



SOCIAL PROTECTIONS AGAINST JUVENILE DELINQUENCY AT SUKAMISKIN PENITENTIARY IN BANDUNG CITY

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ABSTRACT

This study aims to find out, examine, and explain social protection against juvenile delinquency which is conducted by children's penitentiary in Sukamiskin, Bandung City, supporting factors and obstacle factors of social protection against juvenile delinquency in children's penitentiary in Sukamiskin, the impact of social protection on against juvenile delinquency in children's penitentiary in Sukamiskin. This research is descriptive qualitative research. Data collection techniques are observation, interviews and documentation. Determination of informants in this study was using purposive sampling technique where researchers chose informants varied by 3 people and Informants from the officer 2 people. The results of this study indicate that social protection provided by officer's penitentiary such as education, mental guidance, development of talent interests and health. In this case social protection is in accordance with the law on Child Protection No. 35 of 2014. In general, the results of this study are fulfilled, for the education sector penitentiary officer cooperation with several junior highs, high school, vocational schools in Bandung city. For the skills field, several skill courses and LAHA institutions were conducted, but in the implementation there were still several obstacles. The obstacles include: first, the low enthusiasm of children to go back to school and the difficulty of finding schools that want to accept of juvenile delinquency. second, in the implementation of health services because juvenile delinquency is not protected by the BPJS, so the penitentiary authorities are still looking for institutions that are willing to cooperate in providing health services. So it is recommended to pass the MOU with the General Hospital through the Ministry of Health.

Keywords: *Social Protection, Juvenile Delinquency.*

I. Research Background

Childhood is the most pleasant and most difficult to forget, it happens to children in general, but in reality not all children can feel that time. According to Law Number 35 of 2014, concerning child protection, article 1, namely a child is someone who is not leighteen years old, including a child who is still in the womb.

Many children experience a very difficult time, they must be isolated from the world of play, go to school and do activities freely, because they are involved in violations against rules, and community norms, so they are forced to deal with laws, such as immoral acts, actions theft, drug use, even involved beatings and murder.



According to the Law of the Republic of Indonesia Number 11 year 12 concerning the Juvenile Justice System article 1, children against the juvenile delinquency are children in conflict with the law, children who are victims of criminal acts and children who are witnesses of criminal acts. (<http://www.kpai.go.id>).

Lately the number of child problems in Indonesia is quite diverse, the most frightening thing is the children who are dealing with the juvenile delinquency. Throughout 2011 to 2017 there were 9,266 cases. From year to year the number is increasing the most in 2014, reaching 2,208 cases. (NU Online on the online site <http://www.nu.or.id/>)

The high crime rate carried out by children can be seen from the data of special training institutions in class II Bandung City. The number of prisoners when viewed from January to November 2018 amounted to 166 people, consisting of 15 prisoners and 151 criminal children. The average prisoner is dominated by male prisoners. Based on data from the Institute for Special Guidance for Class II Children in Bandung in October 2018, there were 50% of child protection cases, 46 cases of crime against order, 16 cases of murder, 21 people of robbery cases, 11 people of theft, 7 people of abuse, 2 people from immoral cases, 2 narcotics cases, and 2 health or alcohol cases. (Source: Data report on Class II LPKA in Bandung).

Children are an important part of the family that will be the next generation of the nation. In various parts of the world, there are countless children who do not receive social protection. (yuyun: 56) Social protection is intended to prevent and deal with risks from shocks and social vulnerabilities of a person, family, group, and community to function socially. As intended, implemented through social assistance, social advocacy, and legal assistance (Adesina; 2010: 7)

This special training institution for class II Bandung City is under the Ministry of Law and Human Rights, where the institution conducts an assessment of children who are caught in criminal cases. Class II special training institutions for children (LPKA) in Bandung City is a place or institution that handles the problems of children who are dealing with the law, this institution is used as a place for children who undergo their criminal period. When undergoing their criminal period in LPKA, children with problems with the law still get social protection, in the form of education, which consists of formal and informal education. His formal education is the TarunaWiyataMandiri Public School, in public schools there are special education schools (SD), SMP which consist of classes VII, VIII, and IX. Special service schools namely Vocational Schools. In addition to education, Bandung Class II LPKA also provides guidance to ABH, in the form of mental spiritual formation, intellectual development and national insight, sports and arts coaching, community development, and independence development through skills programs.

Many of the studies that analyzed and studied them were carried out by Analiansyah and SyarifahRahmatillah (2015). The results of her research explained that the handling of ABH in the Aceh region was carried out in Aceh's traditional law, which were regulated by custom and how to resolve them, but unfortunately not specifically regulate forms of protection for children. Thus, what can be used as the relevance of this study on Aceh customary law is the need to adopt the provisions in



Law No. 11 of 2012, article 1 point 7, namely the juvenile justice system becomes part of Aceh customary law.

Other research on Juvenile Delinquency was also carried out by Dimas Bagus Hari Satrio, et al. (2015). There were intrinsic and extrinsic factors from juvenile delinquency which caused children to commit criminal acts and were forced to deal with law, intelligence, age, sex, and the position of children in the family is an intrinsic factor in child delinquency and household factors, education & schooling, child interaction, and mass media are extrinsic factors in child delinquency. The child protection law does not guarantee that children are faced with the law of getting the rights they should get. Social workers as a child companion dealing with the law must have a mature personality, sensitivity, creativity, self-observation, helpful desires, courage, and sensitivity. The recommendations proposed are: Improving the quality of human resources of social workers through education corrective social workers, While this study reviews the Social Protection Against Juvenile Delinquency at the Class II Special Guidance Institute for Children (LPKA) in Bandung, from the perspective of Social Welfare Sciences.

II. Literature review

2.1 Overview of Social Protection

Social protection is any form of policy and public intervention that is carried out to respond to a variety of risks, vulnerabilities and misery, both physical, economic and social, especially those experienced by those who experience shortages (Suharto, 2009).

Children are an important part of the family that will be the next generation of the nation. In various parts of the world, there are countless children who do not receive social protection. (yuyun: 56) Social protection is intended to prevent and deal with risks from shocks and social vulnerabilities of a person, family, group, and community to function socially. As intended, implemented through social assistance, social advocacy, and legal assistance (Adesina; 2010: 7).

Social assistance is intended so that a person, family, group, and community who experience social shocks and vulnerabilities can live naturally. Temporary and ongoing social assistance in the form of direct assistance, provision of accessibility, and institutional arrangements. Social advocacy is intended to protect and defend a person, family, group, and community whose rights are violated. Social advocacy can be given in the form of awareness of rights and obligations, defense, and fulfillment of rights.

Legal assistance is held to represent the interests of citizens who face legal problems in the defense of rights, both inside and outside the court, and provide legal consultations. (Yuyun: 12-13) The implementation of the social protection program is intended to help juvenile delinquency in order to obtain their rights in accordance with the mandate of the Child Protection Act No. 35 of 2014.

To carry out social protection against juvenile delinquency at least, it involves elements from juvenile delinquency itself and environmental elements around juvenile delinquency, thus, an ecological approach can be used in solving juvenile delinquency problems. In the ecological approach, child development and growth is influenced by environmental systems, there are microsystems, mesosystems, and macrosystems. Thus to restore juvenile delinquency's social functioning, the micro level must involve the



family and the immediate environment, the level of the ecosystem, by strengthening skills, attitudes, beliefs, and behavior, and encouraging positive friendships.

Similarly, at the macrosystem level, by increasing or strengthening social norms and policies that encourage children not to violate norms and laws. Through social advocacy, it is given to the community to be able to increase awareness of various elements of society to protect children and the younger generation to obey the norms and laws that apply.

2.2 The Overview of Juvenile Delequency

2.2.1 Juvenile Delequency

According to Gultom (2014: 77), Juvenile Delequency are: "Children in conflict with law are part of a society that is powerless both physically, mentally and socially so that in handling it needs special attention". Generally, Juvenile Delequency are children who have committed a crime or a violation that causes the child to have a problem with the law. There are two categories of child behavior that make children have to deal with the law:

1. *Status Offence*, i.e. child misbehavior which if done by adult is not considered as crime for example: skipping school, running away from home, etc.
2. *Juvenile Delinquency*, i.e. juvenile delinquency behavior which if done by an adult is considered a crime or criminal. For example: robbery, raping, sexual harassment, etc.

Children are one of the parties who are vulnerable to human rights violations, this can be seen from actions taken by adults against children and those carried out by their own children. Every child needs guidance and protection, this is to help the continuity of child development to be balanced. Child protection according to Gultom (2014: 40) Child protection is all efforts made to create conditions so that children can exercise their rights and obligations for the proper growth and development of children both physically, mentally and socially. Child protection is a manifestation of justice in a society, thus protecting children is cultivated in various fields of life and society.

According to the Law of the Republic of Indonesia Number 35 of 2014 changes to Law Number 23 of 2002 concerning the child protection system: "All activities to guarantee and protect children and their rights so that they can live, grow, develop and participate, optimally in accordance with the nature and dignity of humanity, and get protection from violence and discrimination".

There are protection targets for children who need special protection, that is children in conflict with the law. Huraerah (2006: 84), explained the target based on the Convention on the Rights of the Child, there are:

1. Not getting torture or cruel, inhuman or degrading treatment or punishment;
2. there is no death penalty or life imprisonment for people under the age of 18 years;
3. No child is deprived of his freedom against the law. Arrest, detention and imprisonment must be legal and only used as a last resort and for the shortest possible period;
4. Every child who is deprived of his freedom will:
 - a) Be treated humanely and respect the dignity of humanity;
 - b) Separated from adult detainees or prisoners, unless the opposite is deemed in accordance with the best interests of the child;
 - c) Still have the right to maintain relationships with parents or family members;



- d) It has the right to immediate access to legal assistance and other assistance as well as to question the legality of the withdrawal of its freedom and get an immediate decision regarding it (Ministry of Social Affairs of the Republic of Indonesia).

The goal of protection given to children in conflict with this law aims to continue to respect the rights and obligations of children. As a human, children are still children who must be protected from all kinds of crime and acts of human rights violations, because children have the right to be protected and respected by all parties.

2.2.2 Responsibility for Child Protection

Child protection is sought by everyone, both parents, family, community, government, and the state. According to Law Number 35 of 2014 Article 20, states: "The State, Government, Regional Government, Society, Family, and Parents or Guardians are obliged and responsible for the implementation of child protection". The obligations and responsibilities of the state and government in child protection efforts are regulated in Law Number 35 of 2014, there are:

- a State, Government, and Regional Government are obliged and responsible to respect and fulfill children's rights regardless of ethnicity, religion, race, class, sex, ethnicity, culture and language, legal status, birth order, and physical / mental condition. (Article 21);
- b State, Government, and Regional Government are obliged to provide support for facilities, infrastructure, and availability of human resources in the implementation of child protection. (Article 22);
- c Country, Government, and Regional Government oversee the implementation of child protection. (Article 23);
- d State, Government, and Regional Government guarantee children to exercise their rights in expressing opinions according to the age and level of intelligence of children. (Article 24);

Child protection is not only the responsibility of parents or family, but the government and the community have a big role in protecting children. They have a responsibility to protect children. So in this case, all parties have roles and duties in child protection responsibilities.

2.2.3 Children's rights and obligations

On November 20, 1959, the United Nations General Assembly ratified the Rights of the Child. In the Preamble of this Declaration, it is implied that humanity is obliged to provide the best for children. This declaration contains 10 (ten) principles regarding children's rights, there are:

1. The child has the right to enjoy all his rights in accordance with the provisions contained in this declaration. Every child without exception must be guaranteed their rights regardless of ethnicity, skin color, gender, language, religion, political outlook, pride, social level, rich in poverty, birth or other status, both those of him and his family.
2. Children have the right to special protection and must obtain opportunities guaranteed by law and other means, so that they are able to develop themselves physically, psychologically, morally, spiritually and socially in a healthy, normal situation according to their freedom and dignity. Pouring that goal into law, the best interest in the child must be the main consideration.



3. Children from birth have the right to name and nationality.
4. Children have the right and must be guaranteed socially to grow and develop in a healthy manner. For this both before and after birth there must be special care and protection for children and their mothers. Children are entitled to adequate nutrition, housing, recreation and health services.
5. Children who are physically, mentally and weakly disabled due to certain conditions must obtain education, care and special treatment.
6. In order for a child's personality to grow optimally and optimally, he needs compassion and understanding. It is possible for him to be raised under the care and responsibility of his own parents, and however it must be endeavored to remain in a loving, physical and spiritual environment.
7. Children are entitled to free compulsory education at least at the elementary school level.
8. Under any circumstances children must take precedence in receiving protection and help.
9. Children must be protected from all forms of violence, exploitation. He may not be the subject of trade. Children may not work before a certain age, they may not be involved in work that can be detrimental to their health or education, or that can affect the development of their body, soul and morals.
10. Children must be protected from actions that lead to social discrimination, religion or other forms of discrimination.

The right of the child above is a right that must be owned by every child. Every child in the world has rights that must be fulfilled, these rights must not be violated by anyone. Parents, governments, and countries have the right to protect and fulfill the rights and obligations of children. The children's rights according to Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, namely:

1. Every child has the right to worship according to his religion, thinking and expressing according to his level of intelligence and age under the guidance of a parent or guardian. (Article 6)
2. Every child has the right to obtain education and teaching in the context of his personal development and the level of his intelligence according to his interests and talents. (Article 9)
3. 1. Every child with a disability has the right to obtain rehabilitation, social assistance, and maintenance of the level of social welfare. (Article 12)
4. Every child has the right to be cared for by his own parents, unless there are reasons and / or legal rules that indicate that the separation is in the best interest of the child and is the final consideration. (Article 14)

Child protection includes protection of the rights and obligations of children, this is based on the consideration that children are vulnerable and vulnerable to the danger around them, for which children need protection from their parents, government community and the state.

III. RESEARCH METHODS

1. Research methods

This study uses qualitative methods, that is research that uses qualitative or descriptive data. Qualitative research is methods for exploring and understanding meaning by a



number of individuals or groups of people are ascribed to social or humanitarian problems. Creswell (2010: 4). In addition, qualitative research is a study that utilizes open interviews to examine and understand the attitudes, views, feelings and behavior of individuals or groups of people who are the object of research.

2. Determination Technique of Informants

The informants in this study were people involved in the process of implementing social protection for children faced with juvenile delinquency, head of the Special Guidance Agency for Children (LPKA), juvenile delinquency Companion in Bandung's LPKA.

Determination of the subject of this study using a purposive method. Informants are deliberately chosen to be able to provide the necessary information related to the implementation of family empowerment using online businesses.

3. Data Collection Techniques

The technique of collecting data on social protection of child workers includes three methods, there are participation observation, interviews and documentation study.

4. Research Data Processing and Analysis Techniques

Processing and analysis of data or information in qualitative research must be carried out simultaneously. Throughout the process of analyzing data, researchers index and encode data collected either by events or social phenomena that occur, using as many categories and descriptions as possible.

IV. DISCUSSION

This section describes and explains the results of research conducted at the Special Class II Child Development Institution in Bandung City. This research covers 3 aspects of questions, there are: Social Protection in the form of Educational Services, Social Protection in the form of Skills services and health services. asked to Informants 01 were Head of Child Development Institution, Informants 02 Companions, and Informants 03 and 04 were Juvenile Delinquency.

4.1 The Implementation of Social Protection Provided by the Development Agency

Social protection is essentially made to help individuals, groups and communities to deal with social problems. Social service is an organized activity that aims to provide assistance to persons with social welfare problems in returning and developing their social functions. Special training institutions for class II Bandung City also provide social services to children dealing with the law, while the social services provided are:

"There are many services for themselves. Here there are mental spiritual coaching such as boarding schools, intellectual coaching and national insights such as courses, writing and other training, as well as sports and arts such as gymnastics, social and social coaching, the last of which is independence development such as sewing, hairdressing, painting, and others." (Informant 01)

Furthermore, the informant (01) said that the social services provided by coaching institutions are quite diverse, these services range from mental spiritual formation and intellectual development and national insight, sports and arts coaching, community development and independence development. This service is given to children so that they



can have knowledge and skills. The existence of this coaching is the provision for the children in the future, when they have finished serving a period of detention. Children who are in a coaching institution must take part in coaching activities within the institution. Social service activities in terms of coaching are held every day, except Sundays and other holidays.

4.2 Education Protection

In the coaching institution there is an education service, this education service is provided to every child who wants to continue his education which was delayed. The officer will assist in managing what requirements are needed to continue education. Education services in special child development institutions start from junior high school, high school and vocational school, and there are also non-formal education that includes education in chasing package A for elementary level.

In the coaching institution there are classrooms and teacher rooms and there are not so large garden for student activities. The teaching staff are selected teachers from public schools, such as teachers at 08 Public Middle School, Langlangbuana High School, Automotive Vocational School and Agricultural Vocational School in Lembang. The results of interviews with informants regarding education services at a training institution specifically for Class II children in Bandung City:

"Lots of sister. The service here is good and it has been maximized, almost all of them here. Like education, then if we also give school uniforms, notebooks and stationery, then the teacher comes here ". (Informant 03)

"Here if you want to continue the school you are usually given tea like uniforms, notebooks, pencils, pens like that". (Informant 03)

"Many services. From education, we can go to school here. "

(Informant 04)

The education service in the district is felt to be in accordance with the needs of each prison student. According to the informant (02), the education services provided were maximized, usually the guidance institutions facilitated school facilities such as books, pens and uniforms to them. If they want to continue their education at a coaching institution. The same thing was expressed by the informant (03), the informant (04) is now in high school class X.

Educational services are very important to them. In this case the coaching institution collaborates with the education office of Bandung City to create a formal education program. That way children who are in the coaching institution get their rights, namely the right to obtain education.

While in the field, researchers conducted observations regarding the education system at the coaching institution. The results of the observations found were the timing of teaching and learning activities in time adjusted to the arrival of teaching staff. For high school or vocational school, teaching and learning activities begin in the morning. While for junior high school, teaching and learning activities begin in the afternoon. In one class there are only about 10 students. This is because there are those who have been free from the coaching institution.



4.3 Social Protection in Health Services

In addition to providing educational services, there are also health services. This health service is given to prison students if they experience illness. At the coaching institution there is one clinic that is used to provide assistance to prison students who are sick, medicines are available at the clinic. The researcher interviewed the informant (1) about the health services available at the coaching institution, along with the results of the interview with the informant: "According to Informant I for health services if limited to flu, coughing and diarrhea is enough to be handled in clinics in prisons, but if there are those who suffer from a rather severe disease, this is difficult for prisoners to bring patients, because the assisted children do not have a BPJS card, so they must be taught first to the head office "

It was also asked "Then there is also health, at least if there is a hospital there is a clinic, you can ask for medicine too". (Informant 03)

"Oh yes, it is fulfilled. If you are sick, there is a medicine at the clinic. (Informant 04)

The results of the interview above explain about social protection in health services provided while they are in prison. All residents who are in the fostering institution get health services, in this coaching institution there is a clinic that is equipped with medicines and there is a doctor who helps manage the clinic and helps provide first aid if someone is sick.

4.4 Social Protection in Coaching Services

Guidance provided by special child development institutions varies, such as mental and spiritual formation in which there are pesantren activities, independence development, skills development and so on. The existence of this guidance aims to fulfill children's rights in accordance with the provisions of the legislation.

"It's the same as the formation, there are also pesantren, and there are also those taught by hair clippers." (Informant 02)

" eat three times a day, if worship is fulfilled often worship". (Informant 03)

"Alhamdulillah, I got all, then there is also guidance here, like the formation of Islamic boarding schools." (Informant 04)

They get guidance from institutions, in addition to mental and spiritual formation, all children also get coaching shaving skills and other skills. For children who undergo the judicial process, they are required to take part in all activities organized by the LPKA, this has been regulated in the SPPA Law.

The success of a human being in the learning process of social values and their social roles depends on the conducive conditions of the social environment. The social environment in question, according to (Susilo, 2008: 123), consists of the family environment, the environment of playmates (peer group), and the wider community.

V. Conclusions and Recommendations

5.1 Conclusions



During their stay at the coaching institution, children get protection and get social services. The existence of social protection helps children deal with the law to continue to get their rights as a child and fulfill their needs and are expected to be able to restore children's social functioning and if the child has returned to his social environment then they can play a role in accordance with his role.

Social Protection in the form of Assistance to educational services to children facing the law in Bandung Class II can be seen in the previous chapter, it can be said to be fulfilled, because all children who are still in the school category are given the opportunity to complete their education by cooperating with schools outside the institution both State and Private who have carried out the MOU. As for the Skills service, it can also be done well, and juvenile delinquency is given the freedom to choose the type of skill according to its potential

5.2 Recommendations

The child development institution is expected to provide services in the form of counseling services to children dealing with the law. Coaching institutions are expected to be able to provide skills certificates to children facing the law, this is useful for children dealing with the law if they want to work. As well as being able to recruit social or psychological workers to be able to join a special training institution for children, because as long as the researcher conducts research in the field, there is no social worker or psychologist in this institution.

Family: Family is the most important person in a child's life dealing with. Families must maintain good relationships and better understand the condition of the child after punishment. The important thing is that the family is expected to accept whatever the condition of the child and family should not always blame the child regarding what they do, even though the family thinks that what they are doing is a mistake. Families are able to see what factors cause children to take actions that violate the rules of the norms and rules of state law.

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