

The Legal Psychology Approach in Handling Juvenile Delinquency (An Analysis of the Causes of Legal Violations Among Juvenile Offenders at the Cileungsi Social Institution)

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Abstract

The changing times and the development of children significantly influence their behavior, ultimately raising concerns among perpetrators, victims, parents, and the broader community. Adolescents are particularly vulnerable to social and psychological pressures, which often affect their decisions and actions. Juvenile delinquency reflects non-compliance with prevailing rules and norms, whether within the family, school, community, or the individual themselves. Therefore, it is essential to instill these norms in adolescents from an early age to foster proper understanding. This study aims

to identify adolescents in conflict with the law from the perspective of legal psychology. The research employs a normative juridical approach, with qualitative data analysis conducted through a literature review. The study involves examining, understanding, identifying, and recording literature, legislation, and relevant data concerning the issues under investigation. The findings indicate that addressing juveniles in conflict with the law requires a specific legal psychology approach to analyze the underlying causes of offenses and the contributing factors leading adolescents to become juvenile offenders.

Keywords:

Children, Juvenile Delinquency, Psychology in Law.

Introduction

The presence of children within a family is deeply valued, as many believe that a marriage feels incomplete without them. Consequently, couples often make various efforts to have children.¹ This reflects the important role that children play not only within the family unit but also in society at large.²

The increasing complexity of the modern era presents new challenges, particularly concerning the behavior of children and adolescents. In today's globalized world, adolescents face both internal psychological changes and external social pressures that influence their decisions and behaviors.³ These pressures may arise from family,

¹ Gilang Nurul Hairunisa, "Pengaruh kehadiran anak dan jumlah anak terhadap kebahagiaan orang tua," *Martabat: Jurnal Perempuan Dan Anak* 5, no. 1 (2021): 127–52.

² Jurusan Pendidikan Agama Islam, "Pola pendidikan agama islam pada anak korban keluarga broken home," 2021, <https://www.academia.edu/download/91157183/309.pdf>.

³ Umi Khusnul Khatimah, "Hubungan seksual suami-istri dalam perspektif gender dan hukum islam," 2013, <https://repository.uinjkt.ac.id/dspace/handle/123456789/30927>.

school, peer environments, and the influence of social media, making adolescents more vulnerable to deviant behaviors, including those that violate the law.⁴

A child's development is heavily influenced by their environment, which includes not only the immediate family but also siblings, schools, neighbors, and friends.⁵ Children learn through the way they are raised: environments marked by criticism and hostility may lead to aggression and blame-shifting, while nurturing environments that promote tolerance and fairness help foster patience and respect for others.⁶

A positive environment plays a vital role in supporting healthy mental and emotional development. In contrast, negative surroundings may encourage children to imitate harmful behaviors.⁷ When adolescents become involved in legal conflicts, they are often required to navigate complex judicial systems that may not fully understand or consider their psychological conditions.⁸

Legal psychology is the field that examines the relationship between law and human behavior.⁹ It explores how psychological

⁴ Sifa Mulya Nurani, "Relasi Hak Dan Kewajiban Suami Istri Dalam Perspektif Hukum Islam (Studi Analitis Relevansi Hak Dan Kewajiban Suami Istri Berdasarkan Tafsir Ahkam Dan Hadits Ahkam)," *Al-Syakhsyyah: Journal of Law & Family Studies* 3, no. 1 (2021): 98–116.

⁵ Irwansyah Suwahyu, "Eksistensi Pendidikan Islam di Era Revolusi Industri 4.0," *Jurnal Pendidikan dan Konseling (JPDK)* 4, no. 4 (2022): 3902–10.

⁶ Astri Sulistiani Risnaedi, *Konsep Penanggulangan Perilaku Menyimpang Siswa* (Penerbit Adab, 2021).

⁷ Evita Andryani Lubis, "Hubungan Antara Komunikasi Dialogis Dalam Keluarga dan Teman Sebaya Dengan Kenakalan Pada Siswa SMP Negeri 6 Padang Sidempuan" (PhD Thesis, Universitas Medan Area, 2015), <https://repository.uma.ac.id/handle/123456789/1008>.

⁸ Widya Romasindah Aidy, "Anak Berhadapan Hukum Ditinjau Dari Aspek Psikologi Hukum," *Jurnal Hukum Sasana* 7, no. 2 (2021): 357–65.

⁹ Laros Tuhuteru, *Pendidikan Karakter Untuk Menjawab Resolusi Konflik* (Cv. Azka Pustaka, 2022).

factors influence unlawful behavior and how legal systems impact the mental state of those involved. In the case of juveniles, legal psychology provides crucial insights into their psychological background and helps design more humane and effective legal responses.¹⁰

Children who commit criminal acts cannot be entirely blamed, as environmental influences significantly shape their behavior. Such children are better understood as being in conflict with the law, rather than being inherently criminal. Society faces a dilemma in viewing these children on one hand, recognizing them as victims of their environment, and on the other, confronting the negative consequences of their actions.¹¹

Children in conflict with the law should be viewed holistically through sociological, psychological, and legal perspectives. A comprehensive approach ensures the protection of children's rights and human dignity. As societies evolve, there is hope for the development of better systems in the legal, social, and political domains. Institutional changes, new paradigms, and inter-agency collaboration are essential to uphold the best interests of the child.¹²

One example is the Social Services Center in Cileungsi, which operates under the provincial government and is dedicated to rehabilitating children in conflict with the law. The rehabilitation

¹⁰ Munita Yeni, *Jangan Ajari Aku Harga Diri yang Rendah* (Anak Hebat Indonesia, 2017).

¹¹ Mhd Habibu Rahman, Rita Kencana, dan S. Pd NurFaizah, *Pengembangan nilai moral dan agama anak usia dini: panduan bagi orang tua, guru, mahasiswa, dan praktisi PAUD* (Edu Publisher, 2020).

¹² Muhammad Soleh Soleh, "Youth, Religion, and Pop Culture: Modernitas Dalam Gaya Hidup Hedonisme Remaja Dan Budaya Populer Versus Eksistensi Agama Jaman Now," *SEMAR: Jurnal Sosial Dan Pengabdian Masyarakat* 1, no. 2 (2023): 35–44.

program aims to promote safety, social functioning, and inner well-being through professional and quality social services.

Some children develop delinquent behaviors that eventually bring them into legal conflict. In social shelters, interactions among children, supervision quality, and lack of optimal support contribute to these challenges. External pressures such as family problems and limited resources or activities in the facility often worsen the situation.

Behaviors such as theft or violence may arise from internal distress and emotional neglect. When such actions are identified, they are often reported to legal authorities, initiating judicial processes. However, the justice system does not always consider the children's psychological state.

Legal psychology is crucial in this context, providing assessments of psychological backgrounds and guiding rehabilitative, compassionate interventions. During this process, children are offered counseling, education, and meaningful activities, along with family and community support. Progress is regularly evaluated and programs are adjusted accordingly.

With improved strategies and broader support, social institutions can help prevent further criminal behavior among youth and offer effective protection and rehabilitation.

Method

In addressing the issue of Children in Conflict with the Law (CICL), it is essential to gather data that provides a comprehensive overview of the psychological challenges faced by these children, as well as their needs in fulfilling their rights. This study employs a normative juridical method, with qualitative data analysis conducted through literature review. This method involves the examination, understanding,

identification, and documentation of literature, statutory regulations, and relevant data to build a thorough understanding of the issues being investigated. The data collected is presented in a systematic, logical, and rational descriptive narrative. Each part of the data is interconnected to form a cohesive whole, aligned with the core research problems. The data is then analyzed qualitatively by interpreting and discussing the information based on relevant theories, doctrines, legal principles, and statutory frameworks. This approach aims to provide in-depth insights into the factors influencing juvenile delinquency and to formulate more effective and humane legal strategies by applying a specific legal psychology framework.¹³

Analysis and Discussion

1. Legal Psychology in the General Legal Process

Legal psychology serves dual roles within the legal domain: as a scientific discipline and as a practical tool. Scientifically, it enriches legal development through in-depth research that enhances our understanding of human behavior in legal contexts. Practically, it functions as a valuable instrument in legal interventions, offering assessments and therapies that guide legal processes more effectively.

Emerging as a distinct field in the 1960s, legal psychology provides innovative perspectives on the interplay between law and human behavior. It delves beyond the legality of actions to explore the psychological underpinnings of behavior. By categorizing human behavior into broader classifications—such as individual versus group behavior, and normal versus abnormal behavior—it offers a holistic understanding of motivations within legal contexts.

¹³ Komang Ayu Henny Achjar dkk., *Metode Penelitian Kualitatif: Panduan Praktis untuk Analisis Data Kualitatif dan Studi Kasus* (PT. Sonpedia Publishing Indonesia, 2023).

The significance of legal psychology in the justice system has grown, underscored by the establishment of professional organizations that highlight its necessity in unraveling the complexities of criminal cases and deviant behaviors. It not only aids in law enforcement but also bridges scientific knowledge and practical legal applications.

Various branches of psychology contribute to the legal system: Social Psychology aids in understanding group dynamics and social influences on behavior; Cognitive Psychology offers insights into memory and perception of witnesses and victims; Developmental Psychology examines behavioral changes across age; and Clinical Psychology provides therapy and in-depth assessments for individuals with psychological issues. Through research and application of these branches, the legal system can more effectively address cases involving psychological factors, ensuring a more humane and effective judicial process.

The application of legal psychology is crucial as it provides deep insights into the interaction between law and human behavior. It enables accurate assessments of the mental and emotional states of individuals involved in legal proceedings, including evaluations of competency, testimonial ability, and risk assessments. Understanding the motivations behind criminal behavior allows the legal system to identify psychological and social factors influencing actions, leading to more precise legal decisions.

Furthermore, legal psychology plays a role in designing appropriate rehabilitation programs for offenders with psychological or emotional disorders, ensuring a more humane and effective approach to rehabilitation. It also helps protect human rights and children's rights by ensuring that legal decisions do not harm individuals who may be experiencing mental or emotional difficulties. In investigations, legal

psychology supports the analysis of criminal behavior and psychological profiling of offenders, as well as the psychological impact on victims.

Testimonial skills are also enhanced through understanding memory and perception, assisting witnesses and victims in providing more consistent and credible testimonies. With an evidence-based approach, legal psychology ensures that legal decisions are grounded in solid scientific data and theories, resulting in a more holistic, humane, and effective legal process. Integrating legal psychology into the justice system allows for more informed and fair decisions, considering not only legal aspects but also the mental and emotional conditions of the individuals involved.

In this study, interviews were conducted with five clients at a rehabilitation facility to explore their experiences with individual counseling. The first client, MU from Cirebon, struggled with emotional regulation and was involved in gang fights due to lack of parental attention and environmental influences. Through emotional management techniques, such as deep breathing and Islamic psychotherapy (dhikr), MU gained a better understanding of the importance of emotional control. The second client, RM, also from Cirebon, faced learning difficulties and lost motivation due to early involvement in gang fights. Using behaviorist approaches and self-management techniques, RM began to show increased enthusiasm for learning and commitment to education.

The third client, AJ from Majalengka, exhibited laziness in participating in activities and had difficulty managing emotions. Rational Emotive Behavior Therapy (REBT) helped him understand how to manage emotions and increase his motivation to learn. The fourth client, NC from Indramayu, faced social difficulties and sleep problems, and was reluctant to continue schooling. REBT and Islamic

therapy helped her build confidence in social interactions and reconsider education. Lastly, client AA from Cianjur, involved in a sexual misconduct case, struggled to forgive past events and was uncertain about the future. With support from REBT and emotional management through dhikr and prayer, AA showed progress in self-acceptance and began exploring future options.

Overall, the findings indicate that individual counseling at rehabilitation facilities can positively impact emotional and social issues, with comprehensive and individualized approaches proving effective in assisting clients to take positive steps toward their future.

2. The Role of Legal Psychology in Juvenile Justice

In Indonesia, the definition of a child is outlined in various laws. According to Law No. 4 of 1979 on Child Welfare (Article 1, point 2), a child is an individual under 21 years old and unmarried; those who marry before 21 are considered adults. The Civil Code (Article 330, paragraph 1) categorizes individuals under 21 as minors, unless they marry before that age. Law No. 35 of 2014 on Child Protection (Article 1, point 1) defines a child as an individual under 18 years old, including those still in the womb. Law No. 11 of 2012 on the Juvenile Criminal Justice System (Article 1, point 3) states that a child is someone aged between 12 and 18 years.

According to the Convention on the Rights of the Child, a child is defined as an individual under 18 years old, unless national laws recognize an earlier age of majority. For this study, the definition from Law No. 11 of 2012 is adopted, classifying children in conflict with the law as those involved in legal conflicts, victims of criminal acts, or witnesses in criminal cases. Children in conflict with the law are those aged between 12 and 18 years suspected of committing a crime. Child victims are individuals under 18 who suffer physical, mental, or

economic harm due to criminal acts. Child witnesses are individuals under 18 who can provide testimony in legal proceedings concerning a criminal case.

Children are a segment of society requiring special legal and human rights protection. The protection of children's rights is a state obligation, regulated by various national and international legal instruments. Children are entitled to guarantees from the state in daily life and special situations, such as when they encounter the legal system.

In Indonesia, children's rights protection is governed by several laws, including Law No. 23 of 2002 on Child Protection, later updated to Law No. 35 of 2014. This law comprehensively outlines children's rights, from the right to life, growth, and optimal development, to protection from violence, exploitation, and discrimination.

Children's rights under national law include:

- a. Right to Life and Development: Children have the right to live and develop optimally, including access to healthcare, education, and guidance from parents and the state.
- b. Right to Identity: Every child has the right to a name, identity, and nationality from birth. The state is responsible for registering births and ensuring children's right to identity.
- c. Right to Protection: Children have the right to protection from all forms of violence, neglect, abuse, exploitation, and discrimination. This protection encompasses family, community, and institutions responsible for child welfare.
- d. Right to Education: Children are entitled to appropriate education that aligns with their needs, aiming to fully develop their potential.

When children face legal proceedings, whether as offenders or victims, their rights must remain protected. Law No. 11 of 2012 on the Juvenile Criminal Justice System emphasizes the need for special approaches in handling children in conflict with the law. Key rights to be upheld during legal processes include:

- 1) **Right to a Fair Legal Process:** Children are entitled to legal proceedings that are fair and appropriate to their age and maturity level. The process should be child-friendly and avoid stigmatization.
- 2) **Right to Legal Representation:** Children have the right to be accompanied by parents or guardians and legal counsel during legal proceedings. They also have the right to be heard and to receive clear information about their rights.
- 3) **Right to Protection During Detention:** If detention is necessary, children have the right to humane treatment and protection, including access to education and healthcare.

Despite comprehensive legal frameworks, challenges in implementation persist. A lack of understanding and awareness about children's rights, coupled with weak law enforcement systems, often hinders the fulfillment of these rights. Therefore, collaborative efforts among the government, society, and various institutions are essential to ensure the effective realization of children's rights.

Children's rights are integral to human rights that must be guaranteed by the state. Although clearly outlined in international and national legal instruments, their implementation requires serious attention and effort. Protecting children's rights, especially within the legal context, should be approached in a child-friendly manner, considering their psychological conditions and specific needs. Such an

approach aims to establish a fair and effective legal system for children and a better future for the next generation.

Article 45 of the Criminal Code defines a child as someone under 16 years old who commits an act before reaching that age. Article 47, paragraph (1) stipulates that individuals under 18 or unmarried are under parental authority unless such authority is revoked. Article 91, paragraph (4) states that children also include individuals under parental authority.

According to Article 1, paragraph (1) of Law No. 35 of 2014 on Child Protection, a child is an individual under 18 years old, including those still in the womb. Articles 1, paragraph (3) and 20 of Law No. 11 of 2012 on the Juvenile Criminal Justice System state that children eligible for court proceedings are those aged at least 12 but not yet 18 and unmarried. If a child commits a crime and is tried after turning 18 but before 21, they are still processed in juvenile court.

From a sociological perspective, children are defined as individuals not yet mature mentally or physically, encompassing offenders, victims, and witnesses in criminal justice, each with

Conclusion

From the discussion above, it can be concluded that juvenile delinquency is closely associated with the status of children in conflict with the law (CICL). CICL refers to minors involved in legal conflict, either as offenders or as victims of criminal acts. Unlawful acts committed by children constitute a form of deviant behavior, which frequently results in the imposition of criminal sanctions upon them.

In imposing criminal sanctions on CICL, it is essential to consider the protection and best interests of the child, including their overall well-being, which must not be neglected. The disregard of a child's

welfare may lead to significant harm, particularly in terms of the fulfillment of their legal rights. The rights of children within judicial processes must be understood as a manifestation of justice. In this regard, a welfare-based approach should form the philosophical foundation in addressing legal violations committed by minors.

This approach highlights two main principles: first, children are presumed not to be fully responsible for their actions, and therefore require mitigated punishment and differentiated treatment from adults; second, children are believed to be more capable of rehabilitation and education compared to adults. Thus, the application of *psychology in law*, which integrates legal psychological principles in analyzing the root causes of juvenile offenses, is also necessary to understand and address unlawful conduct committed by minors.

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