
THE ACCOMPLISHMENT OF CHILDREN EDUCATION RIGHT IN PRISON: PROGRAM OF NGO *SAHABATKAPAS* IN REALIZING READING INTEREST THROUGH “BUKU MUTER” IN CHILDREN PRISON OF KUTOHARJO

Haidar Fikri

Magister Administrasi Publik, Universitas Sebelas Maret, Surakarta Indonesia
haidarfikri@student.uns.ac.id

Abstract

This research focuses on the children who have conflict with law. This research is aimed to know the accomplishment of children right in education. As human, the prisoners must be treated well in a united system without any exception. The right of education is one of the accomplishments that must be given. Even though the children are in prison, their right must not be ignored. Therefore, the researcher wants to know if their right has been given. This research observed the right accomplishment conducted by non-governmental institution of *SahabatKapas* that focuses on children. Children right has been appropriate with convention of children right. The activists of *SahabatKapas* have passion in the children world. There are four fundamental rights as weapons to protect children right in any fields as following, (1) right of living, (2) right of growing and developing, (3) right of getting protection, (4) right of participating. The rights must not be separated. Through the program of “Buku Muter”, *SahabatKapas* tried to fulfill the children right by reading book continuously. The approach of this research used law regulation that ruled the children right and the role of NGO in society. This research used the method of qualitative descriptive to know if this program ran as the purpose of NGO *SahabatKapas*. The result of the research shows that the program of “Buku Muter” makes the children more interested in reading book and creating poems. Their works were also published by *SahabatKapas* and *JogloSemar* media. By reading more, the children in prison have better writing skill. It also emerges the reading enthusiasm by publishing their writing. In conclusion, the accomplishment of children education right through “Buku Muter” can be conducted by NGO *SahabatKapas* towards the children in prison of Kutoharjo.

Keywords: children right, NGO, Program of “Buku Muter”, children prison

INTRODUCTION

Nowadays, children become valuable assets to the future. The good and bad nation may be determined by its citizens. In this case, children have a great task to create good things in the future. In the global era of information and communication, it needs great human resources to conduct a national building. The rivalry is also more competitive. Human resources need to have knowledge and skill in any fields. The role of human resources is important in the national building. Therefore, Indonesian government must give serious attention to the protection and the accomplishment of children right. Children deserve to get several rights on civil, politic, economy, social, culture and education which belong to the part of conventional right of economy, social and culture.

Based on the data of general department of society, law department and human rights, the number of children in the prison was 2361 in 2016. They conducted criminal law. However, few of them joined formal and informal education in LKPA and prison in Indonesia (Liputan6.com). There were only 929 people or 39 %. There were 175 people or 7 % who joined skill training. In completing the sentence,

many children lost their rights on freedom, growing and getting education (Linda, 2010).

Concerning to the importance of children rights on education, it must refer to the basic principles such as, non-discrimination, life, growth, best interest and participation (Har Tilaar, 2003). It also refers to the universal declaration of human right on paragraph 26 of article 1 which states that every person deserves education. Education must be merely given on the low and basic level. On paragraph 26 of article 1, education must be directed to the development of human personality. It must also be able to strengthen the honor of human right and its basic freedoms.

The right of prisoners is generally a right to be treated well. The prisoners deserve to get the education as the provision after being freed from the prison. The prisoners also have human rights during the sentence in prison as reflected in law, number 12 of 1995 about the society.

Children who are sentenced in prison must also get the human rights. The rights as a human must be provided to them though they are being sentenced. The prison has a duty to serve the prisoners to achieve their prosperity. Therefore, safety will be a responsibility to the prison officers.

Indonesia is a country that respects the human right. Indonesia has issued the law, number 39 of 1999 about human rights. On the 10th part of the law contains children rights, especially in education. It can be seen on paragraph 60 of article 1; “every child deserves to get education and learning in developing their personality based on their interest, talent and intelligence.”

Getting education, health, and proper life is a right for all Indonesian, especially for children. It is stated in law of children protection number 23 of 2002. It states that children have rights on living, name, education, basic health, praying on their own religion, expressing, thinking, playing, recreation, taking a break, having social life and assurance. Indonesia as a country of law is the first slogan of governmental system according to basic law of 1945. It practices *Rechstaat* not *machtaat*. Indonesia highly respects the human rights.

According to Lengeveld, education is a process of children growth. Therefore, education can only be conducted by the adults to the youths (Ary,2000). Romo Driyarkoro also reveals that education is process of humanizing youth. S. Brodjonegoro states that teaching is a process of giving guidance to the young people in growing and developing in order to achieve maturity in physic and spiritual (Seto,2004).

This case becomes a main focus to save education for children in the future through *bridging school*. The children and academicians are expected to be able in reducing psychological obstacles and obtaining *lesson learn* to realize sensitive learning atmosphere on children rights (Seto,2004). Law of children protection is a law that assures rights and duties of children. Law of children protection consists of several laws on custom, civil, criminal, civil procedure, criminal procedure and other regulations related to the life and living aspects. It is expected that children can grow and develop according to their right (M.Gultom,2008).

In this case, *NGO Sahabat Kapas* has a sector that focuses on the children who are conflicted with law. It is conducted to fill the right of children. The education focuses on literature. The development of literature becomes an interesting discussion in several countries. Generally, UNESCO defines literature as simply. It defines as a skill of writing and reading. Based on its use, literature is an integrated object of observing, speaking, writing, reading and thinking critically (Baynham, 1995:5). As an integrated communication, the meaning of literature can be defined as a center of language skill that cannot be separated. Klein, etc (1991) state that the relation between writing and reading skill is quite close. A person who can write well, he/ she also tends to have

a good reading skill. On the contrary, a person who can read well, he/ she can also be a good writer. In literature, a person must master writing and reading skill.

“*Sahabat Kapas*” as NGO had a program to give education through reading. This program was called “*buku muter*”. The factor of this program was conducted because of the limited books in prison. The children felt bored in prison. Therefore, the researcher want to know more about the strategy conducted by *Sahabat Kapas* in accomplishing children right in education through reading interest.

METHOD

This research used descriptive-qualitative approach. The type of the research was single to describe the education form received by children with law conflict (ABH) and NGO *sahabat kapas*. Resource of data consisted of primary and secondary data. Primary data was obtained through interview with the interviewee. Secondary data was obtained through observation and documentation. The research took the samples with *purposive sampling* to determine the informant.

THEORY

Education right of children in prison

Concept of *children with law conflict (ABH)* starts with the concept of naughty children with the law of number 3 of 1997 about the children justice. The term of *children with law conflict (ABH)* appears when the children right is understood by creating the law of number 23 of 2002 about children protection. Naughty children are called as *children with law conflict (ABH)*. In the paragraph 2 of article 11 of 2012 (system of children criminal justice) states that “children with law conflict are victims of criminal action and they become the witness of criminal action.” Therefore, *children with law conflict (ABH)* in this case are children who have problem with law. They can be a victim, witness, or doer of law.

According to the committee of children right in united nation, *children with law conflict (ABH)* belongs to a children group in special situation that needs special attention. A child who belongs to a susceptible group is caused by the ignorance of the people around them. They do not care about the children right. In this case, a state has a duty to conduct intervention and different action to realize the accomplishment of children rights, especially to the children who are living in a susceptible group (foundation of children right supervisors, 2010: 2-3).

Specifically, the basic right of children is explained in paragraph 4 of number 23 of 2002 about

children protection on several rights such as life, protection, growth, and participation. The view and the thought of the accomplishment and protection of children right demand the adults (parents, government, and society) to be responsible towards every child in everywhere (Supeno, 2010: 27). The protection to the children with law conflict is conducted by doing an effort to sentence them as the last way. If the law process is practiced continuously, the protection to them can be conducted based on the society. In the term of law, it is called *diversion* and restorative justice (RJ). It is aimed to recover the relation between victim and doer according to the values. It is conducted by making a commitment through opened communication among *children with law conflict (ABH)*, victims, and their family. They also involve experts, citizens, prominent figures and custom figures. The handling of this case is a part of preventive program to avoid the increase of *ABH* (Marlina, 2012: 18-19). The regulation and wisdom of *ABH* in integrating children perspective protection is expected to be able to minimalize the violation of the right of *ABH*, especially in education field.

In the case of *ABH*, education is one of the basic rights that is usually ignored. Moreover, the number of *ABH* increases year by year. Therefore, in 2012, the attention to the education right for *ABH* is increased. Parents and citizens have a duty to create conducive situation in education as a part of the preventive program (Marlina, 2012: 18-19). Through law of number 11 of 2012 about system of children criminal justice states that every *child with law conflict* deserves to get education.

According to paragraph 1 of article 2 in law of number 23 of 2012, children protection is all activities to assure and protect the children and their rights to live, grow, develop and participate based on human dignity and prestige, and get the protection from violence and discrimination.

Children protection is also guiding young generation. Guiding young generation is an integral part of national development. It is also as a media to achieve the goals of national development such as fair, prosperity, and safe society based on *Pancasila* and the 1945 Constitution. The conception of child protection covers a wide scope. It means that child protection is not only about the protection of the body and soul, but also the protection of all rights and interests that can guarantee the growth and development of the natural, spiritual, physical, and social aspect. Therefore, it is expected that Indonesian Children will develop into an Indonesian adults who are able and willing to work in achieving and maintaining the goals of the national development (Wagiati Sutedjo, 2006).

According to Arif Gosita, the definition of child protection law is as a written or oral law that ensures the child to implement the rights and obligations (Irma Setyowati Soemitro, 2000). Meanwhile, Bismar Siregar mentions the law aspects of child protection tends to be a central to the child rights. It is not a duty because it belongs to juridical law in which the children have not been burdened with obligations (Irma Setyowati Soemitro, 2000).

In providing protection to children, we should also pay attention to and adhere to the principles and aims of child protection. Paragraph 2 of Law Number 23 of 2002 states that the implementation of child protection is based on *Pancasila*, the 1945 Constitution and the basic principles of the *Convention on the Rights of the Child*, it includes: a. Non-discrimination, it means that in giving treatment to children, it should not discriminate each other, for any reason. b. The best interests of the children, it means that all actions involving children are conducted by the government, public, legislative and judicative. The best interest for the children should be the primary consideration. c. Right to life, survival, and development. These three elements are the most fundamental human rights for children protected by the state/ government, public, family, and parents. d. Appreciation to the child's opinion, it means to respect the rights of the child to participate and express their opinion in making decision, especially if it concerns about their life. The purpose of children protection is described in paragraph 3, which contains as follows: child protection aims to ensure the fulfillment of the rights of the child to live, grow, develop and participate optimally in accordance with human dignity, and receive protection from violence and discrimination. It is expected to create Indonesian children who have good moral and prosperity.

The scope of the study on children protection can be distinguished into 2 (two) principal definitions. Firstly, juridical protection, which includes: 1. public law field, 2. civil law field. Secondly, non-juridical protection, which includes: 1. Social field 2. Health field 3. Education field.

RESULT AND DISCUSSION

Education is a right that is gained by all people in Indonesia. Education rights are for adults and children as it has been mandated by the law of paragraph 28 on human rights. However, the reality in the field shows that there are still many people who have not received a proper education. This condition adds to the problems that occur in Indonesia besides poverty. Therefore, it needs serious attention from

the government, public and private sector to work together in handling this problem.

This educational problem is experienced by many children in Indonesia, includes children with the law conflict (child in prison). The child's education in prison cannot be fully received so that their education becomes less controlled as the law mandate. It happens in Kutoharjo prison in which 60 children do not get proper education. Therefore, it emerges the movement of non-governmental organizations of *Sahabat Kapas* to finish this problem.

The campaign brought by the *NGO Sahabat Kapas* is the literature in prison. The purpose is to be able to provide writing education to children through literature. UNESCO defines literature as a person's ability to write and read. Based on its use, literature is a form of integrated ability to listen, speak, write, read and think critically (Baynham, 1995: 5). So the activity of writing poetry in prison belongs to a literary activity.

The program of "buku muter" encourages the children to be fond of reading. Filling free time by reading can encourage the children to write a work such as short story and poem. The program of "buku muter" is conducted twice a week in LKPA Kutoharjo. The books are various such as comic, novel, poems and new knowledge. The management of "buku muter" is handled by the children in prison. Therefore, the activity of the program does not involve the prison officers.

The factor of the emergence of "buku muter" is that the book collection in LKPA Kutoharjo does not have any renewal. The children do not have any interest on the old books. The children in LKPA are fond of reading. Therefore, this program is designed. Besides increasing reading interest, "Buku muter" is expected to encourage the children to write. Most of them like to write poems. The children works are published by media of *Joglo Semar* and *NGO Sahabat Kapas*. This publication makes them read continuously. It also adds more vocabularies to write on poems column.

Program of "buku muter" is a kind of children right accomplishment in education. There are many works written by children in media of *Joglo Semar*. It shows that they like reading and writing. The two aspects are the main material in learning and education. This program needs to be developed in any prison to encourage the reading interest and the accomplishment of education right.

CONCLUSION

The accomplishment of children right in education can be conducted with various ways. For

example, program of "buku muter" conducted by *NGO Sahabat Kapas*. This program encourages the children to like reading and writing a work such as poem and short story. *NGO Sahabat Kapas* knows that there are still few books in LKPA. It makes their reading interest decrease. Therefore, *Sahabat Kapas* gives new books to them. The management of books is mandated to the children.

The program also encourages the children to write. Their works are published in media of *Joglo Semar*. The publication makes them write more and more. Before writing, the children look for references through reading. This program can be stated as a factor of children right accomplishment in prison. It makes them to be more diligent in reading and producing works.

REFERENCE

- Ary H Gunawan.2000..*Sosiologi Pendidikan*, Jakarta: Rineka Cipta.
- Baynham, Mike. 1995. *Literacy Practices: Investigation Literacyin Social Context*. United Kingdom: Longman Group Limited
- Hadi Supeno. (2010). *Kriminalisasi Anak Tawaran Gagasan Radikal Peradilan Anak Tanpa Pemidanaan*. Jakarta: PT Gramedia Pusaka Utama
- Har Tilaar. 2003.*Kekuasaan dan Pendidikan SuatuTinjauan dari Perspektif Studi Kultural*, Magelang: Indonesia
- Irma Setyowati Soemitro, 2000, *Aspek Hukum Perlindungan Anak*, Jakarta: Bumi Aksara
- Linda, *Jumlah Anak di LP Meningkat*, Kompas, Cetak Selasa, 6 April 2010
- Liputan6.com. Dirjen PAS: Baru 39 Persen Anak di Penjara yang Dapat Pendidikan
- Maidin Gultom,2008. *Perlindungan Hukum Terhadap Anak*, Jakarta: PT Refika Aditama
- Marlina. 2012. *Peradilan Pidana Anak di Indonesia, Pengembangan Konsep Diversi dan Rostorative Justice*. Medan: Refika Aditama.
- Seto Mulyadi.2004.*Pendidikan Untuk Semua adalah Hak Anak Indonesia*, Makalah Debat Publik, Jakarta
- Undang-Undang No. 11 Tahun 2012 tentang Peradilan Anak.
- Undang-Undang No. 23 Tahun 2002 tentang Perlindungan Anak.
- Undang-Undang No. 3 Tahun 1997 tentang Pengadilan Anak.
- Wagiati Sutedjo, 2010, *Hukum Pidana Anak*, Bandung: PT. Refika Aditama

Yayasan Pemantau Hak Anak. (2010, 22 Juni).
Praktek-Praktek Diskriminasi terhadap
Manusia Diawali dari Anak-Anak. Yayasan
Pemantau Hak Anak. Diperoleh 15 Januari
2018, dari [http://www.ypha.or.id/web/
wpcontent/uploads/2010/06/Praktek-Praktek-
Diskriminasi-terhadap-Manusia-
Diawali-
dari-Anak-Anak1.doc](http://www.ypha.or.id/web/wpcontent/uploads/2010/06/Praktek-Praktek-Diskriminasi-terhadap-Manusia-Diawali-dari-Anak-Anak1.doc).