**Causes of Children Committing Theft Crimes (Case Study of the Ngawi District Attorney's Office in 2022)**

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| **KEYWORDS** | **ABSTRACT** |
| perpetrators of crime; theft; juvenile justice | In the future, the child plays an important role in shaping the history, country and way of life of a country. In other words, children are the next generation of the nation. However, the potential for criminal behavior is also inherent in children. One of them is through theft. The factors that underlie children committing theft include family, environment, and even self. This study aims to determine and examine the factors that cause children to commit theft, as well as the efforts made to prevent this occurrence and law enforcement. This legal research uses descriptive analysis techniques by combining sociological or empirical approaches. Based on the results of the study, the main factors that encourage young people to commit theft in the Ngawi region are family, education, and economic factors. Poor education, weak economy, and a less harmonious family environment due to family conditions that are no longer intact due to divorce or death of parents, become additional factors in themselves. As a result, children lose positive role models on how to live their lives. To overcome this, efforts are needed to handle it as early as possible with various approaches and patterns of prevention, repressive, and curative handling. |
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**Introduction**

Children are considered as the next generation of the nation who have the potential to bring Indonesia to a higher level of progress. They are dubbed as the next generation because they play a crucial role in determining the history and future of this country. However, the rapid development of the times has a negative impact on children's behavior. Children are often the central actors of lawlessness in social life.

Problems related to children who face the law, both children act as victims and perpetrators of criminal acts, a challenge faced by all countries. To overcome this, the international community through institutions under the auspices of the United Nations (United Nations) has issued various protection instruments for children, such as the United Nations Standard Minimum Rules for the Administration of Juvenile. The instrument is a reference used by every country in an effort to protect the rights and welfare of children.

Child crime, also known as juvenile crime or juvenile criminality, refers to criminal behavior or illegal acts committed by individuals under the legal threshold of adulthood. This threshold age can vary by jurisdiction or country, but generally ranges from 7 to 18 years old. In Indonesia, child crime is regulated in several laws and regulations, such as Law Number 35 of 2015 concerning Amendments to Law Number 23 of 2002 concerning Child Protection and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

Based on Article 1 of Law Number 35 of 2015 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, a child is defined as someone who is not yet 18 (eighteen) years old, including children who are still in the womb. In Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the definition of a child in conflict with the law is introduced as a child who is 12 (twelve) years old, but not yet 18 (eighteen) years old who is suspected of committing a crime. Meanwhile, there is also a definition of children facing the law which includes children who are in conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts.

For the country, children are important assets in the development of the country so they must be guarded and protected from bad things. Thus, values in life, especially legal values, must be instilled from an early age in children. In a sense, children in their daily lives must be guided by the rules of law and must understand that every action has consequences that will be received as well as criminal acts that have criminal sanctions if committed. Today, many children commit deviations, as an unusual act. Children are in a social pattern that increasingly leads to criminal acts such as the use of illegal drugs, abuse, theft, rape, extortion and even murder (Warni, 2021).

Based on data obtained from the Ngawi State Prosecutor's Office regarding children facing the law, there were 25 cases of children facing the law throughout 2022. Based on the type of crime committed, 16 children were involved in theft cases, 5 children were involved in mobbing cases, 2 people were involved in sexual intercourse cases against children, 1 person was involved in fraud cases, while the remaining 1 was involved in cases of unlicensed hard drug distribution (Ngawi State Attorney's Office, 2022). Based on the data above, it is clear that the dominant crime committed by children is theft.

When involved in theft, adults will undergo a standard legal process (Sarutomo, 2021). However, different situations apply when a minor is involved in the criminal act of theft; The legal process applied becomes different. This is an interesting topic to be researched in order to find solutions to the involvement of children as perpetrators of criminal acts, especially in cases of theft. Children have an important role in a country as the next generation of young people who are the ideals and struggles of the nation, so it is important to understand their characteristics in order to ensure the existence of the nation and state in the future.

Based on the problems described above, this study aims to identify and analyze the factors behind the criminal act of theft committed by minors from external factors. Furthermore, this study aims to see the efforts that have been made to prevent and deal with child crime perpetrators of theft cases.

**Research Methods**

The method used in this study is a sociological or empirical legal research method with a descriptive approach to analysis. The method is a research process carried out by observing and analyzing data based on circumstances and facts that appear as they are at the time this research is conducted (Sarutomo, 2021). Then the existing data is reviewed and presented descriptively to provide an overview and recommendations for the prevention and control of child crime in the future.

**Results and Discussions**

**Perpetrators of Child Crime Theft Cases**

Based on the provisions of law in Indonesia, the crime of theft is regulated in several articles in the Criminal Code (KUHP). The main article governing theft is Article 362 of the Criminal Code. In the article, it is clarified that the crime of theft occurs when someone takes someone else's property with the intention of unlawfully possessing the item. Referring to the same article, theft can be punished with imprisonment for a maximum of 5 (five) years. In addition to Article 362 of the Criminal Code, another article that covers theft is Articles 363 to 370 of the Criminal Code.

Basically, a person who has committed a criminal act must be dealt with by law enforcement officials based on existing statutory provisions. However, in the process of criminal law settlement, there are differences in the legal process undertaken by adults and children as perpetrators of criminal acts. When dealing with the criminal justice process, children have several rights that need to be put forward, including: (i) not being a victim in the criminal justice process; (ii) have an obligation to uphold justice in the criminal justice process in accordance with their respective abilities to be fostered in order to be able to carry out their obligations as good citizens; and (iii) to carry out the obligation to nurture and assist their peers to carry out rights and obligations rationally positively, responsibly, and beneficially in the process (Abintoro, 2013). Therefore, the juvenile criminal justice process in Indonesia is also regulated more specifically in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law)i Anggraini said that in a competitive market structure, where there are a large number of business actors doing business in the market, and there are no barriers for business actors to enter the market, it makes every business actor in the market unable to control prices. according to their wishes, they only accept prices determined by the market and will try to produce optimally in order to achieve an efficient level of production. However, on the regulations that are often distorted by cartel actors.

In the SPPA Law, every provision related to the juvenile criminal justice system aims to provide a sense of justice to children, provide opportunities for children to participate in conflict resolution, and teach a sense of accountability to themselves (Danielt, 2014). This is in line with the concept of restorative justice which prioritizes restoration to the original state of children who face the law. The application of the principle of restorative justice in the juvenile criminal justice process is reflected in the existence of a diversion mechanism, which can be defined as the transfer of legal processes from the previous criminal justice to outside criminal justice. Based on Article 7 paragraph (1) of the SPPA Law, the diversion mechanism is applied at every stage, starting from investigation, prosecution, to the stage of examining children's cases in the district court. The diversion mechanism is not applied in all criminal settlement processes, but is only used in criminal cases of children with criminal threats under 7 (seven) years old and is not a repetition. Therefore, children involved in theft cases, which are classified as minor crimes, should also undergo legal processes in accordance with the concept of restorative justice.

Based on data from the Ngawi State Prosecutor's Office in 2022, there are 25 cases of children facing the law. Of the 25 cases, 16 cases were theft. The following is a further description of the case, including the articles involved in it.

**Table 1 Perpetrators of Child Crime in Theft Cases at the Ngawi State Prosecutor's Office in 2022**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **No** | **Nama Abh** | **Umur** | **Pasal** | **Jenis Kriminal** |
| 1. | Faizhal Ovallindo Rahmadhany Bin Nurhartadi | 17 Th | Article 363 paragraphs (1) to 4 and 5 of the Criminal Code | Theft by incrimination  (Performed with an adult) |
| 2. | Frenli Angky Bin Lucky Mewengkang | 16 Th | Article 363 paragraphs (1) to 4 and 5 of the Criminal Code | Theft by incrimination  (Performed with an adult) |
| 3. | Wahyuzatti Nur Muhamad Bin Jumani | 14 Th | Article 365 of the Criminal Code Paragraph (4) of the Criminal Code | Theft by Jambret  (Performed with an adult) |
| 4. | Fery Indra Noviansyah Bin Anang Widyanto | 15 Th | Article 365 of the Criminal Code paragraph (1) and paragraph (2) of the 1st Criminal Code | Theft by Jambret  (Performed with an adult) |
| 5. | Verdyan Putra Wijaya Bin Rony Wijaya | 16 Th | Article 365 of the Criminal Code paragraph (1) and paragraph (2) of the 1st Criminal Code | Theft by Jambret (Done with an Adult) |
| 6. | Lutfi Syah Putra Bin Suwanto | 15 Th | Article 363 Paragraph (1) 4th of the Criminal Code | Theft by incrimination (committed with an adult) |
| 7. | Agung Sandi Nugraha Bin Nurban Sulaiman | 16 Th | Article 363 Paragraph (1) 4th of the Criminal Code | Theft by incrimination (committed with an adult) |
| 8. | Andika Pratama Sadewa Bin Tri Jono | 14 Th | Article 363 Paragraph (1) 4th of the Criminal Code | Theft by incrimination (committed with an adult) |
| 9. | Khoirul Diansyah Bin Giyano | 14 Th | Article 363 Paragraph (1) 4th of the Criminal Code | Theft by incrimination (committed with an adult) |
| 10. | Tri Handoko Bin Joko Budi Santoso | 14 Th | Article 363 paragraph (1) 3rd and 4th of the Criminal Code | Theft by incrimination (committed with an adult) |
| 11. | Muhammad Ridho Distiyano Als Gondes Bin Sukamto | 15 Th | Article 363 Paragraph (1) 4th of the Criminal Code | Theft by incrimination (committed with an adult) |
| 12. | Aldo Firmansyah Bin Sumadi | 14 Th | Article 363 Paragraph (1) 4th of the Criminal Code | Theft by incrimination (committed with an adult) |
| 13. | Triyanto Als Gembik Bin Yono | 17 Th | Article 363 Paragraph (1) 3rd of the Criminal Code | Theft by incrimination |
| 14. | Aditya Bagus Pratana Bin Radius Setiyono Sardi | 16 Th | Article 363 paragraphs (1) to 3 and 4 of the Criminal Code | Theft by incrimination (committed with an adult) |
| 15. | Aziz Rivaldi Bin Harwi | 15 Th | Article 363 5th of the Criminal Code Jo Article 65 of the Criminal Code | Theft by incrimination |
| 16. | Muhtar Dwi Febriyan Mahmutdi Bin Sudarsono | 12 Th | Article 363 3rd and 5th of the Criminal Code | Article 363 5th of the Criminal Code Jo Article 65 of the Criminal Code |

Based on the data described above, as many as 16 child criminals with theft cases. The main article imposed is Article 363 paragraph (1) which reads: "Shall be punished with imprisonment for a maximum of seven years: (1) theft of livestock; (2) theft when there is a fire, eruption, flood, earthquake, or sea earthquake, erupting mountain, shipwreck, shipwreck, train accident, riot, rebellion or danger of war; (3) theft at night in a house or enclosed yard in which there is a house, committed by a person who is there unknown or undesirable by the rightful."

Meanwhile, as many as 80% of the perpetrators are entangled in the criminal type of theft with aggravation committed with adults. This shows that criminal acts committed by children are usually not committed alone but there is interference from adults. Where the basis for children to commit theft crimes, one of which is to show their existence to the environment or get recognition from their group.

In some cases of theft, such criminal acts are committed on the basis of group solidarity or personal awareness. Then the proceeds of the criminal act are used to spree for additional needs. So these results are not to be used as living expenses, education or health. But only for fun activities.

**Factors Causing Criminal Behavior by Children**

**Family**

Based on research by (Jessor, Donovan, & Costa, 1994), children's behavior is shaped by psychosocial factors. These psychosocial factors include the personality, environment, and behavior of the adolescent itself. These three factors have an interrelated relationship. Personality and environmental factors will interact with each other to form the third factor, namely child behavior (Novita, 2012). In the formation of child behavior, both factors have two main roles, namely as a trigger for the emergence of risky behavior in children and a protector of children from the possibility of risky behavior. One form of environmental factors that greatly impacts the formation of children's behavior is the family, mainly coming from the role of parents.

Until now, various studies have proven that the emergence of risky behavior in children is influenced by the treatment received by children from their parents (Novita, 2012); (Cicchetti & Rogosch, 1997). In the family, parents act as models for their children. Therefore, parents who cannot be good models for their children can then trigger a tendency in children to do actions that violate social and legal norms (Jessor et al., 2003). So, in this study, the family conditions of each child perpetrator of theft cases at the Ngawi State Prosecutor's Office in 2022 were also analyzed to be able to map the factors behind the theft by children as can be seen in the table below.

**Table 2 Family Conditions of Child Perpetrators of Theft Cases at the Ngawi State Prosecutor's Office in 2022**

|  |  |  |
| --- | --- | --- |
| **No** | **Family Conditions** | **Number of Children** |
| 1. | Less Harmonious | 16 |
| 2. | Harmonis | 0 |
| 3. | Yatim Piatu | 0 |
| **Total Number of Children** | | 16 |

Based on the data presented above, it can be seen that the perpetrators of child theft cases at the Ngawi State Prosecutor's Office in 2022 come from disharmonious families. As for some of the parents of the perpetrator have divorced or even one of their parents left the perpetrator since childhood. So that the perpetrator does not seem to have a role model or role model in his daily life. The separation of these two parents also makes the perpetrators lack complete affection from both parents. The loss of role models and lack of affection from the family make the perpetrators fall into theft cases.

**Economics**

In the case of theft in general, economic factors become the dominant factor behind someone in committing theft. Albert K. Cohen, criminology expert from the United States, stated that deviant behavior from children that occur in the United States, especially children with weak economic conditions, is a reflection of jealousy of the norms and values of middle class groups that dominate their culture (Lilik & Kóczy, 2014). Social conditions are now seen as very important in the social order in society so that they can encourage cultural conflicts between classes in society. As a result, lower class groups strive to achieve social conditions that become trends in society even though they may have different opportunities and capabilities to achieve the same social conditions as other class groups. Therefore, to achieve these social conditions, children then carry out deviant behaviors that are 'non-utilitarian, malicious, negativistic' (Warni, 2021).

Although the research in the previous description is based on conditions that occur in the United States, the phenomenon of cultural conflict between classes or what is called 'status frustration' is a phenomenon that is rife in social life in general. Several other studies have also identified economic factors as one of the dominant factors behind the occurrence of theft by children (Guna, Mertha, & Purwan, 2018); (Shafira & Rizanizarli, 2021); (Tampubolon & Rizanizarli, 2021); (Warni, 2021). Based on data on child perpetrators of theft cases at the Ngawi State Prosecutor's Office, the following is a mapping of the economic conditions of each criminal.

**Table 3 Economic Conditions of Child Crime Perpetrators in Theft Cases at the Ngawi State Prosecutor's Office in 2022**

|  |  |  |
| --- | --- | --- |
| **NO** | **ECONOMIC CONDITIONS** | **NUMBER OF CHILDREN** |
| 1. | Weak/Lower Economy | 14 |
| 2. | Medium / Capable Economy | 2 |
| 3. | High Economy | 0 |
| **TOTAL NUMBER OF CHILDREN** | | 16 |

Based on data on the economic condition of child crime perpetrators in theft cases at the Ngawi State Prosecutor's Office in 2022, almost 90% of perpetrators come from weak or lower economic conditions. Then only about 10% of actors come from moderate or well-off economies. Meanwhile, there are no child crime perpetrators in theft cases at the Ngawi State Prosecutor's Office in 2022 stemming from high economic conditions. The background of this economic condition then affects the environment around the perpetrators, where they also come from environments that have similar economic levels. The low economy of the perpetrators then requires them to find all ways to meet their needs, including committing theft

**Education**

In addition to family and economic factors, education is one of the factors behind children's desire to commit crimes (Ihsan & Jonyanis, 2016); (Sarutomo, 2021); (Flora, Manalu, & Sembiring, 2023); (Nugraeni & Zuhdy, 2021)). The low level of education possessed by children goes hand in hand with the low intelligence possessed by children. In addition, children with low levels of education also have limited skills. Furthermore, children do not have clear future goals and have a mindset that is easily influenced by others. When receiving education, children will more often be faced with social interactions, both with fellow students and with teachers (Putra, et al., 2018). Through these social interactions, children become more able to get along and understand things that should be done and not done (Putra, Swardhana, & Purwani, 2018).

Without getting enough education, children are then more vulnerable to do things that are contrary to social norms and laws, one of which is committing theft. The table below presents information related to the educational background of child crime perpetrators in theft cases at the Ngawi State Prosecutor's Office in 2022.

**Table 4 Education Background of Child Crime Perpetrators in Theft Cases at the Ngawi State Prosecutor's Office in 2022**

|  |  |  |
| --- | --- | --- |
| **NO** | **EDUCATION** | **NUMBER OF CHILDREN** |
| 1. | No School | 0 |
| 2. | Elementary School | 5 |
| 3. | Not finished SD | 0 |
| 4. | Junior High School | 4 |
| 5. | high school / vocational school / equivalent | 3 |
| 6 | SMA/SMK/Sederajat | 4 |
| 7 | Did not finish high school / vocational school / equivalent | 0 |
| **TOTAL NUMBER OF CHILDREN** | | 16 |

Based on the data from the study, the dominance of child deviants is with an elementary school education background. Of the five people, 1 child is still in elementary school, while 4 others have their last elementary school diploma and do not continue school. According to findings conducted through interviews, the majority of perpetrators of child theft crimes are between 15 to 17 years old and are students. Often, these children are "taken advantage of", forced into theft, and then paid with wages from the sale of the stolen goods. Then, the perpetrator will use the money to buy his needs, play games, treat friends, and others. The majority of perpetrators also attended private schools where they obtained free or low-cost education. So with the poor condition of the school environment, some children are used to things that smell of crime.

**Handling Efforts That Have Been Done**

Children who commit deviations and end up in criminal acts require good handling. In essence, children are products produced and shaped by the environment. It could be that children who grow up in a negative and not conducive environment can behave well, or there are even children who grow up in a positive and harmonious environment that end up committing crimes. Therefore, every child needs to get special and different treatment. Giving lessons repressively cannot always cure or be able to deal with the problem of child crime, in fact it can backfire which then further injures the child's personality such as children can become vengeful or immune with positive input. This then has the potential to encourage children to commit other crimes. Therefore, efforts to handle child theft cases repressively, preventively, and curatively must be carried out simultaneously.

Repressive handling can be done through imposing criminal penalties on children perpetrators of criminal acts. According to Article 71 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, there are two types of crimes that can be imposed on children as perpetrators of criminal acts, namely principal and additional crimes. The principal crime consists of: (1) criminal warning; (2) criminal conditional; (3) job training; (4) coaching within the institution; and (5) imprisonment. Meanwhile, additional penalties consist of: (1) deprivation of profits obtained from criminal acts; and (2) fulfillment of customary obligations. Furthermore, Article 71 paragraph (4) of the SPPA Law then confirms that the crime imposed on children is prohibited from violating the dignity and dignity of children. In a sense, the crime imposed must still pay attention to the inherent rights of the child. The following is a further explanation of the types of crimes regulated in the SPPA Law

Punishment principal

* 1. Criminal warning

A warning crime is a minor crime that does not result in restrictions on children's freedom (Article 72 of the SPPA Law)

* 1. Criminal with conditions

Conditional crime is a crime that can be imposed by a judge in the case of imprisonment imposed for a maximum of up to 2 years. When undergoing a crime with conditions, children are burdened with two types of conditions, namely general conditions and special conditions. The general condition means that the child will not commit a criminal offense again while serving a criminal period with conditions. Meanwhile, special conditions mean that the child must do or not do certain things stipulated in the judge's decision. During the criminal period with conditions, public prosecutors and community counselors have a crucial task in supervising and guiding children (Article 73 of the SPPA Law)

* 1. Job training

Criminal implementation is carried out in institutions that carry out job training in accordance with the age of the child (Article 78 of the SPPA Law)

* 1. Construction in the board

Coaching in institutions can be carried out at job training places or coaching institutions organized, both by the government and the private sector (Article 80 of the SPPA Law)

* 1. Prison

The imprisonment in LPKA is based on the possibility of circumstances and actions of children to endanger society (Article 81 of the SPPA Law)

**Additional penalties**

* 1. Deprivation of profits derived from criminal acts
  2. Fulfillment of customary obligations

Based on data on child theft cases at the Ngawi State Prosecutor's Office in 2022 in Table 1, it can be seen that most cases involve Article 363 of the Criminal Code. Article 363 of the Criminal Code contains the crime of aggravated theft with a penalty of imprisonment of up to 9 years. Although the threat of confinement listed in the article is above 7 years so that the handling of child crimes cannot go through the diversion process, imprisonment is the last means in efforts to resolve criminal cases. Based on Article 69 of the SPPA Law, children can only be convicted or subject to action based on the provisions in the law. In handing down a verdict, the judge must consider the lightness of the act, the personal circumstances of the child, the time of the act, or the consequences that may result. Data from the Ngawi State Prosecutor's Office shows that all perpetrators of child theft cases at the Ngawi State Prosecutor's Office in 2022 went through a rehabilitation process. In the rehabilitation process, there are several activities provided by the Ngawi State Attorney's Office. A variety of programs and services are available to assist children involved in criminal behavior, including counseling services, education, skills training, and social support. The main goal is to help children address the underlying problems of their criminal behavior and prevent them from engaging in criminal acts in the future.

Then during the process of handling children who face the law, the Ngawi State Prosecutor's Office always strives to implement a polite, gentle, and straightforward process. The Ngawi State Prosecutor's Office also provides good education, both formally and spiritually, such as character strengthening and personality building so that the perpetrators can become better individuals after rehabilitation. Not only that, strengthening and providing religious materials and also given to strengthen the spiritual side of the perpetrators of theft crimes.

In addition to repressive handling, preventive and curative handling must also be carried out. Preventive handling measures are preventive measures that aim to reduce the possibility of children committing child crime cases of theft in the future. In the previous description, it can be seen that there are three main factors behind the occurrence of theft by children, namely family, economy, and education. So, based on these three factors, preventive actions can be taken through various ways. For example, the government can provide more adequate informal learning spaces, provide counseling guidance with children from less harmonious family backgrounds, and provide job opportunities for out-of-school children. On the other hand, curative handling actions are carried out as an effort to heal the behavior carried out by children who face the law (Putra, et al., 2018). Along with the rehabilitation process at the Ngawi District Attorney's Office, curative actions can be carried out through spiritual activities and providing counseling guidance to children who face the law

**Conclusion**

It is important to remember that children who engage in criminal behavior may have a variety of different backgrounds and problems, such as family problems, peer pressure, low economy, lack of access to education or employment, and so on. However, the three main factors highlighted in this study are family, economic, and educational factors. Based on the research conducted, these three factors play a very important role in underpinning the occurrence of criminal acts by children. Furthermore, the results showed that the majority of actors had a less harmonious background, low economic conditions, and received inadequate education.

The rise of theft by children requires special attention, both from the government as a formal institution to the family as the smallest and closest unit than the child himself. Therefore, actions to handle cases of theft by children in a repressive, preventive, and curative manner must be carried out simultaneously. Until now, the Ngawi State Prosecutor's Office has provided good repressive and curative handling. However, one thing that deserves to be highlighted is the implementation of preventive handling measures. In this case, all actors who have an influence on children's growth and development have their respective roles and must be able to synergize to prevent more criminal acts of theft by children

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