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Submission date: 11-Jun-2024 04:14PM (UTC+0700)

Submission ID: 2400296020

File name: f_Sociology_and_Law_-_VOLUME_1,_NO._3,_AUGUST_2024_hal_41-56.pdf (715.47K)

Word count: 5516

Character count: 29640

The Role Of Community Mentoring In The Implementation Of Counseling For Child Clients Undergoing The Conditional Release Program In The Class I Community Center In Medan

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ABSTRACT. Children are part of the young generation who are the successors of the ideals of the nation's struggle and human resources for national development. Currently, violations of the law or criminal acts are not only committed by adults, but criminal acts committed by children are increasingly common. Every child who violates legal rules or commits a criminal act will be subject to sanctions in the form of criminal sanctions. Every child who is 14 (fourteen years old) but not yet 18 (eighteen years old) who is undergoing guidance at a Special Children's Development Institution is called a Foster Child. Every child who has undergone guidance in the LPKA has the right to obtain their rights, especially to obtain conditional release. According to Minister of Law and Human Rights Regulation Number 16 of 2023, conditional release can be granted to children who are serving a prison sentence at LPKA but who have met the requirements. The granting of Parole stages is carried out by the Correctional Center through Community Counselors. Community Counselors play an important role in implementing recommendations for the Parole program, including starting from the initial stages of proposing Parole, making Community Research (Litmas), carrying out guidance to ending guidance at the Correctional Center.

Keywords : Community Guidance, Parole, Children

INTRODUCTION

Children are a trust from the Almighty God in whom the honor and dignity of being a complete human being is inherent. Every child has dignity that should be upheld and every child born must receive their rights without the child asking. This statement is in accordance with the provisions of the Convention on the Rights of the Child which was ratified by the Indonesian government through Presidential Decree No.36 of 1990. These children's rights were then also stated in Law No.4 of 1979 concerning Child Welfare and Law No.35 of 2014 concerning Child Protection.

Children who are in conflict with the law or children who commit criminal acts are not only acts that disturb public order, but are also a danger that can threaten the future of a nation or state. In fact, law is a guideline that regulates human lifestyles which has an important role in achieving the goal of peaceful life for society. On that basis, children must be protected from detrimental actions so that children as inheritors of the nation's ideals are maintained for the future of the nation and state. There are various factors that influence children in committing criminal acts which cause children to have to deal with the law, one of

Received May 26, 2024; Revised June 11, 2024; Published August 31, 2024

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which is rapid development. The rise in legal cases affecting children in Indonesia does not mean that they are the same as adults who have reason and experience. ⁴Children's ironic behavior is mostly caused by the social environment, family and the failure of the state's responsibility to fulfill their rights.

¹⁰Law No. 11 of 2012 regulates the Juvenile Criminal Justice system which is implemented based on: Protection, Justice, Best Interests of the Child, Respect for the child's ²opinion, Guidance and Guidance of the Child, Proportionality, Deprivation of Liberty and punishment as a last resort to avoid retaliation. This principle is the basis for achieving a coaching process that will be aimed at children both within the LPKA and outside coaching which will be ¹carried out by the Correctional Center (BAPAS).

⁴The Correctional Center, hereinafter referred to as BAPAS, is a correctional technical implementation unit which carries out the duties and functions of social ⁷research, guidance, supervision and mentoring. According to Article 1 (20) of Law No. 22 of 2022 concerning Corrections, it is understood that, "Correctional Center, hereinafter referred to as BAPAS, is an institution or place that carries out the function of Community Guidance for clients. The Correctional Center has the task of providing community guidance in accordance with applicable laws and regulations. Based on Article 65 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, one of the community officers is a Community Counselor.

Since Law No. 22 of 2022 came into force, this Law emphasizes the function of Community Counselors, not only placing their function at the final stage after the operation of the criminal justice system but has become part of the criminal justice system which carries out law enforcement in the field of treatment of prisoners, children and inmates starting from the pre-adjudication, adjudication and post-adjudication stages.

One of the duties of a Community Counselor is to carry out guidance for Correctional Clients. To carry out this guidance, it is based on Government Regulation No. 31 of 1999 concerning the Guidance and Guidance of Correctional Inmates. In Article 33 PP No.31 of 1999, it is stated that the implementation of mentoring consists of 3 (three) stages, namely: initial stage, advanced stage and final stage. At each stage, a Correctional Observer Team (TPP) meeting is held to determine the guidance program and to evaluate the next stage of guidance. The form of guidance provided is in the form of personality guidance and work skills.

Apart from that, it is also explained in Article 35 PP No.31 of 1999, clients who are guided by the Correctional Center are:

- a. Conditional convict
- b. Convicts, criminal children and state children who are on conditional release or leave to be released;
- c. State children whose guidance is based on a court decision are handed over to foster parents or social agencies;
- d. State Children whose guidance is based on a Ministerial Decree or an official within the Directorate General of Corrections whose guidance is given to foster parents or social agencies;
- e. Children who, based on a court order, have their guidance returned to their parents or guardians;
- f. Children who, based on a court decision, are sentenced to supervision; And
- g. Children who, based on a court decision, are required to undergo work training as a substitute for a fine

One of the points above is that every child who obtains conditional release has the right to receive guidance from a community counselor. Every child who has fulfilled the requirements for serving a criminal period of at least 1/2 (one half) of the criminal period and has good behavior while serving a criminal period of at least 3 (three) months before the date of 1/2 (one half) of the criminal period has the right it is proposed to obtain conditional release and if the proposal is successful then the child will be released on parole and returned to the community so that the child must be able to change his attitude and behavior. Changing attitudes and behavior also depends on the guidance received in prison and the guidance that will be given to the child after obtaining conditional release.

The role of the Correctional Center through Community Guidance for child clients who receive Parole is very important because it continues the process of coaching prisoners to develop and improve the child for the better. Obtained from data from the Child Client Registration Sub Section, the number of child clients handed over to Bapas Medan.

This can be seen in the table below:

Year 2024	Parole Clients	Conditional Clients	Leave
January	8 people	17 people	
February	4 people	1 person	
March	8 people	2 persons	
April	16 people	5 people	
May	2 persons	6 people	

Based on the data above, it can be seen that every month, the Correctional Center always accepts handover clients from LPKA who receive Re-integration Decision Letters, both on Conditional Release and Conditional Leave, therefore, the role of Community Counselors is very important to guide these children so that they can return home and be accepted by society again and not repeat violations of the law again until the guidance ends. Based on the description above, research was conducted in the form of a journal with the title " **The Role of Community Counselors in Implementing Guidance for Child Clients Undergoing the Parole Program at the Medan Class I Correctional Center** " .

Formulation of the problem

Based on the background above, it is necessary to formulate several problem formulations such as:

1. What are the legal regulations regarding Guidance for Correctional Clients?
2. How is the implementation of guidance for child clients who receive conditional release at the Medan Class I Correctional Center ?
3. What is the role of the Community Counselor in carrying out guidance for child clients who are receiving conditional release at the Medan Class I Correctional Center?

Problem Objectives

Based on the problem formulation, the purpose of writing this journal is:

1. To find out the legal regulations regarding Guidance for Prison Clients.
2. To find out the implementation of guidance for child clients who receive conditional release at the Medan Class I Correctional Center.
3. To find out the role of Community Counselors in carrying out guidance for child clients who obtain Conditional Release at the Medan Class I Correctional Center.

RESEARCH METHODS

Research methods are needed so that research objectives can be more focused and scientifically accountable. In writing this thesis, the research method used is as follows:

A. Types of research

This type of journal research uses quantitative research.

B. Research Type

This type of research is empirical legal research, namely a research method carried out to obtain primary data.

3 C. Data collection technique

1) Primary data

Data obtained from direct interviews with sources.

3 2) Secondary Data

Secondary data is data obtained by researchers from literature and documents which are the results of research and management of other people which are already available in the form of books or documents provided in libraries or in their own possession. 16
Secondary data consists of:

a) Primary Legal Materials: Primary legal materials are binding legal materials.

The primary legal material was obtained from statutory regulations such as: 28
Law No. 22 of 2022 concerning Corrections, Law No. 16 of 2023 concerning Procedures for Granting Remissions, Assimilation, Conditional Release, Leave to Visit Family and Conditional Leave, Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, Law No. 4 of 1979 concerning Child Welfare, Law no. 35 of 2024 concerning Child Protection and PP No. 31 of 1999 concerning the Development and Guidance of Pemapuaskatan Assisted Citizens. 9

b) Secondary legal materials were obtained from books and internet literature related to the research object.

D. Method of collecting data

Data collection methods consist of:

1) Library research methods (*Library Research*)

The library method is used to find answers to problem formulations from book and internet literature.

2) Field Research Methods (*Field Research*)

The field method was used by visiting the research location at the Medan 24
Class I Correctional Center and conducting direct interviews with employees, especially in the Child Client Work Guidance and Child Client Community Guidance Sub Sections.

DISCUSSION

A. Legal Regulations regarding Correctional Client Guidance

Mentoring Which done by BAPAS is part from System correctional held in frame form Correctional Inmates must become fully human, aware mistakes, improve oneself, and not repeat criminal acts so can accepted return by environment public, can active role in development, and can live normally as good citizens And responsible answer.

Mentoring Which done is guidance for child clients obtain Conditional Release . Article 2 of Permenkumham No. 7 of 2022 states that every prisoner and child has the right to receive Remission, Assimilation, Leave to Visit Family, Conditional Release and Conditional Leave. This right is intended to take into account the interests of development, security, public order and society's sense of justice. Article 1 (15) Permenkumham No.7 of 2022 states that guidance is providing demands to improve the quality of devotion to God Almighty, the client's intellectual, professional attitudes and behavior, the client's physical and spiritual health.

In Law No. 22 of 2022 concerning Corrections, forms of client guidance include:

1. Community guidance for clients is provided by the Correctional Center;
2. Guidance implementation includes: mentoring, mentoring and supervision;
3. Guidance is carried out through stages: client acceptance, program delivery and termination;
4. Forms of guidance include: personality guidance, namely: providing provisions to improve mental, spiritual and intellectual quality and guidance on independence for clients.
5. Guidance ends because the guidance period has been completed based on a court decision or Minister's decision, the person dies or the guidance is revoked due to violating the law again.

Article 40 Regulations Government Number 31 year 1999 about Guidance and Guidance of Correctional Inmates explained process implementation of guidance as follows:

1. Mentoring early stage includes:
 - a. reception And registration Client;
 - b. making study society For material mentoring;
 - c. preparation program mentoring;
 - d. implementation program mentoring; And
 - e. control implementation program guidance stage beginning.

2. Mentoring stage advanced includes:

- a. preparation program guidance stage advanced;
- b. implementation program mentoring; And
- c. control implementation program coaching stage advanced.

3. Mentoring final stage includes:

- a. preparation program guidance stage end;
- b. implementation program guidance stage end;
- c. control implementation program guidance stage advanced.

4. Mentoring final stage includes:

- a. preparation program guidance stage end;
- b. implementation program guidance stage end;
- c. control implementation program guidance.
- d. setup Client For face stage end guidance with consider giving service guidance addition; And
- e. ending the Client mentoring stage by providing a letter information end guidance by Head FATHER.

Furthermore, **Government Regulation Number: 31 of 1999 concerning Coaching And Mentoring Inhabitant Built Correctional** explained some things include:

Chapter 31

- (1) Head FATHER must carry out guidance Client.
- (2) In carry out guidance as intended in paragraph (1), the Head of BAPAS is obliged to carry out implementation planning, And control on activities mentoring program.
- (3) Activity guidance as intended in paragraph (2) directed on ability Client For integrate in a way Healthy with public.

Chapter 32

- (1) Mentoring Client held by Mentor Sociability. Mentoring Client as intended in paragraph (1) emphasized to reintegration healthy with public.

Chapter 33

- (1) Mentoring Client held through 3 (three) stage guidance, that is: a. stage beginning; b. stage advanced; And c. stage end.
- (2) Maintenance guidance from One stage to stage other determined through a Correctional Observer Team meeting based on data from the Supervisor Sociability.
- (3) Data as intended in paragraph (2) is results observation, evaluation, And reporting stage implementation guidance.
- (4) Provision about observation, evaluation, And reporting as intended in paragraph (3) arranged more carry on with Decision Minister.

Chapter 34

- (1) In carry out guidance to Client in FATHER provided means and infrastructure Which needed.
- (2) BAPAS as intended in paragraph (1) is divided into several classification;
- (3) Provision about classification FATHER as intended in paragraph (2) arranged more carry on with Decision Minister.

Chapter 39

- (1) Mentoring stage beginning as intended in Chapter 33 paragraph (1) letter a for Clients, starting from the time the person concerned has status as Client as with 1/4 (One per four) period guidance.
- 7 (2) Advanced stage guidance as intended in Article 33 paragraph (1) letter b for Client, held since end initial stage guidance up to 3/4 (three quarters) of the term guidance.
- (3) Mentoring stage end as intended in Chapter 33 paragraph (1) letter c for Client, held since the end stage guidance advanced until with the end period guidance.
- (4) Phasing in process guidance Client Correctional set through hearing Team Observer Correctional FATHER.

Chapter 41

Clients sentenced to parole, parole or on leave to be released Which revoked the status as Client must undergo criminal Which suspended and or remainder criminal if:

- a. repeat do follow criminal;
- b. give rise to anxiety in public;
- c. No obey provision agreement or terms, Good condition special as well as conditions general; for convicts conditional;
- d. Not following or complying with the mentoring program set by BAPAS, or
- e. change address or residence without report to FATHER Whichguide.

Relating to Conditional Release granted to clients correctional services, in a newer regulation, namely **the Ministerial Regulation Law and Human Rights Number: 22 of 2022** regulates **revocation** Liberation Conditional:

Chapter 139

9

(1) Revocation of Conditional Release, Leave Before Release, and Conditional Leave

is carried out based on:

- a. General conditions, commit a violation of the law and be declared a suspect/defendant followed by detention in a state detention center or convict;
- b. Special conditions, which consist of:
 - 1. Causing unrest in society;
 - 2. Failure to carry out mandatory reporting to the supervising Father a maximum of 3 (three) times in a row;
 - 3. Not reporting changes in address or residence to the supervising Father, and/or;
 - 4. Not following or complying with the mentoring program established by Bapas.

Article 140 (3)

9

Child clients whose Assimilation, Conditional Release, Leave Before Release, or Conditional Leave are revoked, the following conditions apply:

- a. As long as you are under the guidance of the Father, you will still be counted as undergoing a period of education and/or;
- b. While serving the criminal/educational period, they will still be given their rights in accordance with the provisions of the laws and regulations.

7

Client FATHER Which currently operate period guidance must obey regulation in on so that process guidance walk with lancer, and client obtain a Certificate of Termination of Guidance if period client guidance become a client BAPAS has ended.

5
**B. Implementation of Guidance for Child Clients who obtain Conditional Release at the
Medan Class I Correctional Center** 5

Every child client who is placed in a Special Child Development Institution (LPKA) has the right to obtain their rights as an Inmates, one of which is to receive a proposal for reintegration, especially Conditional Release. The requirements for applying for conditional release are:

1. The minimum sentence is 1 year
2. The guarantor must bring personal identification and a stamp of Rp. 10,000,-
3. Have served at least ½ of the criminal term for children aged 18 years and at least 2/3 of the criminal term for children aged 18 years and over,
4. Have behaved well while serving the criminal period and have participated in the training program well at LPKA
5. Copy of decision, Minutes of decision from the court
6. Coaching progress report
- 3
7. Report on the results of Community Research (Litmas) made by the Community Advisor
8. Copy of Register F
9. A copy of the change list
10. Statement letter of not violating the law again
- 4
11. Letter of guarantee of commitment from the family that is known to the local government.

After all the documents are complete and 1
the results of the Correctional Observer Team (TPP) session also approve the proposal, the assisted child will receive a Decision Letter (SK) on Conditional Release. Every child who has received a Conditional Release Decree will be handed over to the Correctional Center and will then undergo guidance with a Community Counselor until completion. Every child who undergoes guidance at the Correctional Center is called a Correctional Client, whether they are adult clients or child clients.

3
Guidance is providing guidance to improve the quality of devotion to God Almighty, intellectual, attitude and behavior, professional, physical and spiritual health of the Client. Guidance is provided by Community Counselors to Correctional Clients according to their type or status. The form of guidance is 1
in the form of a personality and independence

guidance program. This is also carried out by the Medan Class I Correctional Center Community Counselor in providing guidance to clients, especially child clients who are undergoing the Parole program.

According to Andri Gunawan, as the First Expert Community Counselor at the Medan Class I Correctional Center, there are 2 forms of guidance carried out at the Medan Class I Bapas, namely:

1. Personality Guidance

Personality guidance is used to increase religious devotion to God Almighty, form social and moral attitudes, instill legal awareness and *trauma healing* for child clients. Apart from that, through this guidance it is hoped that clients can become better individuals and not repeat violations of the law again, develop a tough and strong personality and can change their lifestyle to be more positive and productive. The forms of personality guidance carried out at the Medan Class I Community Center are:

- a) Guidance, mandatory reporting and counseling

This guidance is intended for all clients of Bapas Class I Medan who have received a Conditional Release Decree (SK) and have been handed over to Bapas Class I Medan. Every client, especially child clients, must report every month to the Community Counselor until the probationary period ends.

- b) Spiritual Guidance

This guidance is given to young clients who are separated according to their religion. The Correctional Center collaborates with third parties, especially the Ministry of Religion, in providing spiritual provision for child clients. It is hoped that children who follow this guidance can change their behavior or morals and renew themselves so that they are closer to God Almighty so that they do not repeat criminal acts.

- c) Guidance carried out with a third party

This guidance is carried out in collaboration with a third party where the third party as a moderator provides direct guidance to child clients to provide motivation and an approach to God Almighty in particular.

The following is a table of implementation of the guidance:

No	Date	Objective	Number of Clients	Third party	Place
1	20 Feb - 04 Mar 2023	In order to increase child clients' knowledge in the field of psychology. In this guidance, children are given knowledge of character and morals in carrying out their daily lives	20 People	Hj Foundation RM. Soejoedi	Medan Class I Fathers Hall
2	19 Feb -23 Feb 2024	So that child clients are given legal education to avoid violating the law again	20 people	Center for Child Protection and Studies (PKPA) Medan	Medan Class I Fathers Hall

Source: Child Client Independence Guidance Subsection Data Report

2. Independence Guidance

The independence guidance given to child clients is more focused on ¹⁷the judge's decision to give children in the form of job training as a substitute for fines. This decision in the form of job training aims to provide education to children where the government wants children to gain skills that can be useful when they grow up. The types of job training provided at the Medan Class I Correctional Center are: providing job training at Griya Abhipraya "Kedan Kita" in the form of training on motorbike doorsmear and ornamental plant care.

⁵C. The role of Community Counselors in carrying out guidance for child clients who obtain Parole ⁵at the Medan Class I Correctional Center

When a child assisted by LPKA who has received a Conditional Release Decree has been handed over to the Correctional Center, the Community Counselor has begun his role in supervising the child client. From the results of an interview with Nurmah, one of the Intermediate PKs ¹at the Medan Class I Correctional Center, the role of Community Counselors in providing guidance for child clients who receive Conditional Release includes:

1. Provide direction to child clients who are handed over to the Correctional Center

Every child who is handed over to the Correctional Center will have their data collected again to be entered into the Correctional Database System (SDP) of the Medan Class I Correctional Center, after which the SDP officer notifies the Community Guidance officer that the client has been handed over. Community Counselors give directions to their clients to remind them of their obligations when carrying out Community Research, such as one of them being the obligation to report once a month at the Medan Class I Correctional Center until the guidance period ends. Apart from that, Community

Counselors also remind clients not to go out of town for long periods of time and to obey every rule that has been given by officers, especially not to repeat the crime again.

2. Make progress reports for child clients who are required to report

Every child who comes for mandatory reporting guidance will be directed to the mandatory reporting room and meet with their Community Advisor. Here the officer makes a client progress report every month and provides direction so that the client continues to carry out his obligations until the guidance is complete. After that, the Community Counselor directs the child client to the SDP room of the Medan Class I Correctional Center for digital recording of mandatory attendance reporting.

3. Conduct home visits and prepare guidance reports

Community Counselors conduct home visits to obtain information from the client's family regarding conditions and changes that occur while the client is on parole. Apart from that, Community Counselors visit the local government to confirm regarding clients and their families. After that, the Community Counselor made a report which became known to the Head of the Medan Class I Correctional Center.

4. Involving child clients in guidance activities at the Correctional Center

Every year, the Medan Class I Correctional Center provides guidance on both personality and independence. The aim of this activity is for all clients who are undergoing guidance at the Medan Class I Correctional Center and it is usually held in the Medan Class I Correctional Center Hall. The Community Counselor contacts the child client and then includes him or her in the activity. The Community Counselor ensures that the children presented can participate in the activities until the end and provide assistance to the children.

5. Create guidance termination reports

Every child client who has completed their obligations must report until the trial period is over, the Community Counselor makes a report ending guidance for the child client. This report will be addressed to the Director General. Corrections, North Sumatra Ministry of Law and Human Rights Regional Office, government according to the address of the guarantor and the person concerned.

6. Prepare Minutes of Revocation of Conditional Release Decree

Each client must carry out his guidance until completion and if the child client commits a criminal act in the middle of the Parole guidance period and is re-arrested by the police or other legal apparatus, then the Community Counselor makes a Minutes of Examination of the child client and after that makes report on the revocation of the Conditional Release Decree which will be forwarded to the Director General. Correctional.

CONCLUSIONS AND RECOMMENDATIONS

CONCLUSION

- ¹
1. The guidance provided by Community Counselors at the Medan Class I Correctional Center is not yet fully aimed at child clients, even though guidance according to Law No. 22 of 2022 concerning Corrections, every child client must receive guidance, both personality guidance and independence guidance at the Correctional Center.
2. The Correctional Center creates guidance activities intended for clients of the Medan Class I Correctional Center, both adults and children. Community Counselors are required to invite child clients to take part in these activities. The forms of guidance carried out at the Medan Class I Community Guidance Center are personality guidance and work guidance which aims to increase religious devotion to God Almighty, form social and moral attitudes, instill legal and *trauma awareness. healing* for child clients and providing work skills that child clients will use when they are ready to work.
3. Community Counselors play a very important role in supervising child clients at the Correctional Center starting from the stage when the child client is handed over to the Class I Medan Correctional Center and carry out mandatory reporting guidance until the child client has completed his/her guidance and the Community Counselor makes a letter terminating guidance for the child client which is known to the Head of the Center Corrections and forwarded to child clients, the local government, ⁶the Regional Office of the Ministry of Law and Human Rights of North Sumatra and the Director General of Corrections.

SUGGESTION

1. With the evaluation of the performance program carried out by the Correctional Center, it would be better if the guidance given to clients is carried out equally for both child and adult clients, but the guidance should be carried out on different schedules. This aims to

ensure that apart from giving children motivation and improving themselves, children also receive job training at Bapas so that they can become skill capital when the child is capable enough to work.

2. Guidance ¹carried out at the Medan Class I ¹Correctional Center should be given to child clients according to the child's needs and separated according to the crime. The purpose of separating the form of guidance for child clients is intended to attract children's talents to take part in guidance activities ¹at the Medan ¹Class I Correctional Center and ¹the guidance ⁶is right on target according to the needs of child clients.
3. ⁶The role of Community Counselors ⁶in providing guidance to ⁶child clients who are on conditional release will not work well if they do not receive support. The need for support from the child's parents/guarantor and the local government ⁶to provide motivation and remind child clients to carry out their obligations while being ⁶clients at the Medan ⁶Class I Correctional Center.

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