

To cite this article: Vera Devi, Jummaid Saputra, Anhar Nasution and Muhammad Kadafi (2024). ANALYSIS OF THE IMPLEMENTATION OF FULFILLMENT OF CHILDREN'S RIGHTS AT THE SPECIAL CHILD DEVELOPMENT INSTITUTION (THE SPECIAL CHILD DEVELOPMENT INSTITUTION) CLASS II BANDA ACEH, International Journal of Applied Science and Engineering Review (IJASER) 5 (6): 47-68 Article No. 214 Sub Id 329

---

## **ANALYSIS OF THE IMPLEMENTATION OF FULFILLMENT OF CHILDREN'S RIGHTS AT THE SPECIAL CHILD DEVELOPMENT INSTITUTION (THE SPECIAL CHILD DEVELOPMENT INSTITUTION) CLASS II BANDA ACEH**

**Vera Devi, Jummaid Saputra, Anhar Nasution and Muhammad Kadafi**

Faculty of Law, Abulyatama University,  
Indonesia, Aceh

DOI: <https://doi.org/10.52267/IJASER.2024.5605>

### **ABSTRACT**

The Special Child Development Institution is a place to foster children who are serving a prison sentence while serving their sentence. During the period of serving their sentence, children are also required to be given their rights which are the orders of the laws and regulations in Indonesia. The purpose of this study was to determine and analyze the fulfillment of the rights of foster children in The Special Child Development Institution Class II Banda Aceh and to determine and analyze the inhibiting factors in the fulfillment of the rights of foster children in The Special Child Development Institution Class II Banda Aceh. This study uses an empirical legal research method. While the approach used is sociological juridical. The data sources used are primary data and secondary data. Data collection techniques are by observation and interviews. The results of the study show that first, the fulfillment of children's rights in The Special Child Development Institution Class II Banda Aceh has been implemented through fostering activities provided by the prison in the form of fulfilling the right to education, fulfilling the right to religious activities, and fulfilling the right to health facilities. However, the fulfillment of children's rights that have been implemented has not been maximized because there are still several obstacles. Currently, The Special Child Development Institution Class II Banda Aceh continues to strive to make efforts such as cooperation to the maximum extent possible to be able to fulfill the rights of Foster Children. Second, the inhibiting factors in fulfilling the rights of foster children at the Class II Banda Aceh Special Child Development Institution are: the absence of technical instructions for the foster process carried out, the limited quality of Human Resources of the Class II Banda Aceh Special Child Development Institution officers, and the limited facilities and infrastructure. It is recommended that the leadership at the Class II Banda Aceh The Special Child Development Institution can improve the quality of The Special Child

Development Institution Banda Aceh officers in terms of fostering by participating in special training on handling limited foster children in correctional institutions, so that quality human resources are created in efforts to fulfill children's rights at the Class II Banda Aceh The Special Child Development Institution.

**KEYWORDS:** Fulfillment, Children's Rights, and Development.

## 1. INTRODUCTION

Society consists of a group of people who are closely bound by certain traditions and cultures, certain laws and certain systems that are the same. The systems that exist in society itself are interconnected between one human being and another to form a unity. A unity in society is not only connected because of these factors, but also because of the awareness of the community itself.

Legal awareness in society needs to be fostered and instilled so that society is more obedient to existing laws, whether they are written laws or laws that have grown and developed in society and their existence is recognized by society. There are several components in a society, including the elderly, adults, teenagers, children, and toddlers. Children are one of these components. Children are a very valuable and influential asset for the next generation and it can also be said that the good or bad future of a nation is determined by the hands of its bearers. One of the meanings in the ethics of society is related and related to the soul between a maker and his actions, the relationship must be such that the actions can be accounted for to him.

Children are part of the citizens who must be protected because they are the generation of the nation who in the future will continue the leadership of the Indonesian nation. Every child is required to receive formal education such as school, and is also required to receive moral education so that they can grow into figures who are useful to the nation and state. In accordance with the provisions of the Convention on the Rights of the Child which was ratified by the Indonesian government through Presidential Decree Number 36 of 1990, then also stated in Law Number 4 of 1979 concerning Child Welfare and Law Number 23 of 2002 concerning Child Protection and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, all of which state the general principles of child protection, namely non-discrimination, the best interests of the child, survival and development and respect for child participation. The phenomenon of children in conflict with the law and children in conflict with the law continues to increase every year. Juvenile delinquency is a condition that cannot be avoided today, even cases of juvenile delinquency are increasingly concerning, because they have led to criminal acts. As a result, the number of teenagers who have to deal with the law continues to increase, some of whom are undergoing criminal proceedings. This culminates in a judge's verdict that stipulates that child in conflict with the law, especially perpetrators of criminal acts, must undergo guidance at a Juvenile Correctional Institution or Juvenile Correctional

Institution. Article 20 of the Child Protection Law stipulates that the state, government, family, and parents are obliged and responsible for implementing child protection. In protecting children's rights, cooperation is needed from several related parties, so that strong synergy is established between law enforcement agencies, the government, community leaders, and parents to handle children in conflict with the law.

Children in conflict with the law are individuals who grow from childhood to mature individuals. During this period, there are two important things that cause adolescents to exercise self-control, the first is external, namely environmental changes, and the second is internal, namely the characteristics of adolescents that make adolescents relatively more turbulent compared to other developmental periods. Juvenile delinquency is closely related to juvenile criminality, and according to Santrock, juvenile delinquency ranges from socially unacceptable behavior such as excessive actions at school, violations such as running away from home to criminal behavior. Juvenile delinquency is not only criminal acts, but also all actions carried out by children that are considered to violate social, school or community values. The implementation of punishment due to a crime committed by a child is certainly very different from that of an adult. Children who commit crimes will be tried through the Special Juvenile Court which is within the General Court environment. the special child development institution is used to accommodate children who are serving a prison sentence while serving their sentence, in the special child development institution itself children or adolescents also get the right to education, and guidance for children who are serving a prison sentence. Every living creature has its rights starting from when it is still in the womb, the rights of children that must be obtained are as follows:

1. The right to worship according to one's religion and beliefs
2. The right to obtain health services
3. The right to obtain education and teaching
4. The right to express opinions
5. The right to receive protection in educational units from sexual crimes and violence. The right to rehabilitation and receive social assistance for children with disabilities.
6. The right to be cared for by parents
7. The right to obtain protection

Granting rights to children serving sentences does not only fulfill their rights, but must also provide good guidance and in accordance with the needs of these children, so that the guidance carried out is effective. Therefore, the guidance program must be prepared based on the basic principles of corrections, so that it can foster legal awareness in guiding children in correctional custody.

Currently, The Special Child Development Institution Class II Banda Aceh accommodates 56 (fifty-six) children in conflict with the law from various regions in Aceh such as: Banda Aceh, Aceh Besar, Sigli, Lhokseumawe, Bireuen, Langsa, Takengon, Kutacane, Aceh Jaya, Meulaboh, Aceh Singkil. In practice,

there are still many problems in fulfilling the rights of children in correctional institutions, such as the right to health and the right to education.

Based on the explanation of the problem above, the author is interested in conducting a study entitled "analysis of the implementation of the fulfillment of children's rights at the Special Child Development Institution (the special child development institution) Class II Banda Aceh".

In writing this thesis, the problems that will be studied and discussed are as follows: 1) How is the fulfillment of the rights of foster children at The Special Child Development Institution Class II Banda Aceh? 2) What are the inhibiting factors in fulfilling the rights of foster children at The Special Child Development Institution Class II Banda Aceh?.

The objectives of this study are as follows: 1) To find out and analyze the fulfillment of the rights of foster children at the special child development institution Class II Banda Aceh. 2) To find out and analyze the inhibiting factors in fulfilling the rights of foster children at the special child development institution Class II Banda Aceh.

## **2. LITERATURE REVIEW**

### **Understanding Children and Children's Rights**

Children are the next generation. The good and bad future of the nation also depends on the good and bad conditions of children today. In relation to this, treating children in a good way is our shared obligation, so that they can grow and develop well and can become carriers of the message of civilization of this nation. Children must be educated well because children are individuals who are not yet mature physically, mentally and socially. Because of their vulnerable, dependent and developing conditions, children are more at risk of exploitation, violence, neglect, and others compared to adults.

Children need protection from the negative impacts of rapid development, globalization in the field of communication and information, advances in science and technology, and changes in the lifestyle and way of life of some parents that have brought fundamental social changes in the lives of society that greatly influence children's values and behavior. Deviations in behavior or unlawful acts committed by children, among others, are caused by factors outside the child.

Based on the 1989 Convention on the Rights of the Child (UN Resolution Number 44/25 dated 5 December 1989), children's rights can generally be grouped into 4 (four) categories of children's rights, namely: the right to survival, the right to develop, the right to protection, and the right to participation. Universal children's rights have also been established through the United Nations General Assembly (hereinafter referred to as the UN) on November 20, 1959, by proclaiming the Declaration of the Rights of the Child. With this declaration, it is hoped that all parties, both individuals, parents, social

organizations, governments and communities, will recognize children's rights and encourage their implementation. The ten principles of children's rights according to the declaration are:

1. First principle: Every child shall enjoy all the rights set forth in this declaration without exception, without distinction or discrimination.
2. Second principle: Every child shall enjoy special protection, shall be given opportunities and facilities by law or by other means so that he or she is able to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner.
3. The third principle: Every child from birth must have a name and national identity.
4. The fourth principle: every child should enjoy the benefits of social security.
5. The fifth principle: Every child who is physically, mentally or socially disabled must be given special treatment, education and care according to his/her condition.
6. The sixth principle: Every child need love and attention for his/her full and balanced personal development.
7. The seventh principle: Every child must receive education free of charge and on the basis of compulsory education.
8. Eighth principle: Every child in any situation must receive first protection and assistance.
9. The ninth principle: Every child must be protected from all forms of neglect, violence and exploitation.
10. Tenth principle: Every child must be protected from all forms of discrimination based on race, religion or any other form of discrimination

### **Children in Conflict with the Law**

Article 1 paragraph (2) of Law Number 11 of 2012 concerning the Child Criminal Justice System, what is meant by children in conflict with the law are children who are in conflict with the law, children who are victims of criminal acts, and witnesses to criminal acts. The problem of children is a backflow that is not taken into account from the process and development of the development of nations that have high ideals and a bright future to welcome and replace the leaders of the Indonesian nation. In relation to this, the development paradigm must be pro-child.

Harry E. Allen and Clifford E. Simmons explain that there are 2 (two) categories of child behavior that cause children to have to deal with the law, namely.

1. Status Offence is juvenile delinquency which, if committed by an adult, would not be considered a crime, such as disobedience, playing truant from school, or running away from home;
2. Juvenile Delinquency is juvenile delinquency which, if committed by adults, would be considered a crime or violation of the law.

### **Juvenile Justice System**

The term juvenile criminal justice system contains elements of the criminal justice system and elements of children. The word child in the term juvenile criminal justice system must be included, because it is to differentiate it from the adult criminal justice system, so that the juvenile criminal justice system is a criminal justice system for children. Children in the juvenile criminal justice system are children who are in conflict with the law.

The juvenile criminal justice system is a translation of the term The juvenile system, which is a term used in the definition of a number of institutions that are part of the court, including prosecutors, public prosecutors, legal counsel, supervisory institutions, child detention centers, and child development facilities. Thus, the parties involved in The juvenile system, first: the police as a formal institution when a child is in conflict with the law who first comes into contact with the justice system, which will also determine whether the child will be released or processed further. Second, the prosecutor and parole institution which will also determine whether the child will be released or processed to the juvenile court, the third stage the child will be placed in choices, starting from being released to being put in a punishment institution, the last punishment institution.

The juvenile criminal justice system is a criminal justice system, so in providing an understanding of the juvenile justice system, first describe the criminal justice system. The Criminal Justice System shows the working mechanism in overcoming crime by using a basic system approach. Remington and Ohlin stated: "Criminal justice system can be interpreted as the use of a system approach to the mechanism of criminal justice administration. As a system, criminal justice is the result of interaction between laws and regulations, administrative practices and social attitudes or behavior. The definition of the system itself contains the implication of an interaction process that is prepared rationally and efficiently to provide certain results with all its limitations".

### **3. RESEARCH METHODS**

#### **Types and Approaches of Research**

The type of research in this study is an empirical legal research type. The approach that the author uses in this study is the sociological approach to law. The sociological approach to law is an approach that analyzes how reactions and interactions occur when the norm system works in society. In addition, there is also a sociological approach to law. This approach is constructed as a stable, institutionalized and socially legitimized social behavior.

#### **Data Collection Sources and Techniques**

This legal research is conducted by examining events or incidents that occur in society, so this research is called empirical research. In accordance with the objectives of this research, researchers divide data



sources into two parts, namely:

a. Primary data

Primary data in this study is data taken from the first source in the form of interview results with respondents who are considered appropriate to take data from. Then it is also obtained from informants, namely one person or several people who provide information or data needed by researchers as far as they know.

b. Secondary Data

Secondary data is supplementary data that can be correlated with primary data. This data is additional material that comes from written sources that can be divided into: Book sources, scientific magazines, sources from archives, personal documents, dissertations or theses, journals and official documents.<sup>1</sup> The use of secondary legal materials is to provide researchers with a kind of guidance in which direction the researcher should proceed.

That to obtain the data needed in this research, purposive sampling was used with the data collection technique used being:

a. Observation

The observation method is used by researchers when they want to empirically find out about the phenomena of the observed object. Observation is the observation of the human five senses (sight and hearing) to capture the observed symptoms and what needs to be recorded. Furthermore, the notes are analyzed. Observation aims to answer research problems.

b. Interview or Interview

Interview is research that takes place verbally between two or more people in the form of face-to-face, listening directly to information or statements from the researched. According to Lexi J. Moleong, an interview is a conversation with a specific purpose, the conversation is carried out by two parties, namely the interviewer who asks questions and the interviewee who provides answers to the questions. The purpose of the interview is to obtain information related to the object of research. Based on the explanation above, the Head of the Special Child Development Institution, Head of the Development Section of the special child development institution Banda Aceh, and the Head of the Education and Guidance Sub-Section.

#### 4. RESULTS AND DISCUSSION

---

## **Fulfillment of the Rights of Foster Children at The Special Child Development Institution Class II Banda Aceh**

Efforts to fulfill children's rights are the development of children of prisoners according to laws and regulations in Indonesia who have been placed in special correctional institutions for children. Children's correctional institutions (Penitentiary Institutions) have changed to Special Child Development Institutions which are places for carrying out prison sentences for children until the child reaches the age of 18 (eighteen) years. The Special Child Development Institution is required to organize education, skills training, development and fulfillment of other rights in accordance with laws and regulations.

Development is broadly defined as a series of proportional control efforts towards all elements of the organization so that these elements can function as they should so that plans to achieve goals can be implemented effectively and efficiently. The development program at The Special Child Development Institution consists of five developments, namely religious awareness education, national and state awareness education, intellectual ability and intelligence education, legal awareness education, and the last is education to integrate oneself with society.

The existence of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System provides a change to the child punishment system. One of the changes is the Institution for Specialized Development for Children. In accordance with the implementation of this Law, it is at least 3 (three) years, because a child who is punished or considered to have committed a crime or criminal act must still be entitled to receive his rights while in the Special Child Development Institution.

Banda Aceh is one of the areas that has a Special Child Development Institution, there are 56 children in correctional institutions who are educated at The Special Child Development Institution Banda Aceh.

Based on the data above, of the 56 (fifty-six) children in correctional institutions, they have different ages. With these age differences, of course, they require different recreational rights. However, so far, the recreational rights that have been given have been the same, no recreational rights have been given based on the age of the children in custody. The presence of the Special Child Development Institution is expected to provide the rights of children who are serving their sentence, one of which is the child's recreational rights and the right to be treated according to their needs.

As stated in Article 3 letter a, children have the right to be treated humanely by paying attention to needs according to their age. Article 3 letter d of Law Number 11 of 2012 concerning the Child Criminal Justice System states that children have the right to engage in recreational activities. Even though they are serving a prison sentence, children's rights must still be fulfilled in accordance with the rules and regulations. The



Special Child Development Institution Banda Aceh is responsible for providing rights to children who are serving their sentences.

In practice, efforts to fulfill children's rights carried out by officers include providing guidance and supervision of the activities of fostering children in correctional institutions, implementing guidance for subordinate employees in accordance with applicable laws and regulations. The guidance carried out by officers at The Special Child Development Institution Class II Banda Aceh is basically aimed at providing foster children with skills that can be used as provisions when the foster children have finished serving their sentences at The Special Child Development Institution. The implementation of the guidance of foster children in The Special Child Development Institution Class II Banda Aceh is carried out by guidance officers who provide guidance, education and implementation of worship. Guidance is provided from when the foster children enter the institution until they leave the correctional institution.

The implementation of fostering assisted children at The Special Child Development Institution Class II Banda Aceh includes religious or spiritual mental development, intellectual development, independence development and arts development. With the existence of a coaching program that has been held for assisted children, it is mandatory for the assisted children to carry out and participate in the coaching program.

The development programs aimed at foster children are followed by foster children in the environment of The Special Child Development Institution Banda Aceh including religious/mental spiritual development at The Special Child Development Institution Class II Banda Aceh which can be explained below:

#### 1. Fulfillment of Children's Rights in Religion

Islamic religious guidance is carried out by the Correctional Institution by requiring the children to read the Qur'an. Meanwhile, Islamic religious guidance is also carried out by the special child development institution Banda Aceh by bringing in external instructors who have sufficient competence or scientific ability to provide guidance to the children in the correctional institution. The forms of religious guidance at The Special Child Development Institution Class II Banda Aceh include:

##### a. Daily Guidance (congregational prayer)

Daily guidance at The Special Child Development Institution Class II Banda Aceh is in the form of congregational prayer. Although it is carried out of one's own awareness, its implementation is monitored by officers. The aim is to find out the development of the worship of the children in the correctional institution. This is because the emotional and mental condition of the children in the correctional institution is still unstable considering the bitter reality that they must accept as retribution for the actions

they have committed. In addition, this religious guidance is carried out through lectures, diniyah education that specifically contains religious material, which is filled by teachers or tengku from outside the Correctional Institution through Islamic boarding schools and in collaboration with the Ministry of Religion of Aceh Besar Regency. 58 The Special Child Development Institution Class II Banda Aceh already has a prayer room which is used as a place of worship and to conduct religious studies and study.

The Special Child Development Institution Class II Banda Aceh, has a class schedule for teaching and learning, also has a religious development schedule, including the pesantren education pattern which is applied in the form of lectures to children in the afternoon and learning to recite the Koran. The role of development in the religious field involves cooperation with the Office of the Department of Religious Affairs of Banda Aceh City and Aceh Besar. Religious education in collaboration with Kankemenag, in the form of diniyah education, Islamic boarding schools which are held in the afternoon. Each of the children follows it which is directly monitored by The Special Child Development Institution itself, there are also religious figures from outside, including elements of the tengku dayah who have expertise in diniyah who guide them.

Based on the explanation above, it is known that the role in the aspect of religious guidance at The Special Child Development Institution Class II Banda Aceh has been integrated with related institutions, the aim is that child guidance at The Special Child Development Institution can run optimally, and is fully carried out for the purpose and motivation of fulfilling the rights of children undergoing guidance at The Special Child Development Institution.

Cooperation carried out with religious institutions such as the Office of Religious Affairs as carried out by The Special Child Development Institution Class II Banda Aceh is not regulated further in the Regulation of the Minister of Law and Human Rights Number 18 of 2015 concerning the Organization and Work Procedures of Special Child Development Institutions. However, the pattern of development involving the Ministry of Religion is an initiative of The Special Child Development Institution independently which is the policy of the Head of The Special Child Development Institution.

#### b. Weekly Coaching

The weekly coaching carried out by The Special Child Development Institution is a process of coaching the target children through a religious approach delivered by religious coaches so that the coached children can know and understand Islamic religious knowledge so that they can practice Islamic law properly and correctly, and can get closer to Allah SWT. By instilling religious values according to the religion they adhere to, it is hoped that the target children will be able to realize their mistakes and repent so as not to make mistakes like before. Apart from that, the religious education provided can also strengthen the faith

in the assisted children so that the assisted children have a strong fortress of self-defense so that they do not fall back on the wrong path.

## 2. Fulfillment of Children's Rights in Education

Fulfillment of children's rights at The Special Child Development Institution Class II Banda Aceh focuses on the development of formal education, namely elementary, middle and high school. Education is the process of changing individual behavior in personal life and society and the surrounding environment, through teaching as a basic activity and as a profession among basic professions in society. This shows that the essence of education is the formation of humans in the direction of what is aspired to.

Education in the narrowest definition is understood as teaching held in schools as formal education. Education conducted by the Special Child Development Institution Class II Banda Aceh for children who have legal problems. The pattern of child development through education is the same as that applied in formal schools. This means that children who commit criminal acts who are undergoing development/punishment are given education according to the level of school they have attended. For child perpetrators who are still in elementary school, they are given elementary school education materials, as well as for children in the junior high and high school categories, on the condition that the child in question does not exceed the age of 18 years as stipulated in Law Number 23 of 2002 concerning Child Protection.

There are three levels that are adjusted to the level of formal education of the child, namely Package A is specifically intended for children of criminals at Elementary School level, Package B is intended for children of criminals at Middle School level and other equivalents, and Package C is intended for children of criminals at High School level and equivalents. In terms of children's educational rights, it is indeed given optimal attention.

The role of educational guidance provided is the same as education at the formal school level, including adjustments to the subject matter taught to children in the community, and also adjusted to the teachers who teach it. The Special Child Development Institution Class II Banda Aceh also collaborates with the Education Office to provide guidance in terms of education and in integrating education at the school level with The Special Child Development Institution Class II Banda Aceh.

Learning activities are carried out in a multipurpose room, because there is no special room for learning organized by The Special Child Development Institution to fulfill the educational rights of children at The Special Child Development Institution Class II Banda Aceh. Learning activities are grouped according to the level of education of each child, so that children can get a diploma equivalent to formal education in

regular schools. Teaching staff other than from The Special Child Development Institution itself, also bring in assistant teachers from outside The Special Child Development Institution to meet the needs of teachers in teaching subjects taught to Andikpas at The Special Child Development Institution Class II Banda Aceh.

The fulfillment of rights in receiving education at The Special Child Development Institution is the same as that applied in formal schools, and is adjusted to the child's level of education. Intellectual development at The Special Child Development Institution Class II Banda Aceh is development in the field of formal education. Children who are sentenced to criminal penalties have the right to receive education. In addition, the intellectual development of the special child development institution officers also provides scouting and citizenship education to instill and foster a sense of nationalism and mutual cooperation in fostered children.

### 3. Fulfillment of Children's Rights in Health

Fulfillment of health service rights at The Special Child Development Institution Class II Banda Aceh has health facilities in the form of a clinic called Assyifa Clinic. According to the World Health Organization (WHO) in 1948, health is a state of physical, mental, and social well-being and not merely the absence of disease or weakness, a human condition both physically, spiritually, intellectually, and socially to become better.

Fulfillment of health rights, at The Special Child Development Institution Class II Banda Aceh is still constrained by the lack of facilities and other supporting facilities. At The Special Child Development Institution there are no general practitioners, so if there are foster children who are sick and cannot be treated at The Special Child Development Institution, officers will call a doctor from the Hospital or Health Center and take the child to the nearest Hospital.

Health protection at The Special Child Development Institution begins when a new foster child arrives at The Special Child Development Institution, health workers first provide counseling and health checks to the foster child as well as socialization related to types of infectious diseases. This is done so that foster children can maintain their health and those who have infectious diseases do not spread it to others, and if there are foster children who have special diseases, the clinic will record them for special and routine treatment. Health counseling carried out by health workers to new foster children, namely about TB, HIV, AIDS, and other diseases, is carried out routinely, namely when the foster child has just entered The Special Child Development Institution and there is counseling every 3 (three) months and the counseling is global, namely all foster children must participate in counseling about the health. In carrying out this counseling, The Special Child Development Institution receives assistance from hospitals or health centers

which will provide health counseling training.

Fulfillment of health rights at The Special Child Development Institution Class II Banda Aceh is also considered through food intake. Nutritious food will certainly have a good impact on a person's health, including foster children at The Special Child Development Institution. Therefore, to implement the right to health protection for foster children, their food intake must also be considered.

The fulfillment of nutritional food at The Special Child Development Institution Class II Banda Aceh has reached the nutritional standard with 2,250 calories in accordance with the circular of the Director General of Corrections Number: Epp.02.05-02 dated September 20, 2010. The Special Child Development Institution has a food menu for 10 (ten) days, so if it has been 10 days, the food menu will return to the beginning.

The food menu served to Andikpas at The Special Child Development Institution Class II Banda Aceh has met the nutritional standards set by the Government, the food menu served is different every day for up to 10 (ten) days, then returns to the previous menu, this is made to meet the nutritional intake for Andikpas who are at The Special Child Development Institution Class II Banda Aceh.

Health coaching is also carried out in the form of efforts to fulfill children's rights during the coaching period at The Special Child Development Institution Class II Banda Aceh. Coaching for independence at The Special Child Development Institution Class II Banda Aceh is one of the coaching that aims to provide health knowledge for foster children so that they can become physically and mentally healthy people when they return to society. The coaching is given and adjusted to the health conditions when the foster children first enter the special child development institution and adjusted to the development of the foster children's health. Coaching is carried out by The Special Child Development Institution Banda Aceh in collaboration with government health facilities, namely the Ingin Jaya Aceh Besar Health Center and Hospitals in Aceh Besar and Banda Aceh City.

Basically, from several fulfillment of rights for foster children have been done by The Special Child Development Institution Class II Banda Aceh but still not optimal because there are still several obstacles. However, The Special Child Development Institution Class II Banda Aceh continues to strive to make efforts such as cooperation to the maximum extent possible to be able to fulfill the rights of Andikpas. Fulfillment of the rights of Andikpas is mandatory because this is clearly a basic right that has been regulated in laws and regulations.

### **Inhibiting Factors in Fulfilling the Rights of Foster Children at The Special Child Development Institution Class II Banda Aceh**

The Special Child Development Institution in providing guidance for children in correctional institutions is not an easy thing and is a challenge from time to time for every Special Child Development Institution is an institution that plays a very important role in re-socializing children in correctional institutions as the final part of the criminal justice system in Indonesia. Based on the results of research conducted by the author at the Special Child Development Institution Class II Banda Aceh, several inhibiting factors were found in fulfilling the rights of children in The Special Child Development Institution Class II Banda Aceh, including the following:

1. There are no technical instructions for coaching

Basically, the main obstacle in the development of children, one of the inhibiting factors is the absence of technical implementation instructions regarding the development of criminal children. The Special Child Development Institution Banda Aceh was established in 2014 based on the decision of the Minister of Law and Human Rights of the Republic of Indonesia Number: M.HH-09.OT.01.02 of 2014, so it is still relatively new. This has an impact on the less than optimal implementation of education, skills training, development, and fulfillment of other rights in accordance with the provisions of laws and regulations by the special child development institution Banda Aceh”.<sup>2</sup> The obstacle is an obstacle that comes from within The Special Child Development Institution Banda Aceh, namely the unavailability of specific instructions on the technical aspects of coaching Andikpas who are undergoing rehabilitation at The Special Child Development Institution Banda Aceh. This makes The Special Child Development Institution Banda Aceh not have a handle or guideline in communication patterns when carrying out coaching.

2. Limited human resources of The Special Child Development Institution Banda Aceh officers

The Special Child Development Institution Banda Aceh in carrying out Andikpas coaching still has limited human resources for officers in the field of health worker education and religious personnel. The number of officers still requires support and cooperation from outside, especially in religious and educational coaching by bringing in teaching staff from outside The Special Child Development Institution Class II Banda Aceh. The teachers from The Special Child Development Institution should be given teaching training so that what will be conveyed to Andikpas when learning takes place can be understood. And also, for example, nurses who have or know about early handling of an emergency for early prevention before the patient is taken to the nearest health center or hospital.

3. Limited Facilities and Infrastructure

Child development at The Special Child Development Institution Banda Aceh is the lack of supporting

---



facilities for development activities. Facilities and infrastructure are included in the inhibiting factors for development of children in correctional institutions because of the limited availability of facilities and infrastructure that are very much needed in the implementation of development. The availability of facilities and infrastructure supports the implementation of development in achieving successful development of children in development.

The health facilities available at The Special Child Development Institution Banda Aceh clinic are still very limited and the health workers on duty are also less than optimal with only one nurse on duty and no doctor. So if a child in the correctional facility is seriously ill and needs intensive care, the Correctional Institution will refer the child to the hospital.

The obstacles to fulfilling Andikpas rights at The Special Child Development Institution Banda Aceh are the limited facilities and infrastructure, which are also seen in the education sector, which is experiencing a shortage of reading books for the library and a shortage of sports equipment for exercise, and in the skills sector, there is a shortage of job guidance instructors. Furthermore, the lack of budget has resulted in some volunteer work.

Empirically, the implementation of coaching by The Special Child Development Institution officers uses individual methods and group coaching methods, this is in accordance with the theory of R.A.S Soerna Di Praja and Romli Atmasasmita, the coaching method is a way of delivering coaching material so that it is effectively and efficiently accepted by inmates, both changes in thinking, acting using individual methods and group coaching methods. This individual coaching method is divided into two, namely, from within and from outside. From within is the ability to foster oneself can emerge from within oneself. Educational and skills coaching will encourage foster children to foster themselves according to their goals and ideals. This is clearly seen when they get intellectual education programs such as junior high and high school, they are actively following the lessons. methods from outside in the form of skills courses. Correctional institutions can cooperate with external parties. This was done by The Special Child Development Institution Class II Banda Aceh with the Al-Qirom Islamic Boarding School, Job Training Center, Banda Aceh, Islamic Boarding School.

Group coaching methods such as group coaching carried out using lecture methods, questions and answers, simulations. This method is carried out during religious studies, and counseling according to Government Regulation Number 31 of 1999 concerning the Guidance and Mentoring of Correctional Inmates explains that the stages of coaching for correctional inmates are carried out in three stages, namely the initial stage, the advanced stage, and the final stage. The officers of The Special Child Development Institution Class II Banda Aceh in coaching inmates use three stages, namely the initial

stage includes the observation period, introduction and research of the environment, planning personality and independence coaching programs, implementing personality and independence coaching programs, and assessing the implementation of the initial stage coaching program. At the advanced stage, officers carry out planning for advanced coaching programs, implementing advanced coaching programs, and planning and implementing integration programs. Then at the final stage, officers carry out planning for integration programs and ending the implementation of the final stage of work guidance.

The coaching activities at The Special Child Development Institution Class II Banda Aceh are coaching activities that have been decided by the laws and regulations of the Ministry of Law and Human Rights through the Directorate General of Corrections. However, these coaching activities are also adjusted to the environmental conditions around the special child development institution.

The coaching programs carried out at the Class II Special Children's Coaching Institute in Banda Aceh include:

1. Religious/mental spiritual guidance that is carried out routinely, in collaboration with various foundations. For Islam, such as the Alqirom Hajimena Islamic boarding school. For religious/mental spiritual guidance, Islam is carried out in the form of routine religious studies, congregational prayers, commemoration of Islamic holidays and short-term Islamic boarding schools. Meanwhile, for Christianity, foster children are required to read the Bible.
2. Guidance for independence that is carried out routinely except for electric welding is carried out every Saturday. This guidance is carried out in the form of guidance for Barber Shop activities, handy crafts, ornamental plant nurseries, electric welding and carpentry in collaboration with BLK Banda Aceh.
3. Intellectual development that is carried out routinely, in this development in accordance with children's rights, namely children have the right to receive education and development institutions are required to provide education. In this development, children receive formal education packages A, B and C. This package will later give them a diploma from The Special Child Development Institution that can be used for the next level of education because the diploma they have is registered nationally. As well as Scouting development in collaboration with the front group in Banda Aceh or other Scout work councils to build a disciplined and orderly soul for community fostered residents.
4. Arts development is carried out in the form of bands, music in collaboration with volunteers or taught directly by officers of The Special Child Development Institution who have talent or art in their field.

The guidance given to children in correctional institutions clearly has a positive impact on children in correctional institutions. The guidance given refers to the principles of guidance such as:

1. Support

2. Equal treatment and service
3. Education
4. Guidance
5. Respect for human dignity and honor
6. Loss of freedom is the only suffering Guaranteed right to stay in touch with family and certain people

The purpose of providing guidance to juveniles in correctional institutions is so that when the juveniles have completed their sentences, they will have the necessary preparation for life and be able to play an active role in society. In the implementation of guidance for juveniles, there are also inhibiting factors, the inhibiting factors are as follows: first, the legislative factor, second, the quality and quantity of officers, third, the facilities and infrastructure factor; and fourth, the community factor.

Stages such as the initial stage include: observation period, introduction, and environmental research, planning of personality and independence development programs, implementation of personality and independence development programs, and assessment of the implementation of the initial development program. The advanced stage includes: planning of advanced development programs, implementation of advanced development programs, assessment of the implementation of advanced development programs, and planning and implementation of assimilation programs. Then the final stage includes: planning of integration programs, implementation of integration programs, and termination of the implementation of the final development stage.

Guidance stages such as the initial stage include: observation period, introduction, and environmental research, guidance program planning. The advanced stage includes: planning of advanced work programs, implementation of advanced work programs, assessment of implementation of advanced work programs, and planning and implementation of assimilation programs. Then the final stage includes: planning of integration programs, implementation of integration programs, and termination of implementation of final stage work guidance.

Supervision carried out by officers such as supervising the implementation of the preparation and provision of food for children in correctional institutions in accordance with applicable provisions, supervising teaching and learning activities and supervising the independence activities of children in correctional institutions, so that children in correctional institutions have really done it well.

The advanced stages include: planning the advanced coaching program, implementing the continuing coaching program, assessing the implementation of the continuing coaching program, and planning and

implementing the assimilation program. Then the final stage includes: planning the integration program, implementing the integration program, and ending the implementation of the final stage of coaching.

The guidance provided by officers at The Special Child Development Institution Class II Banda Aceh is basically aimed at providing foster children with skills that can be used as provisions when the foster children finish serving their sentences at The Special Child Development Institution. The implementation of the guidance of foster children at The Special Child Development Institution Class II Banda Aceh is carried out by the head of the guidance section who provides guidance, education and implementation of worship. The provision of guidance starts from when the foster children enter the institution until they leave the correctional institution.

The implementation of fostering for assisted children at The Special Child Development Institution Class II Banda Aceh includes religious/mental spiritual development, intellectual/educational development, independence development and health development. With the development program that has been held for assisted children, it is mandatory for the assisted children to carry out and participate in the development program. The coaching programs intended for assisted children are followed by assisted children in the environment of The Special Child Development Institution.

Religious/mental spiritual guidance at the special child development institution Class II Banda Aceh with Islamic religious guidance is carried out by the Correctional Institution by bringing in external guidance who have sufficient competence or scientific ability to provide guidance to children in the correctional institution. Daily guidance at the special child development institution Class II Banda Aceh is in the form of congregational prayer. Although carried out of one's own awareness, in its implementation it is monitored by officers. The aim is to find out the development of the worship of the children in the correctional institution. This is because the emotional and mental condition of the children in the correctional institution is still unstable considering the bitter reality that they must accept as retribution for the actions they have done.

Empirically, the weekly coaching carried out by the special child development institution is a process of coaching the target children through a religious approach delivered by religious coaches so that the coached children can know and understand Islamic religious knowledge so that they can practice Islamic law well. and true, and can draw closer to Allah. Implementation of weekly coaching for Muslim children which is carried out at the Mushalla the special child development institution Class II Banda Aceh.

Furthermore, intellectual development at the special child development institution Class II Banda Aceh is development in the field of formal education. Children who are sentenced to a crime have the right to

receive an education. For this reason, the special child development institution Class II Banda Aceh requires foster children to follow an education program that is appropriate for their age. This development aims to provide knowledge and education for foster children and as one form of effort to help make the 9 (nine) year compulsory education program a success. In intellectual development, the special child development institution officers also provide scouting and citizenship education to instill and foster a sense of nationalism and mutual cooperation in foster children. Independence development at the special child development institution Class II Banda Aceh is one of the developments that aims to provide skills for foster children so that they can become skilled people and can live independently when they return to society. This development is provided and adjusted to the interests and talents of foster children.

## **5. CONCLUDING**

### **Conclusion**

Based on the research results above, several conclusions can be drawn, as follows:

1. Fulfillment of children's rights at The Special Child Development Institution Class II Banda Aceh has been implemented through development activities provided by the Correctional Institution in the form of fulfillment of the right to education, fulfillment of the right to religious activities, and activities to fulfill the right to health facilities. However, the fulfillment of children's rights that have been implemented has not been maximized because there are still several obstacles. Currently, The Special Child Development Institution Class II Banda Aceh continues to strive to make efforts such as cooperation to the maximum extent possible to be able to fulfill the rights of children in correctional care.
2. Inhibiting factors in fulfilling the rights of foster children at the Class II Banda Aceh Special Child Development Institution are: the absence of technical instructions for the fostering process carried out, limited quality of Human Resources for officers at the Class II Banda Aceh Special Child Development Institution, and limited facilities and infrastructure.

## **REFERENCES**

- [1] Abu Huraerah, *Kekerasan Terhadap Anak*, Bandung, Nuansa Cendekia, 2012
- [2] Achmad Ali, *Menguak Tabir Hukum (Suatu Kajian Filosofis dan Sosiologis)*, Toko Gunung Agung, Jakarta, 2002
- [3] Ahsin Thohari, *Hak Konstitusional Dalam Hukum Tata Negara Indonesia*, Jakarta: Erlangga, 2016
- [4] Dedy Mulyana, *Metodologi Penelitian Kualitatif*, PT Remaja Rosdakarya, Bandung, 2001
- [5] Diana Halim Koentjoro, *Hukum Administrasi Negara*, Bogor, Ghalia Indonesia, 2004
- [6] E. Utrecht, *Pengantar Hukum Administrasi Negara*, Ichtiar Baru, Jakarta, 1985
- [7] Fajlurrahman Jurdi, *Komisi Yudisial Dari Legitimasi Hingga Revitalisasi Moral Hakim*, Yogyakarta: Kreasi Wacana Yogya, 2007

- 
- [8] H.M. Rasyid Ariman, dan Fahmi Raghieb, Hukum Pidana Setara Press, Malang, 2016
- [9] Hanifah, R. A., & Dengan Hukum, A. F. A. B. Faktor Determinan Remaja Pelaku Pencurian: Perspektif Teori Kontrol Sosial. Psikologi Klinis Dalam Konteks Masyarakat, 2020
- [10] Harry E. Allen and Clifford E. Simonsen dalam Purniati, Mamik, Sri Supatmi, dan Ni Made Martini Tinduk, Correction in America An Introduction, Analisa Situasi Sistem Peradilan Pidana Anak (Juvenile Justice System) di Indonesia, UNICEF, Jakarta, 2003
- [11] Hotma P. Sibuea, Asas Negara Hukum, Peraturan Kebijakan & Asas-Asas Umum Pemerintah Yang Baik, Jakarta: Erlangga, 2010
- [12] J.H. Merryman, The Civil Law Tradition: An Introduction To The Legal System Of Western Europe And Latin Amerika, Standford University Press, California, 1985
- [13] Juniarso Ridwan & Ahmad Sodik Sudrajat, Hukum Administrsi Negara dan Kebijakan Pelayanan Publik, Nuansa, Bandung, 2009
- [14] Lawrence M. Friedman Diterjemahkan Oleh Wishnu Basuki, , Hukum Amerika Sebuah Pengantar, Tatanusa, Jakarta, 2001
- [15] Lexy J. Moleong, Metodologi Penelitian Kualitatif, PT Remaja Rosdakarya, Bandung, 2007
- [16] Lili Rasjidi Dan L.B. Wyasa Putra, Hukum Sebagai Suatu Sistem, Mandar Maju, Bandung, 2003
- [17] M. Nasir Djamil, Anak Bukan Untuk Dihukum, Sinar Grafika, Jakarta, 2013
- [18] M. Taufik Makarao, et.al., Hukum Perlindungan Anak Dan Penghapusan Kekerasan Dalam Rumah Tangga, Rineka Cipta, Jakarta, 2014
- [19] Marilang, Keadilan Sosial bagi Seluruh Rakyat (Studi Pengelolaan Tambang), Jurnal Penelitian dan Pengembangan Keilmuan Secara Aktual, Edisi Khusus, Makassar: Ikhtiar, 29 Juni 2010
- [20] Martoyo, Susilo, Manajemen Sumber Daya Manusia, Yogyakarta: BPFE, 1998
- [21] Marzuki, Metodologi Riset, Yogyakarta: Ekonisia, 2005
- [22] Meilan Lestari, Hak Anak Untuk Mendapatkan Perlindungan Berdasarkan Peraturan Perundang – Undangan, UIR Law Review Volume 01, Nomor 02, Oktober 2017
- [23] Muhammad Joni dan Zulchaina Z Tanamas, Aspek Perlindungan Anak Dalam Perspektif Konvensi Hak Anak, PT Citra Aditya Bakti, Bandung, 1999
- [24] Mukti Fajar dan Yulianto Achmad, Dualisme Penelitian Hukum Empiris & Normatif, Pustaka Pelajar, 2010
- [25] Munir Fuady, Hukum Kontrak (Dari Sudut Pandang Hukum Bisnis), Citra Aditya Bakti, Bandung, 2007
- [26] Oemar Seno Adji, Prasarana Dalam Indonesia Negara Hukum, Simposium UI Jakarta, 1966
- [27] Peter Mahmud Marzuki, Penelitian Hukum, Cet 3, Kencana, Jakarta, 2007
- [28] Philipus M. Hadjon, Perlindungan Hukum Bagi Rakyat Indonesia: Sebuah Studi Tentang Prinsip-Prinsipnya, Penerapannya oleh Pengadilan dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi Negara, Bina Ilmu, Surabaya, 1987



- 
- [29] Rianto Andi, *Metode Penelitian Sosial dan Hukum*, Granit, Jakarta, 2004
- [30] Riawan Tjandra, *Hukum Administrasi Negara*, Universitas Atma Jaya, Yogyakarta, 2008
- [31] Salim dan Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi*, Cet 3, Rajawali Pers, Jakarta, 2014
- [32] Serafina Shinta Dewi, *Perlindungan Hak-Hak Anak Pelaku Kejahatan Dalam Proses Peradilan Pidana*, Karya Tulis Hukum, Yogyakarta, 2011
- [33] Setya Wahyudi, *Implementasi Ide Diversi Dalam Pembaruan Sistem Peradilan Pidana Anak Di Indonesia*, Genta Publishing, Yogyakarta, 2012
- [34] Soekanto, Soerjono, *Pendekatan Sosiologi Terhadap Hukum*, Jakarta: Bina Aksara, 1988
- [35] Teguh Prasetyo, *Rule Of Law Dalam Dimensi Negara Hukum Indonesia*, *Jurnal Ilmu Hukum Refleksi Hukum* Edisi Oktober 2010
- [36] Tim M. Farid, (ed.), *Pengertian Konvensi Hak Anak*, Harapan Prima, Jakarta, 2003
- [37] Waluyo. *Pidana Dan Pemidanaan*, Sinar Grafika, Jakarta, 2008
- [38] Zebua, S. *Pemberian Hak Anak Pelaku Penyalahgunaan Narkotika Pada Saat Menjalani Proses Pembinaan Di LPKA (Studi Kasus Di LPKA Kelas I Medan)*, 2021
- [39] Achmad Ali, *Menguak Tabir Hukum*, Jakarta: PT. Toko Gunung Agung Tbk, 2002
- [40] Amelia Inggiryani, *Pola Asuh Keluarga Terhadap Anak Yang Berhadapan Dengan Hukum (Studi Pada Lembaga Pembinaan Khusus Anak (LPKA) Kelas Ii Ambon*, Tesis Program Studi Hukum Keluarga Islam Pascasarjana Institut Agama Islam Negeri Ambon, 2021
- [41] Ellya Rosana, *Kepatuhan Hukum sebagai Wujud Kesadaran Hukum Masyarakat*, *Jurnal TAPIS* Vol. 10 No. 1 (Januari-Juni 2014
- [42] Ependi, *Proses Penyelesaian Tindak Pidana Yang Dilakukan Oleh Anak Berdasarkan UU No. 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak*, *Majalah Keadilan*, Volume XV No. 1, Juni 2015.
- [43] Miftahul Jannah, *Efektivitas Program Pembinaan Bagi Anak binaan Pemasarakatan Di Lembaga Pembinaan Khusus Anak Kelas II Maros*, Tesis Program Studi Magister Ilmu Hukum Fakultas Hukum Universitas Hasanuddin Makassar, 2021
- [44] Nindia Viva Pramudha Wardani dan Widodo Tresno Novianto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum Terhadap Peredaran Magic Mushroom Atau Jamur Letong Di Wilayah Hukum Kepolisian Daerah Istimewa Yogyakarta*, *Recidive* Volume 7 No. 2 Mei - Agustus 2018
- [45] Nurendah, G., Musthofa, M. A., & Maslihah, S, *Model Pengasuhan Bagi Anak binaan LPKA*. *Jurnal Psikologi Insight*, 3(2), 2019
- [46] Soekanto, Soerjono, *Pendekatan Sosiologi Terhadap Hukum*, Jakarta: Bina Aksara, 1988
- [47] Zainal Arief M, *Pembinaan Anak Pidana Di Lembaga Pembinaan Khusus Anak Kelas Ii Maros*, Tesis Program Studi Magister Ilmu Hukum Fakultas Hukum Universitas Hasanuddin Makassar, 2021
- [48] Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak
- [49] Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyaakaan

- [50] Wiwid Feryanto Rahadia, Kepala Lembaga Pembinaan Khusus Anak, Wawancara Tanggal 24 April 2024
- [51] Sulaiman, Kasi Pembinaan LPKA Banda Aceh, Wawancara Tanggal 24 April 2024
- [52] Fahrian, Kasubsi Pendidikan dan Bimkemas, Wawancara Tanggal 24 April 2024