

## The Role of Teachers in Educating Students who Have Crime Experience

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**Abstract:** *Children as national development assets should be considered and considered in terms of quality and future. Without reliable qualities and a clear future for children, national development will be difficult to implement, and the fate of the nation will be difficult to imagine. Children's problems are interesting because bad children's behavior threatens every young generation of a nation. The legal problems in this paper are what factors cause children to face the law and how countermeasures can be made to minimize cases against children facing the law by the Special Child Development Institute. This writing uses empirical research methods, using a factual approach and a statutory approach. The conclusion of this paper is that in the process of child development towards adulthood there are various factors that can influence changes in their behavior and attitudes. Some of the factors that play a role in changing children's attitudes and behaviors are from parents and family factors, social factors, formal education factors, economic factors, and mass media factors. Countermeasures against children facing the law can be carried out in an integrated manner with preventive measures (prevention), punitive measures, and curative actions (healing efforts).*

**Keywords:** *child facing law, preventive, curative, legal*

### Introduction

As a country of law, Indonesia needs to be able to oblige all its people to be able to obey the rules that apply in society. To be able to carry out these rules, there are usually consequences that will be carried out because of the implementation and implementation of the law. Some consequences will also be lived by the party who is the actor in the act that is contrary to the law. In this condition, it occurs in various circles, be it groups of people based on ethnicity, religion, race, or even age. All age groups will certainly face legal proceedings if they commit acts contrary to the law, this means not only adults but also with children (Fowler & Rittenour, 2017; Nyangoma et al., 2019).

The definition of a child according to Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, a child is defined as someone who is not yet 18 (eighteen) years old, including a child who is still in the womb. Especially for children who conflict with the law or later abbreviated as ABH in Article 1 paragraph (3) of Law No.11 of 2012 concerning the Juvenile Criminal Justice System, states that children who

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conflict with the law hereinafter referred to as children are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old who are suspected of committing criminal acts. Furthermore, based on Article 1 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, what is meant by children facing the law is a child who is in conflict with the law, a child who is a victim of a criminal act, and a witness to a criminal act, then according to Article 1 paragraph 3 of Law 11 of 2012 concerning the Juvenile Criminal Justice System states that the child facing the law is a child who has reached the age of 12 (twelve) years but has not reached the age of 18 (eighteen) years (Betawi, 2020; Chi-Kin Lee et al., 2021)

Children as a normal stage passed by humans will certainly experience several conditions, where these conditions cause quite diverse characteristics for children. According to an expert Hartati (2005) mentioned that there are seven important and distinctive characters of children, namely part of social beings, short concentration ability, egocentric attitude, have great potential in learning, like to imagine and fantasize, have unique traits and of course have great curiosity. Through this definition and character, it can be concluded that the children's period is a period full of challenges for the child himself and of course challenges also for parents, families, communities and communities to be able to ensure that the child in his developmental stage leads a life capable of maximizing his potential (Cross et al., 2012; Ferguson, 2021; Watson, 2015).

All parties agree that children are parties who have a great opportunity to be able to lead Indonesia to become a developed country, therefore the good and bad of a nation will depend on the good and bad conditions of Indonesian children, where the better the condition of Indonesian children, the better the future conditions of Indonesia, therefore it is appropriate for Indonesian children to obtain rights as well as protection to support the achievement of this goal. efforts to fulfill children's rights are carried out by all aspects of life, including by related parties. One of these aspects is the legal part including law enforcement efforts against children who face the law, especially perpetrators (Cross et al., 2012; Ferguson, 2021; Mokiwa & Tlale, 2015).

At the initial agreement, children became the greatest hope for the progress of a nation, of course, because there was a very large opportunity to develop and advance children's broad abilities. Children essentially have good characteristics in terms of adapting, so through this argument, it is hoped that children who are perpetrators of criminal acts or face the law can easily gain access to service programs that can change their behavior for the better. Through this argument, a concrete step is needed to be able to provide the same advice to children facing the law, especially for children who are perpetrators, but unfortunately there are several obstacles that come to hinder these conditions such as *labeling* and lack of understanding from the wider community, there are generalizations of the condition of children who face the law, especially perpetrators with adults who commit acts that the same, *administrative labelling*, the condition of children's prisons in Indonesia and of course the conditions of care from their families. Based on the above problems, it is necessary to be able to know how the process is. Therefore, this research will focus on knowing the process of implementing child protection in the face of the law.

Research question:

1. What are the factors that cause children to face the law?
2. How can efforts be made in tackling the problem of children facing the law?

## **Literature Review**

### **Understanding, Rights, and Children Facing the Law**

The definition of children if reviewed further in terms of chronological age according to law may vary depending on the place, time, and for what purpose, this will also affect the limits used to determine the age of the child. Regarding the meaning of a child or the criteria for a person to be categorized as a child can be seen from several kinds of different opinions. From Islam, for example, a person's maturity or commonly called baligh cannot be determined based on a certain age but judging from the physical and mental development of the person. For girls the criteria of baligh or adulthood can be seen when the month or menstruation has come, while the boy has been seen as baligh or adult when he has had wet dreams. The determination of adult criteria in Islam is seen from the signs of physical change in boys and girls.

The definition of children is quite varied in some countries, for example in the United States which is the majority of states determine the age limit of children, which is between 8-17 years, in the United Kingdom it determines the age limit of children between 12-16 years, in Australia the majority of states determine the age limit for children, namely 8-16 years, in the Netherlands the limit. its age is between 12-18 years. Asian countries, for example Sri Lanka, determine the age limit of children, namely between 8-16 years, Iran 6-18 years, Japan and Korea between 14-18 years old, Cambodia between 15-18 years and in the Philippines between 7-16 years old. In Indonesia, the definition of child is contained in several statutory provisions, namely as follows: (1) Children in Article 1 number 2 of Law No. 4 of 1979 concerning Child Welfare.

A child is someone who has not reached the age of 21 years and has not yet married. If a person who has not reached the age of 21 years, but he has already married then he no longer has the status of a child, but as an adult. (2) In the Civil Code Article 330 paragraph (1) A person is not said to be an adult if the person is not even 21 years old, unless the person has been married before the age of 21 years. (3) In Law No. 35 of 2014 jo Law No. 23 of 2002 concerning Child Protection Article 1 number 1. A child is not yet 18 years old including the child still in the womb. In Law No. 11 of 2012 concerning the Juvenile Criminal Justice System Article 1 number 3. Children are those who are 12 years old but not yet 18 years old

In Article 1 of the Convention on Children, the definition of a child is formulated as "any human being under the age of 18 unless under the Act applicable to the child it is determined that the age of majority is reached earlier". From several interpretations of the understanding of children that have been stated above, in connection with this research, the author refers to the understanding contained in the SPPA Law. In this Law, what is meant by children in Article 1 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System determines as follows (1) Children who face the law are Children who conflict with the law, children are victims of criminal acts, and children who are witnesses to criminal acts. (2) The child in conflict with the child hereinafter referred to as the child is a child who is 12 (twelve) years old, but not yet 18 (eighteen) years old who is suspected of committing a criminal act. (3) The child who is the

victim of a criminal act hereinafter referred to as the victim's child is a child who is not yet 18 (eighteen) years old who experiences physical, mental, and/or economic losses caused by the criminal act. (4) A child who is a witness to a criminal act hereinafter referred to as a witness child is a child who is not yet 18 (eighteen) years old who can provide information for the purposes of investigation, prosecution, and examination at a court hearing about a criminal case that is heard, seen, and/or initiated by himself. Child protection is a field in national development, ignoring the problem of child protection means also ignoring national development. Because children are human resources for the development of a country

### **Tackling Child Delinquency**

Acts committed by immature children are more often referred to as delinquency. The right course of action to reduce delinquency is by means of countermeasures. According to Kartini Kartono, efforts to overcome child delinquency must be carried out in an integrated manner, with preventive measures, punitive measures, and curative actions. Preventive Measures can be taken through (1) Improving family welfare; (2) Environmental improvement, namely slum areas, poor villages; (3) Establish a psychological and educational guidance clinic to improve practice and help adolescents from life's difficulties; (4) Provide healthy recreational areas for adolescents; (5) Shaping the welfare of children; (6) Convene committees; (7) Establish a reformative institution to provide corrective training, correction and assistance for independent living and repetition to children and adolescents in need, (8) Create a supervisory and controlling body for delinquent children's activities, accompanied by corrective programs; (9) Convene a juvenile court; (10) Establish schools for poor children; (11) Establish special detention centers for children and adolescents; (12) Organizing group discussions and group guidance (13) Establishing training grounds to channel the creativity of delinquent and nondelinquent adolescents.

After preventive measures are taken, the second step is to carry out repressive measures. Repressive actions or punishments for delinquent adolescents include punishing them according to their actions, so that they are considered fair and can arouse the function of one's own conscience to live morally and independently. This repressive action is used for children who have entered the judicial area by being punished according to the act by adhering to the applicable laws and regulations. The act of punishment for the child is imposed half of the basic sentence of the adult.

The third Act is a curative action. Curative action is an action for the healing of child delinquency, the forms of curative action include: (1) Eliminating all causes of crime; (2) Make environmental changes by finding foster parents and providing the necessary facilities for healthy physical and spiritual development for adolescent children; (3) Moving delinquent children to better schools, or in the midst of a good social environment; (4) Provide exercises for youth in a regular, orderly, and disciplined manner; (5) Take advantage of leisure time in the training camp, to allow yourself to work, study and do healthy recreation with high discipline; (6) Encourage youth organizations with vocational training programs to prepare delinquent adolescents for the job market and life in the community; (7) Establish a psychology clinic to alleviate and solve emotional conflicts and other psychiatric disorders.

Based on the prevention of criminal acts according to Kartini-Kartono above, the handling of children facing the law can be done with the first 3 actions, preventive actions, this action is more of a form of concern to see the situation of the child's environmental conditions, making a healthier and more positive environment for the child. Furthermore, repressive actions or acts of punishment in which the child who makes a mistake must still be given punishment for the deeds he committed, this action is more direct to inflict an attitude of responsibility on the child. The last is a curative action, which is an act of destroying the causes of delinquency to its roots, it can be by changing the child's social environment, finding foster parents, transferring delinquent children to islamic boarding schools, or by training adolescents based on discipline.

## **Methodology**

Research methods used to be able to obtain the data needed in The role of teachers in providing understanding to parents who have children facing the law. This research began with a preliminary study conducted through in-depth interviews with several teachers. The preliminary study aims to be able to identify some of the problems that may occur when looking at children's problems facing the law. After a preliminary study was carried out, it was by using the *purposive sampling* method where only certain people who had specific criteria could become respondents, so that 20 respondents were selected from among students, teachers and several people around the school. The interview technique used is an in-depth interview about the teacher's way of providing an understanding of the child dealing with the law. This research was conducted at a senior high school in Cisaat, Subang Regency, West Java Province, Indonesia.

## **Findings and Discussions**

### **Factors Causing Children to Face the Law**

Children sometimes in interacting in society often do things that they should not be allowed to do. So he has to face the law to solve the case at hand. In addition, the punishment will have a deterrent effect and provide lessons for children so that in the future they can behave better and not repeat these actions. In the behavior of children who face the law, it is not solely influenced by changes in children's growth and development. There are various factors that influence children's behavior patterns so that they tend to lead to negative actions to unlawful acts. Based on data obtained from LPKA, the data on children facing the law is as follows:

The process of child development consists of several age phases, including starting from the age phase of 7-14 years which is referred to as childhood can then be classified into two periods, namely the intellectual period and the pueral period. The intellectual period is the child's early learning period starting from the child's learning period outside the family, for example the period for the child in the school environment, while the pueral period is the time when the child is said to be in adolescence or pre-puberty where in this period there is physical maturity which is characterized by an increase in physical energy that causes the child to be rude, hooligan, awkward, wild, impolite and others. The phase that begins at the age of 14-21 years is described as the adolescent phase or in another sense, namely the puberty phase, where in this phase there is a connecting period and a transition period from child to adult. This phase

occurs among adolescents starting from junior high school, high school, to college where the age is a transition from childhood to adolescence and remaja to adulthood.

School is the second place for children to get an education after the family environment for children. During the process of studying at school there is interaction between the child and other children, and there is also interaction between the child and the teacher. The interactions carried out in such schools sometimes cause negative interactions for the child. This is because not all children in school have a good disposition, and also the background of the children who enter school there are those who come from families who do not pay attention to the development and interests of children in learning which often affects their other friends. School is the second place for children to get along and learn, the school environment greatly influences the child in social interactions both positive and negative. The number of children facing the law from July to September 2017 reached 55. From the number of data on the types of criminal acts that are most committed are narcotics crimes which reached 13 people or 23.6% of the entire percentage and the rest committed other violations of the law such as theft, decency, order, robbery, and extortion. All actions taken by the child can be judged due to factors that affect the child's mindset and attitude.

In the actions of children who face the law, it is necessary to know the causes of child delinquency or the factors that trigger children to commit delinquency or in other words, it is necessary to know the motivations. There are 2 (two) kinds of motivation, namely: intrinsic motivation and extrinsic motivation. Intrinsic motivation is an impulse or desire from within a person that does not need to be accompanied by stimulation from the outside, while extrinsic motivation is an impulse that comes from outside oneself. The following will be described about the intrinsic and extrinsic motivation of the problem of children facing the law: (1) What includes intrinsic motivation is: Intelligence factor, Age factor, Sex factor, Child position factor in the family. (2) Those that include extrinsic motivation are: Household factors, Educational and school factors, Child association factors, Mass media factors.

### **Child countermeasures against the law**

The handling of children facing the law is part of the policy or efforts to combat crime because the main objective is the protection of children and the welfare of children where children are part of society. Policies or countermeasures are essentially an integral part of efforts to protect the community (social defence) and efforts to achieve community welfare (social welfare). Pendat from G. Pieter Hoefnagels said that community involvement in crime policy is very important, because countermeasures are rational efforts of the community in reaction to crime. 7 Countermeasures against children facing the law are carried out in an integrated manner that includes 3 (three) actions, namely preventive measures, punitive measures, and curative actions.

Based on the results of the interview, efforts to overcome children facing the law are carried out in an integrated manner that includes two (3) actions, namely preventive measures, punitive measures, and curative actions. These actions can be described as follows, namely: (1) Preventive measures or also called preventive measures can be carried out by: Improving family welfare, Improving the child's living environment, Providing good and correct learning or counseling, Providing recreational areas and entertaining places, Providing training grounds to

channel children's creativity and talents. (2) Punitive measures may be imposed on a child facing the law but must aim at changes in his behavior. Punitive actions can be given according to the actions committed so as not to cause an excessive impression in giving punishment. (3) Curative action is an action for healing efforts against the pattern of behavior carried out by children facing the law. These actions can be in the form of: Making changes to the environment where children live so that they have a more positive influence on children's growth and development, Eliminating bad factors that adhere to children's traits and thoughts, Encouraging organizations that care about problems about children, Establishing psychological clinics to alleviate and solve emotional conflicts and psychiatric disorders Other.

Based on the interview, efforts to overcome children include coaching efforts, the legal basis that is used as the basis for fulfilling children's rights in LPKA Klas II is the SPPA Law, Guidelines for Child Treatment in the Correctional Process at special child development institutions (LPKA), and the Association of Regulations of the Minister of Law and Human Rights of the Republic of Indonesia Special Child Development Institute (LPKA) has carried out guidance on Children are in accordance with the provisions in the SPPA Law, including learning, sports and recreation. This is also in accordance with the requirements in the LPKA guidelines, where the child coaching in question includes personality coaching, coachingn skills and education.

Personality coaching that has been carried out at LPKA includes physical coaching (sports) and spiritual coaching. Coaching in the field of sports can be in the form of futsal, badminton, table tennis and gymnastics. During the course of carrying out sports activities, there are no coaches who specifically foster children in LPKA. This is due to the absence of allocations for the training budget. LPKA only facilitates their hobby. The recreation carried out aims to provide a refresher for children so that they are not saturated in LPKA. In addition, so that the child is also not kept away from the community, feels part of the community and at the same time informs the community that a good place of coaching is not in LPKA, but rather in the community. It is evident that the community's response is good, and the children are very orderly to blend into the community. In addition to these actions, the socialization process to prevent the increase in children facing the law needs to be carried out through institutions such as the family, education, society, and mass media.

## **Conclusion**

In the process of child development towards adulthood, there are various factors that can influence changes in their behavior and attitudes. Some of the factors that play a role in changing children's attitudes and behaviors are from parent and family factors, social factors, educational factors, economic factors, and mass media factors. The factors that cause children to face the law are seen as a common problem, but the impact caused can make it easy for children to do negative actions without thinking about the impact or consequences of their actions.

The handling and handling of children facing the law aims to change the behavior and attitudes of children who are deviant, as well as provide encouragement so that the child can be accepted again in the community. Handling children facing the law has a different method from handling adults, this is related to the characteristics of the child and to create a conducive

atmosphere in supporting the child's growth and development process and the handling process. The process of dealing with children facing the law involves various aspects including the government, law enforcement officials, the community and the family. Countermeasures against children who are faced with the law can be carried out in an integrated manner with preventive measures (prevention), punitive measures, and curative actions (healing efforts).

The family is the first place for children to start activities and learning. Supervision of children in the family environment must be carried out as well as possible because child delinquency factors can occur if the family does not provide sufficient attention, affection, and needs of the child. Supervision of children is expected to minimize cases of child delinquency even though there are many factors that cause child delinquency in addition to family actors. In the process of handling children who face the law, parties from LPKA must make new educational innovations such as reading culture and discussions to train self-confidence, logical intelligence of children when running education in the LPKA environment.

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