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SUPPORTING AND INHIBITING FACTORS IN IMPLEMENTATION OF ANDIKPAS RIGHTS IN CLASS II LPKA PEKANBARU

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as availability of library buildings for ANDIKPAS that need to be provided and lack of freedom for ANDIKPAS in submitting complaints directly to KALAPAS.

Keywords: ANDIKPAS, Implementation, LPKA

Abstract

The study is entitled: Supporting and Inhibiting Factors in Implementation of ANDIKPAS Rights in Class II Pekanbaru LPKA. This study was conducted at Class II Pekanbaru Special Child Development Institution. purpose of this study is to analyze supporting and inhibiting factors in implementation of ANDIKPAS rights in Class II Pekanbaru LPKA. results of study show that supporting and inhibiting factors for implementation of students' rights are seen from actors involved in implementation, namely all LPKA Class II Pekanbaru employees and do not involve actors from outside agency, this simplifies chain of command in implementing policy, in terms of clarity of objectives it has been fully understood by implementer, but is not implemented as written in SOP because human resources in LPKA are inadequate, then from development and complexity of policy, success of policy implementation cannot be separated from role of parents who support policy and acceptance of parents so that in future children do not feel isolated, then participation given by stakeholders, namely Riau Ministry of Law and Human Rights in building facilities and infrastructure and Library and Archives Service in providing mobile libraries plays an important role in granting students' rights, and other factors are inadequate facilities and infrastructure, such

1. Introduction

Indonesia is a nation that upholds human rights. Correctional institutions are places for those who commit violations and are sentenced. implementation of criminal proceedings or punishments within correctional institutions is processed through guidance and development for those who violate law or commit crimes. implementation of guidance within correctional institutions demonstrates that implementation of policies within correctional institutions is proceeding as expected.

Regarding criminal law relating to children, it is important to emphasize that such laws must be educational and provide protection for children who have committed crimes and are undergoing criminal proceedings. Child protection, namely realization of justice for children in community, must be implemented in all aspects of national life and adapted to their rights. It is hoped that children's growth and development in a safe and healthy environment will lead to positive social, mental, and physical development. Child protection is also intended to provide a space for children to avoid further stress after committing a crime. Committing a crime can have a negative impact on a child's psyche. However, when they are given protection they deserve, there is hope that they can change, as they still have a future to fight for as nation's next generation.

The fulfillment of rights of children caught in criminal acts is expected to be realized in correctional institutions. Community institutions, as a place of refuge for children caught in criminal cases, are expected to provide a place for them to live and fulfill their obligations. Fundamentally, children are considered unable to protect themselves, especially in matters that could be detrimental to their social, mental, and behavioral development. Children must be provided with truly protective protection, as this will impact their future development. Based on Government

Regulation Number 99 of 2012 concerning Second Amendment to Government Regulation Number 32 of 1999 concerning Requirements and Procedures for Implementation of Rights of Correctional Inmates, correctional inmates have rights, including right to worship, spiritual and physical care, education and teaching, health and food services, complaint handling, provision of reading materials and media broadcasts, wages/premiums, family visitation rights, remission, assimilation, parole, pre-release leave, and other rights.

Putra's (2018) study, which observed implementation of inmates' rights to adequate food at Class II Padang Correctional Institution (LPKA), found problems. problem was overcapacity, where LPKA, which should be filled with 458 inmates, was filled with 1,320 inmates. Furthermore, there was no chef available to cook food, but instead inmates were used as cooks, resulting in poor food quality and health. This is inconsistent with Government Regulation Number 32 of 1999, Part Four (4), Article Twenty-One (21), Paragraph One (1), which states that Head of Correctional Institution (LPAKAS) is responsible for food processing. Furthermore, research conducted by Budijanto (2017) at Makassar Correctional Institution (LPKA) analyzed implementation of human rights protection for children and factors influencing it. results showed that human rights protection has not been met because there is no specific pattern applied in its implementation. inhibiting factors include infrastructure, organizational structure, and human resources that are not yet integrated.

Based on above findings, there are obstacles faced in implementation of policy on rights of correctional students, as seen from scope and scientific studies of public policy implementation. conditions above illustrate that implementation of rights of correctional students is not yet effective. This ineffectiveness in implementation of Rights of Children will

undoubtedly impact fulfillment of human rights for child prisoners, who are not fully entitled to their rights. This will impact government's implementation of policies regarding Rights of Children, which tend to be less accountable and less targeted. purpose of this study is to determine supporting and inhibiting factors for implementation of ANDIKPAS haka in LPKA Class II Pekanbaru.

2. Literature Review

Implementation is defined as what happens between policy expectations and perceived policy outcomes. Implementation studies are study of change how change occurs, how potential changes are generated. They also examine microstructure of political life; how organizations inside and outside political system conduct their affairs and interact with each other; what motivates them to act as they do, and what other motivations might lead them to act differently. "Policy is made while it is being made and is being made while it is being made" (Anderson, 1975), meaning that policymaking does not end once policy is determined or approved.

The development of policy implementation studies has entered its third generation, with first generation introducing a top-down approach. This approach assumes that policy implementation begins with a decision made by government, thus centralizing its implementation. second generation of policy implementation theory introduced a bottom-up approach. proponents of this approach reject idea that policy is determined at central level and that implementers must adhere strictly to this objective. third generation introduced a hybrid or mixed approach (between top-down and bottom-up approaches) (Agustino, 2017:130-131).

From description above, policy implementation, according to Ripley and Franklin, is seen from:

a. Profusion of Actors (Number of Actors Involved).

The implementation process involves many

actors. In other words, more complex a policy implemented by government, more actors are involved. Policy implementers must have necessary skills to carry out work. A lack of well-trained personnel will hamper policy implementation.

b. Multiplicity and Vagueness of Goals (Clarity of Goals).

Clarity and consistency of goals can be understood as clarity of policy content. clearer and more detailed content of a policy, easier it will be to implement because implementers can easily understand and translate it into concrete actions. Conversely, unclear policy content has potential to create distortions in policy implementation.

c. Proliferation and Complexity of Government (Policy Development and Complexity).

Policy complexity is measured by level of complexity of relevant policy regulations. dynamic nature of implementation guidelines will influence success or failure of policy.

d. Participation of Governmental Units at All Territorial Levels.

Participation at all governmental units refers to participation of all actors involved in implementation of policy.

e. Uncontrollable Factors That Affect Implementation.

These uncontrollable factors refer to non-technical factors that are indirectly related to policy implementation and could hinder or even thwart implementation of previously designed policies.

3. Methodology

This is because each informant has their own interpretation of process of implementing rights of inmates, particularly rights of students at Class II Pekanbaru Correctional Institution (LPKA). Furthermore, this methodical approach

places greater emphasis on observing phenomena, further examining substance or meaning of these phenomena in field. Therefore, descriptive qualitative methods significantly influence strength and depth of analysis. In other words, descriptive research aims to obtain information related to current state of a problem and relate it to phenomenon being studied.

4. Results and Discussion

a. Actors Involved (The Profusion of Actors)

This sub-aspect concerns number of actors involved in policy implementation process of Pekanbaru Class II Special Child Development Institution, comprising all employee units. Pekanbaru Class II Special Child Development Institution. As is known, Special Child Development Institution is managed independently by each Technical Implementation Unit (UPT). Pekanbaru Class II Special Child Development Institution does not require intervention from other government agencies in its development process. This is because LPKA (Corporate Child Development Institution) serves as a place for juvenile offenders to serve their sentences.

Table 1. Implementors Involved

No	instance	Functions according to PP no. 32 of 1999
1	Pekanbaru Class II Special Child Development Institution	<ul style="list-style-type: none"> • Provides right to worship according to one's religion and beliefs; • Provides right to receive spiritual and physical care; • Spiritual care is provided through spiritual guidance and character education. • Physical care includes: <ul style="list-style-type: none"> □ Opportunities for sports and recreation; □ Provision of clothing; and □ Provision of bedding and bathing equipment. • Provides right to education and teaching; • Provides adequate health care and food; • Provides right to file complaints with prison warden regarding treatment of inmates by officers or fellow inmates; • Provides right to reading materials and mass media broadcasts; • Provides right to wages or bonuses; • Provides right to receive visits from family, legal counsel, or other specific individuals; • Provides right to remission for good behavior during sentence; • Provides right to assimilation; • Provides right to parole; • Provide right to conditional leave; Memberikan hak mendapatkan hak politik, hak memilih dan hak kependataan lainnya.

From Table 1 above, it can be seen that implementer involved in implementation of fulfilling rights of students is LPKA Class II Pekanbaru, where implementer involved will carry out duties and functions as stated in Government Regulation Number 32 of 1999 concerning guidelines and procedures for implementing rights of correctional students.

Table 2. Role of Class II LPKA Pekanbaru Employees

No	Bagian	Role
1	General Sub-Section	Carrying out personnel management, administration, budget planning, financial management, as well as equipment and household matters
2	Registration and Classification Section	Registration, assessment and classification and planning of development policies
3	Development Section	Conducting education, community guidance,

		alleviation, skills training, food and beverage services, distribution of equipment and health services
4	Supervision and Discipline Enforcement Section	Carrying out supervision, administration and enforcement of discipline
5	Supervisory Team	Carrying out supervision and security of LPKA which is coordinated by a senior supervisory officer appointed by Head of Institution
6	JFU	Who is responsible for carrying out each part of role

Table 2 shows role of each employee of Pekanbaru Class II Development Institution, starting from General Sub-Section which is responsible for managing personnel, administration, preparing budget plans, managing financial affairs, as well as equipment and household, Registration and Classification Section is responsible for registration, assessment and classification and planning development policies, Development Section is responsible for carrying out education, community guidance, eradication, skills training, food and beverage services, distribution of equipment and health services, Supervision and Discipline Enforcement Section is responsible for supervising, administering and enforcing discipline, Supervisory Team is responsible for supervising and securing LPKA which is coordinated by a senior supervisory officer appointed by Head of Institution and JFU as section that carries out each part of role.



Figure 3.8. Food Provision at ANDIKPAS
Source: LPKA Class II Pekanbaru, 2022

Based on author's observations, process of providing adequate food at Class II Special Child Development Institution in Pekanbaru has been implemented well. meal menu has been scheduled, and a variety of menu items will be provided to ANDIKPAS. Furthermore, Development Section has also carried out its duties effectively. author concludes that fulfillment of students' right to food has been adequately met.

b. Clarity of Goals (The Multiplicity and Vagueness of Goals)

Ripley stated that clarity of policy objectives relates to content and context of policy. Clarity of policy content will facilitate implementation by implementers in understanding and implementing policy.

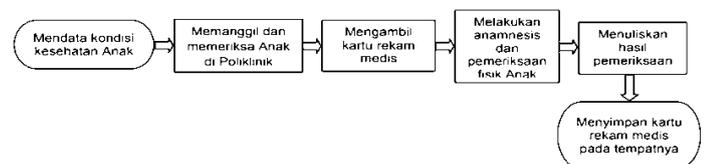


Figure 3.9. Child Health Service Flow
Source: LPKA Class II Pekanbaru, 2022

From picture it can be seen that process of providing health services to children begins with recording child's physical health condition, calling and examining child at polyclinic, taking a medical record card, conducting an anamnesis and physical examination of child, writing down results of examination, storing medical record card in its place, in SOP it also regulates presence

of employees including doctors, care heads, nurses and members of supervisory team.



Figure 3.10. Class II Child Development Center (LPKA) Polyclinic in Pekanbaru

Source: Class II Child Development Center (LPKA), Pekanbaru, 2022

If an ANDIKPAS student experiences any symptoms of illness, they should immediately report to health service for an examination. If examination reveals a disease that could be transmitted to other ANDIKPAS students, special treatment will be provided. ANDIKPAS health examinations are conducted routinely at least once a month. These examinations are then recorded on ANDIKPAS health history card.

Therefore, researcher concluded that every LPKA employee understands general intent and purpose of implementing student rights. However, in research, researcher found that although written/developed SOPs exist, LPKA has not complied with them due to a lack of staff responsible for fulfilling these rights. Consequently, LPKA has created its own regulations and service guidelines, resulting in suboptimal health services.

c. Proliferation and Complexity of Policy

The fulfillment of student rights is inseparable from role of Head of Development Institution, who oversees implementation of these regulations. This is because each unit is fully regulated by Head of Correctional Institution. Sugiyanto, SH, Head of Class II Special

Children's Development Institute in Pekanbaru. Class II Special Children's Development Institute is led by a Head of Development Institute, with Mr. Sugiyanto's active role in overseeing employee performance management, managing student rights, and facilitating student complaints with Head of Development Institute.

Good and thoughtful employees serve as role models for ANDIKPAS (Student and Instructor) students, enabling them to receive a meaningful education. At Class II Special Children's Development Institute in Pekanbaru, interaction between staff and students is excellent, ensuring that administrators of Development Institute have no need to worry about challenging behavior. ANDIKPAS are treated like their own children. This positive interaction contributes to sustainability of Development Institute.

Interviews with Indonesian Penitentiary Service (ANDIKPAS) revealed that correctional students never directly submitted complaints to Head of Class II Pekanbaru Correctional Institution, as stipulated in one of rights of correctional students stipulated in Government Regulation Number 32 of 1999. These students rarely meet with Head of Institution; they only interact with staff on duty. Therefore, close relationship between staff and correctional students is a key factor in its implementation.

d. Participation of Governmental Units at All Territorial Levels

High levels of public support for adoption of a policy have a significant positive impact on policy implementation process. While public support follows a specific cycle, it presents certain difficulties; in essence, public support for successful implementation of a policy requires government support.

This support is provided by government, including provision of funds and infrastructure, as well as development of guidelines for implementation of student rights policies. To

implement policy, government issued guidelines for policy implementation, namely Government Regulation Number 32 of 1999 concerning procedures for implementing rights of correctional students. regulation explains duties and functions of each implementer and objectives of implementing children's rights. In addition to policy implementation guidelines, government support can take form of providing facilities and infrastructure, funding, and moral support.



Figure 3.11. Public Works and Public Housing Development Plan Survey

Source: riau.kemenkumham.go.id, 2022

The image above shows both moral and material support for implementation of child development policy provided by Riau Regional Office of Ministry of Law and Human Rights. This includes assistance in form of a plan to build facilities and infrastructure at Special Child Development Institution. Regional Office of Ministry of Law and Human Rights plans to construct four classrooms, one church, a visiting gazebo, a meeting hall, a guard post, an official residence, and a retaining wall behind LPKA building. However, this project is scheduled to begin in 2023.



Figure 3.13 Pusteling visits LPKA

Source: LPKA Class II Pekanbaru, 2022

Regarding fulfillment of these students' rights, Pekanbaru City Library and Archives Office provides support by regularly visiting Child Protection Institution (LPKA) to bring various reading materials across various titles.

e. Uncontrollable Factors Affecting Implementation

Facilities and infrastructure are one of supporting factors for achieving desired goal of fulfilling students' rights. lack of available facilities and infrastructure as a place for children to be fostered during legal process. One of most influential factors in implementation of Government Regulation Number 32 of 1999 is availability of facilities and infrastructure. Adequate facilities, including buildings, land, equipment, and other supporting facilities, significantly impact its successful implementation. Class II Pekanbaru Special Child Development Institution does not yet have a library for children to access reading materials. As children who need information related to their educational development, these facilities are also essential for students. Although children are undergoing developmental support for their achievements, their need for sharpening their knowledge is still important. next issue is that children have not fully received their right to education. This is related to type of crime committed, their age, and educational resources available. Furthermore, during pandemic, children's learning resources were limited and facilities were inadequate. Furthermore, children involved in various criminal cases who receive

guidance on independence are not supported by facilities available at Class II Pekanbaru Special Child Development Institution.

Access to reading materials and other media related to science is a key concern in providing rights of ANDIKPAS (Correctional Students). Interviews with ANDIKPAS revealed that library construction project is still in process of being proposed and has not yet been realized. reading materials in room used as a library are only learning resources available at Class II Pekanbaru Special Child Development Institution. Therefore, author concludes that lack of reading materials at Class II Pekanbaru Special Child Development Institution still requires attention. This is related to development of students' scientific knowledge and reading skills, which need to be further developed.

5. Conclusion

The supporting and inhibiting factors of implementation of students' rights are seen from actors involved in implementation, namely all LPKA Class II Pekanbaru employees and do not involve actors from outside agency, this simplifies chain of command in implementing policy, in terms of clarity of objectives it has been fully understood by implementer, but it is not implemented as written in SOP because human resources in LPKA are lacking, then from development and complexity of policy success of implementing policy cannot be separated from role of parents who support policy and acceptance of parents so that in future children do not feel isolated, then participation given by stakeholders namely Riau Ministry of Law and Human Rights in building facilities and infrastructure and Library and Archives Service in providing mobile libraries plays an important role in granting students' rights, as well as other factors are inadequate facilities and infrastructure, such as availability of a library building for ANDIKPAS that needs to be

provided and lack of freedom for ANDIKPAS in submitting complaints directly to ANDIKPAS.

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