

## The Analysis Of Children's Education Implementation That Involves Criminal At Child Development Institute

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**Abstract.** Every Indonesian people is required to get basic education. Correctional students who in fact are criminals still get their rights to obtain an education, one of them by pursuing equality education from Package A, Package B, and Package C. Children that undergoing of punishment have rights to receive same education just like other normal childrens. . During this time the education of Childrens with Legal Issues (ABH) was ignored in terms of educators and facilities in LPKA. This research aims to determine the implementation of the Education package carried out in LPKA. The study and research used a qualitative approach by conducting direct observation as primary data. Secondary data in the form of literature studies sourced from verified official accounts and official government accounts. The results showed several factors that emerged in their education process, namely the lack of educators, lack of focus when learning and same and monotonous methods during the learning process

**Keywords:** *Children, Criminal Justice System for Children, Education*

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**Abstrak.** Setiap warga negara Indonesia wajib mengikuti pendidikan dasar. Anak didik pemasyarakatan yang notabene adalah pelaku tindak kriminal tetap mendapatkan hak-haknya untuk memperoleh pendidikan yang layak, salah satunya dengan mengikuti pendidikan kesetaraan kejar Paket A, Paket B, dan Paket C. Anak yang sedang menjalani pidana berhak mendapatkan pendidikan yang sama dengan anak normal lainnya. Selama ini tingkat pendidikan Anak Bermasalah dengan Hukum (ABH) kurang diperhatikan dari sisi tenaga pendidik maupun fasilitas yang ada di LPKA. Penelitian ini bertujuan untuk mengetahui pelaksanaan pendidikan kejar paket yang di laksanakan di LPKA. Penelitian menggunakan pendekatan kualitatif dengan melakukan observasi langsung sebagai data primer. Data sekunder berupa studi literatur yang bersumber dari akun resmi yang telah terverifikasi dan akun resmi pemerintah. Hasil penelitian menunjukkan beberapa factor yang muncul pada proses pendidikan mereka yaitu kurangnya tenaga pendidik, kurangnya focus saat pembelajaran dan metode yang monoton saat proses pembelajaran.

**Kata Kunci:** *Anak, Pendidikan, Sistem Peradilan Pidana Anak*

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## INTRODUCTION

The juvenile justice system according to the Law of the Republic of Indonesia Number 11 of 2012 explained that children in conflict with the law are entitled to special treatment to settle all cases of children starting from the investigation stage to the guidance stage. Children in conflict with the law (ABH) are children who are in conflict with the law who are victims of a crime or are witnessing a crime, the criteria for children in conflict with the law are children aged 12-17 years (Indonesia, 2015).

The Republic of Indonesia is a country based on the law based on Pancasila and the 1945 Constitution of the Republic of Indonesia. Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the Indonesian state is a law state. One of the characteristics of the rule of law is to recognize and uphold the human rights that have existed since the citizen was born and those rights are attached to him (Gunaldi, 2018).

Human rights are not only obtained by adults but children and the elderly are entitled to also obtain them. One of the assets in supporting national development is a child, therefore it needs to be taken into account and considered with the future both in terms of quality and others (Edy Susanto, 2019). Without quality that is reliable and a clear future for children, national development will be difficult to implement and the achievements

to be achieved by the nation will be difficult to manifest (Heri, 2019). For this reason, in improving the quality and glorious future, children need to receive support in the form of proper education with qualified teaching staff in teaching these children (Romadoni, 2017). Children are the next generation of the nation so that the state has an obligation to provide care for the rights of children, including children who are dealing with the law (ABH). A criminal offence committed by a child does not prevent him from obtaining his rights, especially the right to education as stated in Article 31 paragraph (1) of the 1945 Constitution of the Republic of Indonesia which has an effort to provide guarantees for each citizen to obtain their right to proper formal education from a government body. Then in paragraph (2) states that every citizen is required to attend basic education and the government is obliged to finance it (the Republic of Indonesia, 1945). This shows that the government should support education held in various schools and institutions such as LPKA to be able to be an insight into ABH that is prepared to be part of the Indonesian development process (Lumowa, 2017).

Fulfillment of the right to education for children in the Institute of Child Development (LPKA) gives full freedom to children to develop, through teaching in accordance with the applicable curriculum as a basic reference in education like in ordinary formal schools, then by providing education in

accordance with the needs for child as a prisoner this will develop the child's potential in terms of ways of thinking, growing and developing so that the hope to be achieved after the child prisoner has been free is able to blend or return to society without lagging behind in educational affairs. The achievement of a criminal goal for a child is not a punishment or torture, but rather an improvement in the condition of ABH, the care and protection of children and the prevention of repetition of his actions with a restorative justice approach is an extraordinary achievement because it is balanced between the legal needs of the ABH in improving his behavior and educational needs in terms of introduction wider environment in certain respects (Lambok, 2016).

However, there are several obstacles to the realization of the educational needs of children at the Bandar Lampung Child's Development Institute. Therefore this research question regarding how the implementation of children's education in conflict with the law in LPKA? The purpose of this study is to explain the implementation of the provision of chase education packages for children in conflict with the law at the Class II Special Development Institute for Children in Bandar Lampung.

## RESEARCH METHODS

The approach used in this study was a qualitative approach that was analyzed

descriptively. Data collection methods in this study used interview, observation, and documentation methods to collect data by becoming a participant and going directly into the field. In addition, this research also used secondary data in the form of literature review and review of applicable laws. This literature study used journals and books from 1945 - 2019. The keyword used in finding articles or journals was the implementation of children's development in prisons and the implementation of education.

## DISCUSSION

### Correctional Students

Law Number 12 of 1995 concerning Corrections, the so-called correctional students are those who are approved as children based on court decisions so that their liberty is deprived of their liberty and allocated to a special penitentiary for child prisons. While for children deprived of liberty, some have not yet been allocated to a child penitentiary. In the 1945 amendments. Article 31 Paragraphs (1) and (2) agree that every citizen has the right to education. Every citizen must attend basic education and the government must pay for it. So it is very unfortunate if there are children who are hampered to develop their talents through education because these children are dealing with the law (Taklimudin, 2017).

The description of the number of correctional students based on criminal groups can be elaborated through the following table:

Table 1 The Number of Correctional Students Based on Criminal Groups on March 11, 2020.

NO	Criminal Group	Number of
1	AII	1 Person
2	AIII	3 People
3	B I	100 People
4	B IIa	20 People
5	B IIb	4 People
6	B III	19 People
Total		147 People

Source: Section Chief of registration of LPKA Bandar Lampung 2020

Notes:

- A II : Prison Prosecutors
- A III : District Court Prisoners
- B I : Prisoners serving a sentence of over 1 year
- B IIa : Prisoners serving a sentence of 3 months to 1 year
- B IIb : Prisoners serving a sentence of fewer than 3 months
- B II=I : Prisoners imprisonment

Based on field research that has been carried out, obtained a large number of data cases that dominate in LPKA is the crime against child protection that is as many as 72 people. Some correctional students said that they committed acts of child protection in the form of sexual harassment against girls who started drinking and raping. Crime theft also ranks second, the reason they commit theft is because of their family's low economy and because of the needs that must be fulfilled.

The following is the number of correctional students based on the type of crime committed with the details in the following table:

Table 2 Number of Correctional Students by Type of Crime March 11, 2020

Type of Crime	Violation Article	Number of
Child Protection	RI Law No. 35 of 2014 concerning Amendments to Law No.23 of 2002 concerning Child Protection.	72
Theft	Article 362	23
Narcotic	Article 112	20
Perampokan	Article 365	14
Murder	Article 338	12
Persecution	Article 351	4
Immoral Actions	Article 281	1
Sharp Weapons	Article 1 paragraph ( 1 ) and Article 2 paragraph ( 1 ) emergency act no. 12 1951	1
Total		147

Source: Section Chief of registration of LPKA Bandar Lampung 2020

### Guidance on Correctional Students in General in the Bandar Lampung Penitentiary

General development in the Bandar Lampung Penitentiary consists of general education development, physical and artistic freshness development, health and care service development, religious and character

development/personality development, fostering national and state awareness and skills/independence training. The development of intelligence includes the implementation of equality education packages A, B, and C. This guidance is carried out so that the thought improvement of students in their thinking is increasing. Religious coaching is conducted on Monday, Tuesday, Friday, at 10:00 until finished and has been working with the local Ministry of Religion.

Education in Indonesia according to the National Education System is divided into three namely formal, non-formal education and informal education. Law Number 20 Year 2003 concerning the National Education System, among others, the government has launched a 9-year compulsory education system and other programs such as Functional Literacy (KF), Pursuing Package A, Package B, and Package C. Implementation of the pursuit of equality education is Package A, B and C.

At the Bandar Lampung Children's Special Development Institute included in non-formal education. Non-formal education is recognized as equal as formal education. The implementation of this education as a substitute for formal education for criminal children who are in the Bandar Lampung Children's Special Development Institute, so that they have the opportunity to return to attend education at a certain level. This equality education serves as a learning service

for the community to obtain education and recognition equivalent to graduates of SD/MI, SMP / MTs, or SMA / MA / SMK (Maryanto et al., 2014).

The description of correctional students according to education group can be elaborated through the following table:

Table 3 Number of Penitentiary Children in Bandar Lampung by Education Group Per 11 March 2020

Education	Number of
Elementary School	30
Junior High School	62
senior high school/Vocational School	34
Not Graduate at elementary School	15
No school	6
Total	147

Sorce: Section Chief of registration of LPKA Bandar Lampung 2020

In the table on the number of Penitentiary students based on education, the perpetrators of crimes are mostly committed by 62 junior high school / MTs.

### **The Implementation of Equality in Pursuing Package A, B, and C at the Bandar Lampung Children's Special Development Institute**

One of the causes of children dealing with the law include juvenile delinquency, this is due to the influence of the surrounding environment or culture. Correctional students can learn crime by conducting a process of intense and close interaction with peer groups

and criminal groups when correctional students are outside or inside LPKA. Juvenile delinquency can be said if someone who violates the law has not turned 18 years old (Zakariah et al., 2018). His misbehaviour did gradually from big problems like murder to small problems like stealing or drinking (Sopiah et al., 2017). Juvenile delinquency can be concluded that failure in controlling himself in behaviour that impacts can not be accepted by social and criminal acts (Fitriani & Hastuti, 2016). However, children who are dealing with the law are entitled to get special treatment to settle all cases of children starting from the investigation stage until the guidance stage, this is regulated in the Juvenile Justice System according to the Law of the Republic of Indonesia Number 11 Year 2012, which explains that children dealing with the law is children who are in conflict with the law who are victims of a crime or are witnessing a crime, criteria for children who are in conflict with the law are children aged 12-17 years (Zakariah et al., 2018).

Children become big hopes for the country, family and society. Many parties out there can influence the survival of their lives, children may not be able to protect their own rights, and therefore to provide protection for the rights of children, the state and society have an important role to help protect the rights of these children. Therefore in providing education the state has no right to view the social status of the child. Referring to the

principle of child protection, in order to prioritize the interests of children, it is necessary to settle children's cases outside the criminal mechanism (Diversi), namely the settlement of cases through the Restorative Justice approach where the process of resolving a case for all parties involved both children and families meet together to resolve cases together for the common good (Rocky Marbun, SH, 2013).

### **Child development institute (LPKA) As an Educational Institution for Children Confront with the Law (ABH)**

Special Child Development Institution or shortened (LPKA) is an institution that has the task of carrying out the formation of correctional students, this regulation is regulated in the Minister of Law and Human Rights Regulation of the Republic of Indonesia No.18 of 2015 concerning "Organization and Working Procedures For Special Development Of Children "(KEMENKUMHAM. Special Guidance & Employment Institute, 2015).

In this case, one of the tasks that have been set is to carry out the functions of coaching which include education, care, alleviation and skills training, as well as information services. Associated with children who are dealing with the law, it is a series of learning processes for children, but that causes children to commit criminal acts which are due to the influence of the surrounding environment or culture. LPKA is a place for

children dealing with the law in serving their criminal sentences to be educated and fostered, even though children dealing with the law have carried out his speech at LPKA, it does not rule out the possibility that children dealing with the law can learn crime in different environments (Iv & Discussion, 2000).

But on the other hand, at the request of parents or guardians, civilian children can also be educated in LPKA on the condition that civilian children have received a decision from the court to get guidance, guidance, and education and skills. In general LPKA residents are 12 years old and a maximum age of 21 years, in theory with such age they are still in a period of growth that needs educational services (Mariana & Ulfatin, 2016). Therefore, to optimize a good educational process also requires qualified teaching staff to produce quality students. The Special Development Agency for Class II Children in Bandar Lampung is the only institution for the development of special children in Lampung, which is a place for students and children in conflict with the law. One of the activities carried out at LPKA Bandar Lampung is the existence of an education program for correctional students (Pembinaan et al., 2019).

However, the obstacle faced by LPKA Bandar Lampung is the lack of quality and insufficient teaching staff to carry out an educational program for ABH. Educational services is an activity provided by schools or

institutions aimed at providing services to students and the community that aims to develop intelligence such as personal personality, self-control, good character and also explore the potential needed for himself and the community. Efforts to support welfare and the enforcement of human rights require quality education services (Pembinaan et al., 2019). Therefore, the teachers who become teaching staff at LPKA are teachers who have a basis in the field of education, or people who work as educators. To provide a solution to these obstacles, LPKA must start or collaborate with outside parties such as the Department of Education in order to improve the quality of teaching staff. (Mariana & Ulfatin, 2016)

**Problems with the ABH Education Program in LPKA Klas II Bandar Lampung**

Observasi

Direct Observation Note
Date : 27 December 2019
Time : 08.00 – 10.00
Place : at the Second Class Special Development Institution for Bandar Lampung Children
Activity: make observations on facilities and teaching staff
Description : On Friday December 27, 2019, researchers conducted a direct observation of ABH in the Special Class Development



Agency II Bandar Lampung. After arriving there the researchers immediately made observations at the Institute for Special Development of Class II Children in Bandar Lampung. When observing the researchers saw that the Bandar Lampung Second Class Special Child Development Institute already had a good state of educational facilities, this can be seen from the educational building facilities starting from the meeting hall, classrooms, library rooms and computer rooms. However, researchers found a lack of supporting facilities such as the lack of reading books and stationery contained in the library. The researchers also received information that the teaching human resources possessed by LPKA were quite minimal. This will affect the education process that should be able to run well.

Based on the results of interviews conducted at LPKA Bandar Lampung, that the level of student motivation to learn there is still diverse. This can be proven from the statement of the informant (children) that some feel responsible and always try to complete tasks and do homework given by the teacher and some are still not motivated (Salman Alfarisi Harahap, 2018). The reason is the lack of attention from the parents towards the child, feeling himself lacking confidence because the child considers himself to have committed a crime and is afraid to return to the community (Ardinda et al., 2019). The informant (LPKA

officer) gave a correct statement that the level of children's learning motivation was still diverse, the officers saw that there were still high levels of student motivation in learning and some were low because of these things (Bhayangkara & Raya, 2018).

Article 31 paragraph (2) of the 1945 Constitution of the Republic of Indonesia which states that every citizen is required to attend basic education, while the government is obliged to finance it. Then Article 31 paragraph (3) and paragraph (4) emphasize that the government has an obligation to work towards the implementation of national teaching in order to educate the life of the nation by prioritizing a budget of at least 20 (twenty) percent of the State Revenue and Expenditure Budget (APBN) and the Budget Regional Revenue and Expenditure (APBD) (Gajah, 2017). In accordance with the provisions of the article, it can be concluded that the state is responsible for fulfilling citizens' rights to education (Irfan & Isnarmi, 2019). What is meant by the state in this case is not only the central government, but the regional government also has a major role in education for every citizen with the aim to educate the life of the nation which is one of the objectives of the Unitary State of the Republic of Indonesia. The government here is also included with the involvement of all institutions in Indonesia which can be done to fulfill the child's right to education, especially children who conflict with the law at the



Institute for Special Development of Children (LPKA) (Edy Susanto, 2019).

State Minister of Women Empowerment and Child Protection Regulation Number 15 of 2010 concerning General Guidelines for Handling Children in Confront of the Law ("Ministerial Regulation of Women Empowerment and Child Protection 15/2010") regulates specifically the implementation of school education of children who are dealing with law including the current ABH carry out the guidance process in prisons, more specifically regulated in Chapter III letter G concerning the Duties and Authorities of the Ministry of National Education (Asryad, 2017). It is said that one of the tasks of the Ministry of Education and Culture is to facilitate the provision of educational facilities / infrastructure in accordance with the need to provide educational services for children who are dealing with the law (Ditjenpp, 2010).

In a Final Report on Legal Review of Child Education-Based Child Development Models in the Correctional System (2014) compiled by the Legal Study Team of the National Law Development Agency of the Ministry of Law and Human Rights of the Republic of Indonesia National Legal Development Agency (BPHN), stated that based on Articles 4, 5 and 6 of Law Number 20 of 2003 concerning the National Education System ("National Education System Law") it can be concluded that children placed in LPKA

are entitled to education without discrimination and the government is responsible for the administration of education (Act -RI, 2003)

At present the implementation of formal education in LPKA Bandar Lampung has been going quite well, but the lack of facilities such as books and stationery as well as the lack of educators has influenced the educational process to be less than optimal (Aprilianda, 2014).

### **The implementation of child development institute LPKA as an Educational Institution for Children Confront with the Law (ABH)**

A child is still a child who needs education and teaching for his future. prisoners also have rights including prisoners for children in the process of growing and developing to achieve happiness (Cahyaningtyas, 2017). Children's happiness is happiness together, protected happiness is happiness that protects (Salman Alfarisi Harahap, 2018). In this context what is protected is the rights of child prisoners and those closely related to the growth and development of children are the rights to education (Hartono, 2019).

Basically, the correctional system is implemented in order to form correctional fostered citizens so that they become fully human, aware of mistakes correcting themselves, and do not repeat criminal acts so

that they can be re-accepted in the community, can play an active role in the development and can live reasonably as good and responsible citizens answered (Irma, 2015). In the implementation of education for correctional pupils in child development institutions the success is not only in the officers but in realizing the implementation of education for correctional students in the coaching process there needs to be a good collaboration with stakeholders (Nur, 2018).

Table 5 List of second-party collaboration with the Special Development Coordination for Class II Children in Bandar Lampung

No	Private party	Activity
1	Dwimulya Foundation	<ul style="list-style-type: none"> <li>• All infrastructures and all students funding are the responsibility of the foundation.</li> <li>• Payment of teacher salaries is the responsibility of the foundation.</li> <li>• Provide Scout activities</li> </ul>
2	Wadah Indonesia Berbagi	<ul style="list-style-type: none"> <li>• Provide teaching and learning activities and skills training for ABH which is held once a week.</li> <li>• Provide assistance in the form of children's reading books which are the result of donations from friends of Wadah Indonesia Berbagi.</li> </ul>
3	Local religious minister	<ul style="list-style-type: none"> <li>• Religious Coaching is carried out on Monday, Tuesday, Friday, at 10:00 until finished</li> </ul>

Source: Section Chief of registration of LPKA Bandar Lampung 2020

In general, the success of correctional services to achieve its objectives is the participation of correctional officers, prisoners and the community. In this case, also good cooperation with the Department of Education in the LPKA area is very necessary because in the future it will be very useful in the long run in educational affairs in LPKA. The duties of the regional education office (provincial and district/city) in supporting children's education especially in handling children dealing with the law, the implementation of education is carried out by providing educational programs to students just like children at their age, in the form of providing qualified teaching staff and adequate educational facilities (Cahyaningtyas, 2017).

In addition, the use of legal aid programs through collaboration with Legal Aid Institutions (LBH) or Consultation Institutions and Legal Assistance (LKBH) under the auspices of a university, and the use of Corporate Social Responsibility (CSR) programs from several companies to support education in the Fostering Institution Especially for Children. In establishing cooperation with companies utilizing the Corporate Social Responsibility (CSR) program, it can certainly be seen from the potential of each region according to its characteristics (Irma, 2015).

## CONCLUSION

Children are the next generation of the nation so that the state has the obligation to provide concern for children's rights, including children who are dealing with the law. Not all LPKAs can hold formal education, with several reasons so this needs to be homework that needs to be resolved immediately, this is for the sake of the continuation of education that is held in the LPKA. The state is responsible for fulfilling citizens' rights to education. Education is very much needed, in the Criminal Justice System for Children, every child who has committed a crime in LPKA must get a formal education or training like other children, in this case, there is a role from the Ministry of Education and Culture to help facilitate educational activities for children. dealing with the law in LPKA, Lapas and Rutan. To realize the concept of child coaching in LPKA that is in line with the fulfilment of children's rights, it is necessary to change the mindset or mindset of child criminalization goals, the shift of thought from punishment to coaching for children, is inseparable from the coordination between institutions both the Ministry of Law and Human Rights and other stakeholders who are involved in the implementation of child development following Law Number 11 of 2012 concerning the Criminal Justice System for Children

In realizing the fulfilment of children's rights to an education at Special Child

Development Institutions that are constrained by human resources, infrastructure and operational costs, it cannot be separated from community involvement, for example through the Corporate Social Responsibility (CSR) program, foster parent programs, educational scholarships from the private sector and so forth. In addition it also needs to be made a clear regulation related to the fulfilment of children's rights to education, learning mechanisms, the role of society and the state, to sanctions both criminal and fines to those who violate the fulfilment of children's rights while in the Special Child Development Institution.

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