

**APPLICATION OF THE RIGHT TO EDUCATION IN CHILDREN'S  
CORRECTIONAL INSTITUTIONS TO PRISONERS****Alma Manuputty<sup>1)\*</sup>, Megan E. Tudor<sup>2)</sup>**<sup>1)</sup>University Gorontalo, Indonesia<sup>2)</sup> UC Davis MIND Institute, United States

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**ABSTRACT**

**Background.** Development of correctional students in juvenile correctional institutions consistent with the Minister of Justice's Decree No. M.02-PK.04.10 of 1990 Governing Patterns of Development for Prisoners/Detainees, the training pattern for inmates serves as a guide. The purpose of this study was to examine the legislation about the dismissal of inmates and the implementation of the right to education for them, as outlined in Law Number 12 of 1995 about Corrections.

**Research Method.** The research method used a normative juridical approach. This research analyzed systematically, methodologically, and consistently in the future. Through this research process, research was carried out analysis and construction of data were collected and processed.

**Findings.** Law Number 11 of 2012 concerning the Juvenile Criminal Justice System states that for children, the threat of criminal punishment for offenses is halved; that is, an offense carrying an eight-year prison sentence will only be threatened with four years in prison, and they will be placed under detention conditions (threat of five years or more). Out of all the rights mentioned above, the right to instruction and education is the one that has the strongest connection to children's mental development. It was previously said that although improving the nation's intelligence is one of the state's goals, children with legal issues do not receive the education they need.

**Conclusion.** In correctional facilities, children should prioritize their rights, including education, over their obligations, as denying this right can lead to ignorance and hinder the well-being of the child.

**Keywords:** Child Prisoners, Correctional Institution, Education, Rights.

**BACKGROUND**

The child is one of the most important parts that cannot be separated from the survival of a country[1]. As has been mandated in the preamble Constitution of the Republic of Indonesia Indonesia in 1945 it protects the entire nation of Indonesia and smartens life, the nation is the nation's ideals Indonesia Nation. To create human resources Quality Indonesia needs continuous training for the sake of survival, growth and development, mental, and social, as well as protection from that endanger.

Special treatment for children dealing with relative law is complete and comprehensive[2]. Starting from an investigation by the police. Children being a suspects will be given priority no force was imposed. Detention, for example, is carried out so that the suspect does not run away or lose things evidence dropped for a criminal offense threatened with imprisonment for 5 years or more. For children, according to Law Number 11 of 2012 concerning Systems Juvenile Criminal Justice (hereinafter UU SPPA)[3], criminal threats contained in offenses reduced by half; that is, an offense whose threat is 8 (eight) years imprisonment will be threatened with 4 (four) years and become in under conditions of detention (threat 5 years or more)[4].

For children based on the judge's decision has been proven to be so criminal act or committing an act which is declared prohibited for children, according to statutory

regulations as well as other living legal regulations and apply in society get coaching and guidance at Correctional Institution or (hereinafter referred to as Lapas). Pursuant to article 60 of the Act Number 3 of 1997 concerning Courts Children, placement of children who have been terminated guilty by a judge separate from adult prisoners, and they placed in a correctional facility Child[5]. Juvenile Correctional Institution is a place of education and coaching for correctional students. Based on Law Number 12 1995 concerning Corrections Article 1 paragraph 8 determines what is meant with Correctional Students[6].

Inside the Correctional Institution Children, placement of students Corrections are separated according to Their respective statuses are as Criminal Children, State Children, Civil Children. This status distinction is basic coaching differences that will be done to them. Based on Law Number 3 of 1997 Article 61 concerning Juvenile Courts[7], Children Criminals who have not yet completed their term crimes in Juvenile Correctional Institutions who have reached the age of 18 (eighteen) years but not yet 21 (twenty one) year will be moved from Juvenile Correctional Institution to Correctional Institution or Lapas but placed separately from convicts who are 21 (twenty one) years. Correctional institutions in institutions Corrections Children have the right get good education and training formal or informal as appropriate talents and abilities, as well as obtaining other rights.

Then in Law Number 35 of 2014 concerning Amendments to Law Number 23 2002 concerning Child Protection[8] that every child has the right to receive education and teaching in order his personal development and level intelligence according to interests and talent. In Article 64 of the Law Number 35 of 2014 concerning child protection states that, Special protection for children who dealing with the law as such referred to in Article 59 paragraph (2).

Correction in essence is one embodiment of institutionalization of society's reaction to crime[9, 10]. The public's reaction to this Initially it only focused on the elements giving pain or sorrow to the perpetrator crime. But in line with development of that society, then the element of giving suffering must also be balanced with the treatment humane with due regard for rights the human rights of criminals as creature individuals and as social beings. Therefore, correction must also be done functioned as a rehabilitation center of prisoners of coaching activity. Arrangements regarding rights children who are in conflict with the law have clear and binding. Required then there is a routine evaluation regarding implementation of this protection. This is it. The reason why it is important to carry out this research at all times maintain accountability, at the same time maintain a discourse of protection children, especially for children who are facing with the law.

## **RESEARCH METHODS**

The approach method used is a normative juridical approach. This research aims to explain implementation of the Implementation of Rights Education for Child Prisoners systematically, methodologically, and consistent in the future. Through this research process, research was carried out analysis and construction of data have been collected and processed. Juridical approach is an approach that uses rules and regulations related to the problem under study, while the normative approach is research that uses materials library or secondary consisting of primary legal materials, legal materials secondary and tertiary legal materials as main data, namely that the Author does not need search for data directly in the field[11].

As for the internal specifications, this research is descriptive analytical, and to draw conclusions and results research, then the data has been collected by the Author in research. This is then analyzed judicially qualitative, with reference to data secondary that the author obtained from library research, both towards laws and regulations as well as against theories or opinions of experts relating to the Implementation of Rights Education for Child Prisoners, namely by arranging systematically which aims to be analyzed without using numbers.

## **FINDINGS**

### **1. Implementation of the Right to Education Against Child Prisoners**

In carrying out upholding correctional services human rights of criminals, of course this is not the only thing the duties of correctional institutions, but rather is also the duty of the government and society as mentioned in Article 1 Paragraph (2) Law No. 12 1995 concerning Corrections mentioned that the system correctional is an order regarding direction and limits and methods development of correctional inmates based on the implemented Pancasila in an integrated manner between the coach and the coachee and society to improve quality of correctional inmates to realize mistakes, correct them yourself, and not repeat criminal acts so that it can be accepted back by community environment, can be active play a role in development, and can live a normal life as a citizen good and responsible.

The above provisions are intended to improve the quality of the built community correctional services to realize mistakes, improve yourself and not repeat yourself criminal offense so that it can be accepted back in society. Besides that are also expected to play an active role in development and being able to live normally as a good citizen and responsible. In the process of course the government too must pay attention to the fulfillment of rights prisoners as regulated in Law No. 12 of 1995 concerning Corrections in Article 14 determined that the prisoner is entitled for: a) Perform worship according to religion or belief; b) Get treatment, good spiritual and physical care; c) Get an education and teaching; d) Get health services and proper food; e) Submitting a complaint; f) Obtain reading materials and follow other mass media broadcasts which is not prohibited; g) Get top wages or premiums occupation; h) Receiving family visits, legal advisor, or certain person other; i) Get time reduction criminal (remission); j) Get a chance assimilate including leave visiting family; k) Obtaining parole; l) Get leave before being released; m) Obtain other appropriate rights with applicable laws and regulations.

### **2. The Role of Correctional Institutions in Fulfilling Education for Child Prisoners**

Development of child convicts guided by the coaching pattern for prisoner/detainee in accordance with Minister of Justice Decree NoM.02-PK.04.10 of 1990 concerning Patterns Development of Prisoners/Detainees includes direct interaction coaching of a family nature, coaching persuasive education, namely trying to change behavior through example, planned, continuous and coaching systematic, maintenance and improvement security measures, approaches individual and group, and work ethic correctional officers.

According to another researchers that said the goals of education and coaching is basically for produce a creative society in the sense of increasing in knowledge, skills, attitudes and motivation and apply it to useful activities[12]. Objective coaching is to create individual or group or society skilled and have a positive mental attitude. This makes it possible to implement it planned activities, to create an active society and dynamic.

Education and coaching convicts are currently being carried out on initially departed from the fact that the purpose of punishment is no longer appropriate development of values and the essence of life that grows in society. Allowing someone to be convicted, and serving a sentence, without giving coaching, will not change the prisoner. How about prisoners? is a human who has potential that can be developed towards positive, capable development and change someone to become more productive, to be better than before serving a sentence. The potential will be very useful for inmates who have good faith, high dedication, and high spirits, to give motivation for prisoner self-change in achieving a brighter tomorrow.

## **DISCUSSIONS**

### **1. Implementation of the Right to Education Against Child Prisoners**

While undergoing training at in prison, children are given more priority rights compared to existing obligations to him, will be the opposite to the rights they should have acquired as a

child. The other is his right to obtain education, if this right is revoked because of his status as a student correctional, then automatically children as the nation's next generation being stupid, which is something which we don't want together. The correctional system adopted by Indonesia, regulated in Law no. 15 of 2021, this is the implementation of a crime prison, which is a change of idea philosophically juridical of the system imprisonment becomes part of the system[13].

Correctional imprisonment system places great emphasis on the element of reply revenge and deterrence accompanied by the prison institution was gradually seen as a system and means that are not in line with the concept rehabilitation and social reintegration, in order the prisoner realizes his mistake, no still intends to commit a crime again. By changing the system prison becomes an Institution Corrections seem to provide positive impact on children[14, 15]. This matter because of the children included of course not experiencing violence. Correctional institutions are place to carry out training prisoners and student correctional facilities, while inside Law no. 23 of 2002 on Child Protection states Children's prison is a place Children's education is not punishment child. Guidance for inmate correction is carried out in two ways namely intramural (in prison) and extramural (outside prison). Coaching extramural is also known by the name assimilation, namely the process of developing correctional inmates who have meet certain requirements with let it into life public. Apart from that, coaching BAPAS also does it intramurally, which is called integration. Namely process guidance of inmates correctional services that have met certain requirements for living and existing back into society with the guidance and supervision of the BAPAS.

Special settings regarding children's school interests dealing with the law, regulated based on the Minister of State Regulation Women's Empowerment and Child Protection Number 15 Years 2010 concerning General Guidelines Handling Conflicted Children with the Law in Chapter III letter G regarding Duties and Authorities Related Ministries and Institutions others written are: education sector, coaching sector (mental, social and skills development).

## **2. The Role of Correctional Institutions in Fulfilling Education for Child Prisoners**

Child prisoners released choose the type of job skills training what they want. It is hoped that by choosing them themselves, their talents will emerge can be more refined. However, type selected job skills training. Not all child prisoners get it followed. The job training they choose. It has to be adjusted according to your attitude and their daily behavior[16]. This matter due to the principle of training is a process activity program learning both theory and practice whose aim is not just to improve and develop skills child prisoners, but also their attitudes in social life.

Student Development Correctional Services in Institutions Children's Correctional Services is guided by coaching pattern for prisoners or Detainees in accordance with the Ministerial Decree Justice Number M.02-PK.04.10 Year 1990 concerning Development Patterns Prisoners/Detainees[3, 17] who includes: a) Direct interaction coaching familial; b) Educative persuasive coaching, trying to change behavior through example; c) Coaching plans, continuously and systematic; d) Maintenance and upgrades security measures; e) Individual and group approaches; f) Work ethic of supervisory officers correctional.

The contribution of this research is the Role of Correctional Institutions in fulfilling education for child prisoners are carried out with provide direct coaching carried out by supervisory officers Correctional. This coaching pattern family, coaching persuasive education, coaching plan continuously and systematic. It is hoped that this training will be successful create individuals or groups skilled community and positive mentality.

## **CONCLUSION**

Application of educational rights to Child prisoners are one of them form of fulfillment of the rights granted by the state during the coaching process in the Correctional Institution. Process coaching at the Institute Correctional education includes mental development, social development, and skills development. With fulfillment of the right to education the coaching

process is expected can improve the quality of children educate them to realize their mistakes, improve yourself or not repeat criminal acts in future forward so that it is acceptable back in society.

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