

HANDLING FOR CHILDREN IN CONFLICT WITH THE LAW BY THE WEST JAVA CHILD PROTECTION AGENCY

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Abstract

This study aims to explore efforts to protect children in conflict with the law in West Java through a qualitative approach. Using a semi-structured interview method, this study collected data from various informants involved in child protection, including Lembaga Perlindungan Anak (LPA) and social workers. The results discussed the stages of practice carried out by the West Java Lembaga Perlindungan Anak (LPA) in handling cases for children in conflict with the law, collaboration between social agencies and stakeholders is essential to create a safe environment for children. This research also identifies patterns and relationships between themes related to child protection, and provides recommendations for improving practices and policies in the field of child protection. Thus, this research is expected to provide practical and theoretical contributions in efforts to strengthen the protection of children in conflict with the law in Indonesia.

Keywords:

Children; Law; LPA; Protection

Abstrak

Penelitian ini bertujuan untuk mengeksplorasi upaya perlindungan anak yang berkonflik dengan hukum di Jawa Barat melalui pendekatan kualitatif. Dengan menggunakan metode wawancara semi-terstruktur, penelitian ini mengumpulkan data dari berbagai informan yang terlibat dalam perlindungan anak, termasuk Lembaga Perlindungan Anak (LPA) dan pekerja sosial. Hasil penelitian membahas tahapan praktik yang dilakukan oleh Lembaga Perlindungan Anak (LPA) Jawa Barat dalam penanganan kasus anak yang bertentangan dengan hukum, kolaborasi antara lembaga sosial dan pemangku kepentingan sangat penting untuk menciptakan lingkungan yang aman bagi anak. Penelitian ini juga mengidentifikasi pola dan hubungan antar tema yang terkait dengan perlindungan anak, serta memberikan rekomendasi untuk meningkatkan praktik dan



kebijakan di bidang perlindungan anak. Dengan demikian, penelitian ini diharapkan dapat memberikan kontribusi praktis dan teoritis dalam upaya penguatan perlindungan anak yang berkonflik dengan hukum di Indonesia.

Kata kunci:

Anak; Hukum; LPA; Perlindungan

INTRODUCTION

Problems regarding children in conflict with the law are increasingly complex, which of course requires special attention from various parties. In 2023 as reported by the Indonesian Data Bank, our country has data on 33 or 1.8% of cases of children in conflict with the law. Children in conflict with the law are children involved in criminal acts, both as perpetrators, victims, and witnesses, which of course in the process of handling them need a special approach because they must pay attention to their psychological conditions and physical and mental development which are generally not stable (Izzan & Haecal, 2024).

Based on 2023 data reported from opendata.jabarpov.go.id in Indonesia, especially the West Java region, there were a total of 12 ABH, this figure decreased by - 1225% from the previous year. In a global context, Indonesia is also bound by various international commitments, one of which is the Convention on the Rights of the Child (CRC) which was ratified in 1990. This commitment requires the state to provide special protection to children, including in the context of criminal law (Mohammad Irfan Farraz Haecal, 2022).

Many cases involving minors are caused by various factors, such as a less supportive family environment, low levels of education, difficult economic conditions, and lack of supervision and guidance (Haecal & Rusmana, 2022). These factors result in negative behavior that can cause them to get into legal trouble. Of course, this handling must be in accordance with the principles of justice which focus on protecting children's rights and rehabilitation, not just imposing punishment. In West Java, there is an

institution that focuses and is responsible for child protection. This institution also has an important role in handling children in conflict with the law (ABH). The institution is called LPA which means West Java Child Protection Agency.

LPA helps children in conflict with the law to get appropriate assistance, including social rehabilitation, legal aid, education and others. By applying a child rights-based approach and a good psychosocial approach, LPA has succeeded in becoming an advocacy organization that can collaborate well. LPA usually collaborates with the police, judiciary and educational institutions. This is so that LPA can ensure ABH receive fair treatment and laws in accordance with the Child Protection Law and the Convention on the Rights of the Child (Haecal et al., 2022).

However, child protection is not only the responsibility of the LPA. As stated, "Proper protection needs to start from the family, especially parents. After that is the surrounding community and the state, so LPA is only an advocate for parents, schools and the state to increase their obligations, because essentially parents are the shield of protection for their children" (Interview D, September 18, 2024). In this context, LPA is tasked with supporting the role of families, communities and the state to jointly create a safe and supportive environment for children, especially for those in conflict with the law (Susilawati et al., 2019; Susilowati, 2019; Susilowati et al., 2023).

In this regard, the author will examine the role of West Java LPA in their handling of ABH. The previous research that explained about the same thing was written by Harefa, & Sitompul (2021) entitled "The Role of Child Protection

Institutions Advocating for Child Perpetrators of Crime". This research is considered important because children are a vulnerable group in behavior. If their behavior is wrong, they should be given special protection. In addition, research is essential to ensure that children's rights are met in accordance with the Convention on the Rights of the Child, evaluate how effective methods such as diversion and restorative justice are, and strengthen the role of families and communities in the treatment of children. Furthermore, the lack of empirical data, as well as the potential long-term consequences of social stigma and barriers to education access, emphasize the importance of thorough research to ensure children in conflict with the law get a second chance and recovery.

The purpose of this protection is to put children back on track and ensure that their rights are protected while in conflict with the law. Therefore, the protection of children in conflict with the law is an important issue in juvenile justice in Indonesia. This research aims to discuss in more depth the role needed to strengthen the protection of ABH, so that they are not only seen as perpetrators of crimes, but as individuals who still need guidance, support and protection from the state and society

METHOD

The method used in this research is a qualitative method to examine in depth the efforts to protect children in conflict with the law in West Java. This method was chosen because it is suitable for exploring complex social phenomena related to child protection in the legal process. This research uses two main techniques in data collection, namely literature study and interviews. The literature study aims to obtain a theoretical basis and empirical context related to child protection, especially for children involved in the legal process. Interviews were used to extract information from parties who have

knowledge, experience and direct involvement in child protection efforts.

DISCUSSION

The Child Protection Agency or often referred to as (LPA) in the West Java area is an independent institution that has efforts to provide protection for the rights of children in the West Java area. This institution has a role in preventing and dealing with various forms of child problems, such as problems of sexual violence, physical, psychological violence, and problems of child neglect or neglect of children. The vision and mission of the West Java Child Protection Agency (LPA) is to create an environment that can prevent violations of children's rights. In realizing its vision and mission, the West Java Child Protection Agency (LPA) conducts several work programs such as building partnership networks, conducting socialization to the community, educating several schools, conducting advocacy, and providing training. The special program carried out by the West Java Child Protection Agency (LPA) for children in conflict with the law (ABH) is restorative justice or a legal justice system that restores emotional, mental and psychosocial functioning in children. The following is the handling of the West Java Child Protection Agency (LPA) in dealing with children in conflict with the law (ABH) (Susilowati & Yuliani, 2020).

1. Initial Approach

According to Taufiqurrachma et al., (2023) The initial approach is the first stage in the service process, where social workers build a relationship of trust with clients as beneficiaries (Nitakusminar et al., 2020; Susilowati et al., n.d.; Wiyono et al., 2021). At this stage, an informed consent is also signed as a sign of the client's willingness to receive assistance or services. At this stage, there is an adjustment between the needs of potential clients and the resources of potential providers. The initial approach is the period when the social worker begins to

understand his or her role, especially regarding the tasks that must be carried out. This initial engagement makes social workers responsible for building relationships with clients.

The initial approach in dealing with ABH is the first stage which focuses on creating a sense of comfort and safety for the child. At this stage, LPA West Java positions itself as neutral and supportive, not judgmental. The first stage in handling ABH by LPA West Java is the initial approach, which aims to create an initial understanding of the child's needs, as well as building trust with the child and his or her family. LPA West Java takes an initial

approach through education and socialization about the important role of the family in good parenting. LPA realizes that poor parenting is a significant factor that makes children vulnerable to crime. Therefore, the initial approach was carried out through advocacy and socialization to improve family and community understanding of the importance of support for children.

This initial approach also involves communication between LPA and the family and legal institutions such as the police and courts. As stated by LPA West Java as follows:

“Especially for ABH we provide socialization about parenting, and to children relate to how they do not become perpetrators of violence, then we also advocate to law enforcement officials, prosecutors, police, judges. According to the Constitution on child protection or according to the Constitution on the juvenile criminal justice system.” (Interview D, September 18, 2024).

2. Assessment

Assessment in social work is an important process to uncover and understand the problems faced by individuals or groups (Al Ashzim, 2018). At this stage, the activities carried out by social workers are data collection, data checking, data analysis and conclusion drawing.

After the initial approach, LPA West Java conducted an assessment to get a more in-depth picture of the child's situation and the background of the case. In this assessment, LPA receives reports from various parties, such as the police, prosecutors and courts, regarding the conditions of ABH that need to be addressed. The assessment process involves understanding the child's family situation, the background of the case, and the emotional impact experienced by the child during the legal process. At this stage, LPA also evaluates the child's basic needs and the response required (Bagaskara & Susilowati, 2022).

Based on the results of the interviews, most children in conflict with the law are in the age range of 14 to 18 years, in accordance

with Law No. 11/2012 on the Juvenile Justice System. LPA's role is to assess the extent to which children understand the legal process they are undergoing and evaluate if children need additional assistance during the process.

3. Intervention Plan

An intervention plan is an organized set of steps used to address a problem or achieve a specific goal. The intervention plan uses actions, methods or strategies that have been thoroughly considered. This intervention plan is part of the previous evaluation. The process of determining the end result to be achieved at the beginning of an activity is called planning (Dewi & Hadiwijaya, 2016: 120). At this stage, organizing activities are carried out to determine future services.

Intervention plans by LPA were developed based on the assessment results to ensure that each ABH received appropriate and comprehensive assistance. Interventions prepared by LPA include educating and socializing children about the justice system and what they will face in the legal process.

LPA provides referrals to specialized agencies that focus on assisting children in the justice system, especially when serious cases such as murder or sexual violence are involved. Through this intervention plan, LPA helps to ensure that children facing legal issues retain their rights, including the right to understand the legal process and receive appropriate guidance to prevent recurrence in the future.

At this stage, LPA West Java develops an intervention plan to provide protection and recovery for children in conflict with the law (ABH). Starting with conducting a needs and risk evaluation, LPA discovers the child's main problems. Next, they set short and long term goals to achieve. Psychological counseling, legal assistance, and professional skills training are some of the intervention approaches chosen based on the child's condition. To provide ongoing support, the plan also involves the family in the mentoring process. In addition, LPA established a supervision program to evaluate the child's progress and adjust interventions when necessary to ensure that protection efforts are well-rounded.

4. Intervention

The implementation of intervention is a concrete form of efforts to provide assistance to children in conflict with the law (ABH), or also known as the realization of an intervention plan that has been prepared based on the specific needs of the child. According to Rahmadina (2018) intervention is not just an action, but a series of systematic steps designed to change conditions, both individuals and situations, in a more positive direction. Interventions for ABH are based on the understanding that children involved in criminal acts do not only need judgment or punishment, but also holistic support to help them return to the right path. In the context of child protection, intervention refers to efforts to provide physical, mental and social assistance to children who face

various problems, including violations of the law.

LPA West Java carries out interventions with various forms of assistance, ranging from legal assistance to meeting the basic needs of children while serving their sentences. In its interventions, LPA educates law enforcement officials such as prosecutors, police and judges on the importance of a child protection approach. They also assist children in the Child Special Development Institution (LPKA) to provide direct assistance in the form of education, hygiene kits, and clothing so that children's basic needs can be met.

LPAs are also involved in rehabilitating children through education and training aimed at helping children understand the consequences of their actions and avoid repeating criminal acts in the future. They even provide educational threats or positive discipline approaches to children, in order to provide awareness of the importance of self-improvement while in LPKA.

The implementation of interventions at LPA West Java involves various activities, as stated by LPA West Java as follows: *"When the children are already in the child development institution, we help them to educate and provide assistance related to needs such as soap, shirts and others. At least there is assistance obtained by LPA, so we need all parties to help protect them."* (Interview D, September 18, 2024).

Educational assistance in the intervention also plays an important role in supporting learning and reducing the risk of reoffending. Through education, children are taught positive discipline, which not only instills a responsible attitude but also shapes new perceptions of social and moral boundaries. The intervention phase at LPA West Java serves to help children transition from ABH status to productive individuals. This approach accommodates essential mental, emotional,

social and practical skills, helping children prepare for a brighter future.

5. Evaluation

Evaluation is a process carried out to determine the value, measure, or improve an object, activity, and program that has been adjusted to the provisions of the criteria that have been made. According to Tyler (1950 in Novalinda et al., (2020)) evaluation is a process to ascertain the extent to which a program or activity is running in accordance with its objectives.

In the evaluation stage, LPA West Java assesses the effectiveness of the interventions that have been implemented with ABH. They assess whether the approach and assistance provided has produced the expected results, namely making children feel deterred and preventing them from repeating criminal acts.

Based on interviews, LPA stated that not all children feel deterred after serving their sentence, with some children reoffending despite having served their sentence. LPA realizes that children's internal factors as well as their social environment greatly affect the success rate of rehabilitation. Therefore, the evaluation is conducted thoroughly, including seeing whether the child shows signs of behavior change or intention to improve themselves after the mentoring process.

The West Java Child Protection Agency (LPA) conducts this evaluation by gradually examining and providing services to its clients. For children in conflict with the law, the LPA always monitors them. Moreover, LPA West Java always cooperates with the Child Special Development Institution (LPKA), where they always work together in monitoring and evaluating foster children by educating them and paying attention to the child's psychosocial.

The evaluation carried out by the West Java Child Protection Agency (LPA) aims to see changes and developments in children or clients towards the coaching

and rehabilitation process that has been carried out. In general, this evaluation activity is carried out during the activity or even at the end of the activity in order to find out what things are lacking and become obstacles in their program. Apart from knowing changes and developments in children, evaluation is also an assessment in the achievement of a goal. This is a responsibility that is owned during social assistance.

6. Termination

According to Rahmadina (2018) Termination in social work is the final stage of the social assistance process, where the working relationship between the social worker or social welfare institution and the client is terminated.

Termination is the final stage in mentoring where children are expected to have received sufficient provision to return to society. At LPA West Java, termination is carried out by ensuring children have adequate life skills and have support from family and the environment. After the child has finished serving the sentence, LPA also plays a role in educating the family and community on how to support children so that they do not fall back into criminal acts. This stage is the process of terminating services or assistance to beneficiaries.

The termination stage is carried out when the mentoring process is declared complete, and the child is ready to return to the community. LPA West Java provides recommendations to families and related parties to continue supporting children in living their lives outside of foster care institutions, as well as providing direction to parents and the surrounding environment to help children live a better life. LPA ensures that children have a better understanding of the consequences of their actions and have the ability to avoid violating the law in the future.

Termination aims to enable children to return to social functioning after rehabilitation. With support from family and community, children who have gone through the mentoring process are expected to rebuild their confidence and social skills, and have a stronger intention not to repeat the same actions.

CONCLUSION

The West Java Child Protection Agency (LPA) plays an important role in handling cases of Children Against the Law (ABH) through various structured stages, starting from the initial approach to termination. The initial approach is carried out with the aim of creating understanding and trust between children and their families and educating the community about the importance of good parenting as a prevention of criminal acts. The Child Protection Agency (LPA) in West Java must continue to improve the holistic approach and work together in dealing with Children in Conflict with the Law (ABH). LPAs should work together with relevant parties, including government funding, to achieve better results. LPAs should also create prevention programs that focus on educating communities about positive parenting and the risks children face.

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