

Perlindungan hak asasi manusia dalam bidang pendidikan bagi anak penghuni rumah tahanan negara /rutan: studi kasus rumah tahanan negara Jakarta Timur

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Abstrak

Sejalan dengan salah satu program yang dicanangkan pemerintah Indonesia Bersatu (Kabinet Presiden Bambang Soesilo Yudoyono) yang akan mengedepankan masalah pendidikan anak-anak bangsa secara merata. Hal ini telah disadari betul bahwa sektor pendidikan merupakan sarana yang sangat penting dalam menunjang dan mewujudkan terciptanya sumber daya manusia yang potensial dan handal. "Karena masa depan bangsa ini berada ditangan anak-anak bangsa sekarang ini, yang kelak menjadi pemimpin dan pelaksananya". Dengan melalui payung hukum dan peraturan yang ada upaya pemerataan pendidikan ini telah digalakkan pemerintah, meskipun dalam kenyataannya belum semuanya program tersebut telah dirasakan /dapat menyentuh setiap individu dimanapun berada karena situasi dan keterbatasan aspek-aspek pendukungnya berupa dana, sarana dan prasarana dan aspek lainnya. Upaya pemerintah dalam menerapkan program pemerataan pendidikan bagi anak-anak bangsa, hal ini telah menjadi suatu program prioritas utama disamping sektor lainnya. Hal inilah yang menjadi kertertarikan penulis untuk meneliti dan membahas tema pendidikan yang telah dijalankan oleh pemerintah khususnya institusi pemerintah yang mempunyai keterkaitan dalam pelaksanaan program pendidikan yang telah dicanangkannya. Untuk menggambarkan upaya pemerintah ini, peneliti telah mencoba mengambil tempat penelitian di salah satu unit pelaksana teknis di bawah jajaran Direktorat Jenderal Pemasyarakatan Dep. Hukum dan HAM RI yaitu Rutan Jakarta Timur atau yang lebih populer dikalangan masyarakat dikenal dengan sebutan Rutan Pondok Bambu. Rutan ini merupakan satu-satunya Rutan yang menampung anak-anak yang bermasalah dengan hukum di wilayah DKI Jakarta. Adapun tujuan penelitian ini penulis ingin menjelaskan sejauh mana penerapan hak pendidikan terhadap anak pidana dan anak tahanan di Rutan Jakarta Timur. Berkaitan dengan program pelayanan dan pembinaan yang telah ditetapkan dalam Undang-Undang Nomor 12 Tahun 1995, tentang Pemasyarakatan. Undang-Undang Nomor 39 tahun 1999, tentang Hak Asasi Manusia dan ketentuan Lainnya. Selain itu penulis akan memberikan gambaran tentang pola pendidikan yang diselenggarakan oleh pihak Rutan Jakarta Timur apakah telah standar/sesuai dengan program Departemen Pendidikan Nasional. Serta mencari dan mengidentifikasi faktor yang menghambat atau menjadi kendala dalam penerapan pembinaan khususnya pada pemenuhan hak pendidikan terhadap anak penghuni Rutan Jakarta Timur.

Hasil penelitian menunjukkan bahwa Rutan Jakarta Timur telah melaksanakan program pendidikan yang standar dengan program pendidikan yang dikeluarkan oleh Direktorat Jenderal Pendidikan Luar Sekolah dan Pemuda Departemen Pendidikan Nasional (sesuai minat penulis Program pendidikan kcsetaraan Paket Blsetara dengan SLTP. Walaupun dalam pelaksanaannya baru awal bulan April 2005 dan juga tidak semua anak dapat merasakan perogram pendidikan tersebut. dikarenakan adanya keterbatasan yang ada baik di Rutan Jakarta Timur maupun anak-anak warga binaannya. Dari hasil penelitian ini manfaat yang ingin dicapai adalah diharapkan dapat menambah khasanah kepustakaan khususnya dalam materi Kajian HAM. Dapat membuka wawasan bagi instansi terkait terutama bagi para Birokrat/penentu kebijakan yang

mempunyai kompetensi/kewenangan dalam masalah pembinaan/pendidikan di Rutan, bahwa pendidikan bagi anak-anak penghuni Rutan tidak boleh terputus dan harus terus berlangsung (Life long Education) Apabila hal ini tidak dilaksanakan dengan baik akan menimbulkan berbagai permasalahan yang dapat merugikan anak dan negeri tercinta. Karena anak perlu tumbuh-berkembang sebagai regenerasi selaku pemimpin bangsa dalam perkembangan negara Republik Indonesia, yang bertanggung jawab dalam pelaksanaan pembangunan bangsa dalam rangka mewujudkan suatu negara kesatuan yang kuat dalam sistem ketahanan nasionalnya.

In accordance with one of program which that pro claim by united Indonesian government (President Susilo Bambang Yudhoyono cabinet). which shall to propose education problem for overall children in Indonesia. this situation have been already conscious that education sector is very important to support and to realize in order to develop strong and potential human resource "because the future of this nation lays on the hand of Indonesian children which shall to be came a leader and the executor". through the law protection and the existence of regulation the effort to spread this education which has been intensified by government. even though in the reality all the program can not touch every individual every where because of the situation and limited aspect's which support them look like fund, infrastructure and another aspect. The effort of government to give human right protection for the children of this nation, for example to determine education program without discrimination, this thing have been firs priority program beside other sector. This matter have been attracted the writer to investigate and discuss the title of education did has been implemented by government especially government institution which have linkage in implementing education program which have been declare to describe the effort of the government researches have tried to take a place for investigation in one unit technical operation under Directorate general Pemasarakatan Department of law and Human right Republic of Indonesia at rutan east Jakarta or the more popular in the society Recognize as rutan Pondok Bambu. This rutan only the one rutan that has collecting children involved disobey the law at DKI Jakarta. the objective of this research by the writer is to explain how far the education right against child criminal and child occupant in rutan east Jakarta, according with the service and training program which have determine in act number 12, 1995, about prisoner and act number 39,1999, about human right and other's. Beside this the writer will explain about program method of education was held by rutan east Jakarta. is this confirm or not with the national education department, also to search or to find and to identify which factor can delay or to be a constrain in the training application specially to full fill education right against children of ratan prisoner east Jakarta.

The investigation result describe that the rutan east Jakarta have implemented education program, according to the standard in accordant with the education program with issued by directorate general of school education and youth national education department (based on writer interested in education programe B packet equally with junior high school). Although the application begun April 2005 and also not all the children can not accept the education program because there is some limited thing's at rutan east Jakarta and also the children under their responsibility. Of this investigation, is to expect the increasing treasury library specially the advantage in human right study. Also can expand the idea for the institution involved especially for bureaucrat or the decision maker which have competent in this training or education in rutan. the education for the children prisoner in rutan cannot interrupted must be held continues (life long education). If this thing cannot be held very well (seriously) will make some this advantage problem for the children and in lovely country. Because the children need growth and development as a regeneration for the

national leader in the development in the republic of Indonesia which responsible to implement national development in order to a strong union state in national defend system. The basic theory which support this thesis is the statement of John Locke, that human being were born like white paper (Tabularasa Theory). The growth and development of children to be a ground up influence by external environment. The character of human being will be build up by how much the external factor can influence them. In other word. the growth and the development of the children will be influence by the external factor (environment) or bay the educational process. Educational factor will be come dominant how the children character will be build. The other additional regulation is a manual for national and international standard about treatment characterize bay respect and protection in human right sector. against children which involved which are disobey the law. Another additional theory among them is the theory from Edwin shutherland and cressey mention "Differential Association" is theory about social interaction. Describe children and teenager to become delinquent due too their participation in a social environment Which is the certain the idea and technique of delinquent be come an efficient infrastructure to solved the difficulty of their live. This theory impress to which study or a conditional process against individual child, and also type of child personality.(usually week mental and uneducated child). The other theory is state by Dr.Saharjo about pemasyarakatan; the objective of criminal prison beside appearing the suffering because the losing of freedom to move to teaching the prisoner to be aware repent to educated in order to be the member of beneficial society guiding by Pancasila. More offer it is shad that the government cannot have authority to make somebody become worst or more cruelty. Than before they send to prison.</i>