Vol. 5, No. 4, November 2026, pp. 1274-1291
E-ISSN 2963-0444
DOI: https://doi.org/10.58344/jhi.v4i3.1602

JURNAL HUKUM INDONESIA

Law Enforcement Study Against Children Involved in Theft Crimes That Occurred in Waropen Regency

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Keywords:
Law Enforcement; Children in Conflict with the Law; Theft; Diversion; Restorative Justice.

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Abstract

This study aimed to analyze the implementation of criminal law enforcement procedures involving children alleged to have committed theft offenses within the jurisdiction of Waropen Regency, Indonesia, and to identify factors hindering effective law enforcement. The study employed an empirical legal research design using a socio-legal approach. Primary data were collected through in-depth interviews with key informants, including officers from the Women and Children Protection Unit (Unit Perlindungan Perempuan dan Anak, PPA) of the Criminal Investigation Unit (Satuan Reserse Kriminal, Satreskrim) at the Waropen Resort Police (Kepolisian Resor Waropen, Polres Waropen), children involved in theft cases, and community leaders. Secondary data were obtained through document analysis and a review of relevant legislation and regulations. The collected data were analyzed qualitatively. The findings indicated that law enforcement procedures involving children alleged to have committed theft generally followed the provisions of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (Sistem Peradilan Pidana Anak, SPPA). These procedures included verification of the child's age, child-sensitive interviews conducted in an informal setting without official uniforms, protection of the child's identity and confidentiality, and the provision of legal and social assistance involving advocates, probation officers from the Correctional Center (Pembimbing Kemasyarakatan Balai Pemasyarakatan, PK Bapas), professional social workers, and parents or guardians, as applicable under the law. Detention was treated as a measure of last resort (ultimum remedium), subject to the statutory requirements governing juvenile detention. Law enforcement efforts prioritized diversion (diversi) based on restorative justice principles, with the findings indicating that most eligible theft cases involving children were successfully resolved through diversion at the investigation stage.

INTRODUCTION

Indonesia is constitutionally established as a state governed by the rule of law (rechtsstaat), as stipulated in Article 1(3) of the 1945 Constitution of the Republic of Indonesia (Kamran & Putri, 2023). Consequently, social, national, and governmental affairs must be conducted in accordance with the principles of legality, justice, and legal certainty. One important indicator of the effectiveness of a national legal system is its ability to provide constitutional protection to vulnerable groups, particularly children. As members of the younger generation and future contributors to national development, children are entitled to survival, growth, development, and protection from violence and discrimination. These rights

reflect the state's responsibility to safeguard children's welfare and ensure their development within a secure and supportive environment (Marlina, 2011).

Within Indonesia's legal framework, child protection is specifically regulated by Law No. 35 of 2014 amending Law No. 23 of 2002 concerning Child Protection. This legislation affirms children's rights to protection within families, educational institutions, and communities. It also establishes responsibilities for the state, central and regional governments, communities, families, and parents in ensuring the 1275ounsellor of children's rights. Nevertheless, social conditions may place children in vulnerable circumstances, both as victims of criminal offenses and as individuals suspected of committing them. Children involved in alleged criminal conduct fall within the broader category of children dealing with the law (Anak yang Berhadapan dengan Hukum, ABH), which encompasses children in conflict with the law, child victims, and child witnesses. Children suspected of committing criminal offenses are specifically classified as children in conflict with the law (Anak yang Berkonflik dengan Hukum). Their involvement in criminal activities presents challenges for the justice system because legal accountability must be balanced with their developmental needs, educational rights, and prospects for social reintegration.

As part of Indonesia's juvenile justice reform, the government enacted Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (Sistem Peradilan Pidana Anak, SPPA), replacing Law No. 3 of 1997 concerning Juvenile Courts. A central feature of this legislation is its emphasis on restorative justice rather than an exclusively retributive approach. The SPPA Law seeks to minimize children's exposure to formal criminal proceedings through diversion, thereby reducing the risk of stigmatization and negative 1275ounsello while safeguarding victims' rights. It also recognizes deprivation of liberty as a measure of last resort (ultimum remedium) (Rodliyah & Faruq, 2017). Under Article 1(3) of the SPPA Law, a child in conflict with the law is a person aged 12 years or older but younger than 18 years who is suspected of committing a criminal offense. For children younger than 12 years who commit or are suspected of committing an offense, Article 21 provides for measures outside the ordinary criminal justice process, including returning the child to their parents or guardians or placing the child in an education, guidance, and development program, subject to the applicable statutory procedures.

In general criminal law, the principle of geen straf zonder 1275ounse (no punishment without culpability) establishes that criminal punishment requires a legally attributable form of fault (Moeljatno, 2008). Criminal liability generally involves an assessment of the prohibited conduct, the relevant mental element, the individual's capacity for responsibility, and the absence of legally recognized grounds excluding culpability. The subjective element of an offense may involve intent (dolus) or negligence (culpa), depending on the statutory formulation. Intent generally concerns conduct performed with the requisite knowledge or purpose, whereas negligence involves a failure to exercise the legally required standard of care. In juvenile criminal law, children's developmental characteristics require particular consideration when determining culpability and appropriate legal responses. Their psychological maturity, decision-making capacity, and understanding of consequences may differ from those of adults. Accordingly, juvenile justice emphasizes education, guidance, rehabilitation, and proportional accountability rather than punishment based primarily on retribution (Arief, 2008).

Theft is among the criminal offenses that may involve children in conflict with the law. Under Article 362 of the former Indonesian Criminal Code (Kitab Undang-Undang Hukum Pidana, KUHP), theft involved taking property belonging wholly or partly to another person with the intention of unlawfully appropriating it. The corresponding offense is regulated under Article 476 of Law No. 1 of 2023 concerning the Criminal Code, which took effect on January 2, 2026 (Moeljatno, 2021). Aggravated theft (gekwalificeerde diefstal) was regulated under Article 363 of the former Criminal Code and included offenses committed under specified aggravating circumstances, such as certain forms of theft committed at night or jointly by multiple offenders. From a criminological perspective, children's involvement in theft may be associated with interacting individual, familial, and environmental factors, including emotional immaturity, peer influence, economic hardship, limited educational opportunities, family dysfunction, and inadequate social supervision. These factors should be examined within the specific circumstances of each case rather than assumed to characterize all children involved in theft (Hadisuprapto, 2008).

Waropen Regency, located in Papua Province, has geographical, sociological, and cultural characteristics that may influence the implementation of juvenile criminal justice. Regional development and modernization have contributed to social and economic changes, potentially affecting community relationships, family supervision, and opportunities available to young people. Limited recreational and educational facilities, geographical barriers, and economic disparities between coastal and inland communities may also shape children's social environments. Reports concerning cases handled within the jurisdiction of the Waropen Resort Police (Kepolisian Resor Waropen, Polres Waropen) indicated that children had been involved in theft incidents affecting residential properties, public facilities, and commercial establishments. These incidents resulted in material losses for victims and raised concerns about community security and the welfare of children involved in criminal proceedings.

The implementation of the SPPA Law in theft cases involving children in Waropen Regency has encountered operational and institutional challenges. These include the limited availability of local Social Welfare Institutions (Lembaga Penyelenggaraan Kesejahteraan Sosial, LPKS), constraints affecting the involvement of probation officers (Pembimbing Kemasyarakatan, PK) from Correctional Centers (Balai Pemasyarakatan, Bapas), and geographical difficulties that may hinder access to juvenile justice services. In addition to the formal legal system, customary norms and family-based dispute resolution practices remain influential within local communities. Consequently, some theft cases involving children may be addressed through customary deliberation or compensation arrangements. However, such mechanisms must be assessed for compatibility with the procedural safeguards and diversion requirements established by the SPPA Law. The discrepancy between das Sollen (the normative requirements of the law) and das Sein (actual law enforcement practices) therefore constitutes a central concern of this study. Inappropriate handling of children in conflict with the law may increase the risk of stigmatization, social exclusion, and subsequent offending.

Several previous studies have examined related issues in juvenile criminal justice. Rumabar investigated the implementation of diversion in theft cases involving children within the jurisdiction of the Jayapura Police and identified inadequate supporting facilities, particularly LPKS, and limited public understanding of restorative justice as major obstacles. Wambrau examined criminological factors associated with aggravated theft committed by

children and identified peer influence and family dysfunction as important contributing factors. Setiawan evaluated the effectiveness of the SPPA Law at the district court level, emphasizing the challenges associated with retributive attitudes among law enforcement personnel. Harahap examined repeat theft offenses involving children and identified stigmatization and inadequate rehabilitation as potential contributors to recidivism. Meanwhile, Sawai investigated the role of Bapas probation officers in implementing restorative justice in newly established administrative regions without independent Bapas offices. Building on these studies, the present research focused specifically on Waropen Regency and employed an empirical legal approach to examine investigative practices at the Waropen Resort Police. Its contribution lies in integrating the examination of substantive criminal law, penal and nonpenal crime prevention strategies, and geographical and sociocultural barriers affecting juvenile law enforcement.

Based on these considerations, this study addressed two research questions: (1) How are criminal law enforcement procedures implemented in theft cases involving children in Waropen Regency? And (2) What factors hinder the effective implementation of these procedures? The study aimed to examine the application of criminal law and juvenile justice provisions by law enforcement authorities, identify factors associated with children's involvement in theft, and analyze institutional, procedural, and sociocultural obstacles to law enforcement. Theoretically, the findings were expected to contribute to the development of criminal law scholarship, particularly juvenile criminal justice. Practically, the study sought to provide empirical insights into the implementation of the SPPA Law within the jurisdiction of the Waropen Resort Police and identify opportunities to strengthen child-sensitive law enforcement practices.

Criminal law constitutes a branch of public law concerned with defining criminal offenses, establishing the conditions for criminal liability, and regulating the imposition of criminal sanctions. The term derives from the Dutch strafrecht, combining straf (punishment) and recht (law) (Utrecht, 1994). According to Moeljatno (2008), criminal law establishes the legal foundations for determining prohibited conduct and corresponding sanctions, identifying the circumstances under which criminal liability may arise, and regulating the procedures through which punishment may be imposed. Criminal law is generally distinguished into substantive criminal law, which defines offenses, liability, and sanctions, and procedural criminal law, which governs criminal investigations, prosecutions, trials, and the enforcement of judicial decisions. Both dimensions must operate consistently with legality, due process, and the protection of fundamental rights.

The concept of a criminal offense is closely associated with the Dutch term strafbaar feit, which refers to conduct punishable under criminal law. Simons characterized a criminal offense as unlawful conduct committed intentionally or negligently by an individual capable of criminal responsibility and subject to punishment under applicable legislation. Van Hamel similarly emphasized the statutory definition of prohibited conduct, its unlawful character, and the requirements of criminal responsibility (Remmelink, 2003). In criminal law theory, monistic approaches generally examine the prohibited act and culpability within an integrated conception of an offense, whereas dualistic approaches distinguish the commission of a prohibited act from the determination of criminal liability. Moeljatno (2008), associated with the dualistic approach, emphasized the conceptual distinction between criminal conduct and

individual culpability. This distinction is broadly comparable to the analytical separation between actus reus and mens rea in common-law criminal doctrine, although the two legal traditions are not entirely equivalent. The criminalization of conduct is also governed by the principle of legality, expressed in the Latin maxim nullum crimen, nulla poena sine lege praevia, which requires criminal offenses and penalties to have a prior legal basis. This principle was reflected in Article 1(1) of the former Criminal Code and remains fundamental under Indonesia's current criminal law framework.

The elements of a criminal offense may be examined through objective and subjective dimensions. Objective elements generally concern the prohibited conduct, relevant circumstances, consequences where required, causation, and unlawfulness (wederrechtelijkheid). Criminal conduct may involve an affirmative act (commissie) or a legally punishable omission (omissie). Subjective elements concern the mental state required by the offense, particularly intent (dolus) or negligence (culpa), while culpability and criminal responsibility may require additional assessment of the offender's capacity for responsibility (toerekeningsvatbaarheid) and applicable grounds excluding fault. In cases involving children, these considerations must be assessed alongside age-related legal protections and developmental circumstances. Children's psychological maturity and capacity to understand the consequences of their conduct may be relevant to determining appropriate measures within the juvenile justice system (Kartanegara, 2003). Criminal offenses may also be classified according to their legal characteristics, including intentional and negligent offenses, conduct-based and result-based offenses, commission and omission offenses, and offenses prosecuted ex officio or upon complaint. Such classifications assist investigators in identifying the applicable legal provisions and procedural requirements. However, eligibility for diversion under the SPPA Law is determined primarily by the statutory conditions governing the offense and the child's prior offending history, rather than by these doctrinal classifications alone.

Theft (diefstal) is an offense against property (vermogensdelict) that was regulated under Chapter XXII of Book II of the former Indonesian Criminal Code. Its objective elements included taking an object belonging wholly or partly to another person, while its subjective elements involved the intention (met het oogmerk) to appropriate the property unlawfully (wederrechtelijk) (Kartanegara, 2003). Under the dualistic approach, establishing the elements of a prohibited act does not automatically establish criminal liability, which also requires consideration of culpability, criminal responsibility, and applicable grounds excluding punishment (Moeljatno, 2008). Under the former Criminal Code, theft offenses included ordinary theft under Article 362, punishable by a maximum of five years' imprisonment; aggravated theft under Article 363; petty theft under Article 364; theft accompanied by violence under Article 365; and theft involving specified family relationships under Article 367, which was subject to particular complaint-based prosecution requirements (Moeljatno, 2021). These provisions provide an important historical and doctrinal reference for cases arising before the implementation of Law No. 1 of 2023. For offenses occurring after the new Criminal Code took effect, the corresponding provisions of Law No. 1 of 2023 must be applied, subject to applicable transitional rules.

The legal treatment of theft differs significantly when the alleged offender is a child. Regardless of whether the alleged conduct satisfies the elements of theft under the applicable Criminal Code, criminal proceedings involving children must comply with the special

protections established by the SPPA Law. Children's involvement in theft may be associated with developmental, familial, and socioeconomic circumstances that warrant individualized assessment and appropriate educational or rehabilitative responses (Hadisuprapto, 2008). Within this framework, the social inquiry report (Penelitian Kemasyarakatan, Litmas), prepared by a Bapas probation officer, plays an important role in documenting the child's personal background, family circumstances, social environment, and other factors relevant to case handling. The juvenile justice system also recognizes a dual-track sanctioning framework, distinguishing criminal penalties (straf) from measures (maatregelen). Depending on the child's age, the offense, and the applicable statutory requirements, these measures may include returning the child to parental or guardian supervision, participation in vocational training, or placement in an appropriate educational or social welfare institution. Such measures seek to promote rehabilitation, accountability, and social reintegration while protecting children's rights (Rodliyah & Faruq, 2017).

Crime prevention forms part of broader efforts to protect society (social defense) and promote social welfare. Within criminal policy, these objectives may be pursued through penal and nonpenal strategies. According to Arief (2014), penal policy involves the use of criminal law and criminal justice institutions to respond to prohibited conduct. However, criminal sanctions have inherent limitations because they primarily address offenses after they occur and may not adequately resolve the underlying social conditions contributing to criminal behavior. Accordingly, the principle of ultimum remedium is particularly relevant to juvenile justice, where deprivation of liberty should be imposed only when legally justified and necessary. The SPPA Law reflects this approach by prioritizing restorative justice and diversion for eligible cases, thereby reducing unnecessary exposure to formal criminal proceedings and their potential adverse consequences (Marlina, 2011).

Nonpenal strategies emphasize preventive interventions targeting factors associated with criminal behavior, including poverty, socioeconomic inequality, limited educational opportunities, family dysfunction, and inadequate community support (Arief, 2014). These strategies may involve family-strengthening programs, inclusive educational initiatives, youth development activities, and community-based prevention involving customary leaders, religious figures, and local organizations. Situational crime prevention measures may also reduce opportunities for theft while promoting safer community environments. In cases involving children, nonpenal approaches are particularly important because they address developmental and environmental circumstances before criminal conduct occurs. Local customary practices may contribute to prevention and conflict resolution when implemented consistently with children's rights and applicable legislation. Penal and nonpenal strategies should therefore function as complementary components of juvenile crime prevention, combining proportionate legal accountability with preventive and rehabilitative interventions (Arief, 2008).

Article 1(3) of the SPPA Law defines a child in conflict with the law as a person aged 12 years or older but younger than 18 years who is suspected of committing a criminal offense. This category must be distinguished from the broader classification of children dealing with the law (Anak yang Berhadapan dengan Hukum, ABH), which also includes child victims and witnesses. Under Article 21, children younger than 12 years who commit or are suspected of committing an offense are subject to protective measures rather than ordinary juvenile criminal

proceedings. These measures may involve returning the child to parental or guardian supervision or participation in an education, guidance, and development program for a maximum of six months, subject to statutory procedures. Article 3 guarantees fundamental procedural protections, including humane treatment, separation from adults, effective legal assistance, protection from torture and degrading treatment, and confidentiality of identity. The involvement of legal counsel, Bapas probation officers, and parents or guardians must be ensured in accordance with the specific procedural requirements applicable at each stage of the juvenile justice process (Marlina, 2011). Article 2 further establishes the principles of protection, justice, nondiscrimination, the best interests of the child, respect for children's views, survival and development, guidance, proportionality, deprivation of liberty as a last resort, and avoidance of retaliation.

From a criminological perspective, social control theory, developed by Hirschi (1969), explains delinquent behavior through the weakening of social bonds. These bonds comprise attachment, commitment, involvement, and belief in conventional social values. When children's relationships with their families, schools, and communities weaken, the social constraints that discourage delinquent behavior may become less effective. Labeling theory further emphasizes the potential consequences of stigmatizing children as criminals or thieves. Such labels may contribute to social exclusion, reinforce deviant identities, and create barriers to rehabilitation and reintegration (Hadisuprapto, 2008). These theoretical perspectives highlight the importance of maintaining positive social relationships and avoiding unnecessary stigmatization throughout juvenile criminal justice proceedings.

Law enforcement involves translating legal norms into institutional practices that regulate conduct and protect legally recognized rights and interests (Kelsen, 2007). According to Soekanto (2014), the effectiveness of law enforcement is influenced by five interrelated factors: the legal framework, law enforcement personnel, supporting facilities and infrastructure, society, and legal culture. Consequently, law enforcement should not be understood solely as the mechanical application of statutory provisions but also as an institutional and social process shaped by professional discretion, organizational capacity, and community relationships (Tanya et al., 2013). Similarly, Friedman (1975) conceptualized the legal system through three interconnected components: legal substance, legal structure, and legal culture. Ali (2013) distinguished procedural compliance from the pursuit of substantive justice, emphasizing that lawful procedures should contribute to fair and equitable outcomes. Within juvenile criminal justice, restorative justice provides a framework that emphasizes repairing harm, acknowledging responsibility, and restoring relationships rather than relying exclusively on punitive responses. Zehr (1990) conceptualized crime as harm affecting individuals and relationships, thereby emphasizing victims' needs and offenders' responsibilities to address the consequences of their actions. Braithwaite (1989), through reintegrative shaming theory, distinguished stigmatizing responses that exclude offenders from approaches that condemn wrongful conduct while maintaining the individual's acceptance within the community. This distinction offers a theoretical basis for reducing stigmatization and supporting the reintegration of children in conflict with the law, although its effectiveness depends on implementation and context. Zulfa (2011) emphasized the participation of victims, offenders, and communities in restorative processes, while Marlina (2011) identified diversion as an important mechanism for protecting children from the adverse consequences of formal

criminal proceedings. Arief (2014) further situated restorative justice within broader criminal law reform, emphasizing its compatibility with the principles of Pancasila and Indonesia's community-based traditions of deliberation and conflict resolution.

RESEARCH METHODS

This study employed an empirical legal research design using a socio-legal approach to examine the implementation of juvenile criminal justice provisions in law enforcement practices (Amiruddin & Asikin, 2012; Soemitro, 1990). The investigation focused on the application of diversion and restorative justice mechanisms in handling theft offenses involving children in conflict with the law (Anak yang Berkonflik dengan Hukum). The research was conducted within the jurisdiction of Waropen Regency, Papua Province, Indonesia, with the Waropen Resort Police (Kepolisian Resor Waropen, Polres Waropen) serving as the primary research site.

The study population comprised police officers involved in handling theft cases committed by children within the jurisdiction of the Waropen Resort Police. Participants were selected using purposive sampling based on their responsibilities, professional experience, and direct involvement in juvenile criminal investigations and law enforcement procedures (Sugiyono, 2018). The characteristics and distribution of the selected participants are presented in Table 1.

Table 1. Research Sample

Yes	Resource Person Category	Quantity
1	Head of the Women and Children Service Unit (PPA)	3 people
2	Investigator	3 people
3	The child who committed the theft	2 people
4	Public Figures	1 person
	Quantity	**9 people**

Source: Research data, 2026.

Primary data were collected through field research involving in-depth interviews with key informants and field observations at the Waropen Resort Police (Kepolisian Resor Waropen, Polres Waropen). Secondary data were obtained through literature and document reviews encompassing primary legal materials, including the 1945 Constitution of the Republic of Indonesia, the former Criminal Code (Kitab Undang-Undang Hukum Pidana, KUHP), Law No. 1 of 2023 concerning the Criminal Code, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (Sistem Peradilan Pidana Anak, SPPA), Law No. 35 of 2014 amending Law No. 23 of 2002 concerning Child Protection, and relevant implementing regulations on diversion. Secondary legal materials included legal textbooks, scholarly journal articles, previous research findings, social inquiry reports (Penelitian Kemasyarakatan, Litmas), and judicial diversion determination documents, while tertiary legal materials included legal dictionaries and reference works (Marzuki, 2017; Soekanto, 2015). Data collection was conducted through interviews, observations, and document analysis. The collected data were analyzed qualitatively using an interactive analytical model comprising data condensation, data display, and conclusion drawing and verification (Miles et al., 2014).

RESULTS AND DISCUSSION

The Process of Implementing Law Enforcement for Children Involved in Theft in Waropen Regency

4. *Receipt of Reports, Investigations, and Determination of Child Status*

The receipt of reports or complaints regarding theft crimes involving children occupies a very urgent position, because this phase determines the direction of the next legal handling. The urgency of this initial handling can be seen from the tendency of data on child theft cases in the jurisdiction of the Waropen Police as presented in Table 2.

Table 2. Data on Theft Cases Involving Children at the Waropen Police Station (2023–2025)

Year	Number of Reports
2023	6 cases
2024	8 cases
2025	7 cases
Total	**21 cases**

Source: Waropen Police Criminal Investigation Unit Recapitulation Data (processed for research needs, 2026).

The data shows that theft by children in Waropen Regency is not an incidental event, but an ongoing socio-juridical problem that requires precision since the investigator receives the report. The act of investigating and determining the age status of children in the early stages is not just an administrative formality, but a safety bridge so that children's constitutional rights are not harmed by ordinary criminal justice mechanisms that tend to be repressive. The accuracy of investigators in mapping the qualifications of the offense and the age of the child determines whether the child will be saved through the restorative justice route or is trapped in the formal court.

Based on an interview with the PPA Head of the Waropen Police Criminal Investigation Unit, Bripka Ridwan Latief Sineri, when the theft report came in and the perpetrator was indicated to be a minor, PPA investigators continued to carry out formal investigation and investigation actions, but the entire process was required to strictly refer to the SPPA Law. The main step of the investigator is to verify the age limit of children formally, namely 12 to not even 18 years old, and ensure that diversion efforts are opened as wide as possible as long as the criminal threat is under 7 years old and the perpetrator is not a repeat of the criminal act. PPA investigators Briptu Trigus Pribadi, S.H., and Briptu Muhidin, S.H., added that the examination was held in a family atmosphere without official clothes, that the detention of the child of ordinary theft perpetrators (Article 362 of the Criminal Code) was prohibited, and that the initial handling was focused on collecting evidence, coordinating with PK Bapas, and preparing diversion deliberations with the family and the victim.

One of the children of the perpetrator of the theft revealed that his actions were driven by peer pressure and the inability of his parents to meet basic needs and school fees. He admitted that he was very scared when he was first secured, but the persuasive treatment of the investigators who were not in uniform and the presence of parents helped reduce his anxiety. Community leaders in Waropen Regency said that theft by children is closely related to the

fading of family supervision and the limited means of positive activities for youth in the villages. The community supports the move of the Waropen Police to prioritize diversion deliberation and family/customary settlement, but still hopes for real guidance for children and fair compensation for the victims. The recapitulation of the settlement of the 21 cases is presented in Table 3.

Table 3. Recapitulation of the Settlement of Child Theft Cases at the Waropen Police (Year 2023–2025)

Solution Form	Quantity	Percentage	Remarks
Diversion at the investigation level	13 cases	61,9%	Resolved through restorative justice
Proceeding to prosecution/trial	6 cases	28,6%	Diversion did not reach the victim's agreement
Returned to parents	2 cases	9,5%	Children under 12 years old
Total	**21 cases**	**100%**	

Source: Waropen Police Criminal Investigation Unit Recapitulation Data (processed for research needs, 2026).

The data proves that the PPA Unit of the Waropen Police Criminal Investigation Unit consistently makes the procedural law of the SPPA Law as the main instrument in determining the status and handling of child perpetrators of theft. The initial handling has reflected the application *of the principles of the best interests of the child* and restorative justice substantially; the law enforcement paradigm is no longer based on *retributive justice*, but focuses on the protection of the child's basic rights and the restoration of social relations. The non-formal approach, non-uniform examinations, and the absence of detention in ordinary theft offenses are clear evidence of the investigators' commitment to suppressing psychological trauma and preventing the effects of stigmatization. However, there is a gap between *das Sollen* and *das Sein*, namely the absence of local LPKS, the lack of an ideal Special Examination Room (RPK) for children, geographical distance, and the limited number of PK Bapas which delays the preparation of Litmas and the determination of diversion. Therefore, effective child crime prevention requires an integrated approach that synergizes the penal route by the Waropen Police PPA Unit and the non-penal route through the intervention of the Waropen Regency Regional Government, the Social Service, DP3AP2KB, as well as strengthening family institutions (Arief, 2014).

2. Special Examination Procedures and Non-Formal Atmosphere

The implementation of special examination procedures and a non-formal atmosphere has fundamental urgency to ensure psychological protection and children's human rights. Research data shows that throughout 2023–2025, all 21 children of theft perpetrators handled by the Waropen Police PPA Unit obtained the right to be examined in a non-formal and child-friendly atmosphere. Examination procedures that release the attributes of police formality, such as official clothes and public examination rooms that seem intimidating, are not just technical adjustments, but concrete forms of legal protection so that children do not feel judged as criminals from the beginning of the examination.

The PPA Office explained that investigators are required to condition the examination space and atmosphere as familiar as possible; the provision that investigators do not wear

official clothes is an imperative mandate of the SPPA Law, and the focus of the investigation is to explore the background of the act and find a solution based on restorative justice, not to mentally pressure the child to admit guilt. The investigators detailed that the questions and answers were carried out in language that was easy for children to understand without threatening tones, and that the confidentiality of the child's identity was strictly guarded by not allowing photos or publications to the media. The child of the perpetrator of the theft admitted that he initially imagined that he would be put in a cell and examined harshly, but his fear was reduced when he was received by investigators in plain clothes, given the opportunity to sit side by side with his parents, and asked in the form of a family dialogue, so that he dared to tell the real reason. Community leaders consider this approach to respect human values and local wisdom, because children in the interior and coast of Waropen are generally very depressed when dealing with formal authorities.

The implementation of special examinations at the PPA Unit of the Waropen Police has been in line with the principles *of the best interests of the child* and the protection of the dignity of children. The removal of official uniforms and the creation of a friendly examination climate are a deconstruction of the image of the criminal law that is repressive and effective in preventing *secondary victimization*. In a non-intimidating climate, children are more open to expressing family economic pressure, peer influences, and parenting problems that are the background to their actions, so that this information becomes valuable material for investigators and PK Bapas to formulate the most educational diversion or sanction for actions. However, the Waropen Police does not yet have an ideally separated Children's RPK; the examination still utilizes the PPA Unit space adjacent to the general criminal investigation unit. Given the structure of the Waropen society which has close kinship ties, the guarantee of identity confidentiality serves as a bulwark against the danger of 1284ounsello that has a fatal impact on the social acceptance of children in their hometowns (Braithwaite, 1989).

3. Mandatory Assistance Guarantee

The provision of mandatory *legal and social assistance* in each stage of the investigation occupies a fundamental juridical position so that psychologically and cognitively vulnerable children are not in inequality when dealing with the authority of the investigator. The presence of companions, namely parents/guardians, legal advisors, community 1284ounsellors, and companions/social workers, is a prerequisite for the validity of the juvenile criminal investigation process; its absence results in *the nullity (van rechtswege nietig*) of all investigation results in the Examination Minutes (BAP). The presence of a companion functions as a *balancing power* that ensures that children's constitutional rights are maintained throughout the legal process (Marlina, 2011).

The PPA unit emphasized that the PPA unit consistently requires the presence of accompanying elements before the formal examination begins. Upon receiving the report, the investigator immediately wrote a letter and coordinated with Bapas and the Social Service/DP3AP2KB of Waropen Regency, and would not force the BAP examination if the legal assistant or PK Bapas was not present. The investigators explained that the legal advisor and PK Bapas ensured that the investigator's questions were within the limits of reasonableness and did not trap, while the parents/guardians and social companions provided mental reinforcement. The litmas prepared by PK Bapas became a compass for investigators in designing diversion deliberations. The child of the perpetrator of the theft said that the presence

of parents and social companions greatly reduced his fear, and the companion helped explain the meaning of the question calmly so that he could tell his story openly. Community leaders view the involvement of parents, social services, and legal companions as respect for the family structure upheld by the Waropen indigenous people.

The implementation of mandatory assistance at the Waropen Police Station has fulfilled the principle *of due process of law* that is responsive to the needs of children. The integration of legal, psychosocial, and emotional assistance creates a multidimensional investigative climate, prevents arbitrariness, and shifts the focus of the investigation from merely proving elements of Article 362 of the Criminal Code to finding the root causes of children's social problems through Litmas data. The compliance of investigators not to check before the companion is present is a wise legal risk mitigation, because formal legal compliance functions as a means of achieving substantive justice (Ali, 2013). However, Waropen Regency does not yet have an independent Bapas office so PKs must be brought in from outside the district, and the geographical conditions of the coast and islands often slow down the presence of PKs and legal advisors. Therefore, it is necessary to commit the Regional Government of Waropen Regency together with the Ministry of Law and Human Rights to establish a permanent Bapas service post and strengthen the budget allocation of the regional Legal Aid Post (Posbakum).

4. Strict Policy on Child Detention

The strict policy on child detention is rooted in the principle *of ultimum remedium*, where deprivation of independence is placed as a last resort and in the shortest period of time. Detention has the potential to cause mental deprivation, long-term psychological trauma, and exposure to behavioral contamination from other prisoners, even though the motive for child theft is often triggered by emotional immaturity or family economic pressure, not a deep-rooted criminal nature. Immeasurable detention actually kills children's access to education, damages family bonds, and strengthens negative stamps in the environment where they live (Zulfa, 2011).

The PPA Office explained that investigators comply with the signs of Article 32 of the SPPA Law, namely detention can only be carried out if the child is 14 years old or older and is suspected of committing a criminal act that is threatened with imprisonment of 7 years or more. In ordinary theft (Article 362 of the Criminal Code) with a maximum threat of 5 years, investigators are strictly prohibited from detention. The investigators added that children who do not meet the conditions of detention are returned to the supervision of their parents/guardians or placed in social institutions, and even on suspicion of theft with aggravation (Article 363 of the Criminal Code) investigators continue to prioritize non-detention through written guarantees of parents/guardians and community leaders as long as the child is cooperative. The child of the perpetrator of the theft expressed relief because he was not put in a detention cell and allowed to go home with the obligation to report, so that he could continue his learning activities. Community leaders consider this policy to be in accordance with Papuan customary values that prioritize recovery, because child incarceration triggers deep shame for families and closes the opportunity for children to change.

The implementation of the non-detention policy at the Waropen Police Station has been in line with the protection of human rights and the principle *of the best interests of the child*. Restrictions on detention are not a form of impunity, but a rational strategy to maintain the growth and development of children while optimizing the chances of reaching diversion

agreements, because children who are outside of custody have a more stable and cooperative mental condition in deliberation. The return of children to parents also refunctions parental *responsibility*, according to the view of Hirschi (1969) that strengthening the bond between children and families is the key to social control. However, the absence of local LPKS or safe houses owned by the local government makes it difficult for investigators when the child's family is very dysfunctional or there is rejection from residents, so the Regional Government of Waropen Regency needs to immediately establish a regional LPKS or Safe *House*.

5. Implementation of the Diversion Mechanism and Restorative Justice Deliberation

The implementation of diversion and restorative justice deliberation is the core of the juvenile criminal law enforcement process at the PPA Unit of the Waropen Police Criminal Investigation Unit. Diversion is the transfer of the settlement of children's cases from the criminal justice process to the process outside the criminal court, which is based on the philosophy that the settlement of theft by children is not a place of retribution, but a means of recovering the victim's losses, restoring social harmony, and saving the future of the child (Rodliyah & Faruq, 2017). If the case is forced to trial, the social and psychological costs borne by the child far exceed the value of the stolen goods.

The PPA Office explained that investigators are obliged to seek diversion if they meet the requirements of Article 7 of the SPPA Law, which is a criminal threat under 7 years old and not a repetition of a criminal act. The diversion deliberation invites the child and parents/guardians, victims and parents/guardians of the victim, PK Bapas, social companions (Dinsos/DP3AP2KB Waropen), as well as community leaders or traditional leaders, with the investigator as facilitators. The investigators detailed that diversion agreements generally include: (a) apologies from children and parents to the victim; (b) return of goods or material compensation in a familial manner; (c) parents' commitment to tighten child supervision; and (d) the child's obligation to participate in coaching or community services under the guidance of social agencies. The agreement is stated in the Minutes of the Diversion Agreement and its determination is requested to the Chief of the District Court until the investigation is legally stopped.

The son of the perpetrator of the theft said that in the deliberations he was given the opportunity to express his regret and apology directly in front of the victim and community leaders, and felt moved when the victim was willing to forgive after hearing his parents' promise to compensate and tighten guidance. Community leaders view diversion as in line with the culture of Papuan customary law which prioritizes family deliberation (*para-para adat*), namely the settlement of disputes through the exchange of apologies, the payment of fair fines, and the restoration of kinship ties. The involvement of indigenous leaders in diversion is considered a harmonious combination of positive law and local wisdom that is able to dampen social grudges between residents.

The success of 13 out of 21 cases resolved through diversion shows a paradigm shift from *retributive justice* to *restorative justice* as stated by Zehr (1990). PPA investigators not only play the role of formal law enforcers, but also as mediators and social facilitators who bridge the interests of victims and child recovery. The involvement of PK Bapas, social workers, and community/customary leaders reflects the active participation of the three pillars of victims, perpetrators, and communities (Zulfa, 2011) as well as *reintegrative shaming mechanisms* that denounce acts without alienating the perpetrators (Braithwaite, 1989).

However, the failure of diversion in some cases is triggered by the severity of the victim's refusal, irrational demands for compensation, and the assumption by some people that diversion is impunity. In addition, the absence of independent fathers makes it difficult to supervise post-diversion, so that the role of the Social Service and parents/guardians is decisive so that children do not repeat their actions. The Waropen Police needs to strengthen collaboration with the Regional Children's Forum, related agencies, and Waropen Customary Institutions to formalize mediation guidelines based on local wisdom that are integrated with the SPPA Law.

Factors Causing Child Involvement in Theft Crimes in Waropen Regency

The involvement of children in theft in Waropen Regency is a complex criminological phenomenon and is essentially a manifestation of social dysfunction and economic pressure in the environment where they live. The determinants are divided into social *environmental factors* and economic *and poverty factors*.

In terms of the social environment, interviews with the PPA Office and investigators revealed that the influence of *peer groups* occupies a dominant position. Adolescents have a strong urge to be accepted into their group, so when they associate with groups that are used to committing delinquency, children tend to follow group behavior (*social conformity*) for the sake of solidarity. The next factor is family dysfunction, such as *broken homes*, divorce, and domestic conflicts, as well as parents who are too busy earning an income or lack parenting skills, so that children lose internal control and seek escape outside the home. Residential environments that are prone to crime form a *social learning process* that normalizes theft as commonplace. In addition, lifestyle exposure on social media creates consumptive expectations, such as the desire to own *branded gadgets* and clothing, while the lack of sports facilities, art expression spaces, and youth activities makes children have a lot of undirected free time. This finding is in line with Hirschi's (1969) theory of social control about the weakening *of attachment*, *commitment*, *involvement*, and *belief*.

From an economic perspective, very low family income causes difficulty in meeting basic needs, so in some cases children take other people's belongings or produce in order to survive or ease the burden of family food. Unemployment and financial instability of parents who rely on the informal sector encourage children to look for shortcuts to get cash. The high cost of school supplies, uniforms, and transportation causes children to drop out of school and have no productive activities, making them susceptible to negative associations. Acute poverty also puts children in a vulnerable position to be exploited by adult perpetrators or older colleagues who understand that sanctions for children are lighter, plus the ease of selling stolen goods in the local environment. These findings confirm the importance of non-penal efforts that touch on criminogenic roots as stated by Arief (2014).

Inhibiting Factors in Law Enforcement of Child Perpetrators of Theft in Waropen Regency

Although the SPPA Law has provided an ideal normative foundation based on restorative justice and diversion, empirical reality (*das Sein*) shows that there are still significant operational obstacles. With reference to the theory of factors influencing law enforcement from Soekanto (2014), these obstacles are classified as presented in Table 4.

Table 4. Factors Inhibiting Law Enforcement for Child Perpetrators of Theft in Waropen Regency

Yes	Factors	Barrier Formation
1	Legal substance and law enforcement	Rigid limitations on diversion requirements Article 7 of the SPPA Law on theft with aggravation (Article 363 of the Criminal Code); lack of certified child investigators; delays in bureaucratic coordination between institutions
2	Facilities, infrastructure, and facilities	The unavailability of representative children's RPK; the absence of an independent Bapas office; the unavailability of local LPKS or temporary shelters
3	Victims, society, and legal culture	Peaceful rejection or irrational demands for compensation from the victim; the retributive mindset of the community; the stigmatization of "thieving children"; the apathy of some of the perpetrator's parents

Source: Research results (processed), 2026.

In terms of legal substance, Article 7 of the SPPA Law stipulates that diversion is only mandatory if the criminal threat is under 7 years old and not a repetition of the criminal act. Obstacles arise when a child is suspected of committing theft with aggravation (Article 363 of the Criminal Code), such as theft at night or by two or more people, who formally lock the door of diversion, even though in some cases children only participate with a relatively small amount of loss. From the aspect of law enforcement, the limited number of certified special investigators for children causes children's cases to be often charged to general investigators, while coordination between investigators, public prosecutors, district courts, PK Bapas, and social workers often experience delays due to communication and network barriers. This condition puts investigators in a dilemma between compliance with formal legal certainty (*procedural due process*) and the encouragement to realize substantive justice for the future of children (Ali, 2013).

In terms of facilities and facilities, the Children's RPK that is separate and free from traffic handling adult prisoners is not yet available at the Waropen Police Station. The most vital obstacle is the unavailability of local LPKS and temporary halfway houses, so that when children are not detained but their family environment is dysfunctional or receives rejection from residents, the police do not have a standardized coaching referral place. The absence of an independent Bapas office also requires PK Bapas to come from outside the district with high transportation time and costs due to the condition of the coastal area and Waropen waters. As a result, the functionalization of action sanctions (*maatregel*) ordered by the SPPA Law has become operationally paralyzed.

In terms of victims, society, and legal culture, the most dominant obstacles that cause diversion failure are the strong rejection of the victim who is overwhelmed with anger, irrational demands for compensation for the child's family, or the insistence that the child be thrown into a detention cell. The legal culture of the local community is still dominated by a retributive mindset that considers diversion as a form of "*impunity*", while the label "child thief" is often attached to the child after the case is handled. Some parents of the perpetrator are also apathetic or reluctant to accompany the child because they are embarrassed or do not understand legal procedures. This is in line with Friedman's (1975) view that the effectiveness of the legal system is not only determined by the substance and structure, but also by the legal

culture of the society. Thus, law enforcement against children of perpetrators of theft in Waropen Regency will not be effective if it only relies on improving the norms or performance of investigators, but requires a transformation of legal culture through massive socialization of restorative justice and strengthening the role of Waropen Customary Institutions (*para-customs*) in assisting the social reintegration of children (Tanya et al., 2013).

CONCLUSION

Law enforcement procedures involving children in conflict with the law in theft cases at the Waropen Resort Police (Kepolisian Resor Waropen, Polres Waropen) were implemented with reference to Law No. 11 of 2012 concerning the Juvenile Criminal Justice System (Sistem Peradilan Pidana Anak, SPPA). These procedures included verification of the child's age, child-sensitive interviews conducted in an informal and supportive environment without official uniforms, protection of the child's identity and confidentiality, and legal and social assistance involving legal counsel, Correctional Center (Balai Pemasyarakatan, Bapas) probation officers (Pembimbing Kemasyarakatan, PK), social workers, and parents or guardians, in accordance with applicable legal requirements. Detention was treated as a measure of last resort (ultimum remedium), subject to the statutory conditions governing juvenile detention. Law enforcement primarily emphasized diversion (diversi) based on restorative justice principles. Of the 21 theft cases involving children recorded between 2023 and 2025, 13 were successfully resolved through diversion at the investigation stage, involving agreements such as apologies, compensation, and noncustodial measures. However, several obstacles hindered effective implementation, including the statutory eligibility requirements for diversion under Article 7 of the SPPA Law, particularly in aggravated theft cases; the limited availability of investigators with specialized juvenile justice training; and delays in interinstitutional coordination. Additional constraints included the absence of dedicated child-friendly interview facilities, a local Bapas office, and Social Welfare Institutions (Lembaga Penyelenggaraan Kesejahteraan Sosial, LPKS). Sociocultural barriers included victims' unwillingness to participate in restorative settlements, disproportionate compensation demands, retributive attitudes toward juvenile offending, social stigmatization, and limited parental involvement. Based on these findings, the study recommended that the Waropen Resort Police strengthen child-sensitive investigative procedures, prioritize diversion in legally eligible cases, expand specialized training and certification for juvenile investigators, and establish technical guidelines for diversion mediation that incorporate local customary practices while safeguarding children's rights and victims' interests. The Waropen Regency Government was encouraged to allocate resources for establishing LPKS facilities or appropriate child protection shelters and strengthen nonpenal prevention initiatives, including economic assistance for disadvantaged families, educational scholarships for children who had dropped out of school, and the development of regional children's forums at the village level. Community participation should also be strengthened through restorative justice education, efforts to reduce stigmatization, and greater parental supervision and involvement throughout juvenile justice proceedings.

FUNDING

This study did not receive any specific funding from governmental institutions, private organizations, or other funding agencies.

CONFLICT OF INTEREST

The authors declare that there are no conflicts of interest related to the conduct of the research, preparation, or publication of this article.

AUTHOR CONTRIBUTIONS

All authors contributed to the preparation of this article. The first author, Fitriyah Ingratubun, was responsible for the conceptualization of the study, data collection and analysis, interpretation of the results, and manuscript preparation. The other authors contributed to the review, editing, and final approval of the manuscript.

GENERATIVE AI STATEMENT

The authors declare that no generative artificial intelligence was used in the preparation of this article.

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