



The Role Of Children's Special Development Institutions Parepare City In Realizing The Objectives Of Children

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ABSTRACT: This research was conducted to determine the judge's guidelines in imposing imprisonment sanctions for children, the implementation of guidance by City Special Child Development Guidance Institution (LPKA) Pare-Pare and the obstacles have met LPKA in realizing child prosecution goals. This study is an empirical normative legal research. Based on normative jurisprudence and looking at facts directly in the field related to conducted educated by LPKA Parepare. The results of the research show that the judge's guidelines in imposing imprisonment on children are based on The Last Resort principle (Article 81 paragraph 5), 15 year olds above can be sentenced to imprisonment (Article 69 paragraph 2), the criminal acts accompanied by violence or the threat of imprisonment of at least 7 years (Article 79 paragraph 1 Jo Article 82 paragraph 3). Basically, coaching in the form of education, skills training and personality coaching has been conducted on LPKS Pare-Pare against children but it has not been running properly. There are no routine subjects and the instructor does not fit the classification. Lack of skills training that can support potential or talent, personality coaching is carried out routinely every Friday in the form of religious lectures but is not effective because of worship facility like musholah is only one and is used with adult prisoners so that interaction and communication processes cannot be avoided and will have a negative impact on children. The obstacle faced is that the rules are still inadequate, especially in dealing with the procedures of the collaborative partners with related institutions; quantitatively the ratio of the number of LPKA City Parepare employees to the number of prisoners has met ideal standards but in terms of quality there is an inappropriate workload; Another obstacle is the desire of parents to be placed in Lapas along with adults close to home so that access to meet with their children is easy and does not cost a lot

KEY WORDS : Special Child Development Guidance Institution, Role, The purpose of Imprisonment of the Children.

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I. INTRODUCTION

In the development of a child, the role of parents is very important as the main element in the physical, psychological and spiritual development of a child towards a positive direction. Errors in educating children will have a negative impact on a child's growth and development and the future of the nation. It can even lead to criminal acts. Children develop character through what they see, what they hear and what they do repeatedly. Presumably the moral crisis and the lack of character and moral decadence are the triggers of child crime. Even Albert J. Reiss explained his Social Control Theory that the components of social control that cause juvenile delinquency that lead to criminal acts are lack of adequate internal control during childhood, the absence of social norms or conflicts between norms referred to in the family, close environment, school.¹

In the current era of globalization, the number of crimes committed by children is increasingly alarming given that the crimes committed by children from year to year have increased as data in Class II Pare-Pare Prisons listed in the Correctional Base Data System that in 2015 total the child who served a sentence of 128 children, in 2016 was 847 children and in January-October 2017 the total were 644 children.²

¹ Lilik Mulyadi, *Wajah Sistem Peradilan Pidana Anak Indonesia*, PT. Alumni, Bandung, 2014, hal. 78

² smlap.ditjenpas.go.id/public/grl/detail/monthly/upt/db6d7ce0-6bd1-1bd1-de8d-313134333, diakses pada tanggal 13 Oktober 2017 pukul 20.48 WITA.

Article 1 point 1 of Act No. 48 of 2009 concerning Judicial Power stipulates that judges in criminal cases have the freedom to determine the type of sanctions that can be imposed on an offender found guilty including a child as a criminal. For this reason, criminal law norms require a guideline for criminal imposition for children which can be used as an objective indicator for judges in decision making.

The imposition of criminal deprivation of liberty (imprisonment) on a child found guilty of a criminal act is based on the principle of "last resort" (as a last resort) based on Article 81 paragraph (6) of Law Number 11 year 2012 concerning the Criminal Justice System of Children

Since the promulgation of Law Number 11 year 2012 the new institution has been mentioned as an authorized agency to conducted coaching for children who have been sentenced to imprisonment. Child development since 2015 using the LPKA system is allegedly able to reduce the number of crimes committed by children but in fact the figures were taken from the Sulawesi , Ministry of Law and Human Rights crimes committed by children based on data taken in 2015 to 2017 in the Correctional Base Data System showing an increase from year to year and the number of recidivists in January-October 2017 in South Sulawesi based on the South data of 23 children, this number indicates the lack of coaching done at the Special Child Development Institution (LPKA). As a newly formed institution, it cannot be separated from the limitations in achieving child correctional goals. For this reason it is necessary to study further about the obstacles in its implementation based on the theory of law enforcement as a tool of analysis.

Formulation of the problem

Based on the background of the problems described above, the formulation of the problems that will be discussed in this study are:

1. What constitutes or guides the judge in imposing witnesses on imprisonment for children?
2. How is the implementation of education conducted the Special Child Development Agency for children in ParePare as assisted citizens?
3. What obstacles are faced by the Special Child Development Institution ParePare in realizing the purpose of child punishment?

II. RESEARCH METHOD

In conducting this research, the authors chose the location of research in the Special Child Development Institution in Pare-Pare and the Ministry of Law and Human Rights Regional Office of Makassar, South Sulawesi. As a consideration in choosing the location of the research because there are enough relevant data about the effectiveness of the implementation of guidance on children in conflict with the law, so that the data can be analyzed and the Special Child Development Institution as an institution has been mandated by the Child SPP Law to provide guidance to children who in conflicted with the law.

The research method used in this research is empirical normative. The combination of the two types of research is based on normative legal science in Law, Comparative Law, Applicable Principles and Existing theories and based on the facts that directly happenin the field related to education that conducted the specific child-education institutions in Pare-pare as an effort to realize the goal of punishment.

The data obtained and collected through research were analyzed using an empirical normative approach, namely the data collected was inventories and then analyzed using a theoretical approach, principles of criminal law, and referring to legislation. By doing a juridical approach with descriptive analysis techniques, a conclusion can be drawn in this thesis

III. RESULT AND DISCUSSION

Guideliness Under The Imprisonment Imposing

Decisions can be imposed by a judge on a child in conflict with the law in the form of an act or imprisonment for a maximum of 10 years by adhering to the principle that criminal prosecution is the last resort under Article 81 paragraph (5) and Article 81 paragraph (6) of the Child SPP Act

In addition to imprisonment, children can also be brought to action. The philosophical type of this sanction is the effort to rehabilitate or improve the condition of the perpetrators of crimes that must be done as a way of handling a criminal act.³

The juvenile criminal justice system is carried out based on one of the principles stated in Article 2 letter in the Child SPP Law, namely deprivation of liberty and punishment as a last resort which means that basically the child cannot be deprived of independence, unless forced to settle the case.⁴

³Eva Achjani Zulfa, *Pergeseran Paradigma Pemidanaan* , Cetakan Pertama, CV Lubuk Agung,Bandung,2011. hal. 9.

⁴Abintoro Prakoso, *Pembaharuan Sistem Peradilan Pidana Anak* , Cetakan I, Laksbang Grafika,Yogyakarta,2013. hal. 88.

The juridical approach to children should prioritize persuasive-educative approaches and psychiatric approaches (psychological) which means that as far as possible avoiding legal processes that are merely punitive, which are mental degradation and decreased morale, and avoid the process of stigmatization that can hinder the process of development, maturity, children's independence funds in a reasonable sense⁵ The imposing criminal saction conducted by the judge based on data from LPKA in Parepare, like in the following table:

Table I Data of children cases that imposing imprisonment
Year 2013- Marchb 2018

No.	year	Number of Cases
1.	2013	17 cases
2.	2014	18 cases
3.	2015	32 cases
4.	2016	38 cases
5.	2017	72 cases
6.	Jan-Mar 2018	20 cases

Source of Data: LPKA Parepare

Table 2 Types of Criminal act conducted by the Children

No.	Name	Age	Sex	Type Of Crimes
1.	Beny Irawan bin Iwan Mustan	18 years	Male	drugs
2.	Muhammad Sapar bin Dahlan	18 years	Male	Child Protection
3.	Weldy Asisda bin Asis	17 years	Male	Child Protection
4.	Muh. Fadhil Amardy bin Mamus Onaldy	18 years	Male	drugs
5.	Muh. Haekal bin Hasri Anwar	16 years	Male	Child Protection
6.	Muhammad Nur Aminulah bin Mursalim	18 years	Male	Stolen
7.	Hardiansyah bin Baharuddin	18 years	Male	stole
8.	Andi Reynaldi Aras bin Andi Irwan	18 years	Male	Chaos
9.	Agung Laksono bin M. Taroni S.	17 years	Male	Stolen
10.	Muhammad Rezky Dicky bin Dicky Kaware	18 years	Male	Child Protection
11.	Salman bin Muh. Ali	18 years	Male	Stolen
12.	Adi Sandy bin Firman	17 years	Male	Drugs
13.	Nurdiansyah bin Udin	18 years	Male	Torture
14.	Riyan Kasanopa bin Arifuddin	17 years	Male	Stolen
15.	Muhammad Tauhid Alias Toik bin Darmin	16 years	Male	Child Protection
16.	Darman Alias Bonja bin Dollan	18 years	Male	Child Protection
17.	Ilham Pramana Alias Illang bin Junaedi	16 years	Male	Child Protection
18.	Aldi Paintu Alias Aldi bin Darius	17 years	Male	Child Protection
19.	Rahmat Fadillah Landung Alias Rahmat bin Burhanuddin	16 years	Male	Child Protection
20.	Zulkifli Alias Zul bin Hadar	16 years	Male	Child Protection

Source Data : LPKA ParePare

The data at the table above shows an increase from year to year the number of criminal acts committed by children. The case is mostly carried out by a child is a crime of theft which is known to be a maximum sentence of only 5 years imprisonment while the requirements for diversion as stated in Article 7 paragraph (1) of the SPPA Law are threatened with imprisonment under 7 (seven) years. This shows that there is no maximum effort of diversion by law enforcement officers, both from the police, prosecutor's office and the court as an implementation of the principle of The Last Resort as envisioned by the Child SPP Law. This principle is generally contained in international instruments namely the Convention on the Right of the Child Article 37 b that the arrest, detention or imprisonment of children must be in accordance with the law and must be used only as a last resort and for a very short period of time.⁶The application of this principle is certainly implemented in the form of rules that limit the age of child criminal liability, the age of children who can be sentenced to prison

⁵Syamsuddin Muchtar Doktor: "Reformulasi Sistem Sanksi Bagi Anak Dalam Perspektif Pembaruan Hukum Pidana" (Makassar: UNHAS Makassar 2012), hal. 174.

⁶C.de Rover, *To Serve & To Protect Acuan Universal Penegakan HAM*, Cetakan I, PT RajaGrafindo Persada, Jakarta, 2000, hal 382.

and the provisions on the types of crimes committed so that they are taken into consideration by the judge to take the last resort, namely imprisonment.

The SPP Law on Children finally decides a minimum age of 12 years and is not 18 (eighteen) years old as the age limit for child criminal responsibility based on Article 1 number 3 of the Child SPP Law, which is supported by the opinion of the Constitutional Court in the Constitutional Court Decision Number I / PUU-VIII / 2010 .

Trough the imposition of sanctions also consider the age of the child as stated in Article 69 paragraph (2) of Law Number 11 year 2012 concerning SPP of Children, called children who are not yet 14 (fourteen) years old can only be subjected to action. This implies that facultatively, children who are aged 14 and over can consider imposing sanctions on imprisonment or impose sanctions

Provisions that a child is not 12 years old may only be examined as a basis for decision making by the Investigator to give action, not part of the criminal justice process. It is also stated in Article 115 paragraph (3) of the Criminal Code (KUHP) dated February 24, 2017 that criminal liability cannot be imposed on a child at the time of committing a crime that has not reached the age of 14 (fourteen) years. There are provisions regarding the approach to Restorative and Diversity Justice approaches, also reducing the likelihood of children being convicted.

In addition to the age limit to guide the judge in imposing sanctions on imprisonment, besides that objectively the type of criminal acts committed by the child also becomes a consideration of the judge as affirmed in Article 79 paragraph (1) of the Child SPP Act, namely the freedom limitation law applied in the case of a child acting serious crimes or criminal acts accompanied by violence.

The role of the Penitentiary role is also important to give input to the judge in the form of a Social Research Report related to the social conditions of children who commit criminal acts. This Community Report helps the judge to make an appropriate and fair decision. And as a follow-up to this Social Report, it is also used as an ingredient to determine coaching therapy for children who are placed in the Special Child Development Institution (LPKA) who are undergoing imprisonment.⁷

Implementation of the Development of Special Child Development Institution Pare-Pare

In essence, LPKA is an institution or place where children undergo their criminal period. In the paradigm of the Criminal Justice System Law, this new institution is not just euphemism from detention centers, but is expected to contain a conception that harmonizes justice and the interests of child protection. Criminal Investigation aims to popularize the convicted person by providing guidance so as to be a good and useful person as stated in the RKUHP Concept in 2005 and 2006 to February 2008.

Since the issuance of the Decree (SK) from the Ministry of Law and Human Rights to establish the LPKA in Parepare South Sulawesi, the prison has de jure changed the function of becoming a Special Child Development Institution but de facto continues to place and counsel also male adult inmates or woman..

At first glance it can be seen from the paper that the institution is only for children, but the implementation is almost no difference between the Class II Parepare Correction Institute and the Parepare City Special Child Development Institution, which still continues today. In this case it can be said that it is said that the SPPA Law does not provide significant changes to the fate of children who are imprisoned.

The implementation of LPKA Kota Parepare on the implementation of children's rights placed in LPKA was based on interviews with several children who were given training in Parepare City LPKA and Parepare City LPKA staff named Abdi Lesmana who served as Jfu Registration Staff to review WBP status in the form of education, skills training and personality coaching. non-formal education provided to children placed in LPKA Kota Parepare in the form of Package A Pursuit for Elementary School, Pursue Package B for Junior High School and Package C Pursuit for High School while formal education has not been implemented optimally. In the case of skills training that had been carried out in LPKA Kota Parepare namely catfish farming, however, it was felt that there was still less activity in LPKA which could support their potential or talent. The religious guidance is routinely carried out in the Parasarean Child's LPKA which is routinely carried out every Friday, namely Islamic religious education in the form of religious lectures and reading the Qur'anic verses that partner with the Ministry of Religion of Parepare.

Obstacles Of LPKA Parepare

In an effort to realize the aim of child prosecution in LPKA Parepare and to prevent negative impacts that might occur due to the placement of children in LPKA, several obstacles were found, including in terms of the rules, resources and community culture.

⁷Maidin Gultom, *Perlindungan Hukum Terhadap Anak Dan Perempuan*, Cetakan Kesatu, PT. Refika Aditama, Bandung, 2012, hal 181.

The rules governing child development in LPKA are still lacking given the absence of rules or procedures regarding collaboration between LPKA and agencies / institutions that can support the development of children in LPKA such as the local district education office so that guidance can run optimally.

In terms of the quantity of apparatus resources, the ratio of the ratio of the number of LPKA staff with children in LPKA meets the ideal standard, but in terms of quality there are duplicate tasks that are not actually the duties of LPKA City Parepare employees, namely as Community Guidance and conducting education in terms of education.

Besides that, the culture of the community in terms of parents' desire that their children be placed in prison together with adults close to home so that access to meet their children is easy and does not cost a lot.

IV. CONCLUSION

Based on the results of the discussion in this thesis, the following conclusions are obtained: the judge's guidelines in imposing imprisonment on children based on The Last Resort principle (Article 81 paragraph 5), children aged 15 years and over can be sentenced to imprisonment (Article 69 paragraph 2) , serious crimes or criminal acts accompanied by violence or the threat of imprisonment of at least 7 years (Article 79 paragraph 1 Jo Article 82 paragraph 3). Basically, coaching in the form of education, skills training and personality coaching has been carried out on the Parepare City LPKS against children but it has not been running properly. There are no routine subjects and the instructor does not fit the classification. Lack of skills training that can support potential or talent, personality coaching is carried out routinely every Friday in the form of religious lectures but is not effective because of worship facilities (musholah) is only one and is used with adult prisoners so that interaction and communication processes cannot be avoided and will have a negative impact on children . The obstacle faced is that the rules are still inadequate, especially in dealing with the procedures of the collaborative partners with related institutions; quantitatively the ratio of the number of LPKA City Parepare employees to the number of prisoners has met ideal standards but in terms of quality there is an inappropriate workload; Another obstacle is the desire of parents to be placed in Lapas along with adults close to home so that access to meet with their children is easy and does not cost a lot..

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INTERVIEW

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