



## THE ROLE OF COMMUNITY COUNSELOR IN HANDLING CHILD CLIENTS IN CLASS I CORRECTIONAL CENTER OF MEDAN

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### ABSTRACT

The existence of laws against children must be considered and must be led to be more responsible for themselves, because children are different from adults. Children are teenagers, human resources, and have the potential to continue the life of the nation and state. The child client is then guided to improve himself and his behavior in the existing reality, with the aim of changing his lifestyle, and assisted in behavioral restructuring, especially for clients with severe personality problems that take a long time to resolve. In other words, probation officers can educate a child client about the rejections they will face when receiving changes or feedback from others, while encouraging them to motivate themselves, accept their situation, and change what the child client is going through. Another important thing that must be done in dealing with child client is to involve the family of the child to participate in the process of handling the child who violates the law.

**Keywords:** handling; community counselor; child client

### INTRODUCTION

Children are the future of Indonesia and must be protected. Unfortunately, in the past, many people were shocked by various types of crimes, including rape, persecution and even murder, and some of these abusers were young and legally still under the scope of children.

Medan City Police have arrested two traffickers at the Lake Toba Hotel, Medan. Both women are 18 years old and still in high school. Unfortunately, the victim is a 16-year-old young woman, which of course shocked the public.<sup>1</sup> This is reminiscent of the case of a junior high school student in Pontianak, West Kalimantan, who was hit by several high school students. The victim experienced physical and psychological violence, such as being kicked, stomped on his stomach, and his head banged on a rock. The attack was motivated by the issue of romance and commenting

on each other on social media.<sup>2</sup> Furthermore, in March 2020, a young woman confessed to killing a toddler in Tamansari, West Jakarta.<sup>3</sup>

The shock of society cannot be separated from the perception of the child. Most adults remember that the world of children is a world full of joy and full of curiosity. Children are often portrayed as innocent and far from possible crimes. However, the reality is very different from what was imagined all along. The more crimes children commit, the more they remove the good image of the children's world.

Children imitate people from all over the world, such as their parents and the people who care for them. According to child and family

<sup>1</sup> Pranamya Dewati, "KPAI: 2 Medan Students who are Child Traffickers are Threatened with Multiple Articles (Pelajar Medan Pelaku Perdagangan Anak Terancam Pasal Berlapis)," *Kumparan.Com*, last modified 2018, accessed September 27, 2018, <https://kumparan.com/kumparannews/2-pelajar-pelaku-perdagangan-anak-di-medan-terancam-pasal-berlapis-1538005162777186187/full>.

<sup>2</sup> Maria Flora, "Audrey's Beating Case, From Chronology to Petition" ("Kasus Pengeroyokan Audrey, Dari Kronologi Hingga Petisi," *Liputan6.Com*, last modified 2019, accessed April 10, 2019, <https://www.liputan6.com/news/read/3938047/kasus-pengeroyokan-audrey-dari-kronologi-hingga-petisi>.

<sup>3</sup> Adi Briantika, "Teen who is Toddler Killer: Can Child Prison Guarantee Offender Will Be a Discouragement?" ("Remaja Pembunuh Balita: Apa Penjara Anak Bisa Jamin Pelaku Jera?," *Tirto.Id*, last modified 2020, accessed March 10, 2020, <https://tirto.id/remaja-pembunuh-balita-apa-penjara-anak-bisa-jamin-pelaku-jera-eD3M>.

psychologist Rosdiana Setyaningrum, what parents say, and the attitudes they show, are unwittingly imitated by the child. Because parents are role models for their children, and it is the parents who decide what behaviors their children want to imitate. If the parent is a tolerant person who always speaks politely to everyone, then most likely the child will be the same person when he grows up. At this point, children may not understand why their parents are kind and polite to others, but they continue to imitate their parents. Conversely, if parents are narrow-minded and hateful towards those who disagree, then this negative attitude can be imitated by the child and become the basis for his treatment of others when he grows up.<sup>4</sup> In addition, important figures that are often used as imitation references today are impressions and games on gadgets.

A few years ago, gadgets were only reserved for lower-and middle-class entrepreneurs. The reason they use gadgets is to promote their business. But nowadays gadgets are not only for businesspeople, everyone, adults, teenagers or even children use gadgets, because of the variety of features and applications that are interesting, varied, interactive and flexible.<sup>5</sup> With limited analytical skills, the child may not be able to categorize and choose what to imitate. Therefore, parents should be able to help children choose what will leave both positive and negative impacts for their child.

The adverse effects of a gadget can have a physical and psychological impact on the person using it, in this case a child. The psychological effect of using gadgets on children is that children become irritable, rebellious, imitate behavior on gadgets and talk to themselves on gadgets, children become lazy to do anything, abandon the obligation to worship and reduce time to study, because they are too busy with gadgets. Children love apps on gadgets because there are many types of gadgets, such as computers (laptops), tablets,

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<sup>4</sup> parenting.co.id, "Children Learn Through Imitating" ("Anak Belajar Lewat Meniru,") *Www.Parenting.Co.Id*, last modified 2018, accessed May 12, 2022, <https://www.parenting.co.id/balita/anak+belajar+lewat+meniru>.

<sup>5</sup> F. Mayenti & I. Sunita., "Dampak Penggunaan Gadget Terhadap Perkembangan," *Jurnal Photon* (2018): 209.

video games, and smartphones.<sup>6</sup>

The Indonesian Child Protection Commission (KPAI) received 2,982 community complaints related to child-specific protection cases in 2021. Of these, 1,138 cases of children being victims of physical and/or psychological violence were most widely reported. In addition to physical and psychological violence, 859 cases of children were also reported to be victims of sexual crimes. There have also been 345 cases of children being victims of pornography and *cybercrime*. Then, 126 cases of children who broke the law as perpetrators.<sup>7</sup>

The problem of children violating the law in Indonesia continues to increase, supported by data reported by [smlap.ditjenpas.go.id](https://smlap.ditjenpas.go.id) that have been linked to the number of children in State Prison (RUTAN) and Correctional Center (LAPAS) in 2019 as many as 9,836 people, in 2020 as many as 6,418 people and in 2021 as many as 6130. This situation is particularly concerning because many children violate the justice system and place them as adult abusers, making them vulnerable to violence.

In the case of children who violate the law, the rights of children must also be appreciated and respected, but in practice, the rights of children are often ignored, for example in the early stages of legal proceedings, without the assistance of parents or accompanying lawyers during police examinations or during the making of police investigation report, for that there is a need for assistance from the community counselor (Pembimbing Kemasyarakatan) so that the rights of children during the police examination process can be respected.<sup>8</sup> This is very worrying for the

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<sup>6</sup> Layyinatul Syifa., "The Impact of Gadget Use on Psychological Development in Elementary School I Children" ("Dampak Penggunaan Gadget Terhadap Perkembangan Psikologi Pada Anak Sekolah Dasar I,") *Jurnal Ilmiah Sekolah Dasar* 3, no. 4 (2019): 543.

<sup>7</sup> Vika Azkiya Dihni., "KPAI: Complaints of Children Become Victims of Physical Violence Dominate in 2021" ("KPAI: Aduan Anak Jadi Korban Kekerasan Fisik Mendominasi Pada 2021,") <https://databoks.katadata.co.id>, last modified 2022, accessed April 21, 2022, [https://databoks.katadata.co.id/datapublish/2022/01/27/kpai-aduan-anak-jadi-korban-kekerasan-fisik-mendominasi-pada-2021#:~:text=Komisi Perlindungan Anak Indonesia \(KPAI\) menerima pengaduan masyarakat terkait kasus,kekerasan fisik dan atau psikis](https://databoks.katadata.co.id/datapublish/2022/01/27/kpai-aduan-anak-jadi-korban-kekerasan-fisik-mendominasi-pada-2021#:~:text=Komisi%20Perlindungan%20Anak%20Indonesia%20(KPAI)%20menerima%20pengaduan%20masyarakat%20terkait%20kasus,kekerasan%20fisik%20dan%20atau%20psikis).

<sup>8</sup> V. B. B. Lefaan & Y. Suryana., *Overview of Legal*

nation, because apart from being individuals, the children is also the successors of the nation's generation, to prevent these deviations, it is necessary to have someone who guides and accompanies the child back to the straight and right path as expected.<sup>9</sup> In Law No. 39 of 1999 on Human Rights, it is explained that children have a very strategic role, which states that the state guarantees the right of every child to live, grow and develop, and protects them from violence and discrimination, therefore, the best interests of the child must be implemented.

Every child, in addition to being obliged to receive formal education such as in school, is also obliged to receive moral education to become a useful figure for the nation and state, in accordance with the provisions of the convention on the rights of the child that has been ratified by the Indonesian government and regulates the principles of child protection law<sup>10</sup> which provides special protection to children who violate the law. One form of child protection by the state is realized through a special criminal justice system for children who violate the law.<sup>11</sup>

In Indonesia's positive law, the issue of minors regarding if they commit acts contrary to the law is not clearly defined; what to do about them and how the detention system and

investigation system should be implemented.<sup>12</sup> In its development, the criminal law must also pay attention to victims of crime. The orientation of criminal law which is only on the issue of deeds (crime) and perpetrators (criminal) has led to the construction of an impartial criminal law against the victim.<sup>13</sup> Though children who violate the law must undergo a series of examinations, investigations and finally punishment to prison. In these situations, children are often in situations they cannot understand themselves. At this point, a psychological approach is needed to create the best expression by prioritizing the right of the child to participate in the trial.

The existence of a child who violates the law must be considered to guide and encourage him to be more responsible for himself, because the child is different from an adult, the child is a teenager who is a human resource and has the potential to continue the harmony of the nation and state.

Based on Law No. 11 of 2012 concerning the Juvenile Criminal Justice System in Article 1 Number 2, children who face the law are children who violate the law, children who are victims of criminal acts, and children who are witnesses to the crime, in addition, in Article 1 Number 3 it is stated that children who violate the law, who are hereinafter referred to as children, are children who are 12 (twelve) years old, but has not reached the age of 18 (eighteen) years who is suspected of committing a criminal offense.

Based on Article 56 of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, the Community counselor task is 1) to conduct social assessment (LITMAS) for the purpose of diversion, the community counselor must carry out assistance, guidance, and supervision of children

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*Psychology in Child Protection (Tinjauan Psikologi Hukum Dalam Perlindungan Anak)* (Yogyakarta: Deepublish, 2018).

<sup>9</sup> D. A. Harahap & A. Muin. R. Mubarak, "Accountability of Perpetrators of Crimes Without Rights and Against the Law Using Narcotics Category I for Himself (Study of Binjai District Court Decision No. 182/Pid. B/2011/PN. BJ)," ("Pertanggungjawaban Pelaku Tindak Pidana Tanpa Hak Dan Melawan Hukum Menggunakan Narkotika Golongan I Bagi Diri Sendiri (Studi Putusan Pengadilan Negeri Binjai No. 182/Pid. B/2011/PN. BJ)," *Jurnal Ilmiah Penegakan Hukum* 1, no. 2 (2014): 128.

<sup>10</sup> R. P. A. Priamsari., "Seeking Justice for Children Through Diversion Law," ("Mencari Hukum Yang Berkeadilan Bagi Anak Melalui Diversi," *Jurnal Perspektif Hukum* 18, no. 2 (2019): 175.

<sup>11</sup> L. A. Simbolon., "Community Participation in Sustainable Child Protection as a Form of Legal Awareness," ("Partisipasi Masyarakat Di Dalam Perlindungan Anak Yang Berkelanjutan Sebagai Bentuk Kesadaran Hukum," *Padjadjaran Journal of Law* 3, no. 2 (2016): 325.

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<sup>12</sup> Ahman Sofian, *Child Protection in Indonesia: Dilemmas And Solutions (Perlindungan Anak Di Indonesia; Dilema Dan Solusimya)* (Medan: PT. Sofmedia, 2012).

<sup>13</sup> Sumarno & Abdul Rahman Maulana Siregar. Hasibuan, Said Ibrahim, "The Role of Community Counselors in the Task of Supervising the Determination of Diversion Against Children (Study at the Class I Correctional Center of Medan)," "Peran Pembimbing Kemasyarakatan Dalam Tugas Pengawasan Penetapan Diversi Terhadap Anak (Studi Di Balai Kemasyarakatan Kelas I Medan)," *Kumpulan Skripsi Fakultas Sosial Sains Universitas Pembangunan Panca Budi* 1, no. 1 (2019): 2.

who violate the law during the diversion process and do or submit the results of the agreement, community counselor must also report to the court if the diversion is not implemented; 2) compile social assessment reports that will be used for the purposes of investigation, prosecution, and trial in handling children's cases, whether carried out inside or outside the court, including if the child is in Correctional Center or if the child is in the Children's Special Development Institute (LPKA); 3) Community counselor which provides coaching and parenting programs for children in temporary child placement institutions and conducts child development at LPKA. The program will be carried out together with other correctional officers; 4) Community counselor will accompany, guide, and supervise children who based on court decision have been convicted of violations or are subject to punishment; and 5) Community counselor is also obliged to accompany, guide, and supervise children who have obtained assimilation, parole, leave before release, and conditional leave.

The Correctional Center (BAPAS) is an institution that provides special protection to child clients as described in Article 23 of the Child Protection Law of 2002, together with the Ministry of Social Affairs, the Ministry of Women Empowerment and Child Protection, and the Child Protection Committee. This is in accordance with Sofian's opinion<sup>14</sup> That children, in general, commit crimes not because of their evil nature, but because they are 'naughty' children only. For this reason, children like this must be protected and specially treated.

The child clients are those who have been fostered by Correctional Center, have undergone legal proceedings, and are guided and supervised by community counselor. Child clients still urgently need to be guided, supervised, and accompanied by people who are more experienced than them. Because the child does not know what to do and what not to do, and the child must follow the rules of the plan set by Correctional Center.<sup>15</sup>

Government Regulation No. 31 of 1999

<sup>14</sup> Sofian, *Child Protection in Indonesia; Dilemmas And Solutions (Perlindungan Anak Di Indonesia; Dilema Dan Solusimya)*

<sup>15</sup> *Researcher interview with Khaidir – Junior Community Advisory Officer of Class I Correctional Advisory of Medan, 21 August 2019.*

concerning Development and Guidance, in Article 1 Number 6, regulates that community counselor are a correctional officer who carries out child client guidance at Correctional Center. Furthermore, based on the Decree of the Minister of Justice of the Republic of Indonesia Number M.01-PK.04.10 of 1998 dated February 3, 1998, concerning Duties, Obligations, and Conditions for Community counselor, it is stipulated that community counselor is an employee appointed by the Minister to carry out the duties of Correctional Center in accordance with Article 36 of Law No. 3 of 1997 concerning the Juvenile Court.

Decree of the Minister of Justice Number: M.01-PK.04.10 of 1998 of 1998 in Article 2 stipulates that community counselor has the following duties and obligations 1) assisting investigators, public prosecutors and judges in child crimes; 2) determine the development program for correctional students at LPKA; 3) determine the prisoner treatment program in State Prison; 4) identify additional support and/or guidance for the child clients; 5) provide community guidance and work guidance to correctional clients; 6) provide services to other agencies and communities that request social assessment data or results from specific clients; 7) coordinating social workers and volunteer workers in the implementation of mentoring duties; and 8) provide supervision of convicted children who are sentenced to criminal supervision, correctional protégés who are handed over to parents, guardians or foster parents who are given assistance duties.

Community counselors accompany the suspect, that is still minor, who is being examined by investigators (making a police investigation report) following the diversion process set by the police, accompany the child during the diversion process, making official report document for diversion events, and checking in court if the legal process must reach the Court stage. The Correctional Center through its community counselor is not only an institution that conducts social assessment against children involved in criminal cases as stipulated in the Child Criminal Justice System Law. However, in the Child Criminal Justice System Act, Correctional Center becomes one of the unimportant in dealing with criminal acts committed or involving

children.<sup>16</sup> The role of community counselor in accompanying child clients is very important, in addition to provide a sense of security and comfort for clients,<sup>17</sup> encouragement of motivation and empathy to easily build trust between clients and community counselor so that clients may inform the problems faced.

Directing and fostering child clients is not easy, there must be obstacles and difficulties. As stated by Syarifudin.<sup>18</sup> Given the important and strategic role of community counselor, the understanding and effectiveness of community counselor need to be improved in carrying out the functions of the correctional system. Therefore, community counselor play an important role in the criminal justice system and correctional system in Indonesia.

## RESEARCH METHODS

The research methodology used is a qualitative descriptive method that describes attitudes, actions, social environment, and other aspects related to the process of handling child clients in Class I Correctional Center of Medan. Then, primary legal materials are obtained through interviews with community counselor and secondary legal materials are obtained from various sources such as laws and regulations, library materials and scientific journals related to this research. Followed by the data analysis stage, namely data reduction, categorization, and interpretation.<sup>19</sup> First, data reduction is done

by focusing on interviews against informant statements. Second, exclude irrelevant data and categorize the sections that describe representations of research objectives.<sup>20</sup> The final step is to interpret, categorize the data and analyze it with secondary legal materials.

## DISCUSSION AND ANALYSIS

### A. The Role of Community Counselor in Handling Child Clients

Class I Correctional Center of Medan is a technical implementation unit within the Ministry of Law and Human Rights, which is technically under the Directorate General of Corrections and reports directly to the Regional Office of the Ministry of Law and Human Rights of North Sumatra. The working areas include Medan City, Langkat Regency, Pematang Siantar City, Binjai City, Tebing Tinggi City, Kabanjahe Regency, Simalungun Regency, Asahan Regency and Deli Serdang Regency.

The task and function of Class I Correctional Center of Medan is to carry out some of the main tasks of the Director General of Corrections by providing guidance to correctional clients in their territory. There are many forms of guidance, ranging from providing religious guidance and skills to personality development. The purpose of providing this guidance is to help clients live well in society as citizens and responsibly, as well as provide motivation so as not to repeat mistakes.

Especially in dealing with child clients, the role of Correctional Center can be seen in the shadow of special officials, namely community counselor in the juvenile justice process in Indonesia. Community counselor are a functional law enforcement official who serves to provide social assessment, guidance, supervision, and assistance to child clients inside and outside the criminal justice process.<sup>21</sup> The legal basis for the appointment of community counselor was given by the Secretary General of the Ministry of Law and Human Rights. This is due to the transition from a general functional position to a specific

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<sup>16</sup> S. R. Budiastuti & B.Hermoyo., "The Assistance of Community Counselor towards Children in Conflict with the Law in Surakarta," *International Journal of Research Publication and Reviews* 3, no. 1 (2022): 1323.

<sup>17</sup> E. Erwandi., "The Role of Community Counselors in Assisting Children (Perpetrators) of the Crime of Theft at Court Sessions," ("Peran Pembimbing Kemasyarakatan Dalam Pendampingan Anak (Pelaku) Tindak Pidana Pencurian Pada Sidang Pengadilan,") *Jurnal Pemikiran dan Pengembangan Pembelajaran* 2, no. 2 (2020): 38.

<sup>18</sup> Adrian Sofyan., "The Role of Community Counselors in the Protection of Children in Conflict with the Law," ("Peran Pembimbing Kemasyarakatan Dalam Perlindungan Anak Yang Berhadapan Dengan Hukum,") *Jurnal Syntax Admiration* 1, no. 8 (2020): 1031.

<sup>19</sup> Lexy J. Moleong, *Qualitative Research Methods (Metode Penelitian Kualitatif)* (Bandung: PT.

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Rosdakarya, 2011).

<sup>20</sup> L. Manion & K. Morrison. L. Cohen, *Research Methods in Education, Eighth Edi.* (London: Routledge, 2018).

<sup>21</sup> *Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Article 1 Number 13.*

functional position.<sup>22</sup>

Community counselor' compiles social assessment reports to make recommendations in the best interests of child clients. The preparation of social assessment is carried out both for cases that can be solved through diversion and cases that are resolved through trial. Social assessment in Law No. 11 of 2012 concerning the Juvenile Criminal Justice System is used at every stage, including at the police, prosecutors, and court levels. Through social assessment conducted by community counselor, alternative assessments can be suggested to be considered by judges in decision making. If the implementation considers diversion to produce an agreement, then community counselor remain responsible for providing guidance and supervision of the implementation of the diversion agreement. From the explanation above, the role of community counselor through social assessment recommendations submitted at the trial became very important.

Research and practice have revealed many of the decisions made by community counselor and the discretionary power of community counselor in making such decisions. They also decide which services to recommend to child clients and how to implement programs and practices implemented by their institutions (Maguire & Katz, 2002; Manning, 1997).<sup>23</sup>

The implementation of criminal justice is a mechanism of work of criminal law enforcement officials ranging from the process of investigation and investigation, arrest, detention, prosecution to examination at court hearings, or in other words the work of police, prosecutors, judges, and Correctional Center officers, which also means the process or legal work of criminal events. Therefore, to optimize the role of Correctional Center in the entire criminal justice system in Indonesia, it must be equalized, especially regarding social assessment by community counselor from Correctional Center.<sup>24</sup>

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<sup>22</sup> Researcher interview with Khaidir – Junior Community Advisory Officer of Class I Correctional Advisory of Medan, 21 August 2019.

<sup>23</sup> P. J. Houston & D. S. Rudes. L. Davis, "Probation Officers, Discretion, and Participatory Management," *Criminologi and Criminal Justice* (2021): 1093.

<sup>24</sup> M. A. Agus & A. Susanto., "The Optimization Of the Role of Correctional Centers In The Indonesian Criminal Justice System," *Jurnal Penelitian Hukum De*

The implementation of the role of community counselor at each stage of the judicial process by the child client, divided into three stages:<sup>25</sup> First, pre-adjudication, during the Community counselor assistance process is required to ensure respect for the rights of children. Community counselor is also required to ensure compliance with ongoing legal processes with applicable legal regulations. Second, adjudication, community counselor accompanies children to continue to ensure that children's rights are respected. In addition, community counselor also accounted for the results of its social assessment in court and submitted recommendations on the draft decision in the form of a report. Third, post-adjudication, community counselor plays a role in overseeing the court's decision. In terms of achieving actionable assessment, community counselor is responsible for providing guidance and supervision. In the case of prosecution, community counselor is required to compile social assessment to identify coaching, reintegration, and guidance programs. In addition, community counselor still plays a role in supervising the implementation of recommendations and guiding child clients.

According to Harwanto,<sup>26</sup> community advisory officer's role is to (a) help build motivation in the process of building understanding and accepting face-to-face relationships, which can be a very important motivator for inmates to consider different attitudes and study various current attitudes and behaviors; (b) provide information that the accused/convict needs the help of understanding to understand the circumstances they face in relation to their lives and social roles. Moreover, they also do not understand their own society. Community counselor can help in developing an understanding of their social role; (c) providing decision support, community counselor guides defendants to view their

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*Jure* 21, no. 3 (2021): 375.

<sup>25</sup> Meilanny Budiarti S. & Rudi S. Darwis., "The Role of Community Counselors in Handling Children in Conflict with the Law by the Correctional Center," (*"Peran Pembimbing Masyarakat Dalam Penanganan Anak Berkonflik Dengan Hukum Oleh Balai Masyarakat,"*) *Social Work Jurnal* 7, no. 1 (2017): 61.

<sup>26</sup> Tejo Harwanto, (*Community Counseling Module Modul Pembimbing Masyarakat (Jakarta: Directorate General of Corrections., 2012).*

problems rationally and various alternatives that remain open as a solution to the situation occurred; (d) help the accused/convict to understand the situation, not only to help the accused/convict think about the problem or situation. The client can then be guided to improve himself and his relationship with the existing reality, with the aim that the client changes his lifestyle; and (e) aid with behavioral reorganization especially for clients with severe personality problems, which take a long time, to overcome the problem.

According to Primaharsya<sup>27</sup> The role of a community counselor is to (a) help build motivation, that is, the process of creating a face-to-face relationship carried out with sympathy and empathy, full of understanding and acceptance that can be a motivation for clients to review attitudes and behaviors during this time; (b) provide an opportunity for the distribution of feelings, i.e. community counselor becomes someone who can provide an opportunity to express and liberalize the situation; (c) provide information, in particular that community counselor may provide an understanding of their social role; and (d) provide support to create change in the social environment.

Community counselors play an important role as initiator and mediator in pursuing restorative diversion and justice through social assessment or case studies. Consider the importance of conducting social assessment or case studies to help judges make appropriate and fair decisions and identify coaching therapies. The content of the social assessment report should be able to summarize the background of the child client in the past and present. All problems that arise in their lives and social environment can be included in the contents of the social assessment report. Social assessment is also carried out directly by the Community counselor, including background information about the child clients, in term of family, economy, social conditions, health and so on which is the background of crimes committed the child. Therefore, social assessment can be used as a basis for making punitive recommendations for child clients.<sup>28</sup>

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<sup>27</sup> Angger Sigit Pramukti and Fuady Primaharsya, *Juvenile Criminal Justice System (Sistem Peradilan Pidana Anak)* (Yogyakarta: Pustaka Yustisia, 2015).

<sup>28</sup> *Researcher interview with Khaidir – Junior Community Advisory Officer of Class I Correctional Advisory of Medan, 21 August 2019.*

Social assessment is carried out for three days by conducting interviews with children, parents or people who are considered responsible, visiting schools or the head of the neighborhood (Ketua RT) to find out the child's daily behavior. After the application is considered complete (P-21), the child will start the trial, which is always accompanied by community counselor. Before the decision came out, support was given at Correctional Center. Upon the issuance of the decision, construction and guidance will be carried out at the discretion of the judge, however, it will remain the responsibility of the Correctional Center for the supervision of the child. The coaching carried out is only a mandatory reporting system where the child client will come to the designated Correctional Center, carrying out the training at the specified time, after the completion of the training, the child is allowed to go home. During coaching, community counselor continues to supervise the behavior of child clients in their social environment, both in school and in the community. Most of the clients of the fostered child live with their parents or siblings, who oversee them and must report weekly.<sup>29</sup> During this time the coaching of child clients was carried out with job training and skills at Class I Correctional Center of Medan. In this case, community counselor needs to be more active in the coaching process and more creative in training and skills to increase the positive potential of the child.

People who are undergoing guidance at Correctional Center according to Law No. 12 of 1995 concerning Corrections are called correctional clients and Child clients. Every time there is a child client, whether it is a child who violates the law, a child who is a witness to a criminal act or a child who is a victim, it is the responsibility of the Correctional Center. According to the provisions of Article 1 Number 23 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, child client is served, guided, supervised, and accompanied by community counselor. Furthermore, according to Law No. 12 of 1995 concerning Corrections in Article 1 Number 9, correctional client, who is hereinafter referred to as a client, is someone under the guidance of Correctional Center.

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<sup>29</sup> *Ibid.*

If the development of children from the state is passed on to foster parents or guardians, then Correctional Center does not provide guidance but carries out the following tasks: 1) supervise parent or foster parent or guardian so that they fulfill their caregiver's obligations; 2) supervise the development of state children and civilian children in foster care. Thus, Correctional Center in the correctional system for children who violate the law has a role in providing guidance so that the child can later be accepted by the community and live reasonably as a citizen. The implementation of duties of the community counselor must be sincere and wholehearted, because sometimes they use personal facilities and infrastructure for professional purposes.<sup>30</sup> The process of handling child clients cannot be equated with adult actors because both have different justice systems. Children still need adult help to make ends meet, make choices, and achieve rights.

Based on the results of the literature study, community counselor should accompany children who violate the law after the child is arrested by the police to know whether the rights of children are considered or not.<sup>31</sup> Even at the police level, community counselor can help accompany child client to get diversions, so the case does not need to proceed to court. Community counselor as a companion in making police investigation report (BAP) in the police also provides social assessment information or advice to the police for further development for child clients. Likewise, the role of community counselor in the prosecutor's office is to accompany investigators and accompany child clients to feel safe and calm so that they can express their feelings, emotions, without pressure or coercion.

The role of community counselor provides motivation for child clients not to despair in facing problems, to remain enthusiastic and optimistic. At the court level, community counselor accompanies child client by providing input/advice on the judge's decision, along with the considerations that have been conveyed. Any consideration in making decisions about a child's future does not use adult benchmarks. Everything according to adults is considered good, not necessarily good if

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<sup>30</sup> *Ibid.*

<sup>31</sup> B. DuBois dan Miley, *Social Work: An Empowering Profession*, 6th ed. (Boston: Pearson Education, 2010).

applied for the benefit of children. In this case, adult should play the role of support and assistance rather than damaging the future of the child.

According to M. Nasir Djamil,<sup>32</sup> the Beijing Rules is a form of rule of law that forms the basis of administration for juvenile justice. As a rule, children who break the law are entitled to all treatments that exist and are regulated in this regulation. There are several formulations that the juvenile criminal justice system must prioritize the interests of children who violate the law. In section 5 (five) of the Beijing Rules on institutional treatment, number 26 states that the purpose of institutional treatment (the Beijing Rules, Item 26) is 26.1 the purpose of training and treatment of children placed in a correctional institution is to provide special protection, care, education, and skills to help them play a constructive and productive role in society.

Another important thing that must be done in handling children who violate the law is to involve the family of the child who violates the law in order to participate in the process of handling children who violate the law.<sup>33</sup> This is in line with the five basic assumptions of Casework, one of which states that children who break the law do not always violate the law because of their deviant personality, can also be influenced by family and environmental influences.<sup>34</sup> Children who break the law need to understand the situation that happened to him. The ability to guide the child with complete information about the current process and subsequent processes is very important.<sup>35</sup>

Some of the functions and types of guidance performed by community counselor include:<sup>36</sup>

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<sup>32</sup> Agata Ascourlina Mourin & Hery Firmansyah., "The Role of the Class 1 West Jakarta Correctional Center (Bapas) in the Implementation of Out-of-Institutional Guidance for Children in Conflict with the Law" ("Peran Balai Perumahan (Bapas) Kelas 1 Jakarta Barat Dalam Pelaksanaan Pembinaan Di Luar Lembaga Terhadap Anak Yang Berkonflik Dengan Hukum (ABH).") *Jurnal Hukum Adigama* 2, no. 1 (2019): 28.

<sup>33</sup> Stephen Hardy, *Law for Social Workers* (Great Britain: Cavendish Publishing limited, 1997).

<sup>34</sup> Swati Sharma, *BSWE 002: Interventions with Individuals and Groups* (Delhi: Neeraj Book, 2001).

<sup>35</sup> Hardy, *Law for Social Workers*.

<sup>36</sup> Maidin Gultom, *Legal Protection of Children*



- a. Conducting research; this research is conducted based on problems, delinquency, client's curriculum vitae, family background, client's educational development, and family economic status. Community counselor makes visits to the client's house or visits parties related to the client. Community counselor' conducts interviews with clients and others related to clients and their problems. Social assessment' results against bad boys are for the benefit of investigation, prosecution, and trial.
- b. Perform analysis; after doing social assessment, the data is inferred and analyzed to reveal the client's background and problems and find out the consequences arising from the problems that arise.
- c. Therapy: after the collected data is analyzed, therapy can be determined for the client. This healing is tailored to the client's needs.
- d. Guidance process: First, early-stage guidance, including 1) Social assessment used to determine the guidance program. The data obtained is analyzed and concluded by community counselor, then made recommendations or considerations; 2) after social assessment is completed, a guidance plan is developed; 3) carrying out a guidance program in accordance with the guidance program plan; and 4) early-stage assessment. Second, advanced stage guidance, which includes 1) implementing an advanced stage guidance program tailored to the client's needs and problems, reducing self-reports, home visits, and improving guidance to clients; and 2) evaluate the advanced program and prepare a final-stage guidance program. Third, final stage guidance, including 1) research and a thorough assessment of the results of the implementation of the guidance program; 2) reviewing clients who are facing a mentoring period; 3) consider the possibility of clients benefiting from additional tutoring services; and 4) prepare the final letter of the client's criminal term.

In taking such a step, if the client's case needs to

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*in the Child Criminal Justice System in Indonesia (Perlindungan Hukum Terhadap Anak Dalam Sistem Peradilan Pidana Anak Di Indonesia)* (Bandung: Refika Aditama, 2014).

be resolved, a special hearing will be held.

Based on analysis and discussion, it can be concluded that the role of community counselor help build motivation to create a face-to-face relationship with understanding and acceptance of sympathy and empathy, considering differences in attitudes and behaviors that are very meaningful to the child clients during this time. An example is a safe emotional environment to vent and express feelings, fears, disappointments, or hopes and desires that are urgently needed by the defendant or perpetrator (in this case the child client). That is, community counselor become someone who can provide an opportunity to express and articulate the situation so that the child client feels comfortable and appreciated in his new environment. Like young children, a child clients need help understanding the situations and conditions in which they make decisions. Even so, community counselor has limitations in this regard, he is still obliged to act as community counselor, but once the child client is declared to have completed his guidance period, the child client will be voluntarily returned to his family and then let the child client be even better in the future.<sup>37</sup>

The Correctional Center has a role in the juvenile criminal justice system, but the role of community counselor has not been optimal and tends to discriminate. Therefore, optimize community advisory officer's role in enabling child clients to eliminate discrimination between law enforcement officials. In other words, community counselor can teach a child client about the resistance they will face when they receive change or feedback from others, while encouraging them to motivate themselves, to accept their situation, to change the situation the child client is experiencing.

## **B. Handling of Child Clients at the Class I Correctional Center of Medan**

According to Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, Correctional Center must exist in every region/city in Indonesia. However, this cannot be implemented due to lack of supporting infrastructure and human resource

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<sup>37</sup> *Researcher interview with Khaidir – Junior Community Advisory Officer of Class I Correctional Advisory of Medan, 21 August 2019.*

capacity. In accordance with the principle of handling child clients, community advisory officer's role is important in determining the decision-making that is best for the child, especially for the benefit of investigation, prosecution, and trial, by providing advice and referring to social assessment reports.

When interacting with pediatric clients in Class I Correctional Center Class of Medan, community counselor assists children who are suspected of breaking the law in court proceedings or in the settlement of child criminal cases or depending on the child's situation. community counselor realizes that the condition of each child when committing a criminal offense will cause different consequences in the eyes of the law. Therefore, the consideration given in social assessment recommendations made must be objective and measurable.

Community counselor is always careful in carrying out its duties when accompanying child clients. In addition, social assessment contains recommendations on the punishment to be used by the judge as the basis for decision making. Therefore, after discussing this, community counselor asked investigators involved in the process involving psychologists to obtain information that can be legally accounted for.<sup>38</sup>

Based on analysis and discussion, it can be known that community counselor face obstacles in handling child clients in Class I Correctional Center of Medan, including about 20 (twenty) community counselor who work specifically to handle child clients and the average officer has never been in counseling training, so the assistance provided by community counselor seems ordinary and less effective. Community counselor receives minimal education and training, at least relevant to their main responsibilities and functions. Due to the limited number of community counselor that handles child clients, the performance of its functions is not optimal due to limited time in the implementation of social assessment results and report making. Sometimes in the field, because of the lack of professionals in their fields, there are still many children who come alone without

<sup>38</sup> R. A. Putro & Sriwiyanti. W. Saefudin, "Restorative Justice In Child Rape Perpetrators: A Case Study On Perpetrators With Intellectual Disability," *Jurnal Penelitian Hukum De Jure* 22, no. 1 (2022): 55.

being accompanied by community counselor.<sup>39</sup> As a result, community counselor' lack of capacity to aid makes an ineffective mentoring and not all children can be guided or accompanied in court.

**Table 1. Community counselor at Class I Correctional Center of Medan, North Sumatra**

No	Position	Sum
1	Senior Community counselor	3
2	Junior Community counselor	21
3	Assistant Community counselor	23
4	Candidate of Assistant Community counselor	20

Source: Class I Correctional Center of Medan, North Sumatra 2019.

Tabel 1 shows the availability of community counselor in Class I Correctional Center of Medan, with a total of 47 people and community counselor candidates totaling 20 people. This number is very low, because the territory and number of child clients and community clients in North Sumatera is very large.

**Table 2. Handling Child Clients at Class I Correctional Center of Medan, North Sumatra**

Year	Man	Woman	Social Assessment
2019	297	0	103
2020	319	0	97
Juni 2021	4	0	52

Source: <http://smslap.ditjenpas.go.id/> that has been processed by the author, July 7, 2021

Table 2 describes the data of child clients who need community counselor' guidance and assistance during the juvenile criminal justice process. This makes the number of community counselor disproportionate to the number of child clients. Because the working area is so large, the demand for social assessment is so large that it is not comparable to the number of community counselor, so other community counselor' tasks are forgotten. So, if you look at the comparison above, in general, the responsibilities and functions of community counselor do not work well.

The Correctional Center budgets are determined by the center and budgeting has become a common and classic big problem. Sometimes it does not follow the prepared procedures, as well as a large area of work. Meanwhile, the number

<sup>39</sup> *Researcher interview with Khaidir – Junior Community Advisory Officer of Class I Correctional Advisory of Medan, 21 August 2019.*

of community counselor specifically for child clients is still very limited, especially the budget of activities related to supervision tasks. For example, community counselor only receives a fee of Rp 50,000 when conducting home visits for consultations and social assessment for pediatric clients. With this minimal number of officers, it is difficult for community counselor to provide direct assistance to the client's residence, especially child clients who are domiciled outside Medan because of distance and time.<sup>40</sup>

Facilities and infrastructure in Class I Correctional Center of Medan are still minimal. For example, there is no special room to interview a child client, or there is no comfortable workspace and office equipment (paper, ink, laptop, or computer) is not available. There are no special facilities and infrastructure to provide guidance to child clients. Sometimes forced to use personal equipment to support office tasks. Lack of traffic navigation facilitation, operational facilities in this case, two motorcycles and one car are not suitable for use. As a result, some routine visits cannot be carried out on time because they take turns waiting for official vehicles and sometimes even must use private vehicles.<sup>41</sup>

The implementation of community advisory officer's duties is limited by the scope of its working area, of which there are only two Correctional Center in North Sumatra, Medan and Sibolga. The place where the child client lives is too far away, and sometimes community counselor must accompany several child clients to different places. In fact, this condition is too forced, so in general, community counselor's performance can only meet the implementation of Law No. 11 of 2012 concerning the Juvenile Criminal Justice System.<sup>42</sup>

Many child clients rarely do mandatory reporting, which may be because the child client is already working, making it difficult to get permission to leave work, and some child clients are lazy to do mandatory reporting.<sup>43</sup> Guidance to the child clients is not the best because the guidance provided is a consultation and will only ask about the child's condition and activities. The

skills coaching provided by Correctional Center is not based on the needs of the child clients and is not evenly distributed, so many child clients who are invited to join skills development programs rarely make participation.<sup>44</sup> For example, out of the ten child clients invited to job training, only four attended.

Community counselor is generally considered not to have absolute authority over matters concerning children who violate the law. Because every organization has the knowledge and function to deal with children who violate the law. In Law No. 11 of 2012 concerning the Juvenile Criminal Justice System, the scope of community counselor includes coaching, manners, and supervision. Investigators also lack understanding of the provisions of child-specific criminal law, such as whether there is a guarantee not to be detained. However, investigators still detained the children for fear of running away or losing evidence. This happens because the understanding of law enforcement officials for their concern for child problems is still not sensitive to protection which ultimately leads to the involvement of children's cases without absolute clarity.<sup>45</sup>

## CONCLUSION

In this case, community counselor needs to be more active in the coaching process and more creative in training and skills to increase the positive potential of the child. Another important thing that must be done in handling children who violate the law is to involve the family of the child who violates the law to participate in the process of handling children who violate the law. Community counselor's interviews clients and others who are deal with clients and their problems. In other words, community counselor can teach a child client about the resistance they will face when receiving change or feedback from others, while encouraging them to motivate themselves, accept their situation and change what the child client is experiencing.

In accordance with the principles in dealing with child clients, community advisory officer's role is important in determining the best decision-making for the child by providing advice and promoting social assessment finding process,

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<sup>40</sup> *Ibid.*

<sup>41</sup> *Ibid.*

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

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<sup>44</sup> *Ibid.*

<sup>45</sup> *Ibid.*

especially with reference to social assessment reports in investigations, prosecutions, and trials, both inside and outside the court, as community counselor in the Class I Correctional Center of Medan that interacts with child clients who are suspected of breaking the law in the judicial process or in solving criminal cases committed by children as they should. Due to the small number of community counselor, there are difficulties in providing direct assistance to client residences, especially those living outside Medan, due to the long distance and time.

## SUGGESTION

The Directorate General of Community Affairs instructs Correctional Center to collect data on all child clients to be able to understand the impact of any decisions made on behalf of the child.

The Directorate General of Corrections needs to establish a Correctional Center post for a large working area to facilitate effective and efficient social assessment by community counselor.

Prosecutors and judges must make decisions in the best interests of the child and assistance outside the institution is part of efforts to make children better human beings.

The government has increased public awareness about the mechanism for handling child crimes, so that children can receive more assistance and guidance from various institutions.

The government needs to consider amending Law No. 11 of 2012 on the Juvenile Criminal Justice System, in particular removing restrictions on child diversion so that Correctional Center can apply for diversion for all children who violate the law.

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