



Implementation the Family Model to Development of Children in the Correctional Institution of Children Class IIA (LPKA) Banda Aceh

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Abstract

This study aims to explain the application of the kinship model to the development of students in the Special Development Institution for Children. Article 18 of Law Number 11 of 2012 concerning the Child Criminal Justice System reads In handling cases of Children, Child Victims, and or Child Witnesses, Community Guides, Professional Social Workers and Social Welfare Workers, Investigators, Public Prosecutors, Judges and Advocates or other legal aid providers are obliged to maintain the best interests of the child and maintain a family atmosphere that is maintained. However, the implementation is still not as expected. The results of the study explained that the coaching of children was not based on the kinship model. Guidance for correctional students in LPKA In general, it is divided into four types, namely; Religious Development, Personality Development, Skills Development, and Keseniaan Development.

Keywords: *Family Model; Criminal Law*

Introduction

Article 18 of Law Number 11 of 2012 concerning the Child Criminal Justice System reads In handling cases of Children, Child Victims, and or Child Witnesses, Community Guides, Professional Social Workers and Social Welfare Workers, Investigators, Public Prosecutors, Judges and Advocates or other legal aid providers are obliged to maintain the best interests of the child and maintain a family atmosphere that is maintained.

The Family Model is one of the parables that exist in our family, namely when one of our families makes a mistake, the witness is given treating him as a special criminal person. Likewise, namely being jewer or beaten, but he remains in love without the criminals in terms of being a child, if he is convicted, don't be considered as special criminal people who are then alienated from members of society, but they are still treated in a nuance of affection.¹

¹ Michael Barama. (2016). Criminal Justice System Mode. *Junal Ilmu Hukum*, (Vol.III/No. 8/ January-Juni/2016). p.8.

The kinship model is a view of the atmosphere of a kinship, namely if a child has made a mistake, he will be given sanctions, but the child remains in the framework of family affection and he is not considered a bad child by being a special human and / or as a member of a special group in relation to family.

According to Arief Gosita, child protection is an effort to create conditions and situations that allow the implementation of children's rights and obligations humanely. Therefore, every child must be upheld for the sake of achieving the goal, namely the birth of a healthy young generation for the survival of the nation.²

The legal basis for implementing child protection in Indonesia refers to national and international laws and regulations. The main national legal basis is Law Number 23 of 2002 concerning Child Protection which contains, among other things, the definition of children, the purpose of child protection, the obligations of the state, society and the family.

Ignoring child protection is something that cannot be accounted for, lack of attention, and the absence of child protection will have very detrimental consequences for oneself in the future. For example, there is a lack of attention to the problem of criminal law enforcement where this problem is related to legal protection for victims of criminal acts, and in the settlement of criminal cases, it is found that many victims of crime do not receive adequate law, both immaterial and material legal protection. As an illustration of the importance of legal protection for children at the following stages of the trial, several criminal acts committed by children are described in Table 1.

Based on the Table 1, it is known that there were 16 correctional students in LPKA Class IIA Banda Aceh, with details of 1 person being charged with Article 340 of the Criminal Code (KUHP), 1 person being charged with Law Number 17 of 2016 concerning child protection, 8 people charged with Law Number 35 of 2015 concerning Child Protection, 2 persons were charged with Law Number 23 of 2002, 1 person was charged with Qanun Number 6 of 2014 concerning Law of Jinayat, and 3 persons were charged with Article 363 of the Criminal Code (Theft). And it is also known that as many as 2 people have an elementary education, 6 people have a junior high school education, and 7 people have a high school education.

Therefore, it is important to see the extent to which the Family Model is implemented which considers children in conflict with the law to be a family and must be given love. With regard to guidance for child prisoners, the objective is that after leaving the LPKA, they are no longer committing a criminal act, they are followed by personal development and forms of development such as sports, arts, intellectuals, national and state awareness.

² *Ibid.* p.9.

Table 1 Student data based on types of crime, age, level of education, duration of crime, LPKA
Class IIA Banda Aceh July 2020

No.	NAMES	ARTICLE	AGES	EDUCATIO NAL LEVEL	LONG CURRENT
1	Habibullah Bin Ridwansyah	Pasal 340 KUHP Pembunuhan Berencana	17	SMP (Tamat)	5 tahun
2	Riski Fajri Bin Zainuddin R	UU No. 17/2016 ttg perlindungan anak	17	SMP (Tidak tamat)	3 tahun 8 bln pelker 5 bln
3	Arya Mizwara Bin Ahmadi	UU No. 35/2014 Ttg Perlindungan Anak	18	SMA (Tidak tamat)	4 thn, pel kerja 3 bln
4	Ria Munanda Bin M. Ali	UU No. 23/2002 ttg perlindungan anak	17	SD (Tidak tamat)	3 thn,denda 100 jt pelker 2 bl
5	M. Ikram bin Hasan Basri	UU N0. 23/2002 ttg perlindungan anak	17	SMA (Tidak tamat)	6 thn, denda 1 M
6	Muhammad Tifatul Mursalin Bin Dedi Lubis	UU No. 35/2014 Ttg Perlindungan Anak	17	SMA (Tidak tamat)	5 thn,pelker 3 bln, denda 800 jt
7	Irfansyah Putra Bin Ali Imran Munthe	UU No. 35/2014 Ttg Perlindungan Anak	15	SMA (Tidak tamat)	5 thn,pelker 3 bln, denda 800 jt
8	Muhammad Jadi Ara Bin Irmansyah	UU No. 35/2014 Ttg Perlindungan Anak	16	SMP (Tidak tamat)	1 th 8 bln, pelker 3 bln
9	Jauhar Nafis Bin M. Usman	UU No. 35/2014 Ttg Perlindungan Anak	15	SMP (Tamat)	2 th, pelker 2 jm/hr dlm 3 bln
10	Khairul Fadri Bin Edi Saputra	Qanun Aceh no. 6/2014 ttg hukum jinayat	15	SMP (Tidak tamat)	30 bulan
11	Said Syifa Al-Fadil Bin Said AL Khaidi	UU No. 35/2014 pasal 80 ayat (1) dan (2) P.A	16	SMA (Tidak tamat)	4 th, den. 1M, subs PP. 2bl
12	Mahfud Bin Erdimas	UU No. 35/2014 pasal 80 ayat (1) dan (2) P.A	16	SMA (Tidak tamat)	4 th, den. 1M, subs PP. 2bl
13	Muhammad Iqbal Bin Iskandar Alamsyah	UU No. 35/2014 pasal 80 ayat (1) dan (2) P.A	16	SMA (Tidak tamat)	3 th, den. 50 jt,subs PP 1 bl.
14	Muklis Bin Amri	Pasal 363 KUHP ttg Pencurian	17	SD (Tidak tamat)	2 th
15	Miki Syahputra Bin Sulaiman	Pasal 363 KUHP ttg Pencurian	15	SMP (Tidak tamat)	2 th
16	Al Fahri Bin Rusmiadi	Pasal 363 KUHP ttg Pencurian	17	SD (Tidak tamat)	2 th

*on year, Source: LPKA Kelas II Banda Aceh

For children who have been convicted, they will undergo the training stage at LPKA. The training at LPKA is in accordance with the provisions in the SPPA Law. The penitentiary system not only aims to return children to become good citizens, but also aims to protect the community against the possibility of repeating child crimes. Therefore, the child development system in LPKA is made possible through education, rehabilitation, reintegration and still has to go through a restorative approach.³

³ Nurni Aprianda. (2014). Final Report of Legal Study on Child Development Model Based on Decent Education for Children in the Correctional System, Center for Research and Development of the National Legal System. Jakarta: BPHN. Ministry of Law and Human Rights of the Republic of Indonesia. p. 38.

In relation to the coaching model for child prisoners, Fanny Tanuwijaya introduced five methods of coaching children, namely situation-based coaching (situational treatment), individual coaching (individual treatment), group coaching (classial treatment), learning from experience (experiential learning) and auto suggestion.

According to the Child Protection Law system, the imposition of appropriate sanctions in the best interests of the child is carried out through rehabilitation efforts. Children in conflict with the law are the responsibility of the government and society. Law Number 23 Year 2002 in Article 59 jo. Article 64 Paragraph (1) and Ayar (2). In this article, it is explained that the punishment of children is not merely punishment, but rehabilitation in the framework of education and prevention. Thus, giving punishment to children is not as a pain giver, but as a coaching so that with coaching it is hoped that children can realize their actions and can return to the midst of society to continue their future.

The rationale for the issue of child protection in the kinship model is very important because children are the potential fate of a nation in the future. Children are a reflection of the nation's life attitude and determinants of the nation's development. This is of course a widespread concern for everyone to put the child's position as a human being who needs to be noticed and get all the needs that are tailored to the child's own needs. Identification of the problem in this research is the implementation of the familial model of the development of child prisoners at the Class IIA Class IIA Special Development Institution in Banda Aceh.

Research Method

The research method is a procedure or way of obtaining correct or truthful knowledge through systematic steps. The use of research methods has implications for data collection techniques and analysis and research conclusions. The method used in this research is the empirical juridical research method, namely research by conducting a comprehensive study by conducting observations and direct interviews at the research location.⁴

Data collection techniques in this study were carried out by means of test methods, observation, questionnaires, and interviews. The data analysis in this study was carried out using qualitative and quantitative methods. Qualitative research analysis is research that does not use calculations. Meanwhile, quantitative research analysis includes all types of research based on the calculation of percentages, averages and statistical calculations.⁵

Discussion

In seeing the implementation of the kinship-kinship model, it must be seen from the research field which in this case is a penitentiary. Guidance is the main aspect in the correctional system as the treatment of prisoners. The implementation of the development program in the correctional institutions can be achieved. Especially for child prisoners, namely "those aged 18 years and under" this is because children are the successor of the nation who need to be prepared as well as possible.

Coaching that is given should not only be in the form of activities to kill time in order to avoid negative thoughts (such as trying to escape). The guidance given must be useful for the prisoner himself for his provisions later on after he leaves the prison. The placement of child prisoners in a correctional

⁴ Master of Law Science Syiah Kuala University. (2017) Guidelines for Thesis Writing of the Master of Law Study Program. Darussalam. p. 9.

⁵ Suteki & Galang Taufani. (2018). Legal Research Methodology (Philosophy, Theory and Practice). Depok: Rajawali Press. p. 182.

facility is intended as a place of guidance so that the child does not commit (his crime) again and is aware of the wrongdoing he has committed. If the child feels that the correctional facility is not for a place of guidance, then the coaching efforts given will be in vain.

Coaching is an activity that seeks to make someone with bad behavior with a personnel approach so that the causes can be known at the same time. Sudjana argues that coaching can broadly be interpreted as an effort to control professionally all these elements can function properly so that plans to achieve goals can be achieved efficiently and effectively.⁶

Child development is a series of deliberate and directed efforts so that children from birth can develop into adults who are capable and willing to work to achieve and maintain national goals. Krisnawati argued that the development of children in a broad sense includes providing protection, opportunities, guidance, assistance so that children become adults who are able to work of high quality and large volume for the achievement of the nation's goals.⁷

As it is known that the Correctional System that applies today, is conceptually and historically very different from what is applicable in the prison system. The principle adopted by the correctional system today places detainees, prisoners, state children and correctional clients as subjects and is seen as individuals and ordinary citizens and is faced not with a background of retaliation but with guidance and guidance.⁸

Gultom Maidin argues that coaching for children in conflict with the law (in this case, correctional students) are basically carried out on the concept of correctional facilities. Coaching is focused on three main things, namely physical, mental and social development. It is known that there are four important components in the guiding principle, namely as follows:

- a) Coaching in LPKA must be carried out on the basis of the willingness of the prison students to make a change towards a more positive one. Some things a person must have if he wants to make changes include willingness and self-confidence, having the courage to take risks, and being motivated to change himself. This is very important considering that Penitentiary students are undergoing a period of guidance with the concept of correctional facilities, so that efforts to know oneself as an initial step for change can be carried out on the basis of self-decision making.
- b) Family; is the primary environment for students of correctional institutions. A harmonious relationship with the family is studied and can reduce the amount of juvenile delinquency. So that in this case the family has an important role in the process of self-change for prison students. Family visits are one of the ways to prevent rejection from his social environment, one of which is family.
- c) Community; The purpose of coaching which is based on the concept of correctional facilities is to provide guidance to students of correctional institutions so that they are aware of mistakes, correct attitudes, do not repeat crimes again, so that they are expected to be accepted again in society. Alexander argues that ex-convicts face the possibility of being unsuccessful in re-entering society because of the low accessibility of education, training and moral support from the existence of family and relatives.

⁶ Eric Lambue Tampubolon. (2017). The Effectiveness of Development of Child Prisoners at the Special Development Institution for Children (LPKA) Pekanbaru: Jom VISIP. (Vol. 4, No. February 1). p. 5.

⁷ I b i d.

⁸ Moch. Ridwan. (2016). Implementation of Personality Development in Correctional Institutions. DE JURE Legal Research Journal. (Volume 16. Number 3 ISSN 141—5632). p. 327.

- d) Officer; one of the indicators in coaching in the effort to foster students in LPKA is the correctional officer in accordance with the objectives of each stage of coaching. Officers are expected to be able to know the development of the pupils of the correctional institution for the part of the coaching stage based on the results of the review from the notes on the guidance card by the child's guardian. The results on the recording on the coaching card can be the basis for coaching planning at the next stage according to the needs and problems that exist in children. Gultom argues that the coaching of children carried out at LPKA is focused on physical, mental and social development. Various self experiences will shape his view of the physical and social environment around him. Former prison students have the right to fulfill the needs of society.

Based on the Thesis Research Questionnaire to determine the Implementation of the Family Model in the Development of Child Prisoners to 20 respondents, namely students in LPKA Class II Banda Aceh with the following data:

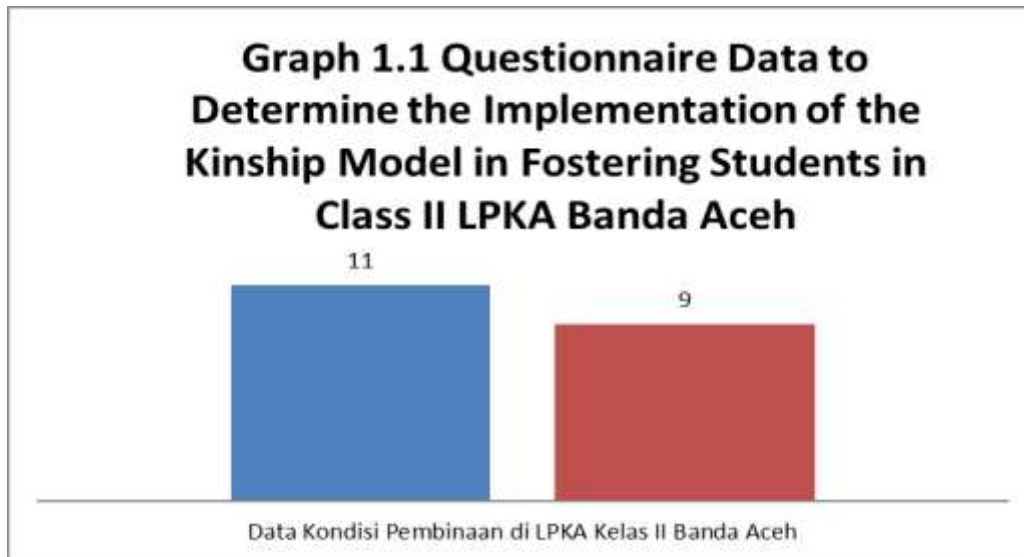
Table 2 Data of Students in LPKA Class II A Banda Aceh

No.	NAMES	AGES ON YEARS	CLASS
1	Elvan Ramadhan	17	3 SMA
2	Rizky Rahmad Hidayat	17	3 SMA
3	Muhammad Ardi	15	6 SD
4	Rizki Fajri	18	2 SMP
5	M. Tidatul Mursalin	18	3 SMA
6	Fikrti Jenen	17	3 SMA
7	Wildan Khalif Firdausy	18	-
8	Roni Lahanta	17	3 SMA
9	Amirul	16	3 SMP
10	Irfansyah Putra Bin Ali Imran	16	2 SMA
11	Wiwin Rifani	17	2 SMA
12	Jauhar Nafis	15	1 SMA
13	M. Danil Aulia	15	1 SMA
14	Sangga Mara	17	3 SMP
15	Andri Pratama	17	3 SMA
16	Syaid Syifa Al-Fadil	18	3 SMA
17	Rahmad Saputra	15	2 SMP
18	Al-Fahri	18	3 SMA
19	Ria Munandar	15	1 SMP
20	Angga Armia	17	3 SMP- PAKET B

Source: LPKA Class IIA Banda Aceh on 2020

Based on these data it is known the age level of the prison students and the level of education. As for the terms of the young age of correctional students, namely 5 people aged 15 years, 2 people aged 16 years, 8 people aged 17 years, and 5 people aged 18 years. The correctional students attend 1 elementary school level, 6 junior high school students, 12 senior high school students and it is also known that 1 person is not currently studying.

Seeing the condition of the Special Guidance Institution for Children, in general, it is quite ideal for the needs of children who are in conflict with the law. This is in line with the research that has been obtained from the Respondents' Questionnaire for the Implementation of the Kinship Model on January 15, 2021 to 20 correctional protege respondents. As many as 11 out of 20 children were comfortable with their conditions while in LPKA Class IIA Banda Aceh. However, what should be noted is that the facilities and infrastructure in the teaching and learning process are still limited. Observing this data is known from as many as 11 respondents who were comfortable while in LPKA Class IIA Banda Aceh and 9 were uncomfortable, with the following graph:



The coaching model for adult and child prisoners is carried out based on Government Regulation Number 31 of 1999 concerning Guidance and Guidance for Correctional Assistants. Guidance is an activity to improve the quality of devotion to one and only God, intellectual, attitude and behavior, professional, physical and spiritual health of prisoners and correctional students. guidance based on proper education for children, is in line with the meaning of education itself, which is coaching that seeks to create correctional students who have spiritual religious strength, self-control, personality, intelligence, noble character, and the skills they need, which will have a good impact on society. nation and state. Article 2 of Government Regulation Number 31 of 1999 describes guidance and guidance programs, namely:

- 1) Personality and independence development and guidance program
- 2) The guidance program is intended for prisoners and correctional students.
- 3) The mentoring program is intended for prisoners and correctional students.

In Article 3 of Government Regulation Number 31 of 1999 concerning Guidance and Guidance of Correctional Assisted Citizens, it implies that the development and guidance of personality and independence include:

- 1) devotion to God Almighty;
- 2) Awareness of the nation and state;
- 3) Intellectual;
- 4) Attitudes and behavior;

- 5) Physical and spiritual health;
- 6) Legal awareness;
- 7) Healthy reintegration with society;
- 8) Job skills; and;
- 9) Work and production training;

Muncie said that the first thing that underlines the emergence of special treatment for children who are in conflict with the law is the awareness that children need a response that is different from the response given to adults who break the law. Children are individuals who are still in the process of growth and development so that they require more specific and basic treatment. The implementation of guidance programs in each prison does not yet have uniformity. The implementation of each run is adjusted to conditions and abilities.

Regarding the guidance given at the Penitentiary, each person has different arguments. There are those who think that the guidance given is only in the form of physical activities and sports activities. However, there are also those who argue that activities in the guidance institutions are only a place to spend sentence time without any coaching activities and are even places of torture for those who commit crimes.⁹

Based on these data, it is known that the development activities of correctional students in LPKA are dominated by activities of a religious nature. It is known that religious activities starting from the recitation of the Koran and praying five times a day are one of the routines carried out in a family. Susiyanti explained that coaching activities with a religious approach are aimed at making the child's personality even better in the future so that the correctional students when they leave LPKA and reintegrate with the community where they live.

Based on the data and interviews above, the training of correctional students in LPKA is only a personality program in the religious field. Based on observations made at LPKA, the coaching activities carried out in general are:

- a) Religious formation; for Muslim students in the form of Al-Quran literacy eradication, religious lectures, routine recitation, Islamic boarding schools, Islamic art skills, commemoration of religious holidays. This activity is a form of fostering devotion to God Almighty.
- b) Fostering awareness of the nation and state; The types of activities carried out are Boy Scout training, marching training, national flag ceremony.
- c) Development of intellectual abilities (intelligence); formal education is given to tiered schools (SD, SMP and SMA) equivalent education (packages A, B and C), and religious education.
- d) Skills development; life skill activities such as courses or skills according to the interests and talents of the child.
- e) Physical health development; The forms of activities carried out are various types of sports, both for fitness and achievement, such as volleyball, basketball, badminton, futsal and others.
- f) Fostering reintegration with the community; Forms of fostering reintegration with the community are the implementation of integration rights (PB, CB and MCK), assimilation with third parties, participation in various events involving outside communities.
- g) Fostering legal awareness; counseling, dissemination of law and human rights as well as public order socialization of legal instruments concerning children (Child Protection Law and Human Rights Protection Law).

⁹ Rizanizarli. (1996). Perception of Child Prisoners Against Coaching in Correctional Institutions. Darussalam: Faculty of Law, Syiah Kuala University. *Kanun Jurnal Ilmu Hukum*. (Vol. XNumber 15 Year VI), p. 15.

The role of the family is one of the important things in the development of correctional students. This is in accordance with Wenny Hulukati's opinion which states that the family is the main pillar in shaping the human person so that it develops well, in ethics, morals and morals. Family plays a role in shaping children's attitudes and personal patterns. The family environment is an example of early shaping children's attitudes and personalities.¹⁰

In this case, the family is the main responsible for the physical and spiritual growth of their children, namely through education so that they can guide their children. The success or failure of a child's education can be related to the development of attitudes and personalities of his parents as well as his family's communication relationships.

Guidance is the main aspect in the correctional system as the treatment of prisoners. Thus the implementation of the guidance program in the correctional institution must be carried out properly so that the final goal of the correctional system can be achieved. Child prisoners (correctional students) need to be given guidance that is useful when they are serving a sentence in a Penitentiary. This is because children are the nation's future successors who need to be prepared as well as possible.

Conclusion

The implementation of the kinship model for the Development of Child Prisoners at the Special Guidance Institution for Children has not gone as expected. Coaching in LPKA Class IIA Banda Aceh is only divided into four types, namely; 1) Religious Development, 2) Personality Development, 3) Skills Development, and 4) Arts Development. The suggestions in this study are to suggest to the Ministry of Law and Human Rights to make a family day schedule for correctional students and suggest the implementation of the whole family model in LPKA Class IIA Banda Aceh.

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¹⁰ Wenny Hulukati.. (2015). The Role of the Family Environment on Child Development. *Musawa* (Vol 7 Number 2.) p. 266.

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