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The Function of Psychology and Psychiatrists for Children Perpetrating Crimes in Special Children's Development Institutions

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Abstract

Research with the title The Role of Psychologists and Psychiatrists in Children Perpetrating Crimes in Child Development Institutions was carried out by the Class II Correctional Institution in Jayapura City. The method used in this research is empirical legal research. The problems of this research are: What is the rationale for including Child Development in the Child Protection Justice System, what are the coaching efforts carried out by the Jayapura City Class II Penitentiary and how are Psychologists and Psychiatrists implemented in coaching child convicts at the Jayapura City Class II Correctional Institution. So, this needs to be researched because there are perpetrators of criminal acts who, after leaving or having completed their training period, will return to a training institution or are referred to as recidivists. It is hoped that this research can provide input to the Government, Development Institutions, and knowledge for the community.

Keywords: Psychology, Psychiatrists, Criminal Offenders, Development Institutions.

Introduction

Children are the young generation's human resources, the potential and successors of the nation's principles whose rights and lives must be preserved and cherished. They play a vital role and have unique traits that set them apart from adults. The State's protection of children's rights in the Indonesian constitution is confirmed in article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia), which reads, "Every child has the right to survival, growth and development and has the right to protection from violence and discrimination". Children must have rights as human beings and their position as legal subjects, therefore the rights inherent in them must be upheld and protected.

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Children are whole people, so their rights must be protected. Human rights include child protection. As human rights, children's rights must be recognized and maintained. Children and teenagers are still easily impacted by their environment, both good and bad, due to their unsteady mental development. Children are easily victimized or perpetrated crimes. A child's inability to think maturely makes him a potential victim or perpetrator of a crime. (Mulyana et al., 2023)

A child who lacks attention and a child who abuses parental attention can cause the child to do things that are contrary to the law. Law is present not only in overcoming crimes and violations, but also as a tool of social control (*law as a tool of social engineering*) (Munandar et al., 2021) . This aims to protect children's rights. A coaching institution or often called LAPAS is a place to carry out coaching for Prisoners and Correctional Students (Article 1 Number 3 of Law Number 12 of 1995 concerning Correctional Services). Article 7 paragraph 2 states that personality development is directed at mental and character development so that correctional friends become fully human, devout and responsible for themselves, their families and society

More and more children are involved in the world of crime, the nation's children really need guidance and guidance from parents who care for, protect and guarantee education so that children are useful for their family, nation and state. In reality, criminalization of children cannot reduce the number of crimes committed by children because criminalization of children cannot change children's behavior either in prison or outside prison. There were 6,717 cases in correctional institutions, of which 4,211 were theft, 663 were assaults, 548 were drugs, 544 were domestic violence, 239 were gambling, and 163 were public order, 353 were decency. The Directorate General of Corrections has approximately 5,000 children in prison, both awaiting trial and serving sentences. Children are imprisoned for petty crimes and abuse, such as theft, vagrancy, truancy, or drug abuse (UNICEF Indonesia, 2012). The Indonesian Child Protection Commission (KPAI), in 2014, recorded that 43% of children were perpetrators, and 2% of children in the judicial process (Erlinda, 2014). There were 3,282 children as prisoners and 2,025 of them as prisoners were boys, aged 13-18 years, some even under 10 years old, with 30% elementary education, 64% middle school and 6% high school. Meanwhile, in Jayapura City in general, the number of children who committed crimes in 2019 was 32 people, in 2020 there were 19 people and in 2021 there were 24 people. So if you look at it from 2019 to 2021, the number of children who commit crimes is increasing.

A juvenile judicial system is used to prevent and control child delinquency (child criminal politics). (Hidayat et al., 2021) . According to law no.

11 of 2012 concerning the Criminal Justice System Article 1 number 2: Children who are in conflict with the law are children who are in conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts." government maintains a juvenile justice system to punish youngsters who break the law. Criminal imposition is a means of supporting the realization of the development of children as perpetrators of crime. This means that imprisonment is not the best solution for children, because it can have a negative effect on their mental and psychological development. Meanwhile, children in conflict with the law according to Article 1 number 3 are "children who are 12 (twelve) years old, but not yet 18 (eighteen) years old who are suspected of being accused of a criminal act."

At a certain age, children catch things more quickly through what they see as interesting. Often busyness limits parental supervision of children, which makes children free to consume any content on social media or other electronic media. So that new behaviors emerge that are influenced by the experiences they witness. In this case, children's behavior will change, and it will be easier for them to commit crimes and violations, so that children committing violations and crimes will increase. In Law no. 35 of 2014, namely the Law on Child Protection, that "children are an inseparable part of the survival of humans and the state, so that in the future they will be able to take responsibility for the sustainability of the nation and state, for this reason children need to have the widest possible opportunity to grow and develop optimally both physically, mentally and socially". The duties and responsibilities of the State, government, community, family and parents are obliged to provide protection and ensure the fulfillment of children's human rights "

In Indonesia and other nations, Muladi supports stronger non-institutional punishment to safeguard children from incarceration (Muladi, 1992). The "social defense" flow which wants to eliminate danger to society by carrying out resocialization of the creators. Because one of the means of "social defense" is that criminal law is maintained in the sense of protecting society against crime by repairing or restoring (rehabilitating) the creator without reducing the balance between the individual (maker) and society (Sudarto, 1986). When a child commits a criminal act and is sentenced to guilty in the judicial process, the time served must be differentiated from adult criminal acts.

Psychiatry and law affecting human life. Psychiatry people with mental problems often deviate from constructive social situations that meet society's needs. Prevention, treatment, and rehabilitation are needed. Sanctions from the legal system improve harmful habits and increase social control. Although these two fields have different aspects of human behavior, but the two sciences can each

approach this pattern of behavior from different views, because there are things that are very closely related to each other. For example, the concept of mental disorders used by psychiatry and laws against criminal behavior. The law looks at the behavior of conscious data and circumstances for which behavior is responsible crime. While in psychiatry it is known that behavior is controlled by 2 factors, namely conscious and unconscious factors. Human behavior is an expression of the whole personality; hence the field of psychiatry consider unlawful behavior may not be just based by conscious factors, but perhaps by other things, even behavior This behavior is a superficial manifestation of a psychological condition or disorder deeper.

In order to avoid or protect juvenile criminals from possible bad influences that could occur if placed in a public prison (Muladi, 1992). Especially in the form of disruption to normal social life, which can increase difficulties for juvenile criminals in adapting to society and their families later, to avoid the possibility of becoming recidivists in the future. In Rule 26.1 in the regulation above, it is stated that the purpose of training and coaching children in correctional institutions is for care and protection, education and vocational skills with the aim of helping them understand constructive and socially productive rules in society. Furthermore, Rule 26.2 emphasizes that children in correctional institutions should receive care, protection and all social, educational, vocational, psychological, medical and physical assistance they need according to their age, gender and personality as well as according to their overall development (Sambas, 2013). Meanwhile in Indonesia, the function of the correctional system is to prepare correctional members so that they can integrate healthily with society, so that they can return as free and responsible members of society.

That is the confirmation of Article 3 of the Corrections Law. This correctional system does not only apply to adult prisoners, but also applies to correctional students in special juvenile correctional institutions (LPKA). Prison conditions have limited facilities and infrastructure that cannot provide a deterrent effect and cannot motivate children to change their behavior. Because in this institution there is no more attention to children's mental and spirituality, so it becomes an obstacle in the process of improving the child's recovery because the environment of the institution is not yet conducive. Criminal rehabilitation from a psychological aspect in correctional institutions is very lacking and almost non-existent. There are more and more problems in society that require the role of psychology and psychiatrists to contribute to solutions in special children's correctional institutions, whereas in other special children's correctional institutions the development of psychology and psychiatrists is still slow and even non-existent. So, the author is interested in researching the role of psychologists

and psychiatrists towards children who are criminals at special child development institutions.

Methodology

Normative legal study is law research. This research examines important statutes and regulations to better understand the legal foundation. The case approach provides a conceptual method that breaks from legal principles and doctrines and analyzes the context, characteristics, and distinguishing elements of the cases analyzed. Researchers can find relevant legal principles, concepts, and thoughts (Danil et al., 2023).

Discussion

- 1. Legal Psychology
- a. Understanding Legal Psychology

Legal psychology is a new empirical study of law as human "behavior" or "behavior" in law that emerged in the 1960s. When humans behave, "good" or "wrong," "legal psychology tries to classify human conduct with its own standards. Such as distinguishing individual from group conduct, normal from pathological behavior, and other legal psychology classifications (Ali, 2009).

The definition of legal psychology is as follows: Legal psychology is the study of law which will attempt to highlight law as a manifestation of certain psychological symptoms, and also the psychological basis of the behavior or attitudes of these actions (Ali, 2009).

"Legal psychology is a branch of science that studies law as a manifestation of the development of the human spirit." (Akhdhiat & Marliani, 2011).

Based on the definition above, it can be understood that legal psychology is a branch of science that studies law as a manifestation of the development of the human soul, psychology is the science of human behavior, so in relation to the study of law it will see law as a reflection of behavior. human behavior.

Law, legal institutions, and legal professionals are studied empirically in legal psychology. Basic social and cognitive ideas and principles are studied in legal psychology to apply them to society's legal system.

Understanding the quote above, the scope of legal psychology covers a fairly broad field, which is related to aspects of law enforcement, symptoms and impacts of legal actions. In this research, the scope of psychology that is used as a reference is the discussion in legal psychology which relates to morally degrading behaviors that violate the law, and from a legal perspective containing criminal aspects.

b. Types of Legal Psychology Approaches

Discussions about legal psychology can be divided into several types, namely: Psychology in Law, Psychology and Law, Psychology of Law, Forensic Psychology (Soeroso, 2006). Understanding the opinion above, it can be stated that legal psychology has several approaches, namely psychology in law, psychology and law, psychology about law, forensic psychology. The psychological approach in law means specific applications of psychology in law, such as the mental condition of suitable parents, mothers or fathers to be appointed as guardians for the maintenance of children in divorce cases.

The psychological and legal approach includes legal psychology research on law violators as well as legal psychology research on the behavior of law enforcers in the field. The psychological approach to law is used to refer to psychological research on the motivation of legal subjects in relation to legal behavior, such as research on the moral institutionalization of certain communities, research on community compliance with legal norms and legal products established by the government.

- 1. Overview of Psychiatrists
- b. Definition of Psychiatrist

In general, mental health legislation in Indonesia originates from to the regulations during the Dutch colonial period originating from Mental health legislation in the Netherlands. Initially in Indonesia existing regulations specifically regarding the management of mental illness patients was Staatsblad number 139 in 1885. At that time the Dutch East Indies government only has one place for treatment (shelter) for mentally ill patients, namely Krankzinnigen gesticht (mental asylum) in Bogor which is now RSJP Bogor, which founded in 1882. Then on February 4, 1897 against regulations Several changes were made to the Rule of Hittite Krankzinnigenwezen in 1897. So this regulation was afterward used and valid until long after Indonesia's independence (Sobari & Nurdin, 2022)

This regulation is considered the most complete and meets the needs in the field mental health at that time. But over time there are some things that don't feel right in accordance with conditions and developments, especially after Indonesia's independence. Although it was only on July 4 1951 that the Indonesian government, in this case Minister RI Health succeeded in making new regulations in the form of a Decree Republic of Indonesia Health of 1951 no.16680/UU which abolished Staatsblad no. 139 years old 1885. However, because this regulation is less complete than the 1897 Regulation, So in some matters that are not in the 1951 Indonesian Ministry of Health regulations, they are still carried out according to the 1897 Regulations (Alfarisi, 2020).

It is recommended to see a psychiatrist when experiencing physical and psychological disorders or suffering from illnesses caused by psychological problems. The following complaints or symptoms can be used as a reason for you to see a psychiatrist to get the right solution and treatment:

According to Koesnan (2005) "Children are soul and life-young because they are quickly impacted by their surroundings." Children must be taken seriously. Ironically, as the most vulnerable and weak social creatures, children are often the most disadvantaged, have no right to speak, and are often victims of violence and rights violations (Gosita, 1992).

In Indonesia, statutory and expert definitions of children vary. The definition of child varies by law and expert because it depends on their goals. Statutory definitions of children are as follows:

a) Children According to Law no. 23 of 2002 concerning Child Protection

Article 1 paragraph (1) of Law No. 23 of 2002 concerning child Protection defines a child as everyone under 18, including undelivered children (Law No. 23 of 2002, 2007).

b) Children according to the Udang Book – Civil Law

Article 330 of the Civil Code defines immature people as those under 21 and unmarried. So, a child is someone under 21 and unmarried. If a child was married before 21 and divorced or left behind by her husband, she is still an adult (Subekti & Tjitrosudibio, 2002).

- According to the Criminal Code
 Article 45 of the Criminal Code defines children as under 16.
- d) According to Law No. 4 of 1979 concerning Child Welfare, a child is someone who has not reached the age of 21 (twenty one) years and has never been married (Article 1 point 2) (Editor of Sinar Graphics, 2003).
- e) According to Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, explained in (Article 1 Paragraph (3)), a child is a child who is 12 (twelve) years old, but not yet 18 (eighteen) years old who is suspected of committing a criminal act (Editor of Sinar Graphics, 2003).
- f) According to Article 1 point 5 of Law Number 39 of 1999 concerning Human Rights, it is as follows:

"A child is every human being under 18 (eighteen) years of age and unmarried, including children who are still in the womb if this is in their interests."

The age restriction for minors is crucial in juvenile criminal trials since it determines whether a suspect is a child. Knowing the age restrictions for children, several countries govern the age of punishment. Several countries identify

children and adults by age, activity, or cognitive ability. Child is defined in Article 1 of the Convention on the Rights of the Child. A child is someone under 18, except under the law that relates to mature children.

According to Bisma Siregar's book, a child is defined as 16 years or 18 years old in a society with written law. No longer children, but adults (Siregar, 1986).

In the book by Gultom, as quoted by Sugiri (2010), he wrote: "As long as the process of growth and development is still going on in their body, the child is still a child and will only become an adult when the process of development and growth is complete, so the age limit for children is the same as the onset of adulthood, namely 18 (eighteen) years for women and 21 (twenty) years for men."

In the same book, Hilman Hadikusuma puts it "Drawing the boundary between being an adult and being immature, there is no need to be a problem because in reality, even though a person is not yet an adult, he can carry out legal actions; for example, immature children have carried out buying and selling, trading, etc., so on, even though he has not yet died."

Based on numerous definitions and age limitations for children, which are highly variable, it seems vital to explicitly determine and agree on age limits for children so that there will be no future issues with the child's age limits. The Laws on Human Rights and Child Protection define a child as anyone under 18, including unmarried fetuses.

a. Children in Conflict with the Law

Discussing children in conflict with the law includes children who are victims of crime. Under-18-year-olds are in conflict with the law. Criminals suspected, accused, charged, or sentenced. Herlina (2014) states that children who break the law are forced to interact with the criminal justice system because: Are you accused, prosecuted, or found guilty of violating the law? Have you been a victim of a legal violation? According to Apong Herlina, children in legal trouble can be split into: Criminal suspect or perpetrator, Crime victim, Witnessing a crime.

Children who are accused, charged, or convicted of breaking the law require protection. Conflict means an event that is out of sync or contradicts another, making it an issue. A child in confrontation with the law is a child who has troubles due to a lawbreaking action. The term "juvenile delinquency" refers to socially handicapped children. Juvenile delinquency opinions vary, as shown below.

According to Romli Atmasasmita: (Atmasasmita, 1977)

"Delinquency is an act or deed carried out by a child which is considered to be contrary to the legal provisions in force in a country and which society itself feels and interprets as a disgraceful act."

According to Wagiati Soetodjo and Melani: (Soetodjo & Melani, 2013)

"Children's delinquency is taken from the term juvenile delinquency, but this child's delinquency is not delinquency as referred to in Article 489 of the *Juvenile Criminal Code* which means young, children, young people, characteristic features of youth, typical characteristics of the teenage period, while *delinquency* means *doing wrong*., neglected/neglected, which was then expanded to mean evil, a-social, criminal, rule breaker, usurper, troublemaker, terrorizer, irreparable, wicked, ungodly, and so on."

According to Kartini Kartono: (Kartono, 1992)

"Delinquency always has the connotation of attacks, violations, crimes and violence committed by young people under the age of 22 (twenty two) years."

According to Sudarsono: (Sudarsono, 1991)

"An act is said to be delinquency if the act is contrary to existing norms in the society in which one lives or is an anti-social act which contains normative elements."

Likewise, the opinion expressed by Widoyanti (1984) said that: "Juvenile delinquency means different things in the same group, at different times." In popular usage, the term juvenile delinquency is used to describe a large number of inappropriate or unacceptable behavior of children and adolescents.

Juvenile delinquency includes almost any behavior that others dislike. Juvenile delinquency is a crime committed by youngsters. Crime is a humanitarian and societal issue that requires understanding. Crime as a social problem is developing and linked to complex social phenomena and systems, making it a sociopolitical issue.

The principles underlying policies for dealing with juvenile delinquency are different from those for adults, modification of penal and non-penal measures in criminal politics for juvenile delinquencies is a need for integration between crime prevention policies with social politics and law enforcement politics. In the context of dealing with child delinquency and delinquent behavior, it is necessary to modify the politics of community welfare and the politics of community protection in general.

Factors that can influence child crime according to Sri Widoyanti: (Widoyanti, 1984) Family, Economic Situation, Community views on members. Factors influencing kid behavior include population density, educational environment, film/TV influence, feelings of being excluded from peers, and the child's personality.

A youngster suspected of committing a crime deserves legal protection. Legal protection for children is crucial to national progress. Legal protection covers all laws. This protection is needed since children have physical and mental limits. Children need special care and protection.

In Law no. 23 of 2002 in conjunction with Law no. 35 of 2014 concerning Child Protection, it is stated that:

"The government and other state institutions are obliged to provide special protection to children in emergency situations, children in conflict with the law, children from minority and isolated groups, children who are exploited economically and/or sexually, children who are trafficked, children who are victims of narcotics and alcohol abuse, psychotropic substances, other addictive substances, children who are victims of kidnapping, sales and trafficking, children who are victims of physical and mental violence, children who have disabilities, and children who are victims of abuse and neglect."

Children who break the law are mentioned in the article. When people hear of children in dispute with the law, they tend to think of criminal youngsters. Although stated in Law No. 23 of 2002 and Law no. 35 of 2014 on Child Protection, "Article 59 provides specific protection for children in dispute with the law and victims of criminal activities.

b. Children's Rights in the Justice System

With the rise of child-related laws and regulations, the need for protecting children's interests as victims of crime, especially sexual crimes, has become clearer. This advances children's physical, psychological, and social wellbeing.

In addition, a strong legal umbrella from the government will prevent youngsters who are victims of morality offenses from becoming offenders. A perpetrator of a crime of decadence commonly has sexual encounters as a minor, according to trial evidence. Therefore, the government has addressed children's rights as victims through the following statutes:

1. Children's Rights as Victims According to the Child Protection Law in Law Number 35 of 2014 concerning Child Protection.

Article 59 states that the Government, Regional Government and other state institutions are obliged and responsible for providing Special Protection to Children. Special Protection to Children as intended is given to a. Children in emergency situations; b. Children in conflict with the law; c. Children from minority and isolated groups; d. Children economically and sexually exploited; e. Children abused by narcotics, alcohol, psychotropic substances, and other

addictive substances; f. Children in pornography; g. Children with HIV/AIDS; h. Children kidnapped, sold, or trafficked;

Children have the right to receive Special Protection, namely:

- a. Rapid treatment, including physical, psychological and social treatment and/or rehabilitation, as well as prevention of disease and other health disorders:
 - b. Psychosocial assistance during treatment until recovery;
- c. Providing social assistance for children from disadvantaged families; And
 - d. Providing protection and assistance in every judicial process.

Apart from that, there are special regulations regarding legal protection efforts for child victims of sexual crimes, including:

- a. Education about reproductive health, religious values, and moral values;
 - b. Social rehabilitation;
 - c. Psychosocial assistance during treatment until recovery; And
- d. Providing protection and assistance at every level of examination starting from investigation, prosecution, to examination in court.
- 2. Children's Rights as Victims according to the Juvenile Criminal Justice System Law.

According to Law no. 11 of 2012 concerning the Juvenile Criminal Justice System, Children are divided into 3 definitions, namely:

- a. Children in Conflict with the Law, hereafter referred to as Children, are children who are 12 (twelve) years old, but not yet 18 (eighteen) years old who are suspected of committing a crime.
- b. "Children who are victims of criminal acts, hereafter referred to as child victims, are children under 18 (eighteen) years of age who experience physical, mental and/or economic loss caused by criminal acts."
- c. Children who are Witnesses to Crimes, hereafter referred to as Child Witnesses, are children under 18 (eighteen) years of age who can provide information for the purposes of investigation, prosecution and examination at a court hearing regarding a criminal case they have heard, seen and/or experienced. Alone.

In Law no. 11 of 2012 concerning the Juvenile Criminal Justice System, regarding the rights of children as victims is not specifically explained. However, children's rights are explained universally in the criminal justice process, especially regarding the rights of children in conflict with the law. The following

are children's rights in the juvenile criminal justice process: 1) Humane treatment to address age-specific needs; 2) Separation from adults; 3) Effective legal and assistance access. 4) Conducting enjoyable activities; 5) Avoiding torture, punishment, and inhumane treatment. 6) Not condemned to death or life imprisonment; 7) Avoid arrest, detention, or imprisonment except as a last resort and for a short duration; 8) Obtain justice in a closed, objective, and unbiased juvenile court hearing. 9) His identity was not disclosed; 10) Seek help from trusted individuals, such as parents or guardians. 11) Obtain social advocacy 12) Personal life 13) Accessibility, especially for challenged children 14) Education 15) Health services 16. Obtain additional rights as per statutory provisions.

d. Children's Rights as Victims according to the Law on the Elimination of Domestic Violence.

Currently, there are so many children who experience acts of violence in their lives, even starting from their immediate environment, namely by their own families. Sexual violence is something that happens very often. This situation is further exacerbated by the ideology of guarding the praja or strictly guarding the family ideology, especially in Javanese culture "opening up the family's disgrace means opening up one's own disgrace", according to Harkristuti Harkrisnowo, this situation has on various occasions led to the high number of "the dark number" because it is not reported (Rukmini, 2009).

In Law Number 23 of 2004 concerning the Elimination of Domestic Violence (PKDRT) states that the scope of the household in this Law includes:

- a. Husband, wife, and children;
- b. People who have family relations with the person referred to in letter a due to blood, marriage, breast-feeding, parenting and guardianship relations, who live in the household; and/or
 - c. People who work help in the household and live in the household.
- d. Then it is explained in the PKDRT Law that every person is prohibited from committing domestic violence against people within their household, by:
 - a. physical abuse;
 - b. psychological violence;
 - c. sexual violence; or
 - d. household neglect.

Victims of domestic violence have legally protected interests. The manifestation of this interest is that the victim has the right to receive:

- a. Protection from the family, police, prosecutor's office, court, advocates, social institutions, or other parties, either temporarily or based on the determination of a protection order from the court;
 - b. Health services according to medical needs;
 - c. Special handling relating to victim confidentiality;
- d. Assistance by social workers and legal assistance at every level of the examination process in accordance with statutory provisions; And
 - e. Spiritual guidance services.

Conclusion

Penitentiary is the last place where law violators in Indonesia serve their criminal sentences after a permanent sentence has been given to the person in conflict with the law. In correctional institutions, there is a role for aspects of human psychology, especially psychiatry. Psychiatry is a medical science that focuses on mental health, while psychology is a non-medical science that studies a person's behavior and feelings. A person's psychological condition greatly influences that person. Especially in the context of carrying out sentences in correctional institutions, law violators will live a life in prison that is unlike their previous life in society. The main topic of discussion in this article aims to increase insight and understand that the role of psychiatry in carrying out a person's criminal sentence is an aspect that is important to pay attention to so that law violators who carry out criminal sentences will always be able to return to society properly., the aim of the correctional institution itself is to provide guidance to inmates with the hope that when the correctional inmates have served their prison terms, they can return to being worthy members of society in their environment. Thus, it means that the correctional institution has succeeded in carrying out the coaching process so that it creates a good impression in the eyes of the public that people who have been prisoners are basically part of society.

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