

## Effectivity of juveniles' education committing theft (A research conducted at probation centre of Banda Aceh)

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### Abstract

Before the entry into force of Act Number 11, 2012 on the Juvenile Criminal Justice System, most cases of juveniles in conflict with the law were settled through the courts, and 90% were sentenced to criminal charges and imprisonment. As a result, they will lose all their rights, such as the right to freedom, the right to grow up, the right to education and health care, and other basic rights of children. In general, the results of the mapping also found that children undergoing legal proceedings often have problems, especially in exercising their rights. The Probation Centre has so far worked as it should, but in reality, there is still an unresolved issue concerning the effectiveness of education against children who commit criminal acts, especially theft. This is a juridical empirical research method. This study aims to explain the effectiveness of guiding children who commit theft crimes. Based on the results of the study, the role of the community counselor in the second-class social counseling room is not fully effective due to several factors, among others; firstly, the community Counselor has not been effective in carrying out the child counsel at the time of the police investigation of the perpetrators, the two roles of society counselors in seeking differentiation are not effective according to the research results in 2022 that only 10 juveniles succeeded in making different efforts, the three processes of mediation as part of the restorative justice effort could not be effectively carried out by the requirements of the mentor due to the limited time held by the community counselor and the ability to carry out mediation.

**Keywords:** Effectivity of juveniles' education, theft, probation centre

### Introduction

Acts of crime often committed by children such as theft, fighting, persecution, gambling, abduction, drug use, and so on. This evil act is very disturbing and detrimental to the child because it will bring the child before the law. A phenomenon like this is a social problem, where there is a malfunction in a system both in the family sphere and in the social system itself.

In an internal context, what affects a child's crime is personality, self-concept, social adaptation, developmental tasks, and poor problem-solving ability, while external factors are how family environments such as custody patterns, school environments, and peer environments influence the child.

This is where the role of parents in educating their children ranges from child character formation, patterns of behavior and ethics, religious guidance, giving protection to children, and so on. It's just a lot of parents who neglect to educate their children in a family environment, as a result of which children are potentially committing crimes because they feel less concerned about their parents. Therefore, it is essential to fulfill the rights of children to life, growth, to protection, and to participation<sup>[1]</sup>.

Preliminary study results in the Marketing Chamber. During the period 2022-2023, the Marketing Chamber recorded four cases of criminal offenses dominated by child perpetrators, including cases of persecution, theft, abduction, and extortion committed by the average child. As it turns out, the criminal acts that occur in society are very varied. One example of a crime committed by a minor child who is less in control of his or her parents is theft, many of the children who commit the crime of theft due to economic factors and other factors because of the occupation of their

parents with the work of caring for their children and the child takes the attention of his/her parents by committing the criminal offense theft.

**Table. 1:** Probationary Data of Juveniles' Education in the Period of 2022-2023

No.	Year	First Case of the Juveniles Correction Centre (LPKA)	Serious Theft	Ordinary Theft	Juveniles Number
1	2022	8 Clients	21 Clients	10 Clients	39 Juveniles
2	2023	3 Clients	6 Clients	11 Clients	20 Juveniles

**Sources:** Data of Juveniles' Education Program at Probation Centre of Banda Aceh 2023

The Regulations of the Invitation Law regulating the primacy of the child, namely, Act No. 11 of 2012 on the Child Criminal Justice System. Law No. 11 of 2012 on the Child Justice System, provides special treatment to children facing the law, both in court and in court<sup>[2]</sup>. Article 1, paragraph 13, states that a Community Counselor is a functional law enforcement officer who conducts social research, counseling, supervision, and support of children within and outside criminal justice processes.

Before the entry into force of Act No. 11 of 2012 on the Child Criminal Justice System, the majority of cases of children facing the Law were settled through the courts, and 90% were sentenced to criminal and imprisonment<sup>[3]</sup>. One thing is certain, children will lose all their rights, such as the right to freedom, the right to grow up, the right to education and health care, and other basic rights of children. In general, the results of the mapping also found that children

undergoing legal proceedings often have problems, especially in exercising their rights [4].

The Probation Centre has so far worked as it should, but in reality, there is still an unresolved issue concerning the effectiveness of education against children who commit criminal acts, especially theft. That there are some things concerning the diversification of children still happening recurrence of criminal acts of course this is a question for the Probation Centre Institution which should be solved in a diversified manner but after he has done construction after he did diversify there is still room for the recurring of crime by the child [5].

Bapas should play an important role in educating the younger generations not to commit abnormal acts in the social life of society. Character formation of the education system from an early age is essential because the more rigorously the education is given to children, the less conscious they are of deviating behavior. The reason why prevention is better done than just focusing on the settlement of cases of criminal acts committed by children, prevention can also instill good behavior in the social life of society in particular to children things like this can be measured by how this prevention effort is done whether will be able to reduce the crimes perpetrated by children later this is what will be analyzed by the author in this writing.

**Research Method**

This type of research is Juris-empirical research, that is, a study conducting comparative studies by performing observations and local direct interviews of the research, to complement this research is also carried out bibliographic investigation such as studying several premises related to the problems studied which are secondary material in this

research. The method of sampling is based on the ability to take samples in terms of time, location, and cost. As for the samples taken and the estimated portion of the population that represents the entire population, the respondents and informants are involved [6]. It is intended to obtain clarity about the implementation of the tasks and functions of the Class II Probation Centre of Banda Aceh Regional Office of the Ministry of Law and Human Rights in the field of Marketing in the province of Aceh.

**Results and Discussions**

Implementation of the duties and functions of the Board of Trustees (PK) under the procedures and mechanisms established in the Decree of the Minister of Justice of RI No. M.01-PK.04.10 of 1998 concerning the tasks, obligations, and conditions of the board of trustees. As the directorate that deals with the policy in the implementation of the duties and functions of the Bapas, the Directorate of Counselling and Child Development has endeavored to create policies that can drive the performance of Bapas to be more measurable and accountable, one of which is to establish a standard for the execution of the tasks and the function of the Counsellor of the Citas from the beginning, support, guidance, and supervision.

According to the SPPA Act, Bapas should be in every district/city in every province in Indonesia. But it hasn't been done yet. According to Efendi (Head of Probation Centre Class II of Banda Aceh) [7]: "The mandates of the SPPA Act have not been fully implemented because they are still not supported by the capabilities of the Prasarana and the insufficient amount of Human Resources."

Bapas performs his duties and functions based on the data received concerning children in conflict with the law:

**Table 2:** Probationary Data of Juveniles' Education in the Period of 2022 at Probation Centre Class II of Banda Aceh

No	Sorts of Crimes	Number of Crimes in 2023	Diversion			Conviction				Preliminary Education	CB
			AKOT	Institutions	Others	Action			Penalties		
						AKOT	Perawatan di LPKS	Lainnya	Penjara		
1	Theft	34	5	1	4	3	3	2	3	9	4

Sources: Probation Centre Class II of Banda Aceh

**Table 3:** Data of Juveniles' Education in the Period of 2023 at Probation Centre Class II of Banda Aceh

No	Sorts of Crimes	Number of Crimes in 2023	Diversion				Conviction				Preliminary Education	CB
			AKOT	Institutions	Others	Processing	Action			Penalties		
							AKOT	Treatments in LPKS	Others	Prisonment		
1	Theft	51	7	5	4	3	3	2	4	6	11	6

Sources: Probation Centre Class II of Banda Aceh

**Keterangan**

**AKOT:** Juveniles Returned to the Parents

**CB:** Conditional Breaks

**LPKS:** Social Welfare Institution

From the above data, it can be illustrated that in the court ruling against the child of the offender handled by the Second Class Marketing Chamber of Banda Aceh in the year 2022, there were 34 child clients, whereas there were 5 child clients returned to the parents, placed in the other institutions as many as 1 person, and placed at the Social Welfare Maintenance Institution as 4 people. Furthermore, in the criminal ruling, 3 child clients were returning to their parents, there are 2 child clients placed in another institute.

In initial construction, there were 9 children clients, and in conditional leave, there were 4 child clients.

Furthermore, in 2023 there were 51 child clients, in various processes there were 7 child clients returned to the parents and placed in other institutions as many as 5 people, other there were 4 children clients, on the criminal judgment there were 3 child clients return to parents, which were placed at the Social Welfare Maintenance Institute as many like 3 people, at the initial construction there were 11 child clients and conditional leave there were 6 child clients. If we look at the data, the execution of the verdict is still a lot to be dropped for preliminary construction.

From the data above it can be illustrated that in 2022 of the 34 child clients handled by the Marketing Room of the Second Class Banda Aceh only 10 clients have succeeded in diversion and most diversion is done at the police level. Not

much different from the year 2023 of 51 child clients only 16 child clients have managed to diversion. The above data indicate that the application of the principle of restorative justice has not yet been fully implemented against the child who commits a criminal offense.

From the results of an interview with Riki, who stated that "many of the things that come in is that the threat of his sentence above 7 (seven) years so that according to the UUSPPA it can not be done differently even if the victim has forgiven or no longer question the legal issues" [8].

The above, in carrying out the daily duties that also as a Community Guide several times dealing with clients of children of offenders who commit crimes that threaten him above 7 (seven) years as for the case of theft committed by the two at night that can not be sought differently. If we look at the concept of restorative justice, the issue of maximum legal threat should not be an obstacle as long as the parties agree to resolve the issue through diversion.

The role of the Community Counselor in the Second-Class Probation Centre of Banda Aceh in carrying out the duties of Supporting, Guidance, and Surveillance as the application of restorative justice against the child of the offender has not been fully functioning effectively, this is due, among others:

1. The Guidance Officer has not effectively carried out the accompaniment against the child who committed a criminal act at the time of the investigation of the perpetrators at the police level. To realize restorative justice, there is a need for the child to be accompanied by the Community Guide from the beginning, so that efforts to implement restorative Justice through diversion can be initiated or communicated with the various parties in advance, in addition, the child's accompanying at the examination stage will have a good psychological impact on the perpetrator to be able to be aware of all the acts committed. This is because of the lack of communication between the police and the Bapas (no letter of request for the accompanying stage of inspection from the Police to Bapas), the far-reaching territory, affects the accompaniment activities carried out by the Governor of the Society.
2. The role of the Society's Counsellor in pursuing diversity has not yet been achieved effectively, this can be seen from the number of children dealt with in 2022, which succeeded in diversifying only 10 people. It is difficult to pursue differences not apart from community leaders, victims, victim families, and parents of clients against the concept of restorative justice that is still very lacking, so the involvement of the victim, community figures, and families of victims in different prose is difficult enough to be presented by the Society Guide.
3. The mediation process, as part of the restorative justice effort, has not yet been effectively implemented by the Society Guide. It is important to find alternative ways of resolving existing legal problems and reconciliation between the victims and perpetrators to restore to the original state of affairs. The limited time available to the social counselor and the ability to mediate in finding a win-win solution is one of the obstacles in the mediation efforts carried out by the Social Counselor.

From the results of an interview with Saptika Handini, his son's judge said that the judge was free to make a decision either following the advice of Bapas or the decision came

from his judge [9]. The judge may decide a matter in the court of the child, even if there is no report of the law. The child who is faced with the law will be punished if he is found to have committed a crime. However, the report recommended by the BAPAS may make the judge unable to decide to give the judgment on the advice of the BABAS. Because the report is more social or contains social considerations, not justice and legal considerations.

## Conclusion

The role of the counselor of the community in carrying out the duties of support, guidance, and supervision as the application of restorative justice to the child of the offender has not been fully effective due to several factors, among others; first, counseling has not effectively carried out the support of the child who committed a crime at the time of the investigation of the perpetrator is raised by the police, the role of both counsels of the society in seeking diversion is not effective according to the results of the research in 2022 that has succeeded in performing the diversion efforts of only 10 people, the third process of mediation as part of the Restoration of justice can not be performed effectively by the instructor of the condition due to the limited time held by the guardian of the conditions and the ability to carry out mediation.

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