

Fulfillment of Children's Rights at the Class II Special Child Development Institution (LPKA) in Tenggarong, East Kalimantan

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Abstract

This article discusses the problem of fulfilling children's rights in the guidance of the Special Child Guidance Institution (LPKA) Class II Tenggarong East Kalimantan. Based on the Child Criminal Justice System Law No. 11 of 2012, guidance must be oriented towards the Protection of Children's Rights, restorative justice, Education and Skills Training, Mentoring and Guidance, however, guidance in LPKA still tends to be repressive with limited facilities and infrastructure and expert staff. In addition, post-release supervision of reintegration into the community requires special attention so that children are not vulnerable to repeating criminal acts. This shows the need for adaptive and integrated reformulation of guidance policies. By applying these principles, LPKA is expected to be an effective place to guide children in conflict with the law, so that they can grow into responsible individuals and reduce the number of criminal perpetrators, especially children, as well as supervision in the process of sustainable social reintegration of children.

Keywords: Child development, LPKA, juvenile criminal justice system, restorative justice, social reintegration, children's rights.

Introduction

Human rights are the rights inherent in humans as creatures of God Almighty. Human rights have come a long way in the struggle for justice for people throughout the world. Historically, efforts to resolve humanitarian issues have been ongoing throughout the world for a long time, and no one knows for certain when the fight for human rights began. The enforcement of human rights is a reflection and embodiment of the second principle of Pancasila, namely, just and civilized humanity. The enforcement of human rights occurs due to legal violations.

For developing countries like Indonesia, the problem of juvenile delinquency is a

vulnerable issue and can have social impacts. Children are in a growth and development phase where they require attention from their parents, family, and community. Neglect of children by family or community will negatively impact their physical, mental, and social development. The inability of children/adolescents to cope with the emotional feelings that arise after a divorce between their parents can lead them, especially adolescents, to experience vulnerable or difficult situations. One such situation is children in need of special protection, including children in conflict with the law, namely children in conflict with the law and child victims of crime.

The term "correctional student" is used to replace the term "child prisoner," which is considered offensive and suggests something unpleasant for children. Correctional students exhibit deviant behavior that violates prevailing norms and laws in society and therefore must receive punishment according to applicable laws. Correctional students who exhibit deviant behavior and violate the law can be considered socially disabled.

According to Soemitro, behavior that does not conform to norms, or can be described as a deviation from agreed-upon norms that disrupts public order and the peace of human life, is treated through criminal sanctions. Criminal sanctions are designed to deter perpetrators of crimes, encouraging them to be accountable for the consequences of their actions and deter them from repeating them in the future.

Children in conflict with the law, or foster children, are a group often marginalized in terms of access to education. They are in a unique situation, separated from the general public and living in highly controlled environments. However, this does not mean they are deprived of the right to education. On the contrary, education can play a crucial role in their rehabilitation and reintegration into society. Education for foster children can help them acquire new skills, boost their self-confidence, and prepare them for life after prison. Furthermore, education can help prevent future criminal behavior and reduce recidivism rates. Therefore, it is crucial to understand and emphasize that education is a right for everyone, including foster children. This is emphasized in Article 12 of Law Number 22 of 2022 concerning Corrections, which regulates

the rights of foster children.

The process of fostering children in conflict with the law or those serving sentences is carried out specifically through the Special Child Development Institution (LPKA). The success of this development program is inseparable from the synergy of various elements, from the government and law enforcement officials to the support of the wider community.

To establish an effective correctional system, involvement comes not only from correctional officers but also from the social environment and the inmates themselves. Correctional officers must be able to act based on correctional principles, demonstrating concern and a nurturing attitude towards both inmates and the general public.

Juvenile inmates come from diverse criminal backgrounds and diverse social conditions. In this regard, a fair and non-discriminatory approach is crucial, where every child receives equal treatment regardless of their social, economic, or family background. By law, a child is defined as an individual who has reached the age of 12 (twelve) but is under 18 (eighteen) and is suspected of having committed a violation of the law.

Guidance is the supervision and guidance provided by correctional officers to convicted juveniles, provided that the child meets established requirements. There are two types of guidance:

1. Out-of-Institution Guidance

The judge decides that the child is to be given guidance outside of an institution. The institution where the education and guidance are provided is determined in their decision, as stipulated in Article 74 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. Out-of-institutional guidance may include:

- a. Participating in a guidance and counseling program conducted by a Guidance Officer,
- b. Participating in therapy at a mental hospital,
- c. Participating in therapy for alcohol, narcotics, psychotropic, and other addictive substance abuse.

If the child violates specific requirements during the guidance period, the Guidance Officer may recommend to the supervising judge to extend the guidance period, not exceeding a maximum of two (2) times the unfulfilled guidance period, as stipulated in Article 75 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

2. In-Institutional Guidance

In-institutional guidance is provided at a job training center or a development institution run by either the government or the private sector. Institutional correctional sentences are imposed if the child's circumstances and actions do not pose a danger to society. Institutional correctional sentences are for a minimum of three months and a maximum of twenty-four months. Children who have completed half of the institutional correctional period and have demonstrated good behavior for at least three months are entitled to conditional release, as stipulated in Article 80 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System.

According to Bambang Poernomo, several approaches to correctional correction are as follows:

- a) Mental guidance, through religious and personality education;
- b) Social guidance, to enhance the child's understanding of community life;
- c) Skills guidance, through practical training useful for life;
- d) Habitual living and adherence to rules to foster discipline;
- e) Additional guidance, such as health care and introduction to arts and culture.

The Child Correctional Institution (LPKA) plays a crucial role in providing comprehensive guidance encompassing physical, mental, educational, and social aspects. This aligns with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which emphasizes the importance of a developmental and rehabilitation approach, rather than simply punishment. The philosophy of the social welfare approach and the handling of juvenile offenders is based on two main reasons:

- 1) Children are still developing and do not yet fully understand the impact of their actions.
- 2) Children are more easily guided to positive change than adults, so a retaliatory approach is inappropriate for them.

Correctional institutions, particularly the Child Protection and Rehabilitation Center (LPKA), are the final stage in the juvenile criminal justice system, with a developmental and rehabilitation function. However, in reality, not all officers or institutions carry out their roles optimally, resulting in failure of development and the risk of recidivism (repetition of criminal offenses).

Children in Conflict with the Law (ABH) and recidivism refer to situations where a child who has been sentenced to a criminal offense re-commits a crime. This phenomenon is often influenced by social and economic factors such as poverty, a poor environment, or life pressures. The criminal justice system, comprised of the police, prosecutors, courts, and correctional institutions, is a crucial mechanism in addressing children in conflict with the law. In the context of children, correctional institutions are the final component in this process and should be the final resort before children return to society. The Tenggarong Class II Child Correctional Institution (LPKA), the only correctional institution in East Kalimantan Province, has a significant responsibility in implementing not only general correctional programs but also for children who have been in conflict with the law several times. This requires more intensive attention and a more intensive approach to ensure effective correction and prevent further increases in juvenile offenders and even recurrences.

Article 85 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System explicitly states that children have the right to receive appropriate education, training, mentoring, and guidance. The LPKA is obliged to implement these programs in an integrated manner in accordance with applicable regulations. Seeing the importance of the role of the Class II Tenggarong LPKA, the fulfillment of children's rights and the effectiveness of the implementation of guidance for ABH who are serving sentences, are crucial matters to be studied

in more depth, where in this study regarding the guidance carried out is effective or not, how the system of rights fulfillment and rehabilitation implemented is in accordance with expectations.

Methods

This research was conducted using the normative juridical method, a research method that examines law from an internal perspective, with legal norms as the object of research. The research was conducted using secondary resources based on legal regulations in the form of principles and rules, and supported by legal literature such as books and scientific journal articles. This research was conducted using descriptive analytical research, which will present existing data in the field systematically so that it is easier to understand and draw conclusions. In this case, the research is intended to provide a clear picture of the process of implementing child development at the Class II Tenggarong Special Child Development Institution (LPKA).

Results and Discussion

General Overview of Children in Conflict with the Law (ABH)

A child is a legal subject who is not yet competent to perform legal acts independently and therefore must be assisted by a competent parent or guardian. Generally speaking, a child is a child or a minor. A person is considered an adult if they are able to assume responsibility and stand on their own.

Discussing the criteria for a child requires a definition of what is meant by a child, including general definitions. R.A. Koesnoen states that a child is a young human being, young in age, young in spirit, and in life experiences, as they are easily influenced by their surroundings. Meanwhile, Kartini Kartono defines a child as a normal human being who is still young and is still determining their identity and is mentally unstable, making them highly susceptible to influence by their environment.

According to Article 1, point 1 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, a child is defined as a person under 18

(eighteen) years of age, including children still in the womb. Furthermore, Article 1, number 3, and Article 20 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System stipulate that:

1) The age limit for a child in conflict with the law to be brought before a Juvenile Court is at least 12 (twelve) years old, but under 18 (eighteen) years old and unmarried.

2) If a child commits a crime within the age limit as referred to in Article 20, a child who has come into conflict with the law before reaching 18 (eighteen) years of age and is brought before a court after the child has passed the age limit, but under 21 (twenty-one), is still brought before a juvenile court.

From a sociological perspective, according to Dellyana, the age limit for a child is those who are not yet adults and who become adults due to certain regulations (mentally or physically immature). Furthermore, children here include children as perpetrators, victims, observers, or witnesses. Each has the right not to become a victim in certain criminal justice processes. In the juvenile criminal justice process, children's rights must be protected at every level. This protection is provided as a form of respect for children's human rights. Protection for children in conflict with the law has undergone fundamental changes, including explicit regulations regarding "Restorative Justice and Diversion." These regulations are intended to prevent and distance children from the judicial process, thereby preventing stigmatization of children in conflict with the law.

The trial process in court, whether for investigation, prosecution, or trial, is relatively shorter than adult trials. Throughout the process, children in conflict with the law must be accompanied by parents/guardians and other relevant parties. Regarding the trial process for children in conflict with the law in juvenile court, judges are not permitted to wear official attire, and the hearings are conducted behind closed doors.

Article 5 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System explicitly states that:

1. The Juvenile Criminal Justice System must prioritize a Restorative Justice approach.
2. The Juvenile Criminal Justice System, as referred to in paragraph (1), includes:
 - a. Investigations and prosecutions of juvenile crimes are carried out in accordance with the provisions of statutory regulations, unless otherwise specified in this Law.
 - b. Juvenile trials are conducted by courts within the General Courts, and
 - c. Guidance, mentoring, supervision, and/or assistance during the criminal or criminal action process and after serving the criminal or criminal action.
3. In the Juvenile Criminal Justice System, as referred to in paragraph (2) letters a and b, diversion must be attempted.

Article 6 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System states that diversion aims to:

- a. Achieve peace between the victim and the child,
- b. Resolve juvenile cases outside the judicial process,
- c. Prevent juveniles from being deprived of liberty,
- d. Encourage community participation, and
- e. Instill a sense of responsibility in children.

There are several factors that most influence the emergence of child crime, namely environmental factors, economic/social factors and psychological factors. In the Criminal Code (KUHP) it is emphasized that a person can be held responsible for his actions because of the person's self-awareness and he also has understood that the act is prohibited according to applicable law. Delinquent acts committed by children are a manifestation of adolescent puberty without any intention of harming others as indicated in a crime listed in the Criminal Code where the perpetrator must be aware of his actions and the perpetrator is able to take responsibility for his actions.

The Children's Special Development Institution (LPKA) is an institution specifically designed to provide guidance to Correctional Students (Andikpas) in Indonesia. LPKA functions as a Technical Implementation Unit (UPT) under the auspices of the Directorate General of Corrections, Ministry of Law and Human Rights of the Republic of Indonesia. This institution is part of the national correctional system, aiming to provide educational, rehabilitative, and reintegrative guidance to children in conflict with the law. The inmates/children in LPKA consist of:

- a. Correctional Students (Andikpas), namely children who have been sentenced by the court,
- b. Detained Children, namely children who are still undergoing legal proceedings or have not yet received a final and binding decision (inkracht).

LPKA is designed not only as a place of detention, but also as a place of guidance and education to develop children's potential and prepare them for a healthy and responsible return to society. The Tenggarong Class II Children's Special Rehabilitation Institution (LPKA) is the only LPKA operating in East Kalimantan and has a major responsibility in implementing the guidance of Children in Conflict with the Law (ABH). This institution is the result of the transformation from a Juvenile Correctional Institution to an LPKA based on the Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 18 of 2015, as part of efforts to reform the juvenile correctional system in Indonesia. Under the coordination of the Directorate General of Corrections, the Tenggarong Class II LPKA began actively carrying out its functions in April 2018 and was officially inaugurated on August 8, 2019.

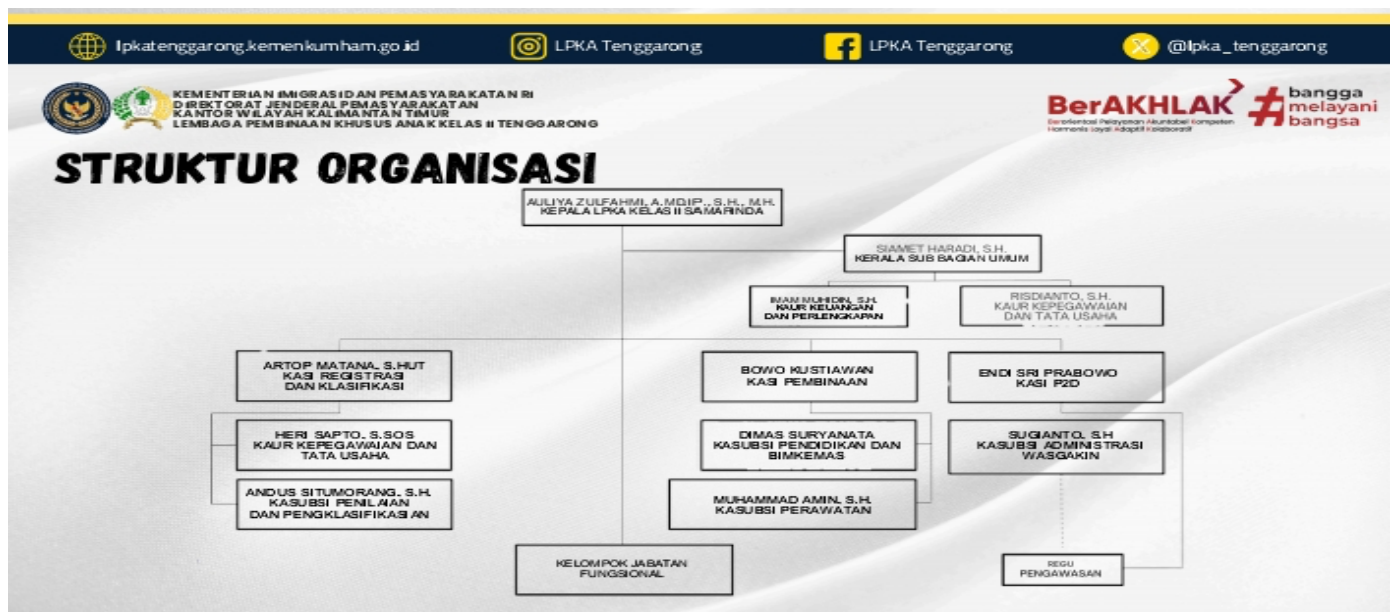


Figure 1. Organizational Structure of LPKA Class II Tenggara.

The visit provided the opportunity to conduct direct interviews with representatives from the Tenggara Class II LPKA and attend a presentation by a representative of the institution. The presentation included an explanation of the organizational structure, main duties and functions of the LPKA, and various development programs implemented for Correctional Institution Students (Andikpas). As of July 3, 2025, the Tenggara Class II Special Child Development Institution has 80 (eighty) cases of criminal offenders.

No	Types of Crimes	Amount
1.	Theft	14 People
2.	Prosecutor's Detention / Murder	1 People
3.	Child Protection	46 People
4.	Abuse	4 People
5.	Drugs	15 People

Table 1. Data on Criminal Offenses of Children in the Care of the Class II Tenggara LPKA

Problem Formulation Analysis

Effectiveness of Guidance at the Tenggara Class II Special Child Correctional Institution (LPKA)

Based on a visit to the Tenggara Class II LPKA, various guidance programs have been implemented, encompassing education, economic skills, social development, and psychological recovery for inmates. As an institution specifically dedicated to the care of children in conflict with the law, LPKA is obligated to ensure the fulfillment of children's right to education. This is based on several important regulations, such as Decree of the Minister of Law and Human Rights Number M. HH-03. OT. 02.02 of 2014 concerning Guidelines for Handling Children in LPKA, Government Regulation Number 31 of 1999 concerning the Guidance of Correctional Inmates, and Law Number 22 of 2022 concerning Corrections.

The implementation of the guidance program is based on Decree of the Minister of Law and Human Rights of the Republic of Indonesia Number M. HH-03. OT. 02.02 of 2013 concerning Guidelines for the Treatment of Children in Correctional Institutions (BAPAS), Temporary Child Placement Institutions (LPAS), and Special Child Development Institutions (LPKA) within the Ministry of Law and Human Rights.

In addition, within the Special Child Development Institution (LPKA) Class II Tenggara, several types of guidance are provided, as follows:

a. Personality Development

Personality Development consists of spiritual development (religious education), legal awareness, physical development, national and state awareness, and character building. This program collaborates with the Tenggara Military District Command (Koramil), the Kukar Branch Leadership Council (Kwarcab), the Kukar Regency Ministry of Religious Affairs, the Tenggara Ansor Movement (GP Ansor), the Wahdah Islamiyah Kutai Kartanegara Regional Leadership Council (DPD) and the Tenggara Seberang Community-Based Integrated Child Protection Agency (BPKA).

b. Skills Development

Skills Development includes development in agriculture, animal husbandry, plantations, carpentry, arts and information technology, and other activities. The program collaborates with

related institutions, including CV. Nuansa Senitik, SMKN 2 Tenggara, CV. Mangku Harta, Rika Hair Studio, the East Kalimantan Provincial Youth and Sports Agency (UPTD), and the Gubang Community Art Foundation (Foundation for Community Art) in Kukar.

c. Education

Children's education provided by LPKA consists of formal, non-formal, and informal education. Non-formal education... Formal education includes Package A for elementary school level, Package B for junior high school level, and Package C for senior high school level. Formal education consists of 9 years of compulsory education/elementary school, junior high school, and senior high school through collaboration with PKBM Puspa Wijaya Tenggara, SMK Ketopong Tenggara, and the Faculty of Education and Teacher Training, Unikarta.

No	Type of Education	Amount
1.	Package A	12 People
2.	Package B	30 People
3.	Package C	22 People
4.	High School Formal	31 People
5.	Graduated from high school	5 People

Table 2. Educational Data for Children Fostered by Class II Tenggara LPKA

Source: Presentation Materials of LPKA Class II Tenggara

The data shows that the Child Protection and Inclusion Agency (LPKA) has implemented the Package A, B, and C catch-up programs in collaboration with the Puspa Wijaya Kutai Kartanegara Community Service Center (PKBM). However, the implementation of formal education still faces challenges due to limited supporting facilities and infrastructure. In the economic aspect, LPKA provides skills training in areas such as sewing, handicrafts, and entrepreneurship. This training is designed to equip children with practical economic skills so they can become financially independent upon their release.

In the social and psychological aspects, guidance focuses on strengthening character,

interaction skills, and internalizing moral values. Psychosocial counseling and therapy services are also provided as part of efforts to support children's mental recovery, particularly in overcoming past trauma. LPKA also partners with agencies such as the Ministry of Religious Affairs of Kutai Kartanegara Regency to strengthen religious guidance. Family and community involvement is also facilitated as a crucial strategy in the child's social reintegration process.

However, the child's psychological assessment process has not been optimal due to the lack of competent child psychologists. This limitation hinders the effectiveness of guidance, which should be personalized and in-depth. Therefore, strengthening human resource capacity and implementing more innovative therapy methods is urgently needed. As legal subjects, children have the right to special protection. The juvenile criminal justice system must focus on rehabilitation and reintegration.

Fulfillment of Children's Rights at the Tenggarong Class II Special Child Development Institution (LPKA)

The rights of foster children, based on Law Number 22 of 2022 concerning Corrections, in Article 12 (1), include: "To practice worship according to their religion or belief; to receive physical and spiritual care; to receive education, teaching, and recreational activities; and to develop their potential while taking into account their growth and development needs; to receive adequate health services and food according to nutritional needs; to receive information services; to receive legal counseling and legal assistance; and to submit complaints and/or grievances."

In addition to personality, skills, and education development, the Special Child Development Institution (LPKA) has implemented the fulfillment of the rights of foster children to receive other services, including:

- a. Remission: General, Special, Additional, Special Remission for Children, and Remission for Children with Prolonged Illnesses
- b. Clemency (Maximum 10 Years and Minimum 2 Years)

- c. Judicial Review (PK)
- d. Counseling
- e. Visits (3 Times a Week)
- f. Assimilation and Social Reintegration
- g. Recreation
- h. Communication (Correspondence, Telephone)
- i. Reading Materials
- j. Information
- k. Reporting of Service Program Results
- l. Service Program Evaluation
- m. Supervision of Child Development Programs

Infrastructure is also provided to children in the LPKA in the form of care and food for each child, from their first visit to their final year. Healthy food and drink are ensured according to the child's nutritional needs. Integrated and comprehensive health care is provided, including:

- 1) Promotional activities include communication, counseling, monitoring and maintaining sanitation and personal hygiene, preventing drug abuse, and regular exercise and competition.
- 2) Preventive: Counseling, environmental sanitation, screening, and providing supplementary food.



Figure 2. Fulfillment of Children's Completeness at the Class II Tenggara LPKA

One important aspect that still needs to be strengthened in the implementation of rehabilitation at the Class II Tenggarong Correctional Institution (LPKA) is the active involvement of families in the child's social reintegration process. Family participation is not limited to visits and communication, but also includes involvement in counseling, strengthening moral values, and providing ongoing emotional support. From the perspective of Family Systems Theory, the family is the primary system influencing a child's behavior and development, so their presence in the rehabilitation process is crucial for determining the direction of the child's change. However, in practice, many assisted families still experience limited access, lack understanding of their role in the rehabilitation process, or even lose emotional connections with their children due to social stigma. Therefore, it is necessary to design special programs that systematically involve families, such as regular family counseling, reintegration-based parenting training, and facilitating educational family visits to rebuild broken bonds. With strong family support, the child's reintegration into society can proceed more optimally and reduce the potential for recidivism.

Guidance activities at LPKA are inseparable from the need for a structured and ongoing monitoring and evaluation (MONEV) system. Evaluation is a crucial instrument for measuring the effectiveness of implemented programs and serves as a basis for strategic decision-making to improve the quality of development. Although various programs have been implemented at the Tenggarong Class II Correctional Institution (LPKA), such as formal and non-formal education, skills training, and personality development, there is no documentation or systematic evaluation mechanism to measure the extent to which these programs impact children's behavior. Monitoring based on success indicators such as active child participation, skill improvement, and post-release follow-up is still minimal as a basis for program development. Therefore, it is necessary to establish an internal evaluation unit or team involving multidisciplinary experts, including psychology, education, and legal personnel, to conduct regular assessments of the development program. The results of these evaluations can serve as a basis for reformulating a

development approach that is more adaptive, contextual, and tailored to the individual needs of children.

Conclusion

The development of children at the Tenggarong Class II Child Protection Institution (LPKA) still faces a number of significant challenges, both institutionally and in terms of the development approach used. Although LPKA has implemented educational programs, skills training, fulfillment of the rights of children in its care, and social and psychological support, there is a need for the development of human resources with specific skills to provide more optimal development. The main contributing factors include weak family supervision, a lack of child psychologists, limited formal educational facilities, and a development approach that is not yet contextual and personalized. These findings indicate the need for reformulation of development programs that are more adaptive, interdisciplinary, and based on children's rights.

The research concludes that although LPKA has implemented several development programs that encompass educational, skills, social, and psychological aspects, a uniform approach to all children in its care without considering their developmental backgrounds is a barrier to the rehabilitation process. The absence of child psychologists, limited facilities, and the lack of serious involvement of child social institutions with families are also dominant factors in the failure of development, which results in reoffending or recidivism.

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