

The Effectiveness Of Criminal Law Enforcement Against Juvenile Crime In The Murder Case Of A Junior High School Student At The Chinese Cemetery In Palembang

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Abstract

In Indonesia, managing juvenile criminal cases is a priority. To safeguard the rights of law-breaking children, Indonesia passed Law No. 11 of 2012 on the Juvenile Criminal Justice System. This study applies a normative juridical technique to examine relevant legislation, such as statutes and regulations. To better prosecute significant juvenile offenders, Article 96 of the Juvenile Criminal Justice System Law (UU SPPA) must be strengthened. This article mandates that law enforcement officials undergo specialized training in child psychology. Punishment for murder should not be based on the identity of the subject or suspect, but rather emphasize the motive and the crime committed by the suspect. This approach ensures that the punishment handed down is proportionate to the crime committed by the individual or group.

Key Words : Effectiveness of Criminal Law Enforcement, Juvenile Crime, Murder Cases

INTRODUCTION

The prosecution of criminal cases involving minors has become a major issue in Indonesia's legal system. Children frequently participate in criminal behavior due to a variety of circumstances, including environmental effects, a lack of education, and lack parental supervision. A recent crime that sparked public interest is a case murder of a junior high school student at Talang Kerikil Public Cemetery (TPU), Chinese Cemetery, Palembang, where the perpetrator is still underage.

A teenager in Palembang was assaulted and murdered before being discovered dead on Sunday, September 1, 2024 at the Talang Kerikil Public Cemetery (TPU), Chinese Graveyard, Palembang. The body was identified as a 13-year-old junior high school student with the initials "AA." This incident began when AA reported missing by her family after not returning home. The search initiated by the family and the police ended tragically when his body was found in a terrible condition. An autopsy revealed that the victim suffered severe physical abuse and signs of sexual assault before she died. This incident involved four teenagers who planned the heinous act. The four perpetrators are IS (16 years old), who is considered the main perpetrator, as well as MZ (13 years old), NS (12 years old), and AS (12 years old). IS, the principal culprit, is suspected of orchestrating AA's sexual assault and murder. MZ, NS, and AS were under 14, hence Indonesian law did not allow them to be imprisoned. Youth in confrontation with the law under 14 must undertake social rehabilitation rather than jail in the juvenile justice system. Returning to PSRABH for rehabilitation, the three culprits. This decision raises many questions regarding justice and protection for victims as well as the impact of the perpetrators' actions.



To safeguard children in dispute with the law, Indonesia passed Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA). According to child protection theory, children are individuals who require special protection, including from law enforcement. Soetomo (2007) underlines the significance of using a rehabilitative rather than repressive approach when dealing with minors involved in criminal crimes, as indicated in the UU SPPA. However, there are still numerous benefits and cons to implementing this rule in some communities, particularly in cases of major crimes like as murder and rape of kids.

The murder and sexual assault case in Talang Kerikil Public Cemetery (TPU), Chinese Graveyard, Palembang, raises several concerns about how criminal law treats teenagers who commit major crimes. According to Zehr (1990), restorative justice theory requires that minors be treated in a way that balances fair punishment with suitable rehabilitation possibilities. In this instance, analyzing the efficacy of law enforcement becomes critical, particularly to guarantee that the law implemented offers justice for victims while also protecting children as perpetrators. Furthermore, Hirschi's (1969) social control theory states that children who commit crimes frequently encounter breakdowns in social bonds that link them to societal norms. In addition to punishment, it's vital to analyse the social and psychological rehabilitation of criminal youngsters. According to Mayo (2014), law enforcement's efficiency in dealing with juveniles who commit big crimes must be studied.

This study aims to examine how criminal law is applied to minors in the murder case of a junior high school student at the Talang Kerikil Public Cemetery (TPU), Chinese Cemetery, Palembang. The research will also identify the obstacles encountered in the law enforcement process and is expected to provide a broader understanding of the juvenile criminal justice system in Indonesia. The results of this study are hoped to contribute to improving the effectiveness of law enforcement against minors involved in serious crimes.

METHOD

The object of legal study consists of two interrelated elements: social facts and legal norms. The knowledge sought in legal science pertains to the correct application of legal norms. Therefore, from the overall constellation of specific realities, only legally relevant data those essential for the application of legal norms are selected or qualified as facts. According to Nugroho et al. (2020), the determination of legally relevant data occurs based on the legal norms that may be chosen for application in addressing legal issues that may arise. Nugroho et al. (2020) state that this research uses a normative juridical technique to examine statutes and other legal rules. The study will examine how Law No. 11 of 2012 on the Juvenile Criminal Justice System (UU SPPA) applies to the murder of a junior high school student in the Talang Kerikil Public Cemetery (TPU), Chinese Cemetery, Palembang, which involves juveniles as suspects.

This study utilizes two approaches. First, a legislative approach that examines the existing legal regulations, particularly those related to the handling of crimes committed by minors. Second, a case approach that analyzes a real case the murder of a junior high school student at the Talang Kerikil Public Cemetery (TPU), Chinese Cemetery, Palembang based on news reports published in the media and relevant court documents.

The data used in this study is secondary data, obtained from existing sources such as legal documents, including the Juvenile Criminal Justice System Law (UU SPPA), the Criminal Code (KUHP), and other related regulations. Court decisions that examine cases involving minors committing serious crimes, including the murder case at the Talang Kerikil Public Cemetery (TPU), Chinese Cemetery, Palembang, are also included. Lastly, news sourced from the media is utilized to understand the chronology and legal process in this case.

The data collection techniques in this study involve legal document analysis by examining relevant laws, regulations, and court decisions related to the case. Additionally, news analysis is conducted by collecting and analyzing news articles that pertain to the case to understand its developments and the legal actions taken.

The data analysis technique in this study is qualitative, meaning the researcher will understand and examine the content of laws, court decisions, and available news. The researcher will compare what is written in the law with what occurs in practice on the ground. This approach will reveal whether law enforcement aligns with legal standards and whether enforcement against minors committing serious crimes is effective.

This study is expected to provide a clear picture of how the law is applied to minors in the murder case and the effectiveness of the ongoing law enforcement process.

DISCUSSION

Law No. 11/2012 on the Juvenile Criminal Justice System (SPPA Law).

The President of Indonesia created Law No. 11 of 2012 on the Juvenile Criminal Justice System to safeguard children's dignity and rights, including legal protection in the justice system. From inquiry to mentoring following the criminal process, the juvenile criminal justice system resolves matters involving minors in confrontation with the law. Article 1, paragraph 1, and Article 2 of Law No. 11 of 2012 on the Juvenile Criminal Justice System state that this system is based on protection, justice, non-discrimination, the best interests of the child, respect for the child, the continuity of life and development, proportionality, and viewing deprivation of liberty and punishment as last resorts while avoiding retaliation. The juvenile criminal justice system classifies youngsters in legal dispute as lawbreakers, victims, and witnesses. Children in Conflict with the Law are 12–18-year-olds accused of committing a crime. Child victims are minors under 18 who suffer physical, emotional, or economic damage from a crime. Child Witnesses, Children under 18 who have seen, heard, or experienced a criminal case may testify in court during investigation, prosecution, and trial. According to Article 20 of Law No. 11 of 2012 on the Juvenile Criminal Justice System, a kid who commits a crime before 18 is prosecuted in juvenile court even if they are under 21. Article 21 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System and Article 67 of Government Regulation require investigators and community facilitators to hand over a child under 12 who commits or is suspected of committing a crime to their parents or guardians or enrol them in educational and developmental programs at government agencies or social welfare institutions that handle social welfare issues.

In contrast, in adult cases (ages 18 and over), individuals do not need parental or guardian accompaniment during any stage of examination. However, in cases involving children in conflict with the law, it is necessary for the child to be accompanied by their parents or guardians.

The Juvenile Criminal Justice System Law (UU SPPA) in the Case of the Murder of a Junior High School Student at the Talang Kerikil Public Cemetery (TPU), Chinese Cemetery, Palembang.

Law enforcement must apply Law No. 11 of 2012's Juvenile Criminal Justice System regulations while prosecuting juvenile murderers. This statute protects law-breaking youth via rehabilitation. This strategy needs to be tested in murder and rape cases.

The Juvenile Criminal Justice System Law (UU SPPA) allows unique treatment for juveniles accused of murder and rape. A junior high school kid was murdered in Talang Kerikil Public Cemetery, Chinese Cemetery, Palembang, which involves minors, the effectiveness of the rehabilitative approach prioritized by the UU SPPA in delivering justice is still questioned. Minors, particularly the main perpetrator IS, who is 16 years old, receive legal protection in the form of reduced sentences and rehabilitation rather than imprisonment, as stipulated in Article 79 of the UU SPPA

In this context, the protection of juvenile offenders is indeed the primary objective of the Juvenile Criminal Justice System Law (UU SPPA), as emphasized by Soetomo (2007), who argues that a rehabilitative approach is more important than a repressive one in dealing with minors involved in criminal acts. However, in this case, questions arise about the extent to which rehabilitation can be effective in handling juveniles who have committed serious crimes. Additionally, there are concerns about whether justice for the victims can truly be achieved through such an approach. These complexities warrant further evaluation to balance the need for child protection with the pursuit of justice for the victims and society.

One of the main criticisms of the application of the Juvenile Criminal Justice System Law (UU SPPA) in serious crime cases is the gap between protection for the offender and the sense of justice for the victim. In the case of the murder of a junior high school student at the Talang Kerikil Public Cemetery (TPU), Chinese Cemetery, Palembang, the victim was killed in a brutal manner, raising public questions about whether rehabilitation alone is sufficient as a legal response to such actions. This situation underscores the need for a more balanced approach that addresses the rights and rehabilitation of juvenile offenders while also ensuring that victims and their families receive justice and closure. The challenge lies in finding an effective way to achieve both objectives within the framework of the law.

Zehr (1990) states that a restorative justice approach in handling minors must consider the balance between administering fair punishment and providing adequate opportunities for rehabilitation. However, in this case, justice for the victim does not seem to be fully accommodated, given that the public expects a stricter punishment, especially for the main perpetrator IS (16 years old), who is considered mature enough to understand the consequences of his actions.

The protection of the rights of juvenile offenders, as outlined in Article 64 of the Juvenile Criminal Justice System Law (UU SPPA), indeed emphasizes rehabilitation and

education. However, in this case, this approach seems unable to meet public expectations for justice. This public dissatisfaction could undermine trust in the current juvenile justice system.

Rehabilitation of juvenile offenders is a crucial element of the Juvenile Criminal Justice System Law (UU SPPA), with the hope that children involved in criminal acts can improve their behavior and reintegrate as good members of society. However, the effectiveness of this rehabilitation process is often questioned, particularly in the context of serious crimes such as murder and rape. Bariyah (2022) states that a justice system emphasizing rehabilitative approaches is more effective in helping children return to society with better behavior. However, the challenge in murder cases is whether this rehabilitation can genuinely prevent reoffending in the future.

In addition, the lack of adequate rehabilitation facilities and the absence of specialized programs to address serious offenders are factors that need to be considered. Islamy (2015) states that training for law enforcement officials related to child psychology, as stipulated in Article 96 of the UU SPPA, is still limited, making the approaches employed not fully optimal.

In the application of the Juvenile Criminal Justice System Law (UU SPPA), it is important to find a balance between administering punishment appropriate to the severity of the crime and still providing opportunities for juvenile offenders to be rehabilitated. Hirschi (1969), in his social control theory, emphasizes the importance of improving the social relationships of children that fail to bind them to societal norms. In this context, Mayo (2014) notes that effective rehabilitation must involve improving the child's social environment but should also be balanced with punishments that can serve as a deterrent for offenders, particularly in serious cases such as murder and sexual assault.

Restorative justice, as proposed by Zehr (2015), emphasizes the restoration of harm caused by criminal acts and provides opportunities for offenders to rectify their wrongs. However, in murder cases, the application of restorative justice requires special attention, particularly due to the emotional and psychological impact on the victim's family. Nugroho (2023) also indicates that restorative justice is effective in addressing juvenile offenders. Meanwhile, Islamy (2015) notes that its implementation in serious cases such as murder requires active involvement from the victim's family and the community to ensure that true restoration occurs.

The application of the Juvenile Criminal Justice System Law (UU SPPA) in serious crime cases such as murder presents its own challenges. While the primary objective is to protect children and provide rehabilitation, situations like this raise questions about whether this approach can deliver adequate justice, especially for the victims' families who may feel their expectations for strict punishment are not being met.

The restorative justice approach proposed by Zehr (2015) emphasizes the restoration of social relationships and provides opportunities for offenders to take responsibility for their actions. However, in murder cases, the impact is much more complex due to the loss of life involved. Mayo (2014) notes that justice for the victim and their family must also be a key focus in this process.

The effectiveness of rehabilitation for juvenile offenders, as mentioned by Bariyah (2022), requires support from various factors, including adequate facilities and specialized programs tailored to serious crimes. Without sufficient efforts in this regard, it is challenging to ensure that rehabilitation will successfully prevent future reoffending. Additionally, Mayo (2014) states that training for law enforcement officials in handling child psychology also needs to be strengthened to optimize the approaches employed.

Overall, it is essential to find the right balance between rehabilitative approaches and strict law enforcement so that justice can be felt by both offenders and victims. On the other hand, the restorative justice approach requires active participation from all parties involved, including the victim's family, to ensure that the restoration process runs smoothly and achieves fair outcomes for everyone involved.

CONCLUSION

To enhance the effectiveness of law enforcement against juvenile offenders involved in serious crimes, a stronger application of Article 96 of the Juvenile Criminal Justice System Law (UU SPPA) is necessary, requiring law enforcement officials to receive specialized training in child psychology. Setiawan (2024) states that reforms in the juvenile criminal justice system must include ongoing rehabilitation programs and ensure that children continue to have access to education during legal proceedings. Furthermore, public awareness is essential for fostering acceptance and understanding of rehabilitative approaches, emphasizing guidance for children involved in crimes rather than solely punishment.

By referring to the Criminal Code, UU SPPA, and theories of restorative justice from various experts, this discussion provides a more comprehensive perspective on how law enforcement should be applied to juveniles involved in serious crimes such as murder. Based on the case of juvenile murder suspects, it is imperative that the penalties be proportional. Punishment for murder should not focus solely on the identity of the suspect but rather emphasize the motive and the nature of the crime committed, ensuring that the penalties imposed are commensurate with the actions of the individual or group involved.

REFERENCE

- Bariyah. (2022). *Efektivitas pendekatan rehabilitatif pada sistem peradilan anak di Indonesia*. *Jurnal Hukum dan Keadilan*, 12(1), 45-60.
- Hirschi, T. (1969). *Causes of Delinquency*. University of California Press.
- Islamy, F. C. (2015). Dasar pertimbangan hakim dalam menjatuhkan putusan terhadap anak pelaku tindak pidana persetubuhan anak di bawah umur (Analisis yuridis Putusan No: 38/PID.SUS/2013/PN.KD.MN.).
- Kompas. (2024, September 5). Kronologi pembunuhan siswi SMP di Palembang oleh mantan kekasih dan teman-temannya. *Kompas*. <https://regional.kompas.com>
- Liputan6. (2024, September 4). Pembunuhan Ayu Andriani: Fakta-fakta mengerikan di balik tindakan sadis para remaja. *Liputan6*. <https://www.liputan6.com>
- Mayo, E. (2014). Kajian yuridis terhadap tindak pidana pembunuhan yang dilakukan oleh anak. *DLR*, 3(2), 1-12.
- Nugroho, B. (2023). Implementasi keadilan restoratif dalam kasus tindak pidana anak di bawah umur. *Jurnal Sistem Peradilan Anak*, 8(2), 102-120.

- Nugroho, S. S., Haryani, A. T., & Farkhani. (2020). *Metodologi Riset Hukum (Vol. 2)*. [https://unmermadiun.ac.id/repository_jurnal_penelitian/Sigit Sapto Nugroho/URL Buku Ajar/Buku Metodologi Riset Hukum.pdf](https://unmermadiun.ac.id/repository_jurnal_penelitian/Sigit_Sapto_Nugroho/URL_Buku_Ajar/Buku_Metodologi_Riset_Hukum.pdf)
- Republik Indonesia. (2015). *Peraturan Pemerintah Nomor 65 Tahun 2015 tentang Pelaksanaan Diversi dan Penanganan Anak yang Belum Berumur 12 (Dua Belas) Tahun*. Jakarta: Sekretariat Negara.
- Setiawan, R. (2024). Reformasi sistem peradilan pidana anak: Implementasi UU SPPA dan dampaknya terhadap rehabilitasi anak pelaku kejahatan. *Jurnal Hukum Pidana Anak*, 2(1), 10-25.
- Soetomo, A. (2007). *Perlindungan Anak dalam Sistem Hukum Pidana Indonesia*. Pustaka Ilmu.
- Tribun News. (2024, September 3). Siswi SMP dibunuh di Palembang: Polisi tangkap empat pelaku di bawah umur. *Tribun News*. <https://www.tribunnews.com>
- Undang-Undang Republik Indonesia Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. (2012). Jakarta: Sekretariat Negara.
- Zehr, H. (1990). *Changing Lenses: A New Focus for Crime and Justice*. Herald Press.
- Zehr, H. (2015). *The Little Book of Restorative Justice*. Good Books.

