

THE ROLE OF THE MEDAN CLASS I CHILDREN'S SPECIAL DEVELOPMENT INSTITUTION IN FULFILLING CHILDREN'S RIGHTS

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Abstract: Fulfilling children's rights is the foundation and capital for children as successors of the nation's ideals to participate in developing Indonesia to become a sovereign, advanced, just and prosperous country. The current problem is that many children fall into legal issues, resulting in them being held accountable for their actions and placed in institutions. Exceptional Children's Development (LPKA) is a place that is designated to guide children who have problems with the law. LPKA is present in Indonesia as mandated by the Child Protection Law and the Juvenile Criminal Justice System Law, which seeks to fulfil children's rights. This research was conducted to determine the role of the LPKA in delivering punishment to child prisoners. The method used is empirical juridical by reviewing and analyzing secondary data in the form of primary, secondary, and tertiary legal materials and primary data by going to the LPKA Class I A Medan research location. The research results show that coaching prisoners at LPKA Class I Medan includes personality coaching, which provides spiritual coaching. Spiritual coaching aims to remind them to worship and pray so they can realize their mistakes. Educational coaching is also given to the inmates to continue learning at LPKA. Independence development is also given to them to develop skills and talents for their children's future after returning to society.

INTRODUCTION

Children have a strategic role in development as the next generation of the nation has potential strength and fosters a sustainable life, because it requires continuous guidance, physical, mental and social growth and development as well as protection from all possibilities that will endanger children in the future. Any mistreatment and harm to children that occurs today is synonymous with disruption to the life of the nation in the future".

The definition of a child, if viewed further in terms of legal age, can vary depending on place and time, this will also influence the limits used to determine a child's age. The definition of a child or the criteria for someone to be categorized as a child can be seen

from several different opinions. In the Islamic religion, for example, a person's maturity, usually called puberty, cannot be determined based on a certain age but is seen from the person's physical and mental development. For girls, the criteria for puberty or adulthood can be seen when they have menstruated or menstruated, while boys are considered mature or mature if they have had wet dreams. Determining the criteria for maturity in Islam is seen from the signs of physical changes in boys and girls.

Article 1 of the Children's Convention defines a child as "any human being under the age of 18 years unless the law applicable to children stipulates that the age of majority is reached earlier".

Children in this research are regulated in Law no. 11 of 2012 concerning the Juvenile Criminal Justice System Article 1 number 3, namely those 12 years old but not yet 18 years old." The child mentioned above was in conflict with the law, entered the court of justice, and was sentenced by a judge. After being convicted, the child was placed in a Special Children's Development Institution in this research in Class I A Medan.

The development of children consists of 3 (three) main activities, namely "Coaching, Development and Protection. Guiding children is an effort to provide the best for their growth". Development is "growing all the abilities and talents contained in the child. Meanwhile, protection is all activities to keep the child regular physically and mentally and free from all threats, obstacles and disturbances".

The phenomenon of children in conflict with the law continues to increase yearly. Juvenile delinquency is a condition that cannot be avoided nowadays. Juvenile delinquency cases are increasingly worrying because they have led to criminal acts. As a result, the number of teenagers who have to conflict with the law continues to increase daily, some of whom are undergoing criminal proceedings. It resulted in a judge's verdict stating that children who disagree with the law, especially perpetrators of criminal acts, must experience guidance at LPKA. Article 20 of the Child Protection Law determines that the state, government, family, and parents are obliged and responsible for implementing child protection. In protecting children's rights, cooperation from several related parties is needed so there is a strong synergy between law enforcement agencies, government, community leaders and parents to handle children in conflict with the law.

LPKA is a place for children undergoing a judicial process or serving a criminal term. Prisoners in the disciplinary process must pay attention to their rights and be given

legal protection. Moreover, if the prisoner is still a minor in that he is not yet 18 (eighteen) years old or unmarried, he is referred to as a criminal child in correctional settings.

Punishment is "an effort to make convicts or criminal children aware to regret their actions and return them to become citizens of society who are clean, obey the law, uphold moral, social and religious values to achieve a safe, orderly and peaceful community life. It is still found everywhere. Children who have undergone the coaching process at LPKA return to their families to become criminals and are not accepted back into society. They are labelled as criminals, especially if their education is interrupted and they drop out.

LPKA should be obliged to provide education, coaching, skills training and other rights for Correctional Students (Andikpas) by the provisions of statutory regulations. Hopefully, this education and coaching program can enlighten those who have gone "the wrong way". Education and teaching can be carried out inside or outside LPKA. Education and instruction in prisons are carried out according to the curriculum applicable to educational institutions of the same level. Every prisoner and (Andikpas) who completes education and teaching has the right to obtain a certificate of study completion from the authorised agency.

This research was conducted to find out to what extent the role the Class 1 A Medan Special Child Development Institution has played while children are undergoing the post-judgment guidance process from the court, whether the children receive programs that are beneficial to the child, and provide fulfilment of their rights as a person. child.

RESEARCH METHODS

The method used in this research is Empirical Juridical, a type of sociological, legal research called field research, which examines applicable legal provisions and what has happened in people's lives. The data used in legal research are primary data obtained directly in the field and secondary data consisting of primary, secondary and tertiary legal materials. All data collected from both primary and secondary data is analyzed using a qualitative approach. A qualitative approach is a research procedure that produces descriptive data analysis. The data obtained is analyzed deductively to arrive at conclusions so that the main problems examined in the research can be answered.

RESULTS AND DISCUSSION

Article 3 of Law Number 12 of 1995 concerning Correctional Institutions states, "The correctional system functions to prepare correctional inmates so that they can integrate healthily with society so that they can play their role again as free and responsible members of society."

The principles of the correctional institution development system are implemented as follows:

1. Protection;
2. Equality of treatment and service;
3. Education;
4. Mentoring;
5. Respect for human dignity;
6. Loss of freedom is the only suffering;
7. Guaranteed right to remain in contact with family and confident people.

This type of coaching and guidance for disciplinary children is carried out in an integrated manner with the aim that after completing their sentence, their coaching and guidance can become good citizens of society. With the implementation of several correctional systems above, child prisoners have little hope of repeating their actions, which can harm culture and themselves so that they will no longer have to deal with the law.

A correctional officer must always act according to corrective principles. In educating and developing correctional inmates, correctional officers must act as citizens who believe they still have productive potential for national development.

Correctional officers guide the programs that children receive while they are at LPKA. According to law Number 22 of 2022 concerning corrections, correctional officers are functional law enforcement officials authorised to carry out punitive duties in the criminal justice system.

The correctional officers consist of 1) correctional officers consisting of Community Counselors who carry out social research, guidance, supervision and assistance to children inside and outside the criminal justice process, 2) Correctional Security, namely correctional officers who carry out the security of Prisoners and Correctional Students. in prison. 3). Correctional Trustees who guide Prisoners and

Correctional Students in Prisons, 4) Correctional Guardians who guide Prisoners and Correctional Students while undergoing guidance in Correctional Institutions.

Officers of Special Child Development Institutions are obliged to prioritize the principles of the Juvenile Criminal Justice System, which include:

1. Protection;
2. Justice;
3. Non-discrimination;
4. The best interests of the child;
5. Respect for children's opinions;
6. Child survival and growth and development;
7. Guiding and mentoring children;
8. Proportional;
9. Deprivation of liberty and punishment as a last resort;
10. Avoidance of retaliation.

LPKA Class I Medan, in July 2023, recorded training for 255 prisoners and child detainees, consisting of 207 prisoners and 48 detainees.

Meanwhile, 224 inmates are inmates, all of whom have convict status. To sharpen the general picture regarding child inmates at LPKA Class I Medan, the following is data on the number of inmates:

Table the ANDIKPAS crime type July 2023

No	Types of Crime	Prisoner
1	Order (Weapon)	17 persons
2	Decency	1 person
3	Murder	11 persons
4	Persecution	5 persons
5	Theft	30 persons
6	Robbery	32 persons
7	Extortion	1 person
8	Embezzlement	1 person
9	Narcotics	1 person
10	Child protection	106 persons
11	Etc	19 persons

The research results conducted by children in LPKA are treated well, and they receive facilities such as sports. They are allowed to do their hobbies, such as playing football and gymnastics, and are held in prison daily. It attended the morality school held

at the Special Children's Development Institute.

As a rule of law, law enforcement protects and recognises convicts' rights, especially officers at the LPKA. Prisoners must also have their rights covered despite violating the law. As regulated in Article 14 of Law Number 12 of 1995 concerning Correctional Institutions, these are:

- a). Performing worship by one's religion or beliefs;
- b). Receiving care, both spiritual and physical care;
- c). Getting education and teaching;
- d). Get adequate health and food services;
- e). Submitting a complaint;
- f). Obtain reading materials and follow other mass media broadcasts that are not prohibited;
- g). Get wages or premiums for the work done;
- h). Receive visits from family, legal advisors, or certain other people;
- i). Get a reduction in your criminal term (remission);
- j). Getting opportunities to assimilate, including time off to visit family;
- k). Obtaining parole;
- l). Get leave before being released;
- m) Obtain other rights following statutory regulations apply.

Of the rights above, some of the requests have been implemented well by LPKA Class I Medan, such as child prisoners who are free to practice their religion following their respective beliefs, and children who have dropped out of school can take part in equal education at the LPKA Collaboration Children's Learning Studio with Non-Formal Education Institutions. LPKA officers generally understand children's rights during the coaching process. Availability of health and food services is also sufficient LPKA Class I Medan.

CONCLUSION

LPKA Class IA Tanjung Gusta Medan is a government agency that implements technicians in accommodating, caring for and providing guidance to children who have violated the law or are in conflict with the law. The role of LPKA Class IA Tanjung Gusta Medan towards child prisoners is as a protector and as a coach. The purpose of this

guidance is so that the fostered children will later realize the error of their wrongful actions and can be accepted in society when they are released from their criminal term. Implementing ABH's rights at LPKA Class I Tanjung Gusta Medan is running effectively. There has been no evidence of violence, discrimination or unpleasant behaviour. The coaching activities provided by prisons include education, religious rituals, health, recreational activities, legal counselling and sharing hobbies with children.

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