

# CHAPTER I

## INTRODUCTION

### A. Background

Klaten Regency, located in Central Java between the cities of Yogyakarta and Solo, is one of the regions undergoing continuous development, particularly in the field of education. The regency hosts a wide array of educational institutions, ranging from primary to upper-secondary levels, encompassing both public and private schools of commendable quality. This robust educational infrastructure facilitates the younger generation's access to higher levels of education.

The Klaten Regency located in Central Java faces several challenges related to juvenile delinquency. However, Klaten continues to face several challenges related to child delinquency that warrant serious attention. A significant number of children are already acquainted with smoking, alcohol consumption, street fighting, and various other forms of illegal behavior. Adolescence is a transitional phase toward adulthood during which individuals often experience emotional instability and require proper guidance to navigate their development. This period is marked by both physical and psychological changes. Psychologically, adolescents tend to resist rules and restrictions that limit their sense of freedom. As a result of these developmental changes, many adolescents become involved in behaviors that are considered deviant. One of

the primary contributing factors to child delinquency is the lack of parental involvement in the child's life.<sup>1</sup>

Among the most prevalent offenses committed by minors today is the offences against persons or goods jointly in public. The offences against persons or goods jointly in public refers to collective acts of physical aggression perpetrated by a group against one or more individuals. The perpetrators typically act with a shared intent. These incidents may occur in various settings, including public roads, school environments, and other communal spaces. The motivations behind such acts are diverse, often rooted in personal vendettas, defamation, emotional distress, intergroup conflicts, or differences of opinion.<sup>2</sup> As a result, children who struggle to regulate their emotions and are susceptible to the influence of peers or group affiliations may be particularly vulnerable to engaging in acts of the offences against persons or goods jointly in public.<sup>3</sup>

As a result, many children today become involved in cases of the offences against persons or goods jointly in public that lead to various forms of harm, including external physical injuries, serious bodily harm, and psychological trauma.<sup>4</sup> Article 170, paragraph (1) of the Indonesian Criminal Code (KUHP) stipulates: “*Anyone who openly and collectively uses violence*

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<sup>1</sup> Lilis Karlina, “*Fenomena Terjadinya Kenakalan Anak*”, Journal of Nonformal Education, Available In <https://paperity.org/p/338898299/fenomena-terjadinya-kenakalan-remaja>, Accessed April 10, 2025.

<sup>2</sup> Interview with Sugeng Riyadi S.H., Polres Klaten, February 17, 2025.

<sup>3</sup> Tasya Priya Anggrainy, “*Perlindungan Hukum Terhadap Terdakwa Anak Atas Perkara Pengeroyokan (Studi Kasus Putusan Nomor 5/Pid.Sus-Anak/2022/Pn Smr & 10/Pid.Sus-Anak/2023/Pn Bpp)*”, Thesis, Available at <https://dspace.umkt.ac.id/handle/463.2017/4416>, Accessed on April 10, 2025.

<sup>4</sup> Interview with Sugeng Riyadi S.H., Polres Klaten, February 17, 2025.

*against persons or property shall be subject to imprisonment for a maximum of five years and six months.”*

The law serves not only as a tool to maintain public order but also as a mechanism to uphold a sense of justice within society. In this context, child justice incorporates distinct characteristics and approaches in handling minors—whether as perpetrators, victims, or witnesses. Although the legal provisions defining criminal offenses are generally the same under the Criminal Code, the judicial process and sanctions imposed on minors differ from those applied to adults.<sup>5</sup>

Based on Article 1 of Law No 11, 2012 on the Child Criminal Justice System, child is a person who has reached the age of 12 (twelve) years and is not yet 18 (eighteen) years old.<sup>6</sup> The imposition of punishment for law violators who are still children is regulated in Article 71 of Law No. 11, 2012 concerning the Child Criminal Justice System.<sup>7</sup>

Children represent the younger generation entrusted with carrying forward the ideals of the nation’s founders. As future human capital, they play a vital role in the country's development. However, the process of growth and development during childhood and adolescence is often accompanied by experiences that can contribute to delinquent or criminal behavior.<sup>8</sup>

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<sup>5</sup> Dhany Setyowati, “*Penyelesaian Tindak Pidana Anak Pelaku Pengeroyokan Yang Berakibat Kematian*”, Thesis, Available at <https://eprints.ums.ac.id/88823/>, Accessed April 10, 2025.

<sup>6</sup> *Ibid*

<sup>7</sup> *Ibid*, Article 71-86.

<sup>8</sup> Tasya Priya Anggrainy, *Op.Cit*

Therefore, children who commit crimes such as the offences against persons or goods jointly in public require appropriate intervention and legal handling. While minors who violate the law must be held accountable for their actions, the Indonesian legal system-through Law No. 11, 2012 on the Child Criminal Justice System emphasizes a restorative justice and diversion approach. This framework seeks to protect the rights and welfare of the child without disregarding the need for accountability.

According to Sugeng Riyadi, S.H., Head of the Criminal Investigation Unit at the Klaten Police Department, the department handled a total of 51 cases of the offences against persons or goods jointly in public involving minors between 2021 and 2024. These figures highlight the ongoing prevalence of child involvement in collective acts of violence during this period.

**The Offences Against Persons or Goods Jointly In Public Cases Data  
in Klaten Police Department (2021–2024)**

<b>No.</b>	<b>Year</b>	<b>Case</b>	<b>Number of cases</b>	<b>Number of children involved</b>	<b>Cases Resolved</b>
1	2021	The Offences against Persons or Goods Jointly in Public	4	2	3

2	2022	The Offences against Persons or Goods Jointly in Public	24	20	16
3	2023	The Offences against Persons or Goods Jointly in Public	7	5	6
4	2024	The Offences against Persons or Goods Jointly in Public	16	13	10
Total			51	40	35

Investigators at the Klaten Police Department apply Article 170 of the Indonesian Criminal Code (KUHP) in handling cases of the offences against persons or goods jointly in public involving child perpetrators within Klaten Regency.<sup>9</sup>

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<sup>9</sup> Interview with Sugeng Riyadi S.H., Polres Klaten, February 17, 2025.

With the above cases, researchers are interested in raising the issue of assault committed by children as a subject for research. They are also examining how the Klaten District Police handle cases involving children in Klaten District and how they enforce the Law No. 11, 2012.<sup>10</sup>

This study aims to analyze the implementation of legal provisions concerning child offenders of the offences against persons or goods jointly in public in Klaten Regency during the period from 2021 to 2024. Accordingly, the author intends to conduct research based on these cases, which are presented in this academic thesis entitled “Legal Enforcement Against Child Perpetrators of The offences against persons or goods jointly in public in Klaten Regency, 2021-2024.”

## **B. Research Problems**

1. What are the factors causing the offences against persons or goods jointly in public in Klaten District?
2. How does the Klaten Police enforce the law to control the offences against persons or goods jointly in public in Klaten Regency?

## **C. Research Objectives**

1. To identify and analyze the factors causing the offences against persons or goods jointly in public in Klaten District.

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<sup>10</sup> Pratama willyanto, “*Penegakan Hukum Tindak Pidana Pengeroyokan Oleh Anggota Anak Geng Motor Kepolisian Resor Kota Jambi Istudi Kasus) Lp/B152/Vii/2022/Spkt C/Polsek Telanaipura/Polresta Jambi Polda Jambi*”, Thesis, Available at <http://repository.unbari.ac.id/2234/1/S%20K%20R%20I%20P%20S%20I%20Pratama%20willyanto.pdf>, Accessed April 10, 2025.

2. To analyze the Klaten Police enforce the law to control the offences against persons or goods jointly in publicault in Klaten Regency.

**D. Research Originality**

This study differs from previous research, especially the legal study entitled “*Application of Law for Child Perpetrators of Group Assault in Klaten Regency 2021-2024.*” Although several earlier studies have examined the legal processes concerning perpetrators of group assault crimes, the focus and substance of the topics discussed in this study are distinct.

No	Authors	Title	Distinction
1.	Haryanto Ginting and Muazzul	The Role of the Police in Implementing Restorative Justice for Juvenile and Adult Perpetrators of Group Assault Crimes	1. Research Objectives:  To examine the role of the police in implementing restorative justice for juvenile and adult perpetrators of group assault crimes in Namo Rambe District, Deli Serdang Regency.  Therefore, this research aims to examine other cases:  1. Research Objectives :

			<p>a. To identify and analyze the factors causing the offences against persons or goods jointly in public in Klaten District.</p> <p>b. To analyze the Klaten Police enforce the law to control the offences against persons or goods jointly in publicault in Klaten Regency.</p>
2.	Syafa Widyaningga r	Law Enforcement Against Klitih Crime Perpetrators at the Klaten Police Department: Perspectives from Positive Law and Islamic Law	<p>1. Research Problems: First, how does the Klaten Police Department undertake legal measures in handling perpetrators of Klitih crimes? Second, What are the perspectives of Islamic law and positive law</p>

			<p>regarding perpetrators of Klitih crimes?</p> <p>2. Research</p> <p>Objectives:</p> <p>a. To identify the efforts undertaken by the Klaten Police Department in enforcing legal actions against perpetrators of Klitih crimes.</p> <p>b. To examine the perspectives of positive law and Islamic law concerning perpetrators of Klitih crimes.</p> <p>Therefore, this research aims to examine other cases:</p> <p>1. Research Problems:</p> <p>a. What are the factors causing the offences</p>
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			<p>against persons or goods jointly in public in Klaten District?</p> <p>b. How does the Klaten Police enforce the law to control the offences against persons or goods jointly in publicault in Klaten Regency?</p> <p>2. Research Objectives :</p> <p>a. To identify and analyze the factors causing the offences against persons or goods jointly in public in Klaten District.</p> <p>b. To analyze the Klaten Police enforce the law to control the offences against persons or goods jointly in publicault in Klaten Regency.</p>
3.	1. Kade k Velantika	The Handling of Group Assault Crimes	1. Research Problems :

	<p>Adi Putra</p> <p>2. Gede</p> <p>Made</p> <p>Swardhana</p> <p>3. Sagun</p> <p>g Putri M.E.</p> <p>Purwani</p>	<p>Committed by Minors</p> <p>within the Jurisdiction of</p> <p>Denpasar Police Office</p>	<p>a. What factors contribute to the occurrence of group assault crimes committed by minors?</p> <p>b. What efforts have been made, and what obstacles are encountered in handling group assault crimes committed by minors within the jurisdiction of Denpasar Police Office?</p> <p>c. To identify the efforts and challenges in addressing group assault crimes committed by minors within the jurisdiction of Denpasar Police Office.</p> <p>2. Research Objectives :</p>
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			<p>To identify the factors that lead minors to commit group assault crimes and to examine the efforts and challenges faced by the Denpasar Police Office in handling these cases</p> <p>Therefore, this research aims to examine other cases:</p> <p>1. Research Problems:</p> <p>a. What are the factors causing the offences against persons or goods jointly in public in Klaten District?</p> <p>b. How does the Klaten Police enforce the law to control the offences against persons or goods</p>
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			<p>jointly in publicault in Klaten Regency?</p> <p>2. Research Objectives :</p> <p>a. To identify and analyze the factors causing the offences against persons or goods jointly in public in Klaten District.</p> <p>b. To analyze the Klaten Police enforce the law to control the offences against persons or goods jointly in publicault in Klaten Regency.</p>
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## **B. Literature Review**

### **1. Crime of Group Assault**

The term *pengeroyokan* originates from the Indonesian word *keroyok*, which means “to attack in a crowd” according to the Big Indonesian Dictionary (KBBI). Based on this definition, group assault can be defined as a legal violation involving physical or verbal violence committed by a group against an individual. Group assault is described in Article 170 of the Criminal Code (KUHP). Paragraph 1 of this article

explains that anyone who openly and with joint force uses violence against persons or objects, shall be punished by a maximum imprisonment of five years and six months.

Article 170 (2) of the Criminal Code also explains in the third point that the guilty party will be sentenced to a maximum imprisonment of 12 years if the violence results in death. Meanwhile, the criminal penalties imposed on perpetrators of assault by child are regulated in Article 5 and Article 7 of Law No. 11, 2012 concerning the child Criminal Justice System.<sup>11</sup>

This is based on the principle of *lex specialis*, whereby the special Criminal Justice System for Children Act takes precedence over the general Criminal Code in handling criminal cases involving children. Therefore, in the application of legal proceedings, the Criminal Justice System for Children Act will be used to handle cases of assault committed by children.

Article 1 paragraph 1 of Law No. 11, 2012 concerning the Child Criminal Justice System explains that the Child Criminal Justice System is the entire process of resolving cases involving children in conflict with the law, from the investigation stage to the guidance stage after serving their sentence.<sup>12</sup> This law was enacted with the aim of providing protection and special treatment for children in conflict with the law.

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<sup>11</sup> Editorial Team, *KUHAP and KUHP*, EFATA Publishing, Yogyakarta, 2019, page. 205.

<sup>12</sup> Undang-Undang No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak Article 1.

In handling cases of law violations committed by children, law enforcement officials must also refer to Law No. 35 of 2014 on Child Protection. Article 1(2) of Law No. 35 of 2014 states that child protection encompasses all activities aimed at ensuring and safeguarding children and their rights so that they may live, grow, develop, and participate optimally in accordance with the dignity and worth of humanity, and receive protection from violence and discrimination. Meanwhile, Article 1, Paragraph 1 also explains that a child is defined as a person who has not yet reached the age of 18 (eighteen) years, including a child still in the womb.<sup>13</sup>

## **2. Criminology Theory**

The study of crime is known as criminology. The term “criminology” refers to the study of crime or causing the offences against persons or goods jointly in public, which was introduced by French anthropologist, P. Topinard (1830-1911). In this term, “crimen” means crime or criminal, while “logos” means science. According to Bonger, criminology is a science that comprehensively examines various aspects of crime. The field of study known as criminology analyzes crime as a social phenomenon, including the process of law formation and violation. Overall, criminology seeks to study crime from a variety of perspectives, in the hope of gaining a deeper understanding of the phenomenon.

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<sup>13</sup> Undang-Undang No. 35 Tahun 2014 Tentang Perubahan Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak, Article 1.

Criminologists generally agree that the main focus of criminological investigation includes various aspects, such as crime, criminals, deviant behavior, deviant offenders, and victims of crime. They also pay attention to how society reacts-both formally and informally-to deviant behavior, both good and bad. In particular, attention is drawn to how the criminal justice system functions and how society responds to offenders and victims of crime. In the context of social phenomena, sociology studies the entire object of this research. Thus, the study of criminology is seen through the eyes of society.

Many theories explain the causes of the offences against persons or goods jointly in public. Some of the theories that explain the offences against persons or goods jointly in public are as follows:<sup>14</sup>

a. Routine Activity Theory

Routine Activity Theory was proposed by Lawrence Cohen and Marcus Felson (1979). This theory highlights three main elements that cause crime, namely: motivated offenders, suitable targets, and the absence of effective guards. For example, burglaries often occur at night due to neighborhoods that tend to be quiet, a lack of guards, and homes or businesses left unattended.

b. Routine Activity Theory

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<sup>14</sup> Meilani Sinta Uli Rajagukguk, “Pengejawantahan Teori-Teori Kriminologi Dalam Putusan Tindak Pidana Pencurian Dengan Pemberatan (Studi Putusan Di Pengadilan Negeri Palembang Tahun 2023)”, Thesis, available a <http://repository.unsri.ac.id/159362/>, Accessed April 10, 2025.

This theory was proposed by Sutherland, who argued that a person can learn criminal behavior by joining other individuals who violate social norms, including legal norms, through a communication process between them that runs directly in the community. This learning process includes not only the techniques of crime, but also the motives, drives, attitudes, and rationalizations sufficient to commit antisocial acts.

c. Strain Theory

This theory assumes that humans are basically creatures who will continue to violate laws, norms, and regulations because of the differences in goals and ways to achieve the goals of each individual are so great, so breaking the law is a fast way that many choose to immediately achieve goals. In other words, humans are basically good individuals, but it is the social conditions that create pressure, stress, and tension that ultimately lead to crime.

d. Rational Choice Theory

This theory was first proposed in 1987 by Ronald Clarke and Derek Cornish. This theory explains that individuals commit crimes as a result of rationally made decisions. According to this theory, before deciding to act, criminals evaluate the advantages and disadvantages of the actions they will take

e. Crime Pattern Theory

Crime Pattern Theory was first introduced in the 1980s by two Canadian criminologists, Patricia L. Brantingham and Paul J. Brantingham.

This theory focuses on the relationship between criminal behavior and the physical and social environment in which crime occurs. The theory explains that criminals tend to commit acts in areas that are familiar or close to their daily routes, such as where they live, work or regular travel routes. They identify areas where they feel more comfortable and know how to perform actions with low risk.

### **3. Law Enforcement**

Soerjono Soekanto explained that law enforcement is an activity of harmonizing the relationship of values that are spelled out in rules or views of values that are stable and manifest and attitudes of action as a series of final stage value elaboration to create (as social engineering) maintain and maintain (as social control) the peace of life.

Law enforcement is how law enforcement officials apply the law. In this case, law enforcement officers do not have to be police, prosecutors or judges, but all government institutions authorized to enforce or apply the law. The existence of law enforcement makes the law or law not just a document. Therefore, the success of the law depends on good cooperation between law enforcers in order to achieve the goal of making perfect laws.<sup>15</sup>

The definition of law enforcement can be seen from two perspectives, namely broadly and narrowly. In a broader sense, law enforcement is not just implementing written regulations, but also ensuring

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<sup>15</sup> Lalu Kemal Eka Putra,” *Penegakan Hukum Terhadap Tindak Pidana Perjudian Online Di Tinjau Dari Undang-Undang Informasi Dan Transaksi Elektronik (Studi Kasus Polresta Mataram)*”, Thesis, Available in <https://repository.ummat.ac.id/3491/>, Accessed April 10, 2025.

that the values of justice that exist in society are applied. Meanwhile, in a narrower sense, law enforcement only focuses on the application of formal rules without considering deeper aspects of justice. Therefore, the translation of the word 'law enforcement' into Indonesian uses the word 'law enforcement' in the broad sense and can also use the term 'rule enforcement' in the narrow sense. This distinction between the formality of the written rule of law and the scope of justice values it contains has even emerged in English itself with the development of the term 'the rule of law' versus 'the rule of just law' or in the term 'the rule of law and not of man' versus the term 'the rule by law' which means 'the rule of man by law'. The term 'the rule of law' contains the meaning of government by law, but not in its formal meaning, but also includes the values of justice contained therein. Therefore, the term 'the rule of just law' is used. The term 'the rule of law and not of man' is intended to emphasize that in essence the government of a modern legal state is carried out by law, not by people. The opposite term is 'the rule by law' which refers to rule by people who use the law as a mere instrument of power.<sup>16</sup>

Law enforcement related to assault committed by children or students is regulated in Article 170 of the Criminal Code (KUHP). If the perpetrator is still classified as a minor, then the legal process applied will

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<sup>16</sup> Jimly Asshiddiqie, *Penegakan Hukum*, available at [https://spada.uns.ac.id/pluginfile.php/541934/mod\\_resource/content/1/Penegakan\\_Hukum.pdf](https://spada.uns.ac.id/pluginfile.php/541934/mod_resource/content/1/Penegakan_Hukum.pdf), accessed July 28, 2025.

follow the provisions contained in Law No. 11, 2012 concerning the Child Justice System.

Diversion is a method of resolving cases involving children in legal matters without having to go through the criminal justice process. This is explained in Article 1 point 7 of Law No 11, 2012 on the Child Criminal Justice System (Law No. 11, 2012). Article 5 paragraph (3) of the Law No. 11, 2012 emphasizes that every case in the child criminal justice system seeks to be resolved through a diversion mechanism. The diversion process is carried out through deliberations involving various parties, such as the children involved, their parents, victims and/or their parents, community counselors, and professional social workers. In this deliberation, a restorative justice approach is used to achieve a fairer settlement for all parties involved. The purpose of diversion, as stipulated in Article 6 of the Law No. 11, 2012, is to create peace between the victim and the child, resolve the child's case without going to court, prevent the child from possible imprisonment, encourage community participation in problem solving, and instill a sense of responsibility in the child for his or her actions.<sup>17</sup>

Diversion can be applied to children involved in criminal offenses that carry a prison sentence of under seven years. Meanwhile, detention is only allowed if the sentence is seven years or more. In other words, if a case

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<sup>17</sup> Undang-Undang No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak article 5 and article 6.

qualifies for diversion, the child should not be detained, as detention is only applicable for criminal offenses that carry a sentence of seven years or more. In these circumstances, child judges are required to seek alternatives to diversion if the child is charged with a criminal offense that carries a sentence of less than seven years. This is so that the case resolution process can be carried out with a more educational approach and is not detrimental to the child's future.

In the law enforcement process, there are five important things that become factors that greatly influence law enforcement according to Soerjono Soekanto:<sup>18</sup>

a. Legal Factors

The main problem most often found in this legal factor is the conflict between legal certainty and justice. This is because the basis of justice is an abstract formulation, while legal certainty is a procedure that has been determined normatively. Law has a very important role in people's lives. Law is not only a parameter for justice, order, peace and order, but also to ensure legal certainty in the midst of society. In its development, the law is also directed as a means to promote the welfare of society.

b. Law Enforcement Factors

The functioning of a law will be greatly influenced by the quality factor of law enforcers. If the law that has been formed is good, then the

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<sup>18</sup> Yusuf Dm, Mohd et al, *Faktor Yang Mempengaruhi Efektivitas Penegakan Hukum Dalam Pergulan Masyarakat*, Journal of Education and Counseling, Vol. 5 No. 2, Pahlawan Tuanku Tambusai University, 2023, page. 1935-1936.

suitability in its application will be determined by law enforcers. As stated by J.E Sahetapy, in the framework of law enforcement and implementation of law enforcement, upholding justice without truth is a policy. Enforcement of truth without honesty is hypocrisy. In the framework of law enforcement by every law enforcement agency, justice and truth must be stated, must be felt and seen, and must be actualized. The law will only be maximally enforced if law enforcers can enforce the law optimally. However, in reality, the process of law enforcement by law enforcers can sometimes face a disturbance, which may occur if there is a disharmony between the trinity of values, rules, and patterns of behavior.

c. Facilities

Good legal facilities will be very helpful in realizing optimal law enforcement. Educated and skilled human resources, good organization, adequate equipment, sufficient finance, are the means and facilities needed in law enforcement. Because law enforcement is a process to realize the goals in law in order to become a reality and adhered to by the community, of course it must be supported by supporting facilities as well.

d. Community Factors

Soerjono Soekanto emphasized that culture has a very large function for humans and society. Culture regulates so that humans can understand how to act, do, and determine their attitude when interacting with

other people. The better the culture of a society, the better the application of law that will be implemented in the midst of society.<sup>19</sup>

e. Cultural Factors

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### C. Operational Definition

The operational definition is an explanation of the variables in a study, which aims to identify the main indicators to be studied, which can be described as follows:

#### 1. Criminology

Criminology is the science of investigating and researching crime. Criminology comes from Latin and consists of two words: “Crimen,” which means crime, and “Logos,” which means science. Thus, criminology can be understood as the study of crime.<sup>20</sup> In this research, criminology is recognized as a discipline that focuses on understanding the causes behind acts of deviant behaviour committed by children, as well as the factors that trigger such violence. Specifically, this research investigates cases of the offences against

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<sup>19</sup> Yusuf Dm, Mohd et al, *Faktor Yang Mempengaruhi Efektivitas Penegakan Hukum Dalam Pergulan Masyarakat*, Journal of Education and Counseling, Vol. 5 No. 2, Pahlawan Tuanku Tambusai University, 2023, page. 1936.

<sup>20</sup> Besse patmawati, *kriminologi*, Ctk. 1, Eureka Media Aksara, Purbalingga, 2023, e-book, page. 1.

persons or goods jointly in public committed by children in the jurisdiction of Klaten Police.

## **2. Children in Conflict With The Law**

In Article 1 of Law No 11, 2012 the term “children in conflict with the law” refers to children involved in the legal process, either as perpetrators, victims, or witnesses in criminal offenses. Children in conflict with the law, or often referred to as perpetrators, are those who are at least 12 years old but have not reached 18 years old and are suspected of being involved in a criminal offense. On the other hand, children in conflict with the law, known as child witnesses, are children under the age of 18 who are able to provide information in the investigation, prosecution, or trial stages related to a criminal case that they have witnessed, heard, or experienced firsthand.<sup>21</sup>

## **3. Diversion**

Diversion is a policy designed to keep child offenders out of the formal criminal justice process. This step is taken as a form of protection and rehabilitation, with the hope that the child will not become a criminal offender in the future. The concept of diversion prioritizes a persuasive approach, where the offender is given the opportunity to make changes.<sup>22</sup> According to Setya Wahyudi (2020), diversion is a form of diversion or setting aside the conventional judicial process towards an approach that focuses more on social services. The goal of diversion is to prevent children from experiencing the

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<sup>21</sup> Undang-Undang No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak, Article 1.

<sup>22</sup> *Ibid*

negative impact of the criminal justice system. Thus, the main goal is to provide opportunities for children who violate the law to improve themselves through non-formal channels, involving support from the community.

Through this approach, diversion does not only focus on the offender, but also seeks to ensure justice for all parties involved, including law enforcement officials. It has been written in Law No. 11, 2012 concerning the Children Criminal Justice System in article 1 paragraph 7 Diversion is the transfer of the settlement of children's cases from the criminal justice process to a process outside criminal justice. Provisions regarding diversion are specifically regulated in Article 6 to Article 16 of Law No 11, 2012. To clarify the rules of implementation, Supreme Court Regulation No. 4/2014 provides guidelines for the implementation of diversion in the children's criminal justice system. In addition, Government Regulation No. 65/2015 also provides guidelines for the implementation of diversion and the handling of children under 12 years of age.<sup>23</sup>

#### **4. Crime of The offences against persons or goods jointly in public**

The crime of group assault is part of the category of the offences against persons or goods jointly in public. The crime of assault does not occur for no reason. There are several factors that can trigger the act. In order to thoroughly understand the reasons behind the perpetrators' actions, it is necessary to study criminology, which is a discipline that focuses on criminals.

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<sup>23</sup> *Ibid*

The Crime of Group Assault and its sanctions are regulated in the Criminal Code. The article that regulates assault is listed in Article 358, the article reads "A person who deliberately participates in an aggression or fight involving several people, in addition to being responsible for the actions of each, shall be punished with: 1. a maximum prison sentence of two years and eight months, if as a result of the attack or fight serious injury is caused; 2. a maximum sentence of four years, if death is caused."<sup>24</sup>

#### **D. Research Methods**

##### **1. Type of Research**

This research uses empirical legal research. According to Nasution (2008), empirical legal research has several main characteristics that distinguish it from other forms of legal research. The approach used in this research is empirical, which means that it is based on real data obtained directly from the community or ongoing legal practices.

This research process begins with the collection of social facts and legal facts found in the field.<sup>25</sup> In his book, Saragih (2024) entitled *Empirical Legal Research Methodology*, empirical legal research is a type of legal research that uses empirical data or data obtained through observation or measurement in real situations to answer a research question or test a hypothesis. The

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<sup>24</sup> Ahmad Fattah, "*Upaya Kepolisian Negara Republik Indonesia Dalam Menanggulangi Tindak Pidana Pengeroyokan*", Thesis, Available in [https://repository.unissula.ac.id/36101/1/Ilmu%20Hukum\\_30301900017\\_fullpdf.pdf](https://repository.unissula.ac.id/36101/1/Ilmu%20Hukum_30301900017_fullpdf.pdf), Accessed May 4, 2025.

<sup>25</sup> Bahder Johan Nasution, *Metode Penelitian Hukum*, Cv. Mandar Maju, Bandung, 2008, e-book, page. 124.

empirical data used can be quantitative data (numbers) or qualitative data (description or description).<sup>26</sup>

## **2. Research Approach**

In this research, the author conducted a research called sociological research. In general, sociological research is a research procedure that aims to examine a problem by formulating a problem and then examining it in an in-depth way through observation, recording, interviewing, and conducting research to find explanations in the form of patterns, descriptions, until the last stage, namely compiling indicators.

## **3. Object of Research**

- a. Factors causing children to commit assault in Klaten Regency.
- b. Law enforcement for child perpetrators of assault in Klaten Regency.

## **4. Research Subject**

Undang-Undang-Undang No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak.

## **5. Research Data Source**

The research data sources consist of primary data and second data

- a. Primary Data Source

Primary data is data obtained directly from the original or first source, collected by researchers to answer research problems. Primary data can be directly collected by the person concerned or who uses the data which

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<sup>26</sup> Balqish Az-Zahra S, “*Pahami Perbedaan Penelitian Hukum Normatif Dan Empiris*”, <https://uptjurnal.umsu.ac.id/pahami-perbedaan-penelitian-hukum-normatif-dan-empiris/>. Accessed May 5, 2025.

can be done through interviews or questionnaires. The data in this study comes from police officers who handle cases of law violations by children.<sup>27</sup>

b. Secondary Data Sources

Sources of data obtained indirectly which aim to support research consist of:

1) Primary Legal Materials:

This research uses primary materials consisting of laws and regulations:

- a) Old Criminal Code (KUHP)
- b) Law No 11, 2012 on the Children Justice System
- c) Supreme Court Regulation No. 4 of 2014 on the Implementation of Diversion in the Children Justice System
- d) Government Regulation No. 65 of 2015 concerning Guidelines for the Implementation of Diversion and Handling of Children who are Not Yet 12 (Twelve) Years Old

2) Secondary Legal Materials:

Secondary legal materials can help analyze and understand primary legal materials. These legal materials include articles, scientific papers, literature, and journals.

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<sup>27</sup> Adha Pratiwi Rasyid, "Pengaruh Teknologi Informasi Dan Struktur Organisasi Terhadap Kualitas Sistem Informasi Akuntansi Pada Kantor Badan Pusat Statistika Kab. Luwu", Thesis, Available [https://digilibadmin.unismuh.ac.id/upload/3687-Full\\_Text.pdf](https://digilibadmin.unismuh.ac.id/upload/3687-Full_Text.pdf), Accessed May 5, 2025.

c. Primary Data Source Collection

Primary data collection in this research uses the interview method by asking questions directly to the source. The interview that will be used is a structured interview with a question guide as a direction for the interview process.

d. Secondary Data Collection

Secondary data collection by collecting good information and data in the form of laws and regulations, scientific works, printed books, and written materials related to this research. This research uses document studies by studying various laws relating to the crime of assault and laws relating to law enforcement for children.

## **6. Data Analysis**

According to Winartha (2006:155), the qualitative descriptive analysis method is to analyze, describe and summarize various conditions and situations of various data collected about the problem being studied.<sup>28</sup>

## **E. Thesis Outline**

To provide an overall picture of the description in this legal writing, there are four chapters and each chapter is divided into sub-chapters that the author adjusts to the discussion. The thesis framework is as follows:

1. Chapter I

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<sup>28</sup> Faisal Mulia Z, "Implementation Of Organizational Culture On Village Owned Enterprises (BUMDes) Village Karangpapakisolok Subdistrict Sukabumi District", *Journal of Retail Management Science (JIMAT)*, Edition No. 1 Vol. 3, Muhammadiyah Sukabumi University, 2022, page. 56.

Chapter I presents an introduction that includes several important aspects, including the background of the problem, problem formulation, research objectives, research originality, literature review, operational definitions, research methods, and thesis framework.

## 2. Chapter II

Chapter II presents an overview of the crime of assault by children in Klaten Regency in the perspective of criminal law and the law enforcement process by Klaten Police. In this chapter the author explains the theory related to the definition of the offences against persons or goods jointly in public, elements of the offences against persons or goods jointly in public and the definition of assault by children as a violation of the law, children delinquency, and criminal sanctions against perpetrators of underage crimes with violence.

## 3. Chapter III

Chapter III presents research results and discussions that provide an overview of the problems that have been studied.

## 4. Chapter IV

Chapter IV presents conclusions and provides suggestions from the author to authorized law enforcement officials.