

The Effectiveness of Fulfilling Children's Educational Rights in the Legal Development Process

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Abstract:

This study investigates the legal effectiveness of fulfilling the right to education for children in conflict with the law at the Child Special Development Institution (LPKA) Class I Blitar, Indonesia, applying Soerjono Soekanto's framework of legal effectiveness. Using a juridical-empirical approach, data were collected through semi-structured interviews with institutional staff, analysis of official documentation, and review of relevant laws and regulations. Addressing a gap in existing scholarship, which largely centers on child victims, this research focuses on convicted juveniles as legal subjects entitled to educational rights. The findings reveal that the fulfillment of educational rights at LPKA Class I Blitar can be categorized as "quite effective," supported by structured formal and non-formal programs, the operation of a self-managed primary school, diverse life skills training, and collaboration with 40 stakeholder institutions. Nevertheless, significant obstacles persist, including the heterogeneity of educational backgrounds among fostered children, limited adaptive learning facilities, and insufficient community engagement. These factors undermine the community and cultural dimensions of legal effectiveness, despite strong performance in legal substance, law enforcement, and facilities. Theoretically, the study validates Soekanto's framework in the context of juvenile justice, emphasizing the interplay between legal, institutional, community, and cultural dimensions. Practically, it proposes a scalable multi-stakeholder cooperation model to enhance educational quality and sustainability in correctional settings. These findings suggest that legal effectiveness should be evaluated not only through institutional compliance but also through the extent to which education fosters genuine rehabilitation and social reintegration, aligning national practices with international child rights standards.

Keywords: Legal Effectiveness, Educational Rights, Juvenile Offenders, Restorative Justice, LPKA Blitar.



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Introduction

The phenomenon of children in conflict with the law has become something that is real today and the resolution is based on restorative justice.¹ The issue of fulfilling the right to education for juvenile delinquents is one of the main concerns in the Indonesian legal system. Children involved in violations of the law have the right to a proper education even though they are in a period of guidance. This is specifically regulated in Law No 23 of 2002 on Child Protection and Law No 11 of 2012 on the Juvenile Criminal Justice System. However, in practice, the fulfillment of the right to education for children in conflict with the law still faces a number of obstacle. This article focuses on examining the educational rights of children who have committed crimes at the Class I Blitar LPKA. Improving coordination between educational institutions and legal authorities remains one of the key challenges in fulfilling children's right to education.

Children in conflict with the law (ABH) or juvenile delinquents based on Article 69 paragraph (2) of Law Number 11 of 2012 concerning the Criminal Justice System a child criminal offender can be subject to two types of sanctions, namely action, for criminal offenders under 14 years of age and Criminal, for criminal offenders aged 15 years and over. In line with the principle that the child is considered a victim who sees the criminal act of the child can be based on the external influence of the child,² then when the child is sentenced to the most severe imprisonment, the party concerned is obliged to treat the child with the principle of child protection, without eliminating the rights of the convicted child.

The protection of children's rights has been strengthened and developed over time. In addition to the 1945 Constitution, in 1989, the United Nations (UN) established an international treaty called the Convention on the Rights of the Child (KHA). This convention discusses the basics of protecting children as legal subjects, placing children's rights as a top priority, and Indonesia is one of the countries that ratified the contents of the Convention on the Rights of the Child (KHA) through Presidential Decree Number 36 of 1990.

The implication is that Indonesian juvenile criminal law must conform to the international standards in the convention. The culmination of the changes in juvenile criminal law in Indonesia is marked by the abolition of death penalty and life sentence for juvenile offenders, stated in article 3 letter f of Law Number 11 Year 2012 on Juvenile Criminal Justice System (SPPA Law).

The changes in juvenile criminal law in Indonesia have interrelated objectives. With the aim of protecting the rights of children involved in criminal offenses, avoiding children from discrimination, violence, and considering the best for the child. Juvenile criminal law as a system to foster and rehabilitate children involved in criminal offenses, taking into account the psychological, social, and educational conditions of children. In addition, it also aims to prevent the abuse of the law against children, including punishments that are not in accordance with the principles of human rights and child protection. And the last goal, juvenile criminal law involves a comprehensive approach

¹ Wiwin Setianingrum and Syabbul Bachri, "Diversi Terhadap Anak Yang Berhadapan Dengan Hukum Perspektif Masalah Mursalah," *Sakina: Journal of Family Studies* 6, no. 3 (September 7, 2022), <https://doi.org/10.18860/jfs.v6i3.2203>.

² Harrys Pratama Teguh, *Teori Dan Praktek Perlindungan Anak Dalam Hukum Pidana – Dilengkapi Dengan Studi Kasus* (Yogyakarta: Andi Offset, 2018).

to children as legal subjects, including aspects such as education, health, and a family environment that supports children to develop optimally.³

In order to realize the goals of juvenile criminal law, it is necessary to pay attention to efforts to achieve these goals. The involvement of various parties, including the government, judicial institutions, law enforcement officials, and civil society is key to creating an effective juvenile criminal law system and ensuring that children's rights are properly protected.⁴

In juvenile criminal justice, the distinct difference with adult justice is the emphasis on providing guidance, protection and rehabilitation. The main objective of juvenile criminal justice is to ensure that children do not fall further into the criminal world, by offering diversion or diversion of legal proceedings, and avoiding detention that can damage the future of the convicted child.⁵

The types of punishment that can be imposed on children based on Article 71 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System consist of five types, namely: (1) warning punishment; (2) punishment with conditions that include coaching outside the institution, community service, or supervision; (3) work training punishment; (4) coaching in the institution; and (5) imprisonment. Among these types of punishment, imprisonment is the most severe form of punishment and its implementation is carried out in the Child Special Development Institution (LPKA), which does not only function as a place of punishment, but also as a coaching institution that emphasizes education, rehabilitation, and social recovery so that fostered children can return to society as better and more productive individuals.

This approach to punishment for children is very concerned with the principle of restorative justice which is the basis for resolving children's cases, which prioritizes the restoration of relationships between perpetrators, victims, and society in a fair and humane manner, not just retaliation as stated in Article 1 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The use of restorative justice is considered more feasible in dealing with juvenile offenders under the age of 18 and is based on the principle of due process which guarantees the right to individual freedom and respects the legal rights of the suspect.⁶

Therefore, before children are sentenced to imprisonment in LPKA, the juvenile justice system seeks to implement diversion as a mechanism for transferring case resolution from formal to non-formal processes, which focuses on preventing the negative impact of the judicial process on children's development.⁷ With the combination of restorative justice principles and diversion mechanisms, it is expected that the handling of children in conflict with the law can take place effectively, humanistically, and support the recovery and reintegration of children into the social environment.

According to data from the Indonesian Child Protection Commission (KPAI), the number of children in conflict with the law continues to show significant numbers, despite

³Emaliawati Emaliawati and Dasuki Dasuki, *Hukum Pidana Anak Di Indonesia* (Sumatera Barat: Takaza Innovatix Labs, 2024).

⁴Emaliawati and Dasuki.

⁵Wagiati Sutedjo and Melani Melani, *Hukum Pidana Anak (Edisi Revisi)* (Bandung: PT Refika Aditama, 2017).

⁶Renata Christha Auli S.H, "Arti Due Process of Law | Klinik Hukumonline," October 17, 2024, <https://www.hukumonline.com/klinik/a/arti-due-process-of-law-lt64edc30233bb7/>.

⁷Teguh, *Teori Dan Praktek Perlindungan Anak Dalam Hukum Pidana – Dilengkapi Dengan Studi Kasus*.

a decrease in recent years. From 2021 to 2024, cases of children in conflict with the law in Indonesia fluctuated and never fell below 1% of the total child protection cases.⁸ The phenomenon of children in conflict with the law clearly occurred in January 2024 in Blitar Regency, a number of children in their teens persecuted their own friends because of accusations that were not yet clear. As a result of the persecution, the victim was unconscious and died while receiving treatment at the hospital.⁹ This incident emphasizes that children are not only at risk of becoming victims of violence, but can also face the law as perpetrators. The relevance of criminal cases involving children does not negate or diminish their right to education. Instead, legal proceedings concerning children should be viewed as part of the process of restoring and supporting their educational and developmental needs, particularly in the context of Blitar.

A number of previous studies have examined the fulfillment of the right to education for ABH in various development institutions, but the findings show that many factors affect the effectiveness of fulfilling this right. Research in the form of a thesis by Dinda Al-Durra (2025) which discusses the implementation of the fulfillment of ABH rights in terms of Law Number 35 of 2014 which states that the fulfillment of ABH rights to education, religion and health has gone well. But the obstacles and challenges to the fulfillment of ABH rights are caused by statutory factors, factors of quality and quantity of officers, factors of facilities and facilities, and community factors.¹⁰

Thesis by Mahatma Mustika Purwa Wijaya (2024) which discusses the fulfillment of the educational rights of children in conflict with the law in terms of a sociological approach. The results show that the fulfillment of the right to education for ABH has been fulfilled in its implementation, but the implementation is still not carried out optimally due to various internal and external factors.¹¹

Similarly, research by Dwi Hardyanti, Mulyati Pawennei² & St. Ulfa² (2023), which examines the effectiveness of the implementation of the Individual Treatment Model coaching model for ABH shows that the implementation of the Individual Treatment Model is still less effective because it is not ideal from the concept of individual coaching itself and the lack of internal and external coaching officers.¹²

Most of these studies, although providing a fairly clear picture of the existing problems, are still limited in terms of examining legal effectiveness in a more comprehensive context, especially those that focus on Soerjono Soekanto's concept of legal effectiveness. Then the scope in fulfilling the rights of children in conflict with the

⁸Bank Data Perlindungan Anak Indonesia, "Tabulasi Data Perlindungan Anak," accessed February 24, 2025, <https://bankdata.kpai.go.id/tabulasi-data-perlindungan-anak>.

⁹"Santri Ponpes Tahsinul Akhlaq Blitar Dikeroyok Dan Dianiaya Temannya Hingga Tewas," accessed June 22, 2025, <https://www.beritasatu.com/nusantara/2792886/santri-ponpes-tahsinul-akhlaq-blitar-dikeroyok-dan-dianiaya-temannya-hingga-tewas>.

¹⁰ Muhammad Dinda Al-Durra, "Pemenuhan Hak Anak Berhadapan Dengan Hukum Ditinjau Dari Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak (Suatu Penelitian Pada Lembaga Pembinaan Khusus Anak Kelas II Banda Aceh)" (Undergraduate thesis, UIN Ar-Raniry Fakultas Syariah dan Hukum, 2025), <https://repository.ar-raniry.ac.id/id/eprint/42375/>.

¹¹ Mahatma Mustika Purwa Wijaya, "Pemenuhan Hak Pendidikan Anak Yang Berkonflik Dengan Hukum (ABH) (Studi Kasus LPKA II Yogyakarta)" (Undergraduate thesis, Universitas Islam Indonesia, 2024), <https://dspace.uui.ac.id/handle/123456789/50506>.

¹²Dwi Hardyanti, Mulyati Pawennei, and St Ulfa St Ulfa, "Efektivitas Pelaksanaan Model Pembinaan Anak Berhadapan Dengan Hukum (Individual Treatment Model) Pada Lembaga Pembinaan Khusus Anak (LPKA) Kelas II Maros," *Journal of Lex Theory (JLT)* 4, no. 2 (December 30, 2023): 479–95, <https://pasca-umi.ac.id/index.php/jlt/article/view/1737>.

law is more focused on the right to education of ABH and within the scope of East Java, precisely at the Special Development Institute for Children (LPKA) Class 1 Blitar as the only LPKA in East Java.¹³

This research aims to fill the gap by examining more deeply the effectiveness of fulfilling the educational rights of children in conflict with the law at LPKA Class I Blitar through the perspective of positive law and the concept of legal effectiveness from Soerjono Soekanto.

The positive law used in this study includes Law Number 23 of 2002 concerning Child Protection, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Government Regulation Number 58 of 2022 concerning Forms and Procedures for the Implementation of Crimes and Actions Against Children, and Law Number 22 of 2022 concerning Corrections as a complementary element in measuring the legal effectiveness of fulfilling the rights of children in conflict with the law.

Specifically, this research will answer the main question: How is the fulfillment of the educational rights of children in conflict with the law at LPKA Class I Blitar, and to what extent is the legal effectiveness in its implementation? With the aim of providing a clearer picture of the obstacles faced and offering solutions based on a more in-depth and applicable legal study to improve the quality of fulfillment of educational rights for these children.

This research is expected to contribute to the development of the concept of legal effectiveness, especially in the context of fulfilling the educational rights of children in conflict with the law, and provide recommendations for policies that are more effective in improving the quality of education in LPKA.

Methods

This research is a juridical-empirical research with a legislative approach, which aims to examine the effectiveness of fulfilling the educational rights of children in conflict with the law based on applicable legal norms. Primary data is obtained through semi-structured interviews with three officers of the Blitar Class I Child Special Development Institution (LPKA) and documentation at the research location,¹⁴ while secondary data comes from laws and regulations, books, and journal articles, and tertiary data comes from official websites. The selection of LPKA Class I Blitar as the research location is based on its position as the only LPKA in East Java Province, making it relevant to evaluate the implementation of positive law in guaranteeing the educational rights of children undergoing coaching. The data analysis technique is carried out qualitatively, by interpreting the data descriptively to assess the effectiveness of the fulfillment of children's education rights based on Soerjono Soekanto's concept of legal effectiveness. This method specifically combines written legal norms with field realities, thereby enabling an in-depth examination of indicators such as legal substance, law enforcement,

¹³Anonim, "Lapas Anak Blitar Jadi Lembaga Pembinaan Khusus Anak," Ditjenpas, accessed May 18, 2025, <https://www.ditjenpas.go.id/lapas-anak-blitar-jadi-lembaga-pembinaan-khusus-anak>.

¹⁴ The initials informants are AAR, RL, FN and among them are those holding positions in the Subsection of Registration and Classification, the Subsection of Education and Skills, and the Subsection of Community Guidance and Juvenile Rehabilitation at Class 1 Juvenile Correctional Facility in Blitar (LPKA).

infrastructure, society, and legal culture by contextualizing the right to education of children in conflict with the law at LPKA Class I Blitar

The Rights of Children as Criminal Offenders

Children have the right to be protected and develop, and their rights are taken into account. Therefore, the state is present to guarantee and protect them,¹⁵ the state provides legal certainty to maintain legal stability to protect individuals within it.¹⁶ The role of providing protection for children is also carried out by all parties, including the family environment. Family factors and the living environment play a major role in supporting children to commit deviant behavior. Lack of attention and supervision from parents due to busy work, for example, can cause children to feel neglected, so they seek escape through negative behavior.¹⁷ Nuriyah in her research is of the opinion that parents are still responsible for caring for and educating their children.¹⁸

In addition, an unharmonious family environment, such as internal conflict or divorce, can create unstable emotions in children, and can push them to deviant actions and violate norms.¹⁹ Therefore, children cannot be fully responsible for their actions due to limited understanding and external influences that are dominant in shaping their behavior.

In the implementation of juvenile criminal justice, there are two principles, namely the best interests of the child, so that the welfare of the child is the main goal in juvenile criminal justice. And that children should enjoy special protection, get opportunities and facilities through legal and other efforts to realize the freedom and honor of children.

These principles are based on two factors, namely, children are considered not certain to understand the mistakes they make so it is necessary to provide a reduction in punishment and differences in punishment between children and adults, and children are easier to foster and realize when compared to adults. From these principles, children who commit criminal offenses should be considered as victims, due to the possibility of influence from the adults around them or the environment where the child lives. Based on the assumption that children are not fully to blame, then when criminal justice takes place by considering the justice approach and the welfare approach, children are entitled to get the best case resolution for them.²⁰

Child protection in Indonesia, which is based on Pancasila, is the main focus of efforts to ensure the basic rights of children to grow and develop optimally and be

¹⁵ Imam Mawardy and Rayno Dwi Adityo, "EFEKTIVITAS UNDANG-UNDANG RI NO.35 TAHUN 2014 TENTANG PERLINDUNGAN ANAK PASCA PERISTIWA TINDAK KEKERASAN ANAK DI SEKOLAH DASAR," *Mitsaq: Islamic Family Law Journal* 2, no. 2 (July 31, 2024): 256–70, <https://doi.org/10.1234/jm.v2i2.8871>.

¹⁶ Rayno Dwi Adityo, "Supeltas Dalam Tinjauan Asas Kepastian Hukum," *Ajudikasi : Jurnal Ilmu Hukum* 8, no. 1 (June 26, 2024): 27–42, <https://doi.org/10.30656/ajudikasi.v8i1.7883>.

¹⁷ Pirana Rachma Sari, Muhammad Turhan Yani, and Sarmini, "Analisis Peran Keluarga Terhadap Perilaku Menyimpang Remaja," *Jurnal Inovasi Pendidikan* 8, no. 1 (January 30, 2025), <https://ojs.co.id/1/index.php/jip/article/view/2589>.

¹⁸ Nuriyah Wulan Adiningrum and Rayno Dwi Adityo, "Kenaikan Nafkah Anak Setiap Tahun Pasca Perceraian Perspektif SEMA Nomor 03 Tahun 2015" 10, no. 1 (2015).

¹⁹ Erni Yanti, "Faktor Penyebab Perilaku Menyimpang Remaja (Studi Kasus Gampong Seutui Kota Banda Aceh)," *Jurnal Ilmiah Mahasiswa Fakultas Ilmu Sosial & Ilmu Politik* 8, no. 4 (2023), <https://jim.usk.ac.id/FISIP/article/view/27702>.

²⁰ Teguh, *Teori Dan Praktek Perlindungan Anak Dalam Hukum Pidana – Dilengkapi Dengan Studi Kasus*.

protected from all forms of violence and discrimination. By fulfilling children's rights as a whole, especially in the field of education, it is hoped that children, including children in conflict with the law, will have the opportunity to get an education even though they have done something wrong. In Law No. 23/2002 on Child Protection, the right to education is clearly regulated in Article 9, which states that every child has the right to receive education and teaching in order to develop his/her personality and level of intelligence in accordance with his/her interests and talents. Furthermore, Articles 48-54 regulate in more detail the government's obligation to provide a minimum of 9 years of free basic education for all children, including children in conflict with the law.

Meanwhile, Law No. 11/2012 on the Juvenile Criminal Justice System strengthens this right to education through Article 3 letter n, which explicitly guarantees children's right to education during the criminal justice process. More importantly, Article 85 paragraphs (2)-(4) stipulates that children sentenced to imprisonment and placed in LPKA are entitled to receive education and training, and requires LPKA to organize education and skills training in accordance with the needs of children. Continued with article 91 paragraph (3) that children, child victims, and/or child witnesses are entitled to obtain medical rehabilitation, social rehabilitation, and social reintegration from institutions or agencies that handle child protection, so that they can return to the family and community environment, without losing the opportunity to continue to grow and develop.

Law No. 22 of 2022 on Corrections also contains similar provisions in Article 12 letter c and Article 50, which ensure that children in correctional institutions still have the right to participate in formal and non-formal education. Similarly, Government Regulation No. 58 of 2022 on the Forms and Procedures for the Implementation of Crimes and Measures Against Children strengthens the implementation of the right to education through Article 36, which regulates the technical implementation of education for children serving a sentence.

Government Regulation No. 58 of 2022 on the Forms and Procedures for the Implementation of Crimes and Measures against Children, in Article 36 paragraph 6 on the Action of Obligation to Attend Formal Education and / or Training Held by the Government and Private Agencies, states that formal education which is mandatory is held by the government to fulfill children's rights to education and compulsory education programs. Then the development of children's learning outcomes is submitted to the Community Supervisor and the Prosecutor.

In terms of legal protection for children in conflict with the law, crime prevention efforts that are applied can use a penal or non-penal approach. The penal approach leads to the application of formal punishment through the judicial process,²¹ while the non-penal approach focuses more on restoring children through coaching, mediation, or alternative solutions that prioritize the best interests of the child which aims to protect the child's future and from the stigma of being a prisoner.²²

²¹John Kenedi, *Kebijakan Hukum Pidana (Penal Policy) Dalam Sistem Penegakan Hukum Di Indonesia* (Yogyakarta: Pustaka Pelajar, 2017).

²²Krismiarsi Krismiarsi and Rayno Dwi Adityo, "The Urgency of Community Service Imposed as Punishment on Juvenile Delinquents: A Study of al- Shatibi's Maqhasid al-Syariah Concept," *De Jure: Jurnal Hukum Dan Syar'iah* 17, no. 1 (April 12, 2025): 132–48, <https://doi.org/10.18860/j-fsh.v17i1.31246>.

In this context, providing the right to education for children in conflict with the law can be seen as part of a non-penal strategy, because education plays an important role in preventing children from becoming involved in criminal acts again. Education not only fulfills children's basic rights, but also serves as a means of social rehabilitation and character building, so that they can return to society with stronger provisions to lead productive lives and stay away from criminality.

Fulfillment of Educational Rights of Children in Conflict with the Law at LPKA Class 1 Blitar

To provide a more comprehensive picture of the condition of fostered children at the Blitar Class I Special Development Institution (LPKA), the data obtained from the institution is presented in three main categories including the number of fostered children from 2019 to 2024, the classification of the types of criminal offenses committed by children, and the age group of fostered children as of April 29, 2025.

Table 1. Number of Children Assisted by LPKA Class 1 Blitar in the Last 6 Years

No.	Year	Number of Children
1.	2019	143 children
2.	2020	66 children
3.	2021	45 children
4.	2022	63 children
5.	2023	88 children
6.	2024	152 children
7.	2025 as of April	173 children

Source: AAR, Head of Assessment and Classification Section²³

The development of the number of fostered children shows quite varied changes each year. There was a significant decline in the period 2020 to 2021, most likely due to the impact of the COVID-19 pandemic which required everyone to stay at home as a preventive measure during the pandemic COVID-19.²⁴ However, in 2024 there was a notable spike again, so this data provides an important indication of the pattern of the foster care population that can be used as a basis for designing more effective guidance strategies and policies in the future.

Based on the results of interviews with RL as the Education and Skills Subsection Staff, the fulfillment of the educational rights of children in conflict with the law at LPKA Class 1 Blitar has been implemented comprehensively through structured formal and non-formal education programs. This implementation shows the institution's commitment to fulfilling the legal mandate contained in various national regulations, ranging from the constitutional level to operational technical regulations.

AAR as Head of Sub Division of Assessment and Classification explained that the process of fulfilling the right to education begins at the registration and classification stage of foster children who have just entered LPKA. The initial assessment stage carried

²³ AAR, wawancara, Blitar, 28 April 2025

²⁴ Isma Randa, "Perubahan Perilaku Remaja Akibat Pandemi Covid-19 Di Kampung Payabedi," *Jurnal Ilmiah Mahasiswa Fakultas Ilmu Sosial & Ilmu Politik* 8, no. 4 (2023), <https://jim.usk.ac.id/FISIP/article/view/27795>.

out by the Assessment and Classification Subsection includes in-depth interviews to find out the educational background, interests, talents, and family conditions of the foster children.²⁵ This approach is in line with the principle of the best interests of the child as mandated in article 2 of Law Number 11 of 2012 concerning the Criminal Justice System, namely the best interests of the child, the survival and growth of the child, and the guidance and guidance of the child.

In terms of formal education, LPKA Class 1 Blitar has provided education services from elementary to high school levels. The existence of SD Istimewa 3, which was established and managed independently by LPKA, shows a serious commitment in fulfilling the basic education rights of fostered children.²⁶ This is a significant difference compared to previous research such as that conducted by Wijaya (2024) in LPKA II Yogyakarta, which still faces limitations in providing formal education at the primary level.²⁷ For secondary education, LPKA established a Cooperation Agreement with SMP Muhammadiyah 1 Kota Blitar and SMA YP Kotamadya Blitar, ensuring the quality of education equivalent to public schools.²⁸

The fostered children who carry out formal education at LPKA Class 1 Blitar which includes the school levels of primary education, secondary education, and upper secondary education are divided as follows,

Table 2. Number of Children per School Level as of April 2025

No.	School Level	Number of Children
1.	Elementary School	8 children
2.	Junior High School	45 children
3.	Senior High School	88 children
Total		141 children

Source: AAR, Head of Assessment and Classification Section²⁹

From the total number of fostered children in 2025 as of April based on interviews with RL, there were 173 fostered children with a total of 141 fostered children participating in formal education, then 28 other children did not participate in formal education because they received a sentence of less than one year and some children had completed their prison term.³⁰

Based on article 89 paragraph (1) of Law Number 22 of 2022 concerning Corrections, it is stated that the task of Corrections is that the minister / head of the institution can collaborate with ministries, local governments, institutions, and individuals, in order to support success in fulfilling the rights of foster children. This finding is inversely proportional to Al-Durra's research (2025) in LPKA Class II Banda

²⁵ AAR, wawancara, Blitar, 28 April 2025

²⁶ RL, wawancara, Blitar, 24 April 2025

²⁷ Wijaya, "Pemenuhan Hak Pendidikan Anak Yang Berkonflik Dengan Hukum (ABH) (Studi Kasus LPKA II Yogyakarta)."

²⁸ RL, wawancara, Blitar, 24 April 2025

²⁹ AAR, wawancara, Blitar, 28 April 2025

³⁰ RL, wawancara, Blitar, 24 April 2025

Aceh, which shows that there are still limitations in providing quality educators.³¹ At LPKA Class 1 Blitar, collaboration with 40 heterogeneous stakeholder units has enabled the provision of competent and diverse educators, ranging from local government agencies, universities, to religious social organizations. This collaboration not only meets the needs of teaching staff but also enriches the coaching program with a multidisciplinary perspective.³²

RL explained in an interview that the non-formal education program at LPKA Class 1 Blitar includes personality and independence education integrated with religious education. Cooperation with the Blitar Ministry of Religious Affairs enables the provision of religious education for the various faiths embraced by foster children, including Islam, Christianity, Buddhism and other religions. The tahfidz program, tausiyah, madrasah diniyah, and other religious activities are designed to build the positive character of the children.³³

Innovation in life skills programs is also an advantage of LPKA Class 1 Blitar. AAR in his interview explained that training programs that include journalism, photography, music, hadrah, craft making, and urban farming show adaptation to the times and the needs of the job market. Griya Musik Satria as a special facility for developing musical talent reflects a serious investment in developing the creative potential of foster children.³⁴ This program diversification is more comprehensive than the findings of Hardyanti, Pawennei, and Ulfah (2023) in LPKA Class II Maros, which were still limited to conventional skills.³⁵

Nonetheless, this study identified some challenges in implementing the education program. The main inhibiting factors include difficulties in collecting administrative files due to the complex social backgrounds of the children, including street children and victims of broken homes.³⁶ This condition often complicates the registration and classification process, requiring active intervention from LPKA officers to facilitate the processing of civil registration documents. Similar challenges were also found in Wijaya's research (2024), indicating that administrative problems are structural issues that require a systemic approach.³⁷

The resistance of some foster children to formal education programs is also a challenge. AAR explained that diverse educational backgrounds, with many children having previously dropped out of school or never received formal education, create varying levels of learning ability and motivation within a single class. This phenomenon requires an adaptive and personalized approach to learning, in contrast to the conventional education system that tends to be uniform.³⁸

From a theoretical perspective, the findings strengthen the argument that education is not only a basic right for children, but also a strategic instrument in the process of

³¹ Muhammad Dinda, "Pemenuhan Hak Anak Berhadapan Dengan Hukum Ditinjau Dari Undang-Undang Nomor 35 Tahun 2014 Tentang Perlindungan Anak (Suatu Penelitian Pada Lembaga Pembinaan Khusus Anak Kelas II Banda Aceh)."

³² RL, wawancara, Blitar, 24 April 2025

³³ RL, wawancara, Blitar, 24 April 2025

³⁴ AAR, wawancara, Blitar, 28 April 2025

³⁵ Hardyanti, Pawennei, and Ulfah, "Efektivitas Pelaksanaan Model Pembinaan Anak Berhadapan Dengan Hukum (Individual Treatment Model) Pada Lembaga Pembinaan Khusus Anak (LPKA) Kelas II Maros."

³⁶ FN, wawancara, Blitar, 29 April 2025

³⁷ Wijaya, "Pemenuhan Hak Pendidikan Anak Yang Berkonflik Dengan Hukum (ABH) (Studi Kasus LPKA II Yogyakarta)."

³⁸ AAR, wawancara, Blitar, 28 April 2025

rehabilitation and social reintegration. The concept of restorative justice, which is the foundation of the SPPA Law, is reflected in LPKA's holistic approach that integrates formal education, character building and life skills development. The success of fulfilling the right to education at LPKA Class 1 Blitar can also be seen from the multi-stakeholder cooperation that creates a comprehensive educational ecosystem, replacing the negative social environment that previously influenced children to commit criminal acts.

A comparative analysis with previous research shows that LPKA Class 1 Blitar has achieved higher standards in fulfilling children's educational rights compared to several other LPKAs in Indonesia. Innovation in facility development, program diversification, and multi-stakeholder cooperation are significant differentiating factors. However, administrative challenges and the heterogeneity of children's backgrounds are universal issues that require systemic solutions from higher policy levels.

The findings of this research contribute to the development of best practices in the provision of education for children in conflict with the law. The multi-stakeholder cooperation model developed by LPKA Class 1 Blitar can be a reference for other LPKAs in improving the quality of education services. In addition, the holistic approach that integrates formal, non-formal and informal education provides inspiration for the development of a correctional curriculum that is more comprehensive and adaptive to the individual needs of foster children.

Legal Effectiveness of Fulfilling the Educational Rights of Children in Conflict with the Law from Soerjono Soekanto's Perspective

Soerjono Soekanto, who was born on January 30, 1942 and died on November 17, 1990, is a leading figure in the field of legal sociology in Indonesia and has an important role in the development of legal education and research in Indonesia.³⁹ With Soekanto's educational background and thoughts, the emphasis on legal effectiveness is closely related to law enforcement factors because the success of a regulation does not only lie in the content of legal norms, but also depends on how the law is actually enforced in society.

Overall legal effectiveness is the level of success of a regulation or law in achieving the desired goal, seen from its influence on changes in attitudes and behavior in society.⁴⁰ Djaenab in his scientific writing concluded that legal effectiveness is an activity that shows a strategy for formulating general problems, namely a comparison of legal reality with legal ideals.⁴¹

The analysis of legal effectiveness in fulfilling the educational rights of children in conflict with the law at LPKA Class 1 Blitar uses Soerjono Soekanto's conceptual framework of legal effectiveness which identifies five factors that determine the success of law enforcement. The research findings show that the effectiveness of fulfilling the

³⁹ Anonim, "Soerjono Soekanto," in *Wikipedia bahasa Indonesia, ensiklopedia bebas*, February 19, 2025, https://id.wikipedia.org/w/index.php?title=Soerjono_Soekanto&oldid=26937863.

⁴⁰ Ainul Badri, "The Effectiveness of Large-Scale Social Restrictions (PSBB) Policies in Indonesia From a Legal Perspective: Efektivitas Kebijakan Pembatasan Sosial Berskala Besar (PSBB) Di Indonesia Ditinjau Dari Perspektif Hukum," *Jurnal Analisis Hukum* 2, no. 1 (2021): 1–6, <https://ejournal.undhari.ac.id/index.php/jah/article/view/590>.

⁴¹ Djaenab Djaenab, "EFEKTIFITAS DAN BERFUNGSI NYA HUKUM DALAM MASYARAKAT," *Ash-Shahabiah : Jurnal Pendidikan Dan Studi Islam* 4, no. 2 (2018): 148–53, <https://doi.org/10.59638/ash.v4i2.191>.

educational rights of fostered children is at a fairly effective level, with different variations in achievement in each factor.

First, the legal or regulatory factor itself is an important factor in legal effectiveness. Because the real measure of effectiveness is seen from the regulation whether it has been implemented optimally seen in accordance with existing reality. Soerjono Soekanto explained in one of the principles of legislation, namely that the law is a means to achieve spiritual and material welfare for society and individuals, through preservation or innovation. The meaning is, so that lawmakers are not arbitrary or so that the law does not become a dead letter.⁴²

From the legal or regulatory aspect itself, Indonesia's normative framework has provided a very strong foundation for the fulfillment of the educational rights of children in conflict with the law. The hierarchy of laws and regulations ranging from the 1945 Constitution to operational technical regulations shows consistency in guaranteeing the right to education as a fundamental right of children. This legal strength is in line with Soekanto's concept, which emphasizes that regulations must be able to become a means of achieving public welfare.⁴³

Law No 23 of 2002 on Child Protection explicitly regulates children's right to education, Law No 11 of 2012 on the Juvenile Criminal Justice System explicitly regulates children's right to education in the judicial process. Furthermore, Law No 22 of 2022 on Corrections ensures that children in correctional institutions still have the right to participate in formal and non-formal education, strengthened by Government Regulation No 58 of 2022 which provides technical guidelines for implementation, shows that the legal substance aspect has met the optimal effectiveness standard. The compatibility of the substance of national law with international standards, especially the Convention on the Rights of the Child which has been ratified through Presidential Decree Number 36 of 1990, shows the maturity of the Indonesian legal system in adopting guarantees the fulfillment of the educational rights of children in conflict with the law.

Second, the law enforcement factor is limited by Soerjono Soekanto to only those who are directly involved in law enforcement which includes law enforcement and peace maintenance, namely those in charge of the fields of justice, prosecution, police, lawyering, and corrections. Because the discussion of law enforcement is more focused on discretion, namely decision making based on personal judgment without violating the boundaries in the law and as a form of role model for the community in carrying out its real role.⁴⁴

The appropriate use of discretion in dealing with the diverse backgrounds of foster children, including in terms of managing administrative files and individualized approaches to resistant children, demonstrates the high professional quality of officers. This is in line with Soekanto's concept of discretion as decision making based on personal judgment without violating the boundaries of the law. The principle used by law enforcement in exercising discretion is, what you don't want to experience, don't cause others to experience it and what you can get, let others try to get it.⁴⁵

Analysis of law enforcement factors shows that LPKA Class 1 Blitar officers have carried out their functions professionally by prioritizing the principles of restorative

⁴²Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Depok: PT RajaGrafindo Persada, 2022).

⁴³ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum..*

⁴⁴ Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum.*

⁴⁵ Ibid., 30.

justice. A comprehensive initial assessment approach, classification based on the individual needs of children, and a commitment to require all fostered children to attend formal education indicate a good understanding of the basic principles of handling children in conflict with the law. The alignment between the supposed role and the actual role of LPKA Class 1 Blitar officers reflects what Soekanto calls the ability of law enforcers to be introspective and become role models for the community.⁴⁶

Third, the facilities factor. Without certain means or facilities, law enforcement cannot run smoothly. Facilities include educated and skilled human resources, good organization, adequate equipment, secure funds, and so on.⁴⁷ Soerjono Soekanto provides his way of thinking in dealing with these facilities, namely: (1) What does not exist - new ones are created; (2) What is damaged or wrong - is repaired; (3) What is lacking - is added; (4) What is stuck - is launched; and (5) What falls or goes backwards - is improved or advanced.⁴⁸

The evaluation of facilities shows that LPKA Class 1 Blitar has met optimal standards in providing educational infrastructure. The existence of the self-managed SD Istimewa 3, cooperation with external schools for junior and senior high school levels, and special facilities such as Griya Musik Satria reflect a serious investment in fulfilling the educational rights of foster children. The diversification of non-formal education programs that include 40 heterogeneous stakeholder units shows the institution's extraordinary capacity in optimizing external resources.⁴⁹

The suitability between the availability of facilities and the needs of educational programs reflects Soekanto's principle of effective management of facilities. Sustainability efforts in facility improvement and innovation, as seen from the structured and diverse schedule of activities, show a commitment to always "improve or advance" according to Soekanto's concept.⁵⁰

Fourth, the community factor. Society has an influence on law enforcement. Because the purpose of law enforcement is for the peace of society and comes from society. The community's understanding of the law can affect how the community understands and obeys the law. The community's tendency to interpret the law as an officer or law enforcer, can make them assume that the good and bad of the law is related to the behavior pattern of the law enforcer. So that all actions taken by law enforcement can be a reflection of how the law works. In addition, there is an assumption that the law is written positive law and tends to assume that the purpose of law is order.⁵¹

The analysis of community factors revealed significant weaknesses in their role as a preventive element against juvenile delinquency. Interviews with AAR showed that most of the children were involved in legal conflicts due to the influence of a negative social environment, including association with the wrong friends.⁵² This condition reflects the community's limited understanding of the law, which is in line with Soekanto's concept of the community's tendency to think that the law is only synonymous with law enforcement officers. Soekanto's concept explains that most people tend to see the law

⁴⁶ Ibid, 34.

⁴⁷ Ibid., 37.

⁴⁸ Ibid., 44.

⁴⁹ RL, wawancara, Blitar, 24 April 2025

⁵⁰ Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum*, 44

⁵¹ Ibid., 46

⁵² AAR, wawancara, Blitar, 28 April 2025

only functioning through the actions or roles of law enforcement officers, so they do not realize their own role in the application of the law and the prevention of social delinquency. This limited understanding has the potential to reduce the effectiveness of law as an instrument of prevention and social norm formation, as occurs in the context of juvenile delinquency.

This is in line with Soekanto's concept of the influence of public understanding on legal compliance, where people who understand the content and purpose of the law will be more supportive of law enforcement.⁵³ So that it can be pursued by providing socialization about legal awareness for people who have not been reached by education about the law. Socialization can be carried out by the local Child Protection Agency to create a safe environment for children and a law-aware society. So that the effectiveness in the community factor based on the previous statement is not effective enough and can be further optimized.

Fifth, cultural factors. Culture and society are two components that have an interconnection. Legal culture basically includes the values that underlie the applicable law, values regarding what is considered good and adopted, and what is considered bad so that it must be avoided, the concept of which is still abstract. These values are usually two contradictory states that must be harmonized. The value pairs that have a role in law according to Soerjono Soekanto and Purbacaraka are: (1) The value of order and the value of tranquility; (2) Physical / material values and spiritual / moral values; (3) The value of permanence / conservatism and the value of novelty / innovation.⁵⁴

In this context, legal culture is an important element that connects these values with community behavior. Legal culture includes not only knowledge of the law, but also awareness and compliance with the applicable law, which in turn affects how effectively the law can be applied in society.

Cultural factors are the most complex challenge in the effectiveness of fulfilling the right to education of foster children. The diversity of cultural backgrounds, parenting patterns and education levels of foster children creates differences that require adaptive approaches. Research findings show that children from families with good parenting tend to adapt more easily to education programs, while children from problematic backgrounds require time and a special approach.⁵⁵

The resistance of some fostered children to formal education programs, especially those who previously dropped out of school or never received education, reflects the conflict between the values of the culture of origin and the values that want to be instilled through the coaching program. This is in line with Soekanto's concept of legal culture which includes values regarding what is considered good and bad in society.

LPKA's efforts to overcome cultural challenges through individual approaches and diverse programs demonstrate an understanding of the complexity of cultural factors. However, a more systematic strategy is still needed to align diverse cultural values with the objectives of the development program. Efforts can be made to address this by collaborating with social services, social institutions, and the families of fostered children to create an environment that prioritizes education and helps children who have not been touched by education by providing awareness of the importance of education to achieve

⁵³ Ibid., 45.

⁵⁴ Ibid., 60.

⁵⁵ AAR, wawancara, Blitar, 28 April 2025

the desired life. The findings in cultural factors show that cultural factors have not been effective in fulfilling in the field.

The theoretical contribution of this research lies in the validation of Soekanto's legal effectiveness framework in the context of juvenile criminal law, especially the fulfillment of educational rights. This research also confirms the relevance of Soekanto's concept of legal effectiveness in the contemporary era, where social complexity requires a multifactor approach to understanding the successful implementation of legal policies. The integration of five effectiveness factors in one holistic analysis provides a more comprehensive understanding of the dynamics of law enforcement in the context of juvenile corrections.

The practical implication of these findings is the need for an integrated strategy that not only focuses on strengthening institutions and infrastructure, but also on increasing public legal awareness and adapting to cultural diversity. The multi-stakeholder approach model developed by LPKA Class 1 Blitar can be a best practice for other LPKAs in improving the effectiveness of fulfilling the educational rights of children in conflict with the law.

Conclusion

This study finds that the fulfillment of educational rights for children in conflict with the law at LPKA Class I Blitar has achieved a “quite effective” level when assessed through Soerjono Soekanto’s legal effectiveness framework. The institution demonstrates strong performance in the dimensions of legal substance, law enforcement, and facilities, evidenced by structured formal and non-formal education programs, collaboration with 40 stakeholder institutions, and innovative life skills training. However, persistent challenges remain in the community and cultural dimensions, including limited public engagement, heterogeneous educational backgrounds, and resistance from some fostered children. Theoretically, the research affirms the contemporary relevance of Soekanto’s framework in evaluating juvenile justice practices, highlighting the necessity of integrating legal, institutional, community, and cultural factors to ensure sustainable rights fulfillment. Practically, the study introduces a multi-stakeholder cooperation model as a best practice for enhancing educational quality in correctional settings, offering a scalable approach for other LPKAs.

The findings underscore that fulfilling the educational rights of juvenile offenders is not solely a matter of legal compliance but a multidimensional process requiring the integration of institutional capacity, community participation, and cultural adaptability. Strengthening cross-sector collaboration—particularly between correctional institutions, educational authorities, and social service agencies—can enhance the sustainability and quality of educational programs. Embedding culturally responsive pedagogy and adaptive learning strategies can address the diverse educational backgrounds of juvenile offenders, improving both participation and learning outcomes. For the broader juvenile justice system, these findings suggest that legal effectiveness should be evaluated not only by institutional compliance but also by the extent to which education facilitates genuine rehabilitation and social reintegration. Implementing these measures has the potential to transform correctional facilities into centers of holistic development, aligning with both national legal standards and international human rights obligations.

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