

**THE EFFECTIVENESS OF FOSTERING CHILDREN IN THE IIB BOYOLALI
STATE DETENTION CENTER****Bryllian Erix Darmawan**

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mj122@ums.ac.id**ABSTRACT**

This study aims to examine and analyze the effectiveness of fostering for fostered children in Boyolali Class II B State Prison, The method used for research is empirical juridical, the analysis method used by the author uses qualitative methods. The process rather than carrying out punishments for violations of the law committed by the violators of the law itself. This penalty is intended to provide a deterrent effect on violations committed to make the violator not do it again. The purpose of punishment is not just to retaliate against people who have committed a criminal act, but has certain useful purposes, guidance in this nature has been regulated in Law Number 22 of 2022 Article 50. There are three types of fostered child development, namely Education Development, Personal Development and Independence Development. The prison system is implemented in prisons or, but before prisoners are detained in prisons the accused are held in Rumah Tahanan Negara to await the verdict of the criminal conviction. Boyolali Class IIB detention center applies several ways to improve personality so that fostered children who will return to their parents become better and law-abiding individuals and can be accepted by the general public. The effectiveness of law in Indonesia itself is based on the use of existing rules. With the rules and can be carried out properly, it can be said to be effective. The effectiveness obtained in fostering has met the criteria with the implementation of fostering that runs properly in accordance with the provisions of the law supported by complete infrastructure facilities. What distinguishes it from previous researchers is that this study focuses on all fostering carried out in detention centers while previous researchers focus on one type of fostering carried out in prisons.

Keywords: fostered children, effectiveness, fostering, detention center.

INTRODUCTION

Imprisonment is a criminal sanction in the form of restriction of freedom of movement of a convict, which is carried out by confining the person in a correctional institution.(1) Imprisonment itself is the process of carrying out punishment for violations of the law committed by lawbreakers themselves. This punishment is intended to provide a deterrent effect for the offense committed to make the violator not do it again.(2) Prison sentences themselves go through a long process prior to the execution of the sentence from the court decision which is the end of the process of obtaining a prison sentence.

Based on the theory of punishment, there are four theories that can be used, namely absolute, objective, corrective, and combined or integrative.(3) The purpose of punishment is not just to retaliate against people who have committed a criminal offense, but has certain useful purposes. Thus, the basis of criminal justification according to this theory lies in its purpose. The punishment is imposed not *quia peccatum est* (because people make crimes), but *ne peccatum* (so that people do not commit crimes).(4) The imprisonment system is carried out in correctional institutions or, however, before the convict is detained in a correctional institution or the defendant is detained in the State Detention Center to await the sentence. Rutan is one of the correctional institutions that is a unit of the Technical Implementation of Corrections in Indonesia.(5) The detention center serves as a place for the maintenance of detainees who are still awaiting pretrial and have not yet been sentenced to the Penitentiary on the basis of cases of violation of the law committed. Boyolali Class IIB Detention Center is also one of the Technical Implementation Units of the Directorate General of Corrections under the Ministry of Law and Human Rights in the Central Java region, which functions as a State Detention Center. The building of Class IIB Boyolali Detention Center has an area of 9200 m² which stands on a land area of 14,000 m². Boyolali Class IIB Detention Center is located in Dukuh Masahan, Mojosongo Village, Mojosongo District, Boyolali Regency. The building is a location with a new building which was originally relocated in 2021 because the previous Class IIB Boyolali Detention Center building experienced overcapacity of detainees. (6) The Minister may determine that certain areas as detention centers, based on article 38 paragraph (1) jo. Explanation of PP No. 27 of 1983 concerning the Implementation of the Criminal Procedure Code, then with the Decree of the Minister of Justice No. M.04.UM.01.06 E-

ISSN: 2775-2038 118 of 1983 concerning the Determination of Certain Correctional Institutions as State Detention Centers, can switch functions to Detention Centers, and Detention Centers can switch functions to Detention Centers,(7) This can be done if there is no detention center in the city and it is shared.

In general, the detention center itself is equipped with many qualified facilities so that it can make a comfortable, safe impression for detainees who have not yet received a court decision. These facilities include health, food, to mental health over physical and spiritual. In addition, the detainees who are in the detention center also get good guidance by the parties who manage the detention center. The implementation of fostering at the Boyolali Class II B Detention Center is of course the key to the effectiveness or ineffectiveness of fostering on prisoners with the implementation of assimilation or also called the process of fostering prisoners carried out by blending prisoners with community life towards the objectives of the correctional system.(8) The role of detention center officers is needed to guide, foster prisoners so that nothing happens again to prisoners committing criminal acts, the active role of officers determines that prisoners become better human beings and are accepted by the community.

Research written by Mohammad Arizal Pratama (2022) with the title “The Effectiveness of Skills Development in Reducing the Risk of Recidivism of Prisoners in Boyolali Class 11 Detention Center”. The research focuses on examining and analyzing the implementation of providing skills fostering at Boyolali Class II Detention Center. While this research focuses on comprehensive fostering carried out in Boyolali class IIB detention centers for foster children aged 14 years and under 18 years, so this study aims to determine how effective fostering is in Boyolali IIB Detention Center. From the description above, it is interesting for researchers to conduct research with the title “THE Effectiveness Of Fostering Foster Children In Class Iib Boyolali State Detention Center”.

RESEARCH METHOD

The research method employed is empirical juridical, whereby data is collected directly from sources and through interviews. The authenticity of the data is substantiated through the direct research conducted by the author. The researcher employs a combination of primary, secondary, and tertiary data sources, utilizing descriptive research

methods and presenting their own perspective on the subject matter, without making comparisons to other legal rules. In searching and collecting data that can be used as research evidence, data is obtained through interviews and direct observation in a systematic order related to the Child Development carried out. The analysis method used by the researcher uses a qualitative method that describes the writing by containing information that has been obtained with a sequential and systematic process as a research reference.(9)

RESULTS AND DISCUSSION

Child Development In Class IIB Detention Centers

Law Number 22 of 2022 concerning Corrections (Corrections Law) is a statutory regulation governing the correctional system in Indonesia. Corrections is an activity to carry out guidance for correctional prisoners based on an institutional system and a method of guidance which is the last part of the punishment system. (10) The law relating to Guidance is regulated in the Implementation of Guidance for Prisoners as referred to in Article 47 paragraph (1) includes:(11)

- a. admission of foster children;
- b. placement of foster children;
- c. implementation of fostered children development;
- d. release of fostered children; and
- e. release of foster children.

In fostering at the Boyolali Class II B State Detention Center, all foster children are required to take part in fostering which is regulated in Law Number 22 of 2022, namely Article 50. There are three types of fostering, namely Educational Development, Personality Development and Independence Development.

1. In fostering education, the important thing for children is intellectual education even though children with prisoner status are also entitled to a proper education, this needs to be done so that the knowledge and thinking ability of fostered children increases and to catch up with formal education at school.(12) Non-formal education in detention centers is by filling in materials or it can also be religious lectures or general lectures containing material such as education for prisoners,

especially foster children, which contains positive things so that prisoners or foster children become law-abiding individuals and encourage them to be better in the future so that they do not repeat the same thing.

2. Personality development, in terms of maintaining the personality of the fostered children, Boyolali class IIB detention center applies several ways to improve the personality so that the fostered children who will return to their respective parents become better and law-abiding individuals and can be accepted by the general public, some of the things done by Boyolali class IIB detention center include:

- a) Religious awareness development of

This method is carried out for prisoners to continue to have a strong faith, especially to give understanding to prisoners to be able to realize the consequences of right actions and the consequences of wrong actions, fostering religious awareness is carried out with the obligation to pray 5 times for those who are Muslim, in addition to praying, spiritual studies are also held which must be followed by prisoners, especially prisoners, so that they always get closer to God Almighty.(13)

- b) Physical development

Apart from spiritual guidance, Boyolali Class IIB Detention Center also implements physical activities to meet the physical needs of foster children with the intention of maintaining the physical health of foster children, this physical activity must be carried out by prisoners, especially foster children in accordance with existing facilities.(14) An example of physical activity is the morning exercise that must be followed by all detainees, morning exercises are carried out every day in the field of Boyolali class IIB detention center. Everything that is done will be supervised by prisoner guards for safety and comfort.

3. Independence development

This independence development is carried out to increase the independence of prisoners, especially foster children, so that they are accustomed to living independently. By doing this positive activity, it is hoped that foster children will also get used to always doing positive things. An example of fostering this

independence is planting plants in the plantation area of the Boyolali Class IIB Detention Center, the results of which will be processed for the needs of the detention center kitchen and some will be sold for other independence development capital, with this activity it is hoped that the fostered citizens and fostered children will have skills and knowledge in agriculture so that when they are free they will have the provision to live independently. Apart from the plantation, Boyolali IIB Detention Center has a fish pond and compost house for fostering this independence, fostering independence continues if the fostered child has special skills in a field, it will be supported by adequate facilities so that the skills in that field become more developed and useful for the future after release.

The Effectiveness Of The Guidance Obtained In The Detention Center

The effectiveness of a proof of the success of a process that is passed can be stated by the success in achieving the goals of the desired results in an effort.(15) The effectiveness of the law itself actually emphasizes that the law has certain hopes and goals for the common good in going through all the long processes. The effectiveness of law in Indonesia itself is based on the use of existing rules. With the existence of rules and can be carried out properly, it can be said to be effective. In the fostering contained in Law Number 22 of 2022, namely Article 50, namely Educational Development, Personality Development and Independence Development. It has been implemented by the IIB detention center in accordance with the law.

The efficacy of a legal system is contingent upon its ability to fulfill the requisite elements that facilitate the optimal functioning of the legal apparatus. The efficacy of a given law can be gauged by a number of factors. A law or legislation will be effective if citizens or society behave as expected or are carried out in accordance with the legislation, then it can achieve the desired goals, therefore effectiveness in the law or legislation has been achieved. According to Soerjono Soekanto, the theory of legal effectiveness, the law can be said to be effective if it has fulfilled the predetermined indicators of legal effectiveness, there are 5 (five) indicators, namely:(16)

- 1) The law itself (the governing law).
- 2) Law enforcers, i.e. the parties who form and execute the law

- 3) Facilities or facilities that support law enforcement.
- 4) Society, namely the environment where the law is applied or implemented.
- 5) Culture, namely as a result of work, habits based on human spirit in the association of life.

The five indicators above are closely interconnected, which are indicators of whether a law is effective or not.

- 1.) The law itself, which is meant to be the law governing the correctional, is regulated in Law no. 22 of 2022 concerning correctional especially in article 50, foster children are given educational guidance, personality development, independence development. In the Boyolali Class IIB Detention Center has carried out the three fostering that has been carried out in accordance with the applicable law.
 - a) Existing regulations have been systematic to regulate the running of the correctional center.
 - b) Correctional regulations are appropriate, hierarchically and horizontally not contradictory.
 - c) Qualitatively and quantitatively, the regulations governing the correctional system are sufficient.
 - d) The issuance of certain regulations is in accordance with existing juridical requirements.
- 2.) The role of law enforcement in this context is that of the detention center officer, who is responsible for providing guidance and supervision within the State Detention Center. In the Boyolali Class IIB Detention Center, officers are expected to perform their duties in accordance with statutory regulations, demonstrating humanity and respect for the detainees. Their responsibilities include ensuring justice and legal certainty, fostering the development of prisoners as fully functioning individuals, providing care and support, and offering guidance and mentorship. Additionally, supervision activities conducted by the residential block officers are designed to monitor the number of prisoners and maintain the condition of the residential block environment during guard changes. In the procedure, the security squad officers control the residential rooms one by one to ensure the number of detainees/prisoners in each room. In addition, they also control that the

residential block environment is conducive and there is no threat to security and order.

- 3.) Facilities and infrastructure, within the State Detention Center in the form of buildings and land intended to support the activities of Education Development, Personality Development, Independence Development for all Prisoners and fostered children.(17) Facilities and infrastructure consist of a visit room, a visit room in the form of a large hall intended for families or relatives who want to visit, an art room, this room is used for fostering independence which serves to support the creativity and skills of detainees, a kitchen, a public kitchen used for cooking activities, residential blocks, polyclinics, sports facilities, security, integrated service centers, counseling rooms, libraries, compost houses, mosques, fish ponds, and fields for sports.

With adequate facilities and infrastructure, the clarity and objectives of the fostering to be achieved will be fulfilled, the preparation of appropriate programs such as fostering patterns will make the fostering run smoothly as it should.

- 4.) Community factors, the community here is the prisoners as people undergoing guidance in detention centers, the discipline of community regulations depends on the motivation that encourages internally arising from within. This internal factor exists in each person who is the smallest element of the social community. Therefore, an efficient approach in this discipline relationship is encouragement through motivation that is instilled individually. The implementation of effective cooperation between prisoners and officers has the potential to foster a positive environment for detainees. This initiative, which takes the form of socialization between officers and new detainees, aims to facilitate an understanding of the rights and obligations associated with detention. The objective is to establish a sense of integrity and mutual respect between officers and detainees, thereby promoting a secure and conducive environment within the detention center.
- 5.) Cultural factors from the prisoners, where the prisoners who always obey and obey the existing rules will create a good relationship between the prisoners with each other and the officers and will facilitate the officers in carrying out their obligations

so as to make a good community culture. This certainly involves the activeness of detention center officers to guide and foster detainees as well as supervise them.

A significant number of rights are afforded to prisoners. One such right is the opportunity to receive job training in detention centers, which can facilitate the development of independence. The implementation of fostering in Boyolali Class IIB Detention Center is good when viewed from the way of fostering with three fostering, namely educational fostering, personality fostering, fostering independence carried out by officers and supported in terms of facilities and infrastructure that are very adequate for fostering, so it can be said to be effective because it has fulfilled the indicators of legal effectiveness from Soerjono Soekanto.

The implementation of guidance within the correctional system affects prisoners who are incarcerated while serving their sentences. This guidance is carried out through several fostering programs.(18) Effective and efficient implementation is carried out with collaboration between officers by paying attention to legislation on correctional and detainees with regulatory regulations that have been given by detention center officers will produce a harmonious, safe and peaceful system, as well as maximum results supported by complete facilities and infrastructure.

CONCLUSION

In Law Number 22 of 2022, namely Article 50. There are three types of fostering, namely Educational Development, Personality Development and Independence Development. Educational fostering carried out at the Boyolali Class IIB Detention Center includes non-formal education, namely by filling in material materials or it can also be religious lectures or general education lectures containing educational material for prisoners, especially foster children who contain positive things. Personality development encompasses the fostering of religious awareness with the objective of fostering a closer relationship with God Almighty. In addition to spiritual development, there is also physical development, which includes fostering activities designed to meet the physical needs of fostered children with the intention of maintaining their physical health. Then fostering

independence includes job training with this activity, it is hoped that the prisoners and foster children will have skills and knowledge so that when they are free, they will have the provision to live independently. Class IIB detention centers have carried out guidance in accordance with the provisions of the applicable law.

The effectiveness obtained in fostering has fulfilled the indicators of legal effectiveness with the implementation of fostering that runs properly in accordance with the provisions of the law. With good collaboration between officers and detainees following the applicable regulations and also by providing adequate facilities and infrastructure in the detention center and using them properly, of course, it supports fostering activities for prisoners, especially foster children, so that they become something useful, then the purpose of fostering will be achieved.

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