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Criminal law policy in the framework of children contact with the law

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Abstract. The dynamics of criminal law in Indonesia are currently experiencing complexity, because there are still children who commit legal acts such as violence, destruction, or child delinquency that results in murder. However, this is triggered by the unstable psychological and mental state of the child, the surrounding environment or way of life that grows and develops in people's lives as well as civility in communicating and socializing with people's lives. Distortion of children who are in conflict with the law when they have to prioritize attitudes, morals and skills, so there needs to be a criminal law policy in order to prioritize human values and skills (soft skills) when they are processed in correctional institutions. This research is focused on fostering skills and creativity for children who are in conflict with the law at the correctional institution at the UPT for Social Protection and Rehabilitation Marsudi Putra Surabaya. This study uses a sociological juridical approach by emphasizing research that aims to obtain legal knowledge empirically by going directly to the object. If you look at the results and analysis of the findings, that children who are in conflict with the law have felt mentally and psychologically destroyed, so they need to be triggered by skill activities such as making crafts and technology in the penitentiary at the UPT for Social Protection and Rehabilitation Marsudi Putra Surabaya. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) mandates the formation of the Child Special Guidance Institution (LPKA). This is an improvement step towards fostering children who are in conflict with the law, because before LPKA was formed, it was still found that child prisoners were placed in one penitentiary joining adult inmates. At the Social Protection and Rehabilitation UPT Marsudi Putra Surabaya, the reality is that LPKA has been formed by carrying out activities that support productivity and skills. What happened to the Directorate General of Corrections at the Ministry of Law and Human Rights to: first, prepare LPKA officers from various disciplines, such as psychologists, criminologists, criminal experts, and sociologists; second, increasing training related to fostering children in conflict with the law for LPKA officers; and third, increasing cooperation with relevant agencies in providing guidance for children in conflict with the law. Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA) aims to create a court that truly guarantees the protection of the best interests of children in conflict with the law. The SPPA Law is a substitute for Law No. 3 of 1997 concerning Juvenile Courts (Children Court Law), because the Juvenile Court Law is considered no longer in accordance with legal needs in society and has not comprehensively provided special protection to children in conflict with the law.

Keywords. Criminal, Guidance, Children Facing the Law

Introduction

The SPPA Law has changed the paradigm in handling children in conflict with the law (ABH). The Juvenile Criminal Justice System is the entire process of resolving cases of children who are in conflict with the law from the investigation stage to the guidance stage after serving a crime. The most basic substance in this law is a strict regulation of Restorative Justice and Diversion which is intended to avoid and keep children away from the judicial process so as to avoid stigmatization of children who are in conflict with the law and it is hoped that children can return to the social environment naturally.

Children who are undergoing a judicial process (serving their criminal period/Children who are sentenced to prison) are placed in the Special Child Development Institute (LPKA). This is in accordance with article 85 of the SPPA Law which reads: (1). Children who are sentenced to imprisonment are placed in LPKA; (2). Children as referred to in paragraph (1) have the right to obtain guidance, guidance, supervision, assistance, education and training, as well as other rights in accordance with statutory regulations; (3). SPPA Law which states that LPKA is obliged to provide education, training, skills, guidance and fulfillment of other rights in accordance with the provisions of the legislation; (4). The community supervisor conducts community research to determine the implementation of the education and development program as referred to in paragraph (3); and (5). The Correctional Center (Bapas) is obliged to supervise the implementation of the program as referred to in paragraph (4).

The number of cases of children in conflict with the law every year has increased, from nine clusters of complaints from the Indonesian Child Protection Commission (KPAI), cases of children in conflict with the law occupy the highest position. According to data from the Indonesian Child Protection Commission (KPAI), cases of children in conflict with the law, or ABH, are the most frequently reported cases to KPAI. From 2011 to 2020, the number of ABH cases reported to KPAI reached 12,492 cases, much higher than the reported cases of children entangled in health and drug problems (2,820 cases), pornography and cyber crime (3,323 cases), and trafficking and exploitation (2,156 cases).

If examined, the number of ABH for being perpetrators of sexual violence tends to soar sharply. In 2011, there were 123 cases of child sex offenders. This figure rose to 561 cases in 2014, then decreased to 157 cases in 2016, and in the mid January to May 2019, the number of ABH cases as perpetrators of sexual violence reached 102 cases. By looking at the quantity, it is also necessary to look at other things, such as in the Correctional Institution there are overcapacity problems. In addition, the merging of adult prisoners with child prisoners is also a problem that must be overcome. The merging of child prisoners with prisoners today is due to the limited number of LPKAs in Indonesia.

In general, the UPT for the Social Protection and Rehabilitation of Marsudi Putra Surabaya as referred to in Article 78 has the task of carrying out some of the duties of the Service in the protection and social rehabilitation of juvenile delinquents and children in conflict with the law aged 12 (twelve) to 18 (eighteen). years, administration and community service. This encourages LPKA in carrying out the duties of the Social Protection and Rehabilitation UPT Marsudi Putra Surabaya to be optimized in ways such as fostering knowledge and skills (soft skills) which will later encourage motivation and be active to be skilled and creative in producing products that can be traded and traded. in traditional and modern markets. This also encourages researchers to provide reinforcement in coaching activities and skills that produce products in prisons in the form of handicrafts and technology for children who are in conflict with the law, so that when they leave prison they will be given provisions to become entrepreneurs and trade in order to improve their welfare.

Research methods

This study is descriptive because it aims to obtain an overview of a situation at a certain time or the development of something.¹ The research approach used to conduct the research is juridical-sociological. According to Hilman Hadikusuma, the empirical juridical approach is to study the articles of legislation, the views of experts' opinions and describe them in scientific research works, as well as using materials that are normative in nature in order to process and analyze data from the field which is presented as a discussion.

Results and Discussion

The birth of the SPPA Law, implies that a child's legal conflict should not be punished, but needs to be nurtured physically and spiritually, so that later returning to society it can be useful. In order to guarantee the rights of children in a system based on criminal justice, because these rights are a guarantee of the human rights of every human being since birth.²

What is carried out by the Social Protection and Rehabilitation UPT Marsudi Putra Surabaya with several activities including: (1) Planning, monitoring, evaluation and reporting of social protection and rehabilitation programs for juvenile delinquents and juvenile delinquents; (2) Implementation of service activities, protection, rehabilitation and social guidance, development, further distribution based on social welfare; and (3) Implementation of coordination and or cooperation with agencies, institutions, individuals in the context of developing the UPT program, it will be able to improve the quality of ABH in correctional institutions in a skilled and efficient manner to restore the child's psyche and psychology after returning to normal life and interacting with others. wide community.

On the other hand, the restoration of children's social functions in restoring children's thinking power and health by utilizing communication, dialogue and deliberation will increase social strength in interacting and establishing relationships with one another, so that they will often socialize and interact with fellow ABHs. In addition, it is also necessary to inculcate the potential development of children in terms of skills (soft skills) in the form of creating business fields by making handicrafts that can be traded and traded in the wider community. Thus, the UPT for Social Protection and Rehabilitation Marsudi Putra Surabaya carries out its vision and mission in carrying out its duties and obligations. The ultimate goal is to explore and develop the potential of children to be able to live normatively independently.

Conclusion

There are two (2) aspects that need to be considered in this study, including the first, the psychological or psychological aspects of ABH. This aspect must be returned from a social approach that prioritizes humanist and humane values. To restore it, it is necessary to use methods and ways of interacting and socializing with other ABH in the correctional institution at the Marsudi Putra Surabaya Social Protection and Rehabilitation Unit, so that it will lead to communication and dialogue together in becoming a dynamic and humane human relationship.

The second aspect is instilling knowledge and skills (soft skills) that encourage efforts in business and business activities in the field of trade and the economy by utilizing technology and digitalization in order to become skilled and efficient ABHs, so that after leaving the

¹ J. Supranto, *Metode Penelitian Hukum Dan Statistik.*, Rineka Cipta, 2003., Jakarta.

² Fransiska Novita Eleanora, "Pembinaan Khusus Anak Menurut Sistem Peradilan Pidana Anak," *Jurnal Kajian Ilmiah* 18 (2018): 221.

correctional institution, especially the UPT Protection and Marsudi Putra Surabaya Social Rehabilitation will provide activities that are beneficial for him and the wider community, especially millennials.

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