

**THE ROLE OF THE SPECIAL DEVELOPMENT INSTITUTIONS OF
CHILDREN CLASS I KUPANG IN THE RE-EDUCATION PROCESS
LEGAL CONFLICT CHILDREN**

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Abstrak

Writing of this Thesis aims to find out the legal position and the role of the Special Guidance Institution for Children in the Criminal Justice System, the scope of child development and re-education of children in conflict with the law, As for the background of writing that the number of children in conflict with the law in 2019 has increased a total of 32 children in 2018 or from 9 children to 41 children who are fostered. Likewise, the number of children in conflict with the law in 2018 has increased by 8 children in 2017 or from 1 child to 9 children. From this condition, learning takes place about the actions that need to be taken in order to survive in the midst of difficult conditions. This study uses a normative juridical approach which means that in analyzing the problem carried out by combining legal materials (which are secondary data) with primary data obtained in the field, namely on the Role of the Kupang Class I Child Special Development Institution in the Process of Re-Education of Children The Conflict of Laws. The results showed that the position of the Kupang I Class Special Child Coaching Institution in fostering Children in Conflict of Laws was in accordance with the unity of the concept of the Criminal Justice System, namely providing guidance in accordance with Pancasila, the 1945 Constitution, the main principles of correctional and penitentiary services that have been determined in the Law. Penitentiary Law No. 12 of 1995. In addition, in the procedure and re-education process of Children in Conflict of Law, at least through 4 stages, namely the introduction of the environment, 0 to 1/3 criminal period, 1/3 criminal until the 1/2 criminal period and Assimilation.

Keywords: *Law Conflict Children; Re-education.*

A. PRELIMINARY

Children who break the law or criminal acts cannot be fully blamed, because environmental factors also influence children's attitudes, behaviors and actions. When viewed from these conditions, in fact they are victims of environmental influences. Therefore, these children are more accurately referred to as children who are in conflict with the law, rather than being stigmatized as children of criminals. Delinquency children are often referred to as "juvenile delinquency", which means socially disabled children. Romli Atmasasmita (1975: 56), said that delinquency is an act or act committed by a child that is considered contrary to the provisions of the law in force in a country and by the community itself is felt and interpreted as a deviated act. Related to this, we cannot dismiss the dilemmas that develop in society. On the one hand the community must consider that children are victims of their environmental influences, while on the other hand their behavior is very detrimental and cannot be tolerated anymore.

Just as human rights are the basic rights of all human beings from birth, in particular there is a right attached to children, namely children's rights. A child is born independent, therefore the child's independence must not be eliminated or eliminated, but the child's independence must be protected and expanded in terms of obtaining the right to life and the right of protection from parents, society, nation and state. Child protection is intended so that children get absolute and fundamental human rights that must not be reduced at all, so that the child will get his rights as a whole human being when he later reaches adulthood.

The implementation of the coaching system has the ultimate goal of creating self-reliant fostered citizens or independent human development. The Judicial Justice System in the Judicial System conducted in the Judicial and Social Justice System, Law Enforcement of Work Justice, Prosecution by the Public Prosecutor, Public Complaints, General Prison, General Lawyer Punishment in Correctional

Institutions, Detention Centers and Detention Branch Offices. The whole series of activities must support each other synergistically to the objectives of the system work.

Children who are in conflict with the law and are under the supervision of the Special Guidance Institution. Children are in dire need of protection and proper services while in formation because they are still under the influence and psychological pressure that is less favorable for their future, and therefore the existence and role of the Special Guidance Institution Children in the process of re-education of children in conflict with the law are urgently needed to foster such children as mandated in Article 2 of Law Number 12 of 1995 Concerning Corrections, namely "correctional systems implemented in order to form correctional fostered citizens in order to become fully human, aware mistakes, improve themselves, and do not repeat the crime (recidivist) so that it can be accepted again by the community, can actively play a role in development and can live properly as a good and responsible citizen ". However, it cannot be denied that there are still cases where a child of a former fostered citizen is still committing an illegal act.

Departing from these thoughts and realities, researchers are interested in further researching the role of the Special Child Development Institute in the process of re-education of children in conflict with the law. The reason for the researchers conducting research in the city of Kupang, is because the Kupang Special Class Child Development Institute is one of the Child Development Institutions which fosters many children in conflict with the law. Based on these reasons, researchers further conducted research and poured it into a thesis scientific paper entitled "**The Role of the Kupang Class I Special Child Development Institution in the Re-Education Process of Children in Conflict of Laws**".

Based on the background description above, then the main problem can be drawn about how the role of the Special Child Development Institution in the process of re-education of children in conflict with the law? The subject matter is then elaborated into sub-topics that will be examined in more depth, namely:

1. What is the legal position of the Special Guidance Institution for Children in the Criminal Justice System and the role of the Special Guidance Institution in protecting children?
2. What is the scope of guidance for children in conflict with the law in the Kupang Class I Child Special Development Institute?
3. What is the procedure and process of re-education of children in conflict with the law carried out by the Kupang Class I Child Special Development Agency?

The objectives of this research are as follows:

1. To find out the legal position of the Special Child Development Institution in the Criminal Justice System and the role of the Special Child Development Institution in the process of re-education of children in conflict with the law.
2. To find out the scope of guidance for children in conflict with the law at the Kupang Special Class I Child Development Institute.
3. To find out the procedure and process of re-education of children in conflict with the law carried out by the Kupang Class I Child Special Development Agency.

B. RESEARCH METHODS

The approach method used in this study is the statutory approach (statute of approach), which is an approach that is carried out by examining all regulations or legislation related to the content of the law to be examined, namely examining the Role of Class I Special Guidance Institutions. Kupang. The problems that have been formulated above will be answered or solved using a sociological juridical approach (socio-legal research) or in other words this type of research is empirical legal research and can also be referred to as the field of legal research research, namely reviewing applicable legal provisions and what happens in reality in the community, (Bambang Waluyo, 2002: 15). Empirical legal research is a study conducted on the actual situation or real conditions that occur in the community with the intention to find out and find the facts and data needed, after the data is collected then subsequently carried out identification of the problem and finally formulated

problem solving, (Waluyo, 2002 : 16). In sociological juridical research, law is conceptualized as law in action, or described as an empirical social phenomenon. Thus the law is not only given meaning as a tangle of values, official decisions, interwoven rules and norms, positive written law, but can also be given meaning as a system of teachings about reality, regular and steady behavior, or law in the sense of officers.

C. DISCUSSION

1. Legal Position of the Special Child Development Institution

Article 1 of Law Number 35 Year 2014 Amendments to Law Number 23 Year 2002 concerning Child Protection, states "A child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb". Prior to Law Number 11 of 2012 concerning the Child Criminal Justice System (SPPA) children who have committed criminal acts in Kupang Prison are convicted or given criminal penalties, which are in accordance with the provisions of the regulations, whether light or large cases, must deal with law enforcement, the type of sanctions imposed and given to child cases is still dominated by sanctions in the form of crime rather than sanctions in the form of actions. Rehabilitation, resocialization of children and their level of social welfare take precedence over the resolution of restorative justice or diversion so that the legal position of the Special Child Development Institution in the Criminal Justice System The role of the Kupang First Class Special Child Development Institution is as a place to provide guidance, education and skills for children and has a role in accordance with the mandate of Law No. 11 of 2012 concerning the Children's Criminal Justice System (SPPA). For that reason, the writer can say that the birth of Law Number 11 of 2012 concerning the Criminal Justice System for Children (SPPA), began to have a fundamental change. criminal action must follow formal and / or informal education as well as the realization of child-friendly guidance based on virtue and character. Conflicting children with the law should pay more attention to their rights, especially education which is their right, which is child-friendly based, by prioritizing education at the age level,

because it concerns the best interests of a child. If you look at Law Number 3 of 1997 concerning the Juvenile Court, the Institution regulating Correctional Services for Children (LAPAS) is more identical to someone who is considered to have committed a major crime, must be jailed, and must always be kept away from social interaction (Setya Wahyudi: 2009). Although on the other hand, in the realization of coaching to children there are still obstacles / obstacles, in the implementation in the field, both from human resources or from the budget itself.

2. Scope of Coaching Children in Legal Conflict

The scope of guidance at the Kupang Special Class I Child Development Institution is in the form of assessments, spiritual guidance, skills to equip children after release, and formal education. Entitled to get assimilation (blend in with the community) even though the training period has not yet been completed at the Kupang Class I Special Child Development Institute (LPKA) through several stages, namely the Advanced Phase 1 / 3-1 / 2 Criminal Period and the Final Stage of 1/2 undergoing Criminal-free.

3. Procedure and Process of Re-Education of Children in Legal Conflict

There are regulations regarding the education system specifically for school-age children in the Institute for Special Development of Children ("LPKA"), including the SPPA Law. The SPPA Law stipulates that every child in the criminal justice process has the right to education. In addition, the Institute for Special Development of Children (LPKA) must organize education, skills training, coaching, and fulfillment of other rights in accordance with statutory provisions. This education and training program is overseen by the Penitentiary. All foster children in Kupang Special Class I Child Development Institute get their rights. Education for fostered children in the Special Class Development Institution for Children (LPKA) Kupang Class I the education they receive includes personality and independence education provided directly by the coach and counselor. Based on the data obtained above it can be said that there are several inhibiting factors which include internal

and external factors in the implementation of the rights of education and teaching for fostered children in the Kupang Special Class I Child Development Institute. , skills training, coaching, and fulfillment of other rights in accordance with statutory provisions. This education and training program is overseen by the Penitentiary. This indicates the need for the involvement of certain parties, one of them such as the Ministry of Education and Culture in terms of providing educators in the Kupang Class I Child Special Development Institution so that fostered children who are undergoing criminalization continue to receive education as can be obtained in formal schools. And also from the Ministry of Health to provide health services for fostered children, so that the health of fostered children remains guaranteed.

D. CONCLUSION

Based on the results of the research above, the following conclusions can be drawn:

1. That the position of the Kupang I Class Special Child Coaching Institution in fostering Children in Conflict of Laws is in accordance with the unity of the concept of the Criminal Justice System, namely providing guidance in accordance with Pancasila, the 1945 Constitution, the main principles of correctional and penitentiary and preservation systems that have been determined in the Act. Correctional No. 12 of 1995 to realize the ultimate goal of the Criminal Justice System, namely preventing the emergence of crime, where the existence of the Kupang I Class Special Child Development Institute in carrying out its role has succeeded in realizing the ultimate goal of the Criminal Justice System.
2. The scope of the coaching activities in the Kupang Class I Child Special Development Institution is in accordance with the Decree of the Minister of Justice Number: M.02-PK.04.10 of 1990 concerning Guidance for Prisoners or Detainees which covers 6 (six) fields, namely personal development in the form of fostering religious awareness, fostering national and state awareness fostering, fostering intellectual / intelligence abilities, fostering legal awareness, fostering integration in the community and fostering independence in the form of skills

programs for independent businesses, skills for small industries, skills for supporting industrial or agricultural businesses (plantations) .

3. In the procedure and process of re-educating Children in Conflict of Law, at least through 4 stages, namely the introduction of the environment, 0 to 1/3 criminal period, 1/3 criminal until the ½ criminal period and Assimilation. The first stage of development is the introduction of the environment At this stage in the registration and classification section, here the newly entered Child in Conflict of Law will identify matters related to himself such as his last education, interest in his talents, hobbies, religion, family background to his case. The introduction period for this environment lasts for a maximum of 1 week, in which the children in conflict with the law are separated from each other. The next stage is the period of 0 to 1/3 criminal period. At this stage the Child in Conflict of Law followed a mandatory activity namely the Pursuit of the Package held by the City of Kupang Education and Culture Office.

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