

Implementation of the Function of Cirebon Class 1 Correctional Center in Protecting Human Rights in the Child Criminal Justice System

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Abstract. *The Correctional Center (BAPAS) is one of the elements of law enforcement officers that is directly involved in every handling of cases of children in conflict with the law, has relatively heavy main duties and functions to carry out efforts to protect children in the special criminal justice process for children that must be undergone by the child. This study aims to determine the Implementation of the Function of the Cirebon Class 1 Correctional Center in Protecting Human Rights in the Juvenile Criminal Justice System. In this study, the approach method used is: a normative legal approach (normative legal research method). library legal research conducted by examining library materials or secondary data alone. The research specification used is Analytical Descriptive, which is an effort to analyze and explain legal problems related to objects with a comprehensive and systematic description of everything related to the Implementation of the Function of the Cirebon Class 1 Correctional Center in the Protection of Human Rights in the Juvenile Criminal Justice System. The implementation of the duties of the Cirebon Class I Bapas in the juvenile criminal justice system is consistent with applicable laws and regulations. PK Bapas carries out social research, legal assistance, guidance, and supervision from the investigation stage to post-decision. Several inhibiting factors in Cirebon Bapas: a. The limited number of PKs is not comparable to the number of ABH children; b. Coordination between institutions is not optimal - for example, sometimes the police/prosecutors are slow to respond to requests for assistance; and c. The wide working area covers the cities/regencies of Cirebon, Indramayu, Kuningan, Majalengka (and sometimes outside the region), so that resources are divided.*

keywords: *Children; Comparable; Human; Rights.*

1. Introduction

In a state of law, law is the main pillar in moving the joints of social, national, and state life. One of the main characteristics of a state of law lies in its tendency to assess actions taken by society on the basis of legal regulations. This means that a state with the concept of a state of law always regulates every action and behavior of its people based on applicable laws.

This is done to create, maintain and defend peace in social life in accordance with what is mandated in Pancasila and the 1945 Constitution, namely that every citizen has the right to feel safe and free from all forms of crime.

Criminal law as a tool or means to solve problems in community life. The existence of criminal law can provide justice and appropriate solutions for the community. Because criminal law is a set of regulations that regulate actions, both ordering to do or do something, or prohibiting to do or do something that is regulated in the law with criminal sanctions for those who violate.

Meanwhile, the criminal law applicable in Indonesia can be divided into two types, criminal law known in the Criminal Code (KUHP) and Special Criminal Law regulated outside the Criminal Code.

Criminal law not only provides an understanding of acts prohibited by a legal rule, which prohibition is accompanied by a threat (sanction) in the form of a certain penalty for anyone who violates the prohibition, but also includes matters relating to the imposition of criminal penalties and how the penalty can be implemented. The prohibition is directed at an act, a condition or incident caused by a person's behavior or actions. The threat of criminal penalties or sanctions are directed at the perpetrator who commits a criminal act, usually referred to as "whoever", namely the perpetrator of the criminal act as a legal subject, namely the supporter of rights and obligations in the legal field. So that criminal acts are one of the parts studied in criminal law.

Children are an inseparable part of human survival in a nation and state. Children are the heirs of the ideals of the nation's struggle and the potential of human resources for national development. In order to realize the potential of quality human resources, consistent guidance is needed so that children's physical growth and development, mental development and personality are better for their future.

In the process of child development in their environment, children are greatly influenced by the behavior of people around them, both behavior that is in accordance with social norms and deviant behavior. This behavior can be used as an example for children, so that some children imitate behavior in accordance with norms, and some imitate deviant or unlawful behavior from people around them.

Based on data obtained from the Cirebon Class I Correctional Center, the Head of the Cirebon Class I Correctional Center, Unggul Widyo Saputro, said that based on the report and handling of the Cirebon Class I Correctional Center's Community Research (Litmas) Team, the increase in cases of ABH children as perpetrators can be seen in at least the last three years, namely 2021, 2022, and 2023 which is still ongoing.

From January to December 2021, there were 113 cases of children in conflict or in conflict with the law. The most prominent cases were abuse, theft, and sexual harassment.

Abuse 46 cases, theft 20 cases, child protection including in it, sexual harassment 18 cases, emergency law 11 cases, robbery 6 cases, murder 4 cases, narcotics 3 cases, ITE law 2 cases, health law 2 cases, and 1 case of traffic accident.

Then in 2022, the number of ABH increased to 194 cases. The category of abuse cases still dominates, reaching 51 cases, followed by theft cases with 49 cases, then child protection cases with 47 cases, including sexual harassment.

Emergency law as many as 21 cases, robbery cases as many as 6 cases, public order problems as many as 6 cases, narcotics cases as many as 5 cases, traffic accident law as many as 3 cases, immoral cases and extortion cases as many as 2 cases each, and health law and counterfeit money cases, which are 1 case each.

From the data above, it can be concluded that cases of Child Protection crimes committed by children show the highest percentage, so that Community Guidance Officers need to pay attention in handling these cases.

The Correctional Center (BAPAS) is one of the elements of law enforcement officers that is directly involved in handling every case of children in conflict with the law and has relatively heavy main duties and functions to carry out protection efforts for children in the special criminal justice process for children that must be undergone by the child.

With the existence of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, the existence of the Correctional Center in the criminal justice process is strengthened. BAPAS through community counselors is not only tasked with conducting community research on adult clients or children who are in conflict with the law but also has the task of accompanying the child during the judicial process.

2. Research methods

Research Methods, are basically a function of the problems and objectives of the research. Therefore, discussions in research methods cannot be separated and must always be closely related to the problems and objectives of the research. What is used in this research consists of approach methods, research

specifications, sources and types of data, data collection techniques and data analysis techniques.

3. Results and Discussion

3.1 Implementation of Class 1 Cirebon Correctional Center in the Protection of Human Rights in the Juvenile Criminal Justice System

The Juvenile Criminal Justice System (SPPA) is based on the principles of restorative justice and special protection for children in conflict with the law. The state is obliged to ensure that children receive assistance and their human rights are respected throughout the investigation process until post-decision. The Cirebon Class I Correctional Center (Bapas), as a technical unit of the Ministry of Law and Human Rights, plays an important role in ensuring the protection of children's human rights at every stage of the SPPA.

The basis for Bapas' duties is stated in Law No. 11/2012 concerning the Juvenile Criminal Justice System (SPPA) and its implementing regulations. The SPPA Law stipulates the rights of children to receive legal assistance and assistance. For example, Article 23 mandates that "children must be given legal assistance and accompanied by a Community Counselor... at every level of examination." Article 65 of the SPPA contains detailed duties of Bapas, namely:

1. create community research reports (Litmas) for diversification and accompany the implementation of diversification,
2. create Litmas for the purposes of investigation, prosecution and trial of children (both in/outside the trial),
3. determine the child placement program in the Children's Correctional Institution (LPAS) and LPKA, as well as
4. accompanying, guiding, and supervising children who have been sentenced to prison or who have received assimilation, parole, conditional leave, etc. The official definition of Community Guidance (PK) as regulated by PP No. 65/2015 also confirms that PK "carries out community research, guidance, supervision, and assistance to children inside and outside the criminal justice process." Other implementing regulations such as the Regulation of the Minister of Law and Human Rights strengthen this function.

The concept of child human rights protection is reinforced by international conventions ratified by Indonesia. For example, the Convention on the Rights of the Child (CRC) Article 40 (ratification of Presidential Decree 36/1990) recognizes the special rights of children in conflict with the law, which are reflected in the SPPA. The principle of the child's best interests is a guideline, in line with the principle of non-discrimination and respect for child development. The Child Protection Law (Law 23/2002 in conjunction with Law 35/2014) and the Human

Rights Law (39/1999) complement the legal umbrella for child protection. Constitutionally, the 1945 Constitution guarantees the right of every child to receive care and protection.

Bapas Duties per SPPA Stage. The entire series of handling children in conflict with the law begins with the investigation process and diversion efforts. Bapas Cirebon is actively involved from the start. Article 27 of the SPPA requires investigators to request PK considerations after an initial report of a child's crime. Accordingly, PK Bapas Cirebon conducts initial interviews (litmas) with children and families, collects social data—psychological, economic, environmental—to find the best solution. The results of this Litmas focus on the possibility of diversion (settlement outside the courts). The law requires diversification as the main effort; if it is not achieved, then the case is continued to the courts. Current practice shows that Bapas Cirebon is trying to achieve diversion in various cases. For example, in the case of infant abandonment in Cirebon (2023), Bapas encouraged diversification of case resolution for the good of the child, although in several other ABH cases, diversion efforts were not always successful. Bapas' diversification efforts are supported by coordination with the Police, the Prosecutor's Office, and social workers.

In the prosecution stage, Bapas still plays a role as a provider of Litmas to the child public prosecutor. Although this role is not explicitly mentioned in the Law, the duties of Article 65 (paragraph 2) include the preparation of Litmas for prosecution purposes. This means that when a child is handed over to the prosecutor's office, Bapas submits the results of social research as consideration in determining criminal charges or proposing social rehabilitation programs. This involvement confirms Bapas' holistic commitment: "Bapas is already at the beginning of the action, namely starting from the investigation, prosecution, and trial stages."

At the trial stage, Bapas Cirebon functions as the main companion of ABH. SPPA Article 23 requires that PK accompany children at every level of examination. Field practice shows that Bapas Cirebon Community Companions are routinely present to accompany children in the courtroom. As stated by the South Jakarta Bapas official, at every examination, children "must be given legal assistance and accompanied by a Community Counselor...in accordance with the Law". The presence of PK aims to ensure that children's rights are protected, the examination process runs smoothly, and children understand the various stages of law that are passed. This statement is in line with research findings that Bapas Cirebon's assistance is intended so that the child's legal process runs smoothly from investigation to trial repository.unissula.ac.id.

During the trial, PK submitted Litmas to the judge as a consideration for the verdict (Article 60 paragraph 3 SPPA). This Litmas contains recommendations for alternative punishments, community guidance programs, and evaluation of

ABH's condition. In an interview, PK Cirebon explained that assistance in the trial was carried out systematically in three stages: pre-adjudication (pre-trial), adjudication (at trial), and post-trial. This model is in accordance with the principles of child protection and statutory regulations. A similar concept was told by Community Counselor Ari Susanto (PK Bapas Cirebon) who said: "Bapas is the only law enforcer involved from start to finish. Bapas is from the beginning, until the end, until they leave the prison we guide them with programs". Thus, Community Companions are not only present at the trial, but also start data collection from the beginning and follow up on the guidance program after the verdict.

In the post-decision stage, Bapas supervises and guides children according to the type of decision. If the judge imposes probation, a fine, or home rehabilitation, Bapas monitors its implementation. If the child is placed in a Juvenile Correctional Institution (LPAS) or a Special Child Correctional Institution (LPKA), Bapas works with prison officers to design a guidance program. Bapas also supervises ABH who receive assimilation, parole, or leave before release. This means that Bapas ensures that children's rights to reintegration are realized. Bapas Cirebon is even responsible for planning and evaluating programs at LPAS/LPKA to suit the child's development needs. This is where Bapas perfects the recovery mission: children are guided until they are able to function again in society, reduce stigma, and minimize recidivism.

Primary sources from Yosliansyah's research (Unissula 2024) confirmed the practice in Cirebon. He interviewed PK Bapas Cirebon (including Imron, Imam, and Johari) and described that PK always conducts social research on children and families, and accompanies child clients at every stage. From these findings, accompaniment by Bapas Cirebon is considered "very important" to ensure that children's rights are met throughout the legal process.

3.2 Obstacles to the Implementation of Cirebon Class 1 Correctional Center in the Protection of Human Rights in the Juvenile Criminal Justice System and Its Solutions

Evaluation of Success and Obstacles. The role of Bapas Cirebon in implementing child human rights protection shows success in the form of a commitment to continuous assistance. Evidence of success includes: the existence of an integrated assistance program (pre-, during, post-trial), consistency in following cases to completion, and routine prevention and counseling activities (for example, socialization of SPPA to schools, local governments, as in Bapas Cirebon social media). Other successes are reflected in diversification efforts: although not always successful, Bapas' enthusiasm for child welfare minimizes heavy prison sentences. Overall, Bapas' holistic approach helps ensure that the principles of restorative justice and children's needs are prioritized.

However, there are still many classic obstacles faced. Yosliansyah's study (2024) identified several inhibiting factors at Bapas Cirebon:

1. The limited number of PK is not comparable to the number of ABH children;
2. Coordination between institutions is not optimal – for example, sometimes the police/prosecutors are slow to respond to requests for assistance; and
3. The wide working area covers the cities/regencies of Cirebon, Indramayu, Kuningan, Majalengka (and sometimes outside the region), so that resources are shared.

Ari Susanto also highlighted the issue of the short Litmas time: the law only gives PK 3x24 hours after the report, a difficult time to dive into the child's condition in depth. The PK's personal security constraints are also an issue: Ari's story about being stopped by a mugger and a local youth shooting a muffler (to intimidate) shows the risks of field work. Another obstacle is family resistance: both the victim's and perpetrator's families can close themselves off so that diversion mediation is difficult to implement.

In the human rights review, PUSKAPA's findings state that nationally ~16% of juvenile trials take place without PK assistance, a practice that is not ideal. There is no specific data for Cirebon, but obstacles such as budget constraints, PK protection, and community legal literacy still seem to exist. The efforts to fulfill children's rights by Bapas Cirebon are commendable, but a formal evaluation needs to be conducted to measure effectiveness quantitatively.

The implementation of the duties of the Cirebon Class I Bapas in the juvenile criminal justice system is consistent with applicable laws and regulations. PK Bapas carries out social research, legal assistance, guidance, and supervision from the investigation stage to post-decision. These activities include efforts for diversion, assistance at each examination based on Article 23 of the SPPA. preparation of Litmas for the trial, and reintegration guidance at LPAS/LPKA. Various studies and media coverage show that Bapas Cirebon strives to fulfill the principles of restorative justice and protect children's rights, despite facing classic obstacles (human resources, coordination, wide reach). Improved coordination between institutions, additional personnel, and socialization of children's rights are needed so that human rights protection through the role of Bapas is increasingly optimal.

4. Conclusion

The implementation of the duties of the Cirebon Class I Bapas in the juvenile criminal justice system is consistent with applicable laws and regulations. PK Bapas carries out social research, legal assistance, guidance, and supervision from the investigation stage to post-decision. These activities include efforts for

diversion, assistance at each examination based on Article 23 of the SPPA, preparation of Litmas for the judiciary, and reintegration guidance at LPAS/LPKA, many classic obstacles faced. Yosliansyah's study (2024) identified several inhibiting factors at Bapas Cirebon: The limited number of PK is not comparable to the number of ABH children; Coordination between institutions is not optimal – for example, sometimes the police/prosecutors are slow to respond to requests for assistance; and the wide working area covers the cities/regencies of Cirebon, Indramayu, Kuningan, Majalengka (and sometimes outside the region), so that resources are divided

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