

The Urgency of Family Resistance to Children in Conflict With the Law at Bapas Kelas II Pekalongan

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Abstract

Write This study aims to analyze the importance of the relationship between the concept of family resilience and children in conflict with the law (ABH) in the Bapas Kelas II Pekalongan. A child in conflict with the law is a term for a child who is or has undergone a criminal process, as stated in Law no. 11 of 2012. The method used is descriptive with a qualitative-normative approach. The data sources come from statutory regulations, legal theories and data from the ABH research by the Pembimbing Kemasyarakatan at the Bapas Kelas II Pekalongan. As a result, the researcher identified that most of the children who are in conflict with the law in the Bapas Pekalongan have a broken family background, a weak economy, an unfavorable environment and a lack of education. While the recommendations offered are to strengthen families on the importance of caring for and educating children so as not to commit or fall into criminal acts by cooperating with other agencies such as village officials, the ministry of women and child protection and other organizations both public and private.

Keywords: Child, Family Resilience, and Balai Pemasyarakatan.

A. Introduction

Law Number 52 of 2009 concerning Population Development and Family Development states that efforts to increase resilience and welfare in every family need to be considered in order to realize balanced population growth and quality families.

Family resilience is a condition where a family can have the ability and toughness physically and materially so that they can live independently and develop themselves so that a harmonious life is formed in prosperity, happiness and inner and outer happiness. (Pembangunan Ketahanan Keluarga 2016, n.d.)

Efforts to increase family resilience are important to implement in order to reduce or overcome various problems that hinder national development. By knowing the level of family resilience, the dynamics of family social life as an aspect of family welfare can also be measured. The condition of family resilience is a picture of the state and development of ongoing social development. Ironically, the reality of the goal of family resilience is not felt by children who are in conflict with the law.

Based on data from the Bapas Kelas II Pekalongan during mid-2020 there were 39 cases of the diversion process for Children in Conflict with the Law (ABH) in the Pekalongan residency area.

One of the reasons for the occurrence of criminal acts by children is due to the fragility of family resilience, both in terms of education, supervision and livelihood. Children are victims of the fragility of the family, but the views of children are often sidelined.

Whereas one of the efforts to produce a prosperous family and survive the problems of life there needs to be synergy between family members.

So this study aims to analyze the relationship between the concept of family resilience and ABH in the work area of Bapas Pekalongan.

This study uses a descriptive-analytic method, namely by collecting, classifying, and describing data that appears as it is, then the data is analyzed in depth so as to obtain the meaning behind the facts. (Kutha Ratna, 2010)

The main data sources of this research are Penelitian Kemasyarakatan (hereinafter referred to as Litmas) of ABH in Bapas Kelas II Pekalongan, both concerning ABH and Family Resilience. The secondary sources are theories of law, philosophy, psychology and others related to this research.

This study uses a qualitative-normative approach. This means that this research will explore in detail the sources of data originating from laws and regulations, legal theories and also the results of data analysis of the ABH Litmas in Bapas Kelas II Pekalongan

B. Discussion

1. Family Resilience Concept

Family resilience is closely related to the availability of facilities and information for the family, starting from the education of parents in the family, routine income, the age of each family member, and assets owned.(Musfiroh et al., 2019)

Family resilience is a condition of adequacy and continuity of access to income and resources to meet basic needs including adequate access to food, clean water, health services, educational opportunities, housing, time to participate in the community, and the state.

Family resilience also includes the ability of families to manage resources and problems to achieve prosperity. Family resilience is the family's resilience to live independently and the family's ability to protect the family from various threats.

There are five indications that describe the level of family resilience, namely the attitude of serving each other as a sign of glory, harmony between families, caring parents, adequate education, and economic ability that can maintain family life.(*Pembangunan Ketahanan Keluarga 2016*, n.d.)

The concept of a prosperous family resilience, namely: having a strong and agreed foundation, having physical resilience, having economic stability, having psychological stability, and being empowered in social and cultural life.(*Pembangunan Ketahanan Keluarga 2016*, n.d.)

Family resilience in the physical aspect is interpreted as an effort for each family to meet the physical abilities of each member, both in order to overcome problems related to the economy, health and fulfillment of basic family needs.(Lubis, M.A., dkk., 2018)

Family resilience in the social aspect is interpreted as a family effort in maintaining integrity by applying applicable values, both religious values, cultural values and community values. There needs to be an effective communication relationship, with a fair distribution and acceptance of roles. There needs to be a strong motivation to create healthy social relationships.(Musfiroh et al., 2019)

Family resilience in the psychological aspect is interpreted as a family effort in managing the emotions of each member. The hope is that a positive psychological concept will emerge for each individual family. The existence of mental stability of each family member who is adaptive to every condition. The existence of a conflict

management system for each family member so that it does not cause divisions. (*Pembangunan Ketahanan Keluarga 2016*, n.d.)

Family resilience can also be interpreted as a family journey in carrying out its functions after the emergence of problems or problems. Family resilience is a dynamic regulatory system, to form a balance in order to avoid disturbances and difficulties that can befall each family member.

A good family is one that can survive and is maximal in fulfilling the survival of each family member. As well as being able to adapt and survive in the midst of problems and difficulties due to changing times. (*Pembangunan Ketahanan Keluarga 2016*, n.d.)

The process of family survival is the ability of the family to manage the resources owned by the family and to overcome the problems faced in order to be able to meet the physical and psychosocial needs of the family. Meanwhile, family welfare is the final state that is addressed through the process of managing inputs and overcoming problems. (Hasanah & Komariah, 2019)

Patterns of family resilience include physical and non-physical aspects. The pattern of family resilience can be optimized by building family resilience. The development of family resilience is carried out in two ways, namely the development of physical resilience and the development of non-physical resilience. Development of physical resilience, including: providing assistance/assistance, increasing capital, giving poor rice for less prosperous families. (Thariq, 2017)

Non-physical resilience development, among others: improving the quality of education, the quality of personal health, religion and understanding of the functioning of the family as it should be.

2. Description of Bapas Kelas II Pekalongan

Balai Pemasarakatan Kelas II Pekalongan is one of the technical implementing units within the Regional Office of the Ministry of Law, Central Java. One of the duties and functions of the Correctional Center, as regulated in Law No. 11 of 2012, is to carry out mentoring, community research, guidance and supervision of children in conflict with the law (hereinafter referred to as ABH).

This function requires the Correctional Center to always establish communication and coordination with the Police, the Prosecutor's Office and the Court. Even the recommendation of the Correctional Center contained in the community research is one of the important factors and influences the judge's decision.

According to data from the Directorate General of Corrections in 2020, there are 77 Correctional Center office units in Indonesia which are divided into 33 provinces, namely: Aceh Province 2 Units, North Sumatra 2 Units, West Sumatra 2 Units, Jambi 2 Units, Riau 1 Unit, Riau Islands 1 Unit, Bangka Belitung Islands 1 Unit, Bengkulu 1 Unit, South Sumatra 2 Units, Lampung 2 Units, Banten 3 Units, DKI Jakarta 4 Units, West Java 4 Units, Central Java 8 Units, DIY 2 Units, East Java 7 Units, Bali 2 Units , East Nusa Tenggara 2 Units, West Nusa Tenggara 2 Units, East Kalimantan 2 Units, West Kalimantan 2 Units, Central Kalimantan 3 Units, South Kalimantan 3 Units, South Sulawesi 3 Units, North Sulawesi 1 Unit, West Sulawesi 1 Unit, Southeast Sulawesi 2 Units, Central Sulawesi 2 Units, Gorontalo 1 Unit, Maluku 2 Units, North Maluku 1 Unit, Papua 2 Units and West Papua 2 Units. (Home, n.d.)

The working area of the Pekalongan Fathers will be described in the table below:

NO	KABUPATEN/KOTA	LUAS WILAYAH
1.	Kabupaten Batang	788,64 Km ²
2.	Kabupaten Pekalongan	836, 13 Km ²
3.	Kota Pekalongan	45,25 Km ²
4.	Kabupaten Pemasang	1.115,30 Km ²
5.	Kabupaten Tegal	878,7 Km ²
6.	Kota Tegal	39,68 Km ²
7.	Kabupaten Brebes	1.662,96 Km ²
JUMLAH		5.366,66 Km ²

With an area of 5,366.66 Km², consisting of 7 (seven) Regencies/Cities on the north coast of Central Java, Pekalongan Fathers are supported by quite limited resources, consisting of: 4 (four) Structural Officials, 6 (six) Persons Administrative

Position, 26 (twenty six) Persons Functional Position of Community Advisor (Pembimbing Kemasyarakatan) & Assistant Advisor of Community. The Social Advisory Functional Positions consist of First, Young, and Intermediate levels.

3. ABH Conditions in Bapas Kelas II Pekalongan

Based on information from the Head of the Child Client Guidance Subsection (hereinafter referred to as BKA) Bapas Kelas II Pekalongan(A. N. Kasubsie BKA Bapas Pekalongan, personal communication, November 20, 2020), Until now, the Bapas Pekalongan has carried out quite a number of tasks and functions for Children in Conflict with the Law, both in the form of Litmas, Diversion and Mentoring.

In the monthly report data owned by the Pekalongan Fathers, it is stated that in May 2020, the Pekalongan Class II Penitentiary received a request for community research for diversion in 14 (fourteen) juvenile criminal cases. This demand is quite high compared to previous months, such as in January with 7 (seven) cases, February 4 (four) cases, March 5 (five) cases and April 1 (one) case.

Of the 14 (fourteen) cases handled by the Pekalongan Class II Penitentiary in May 2020, 10 (ten) of them are still in formal school and are following the rules to follow the learning process from home. So that a diversion process is sought to solve it. The data is displayed in the form of a table as follows:

NO	BULAN	DIVERSI BERHASIL	DIVERSI GAGAL	JUMLAH DIVERSI
1.	Januari	7	0	7
2.	Februari	3	1	4
3.	Maret	4	1	5
4.	April	1	0	1
5.	Mei	10	4	14
6.	Juni	6	2	8

During the Covid-19 pandemic, the implementation of diversion at Pekalongan Fathers was still carried out, as a result of the high demand for diversion training for children as described in the data above. From these requests there are versions that are successful, but some are not successful.

According to Adhi Nurcahyo, Head of Subsieve BKA Pekalongan Fathers, several factors that affect the diversion success are caused by:

- a. The victim does not agree to carry out Diversion as an alternative to criminal settlement.
- b. There is no common ground between the victim and the child regarding the Diversion agreement, even though they have met in the diversion effort.
- c. Bad image of a child who was famous in the community before the crime occurred, thus influencing the victim to accept the Diversion agreement

Until now, what has happened in Pekalongan Fathers is if the Diversion is not successful and or does not get an agreement, then the juvenile criminal process will proceed to the next stage. However, usually at a later stage, both the prosecutor's office and the court, there will still be diversion efforts as long as they meet the requirements listed in Article 7 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which is not a repetition of a criminal act and the threat of punishment is not more than 7 (seven) years.

In addition, the Diversion efforts that have been carried out by the Pekalongan Fathers have always brought various parties, ranging from the village government, the school, the child's parents, the victim and the victim's parents. So that the results of the Diversion agreement can be the best solution for children and victims.

However, during this COVID-19 pandemic, many things have to change due to the existing situation. These things become a new challenge that must be solved by the Pekalongan Fathers or perhaps all other prisons in Indonesia.

According to the Pekalongan Fathers' Community Research Data, there are several factors that cause children to commit crimes, whether resolved through diversion or juvenile criminal justice trials, namely :

- a. Lack of parental supervision of children's interactions in everyday life.
- b. The busyness of parents in meeting economic needs causes children to not get enough attention.
- c. The family's economic limitations cause children not to continue their education and hang out with people who are not the same age.

- d. Parental quarrels that make children uncomfortable with the condition of their families so that they vent their emotions into relationships that are not right and good.

These factors trigger the occurrence of crimes committed by children in the work area of Bapas Pekalongan.

4. The Relationship of Family Resilience to Children in Conflict with the Law

There are five indications that describe the level of family resilience, namely the attitude of serving each other as a sign of glory, harmony between families, caring parents, adequate education, and economic ability that can maintain family life.

The concept of resilience in the family includes, namely: aspects of legality, physical resilience, economic stability, the ability to manage the psychology of each individual family, and the family's ability to adapt to social and cultural (Thariq, 2017)

Patterns of family resilience include agreed legality, physical resilience, economic stability, social adaptability, and psychological stability.

Physical resilience is interpreted as a family's effort to meet resources, solve problems and adapt to conditions. Whether related to the economy or other physical household activities in order to meet basic needs.

In this context, 60% of the data on children's social studies in Bapas Kelas II Pekalongan stated that economic factors were the cause of many cases of children in the Pekalongan Fathers' Working Area. Economic limitations make parents more focused on work to earn a living so that in the end children get less attention.

Family resilience in the social aspect is interpreted as a family effort to apply spiritual values, maintain social relations with good communication, and share roles in society so as to create healthy social relationships in the surrounding environment.

There are 60% of children who have been handled by Bapas Pekalongan admit that the social environment in which they grow up does not support the fulfillment of their growth and development. Whereas social environmental factors greatly contribute to the growth and development of a child.

Family resilience in the psychological aspect is interpreted as a family effort to increase the mental stability of each family member in managing emotions, resulting in a positive self-concept. The existence of mental stability of each family

member who is adaptive to every condition. The existence of a conflict management system for each family member so that it does not cause divisions.

Based on information from the Pekalongan Fathers' Community Advisory Litmas, 50% of children who are in conflict with the law in the Pekalongan Fathers' Community have family problems that are quite complex. Starting from parental quarrels to the dictatorship of parents in educating and fostering children. This reason often causes them to look for other environments to calm their emotional and psychological outbursts. This means that the psychological factor of an ABH greatly influences the crime he commits.

C. Concluding Remarks

Based on the data and analysis previously described, it is known that the factors that cause criminal acts by ABH in the Penitentiary area are caused by the fragility of families who are unable to produce family resilience.

Starting from psychological conflicts due to parental fights, problematic parenting in the social environment to economic limitations that haunt ABH every day.

Family resilience greatly influences a child's behavior, and ABH are victims of the absence of resilience in their family.

The recommendations offered to overcome these problems are to strengthen families on the importance of caring for and educating children so that they do not commit or fall into criminal acts by cooperating with other agencies such as village officials, the ministry of women and child protection and other organizations both public and private.

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