

The Fulfillment of the Right to Education of Children Undergoing Rehabilitation as an Effort Toward Social Reintegration

Ericha Lufen Atla Sastro¹, Rhesas Shalatan²

^{1,2}, Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Tanjungpura
a1011231027@student.untan.ac.id¹, a1011241261@student.untan.ac.id²

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ABSTRACT

Children undergoing rehabilitation at a Special Child Development Institution (Lembaga Pembinaan Khusus Anak) continue to hold the status of human rights holders, including the right to education, even though their liberty is temporarily restricted by a court decision. This article aims to examine the legal regulation of the right to education of children undergoing rehabilitation within the Indonesian correctional system and to analyze the urgency of fulfilling this right as a foundation for social reintegration. This study applies a normative juridical method using a statutory approach and library research. The findings show that Law Number 22 of 2022 concerning Corrections, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, and Law Number 35 of 2014 concerning Child Protection have provided a sufficiently strong normative foundation for the fulfillment of the right to education of children undergoing rehabilitation, but their implementation in practice is still hindered by limited facilities and infrastructure, teaching personnel, and the compatibility of the curriculum with the regular formal education system. Education for children undergoing rehabilitation is not merely the fulfillment of the State's administrative obligation, but also a strategic instrument for breaking the cycle of recidivism, restoring children's self-confidence, and preparing children to be accepted back naturally by their families and society. This article recommends strengthening cross-sectoral cooperation among the Directorate General of Corrections, the Ministry of Education, and local governments, accompanied by curriculum standardization that accommodates the psychosocial needs of children in conflict with the law.

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ABSTRAK

Anak yang menjalani pembinaan di Lembaga Pembinaan Khusus Anak (LPKA) tetap menyandang status sebagai pemegang hak asasi manusia, termasuk hak atas pendidikan, meskipun kebebasannya untuk sementara dibatasi oleh putusan pengadilan. Artikel ini bertujuan mengkaji pengaturan hukum mengenai hak pendidikan anak binaan dalam sistem pemasyarakatan Indonesia dan menganalisis urgensi pemenuhan hak tersebut sebagai fondasi reintegrasi sosial. Dengan menerapkan metode yuridis normatif dengan pendekatan perundang-undangan (*statute approach*) dan studi kepustakaan (*library research*). Hasil kajian menunjukkan bahwa Undang-Undang Nomor 22 Tahun 2022 tentang Pemasyarakatan, Undang-Undang Nomor 11 Tahun 2012

tentang Sistem Peradilan Pidana Anak, dan Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak telah memberikan landasan normatif yang cukup kuat bagi pemenuhan hak pendidikan anak binaan, tetapi implementasinya di lapangan masih dihambat oleh keterbatasan sarana prasarana, tenaga pendidik, dan kesesuaian kurikulum dengan pendidikan formal reguler. Pendidikan bagi anak binaan bukan sekadar pemenuhan kewajiban administratif negara, melainkan instrumen strategis untuk memutus mata rantai residivisme, memulihkan kepercayaan diri anak, dan mempersiapkan anak agar dapat diterima kembali secara wajar oleh keluarga dan masyarakat. Tulisan ini merekomendasikan penguatan kerja sama lintas sektor antara Direktorat Jenderal Pemasyarakatan, Kementerian Pendidikan, dan pemerintah daerah, disertai standardisasi kurikulum yang mengakomodasi kebutuhan psikososial anak berhadapan dengan hukum.

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Corresponding Author:

Ericha Lufen Atla Sastro
Universitas Tanjungpura

Email: a1011231027@student.untan.ac.id

INTRODUCTION

Children constitute a vulnerable group whose existence requires special protection from the State, the family, and society, particularly when they are children in conflict with the law. When a child is sentenced to a criminal sanction and is required to undergo rehabilitation at a Special Child Development Institution (Lembaga Pembinaan Khusus Anak—LPKA), his or her legal status changes to that of a child undergoing rehabilitation. However, such a change in legal status does not automatically eliminate the child's fundamental rights, including the right to education. The imposition of criminal sanctions on children is fundamentally intended as a measure of last resort (*ultimum remedium*) that emphasizes rehabilitation rather than retribution. Therefore, throughout the period of serving the sentence, children must continue to be provided with opportunities to grow and develop in the same manner as children outside the institution (Lewoleba & Mulyadi, 2023).

The right to education for children undergoing rehabilitation occupies a special position compared with other rights, as education constitutes an instrument for shaping the child's future as well as a means of breaking the cycle of delinquent behavior. Data and studies from various international organizations, including UNICEF and UNODC, indicate that hundreds of thousands of children in various countries are serving criminal sentences in correctional institutions, and almost all of them are at risk of losing educational opportunities unless the State deliberately designs an education system that reaches them (Buana et al., 2025). This condition confirms that the issue of education for children undergoing rehabilitation is not merely a domestic issue in Indonesia, but also forms part of the global child protection agenda that has long been a concern of the Convention on the Rights of the Child (CRC), which was

ratified by Indonesia through Presidential Decree Number 36 of 1990 (UNICEF Indonesia, 2023; Kementerian Koordinator Bidang Pembangunan Manusia dan Kebudayaan, 2019).

Normatively, Indonesia has established a set of legal provisions affirming the State's obligation to fulfill the right to education of children undergoing rehabilitation. Law Number 22 of 2022 concerning Corrections explicitly regulates the rights of children undergoing rehabilitation under Article 12 and Article 13 paragraph (1), which include the right to education, vocational skills training, health services, and other reintegration rights (Gultom & Ginting, 2025). These provisions are reinforced by Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which places the principle of the best interest of the child as the primary principle in the treatment of children in conflict with the law, as well as Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection, which affirms the responsibility of the government and society in fulfilling children's rights to growth and development, including children who are undergoing legal proceedings (Hasmonel et al., 2025).

Although this legal framework is relatively comprehensive, the findings of various field studies indicate that the implementation of the right to education of children undergoing rehabilitation still faces a number of structural challenges. One study, for example, found that the optimization of the fulfillment of the right to education at LPKA is still constrained by the shortage of teaching personnel, as well as the limited availability of facilities and infrastructure (Susanto, 2022). Another study conducted at Class I Medan LPKA showed that the fundamental rights of children undergoing rehabilitation have generally been fulfilled; however, inadequate facilities and infrastructure due to budgetary constraints remain the primary obstacle (Gultom & Ginting, 2025). A similar pattern was also found at Class II Bandar Lampung LPKA, where the institution has implemented a curriculum based on Law Number 11 of 2012 and Law Number 22 of 2022, but its implementation remains more oriented toward non-formal education than formal education equivalent to the regular school system (Monica et al., 2024).

The issue of fulfilling the right to education of children undergoing rehabilitation ultimately cannot be separated from the overarching objective of the correctional system, namely social reintegration. From Law Number 12 of 1995 concerning Corrections until its replacement by Law Number 22 of 2022, the Indonesian correctional paradigm has consistently abandoned the concept of retribution (retributive) and shifted toward the concept of social reintegration as the ultimate objective of rehabilitation. Social reintegration requires that children undergoing rehabilitation, upon the completion of their sentences, possess adequate knowledge, skills, and psychosocial maturity to be accepted once again by their families, schools, and social environments without prolonged stigma. Without adequate education throughout the rehabilitation period, children undergoing rehabilitation are at high risk of experiencing educational disruption (learning loss), losing self-confidence, and ultimately becoming vulnerable to re-engaging in unlawful behavior after returning to society (Lewoleba & Mulyadi, 2023). Based on the foregoing discussion, this article formulates two issues to be examined, namely:

1. How is the legal framework governing the right to education of children undergoing rehabilitation within the Indonesian correctional system regulated, both from the perspective of national law and international instruments?

2. How urgent is the fulfillment of children's right to education as the foundation for the successful social reintegration of children undergoing rehabilitation?

METHOD

This study employs a normative legal research method, namely a study that focuses on legal norms as the primary object of analysis by positioning law as a system of norms governing human behavior (Muhaimin, 2020), including the norms concerning the rights of children undergoing rehabilitation. Normative legal research was selected because the issue under examination centers on how legislation regulates the right to education of children undergoing rehabilitation, and how these legal norms should be interpreted and applied coherently within the framework of the objective of social reintegration.

The approach adopted in this study is the statutory approach. The statutory approach is conducted by examining and systematizing various relevant legislative instruments, including Law Number 22 of 2022 concerning Corrections, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection, and the Convention on the Rights of the Child, which has been ratified by Indonesia. The legal materials were collected through library research by compiling, reviewing, and analyzing primary legal materials in the form of legislation, as well as secondary legal materials in the form of books, accredited scientific journal articles, previous research findings, and official reports issued by government institutions and international organizations relevant to the theme of the right to education of children undergoing rehabilitation and social reintegration.

RESULT AND DISCUSSION

Legal Regulation of the Right to Education within the Indonesian Correctional System

The legal framework governing the right to education of children undergoing rehabilitation in Indonesia is constructed in a layered manner, ranging from international legal instruments that have been ratified to implementing regulations at the ministerial level. At the international level, the Convention on the Rights of the Child (CRC), adopted by the United Nations General Assembly in 1989 and ratified by Indonesia through Presidential Decree Number 36 of 1990, affirms four categories of children's fundamental rights, namely the right to survival, the right to protection, the right to development, and the right to participation, in which the right to education is included within the category of the right to development—the right to receive education and an adequate standard of living for the physical, mental, spiritual, moral, and social development of the child (Ministry of Coordinating Human Development and Culture, 2019; UNICEF Indonesia, 2024). This provision applies universally, without distinguishing the status of the child, including children undergoing legal proceedings, thereby obligating States Parties to ensure that the deprivation of a child's liberty must not be interpreted as the deprivation of the child's other fundamental rights.

At the national level, the 1945 Constitution of the Republic of Indonesia, under Article 28C paragraph (1) and Article 31 paragraph (1), affirms that every citizen has the right to develop themselves through education and the right to receive education, which also applies to children undergoing rehabilitation as citizens who are temporarily placed under rehabilitation.

These constitutional provisions are further elaborated in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 on Child Protection, which, under Article 64 paragraph (2), provides that special protection for children in conflict with the law, including the fulfillment of their educational needs, constitutes the responsibility of the government and society (Hasmonel et al., 2025). This provision affirms that the responsibility for fulfilling the educational rights of children undergoing rehabilitation cannot be imposed solely upon correctional officers, but rather constitutes a cross-institutional responsibility involving the education sector and community participation.

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System serves as the legal instrument that specifically regulates the handling of children in conflict with the law, from the investigation stage to post-sentencing rehabilitation. This law introduces diversion mechanisms and a restorative justice approach as efforts to prevent children from undergoing formal judicial proceedings whenever possible, with the objective of minimizing the stigmatizing effects on children (Rahayuningsih et al., 2025). Nevertheless, for children who are still required to serve custodial sentences, this law affirms that the rehabilitation process must be accompanied by educational, rehabilitation, and guidance programs as further regulated by government regulations, so that the period of imprisonment served by children does not become a period of educational discontinuity (Lewoleba & Mulyadi, 2023).

The most technical and up-to-date regulation concerning the right to education of children undergoing rehabilitation is contained in Law Number 22 of 2022 concerning Corrections, which replaced Law Number 12 of 1995. Article 12 of this law stipulates the fundamental rights of children undergoing rehabilitation, while Article 13 paragraph (1) regulates rights related to the reintegration process, including assimilation, leave to visit family, and parole, all of which require the achievement of certain rehabilitation outcomes, including educational attainment (Gultom & Ginting, 2025). This law expressly designates the Special Child Development Institution (Lembaga Pembinaan Khusus Anak—LPKA) as the institution responsible for planning education, skills development, rehabilitation, and the fulfillment of other rights of children undergoing rehabilitation in accordance with the prevailing laws and regulations (Fitriani, 2023). This provision is reinforced by Regulation of the Minister of Law and Human Rights Number 18 of 2015 concerning the Organization and Work Procedures of Special Child Development Institutions, which affirms the functions of personality development and self-reliance development, including formal and non-formal education, as part of the institution's primary duties.

In practice, the education provided at Special Child Development Institutions (Lembaga Pembinaan Khusus Anak—LPKA) is generally divided into two pathways, namely formal education conducted in cooperation with local educational institutions and non-formal education through the Kejar Paket Program, consisting of Package A equivalent to elementary school, Package B equivalent to junior high school, and Package C equivalent to senior high school (Buana et al., 2025). This dual-pathway model essentially represents a rational adaptation considering the diverse characteristics of children undergoing rehabilitation in terms of age, previous educational attainment, and the length of the sentence they are required to serve. Nevertheless, a number of studies indicate that non-formal education has become the dominant pathway, while access to formal education equivalent to the regular school system outside the institution remains limited, both due to the shortage of certified teaching personnel

and because the curriculum has not yet been fully adapted to the psychosocial conditions of children undergoing rehabilitation (Atiana, 2026).

From the perspective of the legal framework, it can be argued that Indonesia has established a hierarchically comprehensive regulatory framework, ranging from the Constitution and sectoral legislation to ministerial regulations. However, the completeness of this hierarchical framework has not yet been fully accompanied by horizontal harmonization between the correctional sector and the education sector. The absence of technical regulations specifically governing the equivalency of diplomas, graduate competency standards, and accreditation schemes for educational institutions within LPKA has resulted in the education received by children undergoing rehabilitation often lacking recognition equivalent to that of the regular education system, thereby potentially giving rise to indirect discrimination against children undergoing rehabilitation when they return to society (Triwahyuni et al., 2026). This regulatory gap constitutes one of the crucial issues that requires the attention of policymakers, as well-formulated legal norms will not produce optimal outcomes unless they are supported by implementable technical regulations.

The Urgency of Fulfilling the Right to Education as the Foundation of the Social Reintegration of Children Undergoing Rehabilitation

Social reintegration constitutes the ultimate objective of the entire correctional process, which philosophically signifies a paradigm shift from a retributive approach (retribution) toward a rehabilitative and reintegrative approach since the enactment of Law Number 12 of 1995 and subsequently reinforced through Law Number 22 of 2022. In the context of children, social reintegration has its own complexity because children undergoing rehabilitation are at a developmental stage that is crucial in shaping their character and future. If this critical stage is passed without adequate education, children undergoing rehabilitation will not only lose the opportunity to learn academically, but also lose the opportunity to develop a positive identity that should naturally evolve through healthy educational and social interactions.

There are at least three arguments as to why education should be positioned as the foundation, rather than merely a complement, in the process of the social reintegration of children undergoing rehabilitation. *First*, education functions as an instrument for breaking the cycle of recidivism. A comparative study of juvenile justice systems in Indonesia, Norway, and the Netherlands shows that countries with lower rates of juvenile recidivism tend to have educational programs that are fully integrated into the national education system, enabling children who have completed their sentences to continue their education without interruption, in contrast to the situation in Indonesia, which continues to face limitations in facilities and rehabilitation professionals (Putri & Suherman, 2025). Without continuous education, children undergoing rehabilitation who return to society without adequate academic qualifications and skills are more likely to encounter difficulties in accessing further education and employment opportunities, thereby increasing the risk of becoming involved once again in delinquent behavior.

Second, education plays an important role in restoring the psychosocial well-being of children undergoing rehabilitation, particularly in rebuilding their self-confidence and self-esteem, which are often undermined by legal proceedings and social stigmatization. A

structured learning environment within the Special Child Development Institution (Lembaga Pembinaan Khusus Anak—LPKA) provides children with an opportunity to experience a sense of achievement that they may have rarely experienced before, particularly among children undergoing rehabilitation who come from dysfunctional family backgrounds or who had dropped out of school prior to serving their sentences (Atiana, 2026). Personality development programs integrated with religious education and character education, as found in rehabilitation practices in several LPKAs, also contribute to the development of children's emotional, spiritual, and social intelligence, which in turn strengthens their psychological readiness to re-engage with their social environment (Loka et al., 2026).

Third, education functions as a structural bridge connecting children undergoing rehabilitation with the social system outside the institution, including their families, former schools, and communities. The process of social reintegration is essentially not merely a process of physically releasing children from LPKA, but rather a process of their re-acceptance by their social environment. When children undergoing rehabilitation possess officially recognized educational documents, such as equivalency education certificates or certificates of formal education, they have stronger social capital and cultural capital to facilitate their acceptance by schools, the labor market, and the communities in which they live (Wachidah & Humsona, 2026). Conversely, the lack of clarity regarding the educational status of children undergoing rehabilitation after their release has the potential to prolong the period of social marginalization and may even trigger a recurrence of delinquent behavior as a result of social rejection.

Nevertheless, this normative urgency faces a number of practical implementation challenges in the field. Studies conducted in several LPKAs reveal relatively consistent patterns of obstacles, namely limited educational facilities and infrastructure, a shortage of teaching personnel with the competence to work with children who have special psychosocial needs, and limited operational budgets (Gultom & Ginting, 2025; Triwahyuni et al., 2026). In addition, a gap has also been identified between the number of children undergoing rehabilitation who are entitled to receive formal education equivalent to the regular school system and the availability of educational institutions within LPKAs that are genuinely accredited, resulting in many children ultimately participating primarily in non-formal education, the recognition of which continues to be regarded by society as inferior to formal education (Atiana, 2026). This implementation gap has been described in a number of studies as the distance between law in books and law in action, whereby legal norms that are textually progressive do not automatically guarantee the substantive fulfillment of rights (Triwahyuni et al., 2026).

Another issue of no less importance is the involvement of families in supporting the educational process and the social reintegration of children undergoing rehabilitation. Research on the impact of family involvement in the rehabilitation of children in conflict with the law indicates that family support significantly influences the success of children in participating in rehabilitation programs, including educational programs, and also affects the level of their social acceptance following release (Letsoin et al., 2026). Unfortunately, educational programs in many Special Child Development Institutions (Lembaga Pembinaan Khusus Anak—LPKA) remain oriented solely toward rehabilitation within the institution, without being accompanied by programs aimed at strengthening the capacity of families and former schools to reaccept children undergoing rehabilitation in an inclusive manner. In fact, the success of social reintegration is essentially a two-way process—children undergoing rehabilitation need to be

prepared through adequate education, while the receiving environment also needs to be prepared to eliminate stigma and create equal opportunities for participation for children who have undergone legal proceedings.

Recent developments in criminal law have further reaffirmed a policy direction that is increasingly oriented toward rehabilitation and social reintegration. The new Criminal Code (Kitab Undang-Undang Hukum Pidana—KUHP), enacted through Law Number 1 of 2023, establishes the minimum age of criminal responsibility at 12 years, while emphasizing that the primary objective of measures imposed upon children is behavioral rehabilitation and social reintegration, rather than merely imposing stigma through criminal punishment (Rizki et al., 2026). This policy direction further strengthens the argument that the education of children undergoing rehabilitation can no longer be treated as an optional supplementary program, but rather must become a core component in the overall design of the juvenile correctional system in the future. Consistency between the substantive criminal law norms that are oriented toward reintegration and the correctional law norms governing the right to education constitutes an essential prerequisite for ensuring that the overarching objective of the juvenile criminal justice system—the best interests of the child—can be realized in practice, rather than remaining merely normative rhetoric.

CONCLUSION

Based on the findings presented in this study, two principal conclusions may be drawn. *First*, the legal framework governing the right to education of children undergoing rehabilitation in Indonesia has been developed in a layered and relatively comprehensive manner, ranging from the Convention on the Rights of the Child, which has been ratified by Indonesia, the 1945 Constitution of the Republic of Indonesia, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, Law Number 35 of 2014 on Child Protection, and Law Number 22 of 2022 concerning Corrections, together with their implementing regulations. The completeness of this hierarchical legal framework demonstrates the State's commitment to ensuring that children undergoing rehabilitation remain holders of the right to education despite serving criminal sentences. *Second*, the fulfillment of this right to education is of considerable importance as the foundation for the successful social reintegration of children undergoing rehabilitation, because education simultaneously functions as an instrument for breaking the cycle of recidivism, a means of psychosocial recovery, and a structural bridge connecting children undergoing rehabilitation with their families and society. Nevertheless, this study also finds that the strength of the legal framework has not yet been fully matched by implementation readiness in practice, as reflected in the limitations of educational facilities and infrastructure, teaching personnel, curriculum harmonization, and the limited involvement of families and former schools in supporting the social reintegration process of children undergoing rehabilitation.

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