

The Concept Of Guidance For Children In Conflict With The Law Who Have Served Criminal Sentences In Special Child Guidance Institutions (LPKA)

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ABSTRACT

The limited number of experts and professionals in the LPKA environment to provide guidance to ABH so that they are replaced by LPKA officers to carry out ABH guidance causes not optimal educational development, personality development, and independence development for ABH, and results in the repetition of criminal acts by ABH who have just been released from LPKA. The problem discussed is how the concept of the Child Special Development Institution (LPKA) is associated with the future of Children in Conflict with the Law (ABH), and how the implementation of guidance for Children in Conflict with the Law (ABH) which has served a sentence at the Child Special Development Institution (LPKA). This type of research is normative legal research.

Conclusion: ((1) The concept of LPKA is associated with the future of ABH, until now it has not been able to fully carry out its ideal function as a rehabilitative and educative institution. This is due to various fundamental limitations, including the lack of involvement of professional experts in the fields of psychology, education and social affairs, as well as a coaching approach that is still monotonous and administrative in nature; (2) The implementation of coaching for children in conflict with the law (ABH) who have received punishment in the Special Development Institution for Children (LPKA) has so far been ineffective, this is due to failures that stem from various fundamental problems, especially the lack of involvement of professional experts in the coaching process.

Suggestions: (1) The Ministry of Immigration and Corrections is expected to implement a strategic policy by placing professionals equally experts in all LPKA in Indonesia. The existence of child psychologists, social counselors, special teachers, and skills trainers is a crucial element in forming a comprehensive coaching system that is responsive to the needs of growth and development and psychological recovery of ABH; (2) The Ministry of Immigration and Corrections in charge of the Child Special Development Institution (LPKA) is expected to reformulate the coaching policy for ABH in a more progressive, comprehensive, and oriented towards the recovery of children as whole individuals. The coaching policy needs to integrate character education approaches, psychosocial interventions, counseling, mental recovery, and skills training based on disciplinary and humanitarian values.

Keywords: *Coaching, Children in Conflict with the Law, Criminal, LPKA.*

INTRODUCTION

Crimes committed by children are criminal acts committed by minors. Some crimes committed by child perpetrators include theft, drug abuse, and violence. Children who commit crimes are held accountable for their actions under Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. (Wahyudi, 2019)

The definition of the juvenile criminal justice system is contained in Article 1 number 1 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which states that: "The Juvenile Criminal Justice System is the entire process of resolving cases of children in conflict with the law, starting from the investigation

stage to the guidance stage after serving the sentence." During the juvenile criminal justice process starting from investigation, prosecution, trial, and in carrying out court decisions in the Juvenile Correctional Institution, the principles of child protection must be observed and the dignity and dignity of children must be upheld without ignoring justice and not making the human value of children lower.

Handling of problematic children (in their social behavior, including in the field of criminal law) through the implementation of the juvenile criminal justice system, is directed to remain steadfast in adhering to the principle that the implementation of juvenile criminal justice is part of child welfare efforts, which can provide assurance that every reaction to children in conflict with the law is always treated proportionally according to the environmental situation of the perpetrator or his actions.

Article 1 number 3 of the SPPA Law explains that children in conflict with the law are defined as follows: "Children in Conflict with the Law, hereinafter referred to as Children, are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old, who are suspected of committing a crime."

Children in Conflict with the Law (ABH) are placed in Temporary Child Placement Institutions (LPAS), while ABH who have been sentenced by the court to serve their sentence will be placed in Special Child Development Institutions (LPKA). According to Article 1 number 20 of the SPPA Law and Article 1 number 19 of Law Number 22 of 2022 concerning Corrections (hereinafter referred to as the Corrections Law), LPKA is an institution or place where children serve their sentences. Meanwhile, LPAS according to Article 1 number 21 of the SPPA Law and Article 1 number 17 of the Corrections Law, is defined as a temporary place for children during the ongoing judicial process.

Implementation of guidance for foster children according to Article 48 paragraph (5) of the Correctional Law, is carried out based on the results of Community Research (Litmas) compiled by Community Guidance Officers. According to Article 1 number 15 of the Correctional Law, Litmas is the activity of collecting, processing, analyzing, and presenting data carried out systematically and objectively for the benefit of prisoner or child services, fostering prisoners or foster children, and client community guidance, as well as being the basis for consideration by investigators, public prosecutors, and judges in resolving cases.

Based on the results of the Community Service Program (Litmas), foster children are provided with guidance in the form of education, personality development, and independence development. This educational development includes formal, non-formal, and/or informal education. Personality development involves activities aimed at mental and spiritual development, while independence development involves skills training. These development programs are organized with the best interests of the foster children in mind in mind.

According to B. Simanjuntak and IL Pasaribu, as quoted by Muhammad Sadam, coaching is a formal and non-formal educational effort that is carried out consciously, planned, directed, organized, and responsible in order to introduce, grow, guide, and develop a balanced, complete, and harmonious personality foundation, knowledge and skills according to talents, tendencies/desires and abilities as provisions, to then on their own initiative add, improve and develop themselves, their peers and their

environment towards achieving optimal human dignity, quality and abilities and an independent person. The concept of child coaching can be interpreted as a planned effort to help children develop into good individuals. Child coaching can be done in various aspects, such as personality, independence, and morals.

The current child development system has become a correctional system for offenders. When a child makes a mistake and engages in behavior that violates the law and regulations, the child is not only seen as an object, but also as a subject who is no different from anyone else and who can be punished at any time for his behavior. If a child is found guilty and sentenced to a prison sentence in LPKA, the child must receive appropriate instruction so that after serving their sentence, the child has access to sufficient resources to reintegrate into society. Children need appropriate guidance methods in accordance with applicable regulations. (Tiwi Sasmita et al., 2021)

The concept of child development is implemented as a solution which is an effort to help children who are in conflict with the law so that they can be accepted back into society and have better character and behavior so that they do not repeat criminal acts or do not become recidivists.

Currently, there are more and more crimes committed by children, not only theft and or brawls between schools / between gangs, but have reached the stage of committing criminal acts of mugging, slashing, molestation and even murder, this is certainly disturbing the community. As in the case of a slashing due to a brawl between groups of teenagers in Cengkareng - West Jakarta, where there were 9 (nine) perpetrators who were junior high school students (SMP), who slashed the victim who was also a teenager by mistake to death. (Yohanes, 2025)

Crimes committed by children not only have serious impacts on the victims and cause unrest in society, so that people become worried when traveling at night, but also have a negative impact on the future of child perpetrators, such as bad behavior, increasing courage to commit more serious crimes, and the existence of a negative stigma in society towards child perpetrators.

The limited number of experts and professionals in the LPKA Class I Tangerang environment to provide guidance to foster children has ultimately been replaced by LPKA officers to carry out guidance even though this is not in accordance with their fields of expertise. The incompatibility of the fields possessed by community counselors at LPKA Class I Tangerang is one of the causes of the suboptimal educational guidance, personality development, and independence development for foster children, resulting in the repetition of criminal acts by children who have just been released from LPKA Class I Tangerang.

Based on the description of the background of the problem above, we are interested in analyzing the case in the form of a scientific paper with the title: The Concept of Guidance for Children in Conflict with the Law Who Have Served Criminal Sentences in Special Child Guidance Institutions (LPKA).

RESEARCH METHOD

This research uses a qualitative method, which is a way of obtaining correct knowledge or truth through systematic steps. Qualitative data analysis is in the form of a comprehensive explanation and description of the problem being studied to be further outlined in the form of a description. This research aims to examine the Concept of Guidance for Children in Conflict with the Law who have served a Criminal Sentence in the Special Child Guidance Institution (LPKA), in order to obtain the data needed for the resolution and discussion as a whole in order to obtain scientific results. This type of research is normative legal research as the main research and empirical legal research as supporting research. The data used in this research comes from secondary data sourced from primary data in the form of interviews. Secondary data is data sourced from legislation, jurisprudence, and legal literature books or other written legal materials. The data collection technique in this research will be carried out by means of document studies conducted on secondary data to obtain a theoretical basis in the form of opinions or writings of experts or other parties who obtain information both in formal form and data through official data and for primary data conducted interviews with related parties. Primary data was obtained through interviews, which is a data collection technique by obtaining information or information directly from sources, namely parties directly related to the object being studied. Data analysis is an activity to analyze the problems to be discussed. From the data that has been successfully collected in the research, data analysis in this study was analyzed using qualitative data analysis methods in the form of a comprehensive explanation and description of the problems being studied to be further described in the form of a description.

RESULT AND DISCUSSION

A. The Concept of Special Child Development Institutions (LPKA) is Linked to the Future of Children in Conflict with the Law (ABH)

The Special Child Development Institution (LPKA) is a state institution specifically designated for children in conflict with the law, namely children who have been convicted of crimes and are undergoing rehabilitation within the correctional system. LPKA was established in the explanation of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which emphasizes special treatment for children in the legal process, with an approach based on protection, rehabilitation, and restorative justice. This institution is a form of transformation from the previous juvenile correctional institution, which is now structurally and functionally separated from adult correctional institutions to ensure optimal protection of children's rights.

The basic concept of the LPKA (Correction and Rehabilitation Institution) is that punishment for children is not merely a form of retribution, but rather an educational and developmental tool aimed at developing a child's personality, skills, and social responsibility. Therefore, LPKA plays a crucial role in ensuring a child's social reintegration into society in a proper, safe, and dignified manner. This aligns with the

principle of "the best interest of the child," a universal principle in juvenile law. (Retno Saraswati et al. 2022))

The LPKA (Institutional Correctional Institution) provides a number of development programs, including formal and non-formal education, skills training, mental and spiritual development, and social and psychological counseling services. All of these activities are designed to ensure that children not only serve their sentences but also receive adequate preparation for independent living and prevent future criminal activity. (Ministry of Law and Human Rights Regulation, 2022)

Guidance at LPKA is basically carried out by officers who have competence in the field of juvenile corrections and work based on a participatory and non-discriminatory approach. (Muladi.et al, 2019) On the other hand, LPKA also faces various challenges in implementing education and guidance for foster children, such as limited facilities, a lack of professional guidance officers, and the persistence of social stigma against children who have served time. These challenges certainly hinder the optimal implementation of LPKA's rehabilitative function. Therefore, it is important to have support from the government, community, and family in the process of fostering and social reintegration of children. (Nurul azizah.et al, 2019). This multi-party collaboration is needed so that LPKA's humanitarian function as an educational and fostering institution can truly be realized comprehensively.

Based on this, it can be said that the Juvenile Correctional Institution (LPKA) is an integral part of the juvenile criminal justice system, distinct from the adult criminal justice system. This concept emphasizes that children who commit crimes remain individuals who need to be given the opportunity to change and develop. Therefore, the existence and management of LPKA are not solely aimed at enforcing the law, but also at fulfilling social functions and protecting children's rights within a more civilized framework.

The relationship between the concept of the Special Child Development Institution (LPKA) and the future of ABH is very close, because the existence and working methods of LPKA will greatly determine whether a child who has been involved in a crime will be able to return to society intact and empowered, or will instead fall back into the cycle of crime.

LPKA plays a central role in reshaping the course of a child's life, as this institution not only carries out detention functions but also places greater emphasis on rehabilitation, education, and social reintegration. With proper guidance, a child who has been caught up in the law can receive a second chance to develop their potential and correct past mistakes. In this case, a child's future is not determined by their past mistakes, but by how the state and society provide space for their growth and change. (Retno Saraswati et al., 2017)

The LPKA's development concept, which emphasizes an individual approach, formal and vocational education, and psychosocial guidance, aims to return children to a healthy developmental path. Children are not treated as adult criminals, but as individuals in development who need protection and support. In this context, LPKA becomes a crucial turning point: whether children will become constructive individuals or become victims of a system that fails to educate. (Sajipto Raharjo, 2019)

If the rehabilitation at the LPKA is conducted with a humane and progressive approach, children's futures can be saved. They can return to education, gain life skills, be accepted into society, and become productive members of society. Conversely, if the rehabilitation is merely a formality, repressive, or even exacerbates trauma and social marginalization, the LPKA can become a place that cuts off children's futures. (Nurul Azizah et al., 2019)

Therefore, the success of the LPKA is not only measured by the length of time a child serves their sentence, but also by the extent to which the child experiences positive changes mentally, socially, and skill-wise. This also requires the active involvement of families and communities, as well as the existence of public policies that support the child's social integration after being rehabilitated, such as eliminating stigma, guaranteeing the right to education, and access to employment. In other words, the LPKA is not simply a place for rehabilitating children, but also determines the future of the younger generation who have fallen into legal conflict, and is a reflection of the extent to which the state fully implements its function of protecting children.

The existence of LPKA should be able to provide assurance that the process of fostering ABH is carried out in accordance with applicable legal provisions, so that children's rights remain legally protected, because LPKA is an institution specifically formed to foster ABH with a different approach from criminalizing adults. This is in line with the principle of legal certainty, where the existence of rules and institutions such as LPKA should be able to serve as a guideline for every individual, including law enforcement officers and the community, in fostering ABH according to their needs as children under guidance so that they know what they have done has legal consequences and ABH does not repeat it. This means that fostering at LPKA is not only aimed at punishment, but also to instill legal awareness in ABH regarding the consequences of their actions and to prevent the recurrence of criminal acts in the future.

Legal certainty will guarantee that a person behaves in accordance with applicable legal provisions. Conversely, without legal certainty, a person lacks standard rules for carrying out behavior. Thus, Gustav Radbruch proposed certainty as one of the goals of law. Legal certainty refers to the implementation of a system of life that is clear, orderly, consistent, and consequential and cannot be influenced by subjective circumstances in society. (B. Arief Sidharta, 2017)

Based on the theory of legal certainty put forward by Gustav Radbruch, that legal certainty is one of the main objectives of law to ensure that individuals act in accordance with applicable legal norms – the implementation of which must be clear, orderly, consistent, and not influenced by subjective circumstances – this theory is relevant to analyzing the implementation of the function of the Special Child Development Institution (LPKA) in ensuring the future of Children in Conflict with the Law (ABH). Ideally, the implementation of guidance for foster children at LPKA Class I Tangerang is carried out by experts or professionals in the fields of education, psychology, and skills training, as a concrete form of legal certainty that requires the implementation of regulations to be carried out in accordance with predetermined principles and mechanisms. However, the reality in the field shows that educational,

personality, and independence development activities are carried out by correctional officers who do not have special competence in these fields. This inconsistency results in inconsistent implementation and is inconsistent with the spirit of guidance mandated by law, thus having implications for the failure of the guidance program and potentially causing foster children to re-commit crimes after completing their guidance period. Thus, the weak implementation of the principle of legal certainty in the development of ABH in LPKA can be said to have contributed to increasing the opportunity for recidivism.

In line with Gustav Radbruch's opinion, that the legal rules in implementing guidance for foster children in LPKA must be positive things based on reality, so that the rules regarding guidance for foster children must be rules that are formulated in a clear manner, including regarding who are the officers who can guide foster children according to their fields, so that it will avoid mistakes and can be easily implemented. This is because certainty as one of the objectives of the law or rules that must be clearly established which refers to the implementation of the LPKA's life or environment which in its implementation must be carried out clearly, regularly, consistently, and consequently and cannot be influenced by subjective circumstances for foster children in LPKA.

If legal certainty demands that the implementation of the law be carried out by competent and professional parties according to procedures, then why is it that guidance in LPKA is still often carried out by non-expert personnel but is carried out by correctional officers, the majority of LPKA officers are law graduates (SH), while in the implementation of guidance, especially guidance in the fields of Education, skills, religion, and sports, it must be employees who are competent in their fields. This can certainly be an obstacle in efforts to foster obedience, education, behavior, and skills that should be taught to inmates.

Guidance for children carried out by non-professional experts in their field ultimately cannot guarantee positive changes in ABH and cannot direct ABH towards effective social reintegration. If the law should not be influenced by the subjective conditions or individual views of the implementers of guidance in LPKA, then what about the reality that guidance for ABH in LPKA depends on the policies of each head of the institution or the officers of the correctional institution concerned, shouldn't this reflect the weakness of the guidance system in LPKA, because LPKA until now still has the problem of a lack of professional experts who guide ABH.

The minimal involvement of professional experts in the development process for Children in Conflict with the Law (ABH) at the Special Child Development Institution (LPKA) is a crucial factor that significantly contributes to the high rate of recidivism, or repeat offenses, by children. In fact, children undergoing development require not only administrative control or supervision, but also psychological, educational, and rehabilitative interventions. The presence of professionals such as child psychologists, social workers, educational counselors, and skills instructors is not merely a complement, but an essential component in reshaping a child's character, values, and behavior as a whole. Without the scientific and experienced intervention of these experts—who understand the dynamics of a child's cognitive, emotional, and social development—the development process at LPKA will be merely symbolic and

procedural. This leaves the root causes of children's deviant behavior unaddressed, thus maintaining a high potential for children to re-offend after release. In this context, the absence of experts not only hinders the effectiveness of development but also demonstrates a weak commitment to the principle of rehabilitation, which is the primary goal of child development within the juvenile criminal justice system.

The absence of structured and regularly scheduled counseling sessions, comprehensive psychological assessments, and a scientifically based behavioral therapy program indicate that the process of fostering Children in Conflict with the Law (ABH) at the LPKA (Institutional Correctional Institution) has not been implemented holistically and professionally. These elements should be an integral and inseparable part of child rehabilitation efforts. As a result of the lack of scientifically based approaches, the counseling provided tends to be uniform, administrative, and formalistic, without addressing the core issues of personality restoration, mental strengthening, and behavioral improvement. This is a serious problem, considering that most ABH come from dysfunctional family backgrounds, social pressures, and traumatic experiences, which require personalized and professional treatment. The absence of experts who understand the psychological conditions and dynamics of child development causes the counseling to lack substance, thus subtracting the potential for behavioral change. Consequently, the risk of recidivism or repeating criminal offenses remains high, as children do not truly experience the attitudinal and behavioral transformation necessary to reintegrate into society.

When counseling is conducted by officers who lack the expertise to provide comprehensive child support, the approach tends to be coercive or resembles the adult criminal justice system. This contradicts the primary goal of counseling in Correctional Institutions (LPKA), which should be oriented toward rehabilitation, restoration, and social reintegration. Children with special needs who do not receive adequate psychosocial care are highly vulnerable to returning to their old environment and behaviors after leaving LPKA. Not only do they miss out on the opportunity for optimal development, but they can also carry new trauma arising from counseling patterns that are not aligned with the child's developmental needs.

Furthermore, without experts capable of designing appropriate and personalized development programs, the process of strengthening children's moral values, life skills, and social adaptation abilities will be less than optimal. Programs that are one-way and unresponsive to each child's individual circumstances actually increase the likelihood of children repeating the same mistakes later in life. This demonstrates that the lack of professionalism in development directly impacts the failure of LPKA's ultimate goal, which is to transform children into individuals who can be accepted back into society and lead better lives.

Thus, the absence of professional staff within the Child Protection and Correctional Institution (LPKA) not only reduces the quality of guidance but also creates significant gaps in the child protection system under criminal law. This has the potential to substantively undermine the principle of legal certainty, as the state appears to be failing to seriously guarantee that juvenile delinquents undergoing legal proceedings are truly guided to prevent reoffending. Therefore, improving the

professional-based guidance system is urgently needed to break the chain of reoffending by children and ensure that LPKA truly carries out its functions in accordance with the mandate of law and justice.

Legal certainty in the implementation of guidance for Children in Conflict with the Law (ABH) in LPKA is a crucial element to ensure that the entire guidance process is carried out in accordance with legal standards and children's rights. This includes the requirement that guidance be carried out by professionals who are competent in their fields, such as psychologists, educational counselors, and skills instructors. Thus, ABH not only receive fair treatment, but also obtain their full rights, both in aspects of education, skills training, and mental rehabilitation. Therefore, clear, firm, and operational regulations are needed regarding the involvement of experts in the process of child guidance in LPKA. Without such legal certainty, guidance is at risk of being carried out haphazardly by officers who lack relevant expertise, making it difficult to achieve the primary goal of LPKA as a place of guidance and not just punishment. Guidance carried out by professionals will increase the effectiveness of the social reintegration process and encourage the development of children in the process of being better and more productive individuals in the future.

The concept of rehabilitation must meet legal certainty to achieve the primary goal of rehabilitation, which is rehabilitation for ABH, not merely punishment. ABH who are being trained in LPKA are expected to transform into better, more responsible individuals who can adapt to society after serving their sentence. This will ensure that the goals of the rehabilitation, education, skills, spirituality, and mental health of the inmates, carried out by experts or professionals in their respective fields, can be achieved.

B. Implementation of Guidance for Children in Conflict with the Law (ABH) Who Have Served Criminal Sentences in Special Child Guidance Institutions (LPKA)

Children in conflict with the law (ABH) are a vulnerable group whose development requires a special approach, not merely as perpetrators of criminal acts, but as individuals in the process of growing and developing and entitled to a better future. Understanding the characteristics and special needs of ABH is crucial so that the development approach applied can address the root causes of children's involvement in criminal acts.

There are several factors that cause children to become ABH, including:

1. Family factors are the dominant factor influencing children's involvement in crime. Family disharmony, parental divorce, domestic violence, and even parental neglect are all factors that contribute to children seeking refuge outside the home. Children who lack parental love and control are more likely to be influenced by negative environments. (Soerjanto et al., 2019)

2. Environmental factors, such as permissive environments that encourage juvenile delinquency, such as gang communities, a culture of violence, and negative peer influence, significantly contribute to the development of deviant behavior in children. In these situations, children often engage in deviant behavior to gain recognition, protection, or social status. (Kartini Kartono, 2024)

3. Economic factors, where structural poverty often forces children to commit crimes, such as stealing for food or working in illegal places. Street children, in

particular, are highly vulnerable to becoming ABH due to inadequate socio-economic conditions. (Satipto Raharjo, 2017)

4. Poor access to education is a factor, as children who don't attend school or drop out are more vulnerable to crime. A lack of legal knowledge, social norms, and a lack of productive activities can trigger children to take deviant paths (Nasution, 2015).

5. A lack of legal awareness is a factor, where many children don't understand that their actions constitute a violation of the law due to a lack of early legal education. This lack of awareness leads them to commit crimes without realizing the legal consequences. (Barda Nawawi Arief, 2023)

6. Exploitation by adults is a factor, with many cases involving children being used by adults for criminal purposes, such as drug couriers, pickpockets, or perpetrators of violence within certain groups. Children are used as instruments of crime because they are considered incapable of being subject to severe legal sanctions. (Adrianus Maliala, 2020)

Considering the complexity of this background, a developmental approach is needed that is not solely punitive but also addresses the root causes that lead children to become involved in criminal activity. In this context, the LPKA (Correctional Rehabilitation Institution) is a crucial instrument in restoring children's social function through educational, corrective, and rehabilitative development.

The implementation of guidance for ABH who have served their sentences in LPKA is a crucial point in determining the success of the child's social reintegration after release. This not only concerns the correctional aspect, but also involves psychological, educational, and socio-cultural dimensions that must be managed holistically. So far, the implementation of guidance for ABH has not met expectations, where the implementation of guidance carried out by LPKA is still not optimally implemented, because after the sentence period of the fostered child is completed in LPKA and the Head of LPKA releases the fostered child, this can be seen from the increasing number of children who reoffend after being released. Therefore, a new concept is needed in the implementation of guidance for ABH.

This phenomenon emphasizes the urgency of the need for a new concept in the implementation of guidance for ABH, which does not only emphasize discipline and compliance with religious activities such as Islamic boarding schools or activities such as scouting, but is also oriented towards compliance with applicable legal regulations, psychological recovery, development of self-potential, and comprehensive social empowerment of children.

Unfortunately, the implementation of this new concept still faces significant challenges, including a shortage of professional experts. This situation demonstrates that the obstacles to implementing recovery-based and empowerment-based coaching are not isolated but are closely related to various factual and structural issues in the implementation of legal protection for children with disabilities (ABH) in Indonesia.

The implementation of legal protection for ABH in Indonesia still faces a number of factual and structural obstacles that impact the effectiveness of the juvenile justice system.

First, the limited availability of professional staff such as child psychologists, social counselors, and legal advisors for children causes the process of guidance and

legal protection for ABH to tend to be administrative and normative, rather than transformative.[] Second, the low understanding of the restorative justice approach among law enforcement officers means that children are often processed repressively without considering their growth and psychological aspects. Third, facilities at the Special Child Development Institution (LPKA) are still very limited, both in terms of educational facilities, skills training, and adequate counseling and recreation spaces. Fourth, the stigma of society towards child perpetrators of crime is also a serious obstacle in the process of social reintegration of children after crime, which should be an integral part of ongoing legal protection. Fifth, the lack of coordination between related institutions such as Bapas, LPKA, Social Services, and educational institutions makes the legal protection program partial and inconsistent.

The problem of the lack of professional experts in the LPKA environment as mentioned previously was also emphasized directly by Rahnianto, as the Head of LPKA Class I Tangerang, based on the interview conducted that one of the obstacles faced in implementing guidance for children is the minimal number of professional experts such as psychologists, counselors, social workers, and special educators in the LPKA environment. So far, those who carry out guidance for children are LPKA officers, the majority of whom are Law Graduates (SH) who do not have competencies in the fields of education, skills, psychology, or counselors.

The counselors at LPKA often lack ongoing training in restorative justice-based approaches or in counseling, mediation, and character development techniques. This leads to rigid and one-way counseling methods, even resembling adult punishment rather than rehabilitative counseling tailored to the needs of children.

When children lack adequate emotional and psychological care, education and life skills, and a moral and social approach that builds self-confidence, they are highly likely to return to their old environment with unchanged mindsets and behaviors. The absence of professionals who can serve as role models or mentors during the rehabilitation period also accelerates the risk of relapse into deviant behavior after release.

The lack of competent human resources to assist juvenile delinquents in the rehabilitation process often results in interventions being administrative in nature and failing to address their emotional and psychosocial needs. Consequently, the rehabilitation process is suboptimal, and juvenile delinquents tend to reoffend after leaving the Correctional Institution (LPKA). This is because juvenile delinquents lack the mental preparation, skills, and social support to build a better life outside the LPKA. In addition to these factors, according to researchers, the following must be addressed:

1. Budgetary aspects: Insufficient funds prevent activities designed to assist children in trouble with the law from being implemented. Furthermore, sufficient funds are needed to provide infrastructure to support the care of children in trouble with the law at the LPKA, such as a dedicated music room, workshop, salon, and so on.

2. Legal aspects, there are no norms or rules that specifically regulate the handling or guidance of children who have problems with the law in LPKA, so there are no regulations that can be used as guidelines for LPKA officers in handling and guiding

children who have problems with the law, so far LPKA is still under the Ministry of Law and Human Rights which is now the Ministry of Immigration and Corrections.

3. Human Resources aspects, including:

a. There are no experts who can guide or teach skills to children who have problems with the law in LPKA, such as experts in mechanical engineering, clergy/religious teachers.

b. The inadequate number of officers at the Correctional Center (Bapas) where the current number of officers is 30 people (20 men, 10 women) which is not comparable to the area of the legal area of Banten Province which consists of 7 cities/districts (Tangerang City, South Tangerang, Tiga Raksa, Serang, Cilegon, Pandeglang, Lebak) with the number of children who have problems with the law, so that the implementation of guidance cannot be optimal.

The absence of professionals such as psychologists, counselors, and social workers results in a suboptimal mental and emotional rehabilitation process for children with disabilities. Furthermore, limited skills training facilities and unequal education mean that children lack the necessary competencies to reintegrate into society after leaving the Correctional Institution (LPKA). Furthermore, external factors such as lack of family support, social stigma, negative environmental influences, and a lack of social reintegration programs also increase the risk of children with disabilities becoming recidivists.

According to Supriyono B. Sumbogo and Monica Margaret, there are several factors that contribute to child recidivism in LPKA, including:

1. Low Readiness for Social Reintegration: Children who have undergone rehabilitation are often not ready to return to society, especially if the rehabilitation at the LPKA is not integrated with community life. This makes them vulnerable to repeat crimes.

2. Lack of Effective Guidance: A guidance process that is less effective and does not deeply touch on the psychological and social aspects of the child can hinder the expected behavioral changes.

3. Lack of Family and Community Support: After leaving LPKA, children need support from their families and communities to prevent them from returning to deviant behavior. Without this support, the risk of recidivism increases.

Considering that children who have been sentenced by the court are placed in LPKA, one important factor that causes children to re-commit crimes after being released from LPKA is the lack of professional experts who are competent in providing guidance and rehabilitation for children. Guidance for children in LPKA should not only focus on fulfilling the elements of the crime, but also the mental, social and moral recovery of the child. However, in practice, this guidance often does not run optimally due to the limited human resources who are professionals according to their respective fields in providing guidance for children.

The weak implementation of the provision of guidance for ABH in LPKA, both in terms of inadequate rehabilitative approaches and minimal support from professional experts, shows a gap in the political legal bias towards the protection and recovery of ABH after being rehabilitated in LPKA. In this context, national legal policy should be

directed to support policies that emphasize not only law enforcement against ABH, but also the development of ABH's character as an investment in the nation's future.

One concrete example of this bias can be seen in the policy initiated by Dedi Mulyadi, currently the Governor of West Java, who initiated a character education program for delinquent children and ABH (Nationally Disabled Children) through the involvement of state instruments such as the Indonesian National Armed Forces (TNI) in training in discipline, nationalism, and the development of a positive mentality. This program is not intended to punish children in a militaristic manner, but rather as a means of developing personality and responsibility through a firm yet educational approach. The phenomenon of the West Java Governor's policy is a progressive policy resulting from discussions with prosecutors at the Bandung District Attorney's Office. Following the policy, the number of crimes committed by children in Bandung City has decreased, especially cases of mob violence and brawls, as well as sharp weapon use.

This concept represents a progressive policy that combines legal approaches, character education, and integrated social interventions, which has not yet been adopted by the formal LPKA system. If this approach to fostering is expanded and institutionalized in national policy, it would be a concrete solution to reducing the recidivism rate of ABH and strengthening children's social reintegration into society. This would align with the spirit of the SPPA Law, which prioritizes fostering, protecting, and developing children, rather than simply punishing them. This approach demonstrates the urgency to reform the fostering approach in LPKA, shifting it from being repressive to transformative.

In line with M. Hazairin's thinking regarding a state without prisons, which is rooted in his idea that the law should reflect the values of humanity, social justice, and restoration, not just retribution. He views that the conventional criminal justice system that emphasizes prison sentences often fails to change the behavior of criminals. According to Hazairin, prisons often become fertile grounds for recruitment and strengthening of criminal networks, and cause deeper moral and psychological degradation, rather than creating a deterrent effect. Therefore, Hazairin offers the ideal idea of a state without prisons, namely a state that prioritizes guidance, education, and a social approach in dealing with crime, especially for children and adolescents who are still in the process of moral and mental development.

In the context of ABH, this concept becomes particularly relevant, as Hazairin believes that children are not criminals in the strict sense, but rather victims of social, economic, and family environments that fail to provide protection. Therefore, the approach to ABH should not be equated with that of adults. Guidance at the LPKA (Institution for the Correctional Service) should not involve imprisonment, but rather focus on developing children's potential through formal education, skills training, spiritual guidance, and psychological therapy. With this approach, guidance at the LPKA aligns with the spirit of a prison-free nation envisioned by Hazairin, namely creating justice that humanizes all.

However, although the focus on developing children's potential in the LPKA (Children's Penitentiary Institution) aligns with Hazairin's concept of a nation without prisons, the implementation of additional non-prison sanctions, such as community

service at village, sub-district, or religious institutions, has not been significantly effective in reducing recidivism rates. Many ABH (Children with Disabilities) undergo these punishments merely as an administrative formality without experiencing substantial changes in attitude and behavior. Even the combination of penal and non-penal approaches currently used in the juvenile justice system has proven ineffective in curbing the increasing number of juvenile delinquency phenomena such as brawls, motorcycle gangs, and drug abuse, which are currently on the rise in various regions. This fact indicates the need for comprehensive reform of the ABH development system in LPKA, not only in terms of regulations, but also in terms of implementation in the field, with a more comprehensive, personalized, and community-based approach.

Judging from the theory of legal utility proposed by Gustav Radbruch, namely the extent to which the law is able to provide real benefits to society. The problem faced is how to assess public policy (law) can provide benefits or useful results. Based on the perspective of the Theory of Utility, basically the policies or regulations issued by the Indonesian government are aimed at providing benefits to society. In the context of the development of Children in Conflict with the Law (ABH), the policies or regulations implemented by the Indonesian government should not only focus on formal and procedural aspects of punishment, but rather be directed at producing positive and sustainable behavioral changes for ABH and supporting their complete social reintegration process.

The reality on the ground shows that neither the penal approach through sentencing in LPKA (Corporate Child Protection Institution), nor non-penal approaches such as transfer to social institutions or Islamic boarding schools, have fully produced substantive benefits. The persistently high rates of recidivism and rampant juvenile delinquency indicate that the law's goal of providing social benefits has not been optimally achieved. This situation reflects a serious gap between the law as a written norm and the law as a means to create meaningful social change. Therefore, reforms to the ABH development policy need to be directed toward realizing concrete benefits, through a more humane, rehabilitative approach based on children's psychosocial needs.

Gustav Radbruch's view is that a law that only pursues certainty and justice, while ignoring social benefits, will lose its meaning as a means of building civilization. Therefore, a progressive approach, as exemplified by Dedi Mulyadi through TNI discipline-based character training, is a form of legal implementation that favors benefit, because it actually seeks to change the behavior of ABH through guidance that addresses the root of the problem. Therefore, the renewal of the concept of ABH guidance in LPKA must be directed at fulfilling the principle of legal benefit, so that the law is not merely a tool of control, but also a means of social transformation that has a real positive impact on ABH and the wider community.

The repetition of criminal acts committed by ABH ultimately also has an impact on various aspects, including:

1. Psychological Impact on Children

- a. Low self-esteem and self-confidence: Children who return to LPKA will feel like failures, useless, and find it difficult to believe that they can change.
 - b. Internalized stigma: Children begin to think of themselves as “naughty” or “bad”, so they lose the motivation to change.
 - c. Repeated trauma: Repeated legal processes can cause psychological stress, especially if in previous guidance the child did not receive an empathetic and rehabilitative approach.
2. Social Impact
- a. Stigma from society: Children who are recidivists tend to be labeled negatively, such as “young criminals” or “incorrigible.” This complicates their social reintegration process.
 - b. Dropping out of school and hindered education: Children who go in and out of LPKA find it difficult to complete their formal education, so their future is increasingly threatened.
 - c. Becoming part of a criminal community: Recidivist children are vulnerable to being recruited by criminal networks or unhealthy environments, exacerbating deviant behavior.
3. Impact on the Family
- a. Emotional and financial burden: Families feel disappointed, hopeless, and burdened because they have to continue to face the legal process and child development.
 - b. Family relationships become strained: Trust between children and parents is often damaged due to repeated criminal acts.
 - c. Social stigma against families: It is not uncommon for families to be ostracized by society because they are considered to have failed in educating their children.
4. Legal and Institutional Impacts
- a. Increasing burden on LPKA: Each recidivist child increases the burden on the capacity and responsibilities of the correctional institution.
 - b. Inefficiency of the juvenile justice system: The high recidivism rate indicates that the previously implemented criminalization and development processes were ineffective.
 - c. Need to evaluate the guidance policy: The recidivism rate is an indicator that the legal approach to children needs to be reviewed, especially in terms of restorative justice and social reintegration.
5. Impact on the State
- a. Social and economic losses: Recidivist children have the potential to become adult criminals in the future, increasing crime rates and the burden on the justice system.
 - b. Failure of investment in development: Every fund and resource spent on developing a child will not produce results if the child remains a recidivist.

- c. Declining public trust in the juvenile justice system: When guidance is unsuccessful, the public becomes skeptical of the effectiveness of the existing system.

Given the diverse impacts of child recidivism, both psychologically, socially, and institutionally, it is clear that repeat offenses committed by juvenile offenders are not merely an individual failure, but also reflect weaknesses in the overall child development and protection system. Therefore, handling child recidivism must be undertaken through a more humane, integrative, and recovery-oriented approach. More comprehensive guidance efforts with professional experts, active involvement of families and communities, and the application of restorative justice principles are key to preventing juvenile offenders from reoffending, while ensuring that children's rights are protected throughout every legal process.

The phenomenon of many ABH becoming recidivists after leaving LPKA reflects the failure of the legal system to realize the principle of benefit. In his theory, Radbruch emphasized that one of the fundamental goals of law is to provide social benefit or utility, namely that the law must be able to produce positive and useful changes for society. However, the high ABH recidivism rate indicates that the rehabilitation system in LPKA has not been able to provide concrete benefits in the form of behavioral change, moral recovery, or social reintegration of ABH. Criminal penalties and alternative sanctions such as community service in the village, sub-district, or places of worship have proven ineffective because they do not address the root of ABH's psychological and social problems. As a result, ABH who have served time in LPKA tend to become recidivists because they have not undergone a complete recovery process, both socially and mentally.

This situation indicates that the law – in the form of development policies at the LPKA – has lost one of its fundamental values. Laws that only pursue certainty or procedures, without producing tangible benefits in the form of crime prevention and perpetrator rehabilitation, are incomplete laws. Therefore, legal reforms and development policies are needed that truly guarantee social benefits, such as strengthening psychological interventions, involving professional experts, and character-building programs based on the values of discipline and responsibility – as demonstrated by the progressive approach implemented by Dedi Mulyadi by involving the Indonesian National Armed Forces (TNI) in the development of delinquent children. Through this approach, the law is not only present as a tool for enforcing norms, but also as a means of rehabilitation and social transformation in accordance with the values of utility.

Guidance for ABH who have served their sentences in LPKA should have a positive impact on ABH as foster children who become perpetrators of criminal acts, because the guidance given to ABH can provide guidance on the behavior and legal norms that should be obeyed by foster children after they have completed their sentences. This is because, basically, guidance for ABH is an activity that brings benefits or legal uses, namely to create good morals in foster children, as well as order and peace in the life of society in the future.

The legal benefits for ABH in LPKA also aim to improve the protection of children's rights, including the right to receive guidance in the form of education,

skills, spiritual, and mental development of foster children, as well as health care and a decent life in LPKA. The existence of legal certainty in the form of procedures or policies that regulate the guidance of ABH in LPKA can provide the benefit of providing appropriate guidance by human resources who are also appropriate and professional in their field. This is so that the expected guidance concept can be more on an approach that educates and improves ABH behavior according to their age and psychological condition, so that ABH after completing their sentence in LPKA, do not commit crimes again.

CONCLUSION

Based on the discussion above, the following conclusions can be drawn:

1. The Special Child Development Institution (LPKA), which is linked to the future of Children in Conflict with the Law (ABH), has not yet fully fulfilled its ideal function as a rehabilitative and educational institution. This is due to various fundamental limitations, including the minimal involvement of professional experts in the fields of psychology, education, and social work, as well as a development approach that remains monotonous and administrative. While development should be holistic, encompassing education, personality, and independence, it is still often carried out by community service officers who lack specialized competency in these areas. As a result, the development process loses its essence of recovery and empowerment, leading many ABH to struggle with social adaptation or even become recidivists after release. Conceptually, LPKA was designed not simply as a place to serve their sentence, but as a transformative space for ABH to restore their dignity and honor.
2. The implementation of guidance for children in conflict with the law (ABH) who have served criminal sentences in the Special Child Guidance Institution (LPKA) has so far been ineffective, this is due to failures stemming from various fundamental problems, particularly the minimal involvement of professional experts in the guidance process. The absence of a comprehensive individual, psychosocial, and rehabilitative approach causes guidance to be carried out uniformly and administratively, without addressing the root of the problems faced by ABH. The high recidivism rate at LPKA Class I Tangerang is a clear indicator that the guidance program has not been able to reform children's behavior comprehensively. Although there are alternative non-penal guidance programs such as community service programs, their effectiveness remains low because they are not accompanied by intensive character development, ongoing psychological support, and minimal post-guidance evaluation. This condition shows that both the penal and non-penal approaches.

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