



## **Government effectiveness as a provider of sanction for work sentence on child convicts**

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### **Abstract**

Work training is one of the sanctions regulated in the Child Justice System Law. Work training is a substitute punishment for fines imposed on Child Offenders. The main punishment for work training is a substitute punishment for fines in accordance with Article 71 (3) of Law Number 11 of 2012, which states that: If cumulative imprisonment and fines are threatened in substantive law, the fine penalty will be replaced with work training. The implementation procedure and sentencing procedure for work training as a criminal sanction against children who come into contact with the law is not explained in depth in the existing laws and regulations. The problem addressed in this research is the imposition of criminal sanctions in the form of work training on children who come into contact with the law. The research method used is normative research, which is a type of research that uses primary legal materials consisting of laws, secondary legal materials consisting of doctrine, research results, and journals, and interviews that aim to obtain results from library research. In various countries, including Indonesia, there are laws and regulations governing child crimes and providing work sentences for

child convicts. One of the solutions provided by the Indonesian government is through Law Number 11 of 2012 concerning the Child Criminal Justice System (SPPA). This law regulates the handling of child cases that come into contact with the law, with the aim of providing protection, recovery, and guidance for children. This law also stipulates that child convicts cannot be sentenced to imprisonment in the same place as adult convicts. However, it is important to remember that solutions for providing work sentences for child convicts can not only be done by the government. The role of society, families, and social institutions is also very important in providing support and assistance to these children so that they can recover and reintegrate into society. As a sovereign country, the government has an obligation to provide sanctions for work sentences imposed on child convicts by the court. However, the effectiveness of the government as a provider of sanctions for work sentences on child convicts can be influenced by various factors, such as: 1) Budget and resources; 2) Coordination between government agencies; 3) Government policies; 4) Community awareness.

### **Keywords**

sanctions, work sentence, child

### **Introduction**

Children are vulnerable individuals to human rights violations, in daily life there are still many children who experience violence, both in the family, school, and society. To protect children, children are given constitutional rights. One of the constitutional rights of children is regulated in Principle 4 of the Declaration of the Right of the Child, which states "The child shall enjoy the benefits of social security". In this regard, humans have an obligation to provide the best for children.<sup>1</sup> In Indonesia, child protection is regulated in Law Number 35 of 2014, which is an amendment to Law Number 23 of 2002 concerning the Child Protection Law.

Apart from being a human rights violation, in reality, children still often commit criminal acts.<sup>2</sup> Punishment for children who commit crimes cannot be equated with punishment for adults, because fundamentally children have a fragile mental condition, a process of psychological stability that produces a critical attitude. Criminal acts committed by children cannot yet be considered as crimes, but rather misbehavior caused by unbalanced psychological conditions and the perpetrator is not yet aware and understands the actions committed by the child. Misbehavior committed by children is also called Juvenile Delinquency.<sup>3</sup>

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<sup>1</sup> Abu Huraerah, *Kekerasan Terhadap Anak*, Nuansa, Bandung, 2012, hlm.11

<sup>2</sup> Wagiyati Soetodjo, *Hukum Pidana Anak*, PT. Refika Aditama, Bandung, 2006, hlm.19.

<sup>3</sup> *Ibid.* hlm. 26

Law Number 11 of 2012 concerning the Juvenile Justice System (Juvenile Justice Law) was passed by the Indonesian House of Representatives on July 30, 2012, replacing Law Number 3 of 1997 concerning Juvenile Courts (Juvenile Court Law), because the Juvenile Court Law was considered no longer suitable with legal needs in society and did not comprehensively provide special protection to children who face the law.<sup>4</sup> The Juvenile Justice System Law focuses more on improving child offenders. The Juvenile Justice System Law is a law that adopts a Double Track System of sanctions. Sanctions are regulated in Article 82 of the Juvenile Justice System Law.<sup>5</sup>

According to the Juvenile Justice System Law, the sanctions imposed on child offenders are as follows:<sup>6</sup>

1. Return to parents/guardians
2. Handover to someone
3. Treatment in a mental hospital
4. Treatment in LPKS
5. Obligation to attend formal education and/or training organized by the government or private institutions
6. Revocation of driving license and/or
7. Restoration due to the criminal act.
8. The criminal sanctions regulated in Article 71 of the Law on Juvenile Justice System are:
9. Warning punishment
10. Conditional punishment, consisting of guidance outside institutions, community service, or supervision.
11. Vocational training
12. Guidance outside institutions
13. Imprisonment.
14. Additional punishments consist of:
15. Confiscation of profits obtained from the crime
16. Fulfillment of customary obligations.

Vocational training is one of the punishments regulated in the Law on Juvenile Justice System. Vocational training is a substitute punishment for fines according to the provisions of Article 71 (3) of Law Number 11 of 2012 which states that if a cumulative penalty of imprisonment and fines is threatened in substantive law, the fine penalty is replaced by vocational training.<sup>7</sup> The implementation of vocational training is carried out in

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<sup>4</sup> Yulianto dan Yul Ernis, Lembaga Pembinaan Khusus Anak dalam Perspektif Sistem Peradilan Pidana Anak, Balitbang Kemenkumham, 2016, hlm 16

<sup>5</sup> Marzuki, Peter Mahmud. Penelitian Hukum. Jakarta : Kencana Prenada Media Group. 2005. Hlm. 68.

<sup>6</sup> Undang-Undang Republik Indonesia Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

<sup>7</sup> Ariehta Eleison Sembiring, Jurnal Jentera Hukum Edisi 24 Tahun VIII (Contempt Of Court: Dari Penghinaan Mengalir Sampai Jauh), PSHK, Jakarta, 2015, hlm.67

institutions that carry out vocational training that is appropriate for the age of the child. The existence of vocational training punishment is a "guidance" for judges to set aside the punishment of deprivation of liberty which in its development has had negative effects on the interests of the child defendant and the interests of society. The essence of the function of deprivation of liberty punishment leads to the dehumanization of children and ultimately causes harm to children because they are too long in institutions, for example, the inability of children to continue productive life in society.<sup>8</sup>

Crime is a negative impact resulting from the development of the times. Criminals who frequently occur nowadays are not only committed by adults, but also children. The problem of children facing legal issues tends to increase, as can be seen from the many mass media reports about children involved in the law.<sup>9</sup> Children are also easily influenced to commit crimes and offenses due to their young age and tendency to be unstable. Another cause is children who come from families that are not harmonious, often feeling uncomfortable in their family environment, so they will seek pleasure in the community. Sometimes children in seeking pleasure in the community, make wrong choices in socializing, resulting in them being influenced by bad habits in that environment. Children are also often tempted to try something that makes them curious, but over time, this becomes a pleasure and is done continuously.<sup>10</sup>

According to Article 40 of the Convention on the Rights of the Child, as ratified by the Indonesian government through Presidential Decree No. 36 of 1990 on the Ratification of the Convention on the Rights of the Child, a child in conflict with the law is a child who is suspected, accused, or recognized as having violated criminal law.<sup>11</sup> Children must receive special protection, which must differ from the protection afforded to adults in general. The Child Criminal Justice System Law No. 11 of 2012 has the goal of educating children so that they do not reoffend and providing protection for them.

An effort to prevent children from coming into contact with the law is the assistance provided by the Social Welfare Office and the Youth Social Protection and Rehabilitation Center. The Social Welfare Office plays an important role in protecting children in conflict with the law. In this regard, the role of the Social Welfare Office is divided into three stages: pre-adjudication, adjudication, and post-adjudication. The Social Welfare Office has the task of conducting community research, supervision, guidance, and

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<sup>8</sup> Sri Sutatiek, *Hukum Pidana Anak di Indonesia*, Aswaja Pressindo, Yogyakarta, 2015, hlm. 53

<sup>9</sup> Gultom, Maidin. *Perlindungan Hukum Terhadap Anak dalam Sistem Peradilan Pidana Anak di Indonesia*. Bandung: Refika Aditama. 2008. Hlm. 85.

<sup>10</sup> Alpin Hadi, *Remaja dan Kriminalitas (Studi Di Lembaga Pemasyarakatan Klas II B Anak Dikota Pekanbaru)*, Jom Fisip, 2016, Vol.3 No.2, hlm. 3.

<sup>11</sup> Muladi. *Kapita Selekta Sistem Peradilan Pidana*. Semarang : Penerbit Universitas Diponegoro. 1995. Hlm. 49.

counseling for children.<sup>12</sup> The Youth Social Protection and Rehabilitation Center is tasked with assisting children in conflict with the law in carrying out a judgment they received from the court.

It is known that children in conflict with the law can be sentenced to vocational training as a criminal sanction. As stipulated in Law No. 11 of 2012 on the Child Criminal Justice System, children who are sentenced to subsidiary punishment must undergo vocational training if they are sentenced to cumulative imprisonment and fines. Children who cannot pay fines will undergo vocational training.<sup>13</sup>

Regarding the further regulation of vocational training as a criminal sanction, there is no current regulation as stated in Law No. 11 of 2012 on the Child Criminal Justice System. Judges have applied vocational training as a criminal sanction to children in conflict with the law.<sup>14</sup>

The goal of the child criminal justice system is to provide skills to children in trouble or in conflict with the law so that they can improve their behavior, become independent, and be well-received after they return to society. The implementation of vocational training as a criminal sanction, either as a substitute for fines or as a direct sentence, must also have the same goal as the child criminal justice system. The achievement of this goal will be the measure of the fulfillment of children's rights when they are undergoing their period of criminal punishment.<sup>15</sup>

However, in some cases, the judge's imposition of vocational training as a criminal sanction is not in accordance with Law No. 11 of 2012 on the Child Criminal Justice System. This creates problems because it is not in accordance with the current law. Therefore, it is interesting to discuss the regulation of vocational training as a criminal sanction according to positive law in Indonesia and the implementation of Article 71 paragraph (3) and Article 78 paragraph (2) of Law No. 11 of 2012 on the Child Criminal Justice System.<sup>16</sup>

The purpose of implementing vocational training as a criminal punishment for juvenile offenders is to provide them with education and skills to contribute to society after they are released from prison. However, the reality is that many juvenile offenders are released from prison without sufficient skills or education to obtain decent jobs, making them more likely to engage in criminal activities or become unemployed.

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<sup>12</sup> Lisda Dina Uli P, Nur Rochaeti, Endah Sri, Pelaksanaan Perlindungan Hukum Bagi Anak Berhadapan Dengan Hukum BAPAS Kelas I Semarang, *Ejournal-S1 Undip*, 2016, Vol.5 No.3, hlm.3.

<sup>13</sup> Lina Anggraini, Tesis: "Wajib Latihan Kerja Sebagai Hukuman Alternatif Dalam Sistem Peradilan Pidana Anak", Pontianak, Fakultas Hukum Universitas Tanjungpura, 2016, hlm. 6.

<sup>14</sup> Kadek Widiantari, Perlindungan Hukum Terhadap Anak Yang Berkonflik Dengan Hukum Yang Dijatuhi Pidana Pelatihan Kerja, *Masalah-Masalah Hukum*, Jilid 46 No.6, 2017, hlm. 299.

<sup>15</sup> Gosita, Arif. *Masalah Korban Kejahatan*. Jakarta: Bhuana Ilmu Populer. 2004. Hlm. 62.

<sup>16</sup> Prakoso, Abintoro. *Pembaruan Sistem Peradilan Pidana Anak*. Surabaya: Airlangga Press. 2013. Hlm, 103.

## **Research method**

The research method used in this study is normative research.<sup>17</sup> Normative legal research is a type of research that is based on principles, norms, rules from legislation, court decisions, doctrines, and agreements. The primary legal materials used are Law No. 11 of 2012 on the Juvenile Justice System, while secondary legal materials used include theoretical studies, legal opinions, doctrines, research findings, scholarly journals, and related literature.<sup>18</sup> The data analysis used in this study is descriptive qualitative analysis.<sup>19</sup> Descriptive qualitative analysis is an analysis that explains or describes the applicable regulations, relates them to the reality of society, and finally draws conclusions.<sup>20</sup>

## **Results And Discussion**

Juvenile offenders under Law No. 11 of 2012 on the Juvenile Justice System are referred to as "children who are in conflict with the law," as stated in Article 1 number 2, which states that "Children in Conflict with the Law (CICL) are children who are in conflict with the law, children who are victims of crime, and children who are witnesses to crime." Article 1 number 3 explains the definition of children in conflict with the law, which are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old and suspected of committing a crime. Children in conflict with the law, whether as perpetrators, victims, or witnesses, should not be ignored, let alone punished in the social order of society. CICL are part of the generation that will lead the movement of the nation's life. They should be given the opportunity to improve themselves from mistakes they have made (for juvenile offenders), to improve themselves and eliminate trauma from the events they have experienced (for child victims and witnesses). Policies to protect the rights of CICL are carried out starting from the prevention process, the implementation of justice, to rehabilitation and reintegration. Children who have already committed a crime and have been sentenced based on a court decision (judge's verdict), will undergo rehabilitation, which in restorative justice terminology is referred to as coaching and the child is referred to as a community development child (andikpas).<sup>21</sup>

Since January 3, 1998, through Law No. 3 of 1997, there has been legal unification through juvenile justice.<sup>22</sup> In this law, the theory and

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<sup>17</sup> Purwoleksono, Didik Endro. *Hukum Pidana*, Surabaya: Airlangga University Press (AUP). 2014. Hlm. 75.

<sup>18</sup> Soerjono Soekanto, 2012, *Pengantar Penelitian Hukum*, Jakarta, UI-Press, , hlm. 6.

<sup>19</sup> Mukti Fajar ND, Yulianto Achmad, *Dualisme Penelitian Hukum*, Yogyakarta, Fakultas Hukum UMY, 2007, hlm. 34.

<sup>20</sup> Suratman dan Philips Dillah, *Metode Penelitian Hukum*, Malang, Alfabeta, 2012, hlm.229.

<sup>21</sup> Marlina. *Peradilan Pidana Anak Di ndonesia*, Pengembangan Konsep Diversi Dan Restorative Justice, Bandung : Refika Aditama. 2012.

<sup>22</sup> Tongat. *Pidana Kerja Sosial Dalam Pembaharuan Hukum Pidana ndonesia*. Jakarta : Djambatan. 2001. Hlm. 39.

practice of juvenile justice that had existed before were accommodated. However, due to the development of times and technology, this law is no longer considered relevant to be applied. Considering:<sup>23</sup>

1. a child is a trust and also a gift from God Almighty who has dignity and status as a full human being.
2. to protect their dignity and status, children have the right to special protection.
3. in order to protect their rights and dignity, children have the right to special protection, particularly legal protection and access to the justice system.
4. Indonesia, as one of the countries that ratified the Convention on the Rights of the Child, has the obligation to provide special protection for children who come into contact with the law.
5. the Law No. 3 of 1997 on Juvenile Courts (hereinafter referred to as the Juvenile Court Law) is no longer suitable for the needs and development of society as it has not been able to provide comprehensive protection for children who come into contact with the law. Therefore, a new law is needed.

Based on these considerations, the Law No. 11 of 2012 on the Juvenile Justice System (hereinafter referred to as the JJSL) was enacted. The JJSL brings several changes, including the concept of diversion and the use of a restorative justice model, which prioritizes the restoration of the situation prior to the commission of the offense.

Children must be treated differently from adults. Therefore, the paradigm of the handling model under the Juvenile Court Law, which applies the retributive justice model, or punishment as the main option or retaliation for the committed offense, is no longer suitable. This unsuitability is based on three considerations: first, the characteristic of children. The Child Protection Law (Law No. 23 of 2002) states that in order to grow and develop optimally, children must be physically, mentally, and socially healthy, and have noble character. Children are not yet able to make correct choices as they are individuals who are still growing and developing in all aspects. Second, the future of the child. Children who are punished are labeled and stigmatized after the punishment, which makes it difficult for their psychological and social growth in the future. Third, the restoration of relationships between the child, the victim, and the community.<sup>24</sup>

Article 71 paragraph (1) of the Law No. 11 of 2012 explains that vocational training is one of the penalties imposed on child offenders. Under the Juvenile Court Law, vocational training was known as mandatory

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<sup>23</sup> Konsiderans UU 11/2012 tentang Sistem Peradilan Pidana Anak

<sup>24</sup> Waluyo, Bambang. *Viktimologi Perlindungan Korban dan Saksi*, Jakarta: Sinar Grafika. 2011. Hlm. 83.

work training, which was a non-penal sanction. However, after the enactment of the JJSL, vocational training is included as one of the forms of criminal sanctions.

Article 71 paragraph (3) of the Law No. 11 of 2012 explains that if the material law provides for cumulative penalties of imprisonment and fine, the fine shall be replaced with vocational training. Article 78 of the Law No. 11 of 2012 explains that:

- (1) The penalty of work training as referred to in Article 71 paragraph (1) c of the Law on the Criminal Justice System for Children is carried out in an institution that provides work training appropriate for the age of the child. The term "institution that provides work training" in Article 78 paragraph (1) includes job training centers, vocational education institutions implemented, for example, by ministries that oversee government affairs in the fields of employment, education, or social affairs.
- (2) The penalty of work training as referred to in paragraph 1 shall be imposed for a minimum of 3 (three) months and a maximum of 1 (one) year. In the explanation section of Article 78 of Law Number 11 of 2012, it is explained that the rehabilitation penalty within the institution is carried out at the work training or rehabilitation institution organized by either the government or private institutions. In the Minister of Law and Human Rights Regulation Number 3 of 2018 concerning Requirements and Procedures for Granting Remissions, Assimilation, Visiting Leave, Conditional Release, Pre-Release Leave, and Parole Leave, work training is regulated in Article 90 paragraphs (1) and (2), Article 91 paragraphs (1) and (2), Article 92 and Article 149 paragraph (3) letter c.

The work training provisions set out in the Minister of Law and Human Rights Regulation Number 3 of 2018 are as follows:

Article 90

- (1) In the case of a child being sentenced cumulatively in the form of imprisonment and a fine, the fine shall be replaced by work training.
- (2) The work training as referred to in paragraph (1) shall be carried out in accordance with the provisions of laws and regulations.

Article 91

- (1) A child who has obtained parole may first undergo work training before serving the parole.
- (2) The work training as referred to in paragraph (1) shall be carried out in other institutions designated according to the recommendation of the social worker Article 92 During the child's completion of the substitute work training for the fine penalty, the child lives with their parent/guardian, social institution, or other designated institutions.
- (3) In the case of a prisoner or a child who is on parole, then: Article 149 paragraph 3 letter (c) regulates the procedures for conducting



work training for children who obtain parole, namely the calculation of starting the substitute fine penalty work training for children is calculated from the halfway point of the sentence.

According to Article 95 of Law Number 11 of 2012 concerning the Criminal Justice System for Children, "Officials or officers who violate the provisions referred to in Article 7 paragraph (1), Article 14 paragraph (2), Article 17, Article 18, Article 21 paragraph (3), Article 27 paragraph (1) and paragraph (3), Article 29 paragraph (1), Article 39, Article 42 paragraph (1) and paragraph (4), Article 55 paragraph (1), and Article 62 are subject to administrative sanctions in accordance with the provisions of laws and regulations".

Judges often impose work training penalties on children in their rulings. The judge's decision is based on guidance provided by the prosecutor, where the prosecutor acts as the executor of the children's case. The public prosecutor usually receives recommendations or proposals from the Correctional Institution to impose work training penalties on children. This work training penalty is recommended by the Correctional Institution, so that the child, during their sentence, not only experiences deterrence but also gains skills, which will serve as a foundation for their future when they are released or finish their sentence.

The Correctional Institution recommends vocational training as a punishment for children who have committed crimes, not only to provide them with skills but also because they can no longer undergo the diversion system. Vocational training is an alternative punishment for children, and it is regulated in Article 71 paragraph (3) of Law Number 11 of 2012 concerning the Juvenile Justice System. The article states that if a child is threatened with cumulative punishment of imprisonment and a fine, the fine can be replaced with vocational training. Vocational training is a primary punishment as stipulated in Article 71 paragraph (1) letter c of the same law. Further explanation regarding vocational training as a punishment for children who have committed crimes is provided in Article 78 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Justice System. It states that:

- (1) Vocational training as referred to in Article 71 paragraph (1) letter c is carried out in institutions that provide vocational training appropriate to the age of the child.
- (2) The duration of vocational training, as referred to in paragraph (1), is a minimum of three months and a maximum of one year.

Vocational training can be conducted in Special Correctional Institutions for Children, Rehabilitation and Protection Centers, Vocational Training Centers, and other institutions that provide vocational training. A judge can impose vocational training as a direct punishment or as a replacement for a fine. Children who are threatened with cumulative

punishment of imprisonment and a fine can replace their fine with vocational training.

Although vocational training is regulated in the law, the government has not yet provided clear regulations regarding its implementation. However, judges have applied vocational training as a punishment for children who have committed crimes. The Balai Perlindungan dan Rehabilitasi Sosial Remaja (BPRSR), which is a technical unit of the Ministry of Social Affairs, is responsible for implementing vocational training programs for children who have committed crimes. The BPRSR has a vision, mission, main tasks, functions, and objectives. Its vision is to provide high-quality protection and rehabilitation services to socially problematic adolescents and children who have committed crimes. Its mission is to improve the quality of protection, service, and social rehabilitation for socially problematic adolescents and children who have committed crimes, including physical, mental, social, and skills training guidance. The BPRSR also aims to promote awareness and responsibility for social solidarity to increase community participation in the social welfare efforts for socially problematic adolescents and children who have committed crimes, and to improve the professionalism of employees in the field of protection and social welfare services.

The main task of BPRSR is to serve as the technical executor in providing services, protection, rehabilitation, social advocacy, reunification, and referrals for socially problematic adolescents and children who are in conflict with the law. The functions of the Balai Perlindungan Rehabilitasi Sosial Remaja are as follows:

1. Development of Balai programs
2. Development of technical guidelines for services, protection, rehabilitation, social advocacy, reunification, and referrals.
3. Dissemination of information and socialization of social welfare issues mapping implementation for socially problematic adolescents and children in conflict with the law
4. Identification and mapping of protection and social rehabilitation services for those who have social welfare problems, such as troubled and neglected adolescents and children in conflict with the law
5. Facilitation of accompaniment and mediation for perpetrators and victims of children in conflict with the law
6. Organization and development of protection, rehabilitation, social advocacy, reunification, and referral services for socially problematic adolescents and children in conflict with the law
7. Establishment of networks for handling socially problematic adolescents and children in conflict with the law.
8. Facilitation of family-based protection, rehabilitation, social advocacy, and reunification services for children in conflict with the law.

9. Provision of research and social welfare development for protection and social rehabilitation services for socially problematic adolescents and children in conflict with the law.
10. Implementation of administrative tasks
11. Implementation of monitoring, evaluation, and reporting on Balai programs, and
12. Implementation of other tasks assigned by superiors in accordance with their duties and functions.

The aim of Balai Perlindungan and Rehabilitasi Sosial services is to realize social protection and rehabilitation services for socially problematic children and adolescents, enabling them to be skilled, independent, and responsible through physical, mental, social guidance and skills training, as well as to make BPRSR a center of information on social protection and rehabilitation services for socially problematic adolescents and children in conflict with the law.

The application of criminal work training to children in conflict with the law is expected to be beneficial, but its implementation is not yet supported by clear regulations. This is due to the government not having created regulations regarding the implementation of work training sanctions as stated in Article 71 paragraph (5) of Law No. 11 of 2012 on SPPA.

Due to the lack of clear regulations on the implementation of criminal work training, the implementation of this sanction for children in conflict with the law in BPRSR includes tasks such as:

1. Cleaning the office space
2. Cleaning the toilet
3. Cleaning the garden or park within the institution.

Children who face criminal sanctions are trained in job skills rather than just general skills. They are trained to work in a practical setting and become better and more disciplined individuals. Skills such as auto mechanics, hairdressing, and sewing are given to troubled children rather than those who face legal issues.<sup>25</sup>

Children who are subject to criminal sanctions in the BPRSR will be formed into several groups, each consisting of 3 to 5 people. The punishment for job training is carried out for 6 hours per day, from 8 a.m. to 1 p.m. by groups one and two, and from 1 p.m. to 6 p.m. by groups three and four.

Children who are subject to criminal sanctions during job training are not allowed to return home; they are required to stay in the dormitory provided by the Balai Perlindungan dan Rehabilitasi Sosial Remaja. These children must also request permission if they want to leave the dormitory, even if only for a short period. They are not allowed to leave for too long

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<sup>25</sup> Wibowo, Adhi. *Perlindungan Hukum Korban Amuk Massa, Sebuah Tinjauan Viktimologi*, Yogyakarta: Thafa Media Jurnal. 2013. Hlm. 81.

during the job training period. This is to ensure that the child does not neglect their responsibilities, completes the punishment properly, and can be directly monitored by authorized personnel.

Education is a person's right to self-development, as stated in Article 12 of Law Number 39 of 1999 concerning Human Rights, Article 3 letter n of Law Number 11 of 2012 concerning SPPA, and Article 22 paragraph (1) Jo Article 14 of Law Number 12 of 1995 concerning Correctional Institutions, which states that every child has the right to receive an education, whether it is an ordinary child, a delinquent child, a child facing legal issues, a child in conflict with the law, a troubled child, an abandoned child, and even a child who has been sentenced (juvenile delinquent).

In reality, children who face legal sanctions for job training in the Balai Perlindungan dan Rehabilitasi Sosial Remaja are not attending school during their punishment. This is because the previous punishment was imprisonment, so when a child is undergoing job training, they are no longer attending school. Children who can attend school are troubled children, children who have been given a diversion order, and also abandoned children. It can be seen that this proves the inconsistency between existing laws and the reality that exists. The law states that every child has the right to receive an education, but this is not implemented properly in real life.

### **Conclusion**

In various countries, including Indonesia, there are laws and regulations governing juvenile delinquency and providing work sentences for juvenile offenders. One solution provided by the Indonesian government is through Law Number 11 of 2012 concerning the Juvenile Justice System, which regulates the handling of cases involving children in conflict with the law, with the aim of providing protection, recovery, and development for children. The law also stipulates that juvenile offenders cannot be imprisoned in the same place as adult offenders.

In addition, the National Education System Law also regulates education for children in conflict with the law. Children in conflict with the law have the right to receive the same education as other children, and the government must provide equal access and opportunities for these children. The government also provides solutions by providing socialization and rehabilitation programs for children in conflict with the law, such as counseling programs, character building programs, skills training programs, and social reintegration programs. This is aimed at helping these children improve their behavior and develop their positive potential.

However, it is important to remember that the solution to providing work sentences for juvenile offenders is not only the responsibility of the

government. The role of society, family, and social institutions is also very important in providing support and assistance to these children to help them recover and reintegrate into society.

As a sovereign country, the government has an obligation to provide punishment for work sentences imposed by the court on juvenile offenders. However, the effectiveness of the government as a provider of punishment for work sentences can be influenced by various factors, such as budget and resources, coordination between government agencies, government policies, and public awareness.

Considering these factors, the effectiveness of the government as a provider of punishment for work sentences for juvenile offenders can be improved through various efforts, such as increasing the budget and resources provided, strengthening coordination between government agencies, creating clear and consistent policies, and increasing public awareness of the importance of punishment for work sentences for juvenile offenders.

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