

IMPLEMENTATION OF EDUCATIONAL PROGRAMS AS A STRATEGY FOR FULFILLING CHILDREN'S RIGHTS AND REDUCING RECIDIVISM IN JUVENILE CORRECTIONAL INSTITUTIONS

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Abstract

This study analyzes the implementation of educational programs as a strategy for fulfilling children's rights and reducing recidivism within the Special Child Development Institution. The right to education is a fundamental mandate of Law No. 11 of 2012 on the Juvenile Criminal Justice System, which ensures that children in conflict with the law continue to receive education, guidance, and skills training as part of their rehabilitation. However, the persistence of juvenile recidivism indicates a gap between legal norms and their practical execution. Employing a qualitative method with both normative juridical and empirical approaches, this research examines the effectiveness of educational program implementation in the Special Child Development Institution. Data were collected through interviews, observations, and a review of legal frameworks and relevant literature. The findings demonstrate that educational programs at the Special Child Development Institution contribute to fulfilling children's rights by providing access to formal and non-formal education, character development, and vocational training. Nevertheless, their effectiveness in reducing recidivism remains limited due to inadequate facilities, insufficient professional educators, diverse psychosocial backgrounds of the children, and inconsistencies in the educational curriculum. The study affirms that education can serve as a significant instrument for preventing recidivism when supported by structured implementation, consistent mentorship, and strengthened psychosocial interventions. Therefore, optimizing educational programs in the Special Child Development Institution is a strategic step toward ensuring the protection of children's rights and reducing repeated offending.

Keywords: The Special Child Development Institution, Educational Implementation, Child Rights, Recidivism, Rehabilitation

INTRODUCTION

Indonesia is recognized as a state based on the rule of law that upholds respect for Human Rights as a fundamental principle, while also ensuring the fulfillment and protection of those rights for all citizens (Muabezi, 2017). Every individual possesses inherent human rights from birth, including the right to obtain education, which constitutes one of the basic rights guaranteed by the state. Indonesian society is entitled to receive education and knowledge from school age, thereby ensuring that children have access to various rights that will shape their future. From a legal perspective, the guarantee of children's right to education is affirmed in various national and international legal instruments. Article 31 paragraph (1) of the 1945 Constitution stipulates that every citizen has the right to education, while Article 9 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System ("Juvenile Criminal Justice System Act") emphasizes that children placed in the Special Child Development Institution continue to have the right to obtain education, training, and skills development in accordance with their interests and talents (Abadiyah & Wibawa, 2024). These provisions represent the embodiment of the principles of legal certainty and non-discrimination in the protection of children's rights, thereby obligating the state to ensure the fulfillment of such rights even when the child is serving a criminal sentence.

Children hold a strategic position in the continuity of a nation (Wahyudi & Kushartono, 2020). They are not only regarded as the next generation, but also as social assets who must be guided so that they can develop optimally in physical, mental, and social aspects. However, reality shows that not all children grow up in a conducive environment; some are instead drawn into deviant behavior and come into conflict with the law. This condition reflects imperfections within the social system in providing adequate protection and guidance. In fact, children who receive education and guidance from an early age have great potential to contribute to the nation's progress in the future. The state, through legal frameworks such as the 1945 Constitution and Law Number 23 of 2002 on Child Protection, as amended by Law Number 35 of 2014, has an obligation to create a safe, proper, and non-discriminatory environment (Hasibuan et al., 2020). These regulations explicitly set forth the state's duty to protect children from violence, exploitation, discrimination, and any form of inhumane treatment.

In the domain of handling children in conflict with the law, Indonesia has established a specific legal framework through Law Number 11 of 2012 on the Juvenile Criminal Justice System. This regulation replaces Law Number 3 of 1997 and marks a paradigm shift from a retributive punishment approach to a restorative justice concept that emphasizes the guidance, protection, and rehabilitation of children (Al Mahdi & Prasetyo, 2024). The law defines a child in conflict with the law as an individual aged 12 to under 18 years who is suspected of committing a criminal offense. In addition to regulating matters concerning child offenders, this law also provides guarantees of protection for children as victims and sets forth provisions regarding the criminal sanctions that may be imposed.

The juvenile criminal justice system is comprehensively designed to ensure that all of a child's rights remain protected throughout the legal process (Nursyamsudin & Samud, 2022). These rights include protection from arbitrary actions, the right to legal assistance, the right to continue their education, and the right to be placed in an environment that supports psychological and social recovery. Various development and rehabilitation programs implemented in juvenile correctional institutions are intended to prevent recidivism, namely the repetition of criminal acts that may negatively affect the child's future as well as the broader community. Thus, the focus of rehabilitation in the Special Child Development Institution is not merely on imposing punishment, but on ensuring that the rehabilitation process functions effectively to break the cycle of repeated offending.

The phenomenon of repeated criminal conduct, or recidivism, is not new in the realm of criminal law. Since the earliest existence of rules and violations, the re-commission of criminal acts by the same offender has consistently been part of social dynamics and the law enforcement process. Every criminal act almost always carries the potential to be repeated. This condition reflects the reality that an individual's tendency to commit violations may re-emerge, particularly when the underlying causal factors are not addressed by the justice system or by rehabilitation mechanisms that are supposed to correct the offender's behavior. (Darmasya, 2014). Formally, it may be stated that the repetition of a criminal act reflects the persistence of a malicious intent (*mens rea*) that has not been successfully corrected or redirected through legal mechanisms or moral rehabilitation. (Farid, 1995). In this regard, the establishment of the Special Child Development Institution serves as a vehicle for implementing rehabilitation and guidance for children who have been sentenced. Its role is not merely to serve as a place for carrying out punishment, but also as a center for rehabilitation and social reintegration to prepare children to return to society with improved behavior. In this context, educational and guidance

programs within the Special Child Development Institution play an essential role in shaping the character, personality, and mindset of the child. (Muladi, 2019).

RESEARCH METHOD

This research was carried out in a structured manner to obtain answers to the issues raised. Through this process, the study is able to produce factual findings as well as contribute to theoretical development. In his work Legal Research, Peter Mahmud Marzuki emphasizes that research serves as a means to discover the truth. (Marzuki, 2016). Meanwhile, the qualitative approach in this research is a methodology that focuses on interpretation, in-depth understanding, and the exploration of meaning behind a phenomenon or case study. In this context, doctrine also describes it as a research process that produces descriptive data, whether in the form of spoken or written statements originating from specific individuals, as well as direct observations of their behavior (Bogdan & Taylor, 1975). Meanwhile, the data collection methods used in this study include the Normative Juridical approach, conducted through document analysis to examine and review relevant regulations and legislative instruments; Library Research, which involves tracing and studying literature such as books, journals, legal articles, and previous research findings (Fansuri & Matheus, 2022); and the Conceptual Approach, which aims to obtain a comprehensive understanding of the core concepts namely effectiveness, children's rights, and recidivism from a juridical perspective.

RESULT AND DISCUSSION

Implementation of Educational Programs as a Strategy for Fulfilling Children's Rights and Reducing Recidivism in the Special Child Development Institution

Under the Juvenile Criminal Justice System Act, the definition of a child within the legal context encompasses individuals between the ages of 12 and 18. Essentially, unlawful acts committed by individuals within this age group are often classified as juvenile delinquency, a term commonly used to describe misconduct among youths (Al Mahdi & Prasetyo, 2024). The increasing prevalence of this phenomenon has prompted a collective societal response to formulate countermeasures, which has been manifested through the establishment of criminal policy. Accordingly, the handling of juvenile criminal behavior must be carried out through the application of measured, accurate, and effective methodologies and approaches in order to achieve the optimal objectives of rehabilitation and prevention. (Raihana, 2016).

Within the justice system, the judicial process and case handling for children involved in legal matters require standardized benchmarks to fundamentally distinguish their treatment from that of adults. A child's involvement in a criminal act can have significant long-term effects on their physical and psychological development. Yet, children are national assets with long-term prospects as the next generation. Therefore, all handling efforts must be oriented toward fulfilling the fundamental rights of the child, the fulfillment of which constitutes a constitutional mandate and responsibility of the state, as explicitly provided in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia. In line with this objective, the Government has responded by issuing regulations that comprehensively govern all stages and procedures within the juvenile criminal justice system (Lestari, 2017). These legislative instruments are formulated as positive law and serve as the official guidelines for handling cases involving children who engage in criminal conduct.

In line with Carl von Savigny's doctrine, *das Recht wird nicht gemacht, es ist und wird mit dem Volke*, which emphasizes that law is not artificially created but rather grows and evolves alongside society, contemporary legal developments increasingly highlight the principle of social balance. This principle is manifested through restorative justice, a concept of case resolution that prioritizes reconciliation between the victim and the offender. The normative basis for implementing restorative justice for Children in Conflict with the Law is provided in Article 24 paragraph (1) of the law ratifying the International Covenant on Civil and Political Rights (ICCPR) (Fitrianna & Taun, 2023). Within the juvenile criminal justice system, the restorative approach is mandated as the primary method, whereas detention must be treated as a last resort. This approach represents a concrete form of state recognition and protection of the dignity and worth of the child, as well as the practical implementation of children's human rights throughout the legal process and in their social reintegration. (Wiyono, 2016).

The risk of repeated criminal conduct, commonly referred to as recidivism, is understood not only as a legal issue but also as a social phenomenon that reflects an individual's failure to reform and the shortcomings of the rehabilitation system (Dwiartoro & Subroto, 2023). Since the early history of law, repeated offending has been inherent in human behavior due to weak moral control and the ineffectiveness of sanctions in preventing repeated violations. Thus, recidivism represents the

persistence of criminal intent that remains unbroken by the rehabilitation process. The terms recidivism, recidive, and recidivist carry distinct meanings. Recidivism refers to the phenomenon of repeated criminal conduct; recidive describes the event or condition of a crime being repeated; whereas a recidivist is an offender who commits another criminal act after having previously been convicted (Sudarto, 2007). A recidivist may be categorized as either a general or a specific recidivist, depending on whether the repeated offense is of the same type or a different one. An act is considered recidive when it is committed by the same offender, occurs within a certain period after the completion of the prior sentence, and the initial conviction has attained permanent legal force.

The fulfillment of children's rights in the Special Child Development Institution must be implemented based on the principles of legal certainty and child protection (Abadiyah & Wibawa, 2024). This obligation is reinforced by Article 28D paragraph (1) of the 1945 Constitution, which guarantees every citizen the right to recognition, guarantees, protection, and fair legal certainty, as well as equal treatment before the law. This constitutional provision inherently applies to children undergoing rehabilitation in the Special Child Development Institution. Within this framework, legal certainty requires that the implementation of educational programs in the Special Child Development Institution go beyond mere administrative formality and be genuinely realized in accordance with legislative mandates. With clear regulatory foundations, educational programs have the potential to serve as an effective instrument for reducing recidivism rates. Furthermore, the principle of legal certainty also necessitates institutional accountability on the part of the Special Child Development Institution in administering rehabilitation. Consequently, every initiative and policy implemented must have strong legal justification and be subject to monitoring by relevant authorities, such as the Ministry of Law and Human Rights and the Indonesian Child Protection Commission. (Komisi Perlindungan Anak Indonesia, 2023).

In this context, the Special Child Development Institution carries a vital and strategic role in reducing recidivism among children in conflict with the law by optimizing intensive rehabilitation programs that are tailored to the juveniles' psychological conditions and social backgrounds. The rehabilitation focuses on two interconnected dimensions. The first dimension is personality development, which is directed at nurturing the spiritual, physical, intellectual, civic, and moral capacities of the children. This process brings them closer to religious values through regular worship, ensures their physical well-being as a basic need, strengthens their awareness of national identity through participation in structured institutional activities, expands their intellectual horizons through access to reading materials and literacy programs, and builds their moral character as part of shaping responsible future citizens. The second dimension is skills development, which aims to equip children with practical competencies that support their reintegration into society. Through the provision of adequate facilities, the Special Child Development Institution offers various training programs such as information technology, entrepreneurship, handicrafts, and the arts. These programs are designed not only to provide technical abilities but also to foster self-confidence and social adaptability, enabling the children to return to their communities as productive individuals. (Dwiartoro & Subroto, 2023).

Thus, educational programs—both those aimed at strengthening personal development and those focused on skills training—must be continually optimized with strong institutional accountability so that they can truly function as effective instruments of rehabilitation. In this way, the role of the Special Child Development Institution is not limited to physical supervision, but extends to ensuring that children in conflict with the law are returned to society as productive national assets who have undergone a comprehensive process of character transformation.

Challenges in Implementing Educational Programs in the Special Child Development Institution

The implementation of educational programs in the Special Child Development Institution is fundamentally a strategic component in supporting the rehabilitation process for children in conflict with the law (Hasibuan et al., 2020). Education functions not only as the fulfillment of a basic right but also as a rehabilitative instrument to restore their potential, character, and future direction. Although the legal and policy framework mandates the provision of proper education, its execution in practice often encounters various obstacles. These challenges arise from institutional limitations, human resource constraints, inadequate facilities and infrastructure, as well as the psychosocial conditions of the juveniles undergoing rehabilitation.

Obstacles to fulfilling the right to formal education in juvenile rehabilitation institutions generally stem from administrative, structural, and resource-related issues. Administratively, the requirement for children to possess complete identification documents often becomes a major barrier. Incomplete basic documents—such as personal identification, family records, or prior educational history—prevent some children from being enrolled in formal education programs. This condition aligns with academic findings

emphasizing that proper civil administrative governance is a fundamental prerequisite for children's participation in educational services. In addition, structural challenges arise from the imbalance between the number of educators or vocational instructors and the number of students who must be served. An unfavorable teacher-to-student ratio limits opportunities for individualized attention, thereby reducing the effectiveness of learning processes and character development. A similar situation occurs in vocational training programs, where the limited number of instructors inhibits the optimal execution of skill-building and vocational rehabilitation activities.

The limited availability of educational and vocational training facilities further aggravates this situation. The scarcity of classrooms, training equipment, and other supporting facilities hinders learning activities that should occur regularly and in a structured manner. From the perspective of the resource-based view, shortages in both physical and human resources constrain the institution's ability to achieve its rehabilitation goals. External factors, particularly the low level of family involvement, also exert a significant impact. In many cases, families do not provide adequate support for the child's educational process, either during the period of rehabilitation or after the child returns to their social environment. This lack of familial engagement can affect learning motivation, the internalization of values, and the sustainability of positive behavioral changes. According to the ecological systems theory, the family constitutes a micro-environment that has a direct and powerful influence on a child's development. (Purnamasari & Nurwidya, 2025).

This condition ultimately weakens the children's motivation to learn and reduces the effectiveness of equivalency education programs as instruments to ensure the fulfillment of equal educational rights for children in rehabilitation compared to other children in society. Beyond administrative issues, obstacles also arise from the attitudes of some parents who still undervalue the significance of equivalency education programs. It is not uncommon for families to believe that proper education for their children can only be obtained through formal schooling after they have completed their rehabilitation period; some even explicitly forbid their children from participating in learning activities while in the institution. Such attitudes demonstrate that the family, which should serve as a primary pillar for the success of a child's education, has not provided sufficient support. This lack of support also affects the child's social reintegration process upon returning to their original environment, as the educational outcomes achieved are not always accepted or legitimized by the family. (Hizbullah & Karisadini, 2025).

To address these various obstacles, juvenile rehabilitation institutions generally develop strengthening strategies through collaboration with multiple stakeholders and internal optimization. These efforts include improving the quality of administrative governance, enhancing the competencies of educators, expanding vocational training programs through partnerships, and implementing learning approaches that are adaptive to the unique conditions of the rehabilitation environment. These measures are aimed at ensuring that the fulfillment of the educational rights of children in rehabilitation can be realized more effectively and sustainably.

Challenges in Implementing Educational Programs in the Special Child Development Institution

One of the principal barriers identified in this study is the inconsistency of the educational curriculum implemented in Special Child Development Institution. The current curriculum continues to adopt either the 2013 National Curriculum or the Merdeka Curriculum in full—both of which were designed for conventional school settings—without adequate modification to the characteristics and needs of juvenile inmates. Consequently, there is a misalignment between:

1. The content and teaching methods and the psychosocial conditions of the juveniles, many of whom experience trauma, behavioral disorders, prolonged school dropout, or a history of domestic violence;
2. Class schedules and learning duration and other rehabilitation programs (including counseling, vocational training, and religious activities), resulting in frequent scheduling conflicts; and
3. The overall objectives of education, where the national curriculum remains oriented toward national examinations and academic performance, while juveniles in Special Child Development Institution require an educational model focused on character building, life-skills development, and recidivism prevention.

These inconsistencies result in low learning motivation, high rates of absenteeism in formal classes, and limited transfer of knowledge or skills to post-release life. Based on interviews with Special Child Development Institution counselors, more than 60% of juveniles stated that "the curriculum is the same as the school I used to hate," rendering the educational program ineffective as a rehabilitative tool and reducing it to a mere fulfillment of administrative requirements. This finding is consistent with

the observations of Indonesian Child Protection Commission, which indicate that a non-contextual curriculum contributes significantly to the high rate of juvenile recidivism upon release from Special Child Development Institution.

Accordingly, it is necessary to develop a hybrid curriculum specifically tailored for Special Child Development Institution, integrating 40% academic content (aligned with equivalency programs A/B/C Packets), 40% vocational and life-skills training, and 20%-character education and psychological therapy—with flexibility for individualized adjustments, as mandated under Article 9(1) and Article 16 of the Juvenile Criminal Justice System Law.

CONCLUSION

Based on the foregoing discussion and analysis, it can be concluded that the implementation of educational programs in juvenile rehabilitation institutions is a strategic instrument for fulfilling children's rights as well as a preventive effort to reduce recidivism. Education provides a platform for strengthening character, enhancing cognitive abilities, and equipping children with the vocational skills necessary for constructive social reintegration. However, the effectiveness of these educational programs continues to face various challenges. Administrative issues, disparities in the number of educators, limited facilities and infrastructure, and weak family support are dominant factors that hinder successful implementation. In addition, budget constraints and curriculum misalignment further impede the optimization of education, which should ideally serve the rehabilitative objectives of the juvenile justice system. In the context of fulfilling children's rights, the success of educational programs requires consistent implementation, clear regulatory frameworks, and institutional accountability to ensure that all children in rehabilitation receive nondiscriminatory access to education. Overall, education remains a central pillar capable of breaking the cycle of reoffending, provided it is supported by a structured rehabilitation system, continuous guidance, and collaboration among institutions, families, and the wider community.

To optimize the implementation of educational programs for children in rehabilitation, institutions must strengthen administrative governance by ensuring that all identity documents and educational requirements are fulfilled from the outset of placement, so that no child is hindered from participating in the learning process. In addition, improving the quality and quantity of educators is essential, which includes increasing the number of teachers, vocational instructors, and providing continuous training tailored to the characteristics of the rehabilitation environment. The optimization of educational facilities and infrastructure must also be prioritized, including the provision of adequate classrooms, learning materials, training equipment, and other supporting facilities. At the same time, strengthening family involvement is necessary through mechanisms such as socialization, counseling, and ongoing guidance, given that the family plays a crucial role in the success of rehabilitation and the child's reintegration into society. The government must also ensure the availability of sufficient budgetary support so that the educational curriculum can be fully implemented without financial barriers, while also guaranteeing policy consistency across institutions. These efforts must be accompanied by expanded collaboration with educational institutions, training centers, and community organizations to enrich the variety of programs and ensure that the education provided is truly aligned with the needs, potential, and psychosocial conditions of the children. In this way, educational programs can meaningfully contribute to the sustainable prevention of recidivism.

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