

**THE LEGAL EFFECTIVENESS OF FULFILLING THE EDUCATIONAL
RIGHTS OF CHILDREN IN CONFLICT WITH THE LAW IN TERMS OF
POSITIVE LAW**

(Case Study at Special Development Institution for Children Class I, Blitar)

THESIS

By:

AFIFAH DHANINTA ANGGRAENI

SIN 210201110014



ISLAMIC FAMILY LAW DEPARTMENT

SHARIA FACULTY

ISLAMIC STATE UNIVERSITY MAULANA MALIK IBRAHIM

MALANG

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MALANG**

2025

STATEMENT OF THE AUTHENTICITY

In the name of Allah,

With consciousness and responsibility toward the development of science, the author declares that thesis entitled:

THE LEGAL EFFECTIVENESS OF FULFILLING THE EDUCATIONAL RIGHTS OF CHILDREN IN CONFLICT WITH THE LAW IN TERMS OF POSITIVE LAW

(Case Study at Special Development Institution for Children Class I, Blitar)

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(Case Study at Special Development Institution for Children Class I, Blitar)

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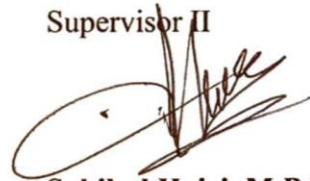
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No.	Day/Date	Subject of Consultation	Signature
1	Friday, December 13 rd , 2025	Title Diction Consultation	
2	Thursday, December 19 th , 2025	Revision of Chapter I and Chapter II	
3	Wednesday, January 8 th , 2025	Revision of Chapter III	
4	Friday, January 24 th , 2025	Revision of Thesis Proposal After Seminar	
5	Monday, February 24 th , 2025	Revision of Chapter III	
6	Tuesday, March 11 th , 2025	Revision of Theoretical Framework	
7	Wednesday, May 21 st , 2025	Revision of Thesis Writing and Title	
8	Thursday, May 22 nd , 2025	Revision of Analysis of Chapter IV and Chapter V	
9	Friday, May 23 rd , 2025	Revision of Some Thesis Writing	
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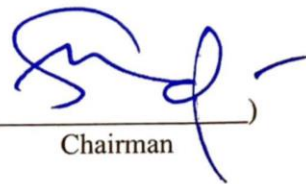
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THE LEGAL EFFECTIVENESS OF FULFILLING THE EDUCATIONAL RIGHTS OF CHILDREN IN CONFLICT WITH THE LAW IN TERMS OF POSITIVE LAW

(Case Study at Special Development Institution for Children Class I, Blitar)

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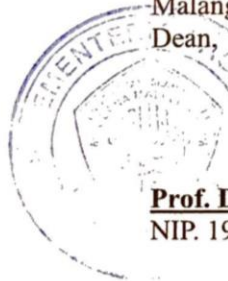
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MOTTO

يَبْنَى أَقِمِ الصَّلَاةَ وَأْمُرْ بِالْمَعْرُوفِ وَانْهَ عَنِ الْمُنْكَرِ وَأَصْبِرْ عَلَى مَا أَصَابَكَ إِنَّ ذَلِكَ مِنْ عَزْمِ الْأُمُورِ ﴿١٧﴾

"O my son, establish prayer, enjoin what is right, forbid what is wrong, and be patient over what befalls you. Indeed, [all] that is of the matters [requiring] determination."

(QS. Luqman/31: 17)

ACKNOWLEDGEMENT

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Alhamdulillah rabbi'l'alam, praise be to Allah SWT, who has bestowed His grace, guidance, and guidance so that the author can complete the thesis entitled "The Legal Effectiveness of Fulfilling the Educational Rights of Children in Conflict with the Law in View of Positive Law (Case Study at the Class I Child Special Development Institution, Blitar)." As one of the requirements to obtain a Bachelor's degree in the Islamic Family Law Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang.

Sholawat and salam may always be poured out to our lord, the Messenger of Allah Muhammad SAW, the chosen human being sent as a mercy to the universe, who has guided the people from the age of darkness to the light of knowledge and faith. May shalawat also be poured out to his holy family, his noble companions, and all his people who are istiqomah following his sunnah until the Day of Judgment.

In preparing this thesis, the author fully realizes that the preparation of this thesis will not be completed without the blessings of Allah SWT and the support of various parties who have provided teachings, guidance, motivation, and various other forms of assistance. Therefore, with all humility, the author expresses his deepest gratitude to:

1. Prof. Dr. H. M. Zainuddin, M.A. as the rector of Maulana Malik Ibrahim State Islamic University Malang.

2. Prof. Dr. Sudirman Hasan, M.A., CAHRM as the Dean of the Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang.
3. Hj. Erik Sabti Rahmawati, M.A., M.Ag. as the Head of the Islamic Family Law Study Program, Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang.
4. Rayno Dwi Adityo, M.H. as a supervisor who provides support to researchers, always provides direction, guidance, advice, and input, and is always patient in facing and guiding the writer to complete this thesis. May all his kindness always be rewarded by Allah SWT with the blessing of health, the blessing of life, the smoothness of everything that is being attempted, and success.
5. Faridatus Suhadak, M.HI as Secretary of the Islamic Family Law Study Program who also helped in providing input for researchers, always patiently facing researchers, reminding researchers, and guiding writers until this thesis could be completed and to Sohibul Hairi. M.Pd as a language lecturer who provided guidance in the translation of this thesis. Hopefully all their kindness will always be rewarded by Allah SWT many times over.
6. All lecturers of the Faculty of Sharia, especially lecturers of the Islamic Family Law Study Program at Maulana Malik Ibrahim State Islamic University Malang, who have provided new knowledge, teaching, new views, life lessons, and motivation during the author's lectures.
7. All staff and employees of the Faculty of Sharia for explanations and assistance during the author's lectures. And helped the author in various

administrative processes including the needs during the preparation of this thesis.

8. LPKA Class 1 Blitar officers, Mr. Gunawan as part of the General Subdivision who invited the author to conduct research. Mrs. Anzar A Ritandari, S.Sos, M.M, Ms. Riska Latifatul, and Ms. Furrida Na'ifah who have been pleased to provide answers and explanations, as well as taking the time to assist the author in obtaining the main information in this study.
9. The author's parents who are very dear to the author. Minto, S.Pd and Rahayu Isnin Astuti, S.T.,M.T. who always pray and strive for the best for researchers. Always behind the author as a support and home for author. Thank you for all the prayers, help, efforts, advice, motivation, and enthusiasm that are always given by them so that the author can reach this point. Also to the author's siblings who are always ready to help and provide emotional support for the author during the data collection process. May Allah SWT reward them all many times over.
10. The author's friends who have given countless help to researchers. For the author's college friends since semester 3 until now, ICP classmates class of 2021, thank you very much for understanding, assistance, patience, beautiful memories, and knowledge that will always be embedded in the researcher. Friends during MAN and friends during MTs who always gave strength and support to author. Friends in arms, HKI class of 2021 who provide assistance and color to the researcher's life. Hopefully wherever you are, it is always facilitated by Allah SWT.

11. Finally, the author would like to thank the author herself, for being able to thriving, survive, and complete one chapters of life. Hopefully what is obtained can be maintained until whenever, can provide benefits for the author himself as well as for those around her. And hopefully the author can believe in herself, develop, and grow better, can maximize her potential, and not repeat the same mistakes again. Thank you.

With the completion of this thesis, the author hopes that this simple work can provide benefits. The author also realizes that in the preparation of this thesis there are still many shortcomings and far from perfect. Therefore, the author greatly appreciates constructive criticism and suggestions from various parties for the improvement of this work in the future.

Malang, May 26th, 2025
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TRANSLITERATION GUIDELINES

In scientific writing, the use of foreign terms is often unavoidable. In general, according to the General Guidelines for Indonesian Spelling, foreign words are written (printed) in italics. In the context of Arabic, there are specific international transliteration guidelines. The following table presents transliteration guidelines as a reference for scientific writing.

Arabic-Indonesian Transliteration The Faculty of Sharia at UIN Maulana Malik Ibrahim Malang follows the Library of Congress (LC) model of the United States as follows:

Arabic	Indonesia	Arabic	Indonesia
أ	`	ط	ṭ
ب	b	ظ	ẓ
ت	t	ع	'
ث	th	غ	gh
ج	j	ف	f
ح	ḥ	ق	q
خ	kh	ك	k
د	d	ل	l
ذ	dh	م	m
ر	r	ن	n
ز	z	و	w
س	s	هـ	h
ش	sh	ء	'
ص	ṣ	ي	y
ض	ḍ		

To indicate a long vowel (*madd*), a horizontal line is written above the letter, such as ā, ī, and ū. (أ, ي, و). The double Arabic vowel sound is transliterated by combining the two letters “ay” and “aw,” such as layyinah, lawwāmah. Words ending in *tā’ marbūṭah* that function as adjectives or *muḍāf ilayh* are transliterated with “ah,” while those functioning as *muḍāf* are transliterated with “at.”

TABLE OF CONTENTS

COVER	i
STATEMENT OF THE AUTHENTICITY	ii
APPROVAL SHEET	iv
CONSULTATION PROOF	Error! Bookmark not defined.
LEGITIMATION SHEET.....	v
MOTTO	vii
ACKNOWLEDGEMENT.....	viii
TRANSLITERATION GUIDELINES	xii
TABLE OF CONTENTS.....	xiv
GRAPHS.....	xvi
PICTURES	xvii
ABSTRAK	xviii
ABSTRACT.....	xix
ملخص البحث	xx
CHAPTER I INTRODUCTION.....	1
A. Research Background.....	1
B. Problem Limitation	6
C. Statement of Problem	7
D. Objectives of Research.....	7
E. Benefits of Research.....	7
F. Operational Definition.....	8
G. Structure of Discussion	11
CHAPTER II LITERATURE REVIEW	13
A. Previous Research	13
B. Theoretical Framework	19
CHAPTER III RESEARCH METHODS.....	43
A. Type of Research	43
B. Research Approach.....	43
C. Research Location	43
D. Data Type and Source.....	44

E. Data Collection Methods.....	46
F. Data Processing Method.....	47
CHAPTER IV RESULTS AND DISCUSSION	50
A. General Description of the Special Development Institution for Children Class I Blitar.....	50
B. Fulfillment of Educational Rights of Children in Conflict with the Law at LPKA Class 1 Blitar	57
C. Legal Effectiveness of Fulfilling the Educational Rights of Children in Conflict with the Law from Soerjono Soekanto's Perspective	75
1. Legal or Regulatory Factors (Legal Substance).....	76
2. Law Enforcement Factor.....	77
3. Facilities	78
4. Community Factors	79
5. Cultural Factors.....	80
CHAPTER V CLOSING	85
A. Conclusion.....	85
B. Advice	87
LITERATURE.....	89
APPENDIXES	94
A. Proof of Consultation	94
B. Research Permit Application Letter	95
C. Research Answer Letter	96
D. Semi-structured Interview Questions	97
E. Interview Photo	98
F. Photos of Non Formal Education Activities.....	100

GRAPHS

Table 2. 1	Similarities and Differences	17
Table 2. 2	Tabulation of Education Rights of Children in Conflict with the Law	33
Table 3. 1	Informant Data from LPKA Class 1 Blitar	45
Table 4. 1	Organizational Structure of LPKA Class 1 Blitar.....	<u>53</u>
Table 4. 2	Number of Children Assisted by LPKA Class 1 Blitar in the Last 6 Years	54
Table 4. 3	Number of Children Assisted by LPKA Class 1 Blitar by Age as of April 2025	55
Table 4. 4	Types of Crimes of Children Assisted by LPKA Class 1 Blitar as of April 2025	56
Table 4. 5	Number of children per school level	57

PICTURES

Pictures 1. 1	LPKA Class 1 Blitar Education Schedule	66
Pictures 1. 2	Interview with Ms. Riska as Education and Skills Subsection Staff	98
Pictures 1. 3	Interview with Mrs. Anzar as Head Of Subsection of Assessment and Classification.....	98
Picture 1. 4	Interview with Ms. Furrida as Community Guidance and Alleviation Subsection Staff	99

ABSTRAK

Afifah Dhaninta Anggraeni, NIM: 210201110014, 2025. Efektivitas Hukum Pemenuhan Hak Pendidikan Anak Yang Berkonflik Dengan Hukum Ditinjau Dari Hukum Positif (Studi Kasus di Lembaga Pembinaan Khusus Anak Kelas I, Blitar). Skripsi Program Studi Hukum Keluarga Islam (Al-Ahwal Al-Syakhsiyyah), Fakultas Syariah. Universitas Islam Negeri Maulana Malik Ibrahim Malang. Dosen Pembimbing: Rayno Dwi Adityo, M.H

Kata Kunci: Hak Pendidikan Anak, Anak Berkonflik dengan Hukum, Efektivitas Hukum

Anak yang berkonflik dengan hukum memiliki hak atas pendidikan yang layak selama menjalani masa pembinaan di Lembaga Pembinaan Khusus Anak (LPKA), namun efektivitas pemenuhan hak tersebut masih perlu dikaji secara mendalam. Fokus penelitian ini adalah untuk mendeskripsikan bagaimana pemenuhan hak pendidikan anak berkonflik dengan hukum di LPKA Kelas I Blitar serta menilai efektivitasnya berdasarkan teori efektivitas hukum Soerjono Soekanto.

Metode penelitian menggunakan penelitian yuridis-empiris dengan pendekatan perundang-undangan yang bertujuan untuk menelaah dan mengkaji norma hukum yang relevan dengan isu yang dibahas dalam penelitian ini. Jenis dan sumber data yang digunakan dari data primer yaitu dengan wawancara dan dokumentasi, dan dukungan dari data sekunder berupa perundang-undangan, buku, dan artikel jurnal, dan data tersier berupa website. Metode yang digunakan dalam pengumpulan data adalah wawancara semi-terstruktur yang dilakukan kepada petugas-petugas LPKA Kelas 1 Blitar dan dokumentasi.

Hasil penelitian menunjukkan bahwa: 1). Pemenuhan hak pendidikan anak berkonflik dengan hukum di LPKA Kelas 1 Blitar telah berjalan dengan cukup efektif. Karena terdapat beberapa aspek yang belum terpenuhi dengan optimal. 2). Jika dilihat dari lima faktor efektivitas hukum Soerjono Soekanto, pemenuhan hak pendidikan anak yang berkonflik dengan hukum di LPKA Kelas I Blitar dapat dikategorikan belum cukup efektif, karena masih terdapat hambatan seperti, kendala budaya dan tingkat pendidikan anak binaan yang beragam, lemahnya peran masyarakat dalam pencegahan. Dengan demikian diperlukan perbaikan berkelanjutan melalui peningkatan kualitas pendekatan pembelajaran dan penguatan peran serta masyarakat.

ABSTRACT

Afifah Dhaninta Anggraeni, SIN: 210201110014, 2025. The Legal Effectiveness of Fulfilling the Educational Rights of Children in Conflict with the Law in View of Positive Law (Case Study at Special Development Institution for Children Class 1, Blitar). Undergraduate Thesis Islamic Family Law Study Program (Al-Ahwal Al-Syakhsiyyah), Faculty of Sharia. State Islamic University Maulana Malik Ibrahim Malang. Supervisor: Rayno Dwi Adityo, M.H.

Keywords: Children's Education Rights, Children in Conflict with the Law, Legal Effectiveness

Children in conflict with the law have the right to proper education while undergoing a period of guidance at the Child Special Development Institution (LPKA), but the effectiveness of fulfilling this right still needs to be studied in depth. The focus of this research is to describe how the fulfillment of the educational rights of children in conflict with the law at LPKA Class I Blitar and assess its effectiveness based on Soerjono Soekanto's theory of legal effectiveness.

The research method used is legal-empirical research with a legislative approach that aims to examine and review legal norms relevant to the issues discussed in this study. The types and sources of data used are primary data obtained through interviews and documentation, supported by secondary data in the form of legislation, books, and journal articles, and tertiary data in the form of websites. The method used in data collection was semi-structured interviews with officers at the Blitar Class I LPKA and documentation.

The results of the study show that: 1). The fulfillment of the educational rights of children in conflict with the law at the Blitar Class I LPKA has been quite effective. However, there are several aspects that have not been optimally fulfilled. 2). Based on the five factors of legal effectiveness outlined by Soerjono Soekanto, the fulfillment of educational rights for children in conflict with the law at the Blitar Class I Juvenile Detention Center can be categorized as not yet sufficiently effective, as there are still obstacles such as cultural barriers and varying educational levels among the children in custody, as well as the weak role of the community in prevention efforts. Therefore, continuous improvements are needed through enhancing the quality of educational approaches and strengthening community involvement.

ملخص البحث

عفيفة دانتا أنغرايني، الرقم الجامعي ٢٠٢٥، ٢١٠٢٠١١١٠٠١٤، الفاعلية القانونية للوفاء بالحقوق التربوية للأطفال في ظل القانون في ضوء القانون الوضعي (دراسة حالة في معهد التنمية الخاصة بالأطفال من الفئة الأولى في بليتار). أطروحة برنامج دراسة قانون الأسرة الإسلامي (الأحوال الشخصية)، كلية الشريعة. الجامعة الإسلامية الحكومية مولانا مالك بن إبراهيم مالانج. المشرف: رينو دوي أديتيا بكالوريوس في القانون ماجستير في الق

الكلمات المفتاحية حقوق الأطفال في التعليم، الأطفال في نزاع مع القانون، الفاعلية القانوني

يتمتع الأطفال في نزاع مع القانون بالحق في التعليم المناسب أثناء فترة التوجيه في مؤسسة التنمية الخاصة بالأطفال في نزاع مع القانون (LPKA)، ولكن فاعلية الوفاء بهذا الحق لا تزال بحاجة إلى دراسة متعمقة. ينصب تركيز هذا البحث على وصف كيفية إعمال الحقوق التعليمية لأطفال في نزاع مع القانون في مؤسسة التنمية الخاصة بالأطفال في نزاع مع القانون في مؤسسة التنمية الخاصة بالأطفال في نزاع مع القانون في بليتار من الدرجة الأولى وتقييم (LPKA) فعاليتها استنادًا إلى نظرية سورجونو سوكانتو للفاعلية القانونية.

طريقة البحث تستخدم البحث القانوني-العملي مع نهج تشريعي يهدف إلى دراسة ومراجعة القواعد القانونية ذات الصلة بالموضع الذي تناوله البحث. أنواع ومصادر البيانات المستخدمة هي البيانات الأولية من خلال المقابلات والتوثيق، والبيانات الثانوية من التشريعات والكتب والمقالات الصحفية، والبيانات الثالثة من المواقع الإلكترونية. الطريقة المستخدمة في جمع البيانات هي المقابلات شبه المنظمة التي أجريت مع موظفي LPKA Kelas 1 Blitar والتوثيق.

نتائج البحث تظهر أن: (1). تلبية حق التعليم للأطفال المتورطين في النزاعات القانونية في LPKA Kelas 1 Blitar قد تمت بشكل فعال إلى حد ما. لأن هناك بعض الجوانب التي لم يتم الوفاء بها بشكل مثالي. (2). إذا نظرنا إلى خمسة عوامل فاعلية القانون التي حددها سورجونو سوكانتو، فإن تلبية حق التعليم للأطفال المتورطين في النزاعات القانونية في LPKA Kelas I Blitar يمكن تصنيفها على أنها غير فعالة بما فيه الكفاية، وذلك بسبب وجود عوائق مثل العوائق الثقافية ومستويات التعليم المتنوعة للأطفال المتدربين، وضعف دور المجتمع في الوقاية. وبالتالي، هناك حاجة إلى تحسين مستمر من خلال تحسين جودة نهج التعلم وتعزيز دور المجتمع.

CHAPTER I

INTRODUCTION

A. Research Background

Indonesia is a state of law as stated in Article 1 paragraph (3) of the Constitution of the Republic of Indonesia 1945 (hereinafter referred to as the Constitution 1945), which emphasizes that all aspects of state life are based on law¹. Indicators of a state of law are theoretically characterized by the existence of rules regarding power and the use of that power. Other indicators include a free judiciary, respect for human rights, freedom of expression, organization, and due process.²

One of the main aspects of the rule of law is the guarantee of the fundamental rights of citizens, which includes protection from arbitrary actions and the fulfillment of basic rights in social life. The state is obliged to protect and guarantee the welfare and basic rights of all its citizens, including protecting and guaranteeing basic rights for children. The basic rights of children are enshrined in the state constitution in Article 28B paragraph (2) of the Constitution 1945 which states that every child has the right to survival, growth and development and the right to protection from violence and discrimination.³ However, in the modern era, child protection is not only limited to conventional legal aspects, but also needs to adapt to the development of the increasingly digital age.

¹ Pasal 1 ayat (3) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

² Riani Bakri and Murtir Jeddawi, "ANALISIS INDEKS NEGARA HUKUM INDONESIA," *Jurnal Pallangga Praja (JPP)* 4, no. 2 (October 2, 2022): 107–15, <https://doi.org/10.61076/jpp.v4i2.3063>.

³ Pasal 28B ayat (2) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945

The basic rights of children stipulated in Article 28B paragraph (2) of the Constitution 1945 emphasize that every child has the right to survival, growth, and development as well as protection from violence and discrimination. This principle is in line with the teachings of the Prophet Muhammad SAW who emphasized the importance of glorifying children, as in his saying

حَدَّثَنَا الْعَبَّاسُ بْنُ الْوَلِيدِ الدِّمَشْقِيُّ حَدَّثَنَا عَلِيُّ بْنُ عَيَّاشٍ حَدَّثَنَا سَعِيدُ بْنُ عُمَارَةَ أَخْبَرَنِي الْحَارِثُ بْنُ النُّعْمَانِ
سَمِعْتُ أَنَسَ بْنَ مَالِكٍ يُحَدِّثُ عَنْ رَسُولِ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ أَكْرِمُوا أَوْلَادَكُمْ وَ أَحْسِنُوا أَدَبَهُمْ

Meaning: *'Abbas bin Walid ad Dimasyq has narrated to us 'Ali bin 'Ayyas has narrated to us Sa'id bin 'Umaroh has narrated to us, Haris bin Nu'man told me that I heard Anas bin Malik narrating from the Prophet Muhammad SAW, saying: "Honor your children and improve their education". (H.R.Ibn Majah)*

The above hadith was narrated by Ibn Majah in *Kitab Al-Adab*, Chapter *Birr Al-Walid Wa Al-Hasan Ila Al-Banat* hadith number 3661.⁴ This Hadith emphasizes the importance of education, especially education for a child as the main foundation in shaping the character and future of the child.⁵ This principle is in line with the provisions in the Juvenile Criminal Justice System Law (SPPA Law) and the Child Protection Law (PA Law), which explicitly recognizes and guarantees children's rights to obtain protection, education, and proper care for

⁴ Ibnu Majah, Sunan Ibnu Majah, *kitab al-Adab, Bairr al-Walid wa al-Ihsan ila al-Banat*, Juz 11, hlm. 64, No. 3661, 1997.

⁵ Agung Setiyawan, "Konsep Pendidikan Anak Dalam Hadis Nabi SAW (Kajian Ma'anil Hadis Sunan Ibn Majah No.3661)," *AN NUR: Jurnal Studi Islam* 7, no. 1 (2015), <https://jurnalannur.ac.id/index.php/An-Nur/article/view/56>.

optimal growth and development and to avoid all forms of violence and discrimination.

The Indonesian Child Protection Commission (hereinafter KPAI) in the Child Protection Data Bank recorded that in 2021-2024 the number of Children in Conflict with the Law (hereinafter ABH) fluctuated, but the percentage of these cases has never been below 1% of all cases in the Special Protection of Children (PKA) cluster, which means that ABH cases still occur every year. Children in conflict with the law (ABH) in this cluster are perpetrators who commit harmful acts for others including themselves.⁶ In 2021, as reported by the Child Protection Data Bank, the number of cases of children dealing with the law (as perpetrators) was 126 cases.⁷ Data on child protection cases in 2023 were taken from complaint data and the media. There were 33 cases of ABH from⁸ complaint data and 84 cases from media data.⁹ And finally, in 2024 children in conflict with the law as perpetrators accounted for 126 cases.¹⁰

Family and neighborhood factors play a major role in supporting children to engage in deviant behavior. Lack of attention and supervision from parents due to busy work, for example, can cause children to feel neglected, thus seeking

⁶ “Tabulasi Data Perlindungan Anak,” Bank Data Perlindungan Anak Indonesia, accessed February 24, 2025, <https://bankdata.kpai.go.id/tabulasi-data-perlindungan-anak>.

⁷ KPAI R.N, “Data Kasus Perlindungan Anak 2021 | Bank Data Perlindungan Anak,” August 24, 2022, <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-perlindungan-anak-2021>.

⁸ KPAI R.N, “Data Kasus Perlindungan Anak dari Pengaduan ke KPAI Tahun 2023 | Bank Data Perlindungan Anak,” October 19, 2023, <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-perlindungan-anak-dari-pengaduan-ke-kpai-tahun-2023>.

⁹ KPAI R.N, “Data Kasus Perlindungan Anak dari Media Tahun 2023 | Bank Data Perlindungan Anak,” October 19, 2023, <https://bankdata.kpai.go.id/tabulasi-data/data-kasus-perlindungan-anak-dari-media-tahun-2023>

¹⁰ KPAI R.N, “Data Perlindungan Anak 2024 | Bank Data Perlindungan Anak,” February 12, 2025, <https://bankdata.kpai.go.id/tabulasi-data/data-perlindungan-anak-2024>.

escape through negative behavior.¹¹ In addition, a disharmonious family environment, such as internal conflict or divorce, can create unstable emotions in children, and can push them to deviant actions and violate norms.¹² The influence of the living environment is equally important. Children who grow up in an environment with low social norms or minimal supervision tend to be more easily involved in juvenile delinquency.¹³ One form of delinquency that can occur in children is bullying.

Bullying does not only occur in big cities that are often considered more advanced in terms of technology, but can also occur in small towns. Blitar, for example, known as the city of the Proclamator, is also not immune to bullying cases. Although Blitar has a quieter environment than the big cities in East Java, the reality is that bullying still occurs among children and teenagers. One of the cases that surfaced and was widely discussed was committed by teenage children in Blitar Regency. This case is a tragic opening of the new year 2024. A student at an Islamic boarding school had to lose his life after being persecuted by his fellow students for accusations that were not yet clear. Reporting from Berita Satu, the victim and perpetrators were junior high school teenagers. The beating

¹¹ Pirana Rachma Sari, Muhammad Turhan Yani, and Sarmini, "Analisis Peran Keluarga Terhadap Perilaku Menyimpang Remaja," *Jurnal Inovasi Pendidikan* 8, no. 1 (January 30, 2025), <https://ojs.co.id/1/index.php/jip/article/view/2589>.

¹² Erni Yanti, "Faktor Penyebab Perilaku Menyimpang Remaja (Studi Kasus Gampong Seutui Kota Banda Aceh)," *Jurnal Ilmiah Mahasiswa Fakultas Ilmu Sosial & Ilmu Politik* 8, no. 4 (2023), <https://jim.usk.ac.id/FISIP/article/view/27702>.

¹³ Amry Nur Rakhman and Romi Mesra, "Pengaruh Lingkungan Keluarga Terhadap Kenakalan Remaja Pada Anak Usia 15-18 Tahun Di Desa Sengon," *COMTE: Journal of Sociology Research and Education* 1, no. 3 (July 20, 2024): 89–98.

of the victim was carried out by 17 other people, causing the victim to lose consciousness and die while being treated at Ngudi Waluyo Hospital, Wlingi.¹⁴

This incident emphasizes that children are not only at risk of becoming victims of violence, but can also face the law as perpetrators. In an effort to deal with children in conflict with the law, the government issued Law No. 11/2012 Juvenile Criminal Justice System, which regulates the mechanism for handling children in conflict with the law, starting from the investigation stage to the guidance stage after serving the sentence.¹⁵ In addition, the state also guarantees children's right to proper protection through Law No. 35/2014 on Child Protection, which aims to ensure that every child can grow in an environment that is safe, healthy, and supports their optimal development.¹⁶ The existence of this regulation is the legal basis for handling cases of bullying and violence involving children, both as victims and perpetrators, so that justice and protection for children can still be upheld in a balanced manner.

Incidents involving children as perpetrators and victims of violence emphasize the importance of a system capable of handling children fairly and humanely. In this context, the Child Special Development Institution (LPKA) Class I Blitar plays a major role as an institution that directly provides guidance to children in conflict with the law after going through the judicial process as regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice

¹⁴ BeritaSatu.com, "Santri Ponpes Tahsinul Akhlaq Blitar Dikeroyok dan Dianiaya Temannya hingga Tewas," beritasatu.com, accessed September 12, 2024, <https://www.beritasatu.com/nusantara/2792886/santri-ponpes-tahsinul-akhlaq-blitar-dikeroyok-dan-dianiaya-temannya-hingga-tewas>.

¹⁵ Pasal 1 Undang-undang Nomor 11 tahun 2012 tentang Sistem Peradilan Pidana Anak

¹⁶ Pasal 1 Undang-undang Nomor 23 tahun 2002 tentang Perlindungan Anak

System. LPKA Class I Blitar is the only LPKA in East Java Province as a place for fostering children in conflict with the law.¹⁷ LPKA is not only a place for the implementation of juvenile crime, but also a space in realizing the fulfillment of the right to education for foster children or children in conflict with the law during the criminal period.

Therefore, choosing LPKA Class I Blitar as a research location is relevant and strategic to evaluate the effectiveness of the implementation of positive legal regulations in guaranteeing the rights of children in conflict with the law, especially at the post-conviction coaching stage. Research at LPKA allows the author to directly assess how the effectiveness of fulfilling the rights of children in conflict with the law.

B. Problem Limitation

In order for this research to be more focused and not to expand from the intended discussion, this research limits the scope of research to the right to education for children, especially fostered children. Then using Soerjono Soekanto's theory of legal effectiveness, law enforcement factors. The positive law used to measure this research includes Law Number 23 of 2002 concerning Child Protection, Law Number 11 of 2012 concerning Juvenile Criminal Justice System, Government Regulation Number 58 of 2022 concerning Forms and Procedures for the Implementation of Crimes and Actions Against Children, and Law Number 22 of 2022 concerning Correctional Institution as a complementary

¹⁷ Anonim, "Lapas Anak Blitar Jadi Lembaga Pembinaan Khusus Anak," *Kementrian Imigrasi Dan Pemasarakatan Republk Indonesia—Direktorat Jenderal Pemasarakatan*. 7 Agustus 2015, diakses 18 Mei 2025, <https://www.ditjenpas.go.id/lapas-anak-blitar-jadi-lembaga-pembinaan-khusus-anak>

element in measuring the legal effectiveness of fulfilling the rights of children in conflict with the law.

C. Statement of Problem

Based on the background description of the problem above, it can be formulated as follows:

1. How is the fulfillment of the educational rights of children in conflict with the law at LPKA class I Blitar?
2. How is the legal effectiveness of fulfilling the educational rights of children in conflict with the law in Soerjono Soekanto's perspective?

D. Objectives of Research

Based on the problem formulation that has been written previously, the objectives of this study are as follows:

1. Describing the fulfillment of the educational rights of children in conflict with the law at LPKA class I Blitar.
2. Describing legal effectiveness in fulfilling the educational rights of children in conflict with the law in Soerjono Soekanto's perspective.

E. Benefits of Research

The hope of this research is that it can provide benefits to society and related scientific fields. The benefits of the research that will be described are theoretical benefits and practical benefits. The following is an explanation of each research benefit:

1. Theoretical Benefits

From a scientific perspective, it is hoped that this research can be an additional learning material and as a completeness of literature in the field of juvenile criminal law, legal effectiveness in fulfilling the educational rights of children in conflict with the law at LPKA class I Blitar, as well as an effort to enrich knowledge in the scope of Islamic family law, especially in the realm of educational rights for children in conflict with the law.

2. Practical Benefits

- a. For the community, it is hoped that this research can provide information about rights, especially the right to education for minors in conflict with the law and the efforts of LPKA class I Blitar in fulfilling the right to education for children in conflict with the law.
- b. For subsequent authors, this research is expected to be used as a foothold or reference because there are data and findings that have been analyzed, especially for discussions that focus on fulfilling children's educational rights in terms of positive law in Indonesia.

F. Operational Definition

In writing the title of this research, there are several words that need to be explained clearly and in detail so that it is easier for readers to understand, namely:

1. Legal Effectiveness

Legal effectiveness consists of the words effectiveness and law. Effectiveness comes from the word effective which means the achievement of success in achieving predetermined goals. Effectiveness is closely related to the

relationship between expected results and actual results. So effectiveness is a measure by which a target has been achieved as planned. The definition of law in the book *Introduction to Legal Science* is all written and unwritten rules governing all aspects of community life that must be obeyed in order to ensure justice, certainty and usefulness.¹⁸ So legal effectiveness means the success or failure of a regulation, seen from the effects and impacts of the implementation of the regulation in society and whether it has gone according to what was planned.

2. Children in Conflict with the Law

Children in conflict with the law refers to any individual under the age of 18 who is suspected of committing an unlawful act categorized as a criminal offense.¹⁹ In the context of national law, this term is used to replace the term "delinquent child" to avoid negative stigma towards children involved in the legal process. Children in conflict with the law can easily be referred to as children who commit criminal offenses. So those who commit offenses against the criminal law. The treatment of children in conflict with the law must pay attention to the principles of child protection, including the right to justice, humane treatment, and respect for the dignity of the child. This is in line with the provisions of Law No. 11/2012 Juvenile Criminal Justice System (SPPA Law) which regulates the legal process specifically for

¹⁸ Hardi Fardiansyah et al., *Pengantar Ilmu Hukum* (CV. Intelektual Manifes Media, 2023).

¹⁹ Pasal 1 Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

children, from investigation to correctional, with a restorative approach rather than repressive.

3. Children's right to education

A child's right to education is a fundamental right that is legally guaranteed for every child to have access to a decent, quality education that is appropriate to their age development and individual needs. This right includes opportunities to participate in formal, non-formal and informal education that enables children to optimally develop their academic potential, social skills and character.²⁰ In the context of children in conflict with the law, the right to education includes the provision of structured and integrated educational programs in development institutions, such as LPKA, which aim not only to fulfill state obligations, but also to support rehabilitation, social reintegration and prevention of recidivism. The fulfillment of children's right to education is measured by the availability of educational facilities, equitable access, quality of teaching, and adaptation of the curriculum according to the special needs of the child.

4. Special Development Institute for Children (LPKA)

Lembaga Pembinaan Khusus Anak (LPKA) is a technical implementation unit under the Director General of Corrections that specifically handles the development and guidance of children who are serving a sentence. The existence of LPKA is officially regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) and

²⁰ Pasal 50 Undang-undang Nomor 23 tahun 2002 tentang Perlindungan Anak

strengthened through Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 18/2015 concerning Organization and Work Procedures of the Child Special Development Institution. LPKA replaces the function of lembaga pemasyarakatan (Lapas) for children and is tasked with carrying out the development of correctional students. Children placed in LPKA are treated with an approach that focuses on the best interests of the child, not solely on the aspect of punishment.

In LPKA, children do not only serve a criminal period, but also receive various coaching programs, such as formal and non-formal education, skills training, psychological counseling, and religious guidance. The approach applied is restorative, in accordance with restorative justice mandated in the SPPA Law.²¹ The main objective of this guidance is for children to return to society as better individuals and be able to lead productive lives.²² With this approach, LPKA plays a strategic role in restoring the child's social function and preventing the child from reoffending.

G. Structure of Discussion

Chapter I explains comprehensively in the form of an overview of the research. The introduction contains the background regarding children as perpetrators of criminal acts and the case of beatings between children, which resulted in the death of one of the children., so the author wants to discuss children's education rights after entering LPKA Class 1 Blitar, how the

²¹ Pasal 1 Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

²² Pasal 68 Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

fulfillment of children's education rights and seen from the effectiveness of Soerjono Soekanto's law whether it can be called effective which will be presented in the problem formulation section, then there are research objectives, research benefits, previous research and ends with a systematic discussion as an overview of the substance in this study.

Chapter II presents previous studies that have correlations with this research such as the fulfillment of children's rights but with a different focus of study as a comparison. This section also explains the theoretical basis of the theme discussed about the general review that discusses children in conflict with the law, children's educational rights, and the legal effectiveness of fulfilling the educational rights of children in conflict with the law.

Chapter III Research methods, in this chapter will be explained regarding how the research methods used in this study. Which includes the type of research, namely empirical juridical, a research approach using the law, a research location in LPKA Class 1 Blitar, types and sources of data, data collection techniques, and data processing methods in this writing.

Chapter IV Exposure of research results and discussion, is a discussion of data that has been obtained through interviews and documentation with LPKA Class 1 Blitar, and after going through a series of data analysis processes. This chapter explains how effective the fulfillment of educational rights for children in conflict with the law located in LPKA Class I Blitar City is and will be analyzed using Soerjono Soekanto's legal effectiveness.

Chapter V Closing is the final part of writing this research. It contains conclusions in the form of short, concise, and clear explanations related to the answers to the problems in the form of problem formulation points and also contains suggestions for this research.

CHAPTER II

LITERATURE REVIEW

A. Previous Research

Previous research is a section that explains and describes data in order to find differences and similarities with the research conducted by the author, as well as being a consideration as well as a basis for this research. The following is an explanation of previous research.

First, research conducted by Muhammad Dinda Al-Durra in 2025 entitled Fulfillment of the Rights of Children Against the Law in Review of Law Number 35 of 2014 concerning Child Protection (A Study at the Special Community Development Institution for Children Class II Banda Aceh), Ar-Raniry State Islamic University Banda Aceh. This type of research is empirical juridical with data collection techniques in the form of observation, interviews, and documentation. The results of research on the fulfillment of rights that are a priority in LPKA Class II Banda Aceh, namely by fulfilling priority rights in services, fulfilling priority rights in guidance, and fulfilling priority rights in supervision of correctional students in teaching and learning activities and supervising the health and religion of students.²³ The similarity between previous research and this research lies in the focus of the study, namely the fulfillment of children's rights and the research location at the local LPKA. What distinguishes this research is that it focuses on fulfilling the educational rights of

²³ Muhammad Dinda Al-Durra, "Pemenuhan Hak Anak Berhadapan Dengan Hukum Ditinjau Dari Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak (Suatu Penelitian Pada Lembaga Pembinaan Khusus Anak Kelas II Banda Aceh)" (undergraduate thesis, Univesitas Islam Negeri Ar-Raniry Banda Aceh, 2025), <https://repository.ar-raniry.ac.id/id/eprint/42375/>.

children in conflict with the law in terms of the effectiveness of Soerjono Soekanto's law and the SPPA Law.

Second, research in the form of a thesis by Mahatma Mustika Purwa Wijaya in 2024 entitled Fulfillment of Educational Rights of Children in Conflict with the Law (ABH) (Case Study of LPKA II Yogyakarta), Universitas Islam Indonesia Yogyakarta. This research uses juridical-empirical research methods with a sociological approach. The results showed that the state has tried to fulfill the educational rights of ABH through various activities and systems that have been regulated according to the conditions of ABH. However, the fulfillment of the right to education for ABH has not been implemented optimally due to various internal and external factors.²⁴ Previous research and this research have the same focus of study, namely on the fulfillment of the right to education by the local LPKA for Children in Conflict with the Law. The difference between these two studies is in the approach used. Previous research used a sociological approach that focused on the interaction of behavior with the existing norm system. This research uses a statutory approach, by looking at whether the objectives of the law have been achieved through Soerjono Soekanto's legal effectiveness.

Third, research in the form of a thesis written by Farad Aulia Azza in 2023 entitled Legal Protection Against Children as Perpetrators of Violence that Causes Death Analysis of Decision Number: 12/Pid.Sus Anak/2020/PN Jkt.Pst,

²⁴ Mahatma Mustika Purwa Wijaya, "Pemenuhan Hak Pendidikan Anak Yang Berkonflik Dengan Hukum (ABH) (Studi Kasus LPKA II Yogyakarta)" (Thesis, Universitas Islam Indonesia, 2024), <https://dspace.uui.ac.id/handle/123456789/50506>.

Syarif Hidayatullah State Islamic University Jakarta. The research method used in this thesis uses a juridical-normative legal research method with a research approach using a statistical approach and a case study approach. The results of the study indicate that legal protection for children who commit criminal acts is classified as delinquent behavior and is referred to as Children in Conflict with the Law, and the author agrees with the decision of the Panel of Judges.²⁵ The equation of this research with previous research is one of the fulfillment of children's rights, namely the form of legal protection for children who are perpetrators of violent crimes. This legal protection includes what rights for children who commit criminal offenses. The difference between this research and previous research is that the coverage provided by the author in previous research focused on analyzing the judge's consideration in sentencing children in conflict with the law, while this research focuses on the effectiveness of Soerjono Soekanto's law in fulfilling the educational rights of children in conflict with the law based on positive law.

Fourth, research in the form of a journal article prepared by Dwi Hardyanti, Mulyati Pawennei, St. Ulfah in 2023 entitled The Effectiveness of the Implementation of the Development Model for Children Against the Law (Individual Treatment Model) at the Child Special Development Institution (LPKA) Class II Maros, Universitas Muslim Indonesia. This research uses an empirical juridical approach. The result of this study is that the implementation

²⁵ Farad Aulia Azza, "Perlindungan hukum terhadap anak sebagai pelaku tindak pidana kekerasan hingga menyebabkan kematian Analisis Putusan Nomor: 12/Pid.Sus Anak/2020/PN Jkt.Pst" (bachelorThesis, UIN Syarif Hidayatullah Jakarta, 2023), <https://repository.uinjkt.ac.id/dspace/handle/123456789/70996>.

of individual treatment at LPKA Class II Maros is still ineffective as seen from the implementation of coaching that is not ideal, the number of officers is insufficient, and there are obstacles in funding.²⁶ The similarities between previous research and this study are in the research subjects that focus on children dealing with the law, the fulfillment of one of the rights of children dealing with the law and the research location, namely the local LPKA. The difference between previous research and this study is the focus on the rights of children dealing with the law and the effective indicators used. This study uses Soerjono Soekanto's effectiveness indicators and focuses on fulfilling the broader rights of children in conflict with the law.

Fifth, research prepared by Dwi Hariati in the form of a thesis entitled *The Role of the Child Special Development Institution Towards Fulfilling the Rights of Children Against the Law (ABH) in Review of the Child Protection Law and the Compilation of Islamic Law (Case Study at the Class I Tanjung Gusta Medan Child Special Development Institution)* in 2021, North Sumatra State Islamic University Medan. This type of research uses normative-empirical legal research, with a research approach in the form of a statutory approach and an anthropological approach. The results of this research show that the fulfillment of ABH rights at LPKA class I Tanjung Gusta Medan has been running effectively, without violence, non-discrimination, and in accordance with the

²⁶ Dwi Hardyanti, Mulyati Pawennei, and St Ulfah St Ulfah, "Efektivitas Pelaksanaan Model Pembinaan Anak Berhadapan Dengan Hukum (Individual Treatment Model) Pada Lembaga Pembinaan Khusus Anak (LPKA) Kelas II Maros," *Journal of Lex Theory (JLT)* no. 2 (2023): 479–95.

Child Protection Law and the Compilation of Islamic Law.²⁷ The similarity between previous research and this research is the effectiveness of fulfilling the rights of Children Against the Law (ABH) and the research is centered on the local LPKA. The difference is that previous research reviewed the effectiveness of the fulfillment of ABH rights based on the Child Protection Law and the Compilation of Islamic Law. This research focuses on the effectiveness of the fulfillment of ABH rights, especially Children in Conflict with the Law or children as criminal offenders. The review used in this study focuses on the Child Protection Law and the Juvenile Criminal Justice System Law.

The following table illustrates to make it easier and understand previous research:

Table 2. 1
Similarities and Differences

No.	Title	Equation	Difference
1.	Muhammad Dinda Al-Durra, <i>Fulfillment of the Rights of Children in Conflict with the Law in Review of Law Number 35 of 2014 concerning Child Protection (A Research on the Special Community Development Institution for Children Class II Banda Aceh)</i> , Thesis, 2025.	The focus of the study is the fulfillment of the rights of children in conflict with the law and the research location is at the local Child Special Correctional Development Institution.	This research focuses on fulfilling the educational rights of children dealing with the law in terms of Soerjono Soekanto's legal effectiveness indicators and the SPPA Law.

²⁷ Dwi Hariati, "Peran Lembaga Pembinaan Khusus Anak Terhadap Pemenuhan Hak-Hak Anak Yang Berhadapan Dengan Hukum (ABH) Ditinjau Dari Undang-Undang Perlindungan Anak Dan Kompilasi Hukum Islam (Studi Kasus Di Lembaga Pembinaan Khusus Anak Kelas I Tanjung Gusta Medan)" (undergraduate thesis, Universitas Islam Negeri Sumatera Utara, 2021), <http://repository.uinsu.ac.id/13786/>.

2.	Mahatma Mustika Purwa Wijaya, <i>Fulfillment of Educational Rights of Children in Conflict with the Law (ABH)</i> , Thesis, 2024	Analyzing the fulfillment of the educational rights of children in conflict with the law in LPKA	This research focuses on the fulfillment of children's education rights regulated in regulations whether it has been implemented in accordance with the objectives of related regulations in terms of legal effectiveness Soerjono Soekanto
3.	Farad Aulia Azza, <i>Legal Protection of Children as Perpetrators of Violence that Causes Death Analysis of Decision Number: 12/Pid.Sus Anak/2020/PN Jkt.Pst</i> , Thesis, 2023.	Discussion of children who become perpetrators of criminal acts and legal protection which includes the rights of children who commit criminal acts.	This research discusses the fulfillment of the educational rights of children in conflict with the law in terms of Soerjono Soekanto's legal effectiveness.
4.	Dwi Hardyanti, Mulyati Pawennei, St. Ulfah, <i>Effectiveness of the Implementation of the Development Model for Children Against the Law (Individual Treatment Model) at the Special Development Institute for Children (LPKA) Class II Maros</i> , Journal Article, 2023.	The focus of the study on children dealing with the law, the fulfillment of one of the rights of children dealing with the law, and the research location is the local LPKA.	This research uses Soerjono Soekanto's legal effectiveness indicators and focuses on fulfilling the broader educational rights of children in conflict with the law.
5.	Dwi Hariati, <i>The Role of the Child Special Development Institution Towards the Fulfillment of the Rights of Children Against the Law (ABH) in Review of the Child Protection Law and the Compilation of Islamic Law (Case</i>	The effectiveness of fulfilling the rights of children in conflict with the law (ABH) and the research location at the local Special Development Institute for Children.	This research focuses on the effectiveness of the fulfillment of the educational rights of ABH, especially Children in Conflict with the Law or children as perpetrators of crime based on the Law on Child Protection and the Law on the Child

	<i>Study at the Special Development Institution for Children Class I Tanjung Gusta Medan</i>), Thesis, 2021.		Criminal Justice System.
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From the table above regarding the differences and similarities regarding previous research on this study, it can be concluded that there are differences between this study and each previous study as presented.

B. Theoretical Framework

1. Concept of Juvenile Criminal Law

Juvenile criminal law is an Indonesian legal system that responds to the evolving social dynamics. Beginning during the Dutch colonial period, which created the foundations of juvenile criminal law through its colonial laws and regulations, with the premise that children involved in criminal offenses need to be given guidance and protection even though the implementation is still an authoritarian approach.²⁸ After Indonesia became independent and had its own constitution in the form of the Constitution of the Republic of Indonesia 1945 (1945 Constitution), human rights were included in it to be protected, as well as the rights of children. Article 28B paragraph (2) of Chapter XA Human Rights Constitution of the Republic of Indonesia 1945 (1945 Constitution) states that, "Every child has the right to survival, growth and development and the right to protection from violence and discrimination."²⁹

²⁸ Emaliawati, Dasuki., *Hukum Pidana Anak di Indonesia* (Sumatera Barat: Takaza Innovatix Labs, 2024), 7

²⁹ Pasal 28B ayat (2) Undang-undang Dasar Negara Republik Indonesia Tahun 1945

The protection of children's rights has been strengthened and developed over time. In addition to the 1945 Constitution, in 1989, the United Nations (UN) entered into an international treaty called the Convention on the Rights of the Child (KHA). This convention discusses the basics of protecting children as legal subjects, placing children's rights as a top priority, and Indonesia is one of the countries that ratified the contents of the Convention on the Rights of the Child (KHA) through Presidential Decree Number 36 of 1990.³⁰ The implication is that Indonesian juvenile criminal law must conform to the international standards in the convention. The culmination of the changes in juvenile criminal law in Indonesia is marked by the abolition of death penalty and life sentence for juvenile offenders, stated in article 3 letter f of Law Number 11 Year 2012 on Juvenile Criminal Justice System (SPPA Law).³¹

In addition, a legal umbrella that aims to protect and regulate all children's rights comprehensively is contained in Law No. 23/2002 on Child Protection (PA Law). Child Protection Law (PA Law) states that the principles of child protection are based on Pancasila, 1945 Constitution, and the basic principles of KHA which include:³²

- a. Non-discrimination;
- b. The best interests of the child;
- c. The right to life, survival, and development; and

³⁰ "What is the UN Convention on Child Rights?" UNICEF UK, accessed May 4th, 2025, <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>.

³¹ Emaliawati, Dasuki, *Hukum Pidana Anak di Indonesia*, 8

³² Pasal 2 Undang-undang Nomor 23 Tahun 2002 tentang Perlindungan Anak

d. Respect for children's opinions.

The changes in juvenile criminal law in Indonesia have interrelated objectives. *First*, it aims to protect the rights of children involved in criminal offenses, prevent children from discrimination, violence, and consider the best for the child. *Second*, juvenile criminal law as a system to foster and rehabilitate children involved in criminal offenses, taking into account the psychological, social, and educational conditions of children. *Third*, it aims to prevent the abuse of law against children, including punishment that is not in accordance with the principles of human rights and child protection. *Fourth*, the purpose of juvenile criminal law involves a comprehensive approach to children as legal subjects, including aspects such as education, health, and a family environment that supports children to develop optimally.³³

In order to realize the goals of juvenile criminal law, it is necessary to pay attention to efforts to achieve these goals. The involvement of various parties, including the government, judicial institutions, law enforcement officials, and civil society is key to creating an effective juvenile criminal law system and ensuring that children's rights are well protected.³⁴ The protection of children's rights also requires a penal policy or criminal policy. Policy is taken from the Dutch language, "*politiek*". In foreign

³³ Emaliawati, Dasuki, *Hukum Pidana Anak di Indonesia*, 6

³⁴ Emaliawati, Dasuki, *Hukum Pidana Anak di Indonesia*, 11

literature, penal policy can be called "criminal law politics". Political law is :³⁵

- a. Efforts to realize good regulation according to the circumstances and situation.
- b. The policy of the state through its authorized bodies to establish the desired regulations that are expected to be used to express what is contained in society and to achieve what is aspired to.

Penal policy is a science as well as an art that aims to enable positive legal regulations to be formulated better and to provide guidance not only to lawmakers, but also to courts that apply the law, and also to organizers or executors of court affairs.³⁶ Guidelines that can be implemented properly and accordingly certainly cannot be separated from the goal of crime prevention. And part of crime prevention is by making good criminal law regulations. This is in line with the definition of penal policy that has been mentioned.³⁷

Meanwhile, the implementation of crime prevention efforts can broadly be carried out using approaches such as :³⁸

- a. Penal approach (criminal law), prioritizing eradication (repressive).

³⁵ John Kenedi, *Kebijakan Hukum Pidana (Penal Policy) Dalam Sistem Penegakan Hukum di Indonesia* (Yogyakarta: Pustaka Pelajar, 2017), 5.

³⁶ Kenedi, *Kebijakan Hukum Pidana (Penal Policy)*, 59

³⁷ Kenedi, *Kebijakan Hukum Pidana (Penal Policy)*, 29

³⁸ Kenedi, *Kebijakan Hukum Pidana (Penal Policy)*, 55

- b. Non Penal Approach (outside of criminal law), emphasizing on prevention and deterrence (preventive).

The concept of penal and non-penal in the criminal law system provides a different approach in dealing with criminals, especially for children. For children who fall into the realm of criminal law, namely children dealing with the law (ABH) or children in conflict with the law, non-penal approaches such as diversion and restorative justice are preferred. Aiming to avoid the negative impact of criminal punishment that can damage children's development, while maintaining the principles of justice and protection of children's rights.

- a. Children Against the Law (ABH)

Children in conflict with the law or hereinafter referred to as ABH are mentioned in Law Number 11 of 2012 concerning Juvenile Criminal Justice System.³⁹ ABH is a term for children involved in the judicial process, including children in conflict with the law, children who are victims of criminal acts, and children as witnesses to criminal acts. Children as perpetrators of criminal acts are children who violate criminal law and get sanctions for their actions and are 12 (twelve) years old, but not yet 18 (eighteen) years old. Meanwhile, children who are victims of criminal acts are children under the age of 18 (eighteen) years who experience physical, mental, and/or economic losses due to criminal acts. Likewise, children who are witnesses to criminal acts are

³⁹ Pasal 1 Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

also before 18 (eighteen) years old who can provide information for the purposes of investigation, prosecution, and examination in court about a criminal case that they themselves experience.⁴⁰

Law No. 11/2012 Juvenile Criminal Justice System (SPPA Law) regulates the rights of children who become witnesses and victims. Article 90 paragraph (1) states that child witnesses and victims are entitled to :⁴¹

- 1). Medical rehabilitation and social rehabilitation efforts, either in institutions or outside institutions;
- 2). Assurance of safety, whether physical, mental or social;
- 3). Ease of obtaining information on case progress.

Children as victims and witnesses of criminal acts receive legal protection which is specifically regulated in Chapter VII through the SPPA Law and has legal consequences. The form of legal protection can be divided into two, namely :⁴²

- 1). Preventive Legal Protection, protection provided by the government that aims to prevent, before a violation occurs. In addition, to provide limitations in performing an obligation.

⁴⁰ Pasal 1 Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

⁴¹ Pasal 90 Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

⁴² Triana Agus Widiasih, Anak Agung Sagung Laksmi Dewi, and I. Made Minggu Widyantara, "Perlindungan Hukum Terhadap Korban Kekerasan Pada Anak Serta Upaya Pemulihan Untuk Korban (Studi Kasus Kejaksaan Negeri Denpasar)," *Jurnal Analogi Hukum*, no. 2 (2023): 245–50, <https://doi.org/10.22225/ah.5.2.2023.245-250>.

- 2). Repressive Legal Protection, the final protection in the form of sanctions such as fines, imprisonment, and additional punishments given when an offense has been committed.

Law No. 13/2006 on Witness and Victim Protection regulates both forms of legal protection thoroughly, emphasizing the importance of physical and psychological protection for witnesses and victims of criminal acts, such as the right to obtain protection for personal security, family, property, and freedom from threats regarding their testimony, as well as providing testimony without pressure, free from entrapment questions and obtaining medical assistance and psycho-social rehabilitation.⁴³ The Witness and Victim Protection Agency (LPSK) was born in conjunction with the Law The Witness and Victim Protection Agency, where the LPSK is tasked and entitled to provide security with protection and other rights to witnesses and/or victims.⁴⁴ This protection can be obtained by witnesses and victims in criminal court since the investigation stage begins. Based on respect for human dignity, security, justice, non-discrimination, and legal certainty, this is in line with the principles of providing protection to children.⁴⁵

The provision of child protection in the criminal justice system is an important aspect to ensure that the rights of children as perpetrators,

⁴³ Pasal 5-6 Undang-undang Nomor 13 Tahun 2006 tentang Perlindungan Saksi dan Korban

⁴⁴ Pasal 1 Undang-undang Nomor 13 Tahun 2006 tentang Perlindungan Saksi dan Korban

⁴⁵ Lina Panggabean, Triono Eddy, and Alpi Sahari, "Perlindungan Hukum Terhadap Anak Sebagai Korban Kekerasan Seksual (Analisis Undang-Undang Perlindungan Saksi Dan Korban)," *Iuris Studia: Jurnal Kajian Hukum*, no. 1 (2024): 20–28.

victims and witnesses can be protected throughout the legal process. In this case, juvenile criminal justice is applied with principles that prioritize the best interests of children, where child-friendly legal procedures are applied to avoid further trauma and provide opportunities for the recovery of children involved in criminal acts. Therefore, child protection is an important basis in the implementation of juvenile criminal justice, which adapts to the needs and conditions of the child's development, as stipulated in Law No. 11/2012 on Juvenile Criminal Justice System.

b. Children in Conflict with the Law

Children in Conflict with the Law are children who are involved in activities that violate the provisions of the law, both as perpetrators and those considered to be involved in criminal acts.⁴⁶ According to Law No. 11/2012 on Juvenile Criminal Justice System (SPPA Law), children in conflict with the law are entitled to more humane legal protection, given their age which is still in the developmental stage. In juvenile criminal justice, the striking difference with adult justice is the emphasis on providing guidance, protection and rehabilitation. The main goal of juvenile criminal justice is to ensure that children do not fall further into the criminal world, by offering diversionary paths or

⁴⁶ Pasal 1 Undang-undang No. 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

diversion of the legal process, as well as avoiding detention that could damage their future.⁴⁷

The implementation of juvenile criminal justice has principles, *first*, the best interests of the child, so that the welfare of the child is the main goal in juvenile criminal justice. *Secondly*, that children should enjoy special protection, get opportunities and facilities through legal and other efforts to realize the freedom and honor of children. These principles are based on two factors, namely, children are considered not certain to understand the mistakes they make so it is necessary to provide a reduction in punishment and differences in punishment between children and adults, and children are easier to foster and realize when compared to adults.⁴⁸ From these principles, children who commit criminal offenses should be considered as victims (*child perspective as victim*), due to the possibility of influence from the adults around them or the environment where the child lives. Based on the assumption that the child is not fully to blame, then when criminal justice takes place by considering the justice approach and the welfare approach, the child has the right to get the best case resolution for him/her.⁴⁹

⁴⁷ Wagiati Sutedjo dan Melani, *Hukum Pidana Anak (Edisi Revisi)* (Bandung: PT Refika Aditama, 2017), 27

⁴⁸ Harrys Pratama Teguh, *Teori dan Praktek Perlindungan Anak Dalam Hukum Pidana – Dilengkapi dengan Studi Kasus* (Yogyakarta: Andi Offset, 2018), 94

⁴⁹ Teguh, *Teori dan Praktek Perlindungan Anak Dalam Hukum Pidana*, 95

As for children who commit criminal offenses who are still 12 (twelve) years old, investigators, community supervisors, and professional social workers make a decision to either hand them back to their parents/guardians or include them in education, coaching, and guidance programs at government agencies or regional LPKS, for a maximum of 6 (six) months.⁵⁰ Children who can be sentenced to punishment or action range from 14 (fourteen) years old to 18 years old. And children less than 14 years old can only be subject to action.⁵¹ The basis of the judge's consideration in determining the action for children who are not yet 14 years old, is seen from the severity of the act, the personal circumstances of the child or the circumstances when the act occurred.

Whereas children who have reached the age of 14 years old and are a person who violates the law, are considered to be slightly more mature than the ages below because they can be detained if they are suspected of committing a criminal offense with a threat of 7 (seven) years or more, without eliminating their rights as children who must have their physical, spiritual and social needs met.⁵² Detention for children is carried out in the interests of the process during the judicial process . Children who are 14 years old and above may be subject to punishment or action in accordance with the provisions in the Undang-undang

⁵⁰ Pasal 21 Undang-undang No. 11 tahun 2012 tentang Sistem Peradilan Pidana Anak

⁵¹ Pasal 82 Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

⁵² Pasal 32 Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

Juvenile Criminal Justice System, taking into account the developmental characteristics and best interests of the child.

The types of punishment that can be imposed on children consist of five types, namely:⁵³ warning punishment; conditional punishment which includes coaching outside the institution, community service, or supervision; vocational training punishment; coaching in an institution; and imprisonment. Among these types of punishment, imprisonment is the most severe form of punishment and its implementation is carried out in the Child Special Development Institution (LPKA), which does not only function as a place of punishment, but also as a coaching institution that emphasizes education, rehabilitation, and social recovery so that fostered children can return to society as better and more productive individuals. Children who are undergoing guidance in special children's development institutions are referred to as foster children.⁵⁴ So children in conflict with the law who then meet the requirements to be included in the LPKA to undergo a period of guidance, can be referred to as fostered children.

This approach to punishment for children pays close attention to the principle of restorative justice which is the basis for resolving cases of children, which prioritizes the restoration of relationships between perpetrators, victims and society in a fair and humane manner, not just

⁵³ Pasal 71 Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

⁵⁴ Pasal 1 Undang-undang Nomor 22 Tahun 2022 tentang Pemasarakatan

retaliation.⁵⁵ The use of restorative justice is considered more feasible in dealing with violations of the law of children under 18 years of age and is based on the principle of due process which guarantees the right to individual freedom and respects the legal rights of the suspect.⁵⁶

Therefore, before children are sentenced to imprisonment in LPKA, the juvenile justice system seeks to implement diversion as a mechanism for transferring case resolution from formal to non-formal processes, which focuses on preventing the negative impact of the judicial process on child development.⁵⁷ With the combination of restorative justice principles and diversion mechanisms, it is expected that the handling of children in conflict with the law can take place effectively, humanistically, and support the recovery and reintegration of children into the social environment.

2. Rights of Juvenile Offenders

Children's rights are an integral part of efforts to protect and fulfill children's welfare, including children in conflict with the law. In the Juvenile Criminal Justice System Law, the fulfillment of the educational rights of children in conflict with the law not only includes protection of physical and mental safety, but also ensures that every child has the right to be treated humanely and properly.

⁵⁵ Pasal 1 Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

⁵⁶ Renata Christha Auli S.H, "Arti Due Process of Law | Klinik Hukumonline," October 17, 2024, <https://www.hukumonline.com/klinik/a/arti-due-process-of-law-lt64edc30233bb7/>.

⁵⁷ Teguh, *Teori dan Praktek Perlindungan Anak Dalam Hukum*, 96

The 1989 Convention on the Rights of the Child (KHA) by the United Nations (UN) is a starting point where the protection of children's rights becomes an issue that needs more attention. In response to the convention by the UN, Indonesia as a member state ratified the KHA in the form of Presidential Decree Number 36 of 1990.⁵⁸ The KHA covers all aspects of children's lives and establishes civil, political, economic, social and cultural rights that are universally applicable to all children.⁵⁹

Child protection in Indonesia, which is based on Pancasila, is the main focus of efforts to ensure the basic rights of children to grow and develop optimally and be protected from all forms of violence and discrimination.⁶⁰ By fulfilling children's rights as a whole, especially in the field of education, it is hoped that children, including children in conflict with the law, will have the opportunity to get an education even though they have done wrong. In Law No. 23/2002 on Child Protection, the right to education is clearly regulated in Article 9, which states that every child has the right to receive education and teaching in order to develop his/her personality and level of intelligence in accordance with his/her interests and talents. Furthermore, Articles 48-54 regulate in more detail the government's obligation to provide a minimum of 9 years of free basic education for all children, including children in conflict with the law.

⁵⁸ Teguh, *Teori dan Praktek Perlindungan Anak Dalam Hukum Pidana*, 6

⁵⁹ "What is the UN Convention on Child Rights?" UNICEF UK, accessed May 4th, 2025, <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>.

⁶⁰ Pasal 2 Undang-undang Nomor 23 tahun 2002 tentang Perlindungan Anak

Meanwhile, Law Number. 11/2012 on the Juvenile Criminal Justice System strengthens this right to education through Article 3 letter n, which explicitly guarantees the right of children to obtain education during the criminal justice process. More importantly, Article 85 paragraphs (2)-(4) stipulates that children sentenced to imprisonment and placed in LPKA are entitled to receive education and training, and requires LPKA to organize education and skills training in accordance with the needs of children. Followed by Article 91 paragraph (3) that children, child victims, and/or child witnesses are entitled to obtain medical rehabilitation, social rehabilitation, and social reintegration from institutions or agencies that handle child protection, so that they can return to the family and community environment, without losing the opportunity to continue to grow and develop.

Law Number 22 of 2022 on Correctional Institution also contains similar provisions in Article 12 letter c and Article 50, which ensure that children in correctional institutions still have the right to attend formal and non-formal education. Similarly, Government Regulation Number 58 of 2022 concerning on Forms and Procedures for the Implementation of Crimes and Measures Against Children strengthens the implementation of the right to education through Article 36, which regulates the technical implementation of education for children serving a sentence..

Government Regulation No. 58 of 2022 concerning Forms and Procedures for the Implementation of Crimes and Measures against

Children,, in article 36 paragraph 6 concerning the Action of Obligation to Attend Formal Education and / or Training Held by the Government and Private Agencies, states that this mandatory formal education is held by the government to fulfill children's rights to education and compulsory education programs. Then the progress of the child's learning results is submitted to the Community Supervisor and the Prosecutor.

From the regulations that have been mentioned, we can classify children's education rights to facilitate presentation, as follows:

Table 2. 2
Tabulation of Education Rights of Children in Conflict with the Law

Child Rights	Regulation			
	Law No. 23 Year 2002 on Child Protection	Law No. 11/2012 on the Juvenile Justice System	Government Regulation No. 58 Year 2022 on the Forms and Procedures for the Implementation of Crimes and Measures against Children	Law No. 22 Year 2022 on Civil Service
Right to proper education	Article 9 paragraph (1) states that every child has the right to education and teaching in order to develop his/her	Article 3 letter n states that every child in the criminal justice process has the right to education; Article 85 paragraph (2) that the child	Article 36 paragraph (1) on the mandatory action to attend formal education and/or training held by the government	Article 12 letter c children and fostered children have the right to receive education, teaching, and recreational

	<p>personality and level of intelligence in accordance with his/her interests and talents; Article 49 states that the state, government, family and parents are obliged to provide the widest possible opportunities for children to obtain education.</p>	<p>as referred to in paragraph (1) has the right to receive guidance, mentoring, supervision, assistance, education and training, and other rights in accordance with the provisions of laws and regulations.</p>	<p>or private entities is intended to fulfill the child's right to education and the compulsory education program.</p>	<p>activities, as well as opportunities to develop their potential by paying attention to their growth and development needs; Article 50 paragraph (1) concerning based on the results of the Litmas, fostered children are given guidance in the form of:</p> <ul style="list-style-type: none"> a. education; b. personality development; and c. independence development.
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In terms of legal protection for children in conflict with the law, crime prevention efforts applied can use a penal or non-penal approach. The penal approach leads to the application of formal punishment through the judicial process, while the non-penal approach focuses more on

restoring children through coaching, mediation, or alternative solutions that prioritize the best interests of the child.

An Indonesian legal figure and the initial drafter of the Indonesian Criminal Code,⁶¹ argues that crime prevention efforts can be roughly distinguished based on their nature. If the crime has already occurred, it is through the penal route which emphasizes the repressive nature (suppression, eradication, suppression). Meanwhile, the non-penal path emphasizes more on the preventive nature (prevention, deterrence, control) before the crime occurs. The main target of non-punitive measures is to deal with the factors that cause crime, both direct and indirect factors.⁶²

In this context, providing the right to education for children in conflict with the law can be seen as part of a non-punitive strategy, because education plays an important role in preventing children from becoming involved in criminal acts again. Education not only fulfills children's basic rights, but also serves as a means of social rehabilitation and character building, so that they can return to society with stronger provisions to lead productive lives and stay away from criminality.

3. Soerjono Soekanto's Legal Effectiveness

Soerjono Soekanto, who was born on January 30th, 1942 and died on November 17th, 1990, is a leading figure in the field of legal sociology in

⁶¹ Anonim, "Sudarto (akademisi)," *Wikipedia bahasa Indonesia, ensiklopedia bebas*, May 8th, 2025, diakses 9 mei 2025 [https://id.wikipedia.org/w/index.php?title=Sudarto_\(akademisi\)&oldid=27246890](https://id.wikipedia.org/w/index.php?title=Sudarto_(akademisi)&oldid=27246890).

⁶² Kenedi, *Kebijakan Hukum Pidana* (Penal Policy), 56

Indonesia. He is known as the Head of Sociology and Customary Law at the Faculty of Law, University of Indonesia (UI), was appointed as Professor of Sociology of Law at the University of Indonesia (UI), and has an important role in the development of legal education and research in Indonesia. His thoughts, in his dissertation, discuss legal issues, namely Legal Awareness and Legal Decisions, where the legal awareness of the public and officials is still low. They only know without applying it in real life.⁶³ With his educational background and thoughts, he emphasized that legal effectiveness is closely related to law enforcement factors because the success of a regulation does not only lie in the content of legal norms, but also depends on how the law is actually enforced in society.

Effectiveness, from the word effective, means the achievement of success in achieving predetermined goals. According to Hans Kelsen, legal effectiveness is related to legal validity. Legal validity means legal norms that bind people to obey and apply legal norms.⁶⁴ So overall legal effectiveness is the level of success of a regulation or law in achieving the desired goal, seen from its influence on changes in attitudes and behavior in society.⁶⁵

⁶³ Anonim, "Soerjono Soekanto," *Wikipedia bahasa Indonesia, ensiklopedia bebas*, 19 Februari 2025, diakses pada 10 Mei 2025 https://id.wikipedia.org/w/index.php?title=Soerjono_Soekanto&oldid=26937863.

⁶⁴ Galih Orlando, "Efektivitas Hukum Dan Fungsi Hukum Di Indonesia," *Tarbiyah Bil Qalam : Jurnal Pendidikan Agama Dan Sains*, no. 1 (2022), <https://ejurnal.stita.ac.id/index.php/TBQ/article/view/77>.

⁶⁵ Ainul Badri, "The Effectiveness of Large-Scale Social Restrictions (PSBB) Policies in Indonesia From a Legal Perspective: Efektivitas Kebijakan Pembatasan Sosial Berskala Besar (PSBB) Di Indonesia Ditinjau Dari Perspektif Hukum," *Jurnal Analisis Hukum*, no. 1 (2021): 1–6.

According to legal experts, legal effectiveness is an important element in the legal system. Lawrence M. Friedman emphasizes that legal effectiveness is influenced by three components of the legal system, namely legal substance, legal structure, and legal culture.⁶⁶ Meanwhile, Satjipto Rahardjo highlights the importance of living law, which is a law that develops and is accepted by society, not just a static text.⁶⁷ These views indicate that the success of law lies not only in its content, but also in its acceptance and application in social reality.

Soerjono Soekanto provides indicators to measure the success rate of a regulation when applied in social life. Because the purpose of law is to achieve peace in the common life and achieve harmony between legal certainty and legal equality. With the main approach used by Soerjono Soekanto is one of the branches of legal science, namely the sociology of law.⁶⁸ The factors of law enforcement in supporting legal effectiveness are as follows:

a. The Legal or Regulatory Factor Itself

The legal or regulatory factor itself is an important factor in legal effectiveness. Because the real measure of effectiveness is seen from the regulation whether it has been implemented optimally seen in accordance with existing reality. Soerjono Soekanto explained in one

⁶⁶ Farida Pahlevi, "Pemberantasan Korupsi di Indonesia Perspektif Legal System Lawrence M. Friedman," *El-Dusturie*, no. 1 (2022): 30-32 <https://doi.org/10.21154/eldusturie.v1i1.4097>.

⁶⁷ M. Zulfa Aulia, "Hukum Progresif Dari Satjipto Rahardjo: Riwayat, Urgensi, Dan Relevansi," *Undang: Jurnal Hukum*, no. 1 (2018): 159-85, <https://doi.org/10.22437/ujh.1.1.159-185>.

⁶⁸ Soerjono Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, (Depok: PT RajaGrafindo Persada, 2022), 2-3

of the principles of legislation, namely that the law is a means to achieve spiritual and material welfare for society and individuals, through preservation or innovation. The meaning is, so that lawmakers are not arbitrary or so that the law does not become a dead letter.⁶⁹ Therefore, the application of regulations in society needs to be considered to measure the success of these legal objectives.

b. Law Enforcement Factor

Soerjono Soekanto limits law enforcers who are directly involved in law enforcement which includes law enforcement and peace maintenance, namely those in charge of the judiciary, prosecutor's office, police, court, and correctional fields. In this case, the discussion of law enforcement is more focused on discretion, namely decision making based on personal judgment without violating the boundaries of the law.

In carrying out the role in real terms, law enforcers should be able to introspect. Because law enforcement is a group that is used as a role model by the community, so they should have abilities that are in accordance with the aspirations of the community. The principle used by law enforcers in exercising discretion is, what you don't want to experience, don't cause others to experience it and what

⁶⁹ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 13

you can get, let others try to get it.⁷⁰ So this factor emphasizes more on how law enforcers carry out their supposed role and how their role actually is. This research focuses on the correctional field, which is a subsystem of criminal justice that organizes law enforcement in the field of treatment of prisoners, children, and prisoners.⁷¹ The Child Special Development Institution (LPKA) is a criminal justice subsystem that carries out law enforcement against children.

c. Facilities

Without certain means or facilities, law enforcement cannot run smoothly. The means or facilities include educated and skilled human resources, good organization, adequate equipment, secure funds, and so on.⁷² For example, children in conflict with the law when they have been sentenced to carry out coaching at LPKA, the LPKA must fulfill the rights of children by providing facilities or facilities that support the fulfillment of the rights of children in conflict with the law. Soerjono Soekanto provides his way of thinking in dealing with these facilities, namely :⁷³

- 1). What doesn't exist - make new ones;
- 2). What is broken or wrong-fixed;
- 3). What's missing-add on;
- 4). The stuck-launched; and

⁷⁰ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 19-34

⁷¹ Pasal 1 Undang-undang Nomor 22 tahun 2022 tentang Pemasyarakatan

⁷² Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 37

⁷³ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 44

5). That which falls or retreats-increases or advances.

d. Community Factors

The purpose of law enforcement is for the peace of society and comes from society. Therefore, society has an influence on law enforcement. People's understanding of the law can affect how they understand and obey the law. The community's tendency to interpret the law as officers or law enforcement, can make them assume that the good and bad of the law is related to the behavior patterns of law enforcement. So that all actions taken by law enforcement can be a reflection of how the law works. In addition, there is an assumption that law is written positive law and tends to assume that the purpose of law is order.⁷⁴

In line with this assumption, the community's understanding of the content and purpose of the law can affect how they act towards the law, whether the law is obeyed or rejected by the community. In this case, it will be seen how the community views children in conflict with the law when and after being in LPKA.

e. Cultural Factors

Culture and society are two components that have an interconnection. Legal culture basically includes the values that underlie the applicable law, values regarding what is considered good and embraced, and what is considered bad so that it must be

⁷⁴ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 46

avoided, which is still an abstract concept. These values are usually two contradictory states that must be harmonized. The value pairs that have a role in law according to Soerjono Soekanto and Purbacaraka are :⁷⁵

- 1). Order value and peace value;
- 2). Physical/material value and spiritual/soul value;
- 3). The value of permanence/conservatism and the value of novelty/innovatism.

Koentjaraningrat defines culture as the whole of human behavior that is organized by behavioral systems, which are acquired through learning and arranged in community life.⁷⁶ This definition emphasizes that culture is not something that is brought from birth, but is formed through a long social process and passed down from generation to generation. In the context of law, culture is an important factor because the law will operate in a society that already has its own system of values and norms. If the substance of the law is not in accordance with the norms and values held by the community, then it is possible that the law can be ignored and not implemented, because it contradicts the norms and values they believe in.

⁷⁵ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 60

⁷⁶ Faried Ali, Anwar Sulaiman, dan Femmy Silaswaty Faried, *Studi Sistem Hukum Indonesia*, (Bandung: PT Refika Aditama, 2012), 141

With the definition and values that have been mentioned, it can be understood that a law that contains moral values that are in line with the beliefs of the community is able to be accepted, respected, and obeyed voluntarily by the community. As theft is a harmful act and has been regulated in the Criminal Code and is believed by the community that it is an act that violates norms and values, law enforcement officials take action fairly, and legal sanctions are carried out according to the rules. This shows that when legal norms are in line with the cultural values of society - stealing is a reprehensible act - then compliance with the law will be easier to achieve, and law enforcement will be more effective.

CHAPTER III

RESEARCH METHODS

A. Type of Research

This research is classified as juridical-empirical research, also known as field research. This research prioritizes observation of the real world in terms of legal practice and the implementation of law in society or legal institutions.⁷⁷ Observations will be made directly at LPKA Class I Blitar as the primary data source in this study.

B. Research Approach

This research uses a statutory approach, namely by examining the laws and regulations relating to the legal issues to be discussed and aims to provide a comprehensive and systematic analysis.⁷⁸ The statutory approach is used as a first step to examine and review legal norms that are relevant to the issues to be discussed in this study.⁷⁹ This approach aims to understand the normative basis governing the protection of children's rights, especially children in conflict with the law. The analysis is carried out on articles governing children's educational rights, namely formal and non-formal education held by the Blitar Class 1 Child Special Development Institution.

C. Research Location

This research was conducted at the 1st class Child Special Development Institution located in Blitar City. The research location was chosen at LPKA

⁷⁷ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020), 59

⁷⁸ Muhaimin, *Metode Penelitian Hukum*, 56

⁷⁹ Sheyla Nichlatus Sovia et al., *Ragam Metode Penelitian Hukum* (Kediri: Lembaga Studi Hukum Pidana, 2022).

class I Blitar because this institution specifically fosters children in conflict with the law, so it is relevant to the focus of research on the legal effectiveness of fulfilling the educational rights of children in conflict with the law. In addition, because throughout East Java, the placement of children in conflict with the law who are sentenced to criminal penalties is only available in Blitar City.

D. Data Type and Source

The type of data used for this research is primary data. Primary data is obtained through direct interaction with informants. This approach allows the author to obtain authentic and relevant information, including experiences, views and obstacles faced by respondents in the context of fulfilling children's education rights. By utilizing direct interaction, the research can explore the social and legal dimensions that cannot be revealed only through the analysis of legal documents.⁸⁰

The data sources in this research consist of primary, secondary, and tertiary data, each of which complements each other to provide comprehensive research results. The following is an explanation of primary, secondary, and tertiary data sources:

1. Primary data in this study consists of information obtained from informants in LPKA Class I Blitar, including the Registration and

⁸⁰ Eka Wahyu, "Panduan Lengkap: Pengertian Pengumpulan Data Primer Dan Metodenya," Skripsi Express.com, September 2024, <https://skripsiexpress.com/pengumpulan-data-primer/>.

Classification subsection, the Education and Skills subsection, and the Community Guidance and Alleviation subsection.

Table 3. 1
Informant Data from LPKA Class 1 Blitar

No.	Name	Position
1.	Anzar A Ritandari, S.Sos, M.M	Sub Section of Assessment and Classification
2.	Riska Latifatul	Education and Skills Subsection Staff
3.	Furrida Na'ifah	Community Guidance and Alleviation Subsection Staff

2. Secondary data sources include laws and regulations, books relevant to the research topic, and other legal literature that supports the analysis and theoretical basis of this research. The secondary data used in this research are data on child protection cases per year from 2021 to 2024, Law Number 23 of 2002 concerning Child Protection, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Government Regulation Number 58 of 2022 concerning Forms and Procedures for the Implementation of Crimes and Measures against Children, and Law Number 22 of 2022 concerning Correctional Institution, Juvenile Criminal Law books, Indonesian Juvenile Law books, books on Factors Affecting Law Enforcement, and Law Enforcement.
3. Meanwhile, tertiary data sources were taken from online news, digital reports, and trusted websites related to the issues studied. Tertiary data includes the Berita Satu website, the Big Indonesian Dictionary.

The combination of these three types of data sources is designed to ensure the validity and accuracy of the research findings, as well as to provide a holistic view of the effectiveness of the law in fulfilling the educational rights of children who are bullied.

E. Data Collection Methods

The data collection process in this study uses the method:

1. Semi-structured interviews with research subjects selected using the purposive sampling method where the interviewer and informant meet and conduct one-way communication. The interviewer asks questions and the informant answers. The interview technique using semi-structured interviews is to compile questions and prepare important points to be asked, and does not rule out the possibility of developing these questions during the interview process. Due to the interview procession, the list of questions from the author can change at any time according to the informant's willingness to answer the questions of the researcher.⁸¹ To help facilitate the interview process, the author can use tools such as writing tools and voice recordings to make it easier for the author to write down the results of the interview.

Purposive sampling is sampling based on certain considerations in accordance with research needs.⁸² Semi-structured interviews will be

⁸¹ Ridwan, Novalita Fransisca Tungka, *Metode Penelitian*, (Bengkulu: Yayasan Sahabat Alam Rafflesia, 2024), 45-48.

⁸² Ika Lenaini, "Teknik Pengambilan Sampel Purposive Dan Snowball Sampling," *Historis : Jurnal Kajian, Penelitian Dan Pengembangan Pendidikan Sejarah* 6, no. 1 (June 30, 2021): 33–39, <https://doi.org/10.31764/historis.v6i1.4075>.

conducted with subsection staff in LPKA Class 1 Blitar as informants by asking important points in questions relevant to the subsection field in LPKA Class 1 Blitar and this research.

2. Documentation, documentation is the collection, selection, processing, and storage of information either by recording, photographing, or transcribing recordings of interview results which aim to be supporting data in research.⁸³ Documentation is data obtained from LPKA Class I Blitar as supporting data in this study.

F. Data Processing Method

The data to be analyzed in this research is the result of the interview method, which is then processed in five stages, namely:

1. Data editing/checking

Editing is a justification in collecting data whether it is relevant, clear, not excessive, and without errors from the data collected through documentation and interviews.⁸⁴ In this research, the author will edit data that is relevant to the theme of legal effectiveness in fulfilling the educational rights of children in conflict with the law.

2. Classifying

Classification is the grouping of data according to certain characteristics.⁸⁵

The data that has been collected from LPKA Class I Blitar will be

⁸³ Sheyla Nichlatus Sovia dkk., *Ragam Metode Penelitian Hukum* (Kediri: Lembaga Studi Hukum Pidana, 2022), 51

⁸⁴ Bachtiar, *Metode Penelitian Hukum* (Tangerang: UNPAM PRESS, 2018), 159

⁸⁵ Nur Solikin, *Pengantar Metodologi Penelitian Hukum* (Pasuruan: Qiara Media, 2021), 124

classified into categories of children's rights in accordance with related regulations.

3. Verifying

Verifying is a stage in processing the data that has been collected to ensure the validity of the data obtained. In empirical legal research, there is a triangulation technique to test the validity of research data.⁸⁶ The triangulation used is source triangulation, which is checking the data that has been obtained through several sources. In this study, the authors triangulated sources to ensure that the data obtained with the field data was appropriate.

4. Analysing

Analysis is a process that transforms data into information. Data analysis aims to answer the research questions, prove the basic assumptions of the research, and explain the arguments of the findings.⁸⁷ Data analysis in this study was carried out by elaborating field findings with those presented in previous research and the theoretical basis in chapter two. Then the inhibiting factors and efforts that can be made to overcome these inhibiting factors are found. So that answers will be found to the problems that occur.

5. Concluding

The final step in data processing is the conclusion, the conclusion is the final statement that summarizes the essence of the research results and

⁸⁶ Solikin, *Pengantar Metodologi Penelitian Hukum*, 127

⁸⁷ Solikin, *Pengantar Metodologi Penelitian Hukum*, 129

answers the problem formulation based on the data and analysis that has been done. The conclusion here discusses in summary what the findings of the problem formulation are in the discussion and results chapters, including inhibiting factors and efforts that can be made to overcome them. Suggestions are addressed to parties related to the fulfillment of children's education rights, in this case LPKA Class 1 Blitar and related institutions. Suggestions are also addressed to future researchers to expand the discussion regarding the fulfillment of children's educational rights.

CHAPTER IV

RESULTS AND DISCUSSION

A. General Description of the Special Development Institution for Children Class I Blitar

1. Profile of Special Development Institution for Children Class I Blitar

Blitar Class I Child Special Development Institution located on Jalan Bali No. 76, Karangtengah Village, Sananwetan District, Blitar City which stands in an area of 155,089 square meters. LPKA Class 1 Blitar is a correctional technical implementation unit under the auspices of the East Java Regional Office of the Ministry of Law and Human Rights, which is the only special development institution for children in the East Java region.⁸⁸ LPKA Class 1 Blitar is called LPKA Blitar Satria. Satria which stands for Sportive, Accountable, Transparent, Responsive, Innovative, and Accommodative is a motto to continue to realize a correctional system that is professional and has integrity in providing the best guidance for foster children. These values become the foundation for all LPKA officers in carrying out the noble task of guiding children in conflict with the law, ensuring their rights are fulfilled, and preparing them to become individuals who are ready to return to society with various skills and positive characters.⁸⁹

⁸⁸ Anonim, "Lapas Anak Blitar Jadi Lembaga Pembinaan Khusus Anak," *Kementrian Imigrasi Dan Pemasyarakatan Republk Indonesia—Direktorat Jenderal Pemasyarakatan.*, 7 Agustus 2015, diakses 18 Mei 2025, <https://www.ditjenpas.go.id/lapas-anak-blitar-jadi-lembaga-pembinaan-khusus-anak>

⁸⁹ Pasal 3 Peraturan Menteri Hukum Dan Hak Asasi Manusia Republik Indonesia Nomor 18 Tahun 2015 Tentang Organisasi Dan Tata Kerja Lembaga Pembinaan Khusus Anak

Through the implementation of SATRIA values in every aspect of service, LPKA Class I Blitar is committed to not only being a place of guidance, but also a second home that provides opportunities for children to grow, develop, and improve themselves for a better future. In line with this commitment, LPKA Blitar continues to improve facilities and infrastructure to support service feasibility and create innovative changes through digital system updates. As an institution that is fully responsible for children entrusted by the state, LPKA Blitar has the obligation to fulfill all the rights of fostered children, with the main attention given to two fundamental aspects, namely health rights and children's education rights. These two aspects are prioritized because they are important foundations in a comprehensive and best interest-oriented coaching process for children.

The mission of LPKA Blitar is "Restoring the unity of life relationships, life and livelihood of Prisoners as Individuals, members of society, and creatures of God Almighty (Building Independent Humans) and developing a Child Friendly Special Development Institution for Children Class I Blitar, free from Extortion, Violence, and Oppression".

⁹⁰This mission reflects the institution's commitment to creating a coaching environment that is not only physically safe but also supports the psychological, social, and spiritual development of children. With this holistic approach, LPKA Blitar seeks to build the character of correctional

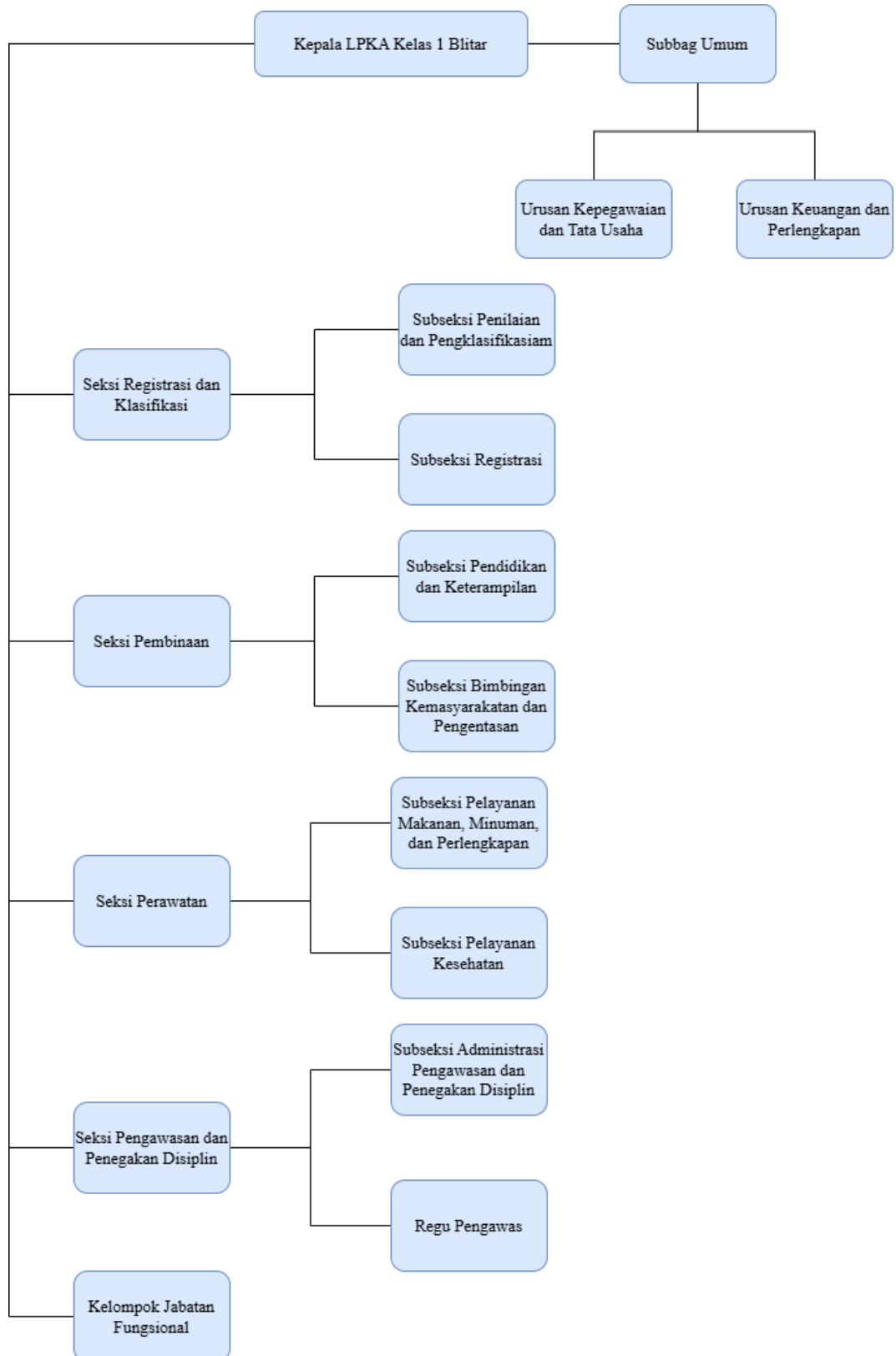
⁹⁰ Nafi Mubarak. M. Sulthon, "Pemenuhan Hak Pendidikan Pada Anak Binaan di LPKA Blitar Pada Masa Pandemi COVID-19", *Al-Qanun*, No. 2 (2023) <https://doi.org/10.15642/alqanun.2023.26.2.149-166>

students through integrated coaching programs, quality formal and non-formal education, and the provision of practical skills that can equip them after returning to society. Through the implementation of this mission, LPKA Blitar is determined to produce a generation of young people who, despite having been in conflict with the law, are able to rise to become resilient, independent individuals and contribute positively to the surrounding environment.

2. Organizational Structure of LPKA Class I Blitar

The following is the organizational structure of LPKA Class I Blitar based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 18 of 2015 concerning Organization and Work Procedures of the Child Special Development Institution,

Table 4. 1
Organizational Structure of LPKA Class 1 Blitar



3. Data on Fostered Children at LPKA Class I Blitar

To provide a more comprehensive picture of the condition of fostered children in the Special Development Institute for Children (LPKA) Class I Blitar, the data obtained from the institution is presented in three main categories including the number of fostered children from 2019 to 2024, the classification of types of criminal offenses committed by children, and the age group of fostered children as of April 29th, 2025.

Table 4. 2
Number of Children Assisted by LPKA Class 1 Blitar in the Last 6 Years

No.	Year	Number of Children
1.	2019	143 children
2.	2020	66 children
3.	2021	45 children
4.	2022	63 children
5.	2023	88 children
6.	2024	152 children
7.	2025 as of April	173 children

The development of the number of foster children shows quite varied changes each year. There was a significant decline in the period 2020 to 2021, most likely due to the impact of the COVID-19 pandemic which resulted in reduced activities such as hanging out with friends, and required everyone to stay at home as a preventive measure during the COVID-19 pandemic.⁹¹ However, in 2024 there was a noticeable spike back, so this data provides an important indication of the pattern of the fostered children

⁹¹ “PERUBAHAN PERILAKU REMAJA AKIBAT PANDEMI COVID-19 DI KAMPUNG PAYABEDI | Randa | Jurnal Ilmiah Mahasiswa Fakultas Ilmu Sosial & Ilmu Politik,” accessed May 21, 2025, <https://jim.usk.ac.id/FISIP/article/view/27795/13598>.

population that can be used as a basis for designing more effective fostering strategies and policies in the future. Fostered children range in age from 14 to 18 years old as explained in children in conflict with the law that children under 14 years old cannot be subjected to punishment, but only action.

Table 4. 3

Number of Children Assisted by LPKA Class 1 Blitar by Age as of April 2025

No.	Child's age	Number of Children
1.	14 to 18 Years	136 children
2.	18 Years and above	37 children
Total		173 children

The existence of data on children with an age range of 14 to 18 years shows that adolescence is an unstable age, an age where they are still unable to act on their own awareness, and tend to act because they see and imitate their group or environment.⁹² The age of 18 years and above also does not guarantee that they are able to think carefully about their own actions. Based on data from the informant, he said that children aged 18 years and over are those who have passed the age limit during the coaching period, and not new foster children who are accepted at that age. ⁹³The age factor is closely related to the variety of crimes committed by children in LPKA, which illustrates the diversity of psychological and social factors and the impact of the environment on their behavior.

⁹² Yeni Yasyah Sinaga and Ahmad Maulana Anshori, "Faktor Penyebab Tingginya Kenakalan Dan Kriminalitas Remaja Dalam Masyarakat," *Dakwatul Islam*, no. 1 (December 31, 2022): 1–20, <https://doi.org/10.46781/dakwatulislam.v7i1.582>.

⁹³ Anzar, wawancara, (Blitar, April 28th, 2025)

Table 4. 4
Types of Crimes of Children Assisted by LPKA Class 1 Blitar as of April 2025

No.	Type of Crime	Number of Children
1.	Child Protection	136 children
2.	Bullying	23 children
3.	Theft	16 children
4.	Murder	8 children
5.	Narcotics	7 children
6.	Persecution	6 children
7.	Robbery	2 children
8.	Embezzlement	1 child
9.	Health	1 child
10.	Electronic Information and Transaction Law (UU ITE)	1 child
Total		173 children

Data on the types of crimes of children in LPKA Class I Blitar show a variety of legal violations including child protection, beatings, theft, to narcotics and violence, reflecting complex coaching needs. In this context, the fulfillment of children's educational rights is a crucial aspect that should not be neglected, as guaranteed by the Child Protection Law and the Juvenile Criminal Justice System Law.⁹⁴ Formal and non-formal education in LPKA not only functions as a basic right of children, but also as a means of helping fostered children build skills, character, and legal awareness to reduce the possibility of repeating criminal acts in the future and prepare them when returning to society.⁹⁵ Thus, the handling of children in conflict with the law must integrate formal and non-formal education as the main foundation in their development and social reintegration process. The

⁹⁴ Pasal 82 Undang-undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak

⁹⁵ Pasal 50 Undang-undang Nomor 23 Tahun 2002 tentang Perlindungan Anak

fostered children who carry out formal education at LPKA Class 1 Blitar which includes the school levels of primary education, secondary education, and upper secondary education are divided as follows,

Table 4. 5
Number Of Children Per School Level as of April 2025

No.	School Level	Number of Children
1.	Elementary School	8 children
2.	Junior High School	45 children
3.	High School	88 children
Total		141 children

From the data provided, there are foster children who participate in formal education because their criminal period is more than one year. 8 children are at the Special Elementary School 3 owned by LPKA Class 1 Blitar, then the fostered children at the Junior High School (SMP) level are 45 children and the majority are at the Senior High School (SMA) level as many as 88 fostered children. Of the total number of fostered children in 2025 as of April as many as 173 fostered children with a total of 141 fostered children participating in formal education, 28 other children did not participate in formal education because they received a criminal period of less than one year and some children had completed their prison term.⁹⁶

B. Fulfillment of Educational Rights of Children in Conflict with the Law at LPKA Class 1 Blitar

The fulfillment of the right to education for Children in Conflict with the Law (ABH) at the Child Special Development Institution (LPKA) Class

⁹⁶ Rahma Eka Fitriani, "Pelaksanaan Pembinaan Terhadap Narapidana Anak di Lembaga Pembinaan Khusus Anak (LPKA)." *Justitiable*, No. 1 (2023) <https://doi.org/10.56071/justitiable.v6i1.596>

I Blitar is a state mandate in guaranteeing the basic rights of children as stipulated in Article 28B paragraph (2) of the 1945 Constitution, and strengthened by the Convention on the Rights of the Child (KHA) in 1989 by the United Nations (UN). The KHA was then ratified through Presidential Decree Number 36 of 1990. Therefore, juvenile criminal law in Indonesia must adjust to the international standards in the convention.⁹⁷ Thus, regulations that deal with children's rights were born, such as Law No. 23 of 2002 concerning Child Protection, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, Law No. 22 of 2022 concerning Correctional Institution, and Correctional Institution No. 58 of 2022 concerning Forms and Procedures for the Implementation of Crimes and Measures against Children

Children in conflict with the law who are aged between 14 years and 18 years can be subject to action and punishment based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Sentencing is based on the consideration of the judge who looks at the severity of the act, the personal circumstances of the child, or the circumstances when the act occurred. In line with the principle of children being considered as victims, which sees that the criminal acts of children can be based on the external influence of children,⁹⁸ then when children are sentenced to imprisonment in LPKA, which is the most severe implementation, LPKA is obliged to treat

⁹⁷ Emaliawati, Dasuki, *Hukum Pidana Anak di Indonesia*, 8

⁹⁸ Teguh, *Teori dan Praktek Perlindungan Anak Dalam Hukum Pidana*, 95

children with the principle of child protection, without eliminating the rights of children.

LPKA Class 1 Blitar as a form of protection of children's rights, provides educational programs both formally and non-formally to fulfill the educational rights of foster children.⁹⁹ Determination of the class and level of foster children who have just entered the integrity zone, namely LPKA Blitar, is determined since the foster children begin to register. In the registration section, the registration and classification section will request data from the child directly, with interviews while matching the data provided by the prosecutor's office,

*"begitu anak datang daftar di registrasi kita input datanya, semuanya. Setelah itu kita klasifikasikan. Pertama kita assesmen awal, nanyain latar belakangnya gimana, biodatanya gimana, keluarganya gimana, terus latar belakang dia melakukan tindak pidana itu apa. Dari situ juga kita bisa tahu anak ini sukanya apa, sekolah sampai apa, gitu. Terus dia berminat sekolah lagi apa enggak, apakah dia bekerja, apakah dia nganggur."*¹⁰⁰

Here are the results of the interview in English:

"When a child comes to register, we input all of their data. After that, we classify them. First, we conduct an initial assessment, asking about their background, personal information, family situation, and the circumstances leading to their criminal behavior. From there, we can also determine their interests, educational level, and whether they are interested in continuing their education, working, or unemployed."

⁹⁹ Pasal 50 Undang-undang Nomor 22 tahun 2022 tentang Pemasyarakatan

¹⁰⁰ Anzar, interview (Blitar, April 28, 2025)

From the results of the initial assessment, it can be seen the background of the foster child, the reason for committing a criminal offense, how the relationship with the family is, including the last school level in what grade. From there the registration and classification section will classify what class is suitable for the child according to the last class he set foot in school to study.¹⁰¹ The handling of children in conflict with the law at LPKA Class 1 Blitar is based on the objectives of changes in criminal law in Indonesia, namely juvenile criminal law as a system of fostering and rehabilitating children involved in crime by taking into account the psychological, social, and educational conditions of children and fulfilling the principle of the best interests of children by classifying which education and interest talents are suitable for fostered children.¹⁰²

The results of each foster child who comes are different. In a formal public school, children can start attending school when they are of the standard school age. Meanwhile, fostered children have many backgrounds. Some have gone to school but decided to stop halfway, some cannot continue to the next school level, and most sadly there are those who cannot go to school in the first place. So that the LPKA must categorize children of various ages to sit in the same class, because of their different educational backgrounds. This is a form of LPKA complying with the principles of Law Number 11 of 2012 concerning Juvenile Criminal Justice System, namely

¹⁰¹ Emaliawati, Dasuki, *Hukum Pidana Anak di Indonesia*, 6

¹⁰² Pasal 2 Undang-undang Nomor 23 Tahun 2002 tentang Perlindungan Anak

the best interests of the child, the survival and growth of the child, and the guidance and guidance of the child.¹⁰³

Formal education in this institution includes elementary school, junior high school, and senior high school, just like any other school. The elementary school at LPKA Blitar was established by LPKA Class 1 Blitar and is managed independently, under the name SD Istimewa 3. The establishment of an elementary school independently by LPKA Class 1 Blitar is a proof that the educational rights of fostered children are not spared and tend to be the strongest in their implementation and support. This is in line with the statement of the informant Mrs. Anzar from the Assessment and Classification Subsection that,

*"...anak-anak disini kan memang wajib untuk sekolah. Jadi meskipun mereka berminat atau nggak ya tetep kami masukkan ke sekolah."*¹⁰⁴

The following is the result of the interview in English:

"Children here are required to attend school. So even if they are interested or not, we still send them to school."

Based on this statement, it is clear that with the LPKA Class 1 Blitar emphasizing that the fostered children must go to school, either voluntarily or involuntarily, they must create a supportive and comfortable educational environment for the fostered children so that they will attend school with a happy feeling of the facilities in the educational environment. And fostered children can develop optimal attitudes, personalities, talents, mental and

¹⁰³ Pasal 2 Undang-undang Nomor 11 tahun 2012 tentang Sistem Peradilan Pidana Anak

¹⁰⁴ Anzar, interview (Blitar, April 28, 2025)

physical abilities despite serving a criminal period, as in Law Number 23 of 2002 concerning Child Protection.¹⁰⁵

Meanwhile, the junior and senior high schools at LPKA Class 1 Blitar are slightly different from their elementary schools. At the junior and senior high school levels, because they have different teachers for each subject, LPKA has a Cooperation Agreement (PKS) with Muhammadiyah Junior High School in Blitar City and YP (Yayasan Pendidikan) High School in Kotamadya.

“..Tapi SMP dan SMA nya kita PKS (Perjanjian Kerja Sama) sama sekolah luar soalnya kita kebutuhan gurunya kan per mapel, SMP SMA. Jadi SMP kerjasama sama SMP Muhammadiyah 1 Kota Blitar, untuk SMA nya sama SMA Yayasan Pendidikan (YP) Kotamadya Blitar. Kalau ke dinas nya juga ada dinas pendidikan, cabang dinas pendidikan.”¹⁰⁶

The following is the interview in English:

“But for junior high and high school, we have a cooperation agreement with external schools because we need teachers for each subject, junior high and high school. So, for junior high school, we cooperate with Muhammadiyah 1 Junior High School in Blitar City, and for high school, we cooperate with the Blitar Municipality Education Foundation (YP) High School. There is also an education office, a branch of the education office.”

This is also in line with what is stated in the profile of LPKA Class 1 Bitar in 2024, that in 2024 LPKA has signed a joint agreement with 40 stakeholder units, with partners from heterogeneous backgrounds, ranging

¹⁰⁵ Pasal 50 Undang-undang Nomor 23 Tahun 2002 tentang Perlindungan Anak

¹⁰⁶ Riska, interview, (Blitar, April 24, 2025)

from local government agencies, universities, non-governmental organizations, social, religious organizations or from child observers in the city and from outside the city. In line with article 89 paragraph (1) of Law Number 22 of 2022 concerning Correctional Institution that the task of Corrections, the minister/head of the institution can collaborate with ministries, local governments, institutions, and individuals, in order to support success in fulfilling the rights of foster children.

Departing from the above statement, non-formal education in LPKA such as personality education and independence education also makes agreements with stakeholder units to improve the activities, quality and abilities of each foster child. Personality education covers the child's personality, talents, mental and physical abilities to maximize their potential. Personality education also includes religious education.

"di pendidikan kepribadian itu kan juga termasuk sekolah tadi, selain sekolah ada madin, ada pendidikan keagamaan. Kebetulan disini Islam, ada yang Buddha satu itu ada keagamaannya. Di Islam ada taustiyah, sholat dhuhur berjamaah, nanti ada mengaji, ada madrasah diniyah juga. Terus kalau yang Buddha itu juga ada pendidikan keagamaan dari Kemenag. Jadi kita juga kerjasama dari Kemenag, juga "njagani" juga kan mbak, nanti "samare" kalau ada Buddha, Hindu, atau ada Konghucu itu gimana. Kalau Kristen kan disini sudah ada gereja, kerjasama sama gereja juga. Kalau yang agak minoritas itu agak sulit juga kan kalau nyarinya disini. Di Blitar juga kebanyakan Islam juga, jadi kita juga kerjasama sama Kemenag. Ada juga tahfidz, ada forum anak, ada pramuka juga. Kalau yang pendidikan karakternya kaya gitu."¹⁰⁷

Here are the results of the interview in English:

¹⁰⁷ Riska, interview, (Blitar, April 24, 2025)

“In personality education, it also includes the school mentioned earlier. In addition to the school, there is madrasah, which is religious education. Coincidentally, here it is Islam, there is Buddhism, and there is also religious education. In Islam, there is tausiyah, congregational midday prayer, then there is recitation of the Quran, and there is also madrasah diniyah. For Buddhists, there is also religious education provided by the Ministry of Religious Affairs. So we also collaborate with the Ministry of Religious Affairs, and we also “njagani” (take care of) them, right? If there are Buddhists, Hindus, or Confucians, how do we handle that? For Christians, there is already a church here, so we collaborate with the church as well. For those who are in the minority, it's a bit difficult to find them here. In Blitar, most people are Muslim, so we also collaborate with the Ministry of Religious Affairs. There are also Quran memorization programs, children's forums, and scouting activities. For character education, it's like that.”

Cooperation with religious institutions, namely Kemenag Blitar, can make it easier for LPKA and foster children to carry out religious education for each foster child. Kemenag plays a role in assisting one of the LPKA programs, namely religious education by providing religious educators in accordance with the religion of the fostered children without eliminating the right to freedom of religion and the right to worship according to their religion.¹⁰⁸ In addition, the existence of facilities for worship according to the religion of each foster child is a supporting factor for the fulfillment of

¹⁰⁸ Pasal 12 Undang-undang Nomor 22 tahun 2022 tentang Pemasyarakatan

the religious education of foster children. This is in line with the role of the community in assisting the implementation of correctional programs, namely religious education.¹⁰⁹

" Mengaji kita kerjasama sama yayasan darul ashfa, kalau nggak salah. Jadi anak2 habis solat dhuhur dibagi dua, ada yang masih belajar membaca tulis al-qur'an ada yang sudah mengaji quran. Kalau tausiyah biasanya nanti ada juga dari kemenag, dari muhammadiyah, kadang juga bapaknya yang dari sini mengisi begitu. Untuk madinnya kita juga kerjasama sama aisiyah, jadi nanti dari aisiyah ngirim ustadzah kesini. Kalau tahfidz kita kerjasama sama LMI (lembaga manajemen infaq)." ¹¹⁰

Here are the results of the interview in English:

"We collaborate with the Darul Ashfa Foundation, if I'm not mistaken. So, after the noon prayer, the children are divided into two groups: some are still learning to read and write the Quran, while others are already reciting the Quran. For religious lectures, there are usually speakers from the Ministry of Religious Affairs, Muhammadiyah, and sometimes the father from here also gives a talk. For the madrasah, we also collaborate with Aisiyah, so they send female teachers here. For Quran memorization, we collaborate with LMI (Infaq Management Institution)."

LPKA cooperates with educational institutions and religious institutions to provide character and religious education in accordance with the background beliefs of foster children. Judging from this, the fulfillment of the educational rights of foster children is a form of great concern from LPKA. Because the LPKA knows what is best for the fostered children and

¹⁰⁹ Pasal 92 Undang-undang Nomor 22 tahun 2022 tentang Pemasyarakatan

¹¹⁰ Riska, interview, (Blitar, April 24, 2025)

this is in accordance with the profile of LPKA Class 1 Blitar in 2024 where LPKA always improves the quality of service and changes in infrastructure to support the feasibility of services and creates innovative changes through updating the digital system.

Regarding skills training, the interview results revealed that LPKA collaborates with various third parties such as the Indonesian Family Planning Association (PKBI) to provide varied skills training, such as music, hadrah, children's forums, literacy. In addition, there is skills education from other third parties that runs according to the schedule established by LPKA Class 1 Blitar, as in the following figure,

Pictures 1. 1
LPKA Class 1 Blitar Education Schedule

NO	JAM	SENIN	SELASA	RABU	KAMIS	JUMAT	SABTU
1.	07.30-10.00	Sekolah	Sekolah	Sekolah	Sekolah	OR	
2.	10.00-11.00	Madrasah	Kerajinan	Madrasah	Madrasah	Kerajinan	
3.	11.00-12.00	Sekolah	Sekolah	Sekolah	Sekolah	Sekolah	
4.	12.00-13.00	Tauzimat	Mengajar	Tauzimat	Tauzimat	Tauzimat	
5.	13.00-14.00	Hadrah	Hadrah	Hadrah	Hadrah	Hadrah	
6.	14.00-15.00	Futsal	Futsal	Futsal	Futsal	Futsal	
7.	15.00-16.00	Hadrah	Hadrah	Hadrah	Hadrah	Hadrah	
8.	16.00-17.00	Futsal	Futsal	Futsal	Futsal	Futsal	
9.	17.00-18.00	Hadrah	Hadrah	Hadrah	Hadrah	Hadrah	
10.	18.00-19.00	Futsal	Futsal	Futsal	Futsal	Futsal	

Based on information from Mrs. Riska as staff of the Education and Skills Subsection, it is explained that the schedule of activities for foster children above is a form of cooperation agreement with stakeholders in their respective fields. Monday to Thursday there is formal education, namely

school according to the level of each fostered. Followed by religious education activities, including Madrasah Diniyah and worship in the Church for non-Muslims. Religious education for other religions is also available and will request assistance from the Blitar Ministry of Religious Affairs to provide religious educators in accordance with the religion of the fostered children.¹¹¹

In the afternoon, perform dhuhur prayers in congregation and have lunch, then continue personality education such as tausiyah filled by the Blitar Ministry of Religious Affairs, the Community Da'wah Institute of the Muhammadiyah Regional Leadership (LDK PDM) and even from the LPKA Class 1 Blitar staff themselves. In addition, there is Quran recitation by the Darul Asyfa Foundation, hadrah collaboration from PKBI and Fatayat NU Blitar Regency which is held at Griya Musik Satria LPKA Class 1 Blitar. Hafidz Qur'an and literacy filled by PKBI. Sahabat Perempuan dan Anak (Sapuan) Blitar which assists foster children for writing activities and is held every Wednesday at 13.00-15.00 WIB. On Thursday afternoon there is a children's forum by PKBI, reported from the Instagram social media account of LPKA Class 1 Blitar under the name @lpkablitar the children's forum aims to develop public speaking skills, build self-confidence, and increase children's active participation in voicing their rights and aspirations. Friday activities include morning sports, followed by scouts,

¹¹¹ Riska, interview, (Blitar, April 24, 2025)

Friday prayers in congregation, and band music activities, and the implementation of Buddhist religious education.

This training is selective, taking into account the interests and abilities of the children. The emphasis on education and self-reliance skills indicates a strategic effort to prepare children to adapt and reintegrate with the community after the completion of the criminal period as the rights of children in Law Number 11 of 2012 concerning Juvenile Criminal Justice System.¹¹² Information on skills education in the form of courses explained by

“..ada pembuatan kotak tisu, ada yang buat keset dari kain perca, dan buat disini cuma sebatas buat saja gak yang produksi. Kalau ada yang beli itu cuma dari internal saja. Buat biar mereka ada keterampilan dan ga bosen. Menjahit juga. Kalau sekarang itu sih keterampilan kemandiriannya. Tapi kalau ada pelatihannya itu kebetulan sekarang yang berjalan itu pelatihan buat pupuk. Terus menanam lombok sama sawi di sekitar sini. Ada pelatihan minat bakat juga.”¹¹³

“..kursus-kursus terus keterampilan-keterampilan kayak jurnalistik, fotografi, ada hadrah mbak, pembinaan keterampilannya, terus musik, itu yang “ajeg”, yang selalu ada. Yang jarang2 itu ya tergantung dari pihak ketiganya itu, ya apakah itu barbershop.”¹¹⁴

Here are the results of the interview in English:

“There is tissue box making, there are those who make mats from scrap fabric, and here they only make them, they don't produce them. If anyone buys them, it's only from internal sources. This is so that they have skills and don't get bored. Sewing too. Right now, it's about independence skills.

¹¹² Pasal 91 Undang-undang Nomor 11 tahun 2012 tentang Sistem Peradilan Pidana Anak

¹¹³ Riska, interview, (Blitar, April 24, 2025)

¹¹⁴ Anzar, interview (Blitar, April 28, 2025)

But if there is training, it just so happens that the training currently underway is for fertilizer. Then planting chili peppers and cabbage around here. There's also talent development training."

"Courses and skills like journalism, photography, there's hadrah, skill development, then music—those are the 'regular' ones, always available. The rare ones depend on the third party, like barbershop."

Based on the results of interviews regarding skills training and its forms, it can be seen that LPKA is organized and clearly selects and sorts out what activities are able to attract the interests and talents of the fostered children so that the fulfillment of the educational rights of fostered children can be optimized.

Fostered children who follow the formal and non-formal education process have different perceptions of education based on their educational background. In the interviews, it was also mentioned that some of the fostered children come from single backgrounds, without parents or children whose parents are divorced. Therefore, there are factors that inhibit the fulfillment of the right to education of fostered children. Ms. Riska from the Education and Skills Subsection explained the obstacles she experienced,

*"Kalau kendala lebih ke pengumpulan berkas-berkas, kan beberapa anak juga dari anak jalanan juga gitu. Kalau ga gitu anak broken home. Jadi kendalanya kaya pengumpulan berkas2 untuk keperluan sekolah atau pelatihan itu yang saya alami."*¹¹⁵

The following is the interview in English:

¹¹⁵ Riska, interview, (Blitar, April 24, 2025)

“The obstacle is more about collecting documents, because some of the children are street children. Others come from broken homes. So, the obstacle is collecting documents for school or training purposes, which is what I experienced.”

Factors inhibiting the fulfillment of educational rights begin with the lack of complete files. Because of their difficult backgrounds, so that when they will be in the initial assessment to classify their classes and talent interests, the LPKA has difficulty in collecting files on foster children. Explained by information from Mrs. Furrída from the Community Guidance and Alleviation Subsection,

*" Pernah ada yang anak itu ga punya KK, jadi kita minta ke kelurahan untuk biar anak dipindah ke KK neneknya, itu tergantung neneknya mau apa ndak."*¹¹⁶

Here are the results of the interview in English:

“There was a case where a child did not have a family card, so we asked the local government to transfer the child to his grandmother's family card, depending on whether his grandmother agreed or not.”

Such things cause delays in classifying foster children so that it takes time to take care of foster children's files. Another inhibiting factor comes from the foster children themselves. Because before they committed criminal offenses and entered LPKA they were children who did not go to school, worked or did not work at home, so when they were forced to receive

¹¹⁶ Furrída, interview (Blitar, April 29, 2025)

formal education, namely school, there were some foster children who were lazy to go to school.

As for non-formal education, there are assisted children who are interested and talented and active in the course, there are also assisted children who are not capable or not interested, and there are also those who do not want to participate in skills education, as stated by Mrs. Anzar,

*" Itu kami saring lagi, mana yang cocok terus juga berminat, terus mampu juga. Kadang-kadang mereka ada yang belum mampu, ada yang ga minat, yang memang ga mau yo ada. Rata-rata kan anak-anak macam-macam nggih."*¹¹⁷

Here are the results of the interview in English:

"We screened them again to see who was suitable, interested, and capable. Sometimes there are those who are not yet capable, those who are not interested, and those who simply do not want to do it. On average, children are all different, right?"

LPKA has facilitated and provided recommendations to foster children, but sometimes the foster children hinder themselves. Based on the educational facilities and facilities that have been fulfilled and from the information of Mrs. Anzar as the Head of the Assessment and Classification Section that,

*" Masih usia remaja itu masih usia yang labil. Sulit di kasih tahu. Dikasih tahu kan mereka masih njarak, kamu nanti ikut ini ya le, ini, ini, ini, gitu mereka bilanganya, gausah bu."*¹¹⁸

Here are the results of the interview in English:

¹¹⁷ Anzar, interview (Blitar, April 28, 2025)

¹¹⁸ Anzar, interview (Blitar, April 28, 2025)

“Teenagers are still at an unstable age. It's difficult to tell them. When you tell them, they still don't understand. You'll join this, right? This, this, this, this, that's what they say, don't worry.”

The cause of children feeling lazy to continue their education can be due to internal factors from the children themselves or mostly from external factors such as the family economy, the impact of friends, and the child's environment,

" Karena rata-rata mereka tuh memang putus sekolah, selalu yang putus sekolah rata-rata gamau sekolah ya karena banyak yang malas. Selain karena malas ya karena ekonominya kurang sehingga mereka malas. Rata-rata yo sudah, karena latar belakang ekonomi kurang, teman-teman yang keliru, salah pergaulan, salah ambil teman. "¹¹⁹

The following is the interview in English:

“Because most of them have dropped out of school, those who have dropped out usually don't want to go to school because many of them are lazy. Besides being lazy, it's also because of their economic situation, so they become lazy. Most of them, because of their poor economic background, have the wrong friends, bad company, and choose the wrong friends.”

The results of these interviews are in accordance with the factors underlying the principles of juvenile criminal justice, that children are considered not certain to understand the mistakes they make because children have special abilities that can be developed through experiences of interaction with humans or the surrounding environment. Therefore, environmental factors are also very influential on children in living their

¹¹⁹ Anzar, interview (Blitar, April 28, 2025)

lives.¹²⁰ In addition, families who actively support, often visit or are involved in the process of fostering children will have a positive impact on fostered children, so that they are more confident and enthusiastic in carrying out coaching.¹²¹

In line with the second factor underlying the principles of juvenile criminal justice, children are easier to coach and sensitize than adults.¹²² So that when they refuse to do non-formal education, they are still easy to be redirected by LPKA officers, as Mrs. Riska said,

*"Sebenarnya anak-anak itu masuk sini sudah cukup sadar, kalau dia masuk sini itu karena dihukum. ..Jadi pas diajak untuk kegiatan itu mereka lebih mudah diarahkan."*¹²³

The following is the interview in English:

"Actually, the children who come here are already quite aware that they are here because they have been punished. So when they are invited to participate in activities, they are easier to guide."

The informant's statement regarding foster children who can receive directions easily, is a form of awareness of foster children that they are in LPKA because they are punished and directions from LPKA Class 1 Blitar officers are nothing but a form of their concern for foster children, as well as a form of preparation for social reintegration for foster children so that

¹²⁰ Erni Yanti, "Faktor Penyebab Perilaku Menyimpang Remaja (Studi Kasus Gampong Seutui Kota Banda Aceh)," *Jurnal Ilmiah Mahasiswa Fakultas Ilmu Sosial & Ilmu Politik* 8, no. 4 (2023), <https://jim.usk.ac.id/FISIP/article/view/27702>.

¹²¹ Dwi Hardyanti, Mulyati Pawennei, and St Ulfah St Ulfah, "Efektivitas Pelaksanaan Model Pembinaan Anak Berhadapan Dengan Hukum (Individual Treatment Model) Pada Lembaga Pembinaan Khusus Anak (LPKA) Kelas II Maros," *Journal of Lex Theory (JLT)* no. 2 (2023): 479–95..

¹²² Teguh, *Teori dan Praktek Perlindungan Anak Dalam Hukum Pidana*, 94

¹²³ Riska, interview, (Blitar, April 24, 2025)

they can return to their family and community environment without losing the opportunity to develop.¹²⁴

The findings of this study indicate that in principle, LPKA Class I Blitar has done its best to fulfill children's educational rights according to the legal mandate. However, there are still inhibiting factors both from the internal side of the institution and external such as from the foster children themselves, the community, or from the foster children's families.

Thus, based on empirical data and analysis of inhibiting and supporting factors, it can be concluded that LPKA Class I Blitar has made every effort to fulfill the educational rights of children in conflict with the law in accordance with the laws and regulations that are used as benchmarks for this research optimally through adequate educational facilities, systematic implementation of formal and non-formal education based on schedules and cooperation with third parties, character building, religious education that is always carried out, and always innovating over time. However, the fulfillment of these rights still faces a number of obstacles, including the educational and social background of children, the surrounding community, and the families of foster children who are less responsive or less sensitive to the administrative files of foster children.

So it is suggested that LPKA Class I Blitar needs to increase the holistic understanding of LPKA officers through training to handle the diversity of children personally so that the fulfillment of the educational rights of

¹²⁴ Pasal 91 Undang-undang Nomor 11 tahun 2012 tentang Sistem Peradilan Pidana Anak

fostered children can run effectively and support the character building and independence of fostered children. In overcoming people who do not understand and are sensitive to legal behavior, it can be sought from law enforcement officials, such as the police and prosecutors who can conduct legal counseling to the community.¹²⁵ Another effort is to improve coordination with the education office, social institutions, and families to overcome administrative file constraints and strengthen social support.

C. Legal Effectiveness of Fulfilling the Educational Rights of Children in Conflict with the Law from Soerjono Soekanto's Perspective

Legal effectiveness in fulfilling the educational rights of children in conflict with the law can be analyzed comprehensively through the perspective of the theory of legal effectiveness developed by Soerjono Soekanto. This analysis uses five main factors that determine the effectiveness of law enforcement according to Soekanto, namely the legal or regulatory factors themselves, law enforcement factors, facilities factors, community factors, and cultural factors. These five factors interact with each other and determine the extent to which legal norms can be optimally implemented in the context of fostering children in conflict with the law at LPKA Class I Blitar.

¹²⁵ Nikolaus Adi Pratama, Elza Qorina Pangestika, "Peran aparat penegak hukum dalam mendukung kebijakan restorative justice di Indonesia," (*JIHHP*) *Jurnal Ilmu Hukum, Humaniora dan Politik*, No. 1 (2024) <https://doi.org/10.38035/jihhp.v5i1.3049>

1. Legal or Regulatory Factors (Legal Substance)

From the legal substance aspect, the normative framework governing the protection and fulfillment of the educational rights of children in conflict with the law is comprehensive and adequate. The constitutional foundation begins with the UUD 1945, which guarantees every child's right to survival, growth and development and protection from violence and discrimination.¹²⁶ This regulation is then further elaborated in various laws, including Law No. 23/2002 of Child Protection which explicitly regulates children's education rights,¹²⁷ and Law No. 11/2012 of Juvenile Criminal Justice System which explicitly regulates children's education rights during the criminal justice process and after a criminal sentence is imposed on the child.¹²⁸

Furthermore, Law No. 22 of 2022 on Correctional Institution ensures that children in correctional institutions still have the right to attend formal and non-formal education.¹²⁹ Government Regulation No. 58 of 2022 on the Forms and Procedures for the Implementation of Crimes and Measures against Children states that more detailed technical arrangements regarding the implementation of the right to education for foster children.¹³⁰ The substance of the existing law reflects the fundamental principles of child protection, including the principles of

¹²⁶ Pasal 28B Undang-undang Dasar 1945

¹²⁷ Pasal 9 Undang-undang Nomor 23 Tahun 2002 tentang Perlindungan Anak

¹²⁸ Pasal 85 Undang-undang Nomor 11 tahun 2012 tentang Sistem Peradilan Pidana Anak

¹²⁹ Pasal 50 Undang-undang Nomor 22 tahun 2022 tentang Pemasyarakatan

¹³⁰ Pasal 6 Peraturan Pemerintah Nomor 58 Tahun 2022 Tentang Bentuk Dan Tata Cara Pelaksanaan Pidana Dan Tindakan Terhadap Anak

non-discrimination, the best interests of the child, and respect for the child's opinion. In terms of regulations, it can be concluded that Indonesia has a strong and comprehensive legal basis in ensuring the fulfillment of the right to education of children in conflict with the law, which is in line with international standards as stipulated in the Convention on the Rights of the Child, which Indonesia has ratified through Presidential Decree Number 36 of 1990.

2. Law Enforcement Factor

In the context of implementing the educational rights of children in conflict with the law, the law enforcers referred to by Soerjono Soekanto include the correctional field.¹³¹ LPKA Class I Blitar is a sub-system of criminal justice that is tasked with carrying out law enforcement against children. Based on the research findings, LPKA officers have carried out their functions professionally by prioritizing the principles of restorative justice as mandated in the SPPA Law.¹³² This can be seen from the commitment of LPKA Class 1 Blitar which requires all fostered children to attend formal education, as stated by the informant that inevitably fostered children must attend school programs as a form of recovery and social reintegration of children. The commitment of LPKA Class 1 Blitar is in accordance with the obligations of the development institution to fulfill children's educational rights based on related regulations.

¹³¹ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 19

¹³² Pasal 5 Undang-undang Nomor 11 tahun 2012 tentang Sistem Peradilan Pidana Anak

The initial assessment process conducted by LPKA Class 1 Blitar officers shows a comprehensive approach in classifying children based on their educational background, interests and talents and based on the principle of the best interests of the child.¹³³ This process shows that law enforcement at the implementation level has understood and applied the basic principles of handling children in conflict with the law with an approach that is educational and pays attention to the individual needs of each child. And this law enforcement factor is in accordance with what Soerjono Soekanto said that the role of LPKA Class 1 Blitar should be with the actual or real role in life is the same.¹³⁴

3. Facilities

The aspect of facilities is an important element in supporting the effectiveness of fulfilling the educational rights of foster children. LPKA Class I Blitar has provided various educational facilities. Soekanto explained that facilities include educated and skilled human resources, good organization, adequate equipment, safe funds and so on.¹³⁵ Education at LPKA Class 1 Blitar provides formal education from elementary school to high school. For the elementary school level, LPKA has established SD Istimewa 3 which is managed independently, showing a serious commitment to fulfilling the basic education rights of fostered children. As for educators at the junior and senior high school levels, the

¹³³ Pasal 2 Undang-undang Nomor 23 Tahun 2002 tentang Perlindungan Anak

¹³⁴ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 21

¹³⁵ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 37

institution establishes Cooperation Agreements (PKS) with external schools in accordance with the subjects studied.

In addition to formal education, LPKA also provides facilities for non-formal education which includes personality development and independence. Religious education facilities are available for the various religions adhered to by foster children, as stated by the informant that religious education can be handled by requesting religious educators from the Blitar Ministry of Religious Affairs. Skills training programs are also available with a variety of options, ranging from craft making, story writing, barbershop, to painting and music skills. So that LPKA Class 1 Blitar is in accordance with Soekanto's way of thinking that law enforcers can uniform the role that should be and the actual role because the facilities or facilities in LPKA Class 1 Blitar have all been fulfilled and are always being improved,¹³⁶ in this case is a schedule of skills education courses and personality education from third parties.

4. Community Factors

Community factors in the context of the effectiveness of fulfilling the educational rights of children in conflict with the law include the role of the community in taking preventive steps, by creating a safe and healthy environment for children. Because the purpose of law enforcement is for the peace of society and comes from society.¹³⁷ Based on the analysis of

¹³⁶ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum* 44

¹³⁷ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 45

social conditions around LPKA Class I Blitar, the factors behind children in conflict with the law also show a less than optimal role of the community in prevention, as stated that the average is due to the wrong friends, and the wrong association. This condition shows that the community's understanding of the law and the principles of child protection is still relatively limited. The community does not fully understand the importance of early detection and social intervention to prevent children from falling into legal conflict. This can be done by providing socialization about legal awareness for people who have not been reached by education about the law. Socialization can be carried out by the local Child Protection Office to create a safe environment for children and a law-aware society.

5. Cultural Factors

Cultural factors in this case face complex challenges stemming from the diversity of cultural backgrounds and parenting patterns of foster children. According to Soerjono Soekanto's perspective, legal culture includes the values that underlie the applicable law and influence public acceptance of the implementation of a regulation.¹³⁸ In this study, it was found that LPKA faces a wide range of children who come from very diverse parenting patterns that affect children's acceptance and response to the coaching programs offered by LPKA, where children who come from families with good parenting tend to adapt more easily to

¹³⁸ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 59-60

educational programs, while children who come from problematic backgrounds require a special approach and longer time to accept coaching programs.

Differences in education level and culture are also significant factors affecting the effectiveness of the coaching program at LPKA. As explained in the research findings, many fostered children had previously dropped out of school or never received formal education, so when they were required to take part in the education program at LPKA, they refused because they were not used to a formal learning environment. This reflects the contradiction between the cultural values developed in the child's home environment and the values to be instilled through the coaching program. So LPKA must face the challenge of adjusting the learning approach to the various levels of understanding, ability, and readiness to learn of the fostered children.

Efforts that can be made to deal with this are by collaborating with social services, social institutions, and families of fostered children to create an environment that prioritizes education and helps children who have not been touched by education by providing awareness of the importance of education to achieve the desired life. As the value of morality and material values mentioned as values that play a role in law by Purbacaraka and Soerjono Soekanto.¹³⁹

¹³⁹ Soekanto, *Faktor-faktor yang mempengaruhi penegakan hukum*, 60

The conclusions from the analysis of the main factors that determine the effectiveness of law enforcement according to Soerjono Soekanto regarding the effectiveness of law in fulfilling the educational rights of children in conflict with the law at LPKA Class 1 Blitar are as follows:

a. Legal or Regulatory Factors (Legal Substance)

In terms of regulations, it can be concluded that Indonesia already has a strong and comprehensive legal basis to ensure the fulfillment of the educational rights of children in conflict with the law.

b. Law Enforcement Factor

This process shows that law enforcers at the implementation level have understood and applied the basic principles of handling children in conflict with the law with an educational approach and pay attention to the individual needs of each child.

c. Facilities

Various formal and non-formal education facilities at LPKA Class 1 Blitar are very adequate, such as the organization of formal and non-formal education. The existence of an education schedule for foster children is a form of consistency between LPKA Class 1 Blitar and third parties in fulfilling the rights of formal education, skills education, and personality education for foster children.

d. Community Factors

The factors behind children in conflict with the law show the less than optimal role of the community in prevention, as stated that on average it is due to the wrong friends, and wrong associations. Therefore, the community does not fully understand the importance of early detection and social intervention to prevent children from falling into legal conflict.

- e. Differences in education level and culture are also significant factors affecting the effectiveness of the coaching program at LPKA. Many foster children who previously dropped out of school, they had refused the obligation to learn because they were not used to the formal learning environment. This reflects the conflict between the cultural values developed in the child's home environment and the values that want to be instilled through the coaching program. So that LPKA must adjust the learning approach to the various levels of understanding, ability, and readiness to learn of the foster children.

Overall, the fulfillment of the educational rights of children in conflict with the law at LPKA Class I Blitar can be categorized as quite effective, supported by strong regulations, implementation by responsive law enforcement, and formal and non-formal education that has been running very optimally. However, this effectiveness has not gone completely smoothly because there are still obstacles, such as the weak role of the community in understanding and preventing the law, as well

as cultural constraints and the diverse educational levels of foster children, which require a more adaptive learning approach.

CHAPTER V

CLOSING

A. Conclusion

Based on the results of research on the legal effectiveness of fulfilling the educational rights of children in conflict with the law at LPKA Class 1 Blitar, the following conclusions can be obtained:

1. The fulfillment of the educational rights of children in conflict with the law at LPKA Class 1 Blitar, or can be referred to as foster children, is carried out optimally in several aspects. Such as educational facilities that are always developed to fulfill the educational rights of foster children. Formal and non-formal education that runs well and is structured. Elementary schools that stand and are managed independently by LPKA Class 1 Blitar, Junior High Schools and Senior High Schools that have cooperation agreements with external schools to support the education of fostered children. Non-formal education includes skills and personality education which is well facilitated by LPKA Class 1 Blitar by forming a joint agreement with 40 heterogeneous stakeholders. However, there are still inhibiting factors, such as foster children who had refused to continue their education due to cultural differences before entering LPKA. The collection of administrative files for registration of foster children sometimes hampers LPKA Class 1 Blitar due to the diverse background conditions

of foster children, so that LPKA Class 1 Blitar must intervene in overcoming this.

2. The legal effectiveness of fulfilling the educational rights of children in conflict with the law, when viewed from Soerjono Soekanto's perspective—namely, the five main factors determining the effectiveness of law enforcement, is considered not optimal enough. Regarding the substance factor, or the law itself, there are regulations governing children's rights, especially the right to education for children in conflict with the law, is considered optimal. Law enforcement factors, namely LPKA Class 1 Blitar officers as part of the correctional system, have carried out their functions professionally by prioritizing the principle of restorative justice as mandated in the SPPA Law. The facilities factor in fulfilling the formal and non-formal educational rights of foster children has been running very optimally, because LPKA Class 1 Blitar is always consistent in fulfilling children's educational rights and always makes the latest updates and innovations. The community factor is the environment of the fostered children, because the cause of children being in conflict with the law seen from the principle of children as victims is due to the influence of a bad environment, including a society that is less sensitive to the law can make children fall into unlawful acts. So people don't obey the law. And cultural factors where the culture of each fostered child is different, both from parenting, the culture of the community where the child lives, and

the culture before the child becomes a criminal offender. So that of all the factors of the effectiveness of law enforcement, what runs optimally is the legal substance and law enforcement factors, and other factors have not been carried out optimally.

B. Advice

1. In terms of fulfilling the educational rights of children assisted by LPKA Class I Blitar and its effectiveness in terms of Soekanto's law enforcement effectiveness factors, and as an institution that fosters and provides education for children in conflict with the law, has made innovative and recent efforts. However, regarding administrative files that can be an obstacle, LPKA Blitar can improve coordination with the education office, social institutions, and families to overcome administrative obstacles. Then using a coaching approach that is more sensitive and solutive to the cultural diversity of children is also important for more effective rehabilitation. And cross-sector synergies between related institutions and periodic evaluation of program implementation are key to ensuring all factors run optimally and sustainably.
2. Legal education is provided to the community by law enforcement officials such as the police or more authorized officials, as a preventive measure and introduction to the law and the consequences of violating the law. So that people are more sensitive in assessing actions that can violate the law and can create an orderly and safe environment. So that

with an increase in legal understanding for the community, the surrounding environment can better support the prevention of law violations by children.

3. Based on the results of this study, it is recommended that future research expand the scope of locations by involving several Special Development Institutions for Children (LPKA) in various regions to obtain a more comprehensive picture of the effectiveness of fulfilling the educational rights of children in conflict with the law nationally. In addition, expanding the scope of children's rights other than education can add to the scientific treasury. As well as studies on the influence of cultural and social factors and comparative studies between institutions related to the fulfillment of the educational rights of children in conflict with the law are also important to strengthen the effectiveness of coaching programs and support the success of holistic child recovery.

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APPENDIXES

A. Proof of Consultation



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FACULTY OF SHARIA
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CONSULTATION PROOF

Name : Afifah Dhaninta Anggraeni
 SIN : 210201110014
 Study Program : Islamic Family Law
 Advisor : Rayno Dwi Adityo, M.H.
 Thesis Title : The Legal Effectiveness of Fulfilling the Educational Rights of Children in Conflict with the Law in View of Positive Law (Case Study at the Class I Child Special Development Institution, Blitar).

No.	Day/Date	Consultation Materials	Paraf
1	Friday, December 13 rd , 2025	Title Diction Consultation	<i>Ran</i>
2	Thursday, December 19 th , 2025	Revision of Chapter I and Chapter II	<i>Ran</i>
3	Wednesday, January 8 th , 2025	Revision of Chapter III	<i>Ran</i>
4	Friday, January 24 th , 2025	Revision of Thesis Proposal After Seminar	<i>Ran</i>
5	Monday, February 24 th , 2025	Revision of Chapter III	<i>Ran</i>
6	Tuesday, March 11 th , 2025	Revision of Theoretical Framework	<i>Ran</i>
7	Wednesday, May 21 st , 2025	Revision of Thesis Writing and Title	<i>Ran</i>
8	Thursday, May 22 nd , 2025	Revision of Analysis of Chapter IV and Chapter V	<i>Ran</i>
9	Friday, May 23 rd , 2025	Revision of Some Thesis Writing	<i>Ran</i>
10	Monday, May 26 th , 2025	Review and Approval of Thesis	<i>Ran</i>

Malang, May 23rd, 2025
 Approved by,
 Head of Department Islamic Family Law,

Erik Sabti Rahmawati, M.A., M. Ag.
 NIP. 197511082009012003

B. Research Permit Application Letter



KEMENTERIAN AGAMA REPUBLIK INDONESIA
UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG
FAKULTAS SYARIAH
Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341) 559399
Website: <http://syariah.uin-malang.ac.id> E-mail: syariah@uin-malang.ac.id

Nomor : 280 /F.Sy.1/TL.01/04/2025
Hal : **Permohonan Izin Penelitian**

Malang, 24 Maret 2025

Kepada Yth.
Kepala Lembaga Pembinaan Khusus Anak Kelas I Blitar
Jl. Bali No.76, Karangtengah, Kec. Sananwetan, Kota Blitar, Jawa Timur 66137

Assalamualaikum wa Rahmatullah wa Barakatuh

Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:

Nama : Afifah Dhaninta Anggraeni
NIM : 210201110014
Program Studi : Hukum Keluarga Islam

mohon diperkenankan untuk mengadakan penelitian dengan judul :
Efektivitas Hukum Pemenuhan Hak Anak Pelaku Perundungan Dalam Hukum Positif di Kota Blitar, pada instansi yang Bapak/Ibu Pimpin.

Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.

Wassalamualaikum wa Rahmatullah wa Barakatuh

Scan Untuk Verifikasi



.....
n. Dekan
.....
n. Dekan Bidang Akademik,
.....
Muhammad Mahmudi

Tembusan :

1. Dekan
2. Ketua Prodi Hukum Keluarga Islam
3. Kabag. Tata Usaha



C. Research Answer Letter



KEMENTERIAN IMIGRASI DAN PEMASYARAKATAN REPUBLIK INDONESIA
DIREKTORAT JENDERAL PEMASYARAKATAN
KANTOR WILAYAH JAWA TIMUR
Jalan Kayoon No. 50-52 Surabaya
Pos-el : kanwilditjenpas.jatim@gmail.com

Nomor : WP.15-UM.01.01-420 11 April 2025
Sifat : Biasa
Lampiran : -
Hal : Izin Penelitian

Yth. Wakil Dekan Fakultas Syariah

Universitas Islam Negeri Maulana Malik Ibrahim Malang

di tempat

Sehubungan dengan Surat Wakil Dekan Fakultas Syariah Universitas Islam Negeri Maulana Malik Ibrahim Malang Nomor: 280 /F.Sy.1/TL.01/04/2025 tanggal 24 Maret 2025, perihal tersebut pada pokok surat, bersama ini dengan hormat kami sampaikan bahwa pada prinsipnya menyetujui atau memberikan izin kepada mahasiswa dibawah ini untuk melaksanakan kegiatan Penelitian di Lembaga Pembinaan Khusus Anak Kelas I Blitar, yang akan dilaksanakan Bulan Maret 2025.

No	Nama	NIM
1	Afifah Dhaninta Anggraeni	210201110014

Sebelum mengadakan kegiatan agar memperhatikan hal-hal sebagai berikut :

1. Terlebih dahulu berkoordinasi dengan Lembaga Pembinaan Khusus Anak Kelas I Blitar;
2. Selama melaksanakan kegiatan harus mentaati SOP yang ada;
3. Tidak diperkenankan mengambil gambar / foto/ shoting / video lingkungan Lapas tanpa seizin Kepala Lembaga Pembinaan Khusus Anak Kelas I Blitar.

Demikian disampaikan atas perhatiannya diucapkan terimakasih.



Kepala Kantor Wilayah

Kediyono

Tembusan :

1. Kepala Lembaga Pembinaan Khusus Anak Kelas I Blitar;
2. Yang Bersangkutan.

D. Semi-structured Interview Questions

1. What is the process in registering from the beginning of the child's entry into LPKA Class 1 Blitar?
2. How do you find out a child's interests and talents?
3. What are the forms of guidance given to children to prevent them from repeating the same actions again?
4. Who provides the materials in formal and non-formal education?
5. What do skills education activities include?
6. Is there cooperation between LPKA Class 1 Blitar and external parties?
7. Is there family involvement in helping to support foster children while at LPKA?
8. Are there any obstacles while mentoring the children?
9. Did the cultural diversity of the participants present any special challenges during the registration process?
10. How does the LPKA Class 1 Blitar handle the different backgrounds of the foster children?

E. Interview Photo

Pictures 1. 4

Interview with Ms. Riska as Education and Skills Subsection Staff



Pictures 1. 5

Interview with Mrs. Anzar as Head Of Subsection of Assessment and Classification



Picture 1. 6
Interview with Ms. Furrida as Community Guidance and Alleviation
Subsection Staff

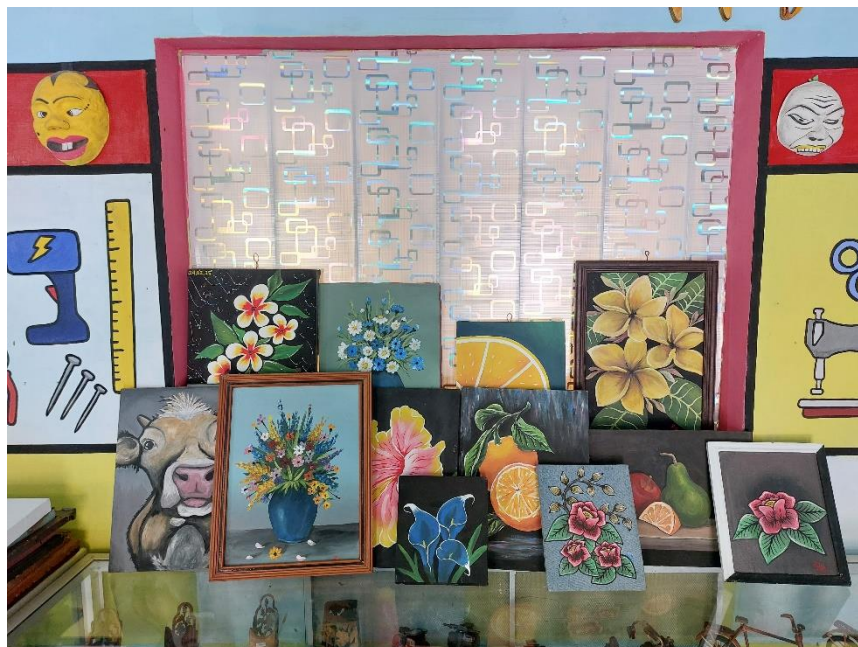


F. Photos of Non Formal Education Activities

Pictures 1. 7
Woodworking



Painting Skills



CURRICULUM VITAE



Personal Data

Name : Afifah Dhaninta Anggraeni
Date Of Birth : Blitar, May 13th, 2003
Gender : Female
Adress : JL. Semeru RT/RW 002/008, Kel. Babadan, Kec. Wlingi, Kab. Blitar, Jawa Timur, 66184
Phone Number : 082131297300
Email : afifahdhaninta03@gmail.com
Department : Islamic Family Law
Faculty : Sharia Faculty

Educational Background

1. 2007-2009 : RA Perwanida Babadan Wlingi
2. 2009-2015 : MI Plus Al-Azhar Bening
3. 2015-2018 : MTs Surya Buana Malang
4. 2018-2021 : MAN 1 Kota Malang
5. 2021-2025 : UIN Maulana Malik Ibrahim Malang