

## LEGAL EFFECTIVENESS OF IMPLEMENTATION CRIMINAL SANCTIONS JOB TRAINING FOR CHILDREN AT THE CENTER FOR SOCIAL REHABIL- ITATION OF CHILDREN TODDOPULI IN MAKASSAR

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### **Abstract**

*This research aimed to analyze the implementation of job training as an alternative to fines for children at The Center for Social Rehabilitation of Children Needing Special Protection (BRSAMPK) Toddopuli in Makassar and analyze the factors that affect the effectiveness of the application of criminal job training for children during the training process until after the sentence. This research used an empirical legal research type with a statute, case and sociological approach. The research was located in The Center for Social Rehabilitation of Children Needing Special Protection (BRSAMPK) Toddopuli in Makassar, Makassar District Court, Sungguminasa District Court and Class I Correctional Centers Makassar. The results showed that the application of job training as a substitute for fines for children has been carried out in the jurisdiction of the Makassar District Court and Sungguminasa District Court based on a court decision whose placement is set at the Center for Social Rehabilitation of Children Needing Special Protection (BRSAMPK) Toddopuli in Makassar in the form of vocational training covering computer skills, automotive, electronics, sewing, electric welding, make-up and furniture, but considered not yet effective, marked by factors that affect the effectiveness of their application, namely legal factors, law enforcement factors, facilities and infrastructure factors, community factors and cultural factors.*

**Keywords:** *Children; Criminal Job Training; Legal Effectiveness*

## INTRODUCTION

Indonesia is one of the countries that implements two types of sanctions at once, namely in the form of Criminal (*Straf*) and Action (*Maatregel*) adopted in the juvenile criminal justice system.<sup>1</sup> Renewal of the concept of punishment which used to be retributive to become restorative by prioritizing the best interests of children. According to J.E. Jonkers that criminal sanctions are focused on crimes committed while action sanctions have a social purpose.<sup>2</sup>

Soerjono Soekanto stated on sanctions, in every punishment has a certain social meaning because the strenght of a sanction depends on human perception of the sanction. So that the approval of certain behaviors is called positive sanctions, while the rejection is called negative sanctions.<sup>3</sup>

Children are the successors of the nation's history and a reflection of the nation's attitude to life in the future, it is necessary to have special protection by the state. This is in line with Arif Gosita's

view, that children must be protected so that they do not become victims of anyone's actions, either directly or indirectly. The issue of children is constitutionally regulated in Article 28 B paragraph (2) of the 1945 Constitution. Furthermore, children who are in conflict with the law as perpetrators, victims and witnesses are regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

The phenomenon of crime that is rife, often the perpetrators are not only from adults but also minors. So that children who commit crimes are known as children in conflict with the law. The sanctions given can be in the form of criminal acts and actions. In Article 71 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, it regulates the basic and additional penalties. The main punishment consists of a warning, conditional punishment, job training, institutional guidance and imprisonment while additional penalties consist of confiscation of profits obtained from criminal acts and fulfillment of customary obligations.<sup>4</sup> One of the renewals of criminal

<sup>1</sup> Sri Sutatiek. (2012). *Reconstruction of the Sanction System in Child Law in Indonesia*. Yogyakarta: Aswaja Pressindo, p.1.

<sup>2</sup> Nashriana. (2014). *Criminal Law Protection for Children in Indonesia*, Jakarta: PT. Raja Grafindo Persada, p.81.

<sup>3</sup> Achmad Ali. (2015). *Revealing the Veil of the law*. Jakarta : Prenadamedia Group, p. 277.

<sup>4</sup> Maidin Gultom. (2013). *Legal Protection of Children in the Child Criminal Justice System in Indonesia*, Bandung: PT. Refika Aditama,, p. 2.

sanctions is job training which is usually applied in lieu of fines.

It is known that children who are subject to criminal sanctions for job training as regulated in Law Number 11 of 2012 concerning the Juvenile Criminal Justice System states that children who are given a subsidiary decision on compulsory job training are children who are sentenced to cumulative punishment, namely imprisonment and fines, children who cannot pay fine will carry out job training.<sup>5</sup>

The job training provided is expected to develop the potential and interests of children during their sentence. Several decisions from the Makassar District Court and the Sungguminasa District Court have implemented job training as a substitute for fines with the place of execution of the sentence at the Center for Social Rehabilitation of Children Needing Special Protection (BRSAMPK) Toddopuli in Makassar as a third place for the implementation of child punishment. based on the explanation of Article 78 paragraph (1) that institutions that carry out job training include Job Training

Centers, Vocational Education Institutions carried out by the Ministry of Manpower, Education or Social Affairs.

The Center for Social Rehabilitation of Children Needing Special Protection (BRSAMPK) Toddopuli in Makassar as an institution under the auspices of the Ministry of Social Affairs is a place for implementation child punishment in this case job training in the form of vocational training. So that the implementation of the task, it is necessary to coordinate with other institutions in order to supervise changes in behavior and the fulfillment of children's rights while serving the sentence until it is completed. This has become the researcher's interest in conducting research with the title "Legal Effectiveness of Implementation Criminal Sanctions for Job Training for Children at The Center for Social Rehabilitation of Children Toddopuli in Makassar "

#### **Problem of the Research**

1. How is the implementation of job training as an alternative to fines for children at the BRSAMPK Toddopuli in Makassar?
2. What factors affect the effectiveness of implementation criminal job training for children during the training process until after the sentence?

<sup>5</sup> Lina Anggraini. (2016). "*Mandatory Job Training as an Alternative Punishment in the Juvenile Criminal Justice System*". Thesis, Pontianak, Faculty of Law, Tanjungpura University, p. 6

### **Objective of the Research**

The research objectives to be achieved from this research are:

1. To analyze the implementation of job training as an alternative to fines for children at the BRSAMPK Toddopuli in Makassar.
2. To analyze the factors that influence the effectiveness of implementation criminal job training for children during the training process until after the sentence.

## **RESEARCH METHOD**

### **Types of Research**

This research used the type of empirical legal research, namely research that examines and analyzes problems that are examined directly in the field with research methods in the form of a statute approach, namely reviewing and examining laws and regulations related to legal issues, case approach, which is an approach that aims to examine legislation with the case at hand and its suitability with the facts that occur in the field and a sociological approach, namely obtaining legal facts from various information from objects directly.

### **Research Location**

This research was carried out at the Center for Social Rehabilitation of Children Needing Special Protection (BRSAMPK) Toddopuli in Makassar, Makassar District Court, Sungguminasa District Court and Class I Correctional Centers Makassar. The location of this research was chosen on the grounds that the data are relevant to the research as well as the place of execution of punishment for children who are given criminal sanctions for job training.

### **Data Source**

Sources of data used in this study are as follows;

1. Primary Data is data obtained from field research by means of Observation, Interview and Documentation with related parties to obtain information directly.
2. Secondary Data, namely data obtained through literature studies from various scientific literatures, articles and legal readings related to research.

### **Data Collection Technique**

Techniques for obtaining data and information regarding the problems to be discussed in the research, include;

1. Observation technique is a data collection technique by observing directly the research target, namely the Center for Social Rehabilitation of Children Needing Special Protection (BRSAMPK) Toddopuli in Makassar.
2. Interview technique is the process of obtaining information using a question-and-answer method to related parties using the concept of questions relating to the legal effectiveness of the application of criminal witnesses to job training for Center for Social Rehabilitation of Children Needing Special Protection (BRSAMPK) Toddopuli in Makassar
3. Documentation is the collection of data and information from supporting documents in research.

### **Data Analysis**

Analysis of the data used is a qualitative descriptive analysis technique obtained from primary data and secondary data with the aim of finding a relationship that explains the legislation and the facts that occur in the field. The results of the data obtained will be analyzed then drawn conclusions and presented descriptively is

an analysis carried out based on the facts obtained and will be carried out carefully in order to provide solutions as answers to problems.<sup>6</sup>

### **ANALYSIS AND DISCUSSION**

#### **Implementation of Job Training as an Alternative to Fines for Children at The BRSAMPK Toddopuli of Makassar**

Criminal job training is a sanction imposed on children who are in conflict with the law that must be adjusted to the child's age and potential. The application of criminal job training in principle aims to provide benefits to children as perpetrators of criminal acts. So that those who are in conflict with the law can have the knowledge and work skills so that after the sentence is over, the child is ready in real life.<sup>7</sup>

Criminal work training for children serves to improve the welfare of children so that they can live more even though they have committed a crime. In handling criminal job training that must be considered are:

1. The types of job training.

<sup>6</sup> Irwansyah. (2020). *Legal Research*. Yogyakarta : Mirra Buana Media. p. 38

<sup>7</sup> Kadek Widiyanti. (2017). "Legal Protection for Children in Conflict with Laws Imposed on Job Training". *Journal of Legal Issues*, 46(4): 300

2. Capability of makers criminal acts.
3. The benefits of criminals.
4. Previous job experience.
5. The place of residence of the perpetrator of the crime.<sup>8</sup>

Renewal criminal sanctions for job training have been stated in Article 71 paragraph (1) letter c and paragraph (3) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System which states that children who are threatened with cumulative punishment in the form of imprisonment and fines, the fines are replaced with job training . The crime of job training is also one of the main crimes. Further provisions regarding job training are contained in Article 78 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System which states that:

- (1) The job training crime as referred to in Article 71 paragraph (1) letter c is carried out in an institution that carries out job training according to the age of the child.
- (2) The job training penalty as referred to in paragraph (1) is imposed for a minimum of 3 (three) months and a maximum of 1 (one) year.

Job training crimes are usually carried out at the Special Child Development Institute, BRSAMPK Toddopuli in Makassar and the Job Training Center. However, most children's cases in the jurisdiction of the District Court of Makassar and the District Court of Sungguminasa determine the place of execution of job training sentences at the BRSAMPK Toddopuli in Makassar, The following data of the ABH on the BRSAMPK Toddopuli in Makassar based on a court decision in 2021;

<sup>8</sup>Bambang Waluyo. (2018). *Criminal and Sentencing*. Jakarta : Sinar Grafika. p. 25

**Tabel 1. The data of ABH on the BRSAMPK Toddopuli in Makassar based on a court decision in 2021**

No.	Case	ABH
1.	Narcotics	12
2.	Theft	12
3.	Child Protection	5
4.	Firearms or weapons	2
5.	Traffic Accident	1
	Amount	32

*Data Source* : BRSAMPK Toddopuli Makassar

The ABH data on the BRSAMPK Toddopuli that received a criminal decision on job training was 10 children at different times. BRSAMPK Toddopuli in Makassar which was also designated as a Social Welfare Organization (LPKS) based on the Decree of the Minister of Social Affairs Number 107/HUK/2019 concerning the Establishment of Social Welfare Organizations and Social Protection Houses as implementers of social rehabilitation for children in conflict with the law.

The implementation of job training as a substitute for fines for children at BRSAMPK Toddopuli in Makassar refers to several indicators, such as;

### **Legal Substance**

The legal substance is a reference or legal guideline in carrying out the punishment given to children based on the court's decision to carry out the sentence at the BRSAMPK Toddopuli in Makassar. Substantially there is no explanation regarding job training in the regulations applied within the Ministry of Social Affairs, but children who are determined to carry out punishments at BRSAMPK Toddopuli in Makassar are given vocational training as a form of job training for children while serving their punishment.

Regulations regarding vocational training are included in the Minister of Social Affairs Regulation Number 26 of 2018 concerning Social Rehabilitation and Social Reintegration for Children Facing the Law in Article 28 explaining that vocational training and entrepreneurship development are efforts to provide skills to ABHs to be able to live independently and productively. The same is regulated in Article 15 of the Regulation of the Minister of Social Affairs Number 16 of 2020 concerning Social Rehabilitation Assistance. So children who receive job training punishments are only given vocational training because the regulation of the juvenile criminal justice system does not regulate the forms and procedures for carrying out criminal acts against children as perpetrators of criminal acts. So that the provisions for the implementation of the crime refer to the appointed institution based on the judge's decision.

The provision of job training penalties for children according to Mr. Heriyanto, S.H. as a judge of Makassar District Court explained that job training as a substitute for fines has been implemented because basically children do not have their own money and the article that is violated regulates fines so that judges must refer to the Child Criminal Justice System



Act to replace it with job training for the development of children's potential while serving the sentence.<sup>9</sup>

The same thing was conveyed by Mr. H. Syahbuddin, S.H as the judge of the Sungguminasa District Court explaining that the judge's consideration of imposing job training sanctions saw several factors such as economic, educational, family, environmental factors and recommendations for community research reports from community counselors.<sup>10</sup>

This can be taken into consideration by the judge in determining the sentence against the children.

The regulation of criminal sanctions against children should not violate their dignity, but in fact judges in sentencing children are still dominated by imprisonment. While imprisonment is the last punishment that can be given because if a child's actions do not cause great loss and unrest in the community, it should be kept away from imprisonment because there are still more human sanctions such as job training.<sup>11</sup> making punishment a last resort is a form of implementation of the princi-

ple in criminal law, namely the *ultimum remedium* principle which means that criminal sanctions are the last resort for violators of legal norms if other legal sanctions are not in accordance with the portion of the legal norm that has been violated.<sup>12</sup>

### The Types of Vocational Training

Vocational training is a vocational skill therapy for ABHs in developing their potential and skills that must be adjusted to a comprehensive assessment of social workers at the time the child is first admitted to BRSAMPK Toddopuli in Makassar. The following are the types of vocational training available at BRSAMPK Toddopuli in Makassar;

1. Computer Skills
2. Automotive Skills
3. Electronics Skills
4. Tailoring Skills
5. Electric Welding Skills
6. Make Up Skills
7. Furniture or Carpentry skills.

The following data of children receiving vocational training in 2021;

### Tabel 2. The Data of children receiving vocational training

<sup>9</sup> Interview with Mr. Heriyanto, S.H. as Judge of the Makassar District Court on September 21, 2021.

<sup>10</sup> Interview with Mr. H. Syahbuddin, S.H. as Judge of the Sungguminasa District Court on September 23, 2021

<sup>11</sup> Suhadi. (2017). "Urgency of the act Juvenile Criminal Justice System". *Journal of Legal Khairah Ummah*. 12 (4): 855.

<sup>12</sup> Amir Ilyas and Muhammad Nursal. (2016). *Collection of Legal Principles*. Jakarta : PT Raja Grafindo Persada. p. 11.

No.	Vocational	ABH
1.	Automotive	5
2.	Electronics	2
3.	Tailoring	2
4.	Electric Welding	1
5.	Furniture	1

*Data Source* : BRSAMPK Toddopuli Makassar

According to Mr. Bambang Tri Hartono, S.Sos, MSW as the Head of the section for social rehabilitation services at BRSAMPK Toddopuli in Makassar, explaining that ABH who take part in vocational training can choose more than one vocational class according to the interests and talents of the child.<sup>13</sup>

This vocational training which consists of 7 skill classes that are still active only 5 are automotive, electronics, sewing, electric welding and furniture but have not been implemented optimally. This is influenced by the lack of skill equipment and instructors who are competent in their fields.

### **Fullfillment of Children Rights**

Fulfillment of children's rights while serving a penalty at BRSAMPK Toddopuli in Makassar needs to be a concern. The implementation of rights and obligations for children who commit crimes need to receive balanced and humane assistance

and protection.<sup>14</sup> The following of the fulfillment of children's rights while in BRSAMPK Toddopuli in Makassar;

### ***Nature and Treatment for Physical and spiritual***

Parenting is carried out by employees who serve as caregivers to supervise and control ABH while in BRSAMPK Toddopuli and report all developments to social workers. Physical treatment such as physical therapy in the form of sports activities in the afternoon or on holidays to train children's cooperation with other children while spiritual care with mental and spiritual therapy held at the mosque with congregational prayers, religious lectures and memorizing verses of the Qur'an. Meanwhile, children who are non-Muslims carry out mental and spiritual therapy according to the schedule of worship and guidance by the priest who is assigned as a religious advisor.

### ***Obtaining education and literacy***

Children who are still in school still have the right to education during the *Covid-19* pandemic by attending online schools using cellphones lent by social workers while children who do not finish school participate in literacy activities

<sup>13</sup> Interview with Mr. Bambang Tri Hartono, S.Sos, MSW. As a Head of Social Rehabilitation Services at BRSAMPK Toddopuli in Makassar on September 23, 2021

<sup>14</sup> Wagianti Soetedjo (ed). (2006). *Child Criminal Law*. Bandung : PT Refika Aditama, p. 52

with reading teaching programs, discussions and watching educational shows.

***Obtaining health services and basic needs***

Health services are provided since the child's first admission to the BRSAMPK Toddopuli in Makassar by going through the health assessment stage to find out the history of the child's illness, in addition to the availability of polyclinic facilities with medical equipment to treat children's illnesses with mild symptoms. If medical devices are not available at the polyclinic, the child will be accompanied by a social worker to carry out an examination at the nearest puskesmas or hospital.

Basic needs in the form of food and clothing. The distribution of food is divided into 3 times (three times) a day with breakfast at 06.30 WITA, lunch at 11.00 WITA and dinner at 19.30 WITA. Meanwhile, the distribution of clothes such as sports clothes, Muslim clothes, gloves and toiletries such as shampoo, soap and toothbrushes.

**Supervision**

Supervision is an activity to monitor all activities that have been prepared previously. With supervision, it can be seen the advantages and obstacles faced in the implementation of punishment against ABH. in line with the enactment of Law

Number 11 of 2012 concerning the Juvenile Criminal Justice System, giving more roles to community counselors to provide assistance, guidance and supervision to ABH both inside and outside the institution. A child who is decided to carry out a sentence at the BRSAMPK Toddopuli in Makassar, supervision over the implementation of the sentence becomes the full responsibility of the social worker in coordination with the community counselors.

Coordination between institutions in the implementation of social rehabilitation and social reintegration as mandated in Article 94 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, states that the Ministry which carries out affairs in the field of child protection conducts cross-sectoral coordination with other institutions. This provision serves as a reference for community officers, namely social workers and community counselors in carrying out their duties based on statutory regulations.

Supervision of social workers is carried out in 3 ways, such as;

1. supervision by monitoring periodically, namely children who take part in the rehabilitation assistance

program in the 1st month, the 3rd month and the 6th month.

2. Documentation of every activity that children participate in.
3. The results of social reports are assessed from changes in children's behavior and the implementation of punishment.

Meanwhile, the supervision of community counselors for children at BRSAMPK Toddopuli in Makassar is carried out in 2 ways, as follows;

1. Direct supervision, namely reviewing and monitoring directly the development and implementation of child punishment at BRSAMPK Toddopuli in Makassar.
2. Indirect supervision, namely the only asks for social reports from social workers at the child's stage of social reintegration by involving community mentors to convey the implementation of punishment and information related to changes in children's behavior.

According to Mr. Ridha Suryadin M, as the community counselor at the Class I Correctional Centers Makassar, he explained that the problem with the community counselor in carrying out their supervisory duties for children at the LPKS

BRSAMPK Toddopuli in Makassar was due to the lack of quality and quantity of human resources and the community counselors who handled children did not get a copy. the decision from the court so that they did not know the child had been referred to BRSAMPK Toddopuli in Makassar to carry out the job training sentence.<sup>15</sup>

Social workers are then required to actively seek information regarding the names of the children's community counselors who are referred to BRSAMPK Toddopuli in Makassar. This was also conveyed by Mrs. Asmawati, S.Sos, as a social worker at BRSAMPK Toddopuli in Makassar explaining that social workers in carrying out their duties to assist the recovery process and change children's behavior must coordinate with community counselors but sometimes social workers must be more active in digging information to find out. community counselor because sometimes children don't even know their names.<sup>16</sup>

#### **Factors that affect the effectiveness of implementation criminal job training for children during the training process until after the sentence**

<sup>15</sup> Interview with Mr. Ridha Suryadin M, as a Community Counselor at the Class I Correctional Centers Makassar on October 4, 2021.

<sup>16</sup> Interview with Mrs. Asmawati, S.Sos, as a Social Worker at BRSAMPK Toddopuli of Makassar on September 17, 2021.

To measure the effectiveness of the implementation of the law in this case the application of criminal work training for children, the theory of legal effectiveness according to Soerjono Soekanto is used which discusses the factors that influence law enforcement, as follows;<sup>17</sup>

1. Legal Factors
2. Law Enforcement Factors
3. Facilities and Infrastructure Factors
4. Community Factors
5. Cultural Factors

These five factors are interrelated with each other in shaping the effectiveness of the law. So the factors that influence the implementation of job training in the form of vocational training at BRSAMPK Toddopuli in Makassar are legal factors, law enforcement factors, facilities and infrastructure factors, community factors and cultural factors. More will be described as follows;

### **Legal Factors**

Legal factors become one of the obstacles because the application of job training crimes based on the mandate of Article 71 paragraph (5) of the SPPA Law explains that further provisions regarding the form and procedure of criminal implementation are regulated by Government Regulations, but until now the Gov-

ernment has not regulated derivative regulations regarding it. This makes it difficult for law enforcement officers to carry out sentences given to children and coordination between institutions to receive copies of decisions is one of the obstacles in fulfilling children's rights. so the need for relevant stakeholders to be involved. In addition, the Regulation of the Minister of Social Affairs which mentions vocational training as a form of developing children's potential also does not contain an explicit explanation regarding the mechanism for implementation vocational training. This becomes an obstacle for social workers to understand and re-learn the substance of each regulation that is continuously updated.

### **Law Enforcement Factors**

Law enforcers have an expected role based on statutory provisions and an actual role. Law enforcers, namely social workers and community counselors in carrying out their correctional duties, must coordinate with each other and have programs that are synchronized with each other.

The expected role based on the regulation on the duties of social workers has been stated in Article 63 of the SPPA Law and Article 16 paragraph (2) the Regulation of the Minister of Social Affairs Number 17 of 2018 concerning the

<sup>17</sup> Soerjono Soekanto. (2007). *Factors Affecting Law Enforcement*. Jakarta : PT. Raja Grafindo Persada. p. 5

Organization and Work Procedure of the Technical Implementation Unit of Child Social Rehabilitation in the Directorate General of Social Rehabilitation. Meanwhile, the duties of community counselors are contained in Article 65 of the SPPA Law.

Social workers and community counselors should provide protection and assistance from the pra-adjudication, adjudice and post-adjudication stages. while the actual role of social workers at BRSAMPK Toddopuli in Makassar is only 6 people, while the capacity of children who can be given social rehabilitation assistance programs is 80 children. the shortage of social workers affects the provision of social assistance and advocacy. human resources that are lacking in quality and quantity. In addition, the unavailability of experts in their fields such as instructors, doctors and psychologists, resulting in the in effectiveness of the implementation of vocational training.

Community counselors at the Class I Correctional Centers Makassar, totaling 81 people with a work area from Pinrang Regency to Selayar Regency, still make it difficult for community counselors to carry out direct supervision. so that the community counselors only asks for the results of social reports from social workers as

material for making reports on the results of Community Research for children undergoing job coaching and training at BRSAMPK Toddopuli in Makassar.

### **Facilities and Infrastructure Factors**

Factors of facilities or facilities include educated and skilled human resources, good organization, adequate equipment, sufficient finance and so on.<sup>18</sup> Facilities are something that can be used as a tool in achieving a certain purpose or goal, while infrastructure is everything that is the main support for the implementation of a process.<sup>19</sup>

The availability of facilities and infrastructure to support the implementation of social rehabilitation and social reintegration of children while in BRSAMPK Toddopuli in Makassar has been supported by several units of skill buildings and other infrastructure, but there are still buildings that function double in the implementation of several therapies given to ABH.

Skill equipment that is still inadequate because the skill tools used are outdated and do not keep up with the times so that teaching by instructors is limited. Up-

<sup>18</sup> Soerjono Soekanto. *Op. Cit.*, p 37

<sup>19</sup> Aditya Ranga. (2020). *Differences in Facilities and Infrastructure*. Taken from <https://cerdika.com/perbedaan-sarana-dan-prasarana/>, (access on 15 October 2021).

grading of vocational equipment needs to be done but there are still constraints in the provision of a budget that has not been responded to by the Central Government. This is the reason vocational training is an optional activity carried out by children only to fill their spare time, if there are no other therapeutic activities.

### **Community Factors**

The community has an important role in providing protection for children. community participation is stated in Article 93 of the SPPA Law. But the difficulties of the child after returning to the family and community due to the rejection of the community where the child lives, thus hampering the development of the potential and knowledge that has been obtained after being released.

This is one of the reasons why children repeat criminal acts because they are given a negative stigma and are considered to be carriers of bad influences in their environment. So that it is necessary to have an active role as social workers and community counselors to provide socialization to families and local communities to be able to accept children as normal human beings.

### **Cultural Factors**

Culture includes a discussion of the values, attitudes and patterns of people's lives. values that have been conceptualized abstractly about good and bad.

These values reflect extreme conditions that must be harmonized. People's behavior that is not in accordance with the values and attitudes of the community is considered a deviation which will be given a negative stigma. Therefore, the regulations that are formed are expected to be able to answer the problems and phenomena of crime that arise in society.

Community culture that does not give confidence to former criminals by providing negative labeling and stigma can trigger criminals to repeat their actions. The lack of inculcation of the values of legal awareness to accept back children who have finished serving their sentence hampers the social functioning of children after returning to society so that children isolate themselves from the environment and are of the view that previous actions are still natural. So it is necessary for the role of the state and society to provide protection and guarantee the fulfillment of children's rights so as not to interfere with their mental, physical and social growth and development.

### **CONCLUSION**

1. The implementation of job training as a substitute for fines has been carried out in the jurisdictions of Makassar District Court and Sungguminasa Dis-

trict Court. Job training in the form of vocational training covering computer skills, automotive, electronics, sewing, make-up, electric welding and furniture is still not running effectively marked by the lack of instructors, skills and inadequate equipment because they are outdated but there is no special budget for equipment updates thus affecting teaching in vocational training.

2. Factors that influence in terms of legal factors, there are still no Government Regulations and Regulations of the Minister of Social Affairs which explicitly explain the mechanism for the form and implementation of job training in the form of vocational training. Law enforcement factors are social workers and community counselors who are still lacking in quantity and quality as well as experts in their fields such as instructors, psychologists and doctors. The facilities and infrastructure factor is characterized by dual-function buildings and skills equipment that need to be updated. Community factors with the refusal of children after returning to society and cultural factors are still lacking in instilling the values of legal awareness to provide guarantees for protection

and fulfillment of children's rights for mental, physical and social growth and development.

### **SUGGESTION**

1. The need for the Government to regulate Government Regulations in accordance with Article 71 paragraph (5) of the SPPA Law. So that the punishment given to children is not based on imprisonment. Vocational provision should be adjusted to the child's potential through skills assessment before attending skill classes and closer supervision between institutions in order to directly review the implementation of punishment at BRSAMPK Toddopuli in Makassar.
2. The need to increase human resources, facilities and infrastructure and the active role of the community to provide comprehensive input and socialization so that the implementation of the SPPA Law provides protection and welfare for children after their sentence.



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- Regulation of the Minister of Social Affairs Number 17 of 2018 concerning the Organization and Work Procedure of the Technical Implementation Unit of Child Social Rehabilitation in the Directorate General of Social Rehabilitation.
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- Interview:**
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- Interview with Mr. H. Syahbuddin, S.H. as Judge of the Sungguminasa District Court on September 23, 2021
- Interview with Mr. Bambang Tri Hartono, S.Sos, MSW. As Section Head of Social Rehabilitation Services at BRSAMPK Toddopuli in Makassar on September 23, 2021
- Interview with Mr. Ridha Suryadin M, as a Community Counselor at the Class I Correctional Centers Makassar on October 4, 2021.
- Interview with Mrs. Asmawati, S.Sos, as a Social worker in BRSAMPK Toddopuli in Makassar on September 17, 2021

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