

## LAW ENFORCEMENT AGAINST JUVENILE MOTORCYCLE THEFT OFFENSES: A STUDY AT THE NORTH SUMATRA REGIONAL POLICE

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### ABSTRACT

This thesis examines law enforcement against juvenile motorcycle theft, focusing on the North Sumatra Regional Police. It addresses three key issues: (1) the statutory framework governing theft; (2) the enforcement strategies applied to juvenile offenders; and (3) the institutional obstacles encountered in practice. Employing normative legal research with a descriptive-analytical design, the study relies on primary and secondary legal materials through a doctrinal approach. The findings indicate that theft is regulated under Article 362 of the Indonesian Criminal Code and Articles 476–477 of Law No. 1 of 2023 on the Criminal Code. The North Sumatra Regional Police implement both penal measures, through formal criminal proceedings, and non-penal approaches emphasizing prevention and diversion in handling juvenile offenders. Enforcement challenges stem from the absence of comprehensive implementing regulations and budgetary constraints imposed at the central level, which limit operational facilities and institutional capacity. The study underscores the need for regulatory clarity, adequate institutional support, and strengthened preventive mechanisms within the juvenile justice framework.

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### INTRODUCTIONS

The crime of Curanmor is part of a crime that must be made formally, which is prohibited and there is a threat of punishment, which is part of taking, and in Dutch "zichtoeigenen" and part of control. Because in the next discussion the author can understand that "zichtoeigenen" has a different meaning from the meaning of "having", and in fact it is now widely used in the Criminal Code which is interpreted into Indonesian, although it is true that the act

of "having" itself is included in the meaning of "*zichtoeigenen*" as referred to in article 362 of the Criminal Code. (Christie et al., 2021)

Law as a configuration of human civilization goes hand in hand with the growth and development of society as a community where humans grow and develop. However, recently, there have been various distortions of change in Indonesian society which is then known as a moral crisis. Criminal law is a system of rules that regulates all acts that are not allowed to be done (which are prohibited to be done) by every Indonesian citizen, accompanied by strict sanctions for any violators of the criminal rules as well as procedures that must be passed for the competent parties in enforcing it.

Criminal acts are caused by several factors such as drugs, the environment, the economy, wrong associations, existing opportunities and others. These factors that have occurred in Indonesia have shown negative effects. Many people do the wrong thing solely to meet their living needs. Now in order to meet the needs of life, a person does not think about the consequences of his actions. This has been contrary to the moral values in Pancasila. Even for some perpetrators of criminal acts, they are not afraid of the law enforcement officers who regulate security and public order. (Jainah & Husna, 2022; K. Sari, 2023)

Criminal acts in general are not born alone, but are influenced by various interrelated factors, both from within the individual and from the surrounding environment. Internal factors include personal aspects that are inherent in a person, such as psychological condition, gender, age, physical condition, level of intelligence or mental weakness (feeble-mindedness), physical handicaps, status as a twin, race, and family background. These elements can shape an individual's character, mindset, and ability to control themselves and make decisions. On the other hand, external factors come from outside the individual and are rooted in his or her social environment. These factors include education, communication patterns in society, cultural factors, economy, politics, modern social dynamics, the role of minority groups, and geographical conditions. A number of criminological theories also emphasize that crime often arises as a manifestation of group influence and broader cultural conflicts, in which individuals interact with different values, norms, and social pressures in society. (Br Ginting et al., 2025; Indriyuni, 2020)

The forms of criminal acts are very diverse such as theft, robbery, rape, murder and so on. But the form of crime that we often see and hear about is the crime of theft. Theft in the general sense is taking someone else's property with the intention of owning it without the permission of the owner of the item. In the act of theft, a person has various ways or modes of doing it. This research will be researched is a criminal act of motorcycle theft committed by children. Criminal law policies both penal (criminal law) and non-penal (policies outside criminal law) in terms of dealing with theft crimes with aggravation. Policies to prevent and control crime include the field of "criminal policy". This criminal policy is also inseparable from the broader policy, namely social policy which consists of policies/efforts for community protection (*social defence policy*).

Crime prevention policies (criminal politics) carried out using penal means will be very important in efforts to counter them because in terms of penal policy, especially at the judicial/applicator policy stage (*criminal law enforcement in concerto*) must pay attention to and lead to the achievement of the goals of the social policy, in the form of "*social welfare*" and "*social defence*". Criminal acts are a form of behavior that is formulated socially or according to the law, so criminology studies all aspects related to the socio-juridical formulation of the above-mentioned forms of behavior. In this connection, it is often stated that the study of criminology also includes the study of the processes of law formation, violations of the law, as well as social reactions to violations of the law, including the formal social reaction to crimes that are manifested in the form of law enforcement processes, especially the work of elements of the criminal justice system. (Devi & Irawati, 2026; Gunawan & Yusuf, 2025)

Law enforcement is one of the serious problems for the Indonesian nation. Law enforcement as an effort of all the nation's powers, becomes the collective obligation of all components of the nation (and this is also a mistake that the law should only be enforced by certain groups). Motorcycle theft (*Curanmor*) is part of the theft that occurs because

it is too easy for the Ranmor perpetrators to carry away the stolen goods. Based on the data quoted by the author from the [waspada.co.id](http://waspada.co.id) of the Directorate of Criminal Investigation (Dit) of the North Sumatra Regional Police handling motorcycle theft cases, namely, the first quarter 613, the second quarter 708 cases, the third quarter 863 cases and the fourth quarter 805 cases with a total of 2,989 cases.

Of the 2989 cases that occurred in North Sumatra Province, 70% of the mode used fake keys and another 30% of the perpetrators were minors. Judging from the age level, motorcycle theft cases are not only carried out by adults, but their age is still minors. The number of children who become perpetrators of Curanmor is due to various factors, one of which is that children are affected by the orders of adults who will carry out Ranmor's actions. Children are part of the younger generation who will develop and become one of the resources that have the potential of the next generation of the nation and have a strategic role and have special characteristics to carry out coaching and protection to ensure harmonious and balanced physical and mental development. Children in community life are a happiness for families and their parents. Children who have been born are highly expected for families not to become thugs, thieves, pickpockets, or *gepeng* (beggars), but to become educated children for the family in the future, become the backbone of the family, bring the good name of the family, and even become the hope of the nation and the nation. (Devi & Irawati, 2026; Tjaya et al., 2024)

The investigation process of the child must be treated well in the investigation process. The birth of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System on July 3, 2012 provides differentiation in treatment and protection for the implementation of children's rights and obligations, especially children as suspects in the criminal justice process, which includes all criminal procedure procedures, starting from police investigations, investigations and ending in criminal execution. The elements of theft are as follows, "taking, an item, the object wholly or partially belonging to another person, with the intent to possess for himself, unlawfully. Based on the background of the problem that has been described, the author is interested in conducting research where this thesis research is a requirement that must be carried out in order to complete the study in the Master of Law postgraduate program at the University of Medan Area. Therefore, the author raised the title of the thesis, namely "Law Enforcement Against the Crime of Motorcycle Theft Committed by Children (Study at the North Sumatra Police)". (Aditama & Faozi, 2024; Azhawa et al., 2025)

The problem formulation in this thesis research focuses on three main aspects that are interrelated. First, this study examines how legal regulations regarding the crime of theft are regulated in the provisions of applicable laws and regulations. Second, this study analyzes the form and mechanism of law enforcement carried out by the North Sumatra Police against the crime of motorcycle theft committed by children, including the approach used in the framework of the juvenile criminal justice system. Third, this study identifies and evaluates various obstacles faced by the North Sumatra Police in the process of law enforcement against children as perpetrators of motorcycle theft, both normative, structural, and technical operational.

## **METHOD**

This thesis research was carried out at the North Sumatra Regional Police which is located at Jalan Sisingamangaraja Km 10.5 Medan, North Sumatra Province. The research uses a type of normative juridical research with a descriptive-analytical approach. This approach focuses on the study of legal norms contained in relevant laws and regulations, doctrines, and legal principles. The scope of research includes the study of legal principles, legal systems, vertical and horizontal synchronization between regulations, legal comparisons, and aspects of legal history. The descriptive-analytical nature is used to provide a systematic and detailed picture of the problem being studied, as well as to conduct a critical analysis of the applicable legal provisions in the context of law enforcement against the child perpetrator of motorcycle theft. (Zainuddin & Karina, 2023)

The subject of this study is law enforcement against the crime of motorcycle theft committed by children in the North Sumatra Regional Police. The research informants consist of North Sumatra Police personnel who have competence, experience, and understanding of the problems being studied, as well as meet the criteria of physical and spiritual health and are willing to become informants. The data acquisition procedure is carried out through direct interviews with informants to obtain relevant and in-depth information about law enforcement practices, obstacles faced, and mechanisms for resolving them.

The main data collection is carried out through literature studies or document studies by utilizing secondary data consisting of primary, secondary, and tertiary legal materials. Primary legal materials include relevant laws and regulations, especially Law Number 35 of 2014 concerning Child Protection and other related provisions. Secondary legal materials are literature, books, and scientific works that support the analysis, while tertiary legal materials include legal dictionaries and encyclopedias. All data obtained are analyzed qualitatively through the process of collection, processing, and systematic preparation, then concluded by deductive method from general provisions to specific conclusions that answer the formulation of the research problem.

## RESULT AND DISCUSSIONS

### Law Enforcement Carried Out by the North Sumatra Police Against the Crime of Motorcycle Theft Committed by Children

Law enforcement is the process of trying to enforce legal norms in practice or used as a guideline for road users and legal relations in the life of society and the nation. Conceptually, the essence and meaning of law enforcement is the attitude towards values and behaviors outlined in healthy rules, as the final stage of a series of elaboration of values to create, produce and maintain a peaceful community life of activities that harmonize relationships with society. Based on an interview with Mr. Brigpol Yudha Widya Sapta, the law enforcement carried out by the North Sumatra Police against the crime of motorcycle theft committed by children is that the process is adjusted by referring to Law No. 11 of 2011 concerning the juvenile criminal justice system. This is because the legal rules of the juvenile criminal justice system have a purpose in protecting and fostering children who deal with the law, and the judicial process with adult children is certainly very different. (Janna et al., 2023; Tjaya et al., 2024)

Law enforcement with non-penalties is law enforcement outside the court, where the goal is to make children have a deterrent effect so that criminal acts can be anticipated. This is because non-penal law enforcement is made to prevent people from violating the law and generally this is done by police agencies. Non-penal law enforcement is made by the North Sumatra Police against children who commit the crime of motorcycle theft, namely by arresting children who have been proven to have committed the crime of motorcycle theft. The child was arrested when a routine raid was carried out by the North Sumatra Police. This routine raid activity is carried out at night, especially on national holidays with the intended location being a location that is always crowded with people, a gathering place for teenagers, a quiet place and a narrow road that lacks security and lighting. This raid activity was raised to the alert level past midnight, which aims to take action against groups of children and adolescents who want to commit the crime of motorcycle theft.

Non-penal law enforcement efforts through routine raids are carried out by coordinating with other parties such as the Police and Police in the jurisdiction of North Sumatra, community leaders and all communities in North Sumatra province. In this case, the North Sumatra Police appealed to the Police and Police Stations in the jurisdiction of the North Sumatra Police to tighten routine raids. And also the public is urged to immediately report if the public sees minors who commit motorcycle theft. After the arrest and examination of the child whose reference is in the Law on the Juvenile Criminal Justice System, from which from the Law there are things that the North Sumatra Police do, namely by diversion for children aged 12-14 years with losses experienced by the victim that are not severe and take action with the Law on the Child Criminal Justice System who commit theft with violence. Diversion is a non-penal

method of law enforcement made by the North Sumatra Police against children involved in motorcycle theft. Diversion is a flow for peace in the process of resolving a case by finding the perpetrator and the victim in order to reach an agreement in reconciliation. However, this diversion process can be carried out if it is known who the victim of the crime of motorcycle theft committed by the child is. (Br Ginting et al., 2025; Devi & Irawati, 2026; Rizky et al., 2024)

The results of the interview with Mr. Brigpol Yudha Widya Sapta that after the child was arrested, the next stage was to conduct an examination of the child. If the child is proven to have committed the crime of motorcycle theft in the examination, then the child will be immediately processed legally. However, since this is done in a non-penal manner, the efforts made are by diversion. Diversion can be made if the victim and the evidence are known, because in this diversion process we bring together the victim and the perpetrator and the family continues to have a consensus deliberation process. When there is an agreement to make peace, it will be made with a peace agreement. After that, the Police, in this case the North Sumatra Police, will also explain that diversion is made if the victim's losses are not relatively heavy and when cashed out are not more than the minimum wage limit of North Sumatra Province.

Based on this, the author analyzes that the diversionary law enforcement efforts carried out by the North Sumatra Police in handling children involved in motorcycle theft are already in accordance with the rules of the Juvenile Criminal Justice System. This is regulated in Article 7 of Law No. 11 of 2012 which states that:

- a. At the level of investigation, prosecution and examination of children's cases in the District Court, diversion must be sought;
- b. The diversion is carried out if:
  1. The threat of imprisonment is less than 7 years;
  2. Not part of the recidivism.

Furthermore, for perbua, law enforcement with penalties is law enforcement carried out with a court decision, until children who commit criminal acts will be sanctioned in accordance with court decisions. This effort is carried out if the child commits the crime of motorcycle theft that is related to a serious crime and has a fatal impact on the victim, for example, the theft of the motorcycle is carried out with an act of violence. Law enforcement with this penalty must be completed through the court if the child is over 14 years old with a principal or additional criminal offense. After the decision from the panel of judges of the court, the child will be sentenced to the Special Children's Correctional Institution (LPKA) and will not be combined with an adult prison. Of course, this is made and has the intention that in the criminal process, children are coached according to their age and children's privacy is maintained and children are given the freedom to blend in with their friends. (Caprita et al., 2025; Suyoto & Widowaty, 2024)

The results of the interview with Mr. Brigpol Yudha Widya Sapta, children who can be punished criminally will get several forms of protection that have been regulated in Article 64 of Law No. 35 of 2014, namely:

- a. Treat humane and take into account the needs according to their age;
- b. Separated from adults;
- c. Provide legal and other assistance efficiently;
- d. Implementation of recreational activities;
- e. To be freed from torture, punishment, or cruel, inhumane, and degrading treatment.
- f. Avoid the penalty of death or life imprisonment;
- g. Avoid arrest, detention or imprisonment, except for the last attempt and there is a short time.
- h. To be given a sense of justice before the juvenile court which is objective, impartial, and in a closed session to the public;
- i. It is carried out with assistance by parents/guardians and children's confidants;
- j. Provided with social advocacy;

- k. Being given life independently;
- l. Provided access for children with disabilities;
- m. Avoid published identity data;
- n. Be given a proper education;
- o. Provided with health facilities;
- p. Other rights are given by laws and regulations.

In the above case, law enforcement with penalties carried out by the North Sumatra Police in enforcing the law against children involved in motorcycle theft is by means of a child must be imprisoned, where the prison is only less than a year of imprisonment at the Special Child Protection Institution (LPKA). From the sanctions that have been imposed by the court on children who are involved in motorcycle theft, the author analyzes that in the legal system the criminal justice system of children is given limits that are in accordance with the actions they make and can change and can be even better and not repeat their actions. (Hidayat, 2024; Mufty et al., 2023)

From the analysis of this research, law enforcement against children who commit motorcycle theft in the jurisdiction of the North Sumatra Police can be carried out in a penal or non-penal manner whose position refers to the legal rules of the juvenile criminal justice system. This law enforcement effort is carried out by the North Sumatra Police with the aim of making children not to repeat the same mistakes and children can change for the better and be liked by the community. Motorcycle theft that cannot be solved by diversion, the North Sumatra Police made efforts in accordance with the legal rules of the juvenile criminal justice system. As for these efforts, according to Brigpol Yudha Widya Sapta, it is stated that children as perpetrators of motorcycle theft will be returned to their parents/guardians and coached by the family. If the case cannot be resolved by consensus deliberation, the case will be followed up by involving the Correctional Center (Bapas) or the Indonesian Child Protection Commission (KPAI).

### **Obstacles Faced by the North Sumatra Police in Enforcing the Law Against Children Who Commit the Crime of Motorcycle Theft**

In enforcing the law, the meaning of the law is in an activity that aligns the relationship between its values that exist in the appropriate rules in the description that has value in order to create, maintain, and be able to maintain peace in the level of life for association. Law enforcement is a process that will apply discretion related to those who make decisions loosely and there are rules in the law and there are personal elements.

Satjipto Raharjo argued that the problem of law enforcement is generally that law enforcement is part of an effort for the realization of an idea related to legal certainty, legal benefits and social justice to be stated. In the description above, it can be stated that the interference of law enforcement can occur, if there is an inconsistency in the values involved, in the confusing legal rules, and there is no direction of behavior that can cause disturbance of the peace of life. The relationship with the above opinion according to Soerjono Soekanto can be influenced by law enforcement factors, namely: (Fauzi et al., 2023; Jaya et al., 2025)

- a. The legal factor itself;
- b. Law enforcement factors;
- c. Factors of facilities or facilities that support law enforcement;
- d. Community factors;
- e. Cultural factors.

These five factors can be a guideline for a policy to counter the Police against the crime of motorcycle theft committed by children. The constraint that is the reference is seen from the Criminal Code which is old for a long time, and is eligible to be revised so that there are adjustments related to the development of a science and the social status of the community. Of course, again after the ratification of the international system which has a direct and indirect relationship with the criminal procedure law. The provisions of the convention are to be codified into the

national legal system and have a commitment to international provisions that have been ratified. The occurrence of a violation at the level of investigation of motorcycle theft cases committed by children is an administrative and procedural violation in investigation and investigation. Administrative violations at the level of investigation and investigation can occur in mild to severe procedures.

Law enforcers certainly have direct and indirect duties in the field of law enforcement. Law enforcement has limitations among those who are directly in the field of law enforcement which not only includes law enforcement, but also *peace maintenance*. That these groups include those who serve in the fields of justice, prosecutor's office, police, lawyers, and corrections. Law enforcement is more focused on discretion regarding decision-making that is not strictly bound by the law, where personal judgment also plays a role. (Alessandro & Rahaditya, 2024; Fauzi et al., 2023)

An agency must be immediately equipped with certain facilities or facilities and infrastructure, and of course it will not be able to carry out law enforcement without facilities and infrastructure. Facilities and infrastructure are inclusive parts in which there are human energy and minds who have education and skills, good organization, appropriate equipment, sufficient funds, and so on. If the infrastructure does not exist, then of course law enforcement officials will not achieve their duties and goals. The obstacles that must exist in resolving a case are not easy because there are many cases to be resolved gradually, and the time in solving them may be limited. People in seeking justice must wait for their cases to be resolved, and of course they will not wait to buy something necessary.

There are other problems that are closely related to the completion of a case, namely it must be facilitated with the facilities and infrastructure. The law is an effectiveness to anticipate negative sanctions and can be threatened to certain criminal events. The purpose of the law can be to share the impact of the fear effect on the violator potentially, and of course sanctions are given so that for those who violate the law he will not repeat it again. From the above clarity, it is clear that the economic needs and costs in implementing negative sanctions are very calculated, in principle in a good and efficient way, and costs can be minimized in the program in eradicating long-term crime. Certainty in handling cases and their speed has a more tangible impact when compared to the increase in mere negative sanctions. The certainty and speed of handling cases always depends on the input of resources provided in crime prevention and eradication programs. (Al Aslami, 2024; Saputra et al., 2023; Yulistia, 2025)

Diversion is a settlement of children's cases that is transferred from the juvenile criminal justice process to an extra-criminal judicial process as stipulated in Article 1 number 7 of Law No. 11 of 2012 concerning the juvenile criminal justice system. Diversi aims to:

- a. There is peace between the victim and the child;
- b. There is an agreement to settle children's cases outside the judicial process;
- c. Prevention of children from the deprivation of freedom;
- d. Giving children enthusiasm so that there is participation in the community;
- e. Reflects a sense of responsibility to the child.

In a diversion settlement that brings together the perpetrator and the victim in finding a middle way so that there is no loss with the others and an agreement will be reached that will be made in the determination of the court if the diversion is successfully agreed upon by both parties, then the diversion is required to be filled by the investigator as long as the threat of punishment is not more than 7 years and is not recidivise. If the diversification is successfully agreed, the investigator will issue a warrant for the termination of the investigation (SP3) as a result of the diversis agreement in the form of:

- a. To make peace without compensation;
- b. Handed back to parents/guardians;
- c. Participating in education and training at educational institutions (LPKS);
- d. Serving the community for 3 months.

But in fact, in bringing together the perpetrator and the victim, there has been a peaceful result and the victim's family asks for compensation from the perpetrator and the perpetrator is unable to pay the loss, then the victim will take the case to court without using the diversion process at the Police stage, this is an obstacle for the Police in investigating the crime of motorcycle theft committed by the child, because if the perpetrator's family is unable to pay, the victim's family will continue their case to court to get justice from the judge who decided the case. (Rizky et al., 2024; D. P. Sari et al., 2025; K. Sari, 2023)

Based on the results of an interview with Mr. Brigpol Yudha Widya Sapta stated that if the North Sumatra Police investigators have made efforts to undergo diversion that already has legal rules, then if the victim's family does not agree to the diversion, of course it will be an obstacle for the North Sumatra Police investigators in carrying out this legal rule and of course all child cases cannot be diverged.

## CONCLUSION

This study concludes that the legal arrangements regarding the crime of theft have been expressly regulated in the applicable laws and regulations, namely Article 362 and Article 363 of the Criminal Code (KUHP), as well as Articles 476 and 477 of Law Number 1 of 2023 concerning the Criminal Code. This provision provides a normative basis for law enforcement officials in cracking down on theft, including in the context of motorcycle theft committed by children. This regulatory framework shows a continuity between the old arrangements and the renewal of the national criminal law.

The results of the study also show that law enforcement carried out by the North Sumatra Police against the children of perpetrators of motorcycle theft crimes prioritizes settlements outside the court. This approach aims to provide a deterrent effect while still paying attention to the best interests of children within the framework of the juvenile criminal justice system. This mechanism is expected to be able to anticipate the recurrence of criminal acts and encourage a more constructive coaching and rehabilitation process.

This study also found obstacles in the implementation of law enforcement, especially related to the limited mastery, ability, and accuracy of some investigators in handling cases involving children. The complexity of the procedure for investigating criminal acts carried out by children requires special competence, so that the lack of professionalism aspects becomes an obstacle in realizing optimal and fair law enforcement.

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