak*, (Bandung: PT Refika Aditama, 2006).
- Sudarsono, *Kamus Hukum*, (Jakarta: Rineka Cipta, 2007).
- Sudarsono, *Pengantar Ilmu Hukum*, (Jakarta: Rineka Cipta, 2007).
- “Kajian Kriminologi Terhadap Anak (Pelaku) Tindak Pidana Pencurian Sepeda Motor dengan Kekerasan,” *Jurnal Hukum, Politik dan Ilmu Sosial*, Vol. 2, No. 3 (2023).
- “Tinjauan Yuridis Terhadap Tindak Pidana Pencurian Sepeda Motor yang Dilakukan Oleh Anak,” *Jurnal Bedah Hukum*, Vol. 2, No. 2 (2018).
- Derry Aris Munandar & Airi Safrijal, “Tindak Pidana Pencurian Kendaraan Roda Dua yang Dilakukan Secara Bersama-Sama,” *Jurnal Hukum dan Keadilan Mediasi*, Vol. 5, No. 1 (2018).
- Fikri, Rahul Ardian. "Implementasi Diversi Terhadap Anak Yang Berhadapan Dengan Hukum Ditinjau Dari Undang-Undang Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak." *Jurnal Abdi Ilmu* 13.2 (2020)
- Fitria Ramadhani Siregar, Muhammad Juang Rambe, dan Vicky Ardiansyah. (2022). *Kebijakan Hukum Pidana Terhadap Pelaku Tindak Pidana Kekerasan Seksual Pada Anak di Kota Medan*. *Jurnal Sosial dan Hukum Universitas Pembangunan Panca Budi*, Vol. 12, No. 2 (2022).
- Hasan Zainudin, “Kebijakan Hukum Tindak Pidana Pencurian Sepeda Motor dengan Tindak Kekerasan,” *Jurnal Hukum*.
- Hasan Zainudin, “Kriminalitas Pencurian Sepeda Motor,” *Jurnal Rectum*, Vol. 5.
- Hasudungan Sinaga, dkk., “Analisis Isu Kebijakan Tembak Mati Terhadap Begal di Kota Medan: Perspektif Pro dan Kontra,” *Innovative: Journal of Social Science Research*, Vol. 3, No. 5 (2023).
- Ismaidar, I., & Rahmayanti, R. (2023). *Perlindungan Hukum Terhadap Anak Sebagai Korban Kekerasan Dalam Rumah Tangga*.
- M. Rizki Nugraha Tjaya, M. Riski Permana, & M. Juan Prasetyo, “Penegakan Hukum Terhadap Tindak Pidana Pencurian Kendaraan Dengan Kekerasan,” *Jurnal Kajian tentang Penegakan Hukum*, Vol. 8, No. 1 (2023).
- Muhammad Fadhlan Fadhil Bahri & M. C. Anwar, “Sistem Peradilan Pidana Anak,” *Jurnal Hukum Unsulbar*, Vol. 5, No. 3 (2023).
- Rahayuningsih, U., Resa, M., & Murtada, F. S., “Tinjauan Ilmu Kriminologi Terhadap Anak yang Terlibat dalam Kasus Pencurian dengan Kekerasan,” *Causa: Jurnal Hukum dan Kewarganegaraan*, Vol. 11, No. 11 (2025).

## ANALYSIS OF THE CRIME OF MOTORCYCLE THEFT COMMITTED BY A CHILD

(A Study of Decision Number 7/Pid.Sus-Anak/2017/PN Pga)

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- Rahmayanti. (2023). Kajian kriminologi terhadap anak (pelaku) tindak pidana pencurian sepeda motor dengan kekerasan. *Jurnal Hukum, Politik dan Ilmu Sosial (HPIS)*, 12(3), 290–299. <https://doi.org/10.55860/hpis.v12i3.2023>
- Mhd. Azhali Siregar. Kebijakan Kriminal Dalam Upaya Penanggulangan Tindak Pidana Pencurian Hewan di Kabupaten Padang Lawas Utara. *USU Law Journal*, Vol. 5, No. 2, April 2017, hlm. 57–70.
- Utami Saha Nabla, Mahzaniar, & M. Ridwan Lubis, “Perlindungan Hukum Terhadap Korban Kecelakaan Lalu Lintas di Jalan Raya Perspektif Undang-Undang Nomor 22 Tahun 2009,” *Kalam Keadilan*, Vol. 10, No. 1 (2022).
- Yasmirah Mandasari Saragih, Rahul Ardian Fikri, dan Nabilah Syaharani. (2023). Penegakan Hukum Kejahatan Pencurian dengan Kekerasan (Begal) yang Dilakukan oleh Anak. *Jurnal Ilmu Sosial dan Sains (ISSJ)*, Vol. 3, No. 2 (2023).
- Kitab Undang-Undang Hukum Pidana (KUHP).  
Pasal 362 KUHP tentang Pencurian.  
Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak (SPPA).  
Undang-Undang Nomor 23 Tahun 2006 tentang Administrasi Kependudukan.  
Putusan Pengadilan Negeri Pagar Alam Nomor 7/Pid.Sus-Anak/2017/PN Pga.  
Hukum Online, “Tindak Pidana Pencurian dalam Perspektif KUHP,” diakses pada 3 September 2025.  
Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (KemenPPPA), “Perlindungan Anak dalam Sistem Peradilan Pidana Anak,” diakses pada 3 September 2025.  
Wikipedia, “Pencurian,” diakses pada 3 September 2025, <https://id.wikipedia.org/wiki/Pencurian>