

Lessons Learned From Counseling Juvenile Offenders in Peduli Program

Prepared for Indonesian Planned Parenthood Association
(PKBI) Central Office

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Foreword

We are grateful to God Almighty that with His grace and blessing, this report on best practices for Juvenile Offenders was completed. This book aims to showcase best practices done in five different regions by the Peduli Program – PKBI Bengkulu, PKBI DKI Jakarta, PKBI South Sumatera, PKBI West Java, and the East Java Child Protection Agency.

This book is a timely reminder that a child retains their basic rights as a human being, wherever they are and whatever the circumstances they find themselves in. Therefore, the program aimed at Juvenile Offenders is part of the State's responsibility to ensure their rights are fulfilled. However, we are mindful that the term "Juvenile Offender" is still considered controversial for child rights' activists.

A program implemented within a sustained period of time will surely result in meaningful impacts, directly or indirectly, felt by the beneficiaries, program implementers, and the program itself. This is especially true when the program consistently applies the Theory of Change. It proves that meaningful work must begin with a commitment to change.

Our work in the regions affected by this program aims to empower families and communities to fulfill children's needs, encourage child participation, and advocacy. Its impact is evident in the emergence of family forums and stakeholder forums. We are confident that this program has increased our stakeholder's knowledge and increased the beneficiaries' (families and children) awareness on the rights that are still inalienable, despite the children's incarceration.

We would like to also extend our utmost gratitude to the team at

PKBI Peduli Pusat and the NGOs and CSOs who have helped us in compiling these best practices, and The Asia Foundation for providing the funding necessary for the implementation of the Peduli Program and this book's writing.

Of course, this book retains some flaws. Therefore, we welcome constructive criticism and discussions on the implementation of our programs and the composition of our report.

We hope you will find this an enlightening read.

Jakarta, 20th March 2019

Satyawanti Mashudi
Executive Director, PKBI Central Office

Acknowledgements

This report was made possible by the support and help of many partners. We would like to extend our gratitude and appreciation to them.

First, we would like to thank Mrs. Rr. Satyawanti, MM, Director of PKBI Central Office along with her staff for facilitating this program. I would like to personally thank Mr. Yudi Supriadi as the program manager of Peduli Program for initiating this program and entrusting us to compile the best practices gleaned during their counseling of Juvenile Offenders.

We would like to express our gratitude towards the Directors of PKBI South Sulawesi, Bengkulu, DKI Jakarta, West Java, the program managers for Juvenile Offender programs, and the Director of the East Java Child Protection Agency. Without their unwavering support, our field visits would not have been so effective.

Our interaction with the Pupils were casual and relaxed, and they were free to express their opinions and thoughts. This friendly atmosphere is impossible without the help of the Head of the Juvenile Detention Centers we visited. To them we extend our sincere gratitude. Their willingness to open their doors for us and facilitate our interviews with the children helps us paint a more comprehensive picture of the steps necessary to rehabilitate a Juvenile Offender.

We would like to thank every Pupils in every Juvenile Detention Centers and former Pupils who have willingly participated in our interviews. We especially appreciate their openness and presence. Throughout these interviews, we not only gained meaningful insight on their situations, we were also graced with great life lessons from them.

Our deep gratitude to parents of Pupils and former Pupils for their critical analysis on their experiences before, during, and after their stint at the Juvenile Detention Center.

Our thanks to Mr. Oblo, for the way his photography captures the unique life behind the bars of the Juvenile Detention Center.

And our utmost gratitude to The Asia Foundation for their trust and support in empowering and facilitating our program.

It's impossible to overstate their impact on this report. We would like to state that any flaws remaining in this report is our responsibility alone.

Yogyakarta, May 2018
Writing Team,

Nora Evriani & Adi Dananto.

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Abbreviations

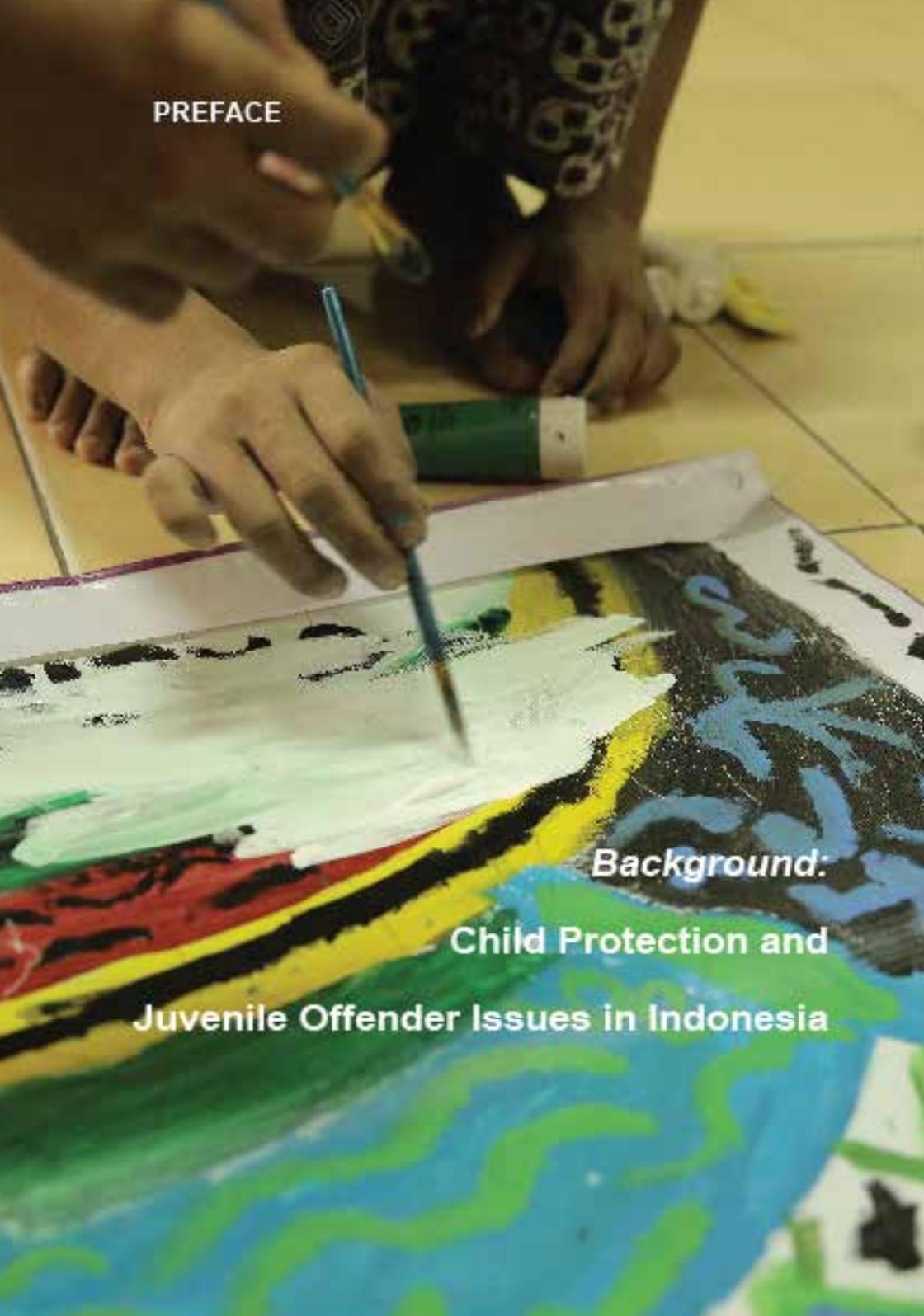
CFLI	Child Facing Legal Issue
CMW	Child of Migrant Worker
AIDS	Acquired Immune Deficiency Syndrome
JO	Juvenile Offender
Pupils	JO Currently under Counseling
CFSW	Children Forced into Sex Work
CC	Correctional Centers
CBO	Community Base Organization
CSO	Civil Society Organization
DFAT	Department of Foreign Affairs and Trade
EO	Executive Organization
HR	Human Rights
HIV	Human Immunodeficiency Virus
PD	Presidential Decree
CRC	Child Rights Convention
NPC	National Child Protection Commission
MWEC	Ministry of Women's Empowerment and Child Protection
CLC	Criminal Law Code
CVLC	Civil Law Code
LAPAS	Penitentiary
CPA	Child Protection Agency
TCCA	Temporary Child Custody Agency
JDF	Juvenile Detention Facility
SWA	Social Welfare Agency
NGO	Non-Governmental Organization
CT	Convicted Terrorist
CMPW	Coordinating Ministry for People's Welfare
LGA	Local Government Agencies
PERPU	Government Regulation in Lieu of Acts
PKBI	Indonesia Planned Parenthood Association
LEHT	Law on Elimination of Human Trafficking
RANHAM	National Action Plan on Human Rights

RPK	Special Examination Room
SK	Decree
SKPD	Regional Working Group
NSAJ	National Strategy on Access to Justice
SOP	Standard Operating Procedure
UNCRC	United Nations Convention on the Rights of the Child
UU	Acts / Law
UU SPPA	National Law on Child Criminal Justice System no. 11 year 2012.
UUD 1945	National Constitution of 1945



045

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terasi
Dama!

A close-up photograph of a child's hands painting on a canvas. The child is using a blue brush to apply white paint to a section of the artwork. The canvas features various colors and patterns, including a prominent blue and green wavy pattern in the foreground, a yellow and black stripe, and a red and black pattern. The child is wearing a patterned shirt and is sitting on a tiled floor. The background is slightly blurred, showing a yellow wall and a white object on the floor.

PREFACE

Background:
**Child Protection and
Juvenile Offender Issues in Indonesia**



HIDUP
SEGAN
MATI
TAK
MAU

KORUPTOR

PERUSAHAAN

USAHA

A. UN CRC and the Issue of Child Protection in Indonesia

Regarding child protection, Article 34 of the National Constitution of 1945 clearly states that “the poor and dispossessed children are to be taken care of by the State”. The preamble of the Constitution further states that the Republic of Indonesia was founded to advance the people’s welfare and educate the populace. Thus, it is undeniable that the welfare and education of the people are part of the state’s responsibility.

A year after its declaration in 1989, the UN CRC (United Nations Convention on the Rights of the Child) was ratified by the government of Indonesia through the Presidential Decree No. 36 on the 25th of August 1990. By ratifying the UNCRC, the government of Indonesia accepts the responsibility of implementing every part of that convention in its own laws. At this point, the use of a Presidential Decree to ratify the UN CRC became a source of contention among child rights activists and legal experts. This is due to the Presidential Decree’s minor status as the fourth strongest law under the Constitution, Laws, and the PERPU. If the UN CRC is to have sufficient legal standing to be the reference to all future laws in Indonesia, it must be ratified through the Laws.

Today, some Laws have started to refer to the UN CRC. But, there are several laws that is yet to conform fully to the CRC. For example, there exists multiple definitions on “children” in several Laws in Indonesia. Attached are several different definitions of “children” in Indonesian Law.

1. Law No. 25 year 1997 on Labor, Article I number 20
“a child is any man or woman aged under 15 years”
2. Republic of Indonesia Law No. 21 year 2007 on Elimination of Human Trafficking, Article I number 5

“a child is anyone under the age of 18 years, including children still in utero.”

3. Law No. 44 year 2008 on Pornography, Article I number 4
“a child is anyone under the age of 18 years old”
4. Law No. 3 year 1997 on Juvenile Court, Article I number 1
“a child is someone who, in cases of juvenile delinquency, has reached the age of 8 but is under 18 years old and has never been married”
5. Republic of Indonesia Law No. 23 year 2002 on Child Protection, Article I number 1
“A child is someone under the age of 18, including children still in utero.”
6. Law No. 4 year 1979 on Child Welfare, Article I number 2
“A child is someone under the age of 21 and has never been married”
7. Law No. 39 year 1999 on Human Rights, Article I number 5
“A child is anyone under the age of 18 and has never been married, including children still in utero should that serve its interests.”
8. Article 45 of the Criminal Code
“A child is anyone under the age of 16.”
9. Article 330 Section I of the Civil Law Code
“A person is considered a minor if that person is under 21 years old, unless that person had married under the age of 21.”

Regarding the definition of children, several laws in Indonesia has adhered to the definition put forward by the UN CRC. For example, the Law no. 38 year 1999 on Human Rights, Article I

number 5, and the Republic of Indonesia Law No. 23 year 2002 on Child Protection. However, we note that many other laws have yet to adhere to the UN CRC.

This diverse interpretation on the definition of a child has led to several inconsistent rulings on juvenile offender cases. For example, a Pupil from a JDF aged 19-20 years old could “negotiate” with the court and avoid a transfer to an adult Penitentiary by using Article 330 Section I of the Civil Law Code or the Law No. 4 year 1979 on Child Welfare, Article I number 2 which defines a child as **“someone under the age of 21 and unmarried.”**

Despite the limitations of the Presidential Decree as an instrument for ratifying the UN CRC, progress is still being made in advancing child protection. In 1999, the Indonesian government decreed the Law no. 39 on Human Rights which clearly defines a child in Article I section 5. The national law no. 23 year 2002 on Child Protection underlines the government’s continued commitment to child protection. The government then officially formed the National Commission on Child Protection (KPAI), a governmental agency which initially was mistaken for the similarly named non-governmental agency The National Child Protection Commission (KOMNAS PA).¹ Since then, child rights have been the cornerstone for programs and policies regarding child protection.

In the same year, the government further showed their commitment to child protection by amending the National Constitution of 1945 by adding an article specifically concerning children in Article 28B subsection 2, stating: **“Every child has the right to life, to grow and develop, and be protected from violence and discrimination.”**

1The KOMNAS PA, a non-governmental organization, was founded on the 26th of October 1998 in Jakarta. The KPAI, a state body, was formed under Presidential Decree Number 36/1990, 77/2003, and 95/M/2004.



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B. Juvenile Offenders and Child Protection in Indonesia

The issue of children facing criminal charges are specifically addressed in article 37 and 40 in the CRC. Article 37 deals with the issue of deprivation of liberty, which must be regarded only as a last resort measure and be exercised for the shortest amount of time possible. Meanwhile, article 40 of the CRC governs the administration of juvenile courts.

In general, Article 37 mentions:

1. That a child facing criminal charges must be treated humanely. Torture, cruelty, capital punishment, and life imprisonment cannot be inflicted upon the child;
2. That a child convicted of a crime must be housed separately from adult inmates, unless in that particular case it is considered to be in the best interests of the child to be placed in the same correctional facility with adult inmates, such as in cases where a juvenile correctional facility is not available. However, in cases such as these it is imperative that the child's rights to maintain contact with their family and receive legal aid is still fulfilled².

Meanwhile, Article 40 of the CRC states:

1. That every child facing a legal issue has the right to be treated with the utmost respect with regard to their age;
2. That the child's rehabilitation and reintegration to society is prioritized;

2 There are only 18 Juvenile Correctional Facilities with a capacity of 2,400 people each, but its location isn't evenly distributed throughout the country. Several juvenile inmates are therefore "temporarily housed" in adult correctional facilities (*Kompas*, 26th of January 2012)

3. Diversion, or ensuring as much as possible that a child facing criminal charges doesn't enter the legal process so that the child can continue to enjoy their full rights and receive total legal protection.

The Indonesian government's response regarding a child facing legal issues is reflected in the Republic of Indonesia Law No. 23 Year 2002 on Child Protection, several articles of which specifically concerns children facing legal issues. This issue is covered on Article 16, 17, and 18 of that law

Article 16 states that:

1. Every child has the right to be protected from harm, torture, and cruel and inhumane punishments;
2. Every child has a right to receive freedom according to the law;
3. Arrest, detainment, or incarceration of a child is only done if it fulfills the requirements of the related laws and only done as a last resort.

Article 17 states that:

1. Any child facing deprivation of liberty has the right to:
 - a. Receive humane treatment and be housed separately from adult inmates;
 - b. Receive legal or other aid effectively in every step of the related legal process; and
 - c. Defend themselves and receive justice in front of an objective juvenile court in a trial that is closed to the public.
2. Every child who are a victim or perpetrator of sexual violence, or any child facing legal issue, has the right to have their identities kept classified.

Meanwhile, Article 18 states, “Every child who become a victim or perpetrator of a crime has the right to receive legal and other aid.”

As an additional measure, on July 2012 the government of Indonesia declared the Law No. 11 Year 2012 on Juvenile Criminal Court System (the UU SPPA for short), replacing the previous Law No. 3 Year 1997 on Juvenile Court which was considered to be obsolete and not aligned with the UN CRC and the Republic of Indonesia Law No. 23 Year 2002 on Child Protection. Under the UU SPPA, a child is no longer defined as someone aged 8-18 and unmarried, but rather is defined as someone who is between the ages of 12-18 years old. The UU SPPA further defines a child facing criminal charges into three separate categories:

- a. A child perpetrating a crime (Article I number 3 UU SPPA);
- b. A child who are a victim of a crime (Article I number 4 UU SPPA); and
- c. A child who witnessed a crime (Article I number 5 UU SPPA)

One of the fundamental changes in UU SPPA is the shift in approach from retributive to restorative justice. This spirit focuses on rehabilitation instead of punishment. Restorative justice gives room for perpetrators, victims, families, and other stakeholders to reach a fair resolution.³ As a consequence, Juvenile Prisons and Jails were changed into Temporary Child Custody Agency (TCCA or LPAS), Juvenile Detention Facility (JDF or LPKA), and Social Welfare Agency (SWA or LPKS). This shift in thinking also requires a change in perspective for lawmakers and law enforcement agencies. The UU SPPA demands a specialized training for stakeholders in Juvenile Court systems. Moreover, UU SPPA also specifies certain criminal and administrative charges for Juvenile Court stakeholders who fail to follow the law properly, such as in

cases where a child does not receive the proper legal aid.

This Law is strengthened by the Republic of Indonesia Presidential Decree No. 75 Year 2015 on the Indonesian National Human Rights Action Plan (RANHAM) Year 2015-2019, which includes strategies for protecting the rights of children facing legal issues.

- 3 *Children Confront with Law in Perspective of Human Rights “, Dewi Yuliana, Head of Dissemination and Strengthening of Human Rights, Directorate for Human Rights Dissemination and Support (2017).*



C. Peduli Program and Juvenile Offenders

Article 4 of the CRC states:

“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.”

Chronology of Peduli Program

The Peduli Program is implemented under the PNPM Mandiri or the National Program for the People’s Empowerment in 2007. Upon evaluating the program, its implementers found that despite the decreasing rate of poverty, some people still face low standards of living. These people are persecuted, discriminated against, or stigmatized because of their political views, difference in physical capability, religious views, or social standing, and are unable to access government programs. The theories and approaches used so far has failed to properly address their issues and must be reviewed. There needs to be a new approach that takes into account the issues faced by people rendered “invisible” by traditional approaches.

This realization led the Indonesian government to initiated the Peduli National Program for the People’s Empowerment, or PNPM Peduli (January 2011 – Juli 2013) as a pilot project to address these issues. This program was organized by PSF-World Bank along with the Coordinating Ministry for People’s Welfare (CMPW or Kemenkokesra), with CSOs as implementing partners. But in its implementation, this program was deemed ineffective due to its excessive focus on the people’s economy and livelihood. To “correct” the missteps of PNPM Peduli phase I, the government

announced phase II of PNPM Peduli.

As a government program, Program Peduli II was coordinated by the Coordinating Ministry for Human Empowerment and Culture, the new name for the Coordinating Ministry for People's Welfare. The program was funded by a grant from the Australian government through the Department of Foreign Affairs and Trade (DFAT). In its implementation, The Asia Foundation (TAF) was appointed as the Executive Organization replacing PSF-World Bank. TAF then allied with national NGOs in implementing the Peduli program. In early 2015, as its parent program PNPM Mandiri comes to a close, PNPM Peduli II was renamed to Program Peduli. It retains its funding from a grant by the Australian government through its DFAT.

Vulnerable groups prioritized by the Peduli program includes:

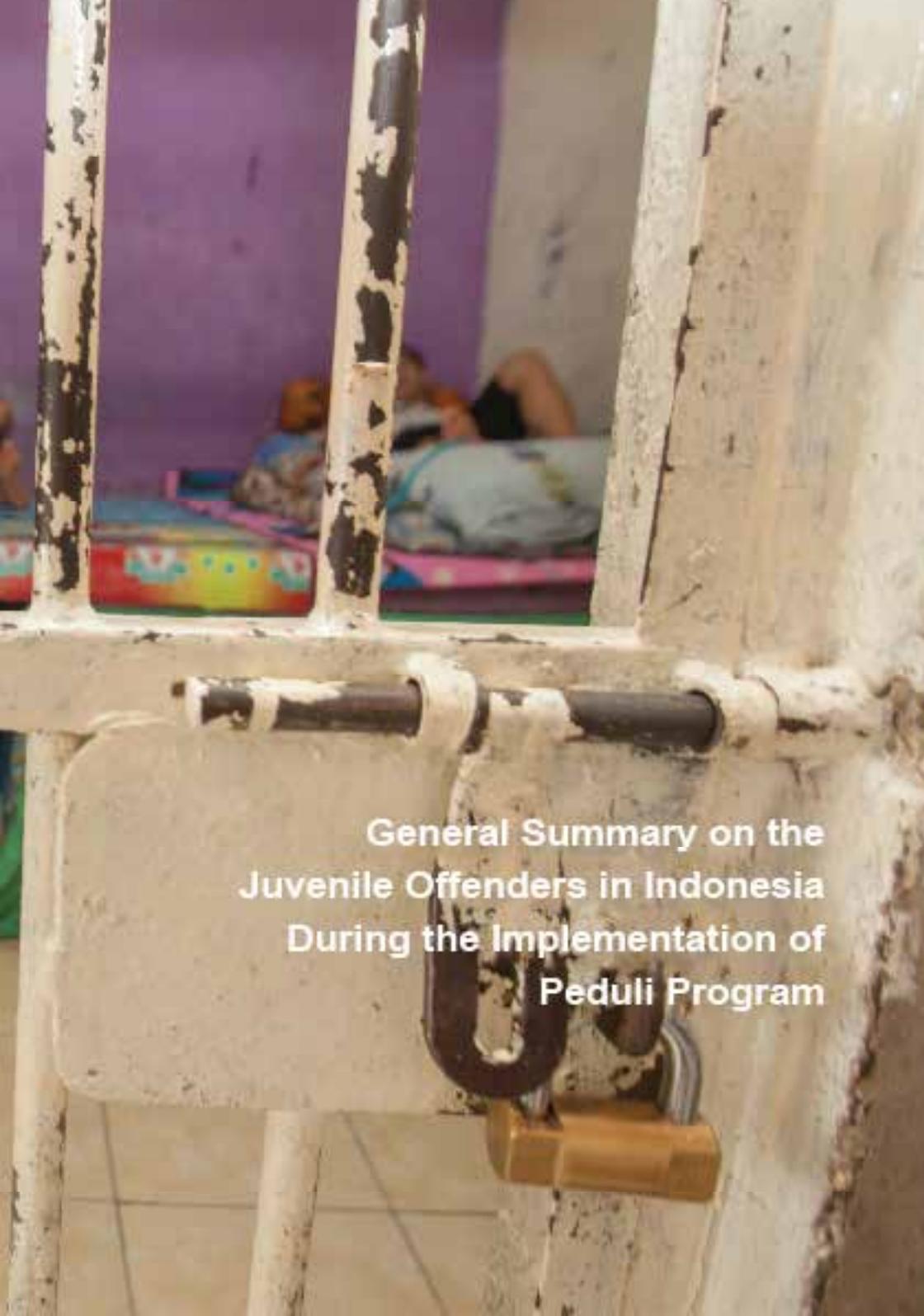
- Vulnerable children and young people;
- Indigenous groups in remote areas dependent on local natural resources;
- Religious groups facing discrimination, violence, and intolerance;
- Victims of human rights abuses;
- Diffable people;
- Trans people.

The Pillars of Vulnerable Children and Young People are specified into seven sub-pillars of people targeted by the Peduli program:

1. Children forced into sex work;
2. Child labor in plantations;
3. Child household workers;
4. Children of migrant workers;
5. Homeless children;
6. Children vulnerable to human trafficking;
7. Children facing incarceration.

As the program progresses, the seven sub-pillars were condensed into three focus areas: children forced into sex work, children of migrant workers, and children facing incarceration. PKBI Central Office, with its experience working with Juvenile Offenders in its HIV/AIDS program, received the mandate to become the national partner or main partner to implement the Peduli program in its Vulnerable Children and Young People pillar, sub-pillar children facing incarceration.



A photograph of a prison cell. The door is made of white-painted metal bars and has a large metal padlock with a yellow handle. Through the bars, a person is lying on a bed in a room with purple walls. The text is overlaid on the lower half of the image.

**General Summary on the
Juvenile Offenders in Indonesia
During the Implementation of
Peduli Program**



A. Mapping the Issues Faced by Juvenile Offenders – A Report by the Working Group on Vulnerable Children and Youth

In the early stages of the Peduli program, a working group composed of academics and activists was formed in each pillar to map out the issues faced by its beneficiaries. Each Working Group then wrote a paper detailing the issues specific to its pillar. The intervention program's direction is based on these working papers. These are the findings and mapping from the Working Group for Vulnerable Children.

1. Current Situation

The government classifies children facing legal issues as children needing special protection. According to a report by the KPAI, out of 7.000 children facing criminal charges, 90% was convicted and sent to Correctional Facilities. 60% were perpetrators of lesser crimes such as theft, followed by drug cases and fighting/assault/actual bodily harm cases. (Kompas, 2011)

Most of these children came from poor families, and received little or no support from lawyers of social services.

There are only 18 Juvenile Detention Facilities in Indonesia with a capacity of 2.400 inmates, but it's distributed unevenly in the country. Therefore several child inmates are "temporarily housed" in adult Correctional Facilities. (Kompas, 26th of January 2012).

The Law No. 3 Year 1997 on Child Protection still uses the term "Juvenile delinquent", resulting in stigmatization.

2. Effect of Marginalization of Children Facing Incarceration

a. Access to Services

Cells in Detention Facilities:

Children and young people are regarded as innocent and asexual, therefore young boys are often placed in the same cells as trans people, and young women are placed in the same cells as adult women.

Education:

Young people in Detention Facilities almost always drop out of school. Not every Juvenile Detention Facilities provide proper educational services, be it vocational training or school exams required for attaining primary, middle, and high school diplomas.

Health:

Special health services for women, especially sanitary pads, are lacking. Access to health services are limited, and it's difficult to access medicine.

Reintegration Services:

Preparation for reintegration to society are sorely lacking. Therefore, most former child inmates have a lot of difficulty with their daily lives after their release from prison.

b. Fulfillment of Rights

Torture:

The police frequently use torture as a method to extract confession from children.

Reception from Society:

Former child inmates are stigmatized and often cast out from society. Children still at school will find themselves expelled if they are convicted.

c. Policy

The phrase "juvenile delinquent" in Law No. 3 year 1997 underlines the stigma against children facing legal issues. The age limit for children responsible before the law is 8 years old. Judges tend to convict children rather than treating it as a last resort measure.

3. Area

Tangerang and South Sumatera.

Special notes:

The issues stated above will mostly be resolved if the Law No. 11 year 2012 on Juvenile Criminal Court Systems are implemented in full.

The Law No. 11 year 2012 on Juvenile Criminal Court Systems (UU SPPA) was finalized on 30th of July 2012. After two years, on 31st of July 2014 the law was officially implemented in accordance to its closing statement in Article 108. Therefore, the government must take necessary steps to properly implement the law. The program aimed at children facing incarceration began in this transitional period.

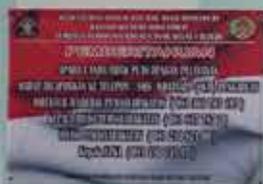
In the Donor Agencies Coordinating Meeting, themed “Towards the Implementation of the Law on Juvenile Criminal Court System” in Jakarta, 20th of June 2014, the National Development Planning Agency (BAPPENAS) introduced the steps the government must take in implementing the UU SPPA, including:

1. Preparing the regulations for the implementation of UU SPPA. There are 6 articles which require further regulations through Governmental Decrees and 2 articles which require further regulations through Presidential Decrees.⁴
2. Preparing training modules and trainers for the capacity building of the human resources and stakeholders in juvenile criminal cases.
3. Preparing infrastructure and facilities, including: special examination rooms, special waiting rooms during court sessions, temporary child custody agency, and social welfare agencies.
4. Socialization to members of the general public, mass organizations, media, schools, religious figures and public figures, on a restorative justice approach regarding children facing incarceration.⁵
5. Preparation of operational and technical guidelines and SOPs for handling cases regarding children for every relevant governmental Ministries and Agencies.

The period of transition from the Law No. 3 year 1997 on Juvenile Court and the Republic of Indonesia Law no. 23 year 2002 on Child Protection, both of which are considered unaligned with UN CRC, to the UU SPPA was advantageous to PKBI. The Peduli program was expected to shift its project paradigm (HIV/AIDS and reproductive health) which has long been the base of PKBI's programs, and focused more on implementing the UU SPPA as a reference point in counseling and mentoring Juvenile Offenders.

However, deep-rooted stereotypes on Juvenile Offenders pose a complicated challenge and must be slowly deconstructed. This book aims to document PKBI's strategies in implementing the Peduli program, sub-pillar on children facing incarceration from the Vulnerable Children and Young People pillar.

- 4 *Out of the 8 implementing regulations, specifically 6 Governmental Decrees and 2 Presidential Decrees required by the UU SPPA, only 1 Governmental Decree and 1 Presidential Decree was ratified by the government. These decrees are:*
 1. *Governmental Decree No. 65 Year 2015 on Guidelines on Implementation of Diversion and Care for Children Under the Age of 12; and*
 2. *Presidential Decree No. 175 Year 2014 on the Comprehensive Education and Training for Law Enforcement and Relevant Parties on Juvenile Criminal Court Systems.*
Suyanto Edi Wibowo (29/7/2016), Ministry for Human Rights and Law, West Nusa Tenggara Regional Office
- 5 *Restorative Justice is a process of diversion. Every party involved in a certain crime resolves the issue and are obligated to improve the situation with the involvement of the victim, the child, and the people to reconcile and resolve the crime without the intention of punishment or retribution. Diversion is the process whereby the child's criminal case is, as much as possible, resolved outside of the corridors of the legal system. Article 1 number 6 of the Law No. 11 year 2012 on Juvenile Criminal Court Systems.*



B. Amount and Tendencies

This table shows the amount of incarcerated children from 2015-2018 in our program intervention areas, based on the database of correctional facilities (SDP):

criminal child data (AP) in five program intervention areas

	Palembang				Bengkulu				DKI Jakarta				Bandung				Bikar			
Bulan	2018	2017	2016	2015	2018	2017	2016	2015	2018	2017	2016	2015	2018	2017	2016	2015	2018	2017	2016	2015
Jan	91	99	76	71	81	48	33	29	36	23	11	63	155	177	177	42	179	145	116	124
Feb	84	95	97	77	72	0	28	33	42	31	22	55	159	179	143	143	179	183	108	114
Mar	86	105	90	83	70	0	20	32	25	14	23	31	149	176	144	32	195	178	116	110
Apr	83	112	90	94	70	0	26	26	45	14	36	64	157	-	152	37	195	178	178	105
Mei	82	113	97	95	50	0	32	39	25	16	30	7	167	200	143	38	226	184	115	118
Jun	67	105	91	87	50	0	32	33	26	16	25	9	153	194	148	80	206	189	120	120
Jul	67	98	80	92	0	0	36	34	25	24	25	4	159	194	207	161	205	181	126	120
Agst	83	89	92	84	0	0	29	32	24	23	25	5	147	181	192	138	181	180	119	132
Sep	71	102	80	77	52	0	32	36	25	15	30	6	154	162	187	134	213	210	128	122
Okt	65	107	91	77	52	64	33	36	23	26	34	29	168	156	190	127	203	221	122	126
Nov	65	95	88	79	66	77	40	36	15	18	26	7	151	144	188	143	210	216	121	118
Des		91	92	77			0	29		21	27	3		149	185	155		195	137	127

**SDP (correctional database system)*

Out of the five intervention areas, East Java showed the highest increase in incarcerated children. On January 2015, 124 children were incarcerated, compared to 210 children in November 2018. The monthly data also reflects this tendency. On 2015, the number increased from 124 to 127 in December, even jumping to 132 children on August. On 2016, the number of incarcerated children increased from 116 children on January to 137 children on December. Recent data (2018) showed an increase from 179 children (January) to 210 children (November). Based on this tendency, we can predict that the number of incarcerated children will continue to rise. This sharp rise is particularly evident in East Java.

The Juvenile Detention Centers in Bandung (West Java) came in at a close second. On January 2015, it housed 45

incarcerated children, rising to 155 on December 2015. Recent data on November 2018 showed that the number of incarcerated children in Bandung remains at 150 people.

East Java and West Java aside, the three other detention centers in Palembang, Bengkulu, and DKI Jakarta doesn't show an increase in the number of incarcerated children. Unfortunately, the correctional facility's data doesn't note the inmate's crimes and tendencies.

Dede (real name hidden), 16 years old, is now an inmate at the Juvenile Detention Facility in Bandung. He was convicted of Article 363. This is not his first brush with the law, and not his first stint behind the bars. Several of his cases involve simple theft and burglary, others involved grand larceny. He faced charges so often that the police reportedly "knew him well" and didn't take too long to write down his case and conviction. The officers at the Bandung Juvenile Correctional Facility also knew him well, calling him 'Spiderman' for his uncanny ability to climb his target's house without equipment. Dede told us he learned his skills by studying reality shows and movies on television. His intelligence is evident not only by his sharp answers, but also the way he learned such a complex skill simply by watching the television.

Dede's misadventures began when his mother, who is a single parent, left him to find work in another city. Back then, he was a student known for being proficient in mathematics. Dede lived with his older brother, while his father died when he was two years old. When his older brother married, Dede felt alienated. He sought peer groups where he could fit in. In these crowds he felt happier and less alone. To stay in his friend's good graces, Dede turned into a generous host. He regularly paid for the food and drinks when they hung out. Eventually, the increasing cost of this drove him to crime.

The money he got from his escapades was used to pay for his daily needs, and to treat his friends. Feeling increasingly distant from his older brother, Dede turned to the streets and his friends there. He would "live" for months in internet cafes. The money he earned being 'Spiderman' was more than enough to pay for his informal lodging. He also paid for the lives of his friends and people he encountered in his daily life. However, Dede insisted that he never gave any of his ill-gotten money

to his Mother. He didn't want his Mother to share in his sins.

Ever since he became a Pupil in the Bandung Juvenile Detention Facility, his Mother rarely visited him. The facility was far away, her economic situation dire, and she rarely receives a permit or day off from her employer. "It's better if she doesn't come here, all she does is cry," Dede said in an interview with us. His eyes would wander towards the ceiling. He wiped the tears off his eyes with his tattered shirt. "Come on, let's talk about something else," he pleaded.



C.Reception on Juvenile Offenders

C.1. Reception by General Population

This picture is of a 15 year old child facing criminal charges. It was published in the Tribun Bali daily newspaper, on 16th of August 2016, under the headline: “Social Minister: To Prevent Children from Entering Adult Penitentiary, We Need 54 Juvenile Detention Centers”.



The child was photographed with his shirt off, as his shirt was used to conceal his face. His left hand held his right hand in desperation, flanked by grown men in police uniform with a smug smile on his face and an adult man in physical education uniform and a Republic of Indonesian Police logo, patting the child's head. The message conveyed by Tribun through this photograph dehumanizes the child. He is presented as a figure so dangerous, two policemen must guard him at all times. At the same time, he is presented as a figure rendered helpless by the strong arm of the police. As law enforcement, the police represents the state. This photograph was widely circulated and read. The lack of public outcry over this picture

implies that most people agree with the message conveyed by the media. In the eyes of the masses, there is nothing wrong with treating a child facing incarceration in the manner shown in that photograph.

This photograph was taken four years after the UU SPPA 2012 was finalized, and two years after it was implemented. In addition to that, the Presidential Decree No. 175 year 2014 on Comprehensive Training for Law Enforcement and Relevant Parties on Juvenile Criminal Court System had already been introduced. It seems that the UU SPPA hasn't been implemented fully by most people, even among the law enforcement itself.

The stereotype of Juvenile Offenders as malevolent people upsetting social harmony persists in our society. Therefore, the spirit of punishment and guilt is retained and the concept of repentance and rehabilitation set aside.

The message that Juvenile Offenders are “dangerous” are compounded by the statement of the law enforcement officer:

“Vice Judge of Bale Bandung D.S Dewi states, there are still many cases of children committing crimes. Thus far, around 2000 children are currently serving time behind bars.” – Global FM On: 12 February 2016, 18:52, underlined by author.

The phrase “behind bars” invoke the image of prison, a cage. A creature that needs to be kept in a cage is surely presented as dangerous and menacing.



Photo: Tribun Jateng, Tuesday, 1st of May 2018

This stereotype of Juvenile Offenders persists and is strengthened by the law enforcement official's attitude towards Juvenile Offenders.

The story of Romi (real name hidden) showed that this stereotype is internalized in law enforcement officers. Romi, a young unarmed boy, was shot in his left leg during his arrest.

Romi is 18 years old now. He was convicted on Article 340 of the Criminal Code and incarcerated for ten years. "I'll be spending time here the longest," he said during our interview. Romi dropped out of middle school after spending too much time hanging out with his friends who had dropped out earlier, and spent most of his time in the gardu ronda (a small gazebo used by the neighborhood watch officers) not far from his house and school in Kediri, East Java. He started doing petty crimes during his stint in the ronda. He also gained a thirst for adventure, traveling to Jakarta for a year, working in an East Javanese restaurant. But he didn't stay there for very long.

Returning to Kediri, he rejoined his friends in his old haunt and quickly regained their friendship. After a year away, his friends had regularly committed petty crimes. One day, a friend of his asked him to "work" with him. That job was to "teach a lesson" to his girlfriend, who reneged on a promise to help pay for his mother's cataract operation. The ATM card his girlfriend gave him only contained 200 thousand rupiah, far

from the 10 million rupiah promised. They hatched a plan. Romi and his friend picked up this woman in a rented car, with her sitting beside Romi's friend, who drove. Romi sat at the backseat and was supposed to help strangle her from behind, while his friend bashed her head in. After burying her body in the woods, the pair returned home.

Romi was horrified, and felt that he had unfinished business with the victim. Two days later, he returned to the scene, dug up her body, stuffed her body in a sack and threw it in a ditch. Romi's misfortune continued. Due to his attempts at "finishing" the business, the police managed to track him down. Two weeks later the police cornered him at his house. Supposedly he tried to run away, and was shot in his left leg.

He was convicted to 10 years imprisonment, and all his actions were held against him. During the autopsy, it was revealed that there were traces of soil in the victim's lungs, indicating that she was alive when they buried her. When we interviewed him, Romi had already served three years in prison. He still walked with a limp.



C.2. Reception by State and International Community

The government of Indonesia has showed that it takes child protection seriously. Ratifying the CRC through the Presidential Decree No. 36 year 1990 was their first step towards that. To strengthen that ratification, the Indonesian government amended the 1945 Constitution to specifically mention the rights of children in Article 28 B section 2, which states “every child has the right to life, to grow and develop, and be protected from violence and discrimination.” The government also introduced several laws and policies regarding child protection, including the Law No. 23 Year 2002 on Child Protection, Law No. 3 Year 1997 on Juvenile Court, and other related legislations such as the Law No. 20 Year 2003 on the National Education System and the Law No. 36 Year 2009 on Health.

Regarding children facing incarceration, on 2009 the Indonesian government with the support of the United Nations Development Program (UNDP) launched the National Strategy for Access to Justice (SNAK), followed by the implementation of the “Justice for All” program. This program recommends that children facing incarceration be prioritized in the national action plan for justice.

On July 2012, Indonesia introduced the Law No. 11 Year 2012 on Juvenile Criminal Court System (UU SPPA), replacing the Law No. 3 Year 1997 on Juvenile Court which was considered to be incompatible with the people’s needs, especially child protection as specified on the CRC.

Article 3 Section 1 of the CRC states:

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.”



MAIN REPORT



PKBI Central Office and Peduli Program



A. Juvenile Offenders in PKBI

A.1. Background on PKBI Central Office Juvenile Offender Programs

Since its foundation in 1957, PKBI has focused on reproductive health as a means of instigating family planning – including giving early education on self-discovery, interacting with others, and life planning. PKBI's activities are geared towards the general public.

Yudi, the program manager of Peduli for the Vulnerable Children and Young People Pillar, elaborated further on PKBI's long involvement in issues of children facing incarceration. PKBI's activities began from PKBI DKI Jakarta's program on reproductive health and preventing the spread of HIV/AIDS. One of the key population targeted by this program was Juvenile Offenders.

This program, which started in 2000, began its work with children serving time in Juvenile Boy's Detention Centers and Juvenile Girls Detention Centers in Tangerang, Banten. At the time, there were 300 boys and 30 girls incarcerated in the facility..

PKBI DKI Jakarta started in the issue of reproductive health. During the program, they found that certain practices in correctional facilities lead to the inmate's poor reproductive health. Such as the poor awareness regarding personal hygiene, and the practice of "tasbih kelamin", wherein foreign objects are inserted into the penis as a means of sexual enhancement.

At the time, PKBI DKI Jakarta was supported by two organizations: PLAN International in the field of child rights

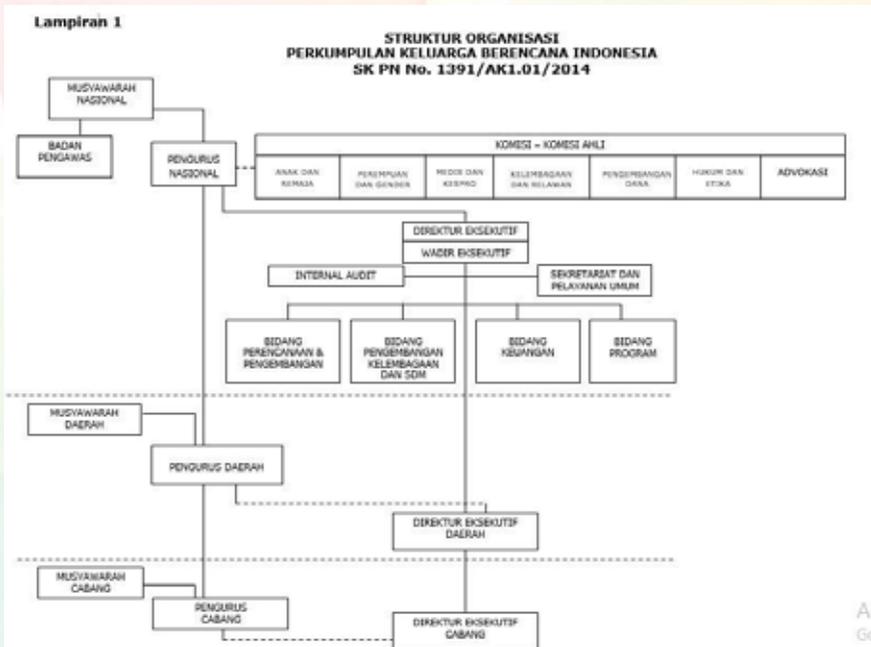
protection, and ILO APEC in the field of extricating children from drug-related cases from dangerous work. The programs developed at the time comprehensively targets children, families, correctional officers, and other relevant stakeholders.

On 2014, PKBI was appointed as an Executive Organization for the Peduli program, Vulnerable Children and Young People pillar, sub-pillar children facing incarceration. Towards the end of the Peduli program in 2019, PKBI, which has been involved in this issue for over five years, means to review the implementation of the Juvenile Offender program in order to gather insights and best practices for further programs of a similar nature in the future, particularly for PKBI Central Office, PKBI's offices in various Indonesian regions, and other relevant parties.



A.2. Program Management Design

As Executive Organization, PKBI Central Office partners with several implementing partners, in this case PKBI's regional offices in DKI Jakarta, Palembang, West Java, Bengkulu, and one non-PKBI partner, the East Java Child Protection Agency. These implementing partners signed a memorandum of understanding with Juvenile Detention Centers in their respective regions. This cooperation is geared towards empowering each stakeholders in tackling issues faced by Juvenile Offenders in accordance with UU SPPA, and organizing various regional forums to encourage social inclusion for Juvenile Offenders. These activities aim to reduce the stigma and discrimination so commonly felt by Juvenile Offenders. On a national level, these organizations cooperate to advocate issues and policies related to Juvenile Offenders.



The fundamental change in approach when counseling Juvenile Offenders is that the focus shifts to mapping out the root cause and resolution. According to Yudi, Peduli's approach initially focused on outreach programs and individual connections. Eventually, this strategy shifts and focuses on organizing social inclusion. Children are no longer merely seen as "key population", a term that has the potential to inadvertently create additional stigma, but as individuals who are still in development. Therefore, basic children's rights are fundamental to developing the strategy when counseling Juvenile Offenders.

In a written interview, Yudi explained that this change in approach resulted in an outpouring of support from stakeholders such as the Ministry of Women's Empowerment and Child Protection (KPPA), Ministry Human Rights and Law, Ministry of Social Affairs, the Education Board, the Social Affairs Board, and the provincial Public Health Offices, along with professionals in counseling, legal aid organizations, and the general public. Many of these stakeholders initiated collaborative programs with PKBI's partners in implementing programs for Juvenile Offenders in their respective working regions. PKBI Central Offices then organized it into several key activities:

1. National Activities
2. Regional Activities

I. National Activities

A. Formation of Working Networks on a National Level

1. Government: Ministry of Human Rights and Law, Ministry of Health, Ministry of Education and Culture, Ministry of Labor and Transmigration, and Ministry of Women's Empowerment and Child Protection. This working network was created to encourage governmental support for Peduli's programs

and improve governmental services.

2. Legal and Human Rights Aid Organizations: YLBHI, National Human Rights Commission, LBH APIK. This working network was created to handle reports of abuse and special cases, protect Juvenile Offenders from violence and human rights abuses, and advocating the protection of the rights of incarcerated young people.
3. Research organizations and universities. This working network was created to develop research and studies to gauge the efficacy of the educational system in Juvenile Detention Centers.

B. Formation of Support and Program Management System

PKBI's Central Office has developed a program management system that is practical and suited to social inclusion programs. The program guideline, monitoring and evaluation mechanism development, financial system, complaint handling mechanism development, and the module on empowering incarcerated children were developed by the team at PKBI Central Office to help local partner NGOs implement and promote better social inclusion programs.

C. Child Profile Development

This research/study is developed to attain a better and more academic understanding on how children and young people are excluded from social situations in detention centers. The result of this study can be used to encourage public discourse on the importance of social inclusion and as a basis for advocacy on policy, program, and inclusive services development. This research is developed through two main strategies: research conducted by experts, and research conducted by children and young people, be it Juvenile Offenders

or non-Juvenile Offenders.

II. Regional Activities

A. Capacity Building for CSOs and CBOs

1. Initiating children's forums to better understand and protect children's rights, and empower existing children's forums;
2. Encouraging the general public to support the social inclusion of children serving time;
3. Connecting the Juvenile Offenders with regional governments, public service providers, and members of the general public to build better social acceptance and social relations;
4. Developing mechanisms on documenting and reporting cases of human rights abuses against children under incarceration;
5. Developing comprehensive services mechanisms to better respond to cases of violence against children under incarceration in detention centers; and
6. Advocating for policies that are more inclusive towards Juvenile Offenders

B. Developing advocacy framework

PKBI Central Office has developed a national advocacy framework to ensure the sustainability of the social inclusion programs for children and young people in Juvenile Detention Centers. This framework aims to push for funding from regional governments in developing the implementation of UU SPPA, and will serve as a guideline for local NGOs and regional PKBI offices in their advocacy. Young people's participation in advocacy is a strategic and important part which will be developed in the Peduli program. Meaningful youth participation will indirectly educate young people on social inclusion issues, and give them the capacity

required to create an inclusive environment for Juvenile Offenders.

C. Developing frameworks for regional forums

By forming communication forums in every level, PKBI aims to develop and strengthen coordination in its partners.

1. Forum for Regional Working Group (SKPD), is a forum between SKPDs which provides technical and policy assistance through recommendation letters, and local advocacy ensuring that local regents and mayors release decrees regarding the implementation of UU SPPA. This forum will also provide insight and recommendations for the national forums to strengthen the national declaration of support for the implementation of UU SPPA.
2. Forum for Service Providers, serving as a facilitator between service providers for children under incarceration. This forum aims to develop various service mechanisms suited to operational standards.
3. Forum for Children and Families, where children and their parents can communicate. This forum provides moral support to Juvenile Offenders and strengthens their bond with their families.



A.3. Program for Juvenile Offenders in Blitar, Bandung, Palembang, Rejang Lebong-Bengkulu, Jakarta

I. Class I Juvenile Detention Center, Blitar, East Java

In East Java, PKBI Central Offices partnered with the East Javanese Child Protection Agency, or LPA JATIM. Through the JDC Children's Forum, they wish to provide empowerment and moral support to Juvenile Offenders. This forum facilitates communication between these children, in the hopes that they will strengthen and provide hope to each other. Through this positive environment, the children are encourage to seek out activities that will provide a pathway to rehabilitation. This approach is important as many of these children were forcibly separated from their families, community, and peer group.

Along with providing a space for Juvenile Offenders to express themselves, this Children's Forum also initiates meetings with other similar forums outside the JDC, exposing the children to other children from different backgrounds. This social exposure helps them rebuild their self-esteem and confidence. On the other hand, the non-JDC children's forum are exposed to incarcerated children and slowly changed their stereotypes and attitudes towards these children, encouraging social inclusion. This approach is heavily process-based and occurs naturally. A Pupil regained his self-worth when he was asked to clean the working space of an employee at the detention center. Through their bond, the employee became almost like a surrogate 'mother' to the Pupil, even though she was initially surprised with the Pupil's affection for her. According to her, the only thing she did was to regularly greet the Pupil and ask the Pupil how he is doing. The Pupil had forgotten his own Mother's face – since he was 1 years old, he was raised by his grandmother.

Other Pupils looked up to the university students conducting research and other activities in and around the detention center. These students inspired them to better their positions and rehabilitate themselves. “I want to learn more about society, and it would be better if I could even go to college,” said one Pupil. This admirable goal was inspired by his frequent interaction with these university students.

II. Class II Juvenile Detention Center, Bandung, West Java

In Bandung, PKBI West Java developed a Family Forum to strengthen the bonds between the Pupils and their families. They found that more frequent visits from family members increased the Pupil’s self-confidence, which will quicken their reintegration to society.

Since most Pupils came from various remote regions, these forums were held in strategic locations easily reached by their families. For the pilot project, they chose the city of Garut as a venue, specifically targeting many Pupils with families around the area. The local branch of PKBI in Garut facilitated the meeting. In addition to sharing their feelings and encouraging each other, through this forum the families who couldn’t attend due to their distance or economic condition could pass on “gifts” to the Pupils.

This forum not only empowers them psychologically, but also economically. The forum also facilitates several small business ventures common in the area, such as small-scale snack production or handicraft. PKBI West Java started the forum through WhatsApp groups and regular meetings. Due to the strong family bonds forged in these meetings, Pupils who have “graduated” from the

detention centers are often sent home smoothly – this includes vocational trainings for ex-Pupils which was tailor made to suit their respective family business. This initiative in Garut will be replicated in other areas with a high number of Juvenile Offenders.

To fulfil the Pupil's rights to education, PKBI West Java also advocated to the local education and social affairs office to facilitate educational or vocational activities for the Pupils.

III. Class I Juvenile Detention Center, Palembang

The Palembang Juvenile Detention Center is housed in a former penitentiary for adult inmates. However, you wouldn't find a stereotypical former prison with intimidating metal bars, menacing guards, and isolation from the outside world. Instead, you will find walls painted in bright colors, small gardens with fountains, and a visiting room with comfortable interior not unlike a friendly family restaurant. The officers in the Juvenile Detention Centers appear relaxed in their trendy long-sleeved shirts, cordially greeting every visitor. As you venture deeper into the facility, this comfortable atmosphere persists. There are no metal bars in narrow hallways, clean bathrooms with porcelain floors and showers are neatly placed alongside a well-organized laundry area. You can also find a classroom and library equipped with an open garden for reading, discussions, and consultation. According to the Warden of the facility, these gardens were designed and built in collaboration with the facility's officers, its Pupils, and with professional help. He insists that these children participate fully in the facility's development.

Through the Peduli program, PKBI South Sumatera is

working towards fulfilling child rights through child-friendly detention centers and encouraging participation from Pupils and other relevant stakeholders in counseling the Pupils, in accordance with the spirit of the Law No. 11 Year 2012 on Juvenile Criminal Court System.

In 2017, this facility was chosen as the best Juvenile Detention Center in Indonesia by the Indonesian Ministry of Human Rights and Law, and was considered a Child-Friendly Juvenile Detention Center by the Ministry of Women's Empowerment and Child Protection.

Filial Schools: Turning “Juvenile Offenders” to “Pupils”

There are strong reasons why the term Juvenile Offenders is slowly being replaced by a different term, “Pupils”. This reflects the shift in paradigm regarding the lives of children facing incarceration. Instead of viewing itself as a garbage bin housing the dregs of society, these Juvenile Detention Centers began viewing themselves as educational facilities. The Palembang facility's atmosphere evokes the welcoming vibe of a modern boarding school. This naturally shifts the predominant view that the children facing incarceration were mere “offenders”.

The Class I Juvenile Detention Center in Palembang chose to model itself as a “filial school” instead of pushing the children to enroll in equal-merit tests, in which children not enrolled in formal schools take the national examination to graduate from primary, middle, and high school. This is because these equal-merit tests are perceived as a last resort measure for troubled

children, and will only increase stigma against these children in society. Through the filial model, these Pupils are enrolled as students in formal state schools, and have the right to receive a diploma from their school. The Juvenile Detention Center provides learning facilities such as classrooms, libraries, computer laboratory, and language laboratory. Every child in the facility is taught to “dare to make a change”.

The Pupils are also presented with opportunities to take part in programs outside of the detention center – such as sports competitions, marching, or boy scout. The change in the Pupil’s mindset means that the facility’s staffs are confident the Pupils won’t contemplate “running away”. One time, a Pupil went missing from his room after the curfew. The detention center’s staff responded in a relaxed manner, saying, “Don’t worry, just send someone to his home. The kid probably misses his mother.” The detention center’s staff never considered that their Pupils would run away, so the Pupils never contemplated such a thing either.

These changes were so ingrained in the facility’s culture that even changes in the staff structure hasn’t affected the fulfillment and protection of child’s rights.

Societal participation for “graduating” Pupils.

As key figures in changing the mindset of these Pupils, former offenders are treated as alumnus from a prestigious university. Senior detention center staffs accompany these graduating Pupils back to their families.

PKBI South Sumatera is involved in returning the children to their families. The family is briefed and prepared

to welcome their children's return. Local dignitaries, village staff, religious figures, and prominent youths work together to welcome the child back to the family. This graduation ceremony is symbolically concluded by giving the children's "diploma" (their release letter) to the parents in full view of the attendees. The ceremony is then concluded with words of advice from the local dignitaries and religious leaders, and a recitation from the Holy Book.

This ceremony has proved to be extremely effective in reducing societal stigma against former Pupils.

IV. Class IIA Penitentiary, Curug, Rejang Lebong Regency, Bengkulu

This facility is renowned for its advocacy, which deeply involves its stakeholders. Local government agencies, civil society, universities, the private sector, and media are all invited to participate in formulating various methods to fulfill the rights of the Pupils. This effort was well-received by the regional government, resulting in the introduction of the Regional Governmental Decree on Assistance for Children Facing Legal Issues in Rejang Lebong Regency, Bengkulu province. Through this advocacy, PKBI Bengkulu managed to secure legal ID cards for 50 eligible Pupils, with full support from their families. By owning an ID card, these children gained the ability to vote in the upcoming elections.

The facility in Curug is also notable for its close relationship with the Pupils' parents. The families are provided with ample time to visit their children. The Warden even provides phone services for children whose parents are too far away to visit. When we asked to interview a Pupil, the Warden allowed us to speak with the child outside of

the detention center's grounds so as to maintain a more relaxed atmosphere. Naturally, a guard was standing by not far away from us.

placed in the same block as Juvenile Offenders. The Warden told us this was so that the children could learn to pray and recite the Holy Book from the convicted terrorists, which genuinely occurred in the prison walls. These convicted terrorists also regularly treated the children to snacks, bread, and occasionally milk. Unfortunately, this arrangement means that the children are exposed to radical religious ideology. A child told us that during their recitations, the convicted terrorists would show them videos on killing infidels with his handphone, while demonstrating the proper method to slit a man's throat. "Why would you kill someone, brother? Isn't that a sin?" inquired the children. The convicted terrorist would simply reply that such a thing was permissible "in jihad".

The lack of proper facilities forced the Wardens and officers of the Penitentiary in Curup to make a dilemmatic decision. Whatever they chose will not please all parties. However, after the implementation of the UU SPPA, its contents must be taken into account when mediating future dilemmas.

V. Class II Juvenile Detention Center, Jakarta

PKBI DKI Jakarta is known for using the peer-to-peer approach, utilizing peer volunteers in all their activities in the Juvenile Detention Centers. Former Pupils are organized and educated to support current Pupils' activities. Their involvement boosts the Pupils' confidence and they are encouraged to start planning for life beyond prison.

This activity, conducted every Monday and Wednesday, were a source of excitement for the Pupils. Youths from Komunitas Proklamasi would attend, conducting activities which enlighten the Pupils' lives. From relaxed conversations, confidence-boosting games, and drawing comics to express the Pupils' feelings.

Their long involvement with Juvenile Offenders has helped PKBI DKI Jakarta build meaningful relationships with their beneficiaries. The insights gathered through this long process is currently being compiled to a module, which will greatly serve any future programs concerning children facing incarceration.

This module deserves to be a reference in the implementation of programs for children, especially ANDIK in LPKA in a more structured manner.



B. Lessons Learned from Programs in 5 Juvenile Detention Centers

Prior to the programs in 5 Juvenile Detention Centers (Jakarta, Bandung, Blitar, Palembang, Bengkulu), PKBI Central Office conducted a workshop on Theory of Change (TOC, explanation below) to map out a baseline on Juvenile Offenders for the Peduli program. This workshop is mandated by The Asia Foundation as the supervisor the Peduli program. PKBI's consistency and commitment in implementing TOC has helped PKBI hone its strategy in counseling Juvenile Offenders, resulting in a significant paradigm shift. This includes big changes in program direction, organizational position, program scope, and program focus.

Theory of Change

Theory of Change is essentially a comprehensive description and illustration of how and why a desired change is expected to happen in a particular context. It is focused in particular on mapping out or "filling in" what has been described as the "missing middle" between what a program or change initiative does (its activities or interventions) and how these lead to desired goals being achieved. It does this by first identifying the desired long-term goals and then works back from these to identify all the conditions (outcomes) that must be in place (and how these related to one another causally) for the goals to occur. These are all mapped out in an Outcomes Framework.

The Outcomes Framework then provides the basis for identifying what type of activity or intervention will lead to the outcomes identified as preconditions for achieving the long-term goal. Through this approach the precise link between activities and the achievement of the long-term goals are more fully understood. This leads to better planning, in that activities are linked to a detailed understanding of how change actually happens. It also leads to better evaluation, as it is possible to measure progress towards the achievement of longer-term goals that goes beyond the identification of program outputs.

<https://www.theoryofchange.org/what-is-theory-of-change/>

B.1. Program Direction

Program Direction: From providing service to empowerment.

The Juvenile Offender's program in PKBI evolved from reproductive health programs initiated by PKBI DKI Jakarta. Previously, this program was heavily geared towards providing health services, providing physical needs including healthcare and counseling, and social support. Children are viewed as individual, independent units.

Slowly, this approach changes to better accommodate the children's emotional and cognitive needs, and on empowering and facilitating the Pupils.

The strategy also affirms that children, even Juvenile Offenders, are inseparable from their parents and/or families. The families' presence are vital to the children's livelihood and future. Most Pupils we interviewed came from lower middle class or working-class families. Many were home scale traders. Therefore, economic empowerment is an integral part of intervention programs involving families.

Empowering the families economically is also part of a wider strategy to integrate them fully into society. This is especially evident in the strategy implemented by PKBI West Java.

Unfortunately, the current strategies implemented by PKBI's partners are yet to coalesce into a coherent family-based approach. The plan remains conceptually weak. Despite its low efficacy, the methods implemented by PKBI West Java could serve as a basis for future strategies in handling Juvenile Offenders programs.

It's important to note that PKBI doesn't view "empowerment"

as in opposition to “directly providing service”. Instead, it views empowerment as a natural continuation of service providing. This is also part of a bigger aim to empower families and communities to fulfill the child’s needs, instead of constantly being the sole provider for children.

This service providing approach is evident in the previous Juvenile Offender program, in which Juvenile Offenders are positioned as objects in a project on HIV/AIDS. In Peduli, PKBI positions itself as a facilitator between children and public services such as schools, healthcare services, and self-identification, and empowering families and communities in fulfilling the children’s needs.

B.2. Participation

Participation: A shift from program-based participation to wide-scale participation.

Before this program, Juvenile Offenders are mainly viewed as a mob of “troubled children” in need of guidance, and are positioned as vulnerable “key populations”. Through this program, PKBI aims to blend in with these children, their families, and their communities to facilitate change.

- Reducing stigma on Juvenile Offenders and not positioning them as “excluded” people;
- Providing social exposure (see; the case of Romy in Blitar)

B.3. Quality of Process

Quality: from quantity to quality, appreciating process

Juvenile Offender programs were mere projects within a set timeframe. Due to the nature of the program mandated by

Peduli, PKBI focuses on qualitative program processes.

TOC sparked this shift in paradigm, from project to movement. Moving towards a more specific target with a better appreciation for process and quality.

B.4. Advocacy

Advocacy: formation of working groups for children facing legal issues in Bengkulu

Now, PKBI focuses on “cause and issue” instead of on domain. This indicates that PKBI starts to pay more attention to structural problems related to the issue. Advocacy is taken more seriously as a key component in its programs. This is especially evident in the programs by PKBI Bengkulu.

PKBI Bengkulu has been active in Juvenile Offender issues since 2011. Initially, they received an offer to participate in this program from PNPM Peduli under the Coordinating Ministry for People’s Welfare. The program began after the government realized there are many people whose rights, enshrined in the nation’s laws, are not yet fulfilled. The program was designed to be NGO-driven, putting PKBI Bengkulu in the forefront.

It was a rocky start for PKBI Bengkulu, especially as at the time the UU SPPA hasn’t been introduced yet. There were many challenges: from developing a functioning team within the organizational structure, to dealing with opposition from many stakeholders during the program’s implementation. Despite these obstacles, PKBI’s strong understanding of social inclusion allows them to adapt and create effective strategies in their programs. Their program’s success is due to the strength of their advocacy. Of course, it took time for them to properly wield this to their advantage. Every day, members of PKBI Bengkulu would personally approach members of various related institutions. This personal approach is deemed more effective in garnering support for the cause of children’s rights. After establishing a personal rapport with these organizations, PKBI Bengkulu then invited these regional working groups to attend a routine general meeting.

By signing several MoUs, PKBI Bengkulu secured support in their activities with Juvenile Offenders as part of their mandate from PKBI to fulfill young people's rights.

That year, funding for their program was temporarily halted. However, PKBI Bengkulu's members felt a sense of personal responsibility to this program and continued in their efforts. The hard work of their staff, executives, and volunteers resulted in the introduction of a Regional Governmental Decree from the Governor of their province. They pushed hard for the introduction of these MoUs and Decrees not to fulfill a target in their program, but to adapt to the needs which arose during the course of their intervention.

PKBI Bengkulu was also quick to learn the successes and best practices of PKBI's partners in other regions, adapting these methods to their own work in Bengkulu. Their advocacy is not limited to meetings on Juvenile Offender issues, but is also a platform for them to introduce the Peduli program. PKBI Bengkulu understands the importance of advocacy as an important method to initiate, introduce, and implement a common strategy.





RECOMMENDATIONS

There are no singular narratives regarding Juvenile Offenders. Their age, gender, legal issue, and family background all contribute to their character and circumstances. To ensure that the services and protection received by these children truly fulfill their needs, it's important to specify a target and identify the beneficiaries.

On children facing criminal charges, the UU SPPA specifies that Juvenile Offenders fall to three different age groups:

- Children facing criminal charges under the age of 12;
- Children facing criminal charges aged 12-14 years;
- Children facing criminal charges aged 15-18 years.

Pengkategorian AMPP berdasar usia tersebut menentukan jenis sanksi yang bisa diberikan kepada setiap kelompok umur.

These categories also determine the type of sentence that can be imposed on the child. For children facing criminal charges **under the age of 12**, Article 21 of UU SPPA states that investigators, counselors, and professional social workers take all necessary steps to:

- a. Return the child to their parents or legal guardians; or
- b. Enroll the child in educational or counseling programs in any governmental, correctional, or social welfare institutions in a regional or national level for a maximum duration of six months.

Article 69 section 2 of UU SPPA states that children **under the age of 14** will receive **treatment**, while perpetrators aged **15 or over** will face criminal charges.

Treatment is defined by Article 82 of the UU SPPA as:

- Returning the child to their parents/legal guardian;
- Putting the child in the custody of a private individual;
- Institutionalization in a mental health facility;
- Institutionalization in a Social Welfare Agency;
- Mandatory enrollment in formal education and/or training programs conducted by the state or private entities;
- Revoking their driver's license; and/or
- Corrective measures on the impact of criminal act.

Criminal Charges as defined by **Article 71 of UU SPPA** is categorized to main charges and additional charges.

1. **Main Charges** consists of:

- Official warning;
- Conditional charges consisting of: counseling outside of detention centers, community service, or supervision;
- Work training;
- Counseling within detention centers;
- Incarceration.

2. **Additional Charges** *consists of:*

- Seizure of assets accrued through criminal act;
- Performing penance in accordance to local customs.

PKBI, through the Peduli program, targets boys facing criminal charges. However, this is not to say that there are no young women and girls currently incarcerated. In fact, they are more vulnerable than boys. They are more susceptible to sexual exploitation and stigma, making the social inclusion process more difficult for them. In the future, we recommend that PKBI start conducting interventions and programs for female Juvenile Offenders.

The background of these Juvenile Offenders must also be more clearly defined. Based on complaints received from 2011-2016, the Indonesian Commission for Child Protection (KPAI) categorized 9 types of criminal acts:

<i>Children perpetrating physical violence (Assault, actual bodily harm, mass brawls, etc)</i>
<i>Children perpetrating psychological violence (Threats, intimidation, etc)</i>
<i>Children perpetrating sexual violence (Rape, molestation, sodomy, pedophilia, etc)</i>
<i>Children perpetrating murder</i>
<i>Children perpetrating theft</i>
<i>Children perpetrating road accidents</i>
<i>Children in possession of sharp weaponry</i>
<i>Children perpetrating in kidnapping</i>
<i>Children perpetrating in abortion.</i>

However, in determining intervention strategies for Juvenile Offenders, we recommend that this category is simplified to 3 categories based on the severity of the crime and its potential sentence. There are 3 main categories: petty crime, murder, and sexual violence.

This categorization is important because each category represents a case with a certain context which may require different approaches. A clear categorization will ensure that the right strategy is implemented in future programs. Further research by PKBI in Peduli program can be designed towards mapping out issues faced by Juvenile Offenders in each specific category.

Families are the first institution in a child's lives, followed by their schools and their surrounding community. Therefore, every intervention strategy must prioritize the child's relationship with their family.

“When I get out of here, I will wash my mother’s feet and drink the water;”

These were the words of a Pupil in the Class I Juvenile Detention Center in Palembang to his mother, who lived in a village far away from the facility. Because of this distance, the child – the first of 3 siblings – rarely get visits from his family in his 3,3 years behind bars. Even though this separation hurts him, the child doesn’t blame his family. To this day, he regrets that his actions while still in middle school caused his mother such anguish. This motivates him to become a model Pupil and serve the rest of his term. He will graduate from the detention center in 3 months.

A Pupil at Palembang Juvenile Detention Facility

“I’d rather my mother not come here. It only makes me sad.”

Devastated at the death of his father on his first year of middle school and sadness at his mother’s economic struggles after the father’s death led this child to seek an escape. He spent most of his time on the streets, growing distant from his mother. Eventually, he was charged with obscenity and sentenced to serve time in a Juvenile Detention Facility.

“My mother pays attention to me, but that’s not enough. I understand that she works hard to pay the bills, but I still can’t face life without my father. It’s not enough to simply give me pocket money.”

A Pupil at Bengkulu Juvenile Detention Facility

“I miss my grandmother.”

A Pupil in Blitar Juvenile Detention Facility muttered nervously to us, showing his tattoo. It was a woman’s name.

“Is that your girlfriend?”

“No, it’s my grandmother’s name.”

His grandmother told him what happened to his mother. After his father left the family when he was just one year old, his mother had to find work as a domestic worker in Saudi Arabia. He was left in the care of his increasingly frail grandmother. Unwilling to cause trouble for his sickly grandmother, he dropped out of school before graduating and took a job as an assistant for a motorcycle mechanic. However, his low wages weren’t enough to cover his grandmother’s medical bills, and he turned to burglary. After he was arrested, he was sent to serve time in Blitar, 150 kilometers away from his grandmother in Surabaya. His grandmother hasn’t come to visit him since his incarceration, but he doesn’t blame her.

He is very close with an officer at the Juvenile Detention Facility. When the officer asked him to help clean and sweep her office, it felt as if his mother was putting him in charge of the house. He delightedly accepted the offer.

These three cases showed that many Pupils simply desire the presence of a mother figure. The family forums are a helpful initiative to remedy this. Considering how often the Pupils stress the importance of a mother figure, it’s important to ensure the presence of one such mother figure in these family forums and in the Pupil’s daily lives. The case of a Pupil in Blitar who improved his self-esteem after interacting with a staff at the Detention Center is a prime example of how this approach can enrich their lives.

The benefit of these forums for the Pupils are evident. On the other hand, through this forum parents could rethink their relationships with their children.

Stressing the importance of natural factors

Most intervention programs aimed at Juvenile Offenders are impersonal by nature. This is due to the overemphasis on quantitative approaches that only stresses quantitative indicators on the success of a program. We believe it's important to:

- Consider the critical period in a child's psychosocial development;
- Provide a more robust personal support to each child;
- Allow the children to interact with other social groups, which will provide them with inspiration and positive role models;
- Allow the children to experience school life.

Note:

There are three important elements in a Pupil's schooling experience:

- a. The opportunity to develop basic intellectual capabilities required for the Pupil's future;
- b. The opportunity to interact with other social groups, which will expose them to different role models and ease their social integration upon release from the facility; and
- c. Receiving sympathy and wider social support for the preparation of their future.

Capacity building for staff

Based on the recommendations stated above, it's important to conduct capacity building workshops for the staffs assigned to programs aimed at Juvenile Offenders. Special training is required to prepare them for interacting with and counseling the Pupils and their parents. We also

feel that the involvement of Juvenile Detention Center staff in this capacity building is vital. The activities could consist of training and/or knowledge sharing on child's rights issues and child psychology.

Networking with professional organizations

Despite the hard work and dedication of PKBI's field staff, there are still certain cases where the Pupil requires further psychological counseling from a professional. Many of these Pupils are involved in more serious crimes such as homicide or sexual violence.

APPENDIX

Strategic changes in the paradigm of PKBI Central Office's Juvenile Offender program			
From	Focusing on the child's physical needs	to	Paying more attention to the child's emotional and cognitive needs.
From	Directly addressing the child's needs	To	Encouraging the participation of the child's family and surrounding community in helping the child
From	Providing services	To	Empowerment and ease of access to services
From	Physical assistance	To	Capacity building
From	Focusing on quantitative goals	To	Focusing on qualitative goals
From	Solely providing external support for the child	To	Developing and garnering support from families and the wider community
From	Focusing on domain Fokus ke domain	To	Focusing on the root of the issue and its potential solutions
From	Main perpetrator	To	Accomplices and other stakeholders
From	A more general target	To	A more specific target, with more emphasis on process and quality