

WILD RACING JUVENILE DELINQUENCY PHENOMENON IN THE CITY OF SINGARAJA BALI FROM CRIMINAL LAW PERSPECTIVE

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ABSTRACT

Juvenile delinquency is a bad (worthless) or crime / delinquency of young children, it is an illness symptoms (pathological) socially in children and adolescents caused by a form of social neglect, so they develop a form of deviant behavior. A form of delinquency as a result of technological and industry developments is the use of facilities for wild racing motorcycles on the highway. Wild racing is a high speed vehicle competing activity (which exceeds the normal limits that exist in the traffic laws) either a motorcycle or a car that does not comply with the national standards or standard equipment, which is performed on a common trajectory. This means that the activity was conducted without an official permission and is done not on the official race track, but on the highway. Wild race that occurred in Singaraja regency is a "prohibited act" and the settings contained in Article 297 in conjunction with Article 115 paragraph b of Law No. 22 of 2009 on Road Traffic and Road Transportation. In fact, in Singaraja there are many violations of the rules. Therefore, from the perspective of criminology, it needs to be known about the factors that cause the child to do a wild race and it is expected to have better knowledge of preventive efforts of the police. The methodology of this research is a legal research with empirical aspects, with primary and secondary data. Processing and data analysis was done qualitatively. Overall results of the analysis of these data are presented descriptively, that is explain the full problem accompanied by critical reviews.

Key words: juvenile delinquency, wild racing, criminal law

Introduction

Technology and industry is growing rapidly, along with the desire of the community to get to know each other, interact and cooperate with each other. This makes the social life linked and complement each other with the developments in technology and industry. This technology has helped human beings in interacting with humans that exist in other communities very easily. The more advanced and modern technologies that exist in the country would always raises an impact, either direct or indirect, both in terms of positive or negative, and will be very influential on any attitude, action, and mental attitudes of each member of society. This technology seemed to provide two perspectives or views. On the one hand, provide great benefits to people and society as a sign of progress, but on the other hand can also provide space to expand human actions to commit crimes that cross the threshold of reasonableness of the values that developed in the community.

With this dualism perspective on the development of technology, then we need to consider the effectiveness of these technological advances. If it is based on the perspective of criminology, the technology can be said as *criminogen* factors, i.e. factors which cause people to do evil desire or facilitate the commission of crimes. Criminology itself is a science that studies about the ins and outs of crime (Yusrizal, 2012). Crime is a symptom of a very disturbing public tranquility, peace and tranquility of society that should disappear from the face of this earth. However, like day and night, women and men, then the crime will still be there as the completeness of the goodness, virtue and so on.

One result of the technological advances that have been created is the vehicle that can carry people from one place to another with a relatively far distance without having to walk to reach the place. Vehicle ownership becomes a necessity of most of people as a means of transportation that would be useful to support the mobility and activity of a person. According to Arif Budiarto and Mahmudah, transportation is the movement of people, goods and information from one place to another place with a comfortable, safe, cheap, fast, and according to the environment to meet human needs (Arif Budiarto and Mahmudah, 2007). Robert Preddle also stated that: transport systems are the life blood of cities of the, providing mobility and access that critical to most activities. But many transport systems are beginning to threaten the very ability of the cities of the live they serve (Robert Preddle, 2002).

Motor vehicles that are often used by most people in everyday life as one of the means of transport is a motorbike. Definition of a motorcycle can be seen from several sources. If based on the Big Indonesian Dictionary, is defined as a big bike with the motor running. Furthermore, the provisions of Article 1 paragraph 20 of Law No. 22 of 2009 on Road Traffic and Transport, stated that: "The bike is a two wheeled motor vehicles with or without homes and with or without side-or three-wheeled motor vehicle without houses ". Motorcycle users in driving or using a motor vehicle on a highway must be equipped with all the letters and

technical requirements relating to the requirements in traffic on the highway. The requirements such as: motor users must bring a driver's license (SIM), must bring the Certificate Number Vehicle (STNK), must use the head tool or helmet safety and other technical requirements. A basic and major requirement for any person or individual in driving a motor vehicle legally and not in violation of laws on the highway is a driver's license. At the provisions of Article 81 of Law No. 22 of 2009 on Road Traffic and Transport, there are requirements that must be met for someone to have a driver's license, which must meet the age requirements, administrative, health and pass the exam. In terms of the article also stated the limitations to have or obtain a driver's license is 17 years old to have a SIM C and SIM A.

Indonesian National Police has the authority and obligation in ensuring orderly traffic in all regions of the Republic of Indonesia. To that end, police officers have the right or authority to make various efforts to realize the orderly traffic, such as conducting inspections or raids on the highway to check the completeness of the drive letter. But today often encountered in cases of traffic violations, especially those committed by adolescents with a variety of modes and criteria violations committed, one of which is doing a wild race on the highway or driving without a license. Children are the next generation of a family as well as the future generation. Children as the future generation and development is appropriate successor groomed since childhood, and also the rights possessed by the child should get legal protection from the state. To get the legal protection of children's rights, we must first know the limits of the meaning of the child. Regarding understanding or restriction on the child, arranged in several laws and regulations applicable in the country of Indonesia.

Book of the Criminal Law Act (hereinafter abbreviated to the Criminal Code) does not explicitly formulate the notion of the child, but can be seen in several articles that give a limit of 16 years as the age of consent (Article 45, 47 of the Criminal Code). Children under the age it is still the responsibility of the parents if the violation of the criminal law. Their behavior was in violation of the law (ie stealing) has not been called a crime (criminal) but only referred to as delinquency. If it is harmful to public mischief and deserves to be sentenced by the state, and his parents were not able to further educate the child, then the child is the responsibility of the state and put in Prisons Special Children (Sarlito W. Sarwono, 2011).

Article 1 of Law No. 3 of 1997 on the Juvenile Court, stated that in paragraph (1) the child is the person referred to in the case of a bad boy has reached the age of 8 years but has not attained the age of 18 years and have never been married. While understanding a brat is contained in paragraph (2) stated that children who commit offenses or child who acts declared off limits to children, either by legislation or by other legal regulations and applicable living in the community. Act No. 23 of 2002 on the Protection of the child, in Article 1, point 1 stated that the child is a person below the age of 18 (eighteen) years of age, including children who are still in the womb. In addition, the Code of Civil Law (BW/KUHPerdata) also set limits on the child, which in Article 330 paragraph (1) shall contain the boundary between immature adult that is 21 years old, unless the child is married before the age of 21 years and maturation. A similar article is located at Article 1 paragraph 2 of Law No. 4 of 1979 on Child Welfare. Children who are already at the age of 12 years to 21 years generally known as the youth, which they are able to think critically, fast and helpful in solving a problem. The result of such thinking is expected to have a value benefit, either for itself or for the general public. However, if we explore further, it is not entirely so. The thought teenagers who are critical, fast and useful may also invite the things that should not be done. Sometimes there are a lot of things that was violate the norms of positive law in force or in the community. Such behavior as this is often referred to delinquency. Delinquency is not only an act that violates the rules or applicable positive law, but also in violation of the existing norms in society (Rachmad Iswan Nusi, 2014).

Wild racing is a high speed collided activity (which exceeds the normal limits that exist in the traffic laws) either a motorcycle or a car that does not comply with the national standards or standard equipment, which is performed on a common trajectory. This means that the activity was conducted without the race has official permission and is done not on the official race track, but on the highway. The phenomenon of illegal racing as one form of delinquency will be a major issue if not addressed quickly and appropriately. This illegal racing is a "prohibited acts" and the settings contained in the positive law in force in Indonesia. This is regulated in Article 297 in conjunction with Article 115 paragraph b of Law No. 22 of 2009 on Road Traffic and Transport, which states that: every person driving a motor vehicle and racing on the road as referred to in Article 115 paragraph b shall be punished imprisonment of 1 (one) year or a maximum fine of Rp. 3,000,000.00 (three million rupiahs). Such delinquency may be seen in major cities and even have started mushrooming in the small towns that exist in each province.

The reason the authors conducted a study in the city of Singaraja is that Singaraja is the capital of the administrative region of Buleleng Regency, located on the north island of Bali, which is known as the "City of Education and Knowledge". It is marked by the inauguration of the new branding, i.e. "Singaraja, The City of Science", where a lot of individuals who come to education in institutions or educational institutions that are provided in this city. So if we see from this city branding, the student should have spent more time there to learn and not to use his free time for the things that are not good. The second reason the authors conducted a study in the city of Singaraja is that a large volume of road vehicles, but the level of use is not so much / dense, providing opportunities for children to engage in speeding or racing on the highway wild.

Based on empirical conditions and the fact that described above, the authors look at the gap between theory and practice. The law has set out clear that the wild race is a criminal offense in the form of a traffic violation and can be imprisoned. But in reality, in society especially among young people, the race is still going wild. Seeing this condition, the writer interested to analyze more deeply about the causes and prevention efforts in the wild race of Singaraja City. Based on the explanation above, authors take an issue on the incidence of Wild Racing Juvenile Delinquency in the City of Singaraja Bali From Criminal Law Perspective.

Research Method

Research on “Wild Racing Juvenile Delinquency in the City of Singaraja Bali From Criminal Law Perspective” is a kind of legal science research with an empirical study. Because this study concerns the data, then it is by itself an empirical legal research (Philip M. Hadjon and Tatiek Sri Djatmiati, 2005). Empirical legal studies are studies that look at the law as a reality that includes social reality, reality culture and others (reviewing the law in action) (Ahmad Ali and Wiwie Heryani, 2012). Empirical legal research aims to determine the factors that cause a wild race and to determine the response of wild races by the Police. This research is a descriptive research that aims to paint a picture of something in certain areas and at certain times (Ahmad Ali and Wiwie Heryani, 2012), the meaning here is to describe in detail and critically assess the legal facts related to delinquency in conducting wild race in the city of Singaraja.

Factors Causing The Juveniles Commit An Wild Race In The City Of Singaraja

Before discussing the factors that cause the juveniles commit a wild race, the author first will explain the three (3) issues related to wild races, namely: place, time and who's doing a wild race. The place does a wild race, as noted previously that the wild race that occurred in the city of Singaraja occurred in some places. All wild races activity was 100% conducted on public roads (highways), which is Kartini highways, Penarukan highway (in front of Terminal Penarukan) and on the Anturan highway. When committing a wild race, it is almost certain that illegal racing activities in the city of Singaraja generally done only at night / early morning i.e. on Saturday night or holidays. The consideration of performing a wild race at night is that the activity of these wild races are not so obvious or known by the police and will not interfere the activity of road users because at night there is not much common vehicle passing around when a wild race was done. However, indirectly noise from the motor exhaust sound that has been modified and used for this wild race has been disturbing people around who lived not far from the place where there is a wild race. The motor noise disturbs the tranquility of the atmosphere of the evening that in fact the atmosphere is quiet and used to rest. Although said to be very annoying, but still wild racing is done at night or in the morning before the day itself.

Perpetrators of illegal racing, with respect to who is doing illegal racing (speedway actors), is classified / divide by the author into strata / levels based on age and level of education. First classification is the age of the perpetrator of a wild race, divided into three (3) levels, that is: age 12-15 years, 16-18 years and 19-21 years of age. Regarding the age of the perpetrator clarity about the level of illegal racing, the findings of research as outlined in the following table.

Table 1: Data Based on the Age Level of the Perpetrators of Wild Race

NO	Age	Total	%
1	12-15 years of age	3	12%
2	16-18 years of age	13	54%
3	19-21 years of age	9	36%
	Total	25	100%

Source : Data Taken From Interview At Singaraja City.

Based on data from Table 1 above, it shows that the highest percentage was there at the age of 16 to 18 years. This means that the actors here comes from children aged 16 to 18 years. Because at this age, the child has an unstable nature, easily influenced by their friend or the environment, and at this age children also are searching for their identity, so it will try or do anything else that is considered new and challenging. Furthermore, the second most abundant age is the age range of 19 to 21 years were 36%, and finally followed by ages 12 to 15 years as much as 12%.

Looking at the table above, the authors use data of respondents of 25 peoples due to the amount of data of respondents considered sufficient to represent actors in the city of Singaraja wild race with a varied age range. The number 25 is the number of respondents who were (combined) of 3 (three) places namely: Penarukan highways, Kartini roads and highways of Anturan, who became the target of the operation of Buleleng Police, which is pointed out as the venue for a wild race in Singaraja. Of the three sites, the authors obtained data regarding the identity of perpetrators of illegal racing and the reason why there are children or teenagers who do illegal races.

Second classification is the Level of Education. Regarding the level of education, the authors divide into 4 (four) levels of education namely Junior High School (SMP), Senior High School (SMA), Higher Education / College (PT) and Dropout. For more details we can see from the table below.

Table 2: Level of Education Data of the Perpetrators of Wild Race

NO	Level of Education	Total	%
1	Junior High School	3	12%
2	Senior High School	7	28%

3	Higher Education / College	6	24%
4	Dropouts	9	36%
	Total	25	100%

Source : Data Taken From Interviews At Singaraja City.

Based on the above table data in table 2, we can see that the actors with the highest percentage of illegal racing is derived from the child's level of education of school dropouts. At this level, the processed data show the percentage of 36% of the existing number of children, they are children who drop out of school, a good break after completing primary school and not able to proceed to secondary school level or they have entered the junior high school level, but because of funding constraints that ultimately makes these children drop out of school. School dropouts is what many authors have encountered in the field to wild racing action. The wild race they do, whether it's as a hobby, because it has no other activities or because of gambling for a living in their parents' to help the economy. At second position with a percentage of 28% is occupied by a child who has a level of education at an upper secondary school. The next position there is the child who sits on the college. And the last 12% is the percentage of those who sit at the junior high school.

There are a lot of things that could be a factor causing the child to a delinquency or misconduct. Likewise, the behavior of children who do this wild race, there are some things that backgrounds or reasons doing illegal races. Based on the research that has been conducted by the author, in an outline (in general) there are 5 (five) factors causing the child to do a wild racing action. These factors, among others: as a hobby, because the bets factor (gambling), environmental factors, family factors and technological factors influence. More detail can be seen from the following table.

Table 3: Data of Factors Causing the Juveniles Commit a Wild Race

No.	Respondent Name	Causing Factors
1	Indra	Hobby
2	Meriz Otivill	Hobby
3	Firmantara	Environment
4	Andika	Gambling, Environment
5	Yuda Sumertha Jaya	Environment
6	Dimastya Teguh	Environment, Hobby, Technology
7	Dedi Ariawan	Gambling, Environment
8	Indra Gunawan	Technology
9	Riastana	Environment
10	Agus Andriawan	Technology
11	Supartasa	Gambling, Hobby
12	Narantaka	Environment
13	Rizky	Technology
14	Adi Ardika	Environment
15	Agus Mertayasa	Family
16	Suriyadnya	Gambling
17	Syarif Wirawan	Environment, Technology
18	Adi Sukma	Technology, Hobby
19	Agus Kurniawan	Gambling
20	Yudi Sanjaya	Hobby, Environment
21	Widiastika	Gambling
22	Supriyadi	Environment
23	Kadek Oka	Hobby, Gambling
24	Dharma Artawan	Technology
25	Ketut Widiartha	Hobby, Family

Source : Data Taken From Interviews at Singaraja City

Table 4: Data of The Quantity of Factors Causing The Juveniles Commit Wild Race

No.	Causes	Number of events
1	Hobbies	8
2	Bets (gambling)	7
3	Environment	11
4	Family	2
5	Technology	7

Source : Data Taken From Interviews at Singaraja City

Data on Table 3 is the result of data processing in order to present the data on table 4 about the quantity of the factors causing the child to do a wild race in terms of the dominance factor. Table 3 shows that respondents who do illegal races can be affected by

one or more of the causes. Therefore, the respondents are not necessarily influenced one factor, but there are also respondents who are affected by more than one factor. This has led to the dominance of causal factors among the factors with other factors among the five factors. Referring to the data in the table above, it can be seen that a brat who did a wild race caused by one or more of the causes, whether it factors derived from the actors themselves (internal) as well as factors outside themselves actors (external). The majority of juveniles who did wild racing action in the city of Singaraja is caused by environmental factors. Furthermore hobby factors in second place, followed by a factor of gambling and technological factors, and the last factor as a factor of minority families.

These five factors causing children to do illegal races in the city of Singaraja can be analyzed with the theory first proposed by Walter C. Reckless in 1961. The theory in question is the theory of containment. In this theory stated that there are several ways of defense for individuals to act in harmony with the values and norms prevailing in society and life. Self defense in this theory there are two (2) kinds :

- a. *Inner containment*, the defense comes from within (internal) in the form of a person's ability to fight or resist lust / temptation to not commit a crime and maintaining compliance-adherence to the norms in force.
- b. *Outer containment*, namely defense from the outside (external), which is a great arrangement consisting of legal demands and restrictions that keep community members to remain in the bonding behavior expected by the community.

Prevention Efforts Of Wild Racing By Resort Police Of Singaraja Buleleng

Efforts to control criminal offense, whether it be offense or crime, is a criminal or a political criminal policy. This criminal policy cannot be separated from the broader policy, the social policy which consists of policies / measures for social welfare (*social welfare policy*) and policy / measures for the protection of society (*social defense policy*) (Barda Nawawi Arief, 2008). Peter G. Hoefnagels argued that "*Criminal policy is the rational organization of the social reaction to crime*". Various other definitions proposed Hoefnagels is G. Peter (Peter G. Hoefnagels, 1969):

- a. *Criminal policy is the science of responses;*
- b. *Criminal policy is the science of crime prevention;*
- c. *Criminal policy is a policy of designating a crime as human behavior;*
- d. *Rational criminal policy is a total of the responses to crime.*

Efforts to control crime or offense need be taken by a policy approach, in this sense:

- a. There is integration between criminal and political social politics;
- b. There is integration between crime prevention efforts with "penal" and "nonpenal" (Barda Nawawi Arief).

The role played by the police as the most responsible party for combating illegal motor racing action is as if an endless story. In an effort to prevent illegal motor racing, the police have sought various ways, starting from the most soft method to harsh methods. However, these efforts have not yielded a tangible results (Dyah Ayu Widyastuti, 2013). Similarly, in response to a wild race in the city of Singaraja Buleleng conducted by the Police, there must be an alignment between the means of "*penal*" (criminal law) and means of "*non-penal*" (outside the criminal law). In essence, the response in a broader sense also covers precautions. The importance of integration between the use of penal and non-penal facilities should eventually lead to the goal of social policy is the protection and welfare of the community. Therefore, it is necessary to utilize and develop a non-penal measures to compensate for the limitations of penal facilities in response to a wild race in the city of Singaraja.

One of the goals of this operation is to prevent the occurrence of illegal racing, especially children became a target operation as riders under age and do not have a driver's license. Centralized Police Operation by the Buleleng Police conducted with the joint of sectors police is to be open in the form of Operation Harkamtibmas that puts the traffic function of the police in front with other supported police operational, which is carried out in a professional, moral and humanist. Enforcement on traffic violations especially wild race through RENOPS Zebra implemented by Buleleng Police, among others:

- 1) Non-judicial law enforcement against traffic violations in the form of verbal warning or written reprimand;
- 2) Judicial Law enforcement, is to give to the traffic violators using speeding ticket;
- 3) Judicial Law enforcement includes traffic violations that potentially emerges traffic accidents and traffic congestion.

In practice, when a wild race conducted by the juveniles, the so called "Satuan Tugas Penegakan Hukum Subsatgas Penindakan Pelanggaran Lalu Lintas" (a police task force for traffic violations) will take action against the perpetrators of violations. Prosecution of offenses committed begins with the arresting perpetrators to be brought to the Buleleng Police Office as well as any evidence of a motorcycle used in a wild race. The next process, the police will conduct further examination of the offender and his motorcycle. In general, actors are not just a wild race in violation of Article 115 paragraph b of Law No.22 of 2009 on Road Traffic and Transport, where at the time of the process of investigation police found other violations that committed during a wild race, among others: offender does not have a driver's license when racing on the road according to Article 281 of Law Decree No. 22 of 2009 on Road Traffic and Road Transportation and / or the motorcycle used by the offender does not meet the technical requirements and the feasible path set out in Article 285 of the Law Decree No. 22 of 2009 on Road Traffic and Road Transportation.

Conclusion

Based on the research that has been presented previously, it can be concluded that: the factors that cause the juveniles to do a wild race in the city of Singaraja, among others: Internal factors, the causes of which belong to the internal factors are hobby. Hobby is a recreational activity that is done in our spare time to calm one's mind. Assessed in terms of defense or control of the child's inner-self can be seen in the lack of self-control and the internalization of social norms of individual actors. When a child could not control what the wishes or desires that exist within them to perform activities of illegal racing, so in other words, the child is not able to resist the urge to deviate the norm, so that the child then decided to do a deviation norm (violation) to satisfy wild desires as a form of channeling racing pleasure / hobby by ignoring the norms prevailing in the society.

External factors, the causes of which belong to the external factors are environmental factors, gambling factors, technological factors, and family factors. These four factors above are external factors that come from the outside that causes the juvenile actors do a wild race. Outer terms, norms and rules in society is an important factor for studying the problems of illegal racing. The number of wild racing action performed by children who are not old enough or can be said to be teenagers, can give us the assumption that moral values and positive about the observance of traffic laws that apply in the community has begun to diminish. So it can be said that juveniles who commit illegal racing do not have an externally strong defense to protect and restrict them from attacks and external pressure to commit an offense.

Efforts to control wild race in the city of Singaraja Buleleng Police is based on the theory of criminal law policy, realized in two (2) reduction namely: Through the Penal Facilities, management wild race by the Police in the city of Singaraja Buleleng through penal facility is one of the functionalization of the criminal law policy (penal policy), especially at the application stage (judicial policy) conducted by law enforcement officials, respectively police task force. Reduction efforts of the wild race in the city of Singaraja through penal means is more emphasized on the repressive nature of the case after a wild race is committed, which is a law enforcement efforts and prosecution of perpetrators of illegal racing in accordance with the legislation in force. Through Non Penal Means, prevention efforts of the wild race in the city of Singaraja through non penal means is more emphasized on preventive properties before a wild race happens, that is through the efforts of a preemptive and preventive efforts. The implementation of a pre-emptive and preventive efforts are based on the Plan of Operations (RENOPS) called "*Patuh Dan Simpatik Polres Buleleng*". This operation conducted with the advanced preemptive activities through traffic education and counseling, and preventive action through regulation, guard, escort and patrol traffic to prevent disturbing activities which one of them is a wild race.

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