



Humanistic Educational Approach and Restorative Justice to Improve Adolescent Legal Compliance

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Article Information:

Received Agustus 22, 2023

Revised November 23, 2023

Accepted December 20, 2023

ABSTRACT

Wonocolo Polrestabes Surabaya Police Station has taken effective steps and approaches in dealing with juvenile brawl delinquency in their area. They use a humanistic education approach that focuses on the protection of human rights and a restorative justice approach. In handling these cases, Wonocolo Police conducted literature studies, interviews, documentation, and observation as data collection methods. The data were then analysed using the instruments of humanistic education approach and restorative justice. The results showed that the efforts made by Wonocolo Police have succeeded in increasing legal compliance among teenagers, by promoting an approach that respects and protects their rights. In dealing with this problem, Wonocolo Police Station has proven that they can be a good example in handling teenage brawls by prioritising an educative approach, using a humanistic approach, and restorative justice to protect children and ensure their healthy growth physically and psychologically.

Keywords: humanistic counseling approach, restorative justice, juvenile delinquency

Journal Homepage <https://journal.minangdarussalam.or.id/index.php/ijrc/>

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How to cite: Himawan, A. (2023). Humanistic Educational Approach and Restorative Justice to Improve Adolescent Legal Compliance. *International Journal of Research in Counseling*, 2(2). <https://doi.org/10.55849/wp.v2i2.58>

Published by: Minang Darussalam Foundation

INTRODUCTION

The Indonesian National Police (Polri) is a state institution that is at the forefront of law enforcement. In this regard, the National Police must strengthen its position as a state institution by seriously protecting, nurturing and serving the community and respecting human rights (Anshar & Setiyono, 2020). In line with that, the Indonesian state is a country that highly respects and upholds the protection of human rights (HAM) as stated in Article 28-i paragraph 4 of the 1945 Constitution, that the protection, promotion, enforcement and fulfillment of human rights is the responsibility

of the state and or government (Wulandari, 2021). Which has been realized by the state through the implementation of a legal system that adheres to the concept of law enforcement as well as the concept of legal protection which is jointly implemented. In order for these two concepts to be carried out jointly, especially by the Police, of course, they must use approaches that are in line with the protection of human rights in terms of law enforcement.

Law enforcement related to the phenomena of juvenile delinquency which has recently occurred in the city of Surabaya, is carried out by the state, especially by the Indonesian National Police (POLRI) with great care so as not to violate human rights, where adolescence is an age that is still in the category of children's age and need to get guidance and need to get proper education by the state. As stated in article 28B paragraph 2 that every child has the right to survival, growth and development and is entitled to protection from violence and discrimination. Children are subjects and citizens of the state who are entitled to protection of their constitutional rights, including obtaining legal guarantees that protect and protect their physical needs and psychological needs in the process of their developing bodies (Aryananda et al., 2023).

The problem of juvenile delinquency in the form of brawls in Indonesia still occurs frequently, where according to data from the Indonesian Child Protection Commission (KPAI) it was recorded that around 202 children were in conflict with the law for carrying out brawls in the period 2017 to 2018 (KPAI, 2018). Next, according to a report from the Ministry of Education and Culture, in 2019 there were 232 cases recorded and in 2020 there were 153 cases of brawls between students in Indonesia. Then, according to a report from the Central Statistics Agency, throughout 2021 there were 188 villages/sub-districts throughout Indonesia that became arenas for mass fights between students. Furthermore, based on data from the Indonesian Child Protection Commission (KPAI), in 2020 there were 57 cases of brawls between students involving minors throughout Indonesia (Ali, 2023). Meanwhile, the problem of brawls in the jurisdiction of the Surabaya Police has also frequently occurred recently, which is based on data that throughout 2022 there were 69 cases and throughout 2023 there were 76 cases of children in possession of sharp weapons, theft and brawls (Rusmiyanto, 2023).

Adolescents who engage in brawls at student age are certainly in the process of development and are experiencing an identity crisis (Pambudi, 2022). An identity crisis occurs because teenagers experience a personality conflict between what they perceive and what they face from their environment (Jannah & Satwika, 2021). This identity is important because adolescence becomes the stage of an identity crisis which places them in confusion about determining their perspective and orientation (Batool & Ghayas, 2020). According to Stanley, adolescence is full of upheaval and conflict as well as mood swings. Juvenile delinquency in the form of brawls is a form of incident where the middle teenage period between the ages of 14 and 18 years is not used as well as possible to support the search for self-identity through positive things. Behavior that violates the law can cause problems that can hinder a teenager's development towards

maturity. Juvenile delinquency reflects that teenagers find it difficult to find their own identity and thus experience an identity crisis (Stanley et al., 2020).

The decline in adolescent compliance with regulations can be seen from the acts of teenage brawls that still frequently occur in big cities in Indonesia. In fact, recently in the month of Ramadan 2023 there are often brawls between groups of teenagers in the city of Surabaya, which is known as the "sarong war" (Elaine, 2023). Handling related to adolescent compliance with the law is an urgent matter to be carried out by the government and the National Police, because youth are a national asset that will continue the overall development relay in Indonesia. Then the presence of the state in an effort to provide legal protection and protection of citizens' human rights becomes a very important matter. This is like the actions and steps through a humanistic approach and a restorative justice approach shown by the Wonocolo Polrestabes Surabaya Police, as a part of a state institution.

According to S. Maronie, legal compliance is an awareness of the benefits of the law that gives birth to a form of community loyalty to the legal values applied in living together which is manifested in the form of behavior that is actually obedient to the legal values themselves which can be seen and felt by fellow members of the community. . Legal compliance has a compliance basis related to education, habits and benefits for legal subjects in complying with legal regulations, where the existence of law is to protect human interests (Nora, 2023). Then Satjipto Rahardjo also said that in an effort to realize legal compliance, it includes repressive steps, namely actions taken by law enforcement officials so that law enforcement occurs through internal and external supervision, preventive steps, are efforts to prevent law violations and reduce legal awareness and persuasive steps, namely an effort to encourage, stimulate the creation of legal awareness that is closely related to legal values and or legal culture. Regarding repressive, preventive and persuasive steps, it is necessary to apply approaches by the Police, especially by the Wonocolo Polrestabes Surabaya Police to realize citizen legal compliance, which in this study is juvenile legal compliance.

The humanistic approach is a form of preventive and persuasive effort, wherein terminologically, humanism is an understanding that positions humans as the center of life. Then in the sense of philosophy, humanism views humans as creatures created by God who have noble dignity, are able to determine their own destiny and with their own strength are able to develop themselves. Next is the ideological perspective, namely humanism has an important value because it is an understanding that upholds human values and dignity. Humans are seen as occupying a very high, central and important position, both in philosophical theoretical contemplation and in practical everyday life (Ratu, 2016). Then according to the humanistic psychologist Abraham Maslow that every individual has an innate tendency to actualize himself which aims to develop all the potential that exists within that individual (Dzakia, 2023). Furthermore, according to Rogers, Carl Ransom Rogers & Fritz Jules Roethlisberger, that every individual has the potential and ability to understand himself so that he can function fully and achieve self-actualization (Carl Ransom Rogers, 2016).

Based on the several definitions above, of course a humanistic approach is carried out through legal education so that legal subjects are accustomed to and understand the benefits of complying with legal regulations. As previous research by Nikmah Rahmawati found results, namely education about discipline was inversely correlated with juvenile delinquency. This means that if a teenager is disciplined and applies this discipline in various aspects of his life, then the teenager's destructive level of delinquency will decrease, and will even be completely eliminated (Rahmawati, 2016). Then further research by Yessy Ariana, Suroso & Tatik Meiyuntariningsih found findings that there was a relationship between education related to family harmony and education related to social adjustment to reducing juvenile delinquency (Ariana Y, 2017).

The restorative justice approach is a form of repressive effort, which has a definition according to Tony Marshall, restorative justice is a process that involves all parties who have an interest in a particular violation problem to come together to collectively resolve how to address and resolve the consequences of violations and their implications for the future (Yusuf et al., 2023). Then according to Braithwaite that restorative justice has more to do with healing or restoration efforts, rather than suffering, moral learning, community participation, and community care, dialogue that respects each other, forgiveness, responsibility, apologies, and compensation (Kurnia et al., 2015). Next according to Mahfud MD, restorative justice is an approach in criminal law enforcement that seeks a peaceful settlement by making law a harmony builder, which is not just seeking to win and lose, not just to punish the perpetrators, with the intention of building conditions of justice and balance between the perpetrators of crimes, victims of crime and society (Pranata, 2022).

Following are some previous studies related to the restorative justice approach in increasing adolescent legal compliance. Research by Maria Sri Iswari found results that required an understanding of restoration justice for children in conflict with the law by assessing an action taken must be seen from background factors, age and the presumption of innocence. In addition, assessments and interventions are needed that lead to diversion to prevent children from being punished by conducting deliberations between the perpetrator's family and the victim's family to reach an agreement so that the perpetrator gets a learning sentence and also strives for child perpetrators who are in conflict with the law to be in the family, community and society. community with the assistance of social workers (Iswari, 2020). Another research by Armunanto Hutahaeon, that in order to realize justice, benefit and legal certainty, which is the hope of the community, the National Police has opened up opportunities to resolve criminal cases through a restorative justice mechanism (Armunanto Hutahaeon, 2022), as there are group counselling techniques with cognitive restructuring techniques to reduce student attack (Silvianetri, 2023).

Based on the construction of the problems that have been compiled in the narrative above, the authors found a formulation that became the limitations of the study to describe the approach steps taken by the Wonocolo Polrestabes Surabaya Police to

increase juvenile legal compliance, namely: (1) What type of approach is taken in dealing with delinquency teenage brawls in the jurisdiction of the Wonocolo Polrestabes Surabaya Police?; (2) What are the technical steps of the humanistic approach applied by the Wonocolo Polrestabes Surabaya Police so that they are in accordance with the dignity of the National Police as a state institution that prioritizes legal protection and protection of human rights.

The purpose of this writing is to describe the steps taken by the Wonocolo Polrestabes Surabaya Police to increase adolescent legal compliance within the framework of prioritizing legal protection and protection of human rights. Then to answer these problems, this paper describes the humanist and restorative justice approach by the Wonocolo Polrestabes Surabaya Police to Increase Legal Compliance related to Teenage Fighting Actions.

RESEARCH METHODOLOGY

This research is a qualitative research type with a descriptive approach. The subjects used in this research were ten members of the five-minute squad gang from Prigen-Pasuruan who were successfully arrested and the resource person was the Wonocolo Police Chief. Research data comes from primary data obtained by conducting interviews, observation and documentation and comes from secondary data obtained through books, journals, online news. The interview data collection technique used by researchers is unstructured interviews by collecting subjective data including the opinions, attitudes and behavior of informants related to the phenomenon under study (Creswell, 2017).

Data analysis in this research was carried out using the stages of data reduction, presentation and drawing conclusions, where data reduction went through the steps of summarizing specifically, deciding on the main points, focusing on important things and looking for themes and patterns. Then the data is presented in the form of a brief description to make it easier to understand what is happening and the actions taken based on what is understood. Data presentation is carried out by describing the results of interviews which are expressed in the form of descriptions with narrative text and supported by documents to draw conclusions. Conclusions are drawn throughout the research process, namely during the data collection process and testing the validity of the data through data triangulation (Moleong, 2021). This research was carried out from January to May 2023. The results of the research are described based on the responses and answers of the informants, which will be described systematically regarding the steps taken by the Wonocolo Police, Surabaya Police in increasing adolescent legal compliance.

RESULT AND DISCUSSION

Restorative Justice Approach as a Short-Term Handling Effort.

Short-term handling carried out by the police and the Surabaya city government, namely by carrying out repressive measures against cases that have the potential to

cause disruption to social security caused by groups of teenagers carrying out brawls. When the actions carried out by groups of teenagers have crossed the boundaries of criminal territory, there is no other way except to arrest and process them legally. As was recently done by the Wonocolo Polresta Surabaya Police, namely securing a group of teenagers who were going to stage a brawl. Where, after some time, there was a gathering of the community and informants, then collecting information and related information, there would be groups of teenagers who would engage in brawls. Furthermore, on the day of their gathering, the perpetrator was successfully arrested by a joint Wonocolo Police patrol, then the Criminal Investigation Unit carried out investigations against their opposing youth group (Muhammad, 2023).

Based on the results of an interview with the Wonocolo Police Chief, the results showed that in this repressive effort, ten members of the five-minute squad gang from Prigen-Pasuruan were arrested who were carrying sharp weapons, of which two people were adults and there were eight teenagers who were still children. -child. child. The five-minute arrival of troops from Prigen-Pasuruan to Surabaya was aimed at backing up the Sinting People (TOS) gang from Surabaya who had entered into a brawl agreement with the Happy gang who were also from Surabaya. Then data was also obtained that of the ten members of the Prigen-Pasuruan five-minute squad gang, two of whom were already in the adult age category, namely over 18 years of age (Indonesia, 2014), were subjected to criminal legal proceedings and eliminated (Anom, 2023).

The restorative justice approach was carried out using the concept of diversion against eight teenage members of the five-minute squad gang from Prigen-Pasuruan because they were still in the children's age category, namely under 18 years of age (Indonesia, 2014). The restorative justice approach is an approach that focuses more on conditions for creating justice and balance for the perpetrators of criminal acts and the victims themselves. The criminal justice mechanism that focuses on punishment has been changed to a dialogue and mediation process to create an agreement on the resolution of criminal cases that is fairer and more balanced for victims and perpetrators, as per the new paradigm in Law of the Republic of Indonesia Number 11 of 2012 concerning the juvenile justice system (Indonesia, 2012). Apart from that, the handling of eight teenage members of the five-minute squad gang from Prigen-Pasuruan who were still in the children's age category, namely under 18 years of age, was carried out through a restorative justice approach because the formal and material requirements had been fulfilled (Indonesia, 2021).

Humanistic Education Approach as a Long-Term Handling Effort.

Long-term handling by the police and the Surabaya city government is by carrying out preventive and persuasive actions to prevent and to help change the behavior of perpetrators of teenage brawls, by involving family functions, the function of the school environment as a basis for education and the development of teenagers is further improved. Where the family is the main key to overcoming the problem of groups of teenagers who behave anti-socially and after that only the government, such

as institutions dealing with security issues, social development institutions, counseling institutions and psychological service institutions (Wonocolo, 2023d).

Regarding the eight teenage members of the five-minute squad gang from Prigen-Pasuruan who are still in the children's age category, based on the results of interviews with the Wonocolo Police Chief, a humanistic approach was taken through guidance and spiritual education in the form of a lightning Islamic boarding school (Anom, 2023). It was also stated that the activities of the Islamic boarding school include spiritual development activities by religious leaders and mental development as well as development of legal understanding by Wonocolo Police personnel (Anom, 2023).

Efforts for long-term treatment of eight teenagers who are still children in the form of the "Special Islamic Boarding School" program, are oriented towards a form of humanistic education, namely by encouraging teenagers' self-awareness and teenagers' self-actualization related to understanding who they are, what they feel. and encourage teenagers to develop their hopes and creative potential. Apart from that, it is also encouraged to explore individuals' love for themselves and their future and is also given insight into spiritual behavior (Wonocolo, 2023c)

The steps of the humanistic approach applied by the Wonocolo Polrestabes Surabaya Police in overcoming delinquent brawls between teenagers.

The The humanistic educational approach technique applied by the Wonocolo Police regarding the express Islamic boarding school program is directed and oriented towards the client centered theory developed by Carl Ransom Rogers in his book entitled *Freedom To Learn* (Carl R Rogers, 2013). Carl Ransom Rogers' view of humans is that every individual has the potential to be healthy and grow into a creative, innovative person with a desire to develop. Then, regarding the individual's failure to realize his or her potential, it is caused by ensnaring influences and errors in training given by parents as well as other social and environmental influences. However, these detrimental influences on individuals can be overcome if individuals are willing to accept responsibility for their own lives. Rogers believed that if responsibility is accepted, a rock person will emerge who is full of self-directed awareness, an explorer of the inner world more than the outer world who despises the attitude of being completely submissive to habits, authoritative dogmas (Afandi, 2018).

Then in its implementation, the supervisors from members of the National Police take the role of mentors or teachers and the following is the implementation of the Islamic boarding school program:

1. Provide warmth and empathy to youth.

The initial step taken was to provide acceptance and a warm attitude towards the presence of teenagers at the Wonocolo Police Headquarters, then provide empathy by providing breakfast and a clean place as a form of effort to cultivate mental and empathetic behavior by the teenagers themselves, where teenagers who lack empathy will leads to antisocial behavior in juvenile delinquency (Mulyawati et al., 2022). In terms of instilling empathy in teenagers who behave antisocially, it is character

education that can influence changes in their behavior (Mulyawati et al., 2022), so that they are expected to have the ability to adapt, the ability to interact socially, respect and respect other people and parents.

In addition, adolescents who have empathy tend to follow the norms and rules that exist in their social environment, such as having a desire to be polite, wise, to see the world as others see it and to act based on knowledge and kindness. Then when teenagers behave and talk to other people, they always take care of the feelings or emotions of the person they are dealing with by paying attention to the tone of voice, gestures and facial expressions of other people who are in front of them (Kustiawan et al., 2022).

Figure 1. Apologizing to parents to instill feelings/emotions of empathy.



Source: (Wonocolo, 2023a).

2. Help examine the experiences of adolescents.

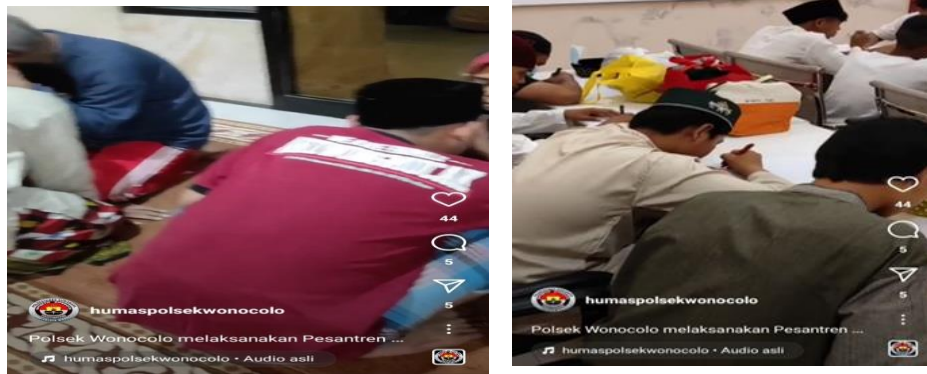
In this case, adolescents are invited to think, observe and feel their perception of themselves related that this world is full of meaning and their existence in the world is also very meaningful for the survival of their physical environment and social environment and their perception of brawling which is pride is wrong. Where perception is an act of judgment in one's thinking, after receiving a stimulus related to something seen and felt by the five senses, then develops into a thought and ultimately produces views regarding an event that is being experienced or is happening (Sumanto., 2014).

3. Encouraging youth to explore their own potential and creativity.

In the activities of the Lightning Islamic Boarding School, teenagers are introduced to the concept of recognizing themselves, related to what is their purpose in life, what things make them happy, what things make them sad and how to overcome them.

Then on this occasion a good habit was also built to be repeated, which was started by getting up early to carry out the morning prayer in congregation, followed by a morning lecture by a lecturer from the Islamic boarding school in the Wonocolo sub-district, then doing morning exercise, having breakfast, legal enlightenment by officials, midday prayer, lunch, afternoon break, asr prayer, role playing activities, maghrib prayer, dinner, isyhak prayer, learning to like reading and resting.

Figure 2. Evening briefing and study.



Source: (Wonocolo, 2023b)

4. Helping young people explore self-love and the future.

On this occasion, adolescents were given instructions related to the components of self-cherishing, self-acceptance, self-restraint, self-responsibility and perseverance (Xue et al., 2021).

5. Encouraging adolescents to deepen spiritual behavior.

The activities of the Lightning Islamic Boarding School are emphasized on aspects of improving the spiritual behavior of adolescents, related to their gratitude for being born in this world and blessed with complete organs and health, where with complete health and organs they can feel the pleasures of the world and can be beneficial for the survival of the environment physical and social environment.

Figure 3. Religious lectures.



Source: (Wonocolo, 2023e).

CONCLUSION

Based on the results of the study it can be concluded as follows:

- 1) The humanistic educational approach in the framework of efforts to increase youth compliance with the law by the Wonocolo Police is considered quite appropriate and implemented, however, it must be continued by the functions of the family, school and environment so that adolescent self-awareness continues to be awakened and adolescent self-actualization regarding their hopes and creative potential , explored the love of adolescents for themselves and their future as well as the continued development of spiritual behavior.

- 2) The justice restoration approach is felt to be the right way in the context of efforts to increase youth compliance with the law.
- 3) The humanistic educational approach and restorative justice approach are in accordance with the marwah of the Indonesian National Police as a state institution that prioritizes legal protection and protection of human rights, which fulfills children's rights to education and legal development.

ACKNOWLEDGEMENT

The author expresses his gratitude to the Wonocolo police chief, commanders and seniors and colleagues who have helped provide data for the implementation of this research.

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