

URGENCY OF CHARACTER EDUCATION TOWARDS RESOCIALIZATION EFFORT OF CHILD PRISONERS

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ABSTRACT

Children are psychologically and mentally immature human. Therefore, those children who commit criminal acts are essentially just manifestation of misbehavior. Such criminal acts are exceedingly far from the purposeful intentions intrinsically, as they are yet immature enough to distinguish right from wrong. Concept of Indonesian juvenile justice system has placed children in an ideal position that various healing efforts for children committing crime were not undertaken by retributive theory approach but by utilitarian one. The approach of expediency and best importance approach for children was carried out from process of inquiry, investigation, prosecution, trial, and even in correctional institution, resocialization effort becomes the main goal. One of the efforts to accelerate the resocialization of children was through character education, therefore this article will discuss two subjects, the first, an issue of correlation of character education and resocialization of child prisoners, the second, urgency of character education in resocialization effort of child prisoners. From the results of discussion, it can be concluded that the challenge of resocialization of children in modern punishment that aims to return the individual offender back to the community is their lack of character, therefore character education is highly correlated with the process of resocialization. Character education is also remarkably important to undertake as a way to treat children who have plunged into the act of violation of norms and juvenile delinquency.

Key Word: Character Education, Resocialization, Child Prisoners

BACKGROUND

Correctional Institution is a place of criminal conduct against defendant who is sentenced to imprisonment or confinement. This criminal law is commonly referred to as penitential law. This is in accordance with what Van Bemmelen proposed that penitentiary law is the law with respect to objectives, workforce and organization of the penal institutions (Tolib, 2010, p. 1).

In view of the definition of Van Bemmelen, it is appropriate to understand that penitentiary law practiced by all law enforcement authorized to execute whether capital punishment, imprisonment, penalty, confinement, or detention must consider an underlying purpose of the sentenced penalty. This means that penalty is inseparable from the purpose of punishment. Professor of Criminal Law of Diponegoro University, Barda Nawawi Arief often mentioned that the purpose of stipulating criminal sanction policy is inseparable from the one of crime prevention in a comprehensive manner, which is social defense and social welfare. Social defense and welfare demand that law enforcement will not solely consider in view of defense and welfare of crime victims but also criminals who in fact are human beings to humanize (Tolib, 2010, p.49).

Such purpose shall adhere to law enforcement, especially correctional institution, as executors of the prosecutor's authority in the execution of imprisonment and confinement. This means that imprisonment and confinement in correctional institution must have a new paradigm, not just retaliation and creating deterrent effect but paying more attention to how the perpetrators of these criminal acts will be able to return to the community in a good way and useful in society. The purpose of punishment that also concerns for the perpetrators of criminal acts is in line with criminal law objectives of justice and expediency (Maskur, 2016: 41-57).

Understanding of such matters shall be applied in the first place if the convict sentenced to imprisonment or confinement is children who are criminal offender less than 18 years old. Children are actually the potential future of human fate, and they will become the successor of human civilization in the future, as they will play a role in determining history of the nation in the future, therefore a concern for children is highly important especially concerning their development (Wagiyati, 2006: 5).

Children who commit criminal act are essentially manifestation of mischief. They are yet immature enough which in Islam means that they have not yet had reached aqil baligh (sensible and mature), aqil or sensible means yet unable to distinguish right from wrong, while baligh means they have not yet reached the mature thinking. This is what law enforcement officers must know, that a crime committed by children are exceedingly far from the purposeful intentions intrinsically, as they are yet immature to distinguish right from wrong. The crime committed is very likely due to ignorance of what it is considered to be wrong and including crime. Their ignorance is not the case that they ignore to find out or learn that they will apply the principle of legal fiction, however, it is the nature of human development categorized to unable to be sensible and reasoning.

Such phenomenon makes law enforcement shall think of putting children's resocialization rather than concern for deterrent or even retaliation. If the child is still in criminal justice then it shall be undertaken diversion efforts, that is adjudication out of the court and avoid the punishment. Whereas if the child has already been sentenced to criminal punishment into imprisonment or

confinement, then implementation in correctional institution shall aim to reach resocialization, that the criminal can return back to the community in appropriate way once they finish their criminal offense and able to continue to pursue his ideals.

One effort to accelerate resocialization is by providing knowledge and understanding to the child prisoners related to character and personality. Therefore, this article will discuss about an importance of character education in the process of resocialization of correctional students.

PROBLEMS

From the background, the issues brought up in this article are:

1. What is the correlation of character education and resocialization of child prisoners?
2. Does character education play an important role in resocializing child prisoners?

DISCUSSION

Correlation of Character Education and Children's Resocialization

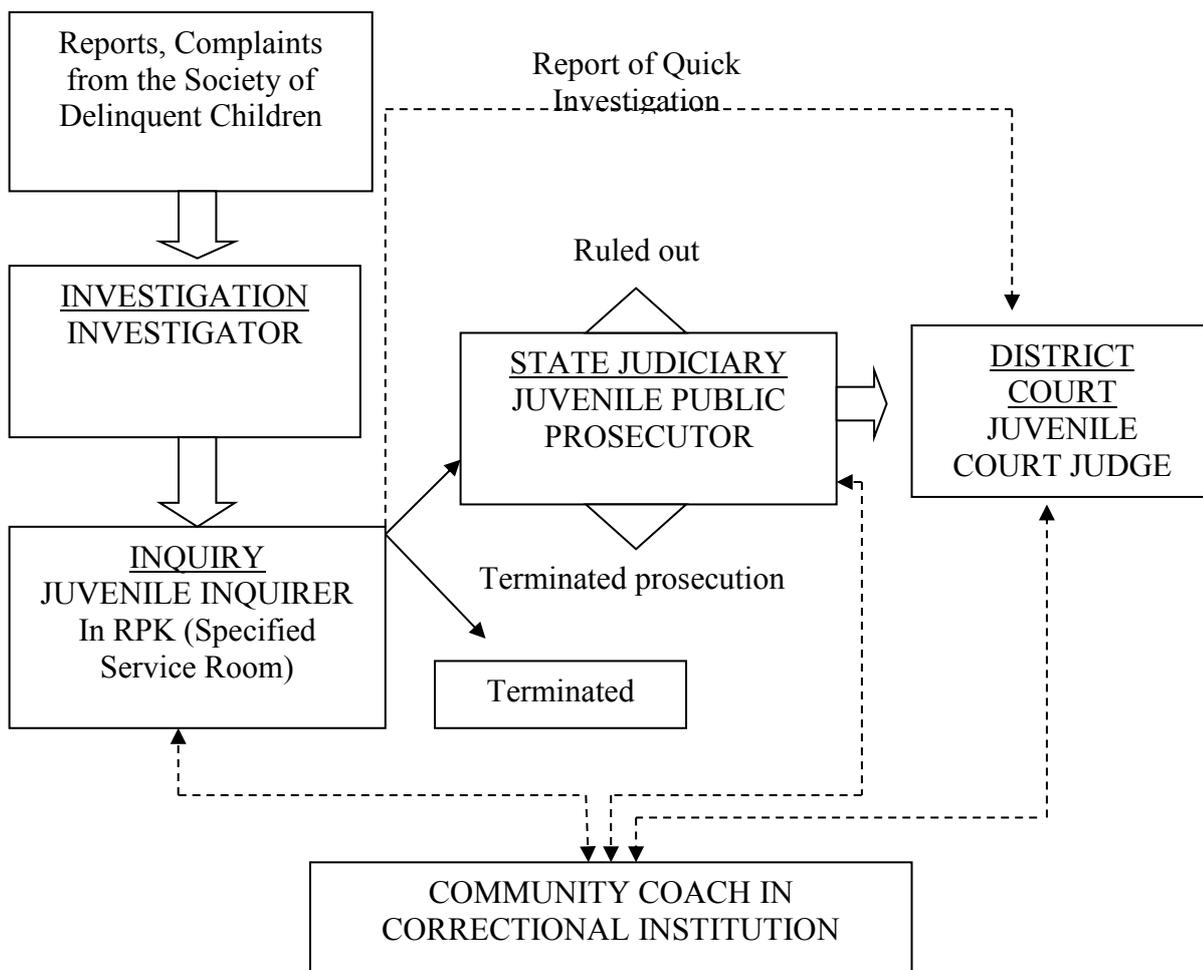
Children's resocialization is the end result of juvenile criminal justice system whose institutional responsibility is granted to correctional institution. Penitentiary is an important part of the institution in criminal justice system. Criminal justice system itself is an effort system to prevent crimes committed within the community identical to Criminal Politics talks or "Criminal Policy". Criminal politics is a rational undertaking of a ruler or society in tackling crime. Any efforts to prevent crime in the society can be undertaken using penal and non penal law. This penal and non penal efforts complement each other (Nyoman, 2011, p 14).

Experts define criminal justice system from different perspectives, among others, by Remington and Ohlin that criminal justice system is the use of system approach to criminal justice administration and criminal justice mechanisms as a system as the result of interaction between legislation, practice of administration and social attitudes or behavior (Nyoman, 2011, p 14).

Mardjono Reksodipoetro provides a definition of criminal justice system as crime control system consisting of institutions of police, prosecutors, courts and correctional for the convicts. In addition, criminal justice system is a system in society to cope with criminal issues (Nyoman, 2011, p.15)

Barda Nawawi Arief (2009, p.182) provides definition that criminal justice system is essentially identical with an integrated law enforcement system consisting of legal substance, legal structure and legal culture system. These three systems must be aligned or integrated that in various occasions they are often called as Integrated Criminal Justice System.

Related to juvenile criminal justice system, the system is highly different from adults criminal justice system. The juvenile criminal justice system can be represented by the scheme as follows (Maskur, 2012, p.174).



After the verdict has been sentenced and incarcerated, the executor shall be Public Prosecutor, and in the execution it shall be submitted to specified correctional institution for children. In such children institution, various efforts are made in order to resocialize children. The efforts undertaken are certainly highly different between the juvenile penitentiary and the adult ones.

Resocialization is certainly implemented with various ways, especially resocializing children, such as prioritizing an educational pattern, one of which is character education. Character education is an effort to implant the values of character in each person, especially children that it turns into habitual in a daily basis. Resocialization is the purpose of punishment based on modern penal theory. This theory assumes that punishment is not intended for retaliation or deterrence but rather to correct the offender that he can return to the society in a good way.

The purpose of resocialization appears to be contrary to imprisonment. However, concept of imprisonment is in the context of retaliation and deterrence. Imprisonment until now is still a prima donna in Indonesia. The result of Barda Nawawi Arief study (2010: 71) indicates that according to the provisions of Criminal Code, 97.96% of sanctions are a kind of imprisonment, whereas in the law aside from the Criminal Code, there are 18 laws studied, in which 99.67% also gives prominence to prison as a criminal sanction. Such facts give meaning in the case of substance that imprisonment is still predominant, in fact, according to the judge's verdict, imprisonment must be remarkably predominant.

Any efforts to realize resocialization by improvement of the perpetrators of criminal acts amid imprisonment as a prima donna shall continue to search for solutions. It is especially against child prisoners. Where children are the nation's future, even Syamsu Yusuf LN (Syamsu, 2005) suggests that children are unique beings, however, they are still children and not a miniature adult. Therefore, any efforts to improve the perpetrators and children coaching shall be the main goal even though the children are positioned in prison.

Children as immature creatures according to the Law No. 11 of 2012 concerning Juvenile Justice System have been protected in such a way that they will not be imprisoned. However, every law enforcement in handling cases of children committing against the law at all levels shall seek a diversion process. In fact, law enforcement who seek no diversion may be prosecuted to the court.

If the diversion process cannot be performed, imprisonment shall also be best avoided, and being ultimum remedium for the child. If the child still has to get criminal sanction of imprisonment due to remarkably significant loss he caused, then the prison shall not be interpreted as retaliation but rather on coaching.

The government, especially with regard to character building of children, shall implement effective coaching process. This is correlation of character education and resocialization process. Character education in prisons is helpful in the process of children's resocialization. Moreover, character education in correctional institutions can mimic the character education program in boarding schools or other recognized religious educational institutions in Indonesia.

Urgency of Character Education

Character education is etymologically derived from the word of education and character. Education itself has the meaning of a sensible and planned effort to create an atmosphere of teaching and learning process that the learners actively develop their potential to gain spiritual strength, self-control, personality, intelligence, noble character and skills (Article 1 number 1 of Law No. 20 of 2003 on National Educational System).

The term of character itself according to Suyanto (2009) is a way of thinking and behaving that become characteristic of each individual to live and work together, within the family, society, nation and state. Therefore, character education has a sensible and planned effort in the atmosphere of teaching and learning process related to the way of thinking and behaving for a better life in the family and society life.

The purpose of character education is to develop values that shape character of the nation that is Pancasila, including: (1) expand potential of learners to be good-hearted, good minded, and well-behaved persons; (2) build a nation characterized by Pancasila; (3) develop potential of the citizens to have an attitude of self-confidence, pride for the nation and country and love humanity. Function of character education is the first to build a multicultural national life; the second is to build intelligent national civilization, with noble culture, and able to contribute to development of human life; develop basic potential to be good-hearted, good-minded, and well-behaved and good exemplary; the third is to build attitude of citizens who love peace, creative, independent, and able to co-exist with other nations in a harmony (Character Education Implementation Guide, Curriculum and Book Center, 2011: 7).

These days character of the Indonesian people has been undergoing a sharp decline, especially related to moral of children who are increasingly concerned. This can be apparent from many cases of criminal acts involving children. This is called internal factor of declining character of the nation. This is evident from the data at the Central Java Child Purworejo Penitentiary, until May 2015 which are inhabited by 56 juvenile prisoners with details of 55 boys and 1 girl. The average juvenile prisoner is low-educated sex and immoral offenders (<http://smslap.ditjenpas.go.id>).

In addition to these, external threats are awfully alarming. The existence of anti-Pancasila movement and efforts to make the next generation of the nation to lose their directions by engaging in the vortex of drugs as users and dealers is an external threat that can make the nation's children character threatened. The threat of this character will result in willpower of the nation in the future. Moreover, the threat of radicalism that haunts the world, such as development of Islamic State of Iraq and Syria (ISIS) organization, turns out to be a threat to the nation's character.

In theory of the internal and external condition, thus character education for the younger generation is exceedingly important, both as preventive and treatment measures. Preventive action is used for younger generation who have not been included in abuses of violation to the norm, while the treatment is implemented towards young people who have already committed acts of violation to the norm. Character education in resocialization of child prisoners is exceptionally important in the effort to treat children who unconsciously have fallen into the act of violation to the norms of juvenile delinquency.

CONCLUSION

The goal of modern punishment is to restore the perpetrators of criminal acts to the community that is resocialization, in which one of challenges to resocialization for the child prisoners is the lack of character of the children. Therefore, character education is highly correlated with the process of children resocialization and significant to be carried out as a way of treating children who have fallen into the act of violating norms and juvenile delinquency.

SUGGESTION

Considering the urgency of character education, it is required to have a synergic cooperation between the government and community in its implementation, thus in theory, correctional coaching well-prepared by the government can be applied properly. Through such synergic cooperation, the efforts of resocialization of children will be going effective.

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