

Optimizing the Role of Community Guidance Officers as the Vanguard of the Juvenile Justice System

Ria Anggraeni Utami, Randy Pradityo, Helda Rahmasari, Riska Karinda

ABSTRACT. One provision in the juvenile justice system is that juvenile justice proceedings must involve Community Guidance Officers from correctional institutions (BAPAS) who conduct social investigations on the child, which serve as considerations in the juvenile justice process. However, the presence of Community Guidance Officers has received inadequate attention so far, as if the main actors in handling troubled children are only the Police, Prosecutors, Judges, and LPKA officers. At the guidance stage for child clients, the guidance provided is in the form of personality guidance and independence guidance. The personality guidance in question is in the form of counseling and sharing guidance by asking about activities carried out by Child Clients, and independence guidance in the form of work skills. This program is not always held every year so that children's work skills are not necessarily available, and for clients with children who have dropped out of school, Community Counselors only provide education for the sake of education. Regarding these educational recommendations, the final decision depends on the Child Client's parents. Thus, the guidance given to child clients is less than optimal, as evidenced by the same form of guidance given to all child clients, namely personality guidance in the form of counseling which is limited to asking about the child client's condition and independence guidance.

The research method used is empirical juridical research, conducted through field research and literature review. The role of Community Guidance Officers in the Legal Jurisdiction of Bengkulu Province as the Vanguard of the Juvenile Justice System is to provide assistance and recommendations for handling children by conducting social investigations from pre-adjudication, adjudication, to post-adjudication. The obstacles faced by Community Guidance Officers in Bengkulu Province include lack of competence and uniformity in law enforcement officials'

perception regarding the best interests of the child, incomplete implementation of recommendations due to lack of facilities for child placement, and societal stigma against the child. Additionally, there are technical obstacles such as distance between BAPAS Bengkulu and the child's residence area. Efforts to optimize the role of Community Guidance Officers in Bengkulu Province involve aligning law enforcement officials' perception regarding the best interests of the child, raising awareness among communities and relevant institutions to accept these children, establishing BAPAS posts, and optimizing the role of local governments to synergize government programs in combating juvenile crime.

KEYWORDS. Community Guidance Officer, Child, Juvenile Justice System

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Introduction

Children are the nation's future generation with limitations in understanding and protecting themselves from various influences of existing systems, including when they become perpetrators of state crimes, they must still be protected. From a juridical aspect, the term "child" in the eyes of Indonesian positive law is defined as a person who is not yet an adult (minor), a person who is under the age of majority or under the age of majority (inferiority), or often referred to as a child under the guardianship of a guardian.¹

In line with development and needs, the Republic of Indonesia has made various efforts to protect children, especially child offenders, including through Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, and Law Number 11 of 2012 concerning the Juvenile Justice System. Law Number 11 of 2012 concerning the Juvenile Justice System replaces Law Number 3 of 1997 concerning Juvenile Courts with the aim of ensuring proper adjudication

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¹ Lilik Mulyadi, *Pengadilan Anak Di Indonesia, Teori, Praktik Dan Permasalahannya* (Bandung: Mandar Maju, 2005).

that truly guarantees the best interests of children facing the law. In the Juvenile Justice System Law, juvenile offenders are referred to as Children in Conflict with the Law. Children in Conflict with the Law, as defined in Article 1 paragraph 3 of Law Number 11 of 2012, are children aged 12 (twelve) years or older but under 18 (eighteen) years who are suspected of committing a crime.

Children in Conflict with the Law are actually victims of what they see, hear, and experience, as well as the influences of their surrounding environment. They commit crimes even though they are not yet capable of taking responsibility or distinguishing between right and wrong. There are many factors underlying children who commit crimes, including education, age, peer influence, and family environment. Therefore, they should be kept away from the criminal justice system to avoid stigma or labeling as criminals by society, which they will carry with them into adulthood.

In the process of resolving juvenile cases, the best interests of the child must be prioritized and given special protection. All activities carried out by law enforcement officials in the context of juvenile justice must be based on the well-being and interests of the child. The goal of juvenile justice cannot be separated from the primary objective of ensuring the well-being of the child, which is fundamentally an integral part of social welfare. The juvenile justice process, from investigation to the imposition of sanctions and placement in correctional institutions, must take into account social research reports. The main objective is to enable community guidance officers to assist judges in deciding the fate of the child, where the situations described in social research can be one of the judge's considerations, namely sociological considerations.²

One provision in the juvenile justice system is that juvenile justice proceedings must involve officers from correctional institutions (BAPAS), namely Community Guidance Officers, as creators of social investigation reports on the child, which will be considered in the juvenile justice process. However, the presence of Community Guidance Officers has not received sufficient attention so far, as if the main actors in handling troubled children are only the Police, Prosecutors, Judges, and personnel from Correctional Institutions. The importance of the presence of

² Ria Anggraeni Utami, "Peranan Pembimbing Kemasyarakatan Di Dalam Sistem Peradilan Pidana Anak Di Kota Bengkulu," *Jurnal Supremasi Hukum* 22, no. 1 (2013): 3.

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Community Guidance Officers in juvenile justice is evident in a statement by Hawnah Schaft, as quoted by Alamsyah:

"The success of juvenile justice largely depends on the quality of the probation officer (BAPAS officer) rather than the judge. Juvenile justice without a corps of probation supervision that guides wisely and lovingly into the child's living environment and provides guidance for pure thought standards for the child's proper life, only results in the functions of juvenile justice becoming blurry if they do not want to be in vain."³

If we look at Law Number 11 of 2012, it appears that Community Guidance Officers (PK) from Bapas are required to play a larger role in handling Children in Conflict with the Law (CCL). As stipulated by Law Number 11 of 2012, it can be seen that Community Guidance Officers from Bapas carry out the tasks and functions of social investigation (LITMAS), guidance, supervision, and assistance. This means that Community Guidance Officers play a role in all aspects of the juvenile justice system, from before a Child in Conflict with the Law becomes a suspect, to when the child completes their sentence. At the stage where the child has completed his sentence, according to the researchers' findings, through Community Counselors at BAPAS Bengkulu, the implementation of guidance for Child Clients who receive Parole and Conditional Leave begins when the Child Client is received from the Correctional Institution or Detention Center to the Correctional Center, then enters the acceptance stage and registration. After that, child clients are given guidance consisting of personality guidance and independence guidance. In personality guidance in the form of counseling and sharing guidance by asking about activities carried out by Child Clients, and independence guidance in the form of work skills. Apart from that, this program is not always held every year so that work skills for children are not necessarily available, and for child clients who have dropped out of school, Community Counselors only provide education for education. Regarding these educational recommendations, the final decision depends on the Child Client's parents. Thus, the guidance given to child clients is less than optimal, as evidenced by the form of guidance given to all child clients being the same, namely personality guidance in the form of counseling which is limited to asking about the child client's condition and independence guidance.

³ Alamsyah, "Perlindungan Anak Dalam Penerapan Sanksi Pidana Terhadap Anak Pelaku Tindak Pidana," *Surya Keadilan* 2, no. 1 (2018).

Recognizing the importance of the role of Community Guidance Officers, it is imperative that their functions and roles be optimized. This is because Community Guidance Officers are pivotal in the Juvenile Justice System. Therefore, it is necessary to conduct research on the Optimization of the Role of Community Guidance Officers in the Legal Jurisdiction of Bengkulu Province as the Vanguard of the Juvenile Justice System, the obstacles faced by Community Guidance Officers in the Legal Jurisdiction of Bengkulu Province as the Vanguard of the Juvenile Justice System, and the Optimization of the Role of Community Guidance Officers in the Legal Jurisdiction of Bengkulu Province as the Vanguard of the Juvenile Justice System.

Method

This research utilizes the empirical legal research method. Empirical research method is one of the legal research methods that utilizes facts obtained from verbal behavior acquired through interviews or observed behaviors. Empirical research is also used to observe the outcomes of human behavior in the form of physical remains or archives.⁴

The nature of the research employed is descriptive. Descriptive research aims to provide data as meticulously as possible about humans, conditions, or other phenomena. Furthermore, this research employs a legislative approach.⁵

The Role of Community Guidance Officers in the Legal Jurisdiction of Bengkulu Province as the Vanguard of the Juvenile Justice System

Bapas, through Community Guidance Officers, is one of the key parties involved throughout the juvenile criminal justice process, from the moment a child is apprehended until they complete their sentence. Children must be accompanied throughout their criminal justice process to ensure their protection under the law. In Bengkulu Province, based on interviews with the Head of Bapas, it is revealed that there are 54 Community

⁴ Mukhti Fajar dan Yulianto Achmad, *Dualisme Hukum Normatif Dan Empiris* (Yogyakarta: Pustaka Pelajar, 2010).

⁵ Soerjono Sukanto, *Metode Penelitian Hukum* (Jakarta: UI Press, 2010).

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Guidance Officers, where with the enactment of Law Number 11 of 2012, there is no longer a distinction between Community Guidance Officers for adult inmates and for Juvenile Offenders. Furthermore, it is stated that these 54 Community Guidance Officers cover 9 Districts and 1 City.

Article 27 paragraph (1) of Law Number 11 of 2012 states that "In conducting investigations into child cases, the Investigator must seek input or advice from Community Guidance Officers after the criminal act is reported or filed." This is also confirmed by the Investigator of the Women and Children Protection Unit at Bengkulu Police Resort, who stated that after apprehending a child perpetrator, the police immediately coordinate with Bapas. This coordination does not necessarily have to be formal; it can also be done via telephone, as waiting for formal correspondence would delay the process, while the detention period for child suspects is very short. After coordinating with Bapas, the Community Guidance Officers then directly accompany the child perpetrator. The technical aspects can involve either the Community Guidance Officers going to the Police Resort or the investigators and the child going to Bapas.

The role of Community Guidance Officers in the investigation, as stated by the Investigator, is to provide assistance and recommendations for handling Children in Conflict with the Law (CCL) by conducting social research (Litmas), where Litmas serves not only as a recommendation but also as a requirement for conducting the investigation.⁶ The active role of Community Guidance Officers in accompanying children can also be seen, for example, if a CCL does not understand the questions from the Investigator, the Community Guidance Officer helps the child interpret the questions so that the child can understand and answer accordingly.

In resolving juvenile criminal cases in Bengkulu, according to the Police Investigators, it has been running smoothly, where the Litmas conducted and created by Community Guidance Officers greatly helps determine the "fate" of the child. Additionally, with Community Guidance Officers accompanying the child in the criminal process, it assists Law Enforcement Officers, including in the implementation of diversion, which must be attempted at the investigation level by the Investigator. It is further stated by the Investigator that Community Guidance Officers and the Police actively work together to seek diversion for children, provided that the

⁶ Kurnia Lekattia Pradityo, Randy, Helda Rahmasari, Susi Ramadhani, Sakinah Suhertini, "Addressing Juvenile Protection Discrepancies; A Study on Legal Safeguards and Challenges against Sexual Abuse by Educators in Seluma Regency," *The Indonesian Journal of International Clinical Legal Education* 5, no. 4 (2023): 515–40.

conditions for diversion as stipulated in Law Number 11 of 2013 are met, namely for offenses with a maximum penalty of less than 7 years and not repeated offenses.⁷

To balance the data, interviews were conducted with 3 Juvenile Offenders at the Special Juvenile Rehabilitation Institution (LPKA) Bengkulu, namely A, S, and B. All three children stated that Community Guidance Officers were not present from the time of their arrest. Instead, Community Guidance Officers only appeared several days later when the Police contacted and brought them in to accompany them. Subsequently, the Community Guidance Officers continued to accompany them through the judicial process until the judge's decision and during their time at LPKA.

During the juvenile justice process, two of the three children, A and S, had their cases not resolved through diversion but through the juvenile justice system. This is because they did not meet the requirements for diversion. A was involved in a homicide case, and S was involved in sexual assault against a child. However, in the case of child S, diversion was attempted as S was involved in a theft case, but an agreement between S and the victim was not reached, so the judicial process continued until the judge's decision.

During the trial phase, based on the interview results, all three children stated that Community Guidance Officers were always present and assisted them in obtaining legal aid (Lawyer). The Community Guidance Officers also accompanied them during the trial process until the judge's decision, and until their cases were concluded with a sentence to serve time at LPKA.

From the interviews with the children, it is revealed that Community Guidance Officers do not play a significant role during the prosecution stage. Community Guidance Officers are most involved during the investigation stage because they compile social research (Litmas) for the child, and then they continue to play a role during the trial stage by accompanying the child during court proceedings and during their time serving their sentence at LPKA. As for the support provided by Community Guidance Officers during the execution of the verdict at LPKA, for example, they recommend continuing education by attending a vocational

⁷ Anis Widyawati Helda Rahmasari, Randy Pradityo, Risna Karinda, Sudirman Sitepu, "Policies on Prevention and Repression Against Sexual Violence for Higher Education : The Challenges And," *Indonesian Journal of Criminal Law Studies* 8, no. 1 (2023): 57–74.

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school program. Additionally, Community Guidance Officers often visit and monitor the progress and development at LPKA, including formal school activities and non-formal training such as playing traditional games. Community Guidance Officers also attend hearings for conditional release or parole. However, upon closer examination, it can be seen that Community Guidance Officers do not have a close relationship with the children under their care. This is due to the large number of children they are responsible for, so Community Guidance Officers often inquire about the children's progress from LPKA staff without directly meeting with the children, resulting in the children not being very familiar with the Community Guidance Officers responsible for them.

Furthermore, interviews were conducted with LPKA staff, specifically with the Child Integration Development Section at LPKA Bengkulu, who stated that the role of Community Guidance Officers during the implementation of the judge's verdict at LPKA is to monitor the development and care of the children by creating supervision Litmas. The Community Guidance Officers mentioned here are the ones who accompany the children from the beginning. This is because Community Guidance Officers automatically have a responsibility for the children they accompany from the investigation stage to the execution of the verdict at LPKA.

When a child is first brought to LPKA, the Community Guidance Officer will provide an initial Litmas as a guideline for the child's condition, such as whether the child has any special talents or if the child is still attending school, to ensure that activities for the child continue while at LPKA. Eventually, when the child has served approximately one-third of their sentence, the Community Guidance Officer will create another Litmas to assess whether the child can be recommended for parole. Furthermore, after being released for about one year (pure release), the Community Guidance Officer will continue to monitor the child and create a final Litmas as the Community Guidance Officer's final report. This includes cases where the child turns 18 years old but is still under the care of LPKA. In such cases, LPKA will transfer the child from LPKA to an adult correctional facility (LAPAS). LPKA states that the Community Guidance Officer must also create a Litmas for the transfer to assess whether the child can adapt to the change in atmosphere from LPKA to the adult correctional facility.

Regarding the role of Community Guidance Officers at LPKA in determining the form of guidance for the child, LPKA states that the Community Guidance Officer's role is to provide recommendations only, such as recommending that the child attend vocational school or recommending the type of guidance for the child under their care.

Furthermore, based on interviews with Community Guidance Officers from Bapas Bengkulu, it is known that the number of Community Guidance Officers in Bapas Bengkulu covering the province of Bengkulu is 55, consisting of 49 PKs (Community Guidance Officers) and 6 APKs (assistant Community Guidance Officers). The duties of APKs are almost the same as PKs, the only difference being that APKs cannot provide assistance to children, but otherwise, they have the same tasks. It is also noted that the number of Community Guidance Officers cannot yet be considered proportional to the number of juvenile criminal cases, considering that BAPAS is only located in the city of Bengkulu. Additionally, the tasks and functions of Community Guidance Officers are not only focused on juvenile cases but also include adult inmates and Children in Conflict with the Law undergoing criminal proceedings. To minimize the problems arising from this situation, BAPAS has representative posts located in three locations: the RUTAN Manna area, the LAPAS Curup area, and in Argamakmur.

Furthermore, it is stated by the Community Guidance Officers that their role in juvenile criminal justice is significant, starting from accompanying children during the investigation stage to implementing the judge's decision, where they also participate in accompanying the children. Additionally, Community Guidance Officers have the obligation to create Litmas (Community Research), where Litmas must be present from the investigation stage, known as the initial Litmas, as without Litmas, the investigation process cannot be carried out, as well as in subsequent stages. Subsequently, there will also be Litmas created for recommendations for the children's guidance at LPKA. Based on the interview results, it can be understood that Litmas is a crucial component for Children in Conflict with the Law, created by Community Guidance Officers by conducting direct field surveys to gather as much information as possible about the children.⁸

⁸ Risna Karinda Utami, Ria Anggraeni, Randy Pradityo, Lidia Br. Karo, "Rethinking Early Marriages in Indonesia: Advocating for Reform to Tackle Domestic Conflict, Violence and Rights Infringements," *Indonesian Journal of Advocacy and Legal Services* 5, no. 1 (2023): 35–64.

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Litmas is highly necessary starting from the investigation stage. Litmas serves to determine recommendations on what actions should be taken regarding the Children in Conflict with the Law (CCL), whether they should be diverted or proceed to the next stage. If the CCL meets the criteria for diversion, the Community Guidance Officer will endeavor to divert them. If diversion is successful, the Community Guidance Officer will create a Diversion Litmas containing recommendations on what actions should be taken next after successful diversion, such as returning the child to their parents. However, if diversion fails, the Community Guidance Officer will create a Litmas for trial proceedings to be submitted to the Police so that the case can be transferred to the Prosecutor's Office, as Litmas is a requirement for the transfer of juvenile cases. Furthermore, during the handover stage at the Prosecutor's Office, the Community Guidance Officer also accompanies the child, and similarly during the handover stage at the court, the Community Guidance Officer must read out the Litmas recommendations that have been made in the Litmas for consideration by the judge in delivering the verdict.

Based on the interview results, it can be concluded that Litmas is a crucial component in the juvenile criminal justice process. Besides containing recommendations for actions to be taken regarding CCLs, Litmas also serves as a consideration for judges in delivering verdicts. Additionally, if arbitrary actions violating the rights of children are found during the juvenile criminal justice process, the Community Guidance Officer will include evidence of such violations in the Litmas, which will be read out in court during the trial. Furthermore, if arbitrary actions are taken against the child by authorities, the Community Guidance Officer will coordinate with the child's parents, subsequently guiding them on how, where, and what to do to report such incidents.

Then, during the implementation stage of the judge's decision, for example, at the LPKA, the Community Guidance Officer still has responsibility for the child. The Community Guidance Officer creates an initial Litmas to provide an overview and guidance on the child's situation when first placed in the LPKA. Subsequently, the Community Guidance Officer will create a monitoring Litmas containing information about the child's progress, to see if the child meets the criteria for conditional release or furlough. If the child meets the criteria for conditional release or furlough, then the Community Guidance Officer must create a Litmas

containing recommendations that the child meets the criteria and is proposed for conditional release or furlough.

Furthermore, it is known that the responsibility of the Community Guidance Officer does not end when the child completes their rehabilitation and leaves the LPKA, as the Community Guidance Officer has an obligation to monitor the child for a certain period of time as determined by various factors. Only after the monitoring period ends will the Community Guidance Officer create a final Litmas, which is similar to a final report. Regarding the maximum or not of the role of the Community Guidance Officer in the juvenile criminal justice process, according to the Community Guidance Officer, it depends on the individual Community Guidance Officer. However, the Community Guidance Officer must do their utmost to help ensure justice for the child, whether they are a victim or a perpetrator.

In accordance with the mandate of Law Number 22 of 2022 concerning Correctional Services, the Community Guidance Officer is a technical position held by Correctional Officers at Correctional Facilities with several important and fundamental tasks to conduct community research, assistance, guidance, and supervision for clients, both inside and outside the criminal justice process. With this law regarding juvenile cases, Correctional Facilities through Community Guidance Officers play an important role in conducting community research on the handling of children in conflict with the law.

Community guidance officers (PK) have a very strategic role in handling children, as they have three inherent roles in the law enforcement process chain, namely roles in the Pre-Adjudication stage, roles in the Adjudication stage, and roles in the Post-Adjudication stage. Pre-adjudication is a stage when the investigation process against children in conflict with the law begins by the police. In this stage, community guidance officers carry out their duties to create a report on the results of community research (Litmas) at the request of the police investigators. The results of the community research report will also be useful to assist prosecutors in making indictments and help judges in making decisions regarding the child. Litmas is used to determine assessment and to decide on the steps to be taken after Litmas as the result of research on the problems faced by the child client, and the appropriate task strategies, as well as the appropriate mentoring models for the concerned child client. In creating the community research report, community guidance officers play

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a very strategic role. In conducting field research, community guidance officers are required to accurately, precisely, and objectively seek data, facts, and information about the background of the problem and the personal life of the child, their family, and the broader environment in which the child socializes.

In the Adjudication stage, after the community research report (Litmas) is completed, it will be handed over to the police investigators who will then submit it to the Public Prosecutor at the District Court. If the Public Prosecutor has finished examining the child in conflict with the law, then the case of the child will be registered for trial in court until the court session is convened.⁹ In every court proceeding, the child or the child client must be accompanied by a community guidance officer. This is regulated in Article 55 Paragraph 1 of Law Number 11 of 2012 concerning the Juvenile Justice System which states:

"In the trial of a child, the Judge shall order the parents/guardians or assistants, lawyers or other legal aid providers, and Community Guidance Officers to accompany the Child."

In the Post-Adjudication stage, if the child or the child client has been sentenced or convicted by the judge, then the community guidance officer still has the duty to guide, assist, and supervise the delinquent child or the child client as regulated in Article 65 subparagraph d and e of Law Number 11 of 2012 concerning the Juvenile Justice System, which states: "d. conducting guidance, counseling, and supervision of children who, based on court decisions, are sentenced to imprisonment or subjected to actions and providing guidance, counseling, and supervision of children who obtain assimilation, parole, pre-release leave, and parole." Based on the Implementation Guidelines of the Minister of Justice of the Republic of Indonesia Number E-39-PR.05.03 of 1987 concerning Client Guidance in Corrections, client guidance is carried out through three stages based on the needs and problems of the client, which include: 1) Initial guidance stage, consisting of: social research, drafting a guidance program plan, implementation of the guidance program, and assessment of the implementation of the initial stage program and preparation of the plan for advanced guidance stage. 2) Advanced guidance stage, consisting of: implementation of the guidance program and assessment of the implementation of the advanced stage program and preparation of the plan

⁹ Randy Pradityo, "RESTORATIVE JUSTICE DALAM SISTEM PERADILAN PIDANA ANAK," *Jurnal Hukum Dan Peradilan* 5, no. 3 (2016): 319–30.

for the final guidance stage. 3) Final guidance stage, consisting of: implementation of the guidance program, examining and evaluating the overall results of the guidance program implementation, preparing the client to face the end of the guidance period and considering the possibility of additional guidance services (aftercare), preparing a final certificate of the client's guidance period, and concluding the client's guidance period by being interviewed by the Head of the Correctional Facility.

Challenges in the Role of Community Guidance Officers in the Legal Jurisdiction of Bengkulu Province as the Vanguard of the Juvenile Justice System

According to the Head of Bapas, the function of Bapas has been maximized, but often other issues arise outside of Bapas. For example, in LPKA, the number of child development officers and the available facilities are very limited. This is due to the high number of child cases. Another obstacle is the difference in mindset between Law Enforcement Officers who have undergone Juvenile Justice System (SPPA) training and those who have not. The common concept of "best interests of the child" is still difficult to find among Law Enforcement Officers, especially in Bengkulu.

Furthermore, one of the obstacles faced by Community Guidance Officers in carrying out their duties to accompany Juvenile Delinquents is the lack of competency among the officers, such as the ability to analyze, knowledge of child psychology, and others. Additionally, there is a lack of institutions willing to accept Juvenile Delinquents during assimilation, due to the stereotype that they will influence other children. To address this, Bapas collaborates with the community to ensure readiness to accept Juvenile Delinquents placed in Bapas' shelter homes located adjacent to Bapas Bengkulu.

Additionally, the Investigator from the PPA Unit of Bengkulu Police Resort stated that there have been no problems in cooperation with Community Guidance Officers to handle Juvenile Delinquents so far. This is because the Police and Bapas maintain good relations, allowing cooperation to proceed smoothly. For example, in creating Litmas, Community Guidance Officers are quick to create and submit Litmas, as Litmas is one of the requirements for the investigation of Juvenile

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Delinquents to proceed. Furthermore, during investigations, Community Guidance Officers are always present to accompany them, including during diversions.¹⁰

The investigator added that in diversions, the obstacles that arise usually do not come from Community Guidance Officers or the Police, but from the victim or perpetrator. For example, diversions fail because the victim demands compensation beyond the perpetrator's ability, in which case, both the Police and Community Guidance Officers do not have the authority to intervene, as in Diversions, they are only facilitators. This is also consistent with statements from Juveniles stating that diversions fail because they do not reach an agreement between the juvenile perpetrator and the juvenile victim.

Within the LPKA, according to LPKA officials, while performing their duties in child integration development, no specific obstacles were found in the cooperation process between LPKA and Community Guidance Officers (PK). If there are any obstacles, they originate from external factors beyond the control of Community Guidance Officers or LPKA. For example, one obstacle is time constraints because the juvenile's criminal sentence is relatively short, sometimes resulting in the juvenile being released from LPKA before the Community Guidance Officer completes the Litmas.

From the research conducted by interviewing Community Guidance Officers, it was found that the obstacles faced by Community Guidance Officers while accompanying juveniles include the distance between the Community Guidance Officer (Bapas) and the juvenile's parents' residence, the absence of the juvenile's parents when the Community Guidance Officer conducts Litmas, the lack of necessary documents related to the juvenile, and technical constraints such as language barriers, as some juveniles living in remote areas may not understand Indonesian.

Additionally, according to Community Guidance Officers, there is a lack of cooperation between the government and institutions expected to accommodate juveniles, whether private or government-owned institutions. This is because few institutions are willing to accept juveniles. As a result, recommendations from Community Guidance Officers to avoid incarceration for juveniles cannot be realized due to the scarcity of institutions willing to accommodate them. This inevitably leads to Juveniles

¹⁰ Randy Pradityo Herlambang, Susi Ramadhani, Ria Anggraeni Utami, "The Relation of Restorative Justice Concept in Customary Justice : A Brief Overview in Indonesia" 8, no. 5 (2022): 6–8.

being placed in LPKA, even though there are other options that could be pursued besides incarceration.

The Community Guidance Officer (PK) Plays A Crucial Role In The Handling Of Children Within The Criminal Justice System

This role encompasses three main phases: Pre-Adjudication, Adjudication, and Post-Adjudication. In the Pre-Adjudication phase, the PK conducts social research and engages in a humanistic approach to facilitate the diversion process for children. This approach maximizes the PK's role in promoting diversion for children facing legal issues.

Similar to adult criminal justice proceedings, the juvenile justice process involves three stages: pre-adjudication, adjudication, and post-adjudication. The PK can provide recommendations at each stage of this process. During the pre-adjudication process, efforts are made to persuade the child during the investigation phase. PKs can conduct social research and facilitate diversion through restorative justice approaches during this phase.

Restorative justice approaches involve consultations with all relevant parties, including the child, parents/guardians, victims, PKs, social workers, and other involved parties, to reach a consensus on diversion. This process requires the involvement of various supporting parties to achieve diversion and prioritize the best interests of the child.

According to research with the Head of the Bapas (Regional Office of the Ministry of Law and Human Rights), Litmas recommendations made by PKs are challenging to implement at the prosecutor's office and court levels but are largely implemented at the LPKA (Juvenile Correctional Facility) level. It is suggested that the timeframe for completing Litmas should not be too short to allow PKs to gather sufficient data. Additionally, the lack of institutions willing to accept children during assimilation is addressed by collaborating with the community to accommodate children in halfway houses owned by Bapas, located adjacent to Bapas Bengkulu. This collaboration aims to optimize the role of PKs in supporting children.

Furthermore, from the LPKA side, it is known that the efforts of the Bengkulu Provincial Government to reduce the number of children in LPKA are challenging because most of the Bengkulu community is not

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ready to accept if children are not punished and remain free outside of prison. However, the role of the community in changing the mindset of children is crucial. If the community can accept the children, there is a high likelihood that the children will change for the better because most communities will ostracize the children, leading to a mindset of "caught in the act" in the children, making them vulnerable to repeat criminal offenses. Additionally, the role of the regional government of Bengkulu is crucial because as of September 17, 2023, the number of children being supervised in LPKA is 84. The regional government must play a role in supporting and encouraging cooperation with social institutions to accept children, so that children have alternatives other than being placed in LPKA.

The LPKA also stated that the role of the Community Guidance Officer (PK) has been considered optimal in accompanying children in LPKA. However, to further optimize the role of PKs, an increase in the number of personnel from the PKs themselves is hoped for because the number of PKs and the number of inmate students, as well as adult inmates, are not proportional. Moreover, PKs are not only responsible for children in LPKA and adult inmates in adult prisons, but also for accompanying Juvenile Offenders who are still in the trial process. Therefore, it is hoped that if the number of PK personnel increases, then in carrying out their duties to accompany Juvenile Offenders or adult inmates, it will be more optimal.

Conclusion

The role of Community Guidance Officers in the Bengkulu Province Jurisdiction as the Spearhead of the Juvenile Justice System is to provide assistance and recommendations for handling children by conducting community research (Litmas). The making of Litmas and accompanying children involves the role of Community Guidance Officers at every stage, starting from pre-adjudication, adjudication, and post-adjudication. The obstacles to the role of Community Guidance Officers in the Bengkulu Province Jurisdiction as the Spearhead of the Juvenile Justice System include lack of competence and uniformity of perception among Law Enforcement Officers regarding the principle of the best interests of the child. Recommendations made by Community Guidance Officers are often not maximally implemented due to a lack of institutions that can accept the

placement of children, as well as communities that have already labeled the children negatively.

It is advisable for all parties involved in the juvenile justice system, including the community, to prioritize the best interests of the child so that every policy implemented is in favor of the child, whether they are juvenile offenders or victims.

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