

A Study of Juvenile Immoral Crime in Palopo City

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Abstract

This research was conducted to discover involvement, factors and efforts solve immoral crimes committed by adolescents. It employed descriptive qualitative methods with sociological, empirical and normative approaches. The results of the study indicated that the involvement of adolescents in such crime was based on a mutual desire to act like adults by having sexual intercourse, coercion to commit immoral violations due to lust, persuasion of friends to commit immoral acts, shortcuts to be united and invitations to commit immoral acts for payment. An internal factor causing adolescents committing immoral crime is hormonal growth which has an impact on increasing sexual arousal. If not shifted to positive activities, it will have a harmful impact including immoral acts. Meanwhile, external factors are lack of family attention, to be recognized among adolescents, influence of information from print, electronic and social media. Efforts to overcome immoral acts include *Preventive* by providing understanding and attention from the family to adolescents about good and bad deeds, supervising and protecting social environment, *Repressive* by safeguarding from promiscuity, giving sanctions to educate not to punish and, *Rehabilitative* by involving adolescents in positive activities in the community, carrying out outstanding activities, giving trust that they can be a part of a community group. It is expected that the results of this research can encourage family, community and government to collaborate and develop well-behaved and outstanding adolescents.

Keywords: Immoral Crime, Adolescents and Efforts to Solve

I. Introduction

In adolescence, mental development of children will change both in understanding others (social cognition) and in establishing wider friendships than previous relationships. A prominent behavioral change in adolescence is a change in feeling more comfortable to hang out and gather with their peers than their families. Such change in attitude is known as attitude of conformity. Certainly, this change greatly affects the behavior of adolescents in social life, which has an impact on changes in their behavior. In addition, adolescents whose parents are occupied with routine work outside the home will be very less intensive in receiving affection so they will try to get such affection in the social intercourse with their peers. If such condition is not taken care of by their parents and environment, it is possible that their social intercourse will be misdirected and will have a negative impact on their psychological development and behavior in society. The

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general explanation of Law Number 3 of 1997 concerning Juvenile Court describes factors that affect the behavior of a child in committing such a crime, namely:

- a. Lack of spiritual guidance.
- b. Negative impact of the development of social intercourse pattern in adolescents;
- c. Globalization in communication and information;
- d. Advance in science and technology.

The District Court of Palopo City stated that there have been many criminal acts committed by adolescents in Palopo City. There were 11 Child Criminal Cases in 2014², 16 cases in 2015, and 24 cases in 2016. This situation is a result of internal influence and external influence from their environment. This research is deemed very important to be conducted in the hope that adolescents in Palopo City do not violate religious norms and prevailing regulations by implementing preventive, repressive and rehabilitative actions in the future. One of the preventive action is by making regulations concerning the impact of juvenile crime in Palopo City in the hope that the government and the community will be able to prevent, overcome and supervise their lifestyle. Based on the aforementioned background the researcher attempts to investigate problems of why adolescents in Palopo City were involved in immoral cases.

II. Juvenile Immoral Crime

1. Definition of Criminal Act

Sentence is an action given to someone by the state because of an act that violates the law, which specifically such prohibited act is known as a crime or *strafbaarfeit*³. An act or action can be categorized as a criminal act if the act violates prevailing law based on evidence and sanctions against the act are given as a form of responsibility of the perpetrator. The types of criminal acts regulated in the criminal law consist of crime and violation based on the action, formal criminal acts and material criminal acts based on the source of regulation, intentional crime and unintentional criminal acts based on the consequences of the action, and active criminal act and passive criminal act based on the settlement of the act. In regard to punishment, sanctions are given for several reasons based on the theory adopted, among others, the

²Bibi Yulanda "Tinjauan Yuridis Terhadap Sistem Peradilan Pidana Anak (Studi Kasus Peradilan Negeri Kota Palopo) skripsi mahasiswa IAIN Palopo. Fakultas Syariah, 2015

³ Adami Chazawi, 2007, *Pelajaran Hukum Pidana 1*, Jakarta, Rajawali Pers, p.24

absolute/retaliation theory which assumes that every person who commits a crime or violation must be sanctioned as a consequence of his action which has caused harm to the other party. Moreover, relative theory assesses that punishment is intended not to bring a retaliation to a crime or violation committed by someone, but a sanction in the form of punishment is given with the principle of educating society so that the society will understand the importance of not taking actions that harm others and the interests of society can be protected by the implementation of the sanction. In addition, there is a combined theory in punishment which combines absolute / retaliation theory and relative/learning theory that this combined theory focuses more on the function of punishment is to maintain society's order in realizing public welfare.

2. Definition of Immoral Crime

The provisions of the Criminal Code contain a discussion of immoral crimes as regulated in Article 289 until Article 296 in the Chapter concerning crimes against morality. Article 289 describes the actions committed by anyone in committing obscene acts, whether by force or not will be sentenced to a maximum of 9 years imprisonment. It is regulated about anyone's actions committed through violence or threat of violence. The act of sexual abuse is included in the act of violating morality which is caused by the lust of an individual or several people⁴. Adami Chazawi classifies the act of sexual abuse of someone against others into several types of actions, namely⁵:

1. Exhibitionism, which is intentionally showing off genitals to other people, through which he gets satisfaction;
2. Voyeurism, which is an act of kissing someone without the consent of the kissed party, and is considered a shameful act;
3. Fondling, which is an act of satisfying one's lust by stroking or touching someone else's genitals, and
4. Fellation, which is a forcing act by someone to make oral contact with others.

From the aforementioned classification of crime, it can be concluded that immoral acts are acts related to the lust of an individual whose acts are harmful to others. The elements of

⁴ R. Soesilo, 1996, *Kitab Undang-undang Hukum Pidana (KUHP) serta komentarkomentarnya lengkap pasal demi pasal*, Bogor, Politeia. Hlm. 212

⁵ Adami Chazawi, 2005, *Tindak Pidana Mengenai Kesopanan*, Jakarta, Rajawali Pers, Hlm.80

immoral violation are regulated in Article 281-283 of the Criminal Code concerning immoral violations with the use of written media, images or other media that violate morality. The Electronic Technology Information Law in Article 27 Paragraph (1) reads that acts which have immoral intentions are not only actions that are directly committed, but about the spread of immoral acts through electronic media so that other people know such act. The criminal provisions in the Criminal Code and laws are intended to provide protection for anyone from immoral acts or *ontruchte handelingen* in the form of actions, speech, writing that may cause others to feel harmed by such act. Roeslan Saleh⁶ explains that the definition of morality should not be limited to lust, but also includes actions that have an impact on the loss of others in the form of shame due to such actions. Basically, every offense or criminal act contains a violation against moral values. As a matter of fact, law is a representation of the application to maintain the most basic moral values (*das recht ist das ethische minimum*).

3. Impact of Immoral Crime

Immoral acts committed by adolescents can have successive effects that can hinder the development and health of the adolescents. Considering the negative impact of immoral acts, this act should not be committed by adolescents. The impacts of immoral acts committed by adolescents are as follows:

a. Psychological Impact

79% of perpetrators of violence and sexual abuse will be addicted to continue to do so because this action affects the function and development of the brain of adolescents.

b. Physical Impact

Immoral acts committed without the use of protective equipment will be at risk for transmitting a person with venereal diseases, or known as Sexually Transmitted Diseases (STD).

c. Social Impact

Perpetrators and victims will receive social sanctions in the society by being isolated from the society, so they tend to feel inferior and be not accepted in the society. In fact, the perpetrators and victims need motivation and moral support to become better adolescents.

⁶ <http://s-hukum.blogspot.co.id/2015/09/penegakan-hukum-dan-penegakan-hukum.html>

III. Research Methods

This research is a descriptive qualitative research which aims to describe symptoms that occur. The research results are presented systematically by emphasizing factual data which usually involves only one variable ⁷. It used primary data sources in the form of information obtained directly from adolescents who committed immoral crimes and secondary data obtained from references, books, other sources relevant to this study. Data were collected by means of Library Research and Field Research, which was conducted through observation, interview and documentation. Research instruments included observation guidelines, interview guidelines and recording devices. The data were processed through data reduction and editing. Data presentation and conclusions or verification was performed by analyzing the collected data qualitatively, which was interpreting the quality of the opinions or responses of respondents or informants and explaining them completely and comprehensively on various aspects related to the subject matter. A conclusion was then drawn to obtain a clear and comprehensive picture about the implementation of prisoner development and the efforts made by the penitentiaries to realize its role in shaping better and more independent personality of prisoners.

IV. Research Results

a. Adolescent Involvement in Immoral Crime in Palopo City

Based on the results of research on the Penitentiary Class IIIA, Palopo City, there are several adolescents involved in immoral crime, namely:

Data on perpetrators of juvenile immoral crime in Palopo City

No	Institutional registration Number	Name	Age	Article concerning crime	Date of Admission	Sentence	Date of Expiration	Note
1	Aiii.al 31/2018	Fiqri akmal bin kamal	15 years old	Article 81 paragraph 3 of Law no.17 of 2016	25/06/2018	10 days	06/08/2018	Active
2	Aiii.al 32/2018	Imran bin rahim	15 years old	Article 81 paragraph 3 of Law no. 17 of 2016	25/06/2018	10 days	06/08/2018	Active

⁷ B. Sabdjaja dan Abert Heriyanto, *Panduan penelitian*, (Cet.II; Jakarta: Prestasi Pustaka, 2006), p. 110

No	Institutional registration Number	Name	Age	Article concerning crime	Date of Admission	Sentence	Date of Expiration	Note
3	Aiii.al 33/2018	Ambara mubarak bin abbas	15 years old	Article 81 paragraph 1 in conjunction with article 76-d of Law no. 23 of 2002	12/07/2018	10 days	06/08/2018	Active
4	Proposed for remission, data access bi.al 03/2018	Fajar bin karib	15 years old	Article 82 paragraph 2, 81 paragraph 1 of Law no. 35 of 2014	07/03/2018	2 years 8 months	06/10/2020	Active
5	Proposed for remission, data access bi.al 08/2017	Deni sartiawan bin chandra	15 years old	Article 2 paragraph 1 jo article 80 paragraph 1 jo article 76 c- of Emergency Law no.12 of1951	01/08/2017	1 year 6 months	29/12/2018	Active
6	Proposed for remission, data access bi.al 06/2018	Dicky wahyudi ramli bin ramli	15 years old	Article 81 paragraph 3 of Law no. 17 of 2016	03/04/2018	1 year 3 months	17/06/2019	Active
7	Proposed for remission bi.al 05/2018	Henra syam bin syamsuddin	16 years old	Article 81 paragraph 3 of Law no.17 of 2016	03/04/2018	1 year 3 months	17/06/2019	Active
8	Bii a.al 11/2018	Fadly bin hadami	16 years old	Pasal 363 paragraph 1 point 4 of the Criminal Code	06/02/2018	7 years	20/08/2018	Active
9	Proposed for remission, data access bi.ap 01/2018	Mei sinta bela	17 years old	Article 88 jo Article 76 i- of Law no. 17 of 2016	16/01/2018	1 year 4 months	19/04/2019	Active
10	Proposed for remission, data access bi.al 16/2017	Irwan bin pabe	17 years old	Article 81 paragraph 2 of Law no. 35 th.2014	16/08/2017	2 years 6 months	15/01/2020	Active
11	Bii a.al 16/2018	Ade candra buana bin nasruddin	17 years old	Article 351 paragraph 1 of the Criminal Code	17/05/2018	7 months	05/12/2018	Active
12	Bii a.al 15/2018	Zulfikar aulya.w bin usep	17 years old	Article 187 paragraph 1 jo article 55	16/05/2018	4 months	02/09/2018	Active

No	Institutional registration Number	Name	Age	Article concerning crime	Date of Admission	Sentence	Date of Expiration	Note
				paragraph 1 point 1 of the Criminal Code				
13	Proposed for remission bi.al 07/2018	Alfiyan unggul bin unggul	17 years old	Article 81 paragraph 2 of Law no. 17 of 2016	16/05/2018	1 year 6 months	31/10/2019	Active
14	Proposed for remission bi.al 14/2018	Aan ahmad bin ahmad	17 years old	Article 82 paragraph 1 of Law no. 17 of 2016	14/05/2018	8 months	26/12/2018	Active
15	Proposed for remission bi.ap 02/2018	Putri tolipu binti saleh	17 years old	Article 761 of Law no.25 of 2014	09/04/2018	1 year 10 months	21/01/2020	Active
16	Proposed for remission biia.al 12/2018	Jhyank hanggara a.to.laluasa bin ahmad kusman	17 years old	Article 332 paragraph 1 point-1 of the Criminal Code	11/04/2018	5 months	25/08/2018	Active
17	Bi.al 02/2018	Arrahim alang bin mustamin	17 years old	Article 82 paragraph 2, 81 paragraph 1 of Law no. 35 of 2014	07/03/2018	2 years 8 months	21/10/2020	Active

Data source: Penitentiary Class IIIA, Palopo City. 2018

The data above show that the age of adolescents committing immoral crime ranges from the age of 15 years to 17 years. Based on the results of interviews with them, it was discovered that they were involved in immoral crimes as perpetrators of these acts, some of them were involved in these crimes only as friends who helped other friends to commit such crimes. There were also among those involved in the crime playing a role as the one used to satisfy the lust of their female friends. There were also those who acted as friends who provided a place for their friends to commit such crime.

a. Immoral crimes committed by adolescents in Palopo City based on the results of research on Penitentiary Class IIIA, Palopo City were in the form of:

1. Article 82 of Law No. 33 of 2014 concerning Coercion of Obscene Acts,
2. Article 81 of Act No.17 of 2016 concerning Child Protection from Sexual Intercourse Coercion
3. Article 80 Paragraph 1 in conjunction with Article 76 C- Emergency Law No. 12 of 1951 concerning Violence Against Children.

4. Article 363 Paragraphs 1 point 4 of the Criminal Code concerning Theft
5. Article 351 Paragraph 1 of the Criminal Code concerning Persecution
6. Article 187 Paragraph 1 in conjunction with Article 55 Paragraph 1 point 1 of the Criminal Code concerning Participation in Committing Criminal Acts
7. Article 332 Paragraph 1 point 1 of the Criminal Code concerning Taking an Immature Woman Away Without Parents' Consent

b. An internal factor causing adolescents committing immoral crime is hormonal growth which has an impact on increasing sexual arousal. If not shifted to positive activities, it will have a harmful impact including immoral acts. Meanwhile, external factors are lack of family attention, to be recognize among adolescents, influence of information from print, electronic and social media.

c. Action Against Juvenile Immoral Crime.

Sanctions for a child who commits a criminal act is determined in a juvenile court under the Juvenile Court Law No. 11 of 2012 which makes imprisonment a basic sentence and an objective to provide education. Article 69 paragraph (2) that criminal sanctions or act sanctions is given based on the age of the perpetrator, a child who is not yet 14 years old can only be subject to action. Article 71 paragraph (3) of Law Number 11 of 2012 specifically in the formulation of sanctions that if in the material law it is subject to cumulative sentence in the form of prisons and fines is imposed in the material law, fine sentence is replaced with job training. In the other words, the formulation of sanctions in the Law depends on the material law that has been violated by the Child; if the material law violated by the child contains an alternative sanction system, the sanction is given to the child. Similarly, the formulation of a single sanction applies as long as it does not conflict with the provisions stipulated in Law Number 11 of 2012 concerning Juvenile Justice System. Law Number 11 of 2012 concerning Juvenile Justice System must prioritize a Restorative Justice approach through Diversion. Although there are Penal and Non-Penal facilities, Non-Penal facilities are preferred in Law Number 11 of 2012. However, in practice, the policy of crime prevention using Non-Penal facilities is also implemented using Penal facilities. Every criminal justice process, namely investigation, prosecution, and examination in the court, must seek Diversion before proceeding to the examination of the case. The policies to overcome juvenile crime are as follows:

1. Preventive, by giving counseling to adolescents at school, community and family which involves the participation of teachers, parents and community leaders.
2. Repressive, by giving sanctions in accordance with prevailing regulations. A mediation between perpetrator's parents and victim's parents should previously held obtain a common agreement; if the sanction must still be given in the penitentiary, every child must receive guidance from the integrated service center for woman and child empowerment (P2TP2A).
3. Social rehabilitation is a series of activities performed to restore or re-functionalize the physical and physiological condition of children who are dealing with the law. The parties involved in the social rehabilitation activities are the Ministry of Education and Culture, professional organizations (professional social workers and child psychologists) and institutions that organize social protection and services for child, which are managed by the government and managed by the community. During the process of social rehabilitation, perpetrators of immoral crimes are placed in special institutions to obtain assistance. The role of parents is crucial in restoring the condition of adolescents so that they become adolescents who are aware of the consequences of their actions and change their actions that may harm others.

V. Conclusion

- a. Adolescents as perpetrators in immoral crime are involved as the one who want to satisfy their lust, as friends who help other friends to commit immoral acts, as the one used to satisfy the lust of their female friends and as friends who provide a place for their friends to do immoral acts .
- b. An internal factor causing adolescents committing immoral crime is hormonal growth which has an impact on increasing sexual arousal. If not shifted to positive activities, it will have a harmful impact including immoral acts. Meanwhile, external factors are lack of family attention, to be recognized among adolescents, influence of information from print, electronic and social media.
- c. Efforts to overcome immoral acts include: *Preventive* by providing understanding and attention from the family to adolescents about good and bad deeds, supervising and protecting social environment, *Repressive* by safeguarding from promiscuity, giving sanctions to educate not to punish and, *Rehabilitative* by involving adolescents in positive

activities in the community, carrying out outstanding activities, giving trust that they can be a part of a community group. It is expected that the results of this research can encourage family, community and government to collaborate and develop well-behaved and outstanding adolescents.

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