

The Crime of Murder by a Child as the Perpetrator A Criminal Psychology Perspective

Nurani Rizki Anandia

Master of law, Faculty of law, North Sumatera University, Indonesia.

E-mail: nuranirizkianandia@gmail.com

Abstract: The purpose of this study is to examine and analyze several issues regarding the legal arrangements for the settlement of criminal acts of murder committed by children, the causes of criminal acts of murder committed by children in the perspective of criminal psychology, and criminal policy in law enforcement of criminal acts of murder against children who commit criminal acts of murder. The background is because the diversion mechanism for children who commit murder is difficult to reach an agreement, so that in the end the trial in court becomes the last resort and in the end the child ends up in the Children's Correctional Institution. Although the trial uses the juvenile criminal justice system with a restorative justice approach in every implementation, in reality there are still many law enforcement officials, both judges, prosecutors and police who still view a child in committing a crime as being blamed for his actions without looking at the aspects that occur both from within and outside the child. The results showed that the criminal act of murder committed by children was more due to external factors from the environment and family around the perpetrator, although diversion is very difficult to reach an agreement between the victim and the perpetrator so that very often the perpetrators of criminal acts of murder committed by children end up in prison, but judges still have to seek diversion and restorative justice as a form of protection for children. In terms of sentencing, judges are given the freedom to look at the law, jurisprudence, legal science or doctrine and the factors that cause crimes committed by children, both internal and external factors. However, in practice judges use only the written law in determining sentences or are limited to the prosecutor's indictment.

Keyword: Criminal Case Settlement, Juvenile Justice, Murder.

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1. Introduction

Children are an integral part of human survival and the sustainability of a nation and state. Children have a strategic role which is explicitly stated that the state guarantees the right of every child to survival, growth, and development and to protection from violence and discrimination. Therefore, the best interests of the child should be realized as the best interests for the survival of humanity. The consequences of the provisions of Article 28B of the 1945 Constitution of the Republic of Indonesia need to be followed up by making government policies aimed at protecting children.

Speaking of criminal acts, currently the perpetrators of criminal acts are not only carried out by adults, but currently children are also involved in committing crimes such as

murder, theft, rape, and others. The actions and behavior of children who commit criminal acts are a reflection of the conditions in the surrounding environment that show an attitude of indifference, insensitivity, and social neglect towards children, so that when the child has no one to pay attention and care, the child will develop deviant and unlawful attitudes and behavior. Child delinquency or criminal acts committed by children are basically a product of the attitude of the surrounding community with all the social upheaval that exists in it as a form of indifference to the child.

Around the world there are tens of thousands or even hundreds of thousands of children in conflict with the law, with two-thirds of them in prison, and the rest in the custody of social institutions. Some children in conflict with the law are caught up in articles governing the crime of murder.

Krahe in Achmad argues that special attention is needed to the dramatic increase in the scale of murders committed by adolescents and children in the last two decades because the incidence remains high. Childhood is a stage where behavioral problems tend to increase. During adolescence, antisocial behavior tends to increase with more serious consequences. Murder, is a manifestation of overt delinquency that takes the form of a violent attack on a person with or without a weapon, such as threats, rape or murder. The crime of murder committed by children is clearly inseparable from psychological factors. Psychological factors involve the condition of the self, family and the environment around the perpetrator. Families that are disturbed, disharmonious and divided have the potential to produce delinquency. Relationship patterns with parents also affect delinquency in adolescents. Other psychological factors that influence delinquency stem from personality factors that act as predisposing factors. Individuals who lack social assertiveness, are hostile, deviant, jealous, lack self-control, have low self-esteem and negative self-image have a tendency to engage in delinquency. Imperfectly formed, undirected, unguided or traumatic experiences of basic emotional health which in some cases are the result of serologically deficient socialization leading to an inability to adequately control impulses (Masykur & Subandi, 2018).

The role of judges is very influential in handling cases of juvenile offenders, a judge must truly understand the best interests of the child. The decision taken must be able to provide justice so that it is useful and beneficial for children. Judges in handling criminal cases committed by children must realize that a special approach is needed in resolving children's cases so that children are kept away from retaliatory punishment. Every decision taken by the judge must be properly considered, what sanctions should be imposed on children who commit criminal acts, why these sanctions are chosen and what are the objectives and various considerations which are primarily in the interests of the child himself.

In reality, there are still many law enforcement officials, both judges, prosecutors and police, who still see a child in committing a crime being blamed for his actions without looking at the various aspects that occur both from within and outside the child. So that judges in deciding children's cases, especially murder, are often only based on what is charged by the prosecutor without considering the factors that occur within the child

and are more concerned with legal certainty to protect victims than trying to provide the best treatment for a child so as not to repeat the crime again.

2. Research Method

This research uses doctrinal legal research and is strengthened by empirical studies, by examining the application of legal principles, legal systematics, and legal synchronization. The nature of this research is descriptive analytical, namely research that describes the facts concerning the problems in this study both in the context of systematization and synchronization based on juridical aspects with the aim of answering the problems that are the object of research (Sugono, 2011). The approach applied in this research uses a normative approach method (legal research), among others through the statute approach and case approach. The research locations chosen are Medan Juvenile Correctional Institution and Medan District Court, and the samples used in this research are 2 convicted child murderers, 2 Juvenile Correctional Institution officers and 1 judge. Data analysis uses qualitative analysis, which is put forward in the form of a systematic description by explaining the relationship between various types of data obtained. Furthermore, all data is selected and processed, then stated descriptively so that it describes and reveals its legal arguments against research problems.

3. Result and Discussion

Law No. 11/2012 is a new chapter of the juvenile criminal justice system that takes into account the interests and provides protection that has never been recognized before. Law No. 11/2012 allows every agency to conduct restorative justice through diversion. Not only at the investigation level, but up to the correctional institution level after the case is decided by the Court, diversion is possible. However, cases of children in conflict with the law will proceed to the trial stage if the diversionary settlement is not successful.

Based on Case Decision No. 19/PID.SUS-ANAK/2019/PNMDN, where MR was attacked by RT by kicking the victim in the head and stabbing the victim with a knife. Although MR had to be rushed to the hospital, MR's life was not helped and resulted in the loss of MR's life. Based on this case, based on Sigmund Freud's theory in the perspective of Psychoanalysis, which has its own views on what makes a criminal. The imbalance of the relationship between Id, Ego and Superego makes humans weak and consequently more likely to commit deviant behavior or crime. As well as environmental factors and the association of the child, causing the child to commit a criminal offense.

Furthermore, in Case Decision No. Registration: 31/PID.SUS-ANAK/2019/PNMDN, there was an argument between the victim AF and DRN's friends so that witnesses U and FR came from the front and crashed their motorbikes into the motorbike belonging to the victim AF, suddenly witnesses U, FR, R, ganged up on the victim AF by beating the victim AF many times, and coming from another direction YQ's child stabbed the victim AF 3 (three) times, and finally they left the victim AF and went to YQ's child's house. Based on the research, it was found that the background of YQ's child was

involved in the problem to commit the crime of murder because the victim AF had arrogant behavior towards YQ's community or friends, so that when the crime took place YQ showed a sense of solidarity with his friends and caused the crime of murder to occur.

Based on the data obtained and the investigation at the Medan Class I Correctional Institution, the defendant's behavior can be explained as follows (a) The defendant is a child whose daily life is good and behaves like other children outside the correctional environment; (b) His actions are a manifestation of his deviant mindset. He was mentally healthy, but from a criminal psychology perspective there was an urge to do things that he considered to be the right thing to do; (c) There was dissociation between himself and his environment in various forms. In general, it is very egocentric and emotional, this can be seen that the defendant has arrogant behavior towards the community or friends; and (d) The defendant's need for respect, that the need for respect from the defendant is related to reputation and self-esteem and these impulses condition him to no longer be able to distinguish right or wrong, good or bad, deviant or not deviant actions.

Furthermore, in Case No. 21/PID.SUS-ANAK/2021/PNLBP, where this case began when a child named RS who was 17 (seventeen) years old stole a motorcycle with his partner, in the Lubuk Pakam area, but at that time RS's partner was caught by the police and interrogated the RS partner. During the interrogation RS's colleague complained or reported to the investigator that he had committed the theft together with RS so the defendant was arrested at a boarding house. The RS child after being arrested was put in the same cell as his colleague and at that time RS felt a grudge against his colleague which caused RS to hit the victim right in the heart so that the victim died on the spot. For this reason, the RS child was charged with Article 340 of the Criminal Code Jo Article 65 of the Criminal Code and sentenced to 5 (five) years imprisonment by the Lubuk Pakam court judge.

The results of the interview conducted with the child can be seen that the child's stature is like a child in general, but has a number of tattoos on his body and can be seen clearly. There are several factors that can be seen based on the results of interviews with the perpetrator, namely (a) Low self-destruction where the defendant was carried away by emotions and resentment so that he spontaneously committed the criminal act of murder; (b) That in terms of education the perpetrator only went to elementary school and did not continue compulsory education until high school, this certainly caused RS to feel and behave inferior and lack creativity so that there was no control over his personality so that it was easy to commit acts of crime, especially children committing crimes; (c) Judging from environmental factors, RS children are known to live in an environment with friends who have a high level of criminality so that RS children tend to follow the thought patterns in the surrounding environment that have a high level of criminality; (d) Environmental factors, especially bad peers, because at this time adolescents begin to move away from home and towards peers, so that the interests, values and norms instilled by the group determine adolescent behavior more than the norms, values that exist in the family and society; (e) Family factors also affect the onset

of juvenile delinquency. Lack of family support such as lack of parental attention to children's activities, lack of application of effective discipline, lack of parental affection can trigger the onset of crime because it is known that RS's child only lives with his brother so that the lack of education from RS's parents.

Finally, in Case No.04/PID.SUS-ANAK/2020/PNSIM, it began when RBP's son felt jealous of a girl who was RBP's girlfriend at that time who was suspected of having an affair with the victim by taking RBP's girlfriend for a walk and making the perpetrator's son feel upset and angry with the victim. Finally, the child perpetrator together with an adult colleague or friend at that time devised a plan to finish off the victim's life. Furthermore, the child of RBP and his colleague waited for the victim who was passing by and was intercepted by the child of RBP and his colleague, then the child of RBP immediately hit the victim right in the neck so that the victim immediately fell and died. As a result of his embassy, the RBP child was charged with Article 339 of the Criminal Code and sentenced to 9 (nine) years imprisonment.

The results of the interview in terms of the factors that cause RBP children to commit criminal acts that (a) RBP children's criminal behavior is formed as an expression of unresolved inner conflicts, because criminal behavior becomes a means of releasing fear, anxiety and inner confusion; (b) A low level of education so that control of EQ and SQ is still low, causing RBP children to be unable to control their own emotional state; (c) Self-regulation is a factor of the attention process and a factor of awareness of negative emotions. The more children are able to realize the negative emotions that may arise in themselves and the more children are able to control their attention to something (attention process), the more children are able to resist urges and control their behavior; (d) Peer or environmental factors that are less supportive of the child's growth and development.

Based on the results of interviews conducted with Junaedi (November, 2021) as KASUBSI BIMKEMAS and Child Alleviation, it is obtained that the children of criminal offenders who are in Class I A Medan Children's Prison basically have the same behavior as children in general, but if you pay further attention to the causes of criminal behavior of children including RS and RBP children, they are more influenced by factors outside the child's personality, such as poor environmental factors, low education levels, and coming from families who lack affection and attention to child development so that they form a mindset towards criminality.

Based on interviews with Mrs. Eryani Siahaan (November, 2021) as a nurse and observer of child development, in terms of growth and development and the daily life of children in Class I A Medan Children's Prison, basically have the same playing habits as other children outside the prison, only in terms of socializing have a high level of arrogance and are more difficult to be told by prison officers.

Based on the descriptions above, it can be concluded that the majority of the causes of the criminal acts of murder committed by the defendants YQ, RT, RS, and RBP, are more due to internal factors or external factors from the child, this is in accordance with the theory put forward by Sigmund Freud which states that a person commits a criminal

act because of the impetus from within the person, namely the id, ego, and super ego, as well as the theory put forward by Alberd Bendura that crimes occur due to the learning process in the environment.

Against the juvenile justice process, in making decisions judges use emotional intelligence in seeing the problems of children as a whole in society. which is done by children comes from the role of society. Children cannot be burdened with actions that deviate from the legal norms committed by children without examining the overall causes in society.

After seeing the actual legal facts associated with the problems of juvenile delinquency comprehensively, judges must use true and fair spiritual intelligence in considering and imposing juvenile criminal decisions. Axiologically, the judge's consideration in imposing criminal sanctions must consider the greater interest. The imposition of punishment against children must pay attention to the child's mental development, the objective conditions of the child's internal and external circumstances, the best interests of the child, and the child's future. Children are the heirs and hopes of the nation, the future of children is the future of the nation (Hidayat, 2017).

Although Law No. 11/2012 on the Juvenile Criminal Justice System limits the criminal offenses that can be resolved with a diversion mechanism or restorative justice approach, in court, the judge will still seek mediation between the perpetrator and victim through their family to reconcile (Marlina, 2009). Based on an interview with Nurniati (November, 2021) Although in reality the judge seeks diversion, in practice in the field the agreement between the victim and the perpetrator rarely finds common ground to reconcile. This is due to the hurt of the victim or the victim's family towards the perpetrator and compensation that is not commensurate with the perpetrator's guilt. Because murder is a very heinous and serious act.

4. Conclusion

Based on the results and discussion above, it is concluded that the causes of the criminal act of murder committed by children in the perspective of criminal psychology are due to internal and external factors. Internal factors mean that it is related to the situation from within the perpetrator who is the cause of the criminal act of murder, this happens to RT children where the lack of self-control in the child perpetrator so that the Id, ego, and super ego, do not run well, this is in line with Sigmund Freud's psychoanalysis theory. Meanwhile, external factors, where factors from outside the perpetrator become the cause of the criminal act of murder, this happened in the case of children YQ, RS and RBP, the criminal behavior is the result of psychological learning from the people around him. In addition to these factors, there are many factors that cause crimes committed by a child, this should be a concern for parents, society, government, and law enforcement officials, that the importance of mental health, soul and psychology of a child, as well as a healthy environment for the growth and development of children.

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