

LEGAL PROTECTION FOR CHILDREN WHO COMMIT MOTORCYCLE THEFT DURING THE INVESTIGATION PROCESS

Gunawan Widjaja

Senior Lecturer, Faculty of Law, 17 August 1945 University, Jakarta
widjaja_gunawan@yahoo.com

Dimas Tripraditiya

Undergraduate Student, Faculty of Law, Universitas 17 Agustus 1945 Jakarta
dimastripraditiya@gmail.com

Abstract

Children are part of the younger generation, a human resource that represents the potential and future of the nation's aspirations. The recent social reality in society is the issue of behavioural deviations among children, and more than that, there are children who commit unlawful acts, particularly motorbike theft. The issues discussed are: 1) What form of legal protection is available for children who and 2) What obstacles do the police face in implementing legal protection for children who commit motorbike theft? Based on the author's observations on the chosen topic, it is concluded that legal protection for children who commit the crime of motorcycle theft in the investigation process emphasises special handling that considers the psychological condition and maturity of the child. The investigation process must ensure that the rights of children are protected, including the right to be heard, assisted by parents or guardians, and protected from violence or torture. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) regulates the procedures for handling children who commit crimes, including in the investigation process.

Keywords: Legal protection, children, motorcycle theft.

Introduction

Children are part of the younger generation, a human resource that represents the potential and future of the nation's aspirations. They have a strategic role and possess special characteristics and traits, requiring guidance and protection in order to ensure their balanced physical, mental, and social growth and development, as well as protection from anything that could endanger them and the nation in the future (Gultom M, 2008).

The social reality that has recently occurred in society is the issue of behavioural deviations among children, and more than that, there are children who commit unlawful acts, regardless of their social and economic status. Social life, which is greatly influenced by these various factors, presents us with the problem of dealing with children who are suspected of committing criminal acts, known as "children in conflict with the law" (Nagib, C. 2014).