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## **Community Based Correction Method as Implementation of Assimilation Rights for Child Prisoners at the Gorontalo Special Children's Rehabilitation Institution**

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### **Abstract**

Problems related to children in conflict with the law impact the quality of children as the next generation and national assets. With the high number of children in conflict with the law, proper handling is also needed so that the judicial process for children does not violate the rights inherent in the child, which will negatively impact the child's growth and development process in the future. This study aims to determine how Community-Based Correction is an effort to implement the assimilation rights of child prisoners in Special Child Development Institutions. The research method used in this writing is empirical Juridical research. Legal research on implementing or implementing normative legal provisions in action in every specific legal event that occurs in society. The results of the discussion of this study show that the Special Child Development Institution has a very important role, namely in carrying out guidance for children in conflict with the law. This includes skills training, religious guidance, and intellectual, physical, and spiritual health. One of the guidance programs for prisoners is Community Based Corrections; prisoners are allowed to return to the community and remain under supervision by the Correctional Center. As in the example of external Assimilation, foster children can participate in skills training and other activities outside the LPKA. So that foster children can mingle with the community and do social work before their detention period ends.

**Keywords:** Guidance, Children, Criminal, Assimilation

### **Introduction**

The development of globalization has a significant impact, both positive and negative. We can see the positive impact of rapid development, including the creation of quality technological products and the ease of obtaining information. However, the continued fluctuation of globalization also negatively impacts its development. The negative impact can

be seen, among others, with the increasing moral crisis in society, which can potentially increase the number of criminals who commit unlawful acts in various forms (Haeroni, 2022).

Problems related to children in conflict with the law, such as motorcycle gangs, theft, mugging, and murder (Raahman, 2016). have an impact on the quality of children as the next generation and national assets. Deviant behavior, often referred to as "delinquency," is driven by a desire or motivation from the child to do an action with a certain purpose.

Crimes that have occurred in Indonesia lately are very diverse. The perpetrators of the crime have so far been dominated by adults, experiencing an increase in the number of cases per year, and have now spread to children as child criminals. The number of child and adult perpetrators can be seen from the reported crime data. In 2022, the number of murder cases committed by children was 1,256 cases. Meanwhile, in August 2023, the number of children in conflict with the law (ABH) reached 2,000 people (Fairuzzen, 2024).

In general, children in conflict with the law (ABH) in the Special Child Development Institution (LPKA) are no longer children. ABH are generally in adolescence. Adolescence is a period of development that every individual certainly experiences to reach adulthood. The word "teenager" comes from Latin, namely "adolescence," which means growing towards maturity. In this case, maturity includes physical, social, and psychological maturity (Lestari & Santoso, 2019).

With the high number of children who are facing the law, it is also necessary to have proper handling so that the judicial process against children does not violate the rights inherent in the child, which will have a bad effect on the child's growth and development process in the future. Handling children facing the law must pay attention to, maintain, and protect the rights inherent in the child (Farida, 2021). It should be realized that when a child faces the law or commits a crime, we should consider them as victims of the circumstances around them. So, when handling children, a good coaching aspect is needed to improve the child's attitude and character. Good coaching for children is coaching that can help children to play a role in society again.

As explained in Article 1 paragraph (7) of Law Number 22 of 2022, "Guided children are children who are 14 (fourteen) years old, but not yet 18 (eighteen) years old who are undergoing guidance at a Special Child Guidance Institution (Undang-Undang Republik Indonesia Nomor 22 Tahun 2022 Tentang Pemasyarakatan, 2022)." So if a child is sentenced to imprisonment and placed in a special child guidance institution (LPKA), he has the right to receive guidance, guidance, supervision, assistance, education and training, and other rights following the provisions of laws and regulations. These child prisoners are placed in a special child guidance institution because the child has committed a crime because of various factors that influence the child to commit a crime. After undergoing guidance at the LPKA, child prisoners can receive Assimilation.

Law No. 11 of 2012 concerning the Juvenile Criminal Justice System regulates more specifically the rights of children who are serving a sentence (Undang-Undang Republik Indonesia Nomor 11 Tahun 2012 Tentang Sistem Peradilan Pidana Anak, 2012), including:

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- a. Receiving a reduction in sentence;
- b. Obtaining Assimilation;
- c. Obtaining leave to visit family;
- d. Obtaining conditional release;
- e. Obtaining leave before release;
- f. Obtaining conditional leave;
- g. Obtain other rights through the provisions of laws and regulations.

The Assimilation Process can be given to correctional students if they have served ½ of their sentence, actively participate in activities held by the Correctional Institution, behave well, and receive guarantees from their parents while the child is undergoing Assimilation. There are many ways to grant assimilation rights to child prisoners, one of which is community-based correction. This method is a concept or program to replace imprisonment (alternative punishment), which is applied to lawbreakers, especially minor crimes, to serve their sentences by doing community work (Muh. Hidayat, 2022).

Children in conflict with the law in Gorontalo province from 2018-2022 amounted to 86 children. In 2018, there were 12 children in conflict with the law in Gorontalo; the number increased in 2019 with a total of 26 children, then in 2020, it dropped again to 7 children, and in 2021 with a total of 34 children, this number is the highest in the last 5 years, and in 2022 the total number of children in conflict with the law in Gorontalo is 7 children.

Based on the results of the author's observations, children placed in the Special Child Development Institution (LPKA) have the right to receive education without discrimination, and the government is responsible for organizing the education. So if a child is sentenced to imprisonment and placed in a special child development institution (LPKA), then he has the right to receive guidance, supervision, assistance, education and training, and other rights in accordance with the provisions of laws and regulations. The researcher assessed that the assimilation process in Gorontalo has not been effective because the development process in LPKA Gorontalo has not implemented several development methods, such as the Community Based Corrections Method, namely the method of developing children with social work. Based on the description above, the author determines the formulation of the problem in this article's discussion: How is the implementation of the assimilation rights of child prisoners in the Special Child Development Institution in Gorontalo City as a Community Based Correction Method?

## **Literature Review**

Children in Conflict with the Law are children in conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts. Every child has dignity and honor that must be upheld, and every child who is born must have their rights

respected without the child asking for them. In Article 2 of Law No. 22 of 2022 concerning Corrections, it is explained that the correctional system is organized to provide guaranteed protection for the rights of prisoners and children (Undang-Undang Republik Indonesia Nomor 22 Tahun 2022 Tentang Pemasyarakatan, 2022).

This is by the provisions of the convention on the child's rights ratified by the Indonesian government through Presidential Decree Number 36 of 1990, which states the general principles of child protection, namely non-discrimination, the child's best interests, survival and development, and respect for child participation. Protection of children in conflict with the law in the criminal justice process has often been positioned as an object and tends to harm children. In children's cases, sometimes children are perpetrators, victims, and witnesses in an act; for this reason, serious handling is needed and must be carried out by officials who understand children's problems. In Law Number 11 of 2012 concerning the Child Criminal Justice System. Protection of children in conflict with the law has progressed; the process of resolving children's cases can not only be resolved through the court process but can also be resolved outside the court process through diversion with a restorative justice approach (Wahyudhi, 2015).

In general, the purpose of the law in protecting children as mandated in the Child Protection Law is to guarantee the fulfillment of the rights of survival, growth, protection, and participation of children and specifically, what is to be achieved is:

- 1) Guaranteeing special protection for children from various acts of improper treatment, including violence, neglect, and exploitation.
- 2) Guaranteeing legal protection in defense and assistance for children in conflict with the law so that their rights are still fulfilled and protected from acts of discrimination.
- 3) Recognizing and guaranteeing children's rights from minority communities to enjoy culture, use language, and practice their religious teachings.

Correctional Institutions are special places, have special communities, and are special. This specialness does not conflict with the laws in force in Indonesia and also the values that apply in society—stating that a Correctional System Foundation is needed to treat prisoners. Not only is the community protected from repeated evil deeds by convicts, but people who have gone astray are protected by being provided with provisions for life as useful citizens in society. From this protection, it is clear that imposing a criminal penalty is not an act of revenge from the State. Repentance cannot be achieved through torture but through guidance. Convicts are also not sentenced to torture but rather to the penalty of loss of freedom. The State has taken away a person's freedom and, in time, will return that person's freedom to society again and have obligations towards the convict and society.

Children sentenced to deprivation of liberty are placed in a Special Child Correctional Institution and entitled to receive guidance, supervision, assistance, education, training, and other rights per applicable laws and regulations. Special Child Correctional Institutions are different from Correctional Institutions in general, which are created where child prisoners do not feel like they are in prison. Unfortunately, the number of Special Child Correctional

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Institutions (LPKA) in Indonesia is limited. The limited number of LPKA can cause excess capacity and not be able to accommodate all children who have problems with the law (Zain et al., 2023). Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Explanation of Article 85 paragraph (1) If in an area there is no Special Child Correctional Institution, Children can be placed in a Correctional Institution that is placed separately from adults.

### **Research Method**

To examine the main problem, this study uses an empirical legal research method using a juridical-sociological approach. This study uses a juridical approach, then supported by field studies as a supporter based on the scope and identification of existing problems. This is intended so that this study can, as far as possible, determine the fulfillment of assimilation rights implemented at the Class II Gorontalo Special Child Development Institution (LPKA). The types and sources of data used in this writing consist of primary and secondary data. Primary data is data collected directly from the field by researchers. In this case, primary data is obtained directly through interviews with informants related to research conducted at the Class II Gorontalo Special Child Development Institution (LPKA). Secondary data is secondary or other data in the form of reading materials, reports, or documents related to the type of research conducted to support this research.

### **Result and Discussion**

#### **Implementation of Assimilation Rights of Child Prisoners in Special Child Development Institutions in Gorontalo City as a Community Based Correction Method**

Related to the philosophy of development in punishment, after the philosophy of social reintegration, an alternative philosophy has now developed, namely Community Based Corrections and Restorative Justice. These two philosophies are closely related to the goals expected in correctional institutions, namely, to seek to reintegrate prisoners into their communities. So, as a manifestation of Community-Based Corrections, an open prison was formed based on the Decree of the Minister of Justice Number: M.03.RR.07.03 Year 2003 dated April 16, 2003, concerning the Establishment of the Pasaman, Jakarta, Kendal, Nusakambangan, Mataram and Waikabubak open prisons. The formation is intended to support the smooth running of tasks in the field of corrections and the implementation of an integrated criminal justice system (Integrated Criminal Justice System) (Muh. Hidayat, 2022).

The concept of Community Based Correction, according to Richard W. Snarr, refers to the pattern of social reintegration, where the pattern is to use all activities that involve the community to reunite (reintegrate) prisoners with the community or can also be called Community Based Correction (Hamja, 2015).

Based on the above thinking, when associated with the correctional system in Indonesia, for members of society who commit crimes, the consequence is that every criminal sanction must contain the following elements:

- a. Humanity, in the sense that the punishment upholds a person's dignity and honor.
- b. Educative, in the sense that the punishment makes people fully aware of the actions they have committed and causes them to have a positive and constructive mental attitude toward efforts to combat crime.
- c. Justice is the sense that the punishment is felt fairly, both by the victim and society.

In addition to restoring inmates to good citizens, the correctional system also aims to protect society from the possibility of repeated criminal acts by inmates. The implementation of imprisonment is part of the criminal justice system that needs to be reoriented immediately because it still uses the form of imprisonment.

Correctional institutions are institutions of the criminal justice subsystem that have a strategic function in implementing prison sentences and, at the same time, as a place of guidance for prisoners. Likewise, every imposition of a sentence on a criminal must be careful because the problem of imposing any form of punishment is closely related to the character and nature of the person who is given a criminal sanction. Criminal sanctions are not merely retaliation; punishment must be prospective and oriented toward the future. Therefore, between the imposition of criminal sanctions and the perpetrator of the crime, there must be a match so that the purpose of imposing criminal sanctions must pay attention to the nature or character of the nature of the perpetrator of the crime.

Community Based Correction for correctional institutions will provide several positive impacts. First, the burden of the number of prisoners and detainees in prisons and detention centers should be reduced. With the increasing burden on the number of inmates and limited human resources, funds, and infrastructure, correctional institutions need to consider implementing CBC. Although still limited to parole or programs outside prison, which essentially bring together and restore social ties. Second, related to the philosophy of correctional institutions, reintegrative efforts will have greater potential to be achieved if guidance is carried out based on the community. The Class II Gorontalo Special Child Guidance Institution (LPKA) is one of the technical implementing units formed by the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 18 of 2015, dated August 4, 2015. It has been operational since January 9, 2017, and was inaugurated by the Director of Community Guidance and Child Eradication of the Directorate General of Corrections on March 29, 2017. It has a working area throughout the province of Gorontalo.

The Class II Gorontalo Child Special Development Institution (LPKA) has a Vision: The community obtains legal certainty. Meanwhile, the Mission of LPKA is divided into several:

- a. Realizing quality laws and regulations;
- b. Realizing quality legal services;
- c. Realizing quality law enforcement;

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- d. Realizing respect, fulfillment, and protection of human rights;
- e. Realizing administrative management services for the Ministry of Law and Human Rights and
- f. Realizing a professional and integrated Ministry of Law and Human Rights apparatus.

In helping to achieve the Vision and Mission of this Special Child Correctional Institution, the expertise of the Correctional Institution officers in carrying out the main tasks that have become their obligations cannot be separated. The main task of the Special Child Correctional Institution is to carry out the correctional care of prisoners/students. In addition to the main tasks, the Correctional Institution also carries out functions including:

- a. Conducting correctional care for prisoners/students;
- b. Providing guidance, preparing facilities, and managing work results;
- c. Conducting social/spiritual guidance for prisoners/students;
- d. Maintaining the security and order of the Correctional Institution; and
- e. Carrying out administrative and household affairs.

The Special Child Development Institution's main task is to guide child prisoners while serving their sentences. Guiding LPKA is very important because guidance is an activity that can improve the quality of each child prisoner. The guidance and treatment applied to child and adult prisoners are certainly different. In undergoing guidance while in LPKA, each child prisoner is accompanied by a mentor. Each child prisoner must follow the entire series of types of guidance in an orderly manner. The series of guidance includes skills training, religious guidance, and intellectual, physical, and spiritual health. This is a form of achievement, and the core task of LPKA is to create good and quality individuals once child prisoners have finished serving their sentences and adapted to society. (Nasution et al., 2025)

To fulfill the rights of child prisoners, the legal basis refers to the Decree of the Minister of Law and Human Rights Number 3 of 2014 concerning Guidelines for the Treatment of Children in LPKA, LPAS, and Bapas. To fulfill the rights, of course, by the Decree of the Minister of Law and Human Rights, including guidance. Such as personality guidance, independence guidance, and education to fulfill the rights of foster children. So, these rights also include health services. These are the rights that foster children receive while in LPKA Gorontalo. The rights that I mentioned earlier are obtained from the time they enter until they leave undergoing integration, both PB (Conditional Release) and CB (Conditional Leave), CMK (Visiting Family Leave), and so on. In addition to the guidance rights obtained by child prisoners while in the Special Child Development Institution, they also receive other rights, such as the Right to Assimilation. This Assimilation has several stages. The first stage is when the child prisoner is serving a sentence of 0 to 1/3 of his sentence, the second stage is from 1/3 to 1/2 of the sentence, and the final stage is from 1/2 to r conditional release (Siby, 2021).

For the implementation of this Assimilation right, child prisoners must meet the terms and conditions according to the law. These terms and conditions include administrative requirements and substantive requirements. The administrative requirements include a letter of guarantee, a letter of family commitment, a photocopy of the court decision, and so on, according to the Decree of the Minister of Law and Human Rights. Also, the substantive

requirements are that he follows the program well inside, serves 1/3 of the sentence, and behaves well. These are the 3 substantive requirements (Yudiansyaah, 2018).

These administrative and substantive requirements are imposed in LPKA per the rules of Permenkumham Number 3 of 2018. In fulfilling this Assimilation right, child prisoners will carry out two types of Assimilation. Internal Assimilation includes all the coaching processes carried out in LPKA, and external Assimilation is set outside LPKA as a process of accustoming children to the social environment to hone the skills of these child prisoners (Megawati, 2019).

### 1. Deep Assimilation

Deep Assimilation is the process of fostering child prisoners carried out in the Special Child Development Institution to improve the quality of personality and self-development of the children in custody. Deep Assimilation includes personality development, religious development, psychological guidance, gymnastics, and sports.

#### a. Personality Development

Personality development is development provided by the Class II Gorontalo Special Child Development Institution (LPKA) to improve the quality of each child in custody. Class II Gorontalo LPKA implements several activities such as religious development, sports and arts, and skills empowerment training.

##### (1) Religious Guidance

Religious guidance is very important for child prisoners as a form of approaching God so that they can return to their true path. All child prisoners are required to participate in a series of guidance activities. To increase the faith and piety of child prisoners, the Class II Gorontalo Children's Special Guidance Institution (LPKA) has several guidance programs. Religious guidance includes praying 5 times a day, reading and writing the Qur'an, memorizing short chapters, memorizing short hadiths, organizing funerals, and training for imams, preachers, and preachers. For child prisoners who are non-Muslims, such as Christians, in carrying out religious guidance, the Class II Gorontalo LPKA brings in a pastor to conduct worship and spiritual showers. In the last 5 (five) years, there has only been 1 (one) case of a child prisoner who is non-Muslim.

##### (2) Sports Development

Personality development for child prisoners in Class II Gorontalo LPKA, especially in sports, is one form of activity that aims to improve physical health, a means of socialization between child prisoners so that they can form solidarity with each other. Types of routine sports that can be done include badminton, table tennis, morning exercise, and chess. Every child inmate is required to participate in this development. This sports development is usually carried out every Friday morning.



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### **(3) Arts Development**

This arts development is included in the personality development program for each child prisoner. This development is to train the level of self-confidence of each child inmate so that they can express their feelings through works of art (Aini et al., 2023)v. In addition to being personality development for child prisoners in the Class II Gorontalo Children's Special Development Institution (LPKA), this activity is also a form of preserving Gorontalo's cultural arts.

The arts that are carried out are dances such as regional dances (*dana dana*), creative dances (*in the*), and traditional musical instrument training (*polopalo*). This arts development is also carried out so that child prisoners can broaden their horizons regarding their regional Gorontalo culture.

## **2. External Assimilation**

External Assimilation or home assimilation does not mean freedom. However, child prisoners will still carry out obligations such as mandatory reporting/absence to the supervisor and being supervised by the BAPAS (Correctional Center) once a week. Child prisoners who receive external Assimilation certainly meet the requirements. These requirements are being well-behaved, actively undergoing a good coaching program, not currently serving a disciplinary sentence in the last 6 (six) months, and having served ½ (one half) of the criminal term by Article 2 paragraph (2) of Permenkumham Number 10 of 2020.

The Class II Gorontalo Child Special Guidance Institution (LPKA) carries out home assimilation only during the COVID-19 pandemic, aiming to reduce the number of transmissions of the virus. The types of external guidance include independence guidance and educational guidance.

### **a. Independence Development**

Skills/expertise should be developed to improve the skills of child prisoners at LPKA Class II Gorontalo in collaboration with the Job Training Center (LLK) to achieve the goal of independence development. Namely, child prisoners have special skills and abilities provisions when they have finished serving their sentences to become a whole society and play an active role as members of society who are free and responsible for themselves.

The activities are barber training, photography/photography, canva design, welding technique training, electrical installation training, furniture, and automotive.

### **b. Education Development**

Providing education to prisoners is to fulfill the obligations and rights of foster children at the Class II Gorontalo Special Child Development Institution (LPKA). Based on an interview with the Head of the Development Section of LPKA Class II Gorontalo, he explained that foster children package A & package B, or schools, the

foster children will run schools outside the LPKA. In this case, the Class II Gorontalo Children's Special Development Institution (LPKA) cooperates with the Gorontalo Provincial Education Office. Child prisoners undergo education at the nearest accessible school and are still supervised by the Class II Gorontalo Children's Special Development Institution (LPKA). However, in the implementation of assimilation rights for child prisoners in the Class II Gorontalo Special Child Development Institution (LPKA), there are still several obstacles faced, including:

The inhibiting factors that affect Assimilation for children in foster care at the Class II Gorontalo Special Child Development Institution (LPKA) are as follows:

1. Children in foster care do not follow the guidance properly.

In some cases, the implementation process of this Assimilation is hampered because there are child prisoners who do not follow the guidance program properly. Although, in this case, the obstacles will only affect the individual himself, they will not affect other children in foster care. However, the existence of these inhibiting factors greatly affects the assimilation rights that will be received by the children in foster care. This obstacle occurs because child prisoners commit violations in the moderate or severe category.

2. Lack of facilities and infrastructure at LPKA Class II Gorontalo.

Facilities and infrastructure are important aspects in the sustainability of the Assimilation that these child prisoners will carry out. However, it is possible that this can also be an obstacle in the implementation process. Lack of training provided to officers at the Class II Gorontalo Children's Special Guidance Institution (LPKA)

The success of the assimilation process cannot be separated from the good performance provided by the officers at LPKA. However, in several cases, LPKA officers still need technical training in security substances to improve order for LPKA officers. With the training for LPKA officers, it is hoped that they will be able to apply the competencies or knowledge they have mastered through sharing knowledge with foster children.

With the obstacles mentioned above, the Class II Gorontalo Children's Special Guidance Institution (LPKA) makes every effort to properly carry out the guidance process for foster children at the Class II Gorontalo Children's Special Guidance Institution (LPKA).

## **Conclusion**

Based on the results of the description above, it can be concluded that providing guidance in LPKA is very important because it is an activity that can improve the quality of each child prisoner. The series of guidance includes skills training, religious guidance, and intellectual, physical, and spiritual health. This is a form of achievement, and the core task of LPKA is to create good and quality individuals once child prisoners have finished serving their sentences and have begun to adapt to society. There are many of the rights, namely guidance, by the decree of the Minister of Law and Human Rights that I mentioned earlier, for the

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fulfillment of rights. These are the rights obtained by children in foster care while in LPKA Gorontalo. In addition to the guidance rights obtained by child prisoners in the Special Child Guidance Institution, they also get other rights, such as the Right to Assimilation. Assimilation is applied in a correctional institution with the aim that prisoners can mix with the community outside the institution but are still under the supervision of the institution. In its implementation, the guidance of child prisoners has not been entirely carried out specifically by the criminal justice system; the handling of the guidance of child prisoners still seems to be the responsibility of the correctional institution. Community-based Corrections is a type of correction program for prisoners whose implementation allows them to return to the community and remain under the supervision of the Correctional Center. As in the example of external Assimilation, inmates are allowed to participate in skills training and scouting, which are carried out outside the LPKA. So inmates can mingle with the community and do social work before their prison term ends.

Provide the conclusion to your study and final words on the value of your analysis, research, or paper. Limitations of your study should be addressed. Recommendations for future research related to your topic should also be mentioned.

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