

## THE IMPLEMENTATION OF THE RIGHT TO EDUCATION FOR JUVENILE INMATES AT THE CLASS II SPECIAL CHILD DEVELOPMENT INSTITUTION IN MAROS

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**ABSTRACT.** This research aims to find out: 1). How to implement the educational rights of prisoners and children at LPKA Class II Maros. 2). Understand the efforts made to implement educational rights for child prisoners at LPKA Class II Maros. 3). Knowing the obstacles in implementing educational rights for prisoners at LPKA Class II Maros. Descriptive qualitative research is the methodology employed. Three methods of gathering data are employed: documentation, interviews, and observation. Examining research-related data, conducting in-depth interviews, reducing data, presenting data, and drawing conclusions are all steps in the data gathering process that researchers do. Since not every child prisoner at the Class II Maros Special Development Institution for Children has been granted the right to education, the research's findings indicate that the implementation of educational rights for juvenile offenders at LPKA Class II Maros has not gone as planned. The small percentage of youngsters who do not satisfy the necessary documentation requirements is the impediment. By attempting to expand data collecting and communication about education, attempts are being made to satisfy the educational rights of juvenile offenders.

**Keywords:** *Educational Rights; Juvenile Inmate; Correctional Facility*

### INTRODUCTION

One of the important things that should be watched out for is children. Because they are the future of every nation, including Indonesia, children are its future. In order for children to develop into better and more valuable adults, their inalienable rights must be respected and protected. When a child has not reached the age of 18 years, even when in the womb, it is defined as a child reviewing Law Number 23 of 2002 concerning Child Protection. Children who enter the phase of finding their identity really need the role of parents and family to guide them in the right direction. For minors, it may be difficult to distinguish between good and dangerous behavior in their environment at a time like this. That being said, some children end up doing things that are against the law. To name a few of their varied actions include rape, drug abuse, rape, theft, and extortion. On the other hand, a small number of children break the law because they are lured by the rewards they will receive for doing so, and

a large number of children do so as a result of parental or family neglect.

Viewed from a legal perspective, "children" in positive law are usually understood as not being called adults, teenagers, or people who are often referred to as children when supervised by guardians. Gultom (2014) emphasized that children are one of the most important elements closely related to a nation's ability to survive. As stipulated in the opening of the 1945 Constitution of the Republic of Indonesia, the direction of the Indonesian nation is to preserve the entire country and educate its citizens (Siddiq, 2015). When it comes to responsibility, anyone who violates the law is subject to punishment or consequences determined by the rules governing their behavior. According to Apriyansa (2019), the goal is to limit the repetition of the same violation by providing a deterrent effect on criminals.

In order for children to survive, grow, develop, and respect humanity and be protected from violence and prejudice, child protection refers to any action that

guarantees and defends children's rights. Children who are in legal trouble, especially those who have been convicted and are being fostered in juvenile correctional institutions, need to be protected, claims Ismawati (2013). A greater focus on protecting children including those who commit crimes is seen in the new law. If a child is accused of a crime and faces a minimum sentence of seven (seven) years in prison, they can be detained if they meet two requirements. First, the child must be at least 14 (fourteen) years old. Then, each child has the right to education and teaching in the context of individual development and IQ level, this is included in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Andayani et al., 2022; Dewi & Gorda, 2021).

According to Handoko et al. (2016), children who commit crimes will be sent to LPKA, a unique child facility. The right to education is something that must be obtained by minors who are imprisoned in LPKA which must still be upheld. For juvenile offenders, school is very important for their personal growth. In theory, the purpose of education for juvenile offenders is to shape their personality so that they can reintegrate into society as normal people. In addition, educational achievement will help in the development of a country, and as stated in the 1945 Constitution Chapter XA on Human Rights, especially Article 28C and Article 31 on Chapter XIII, the state ensures that the basic rights of its citizens to education are fulfilled. It is the government's responsibility to ensure that children who are put into the Special Child Development Institution (LPKA) receive an education that is free from prejudice. For minors who commit crimes, the state must refrain from imposing prison sentences when they cannot meet the requirements of this law.

## RESEARCH METHOD

Descriptive qualitative research, which is this kind of research, tries to explain, expose, and examine the law on how the right to education is applied to juvenile offenders. Likewise, because it tries to paint a picture of a situation or event, it is known as descriptive research. The methodology of this research is an analysis based on positive law that is included in normative legal research, namely, research that is based only on written rules. Comparative law and legal history, legal systematics, levels of vertical and horizontal synchronization, and legal concepts are all included in normative or literature-based legal studies.

The subject of the research is the research location. The selection of the research location aims to make the target place easier to find or easier to understand. In accordance with the problems discussed in the previous chapter, the Maros Class II Special Child Development Institution has been selected as the research location. The data analysis procedure involves the following steps: 1) Checking all available data is the first step in the data analysis procedure. The results of comprehensive interviews, field notes, and observations. 3) Summarizing data to reduce it (information and core statements and procedures). 4) Methodical coordination of information, combination and linking data, and description of the process and phenomena of the research object are the four main objectives of presenting the sources utilized in this study. The results of this research were achieved by considering related stakeholders. Research tools such as cameras and voice recorders were used to collect secondary and primary data for this study.

## RESULT AND DISCUSSIONS

The observation process was carried out by observing the policies related to educational rights that apply at the Maros

Class II Special Child Development Institution. Regarding the findings of the observation data, confirmation was then made to the informants for their willingness to become sources in the study. The selected informants and developed interview criteria based on research categories and topics; Then, open to conducting interviews under their guidance.

Table 1. Data on Inmates at the Class II Special Child Development Institution (LKPA) Maros in

No	Case/Incident	Number of People
1	Theft	12
2	Morality	2
3	Narcotics	10
4	Murder	2
5	Traffic Accident	1
6	Child Protection Cases	34
7	Assault	1
8	Public Order Violations	12
9	Sharp Weapons Possession	3
<b>Jumlah</b>		<b>77</b>

Source: Informant Interview Results (2024)

In the Class II Maros Special Child Development Institution, there are 77 prisoners in total, 34 of whom are child protection cases, and 1 case of abuse and traffic accidents. This information is shown in Table 1.

#### A. Implementation of the Education Rights of Child Prisoners at the Class II Maros Special Children's Development Institution

Parents or guardians of incarcerated children may also face challenges at the Special Child Development Institution (LPKA) when trying to ensure that their children receive the education they are entitled to regarding their Dapodik

registration. One of the main obstacles is parents' limited access to information and understanding of the registration process at Dapodik. Many parents of incarcerated children may be less familiar with information technology or have limited access to the internet, thus hindering their ability to actively engage in the registration process.

Table 2. Results of Interviews Regarding the Implementation of Educational Rights for Juvenile Inmates

No.	Indicator	Interview Result
1.	Open Access to Education	<p>"Full access to education is given to ANDIKPAS (correctional students) at the Class II Maros Special Child Development Institution. We are trying our best so that students at LPKA can get the best possible education."</p> <p>"The law that regulates children with an age that is not yet problematic in the legal realm is what we mean by this. Education is the most important thing to be given to child prisoners. Therefore, of course we give them access to education."</p>
2.	Rehabilitation Education	<p>"Children inmates are offered three types of education: formal education, which is carried out according to the residence of the ANDIKPAS concerned; non-formal education and independent schools or through SKB (study activity studios), LPKA Maros collaborates with the Maros district education office to provide equality in education, namely packages A, B and C in this equality program."</p> <p>"Here, some of us attend formal schools, some don't. It depends on the decision of the school</p>

		where we previously attended school before entering detention. I am one of those who attend formal education. I was given a facility in the form of a cellphone to follow online learning activities that are taking place at school."		
3.	Institutional Partnership	"Yes, in terms of education, LPKA Maros collaborates with the Maros district education office. The education office plays a major role in the education program at LPKA Maros, one of which is helping to provide infrastructure such as providing chairs and tables, computer equipment to be used during the ANDIKPAS learning process and providing teaching staff or tutors who are scheduled to come on Tuesdays and Thursdays to provide a package catch-up education program where in one study there will be three classes."	Teaching Staff	accordance with their fields, namely from the field of education, for example, teachers who teach Indonesian are also those who teach Indonesian at school." "For prisoners who are taking formal education, they are taught by their homeroom teachers at their respective domicile schools with an online system. Meanwhile, prisoners who take independent schools or catch-up packages, we collaborate with the Maros district education office and provide teaching staff or tutors who are scheduled to come on Tuesdays and Thursdays to provide catch-up education programs where in one study there will be three classes"
4.	Provision of Adequate Facilities	"The facilities in LPKA Kelas II Maros can be said to be adequate, seen from the tables and chairs lent by the Maros district education office, the model is the same as the tables in the lecture hall, not only that, there are computers and projectors that can be used for students to study computer science. In LPKA Class II Maros there are also several sports facilities such as volleyball courts, tennis courts, futsal courts, carom and table tennis"		
5.	Provision of Competent	"The teaching staff provided are in		

### 1) Open Access to Education

With direct research in the field, it is clear that LPKA Class II Maros in terms of open access to education is running as it should following existing regulations. At the time of the study, child prisoners who were taking formal education were seen taking online learning, they wore school uniforms like school children in general. Child prisoners who were taking formal education were taught directly by homeroom teachers according to the domicile of each child prisoner's school. However, the implementation of the education program at LPKA II Maros did not always run smoothly, such as not all child prisoners could take part in formal education activities.

This formal education activity 50 can only be followed by child prisoners whose

domicile schools are willing to cooperate. For child prisoners who do not follow formal education will be registered to attend independent schools or equivalency programs. However, in this equivalency program some child prisoners do not participate. Many child offenders who want to supervise the equivalency program have obstacles in managing the requirement files, which prevents them from taking part in it. As a result, many child offenders who want to get equivalency in package C are locked out of the requirement files.

## 2) Rehabilitation Education

This study examines how the Juvenile Justice System Law (SPPA) is used to ensure that child offenders have the right to education. According to the provisions of the SPPA Law, every child involved in the juvenile justice system has the right to receive instruction, training, skills, guidance, and other rights related to legal obligations. In order for children to become physically and spiritually mature and ultimately valuable to themselves and society, adults must overcome the relationships that children have to educate them (Wulan & Risnawati, 2022).

Maros Class II Special Child Development Institution offers various educational programs, including the following, according to the findings of observations and interviews conducted by researchers with informants working in the field of education as a kind of rehabilitation. a) Formal education, this formal education activity collaborates with the school for child prisoners based on their domicile and is guided by 51 applicable curricula. Child prisoners who receive approval from the school will be included in the online

learning process. Child prisoners will be provided with cellphones during the learning process, however, the use of cellphones by these child prisoners remains under the supervision of the warden on duty. b) Non-formal education, for child prisoners whose school of their domicile is not willing to participate in the learning process will take part in non-formal education. This non-formal education consists of several coaching provided. Education about religion and spiritual and physical health, as well as independence, are all included in the coaching. Packages A, B, and C are attempted by the equalization program or autonomous schools.

## 3) Institutional Partnership

The Head of LPKA can collaborate with government organizations with educational and cultural scopes, as well as community organizations involved in teaching and education, in implementing the program. Therefore, to prevent school dropouts among ANDIKPAS (correctional children), the Special Child Development Institution must plan how many classes to teach and train instructors who are experts in their domain. Reviewing the results of observations and interviews with informants, researchers at the Maros Regency Education Office and LPKA Class II collaborated to provide infrastructure and learning opportunities for child offenders.

The Maros Regency Education Office also provides educators or tutors who are scheduled to come on Tuesdays and Thursdays to provide independent school education programs or package pursuit equivalency programs. As for the provision of reading assistance, the Maros Special

Guidance Institution collaborates with the Regional Library Service. In addition, institutions that collaborate with LPKA Class II Maros are the BP3A Province and Regency and the Maros Regency Social Service.

#### 4) Provision of adequate facilities

Maros Class II Special Child Development Institution has infrastructure that supports the existence of educational programs, including a library, computers, projectors, chairs, and study tables, as well as classrooms, health rooms, volleyball courts, tennis courts, futsal fields, carambol, and table tennis. This is based on the findings of observations and interviews that have been carried out with informants involved regarding the provision of adequate facilities. The provision of adequate facilities in the implementation of the education rights of child prisoners is the most important thing that must be considered by the authorities. This is needed in the continuity of the learning process of child prisoners. The reason is that increasing the motivation to learn is seen from the comfort of the learning environment.

#### 5) Provision of Competent Teaching Staff

It was revealed that educators are in line with their respective disciplines based on observation and interview findings regarding the availability of qualified teachers at the Maros Class II Special Child Development Institution. The Maros Class II Special Child Development Institution employs instructors from outside its walls, in collaboration with the Maros Regency Education Office.

#### B. Obstacles in the Implementation of the Education Rights of Child Prisoners at the Class II Maros Special Children's Development Institution (LPKA).

Parents or guardians of incarcerated children may also face challenges at the Special Child Development Institution (LPKA) when trying to ensure that their children receive the education they are entitled to regarding their Dapodik registration. One of the main obstacles is parents' limited access to information and understanding of the registration process at Dapodik. Many parents of incarcerated children may be less familiar with information technology or have limited access to the internet, thus hindering their ability to actively engage in the registration process.

In addition, geographical distance can also be an obstacle. Parents of child prisoners who live far from LPKA may face logistical difficulties in visiting the institution to assist in the registration process at Dapodik. The long distance can also make it difficult to communicate directly between LPKA and parents, thus exacerbating the problem of their understanding and involvement in the process. When rights and responsibilities are implemented in a balanced manner, justice is realized. In order for rights and obligations to remain balanced, children who commit crimes must be given support and protection. At a certain age, children's obligations must be addressed.

Child prisoners have the right to receive education from LPKA Class II Maros while they are placed there. In terms of the implementation of educational

activities, LPKA Class II Maros has not gone according to plan. Challenges regarding education include incomplete identities of juvenile offenders, because their pre-prison identities do not qualify for teaching at the Special Child Development Institution Class II Maros. However, completing the identities of juvenile offenders is very important to facilitate their education, especially after their prison sentences end.

In LPKA, obstacles that arise in the implementation of the right to education for child prisoners related to registration in Dapodik can also involve parents or guardians of child prisoners. One of the main obstacles is the limited access of parents to information and understanding of the registration process in Dapodik. Many parents of child prisoners may be less familiar with information technology or have limited access to the internet, thus inhibiting their ability to actively participate in the registration process.

### **C. Efforts to overcome obstacles in the implementation of the education rights of child prisoners at the Class II Maros Special Children's Development Institution (LPKA)**

LPKA Class II Maros continues to strive to make improvements in all areas, from data collection to liaising with the Maros Regency Education Office, based on findings from observations and interviews related to efforts to overcome obstacles in implementing the right to education in the institution. LPKA Class II Maros also needs to improve communication and counselling efforts to parents of child prisoners regarding the registration process at Dapodik. In addition, LPKA can also provide technical assistance or support needed for parents who face difficulties in

using information technology. Thus, parents of child prisoners can be more actively involved in implementing their children's right to education at LPKA through an easier and more inclusive registration process.

### **CONCLUSION**

Based on the results of this study, the author concludes that the implementation of the right to education for Special Class II Maros child offenders has not gone according to plan because some juvenile offenders have not been given the opportunity to receive education during detention. While there are obstacles to the implementation of the right to education for child prisoners at the Special Class II Maros Child Development Institution, namely, the limited number of children who do not meet the required files, as a result, initiatives were taken to ensure that juvenile offenders receive their full education by trying to collect more data and frequently provide educational counseling.

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