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The Paradox of Realizing the Right to Education for Adjudicated Juveniles: Administrative Conflicts and the Efficacy of Inter-Institutional Agreements

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ABSTRACT

The fulfillment of the right to education for adjudicated juveniles constitutes an absolute mandate of restorative sentencing; however, its implementation experiences stagnation due to the conflict between the criminal law regime and the rigidity of the civil registration administrative system. This study aims to critique the conflict between administrative norms, evaluate the juridical efficacy of cooperative agreement documents, and analyze the legal implications arising from passive maladministration by partner institutions. This empirical legal research employs a qualitative, critical-analytical approach at the Ambon Class II JCF, involving five key informants selected via purposive sampling, and is supported by an analysis of eight institutional partnership instruments. The research findings demonstrate that the absence of National Identification Numbers, resulting from families' sociological vulnerability, deprives adjudicated juveniles of their civil rights to obtain national diploma legality. This failure of legal protection is exacerbated by the cooperative documents' weak binding capacity, which lacks public service sanction clauses. The structural weakness of these contractual instruments generates a sphere of impunity that facilitates passive maladministration manifesting as an omission by regional educational institutions. The relevant institution has been proven to have deferred the administration of equivalency examinations for three consecutive academic years without engaging hierarchical coordination to escalate the issue to the central ministry. Sociologically, the absence of graduation legality threatens the future of adjudicated juveniles within the formal labor market and potentially triggers recidivism. This study recommends affirmative interventions through cross-sectoral identity-recording services with population registration agencies, a complete overhaul of the construction of cooperative agreement clauses to establish enforceable public law instruments, and resolving government bureaucratic stagnation through the functions of Supervisory and Observational Judges.

Keywords: Adjudicated Juveniles; Cooperative Agreements; JCF; Maladministration; Right to Education.

INTRODUCTION

Every citizen possesses a constitutional right to education as a fundamental instrument for developing personal potential and human dignity. The guarantee of this basic right is explicitly enshrined in the 1945 Constitution (Lubis et al., 2024). The status of children as vulnerable legal subjects necessitates proactive state intervention to provide special protection to guarantee their survival, development, and optimal growth. This constitutional protection does not exclude juveniles from confronting the criminal justice system, where the deprivation of physical liberty must not diminish the civil rights of a child to receive a proper national education.

The Indonesian criminal justice system has experienced a paradigm shift in the management of juvenile cases, moving from a purely punitive retributive approach toward a restorative justice framework. Restorative sentencing conceptualizes the child not as a socially stigmatized criminal offender, but rather as an individual in a developmental stage who requires guidance and cognitive rehabilitation (Gultom, 2014). This philosophical transition establishes the principle of the best interests of the child as the primary operational foundation for judicial and law enforcement decision-making at all institutional levels. The existence of this principle compels the

state to ensure that any form of liberty restriction must accommodate the essential rights of the child without administrative discrimination.

The implementation of this rehabilitative paradigm is institutionally realized by placing adjudicated juveniles sentenced to the deprivation of liberty in a Juvenile Correctional Facility (JCF). This institution bears a profound legal responsibility to execute integrated correctional programs encompassing formal education, non-formal education, and vocational training. The participation of juveniles in institutional educational programs is legally determined based on social inquiry reports objectively compiled by Correctional Center officers. These recommendatory documents serve as a juridical foundation establishing that education for adjudicated juveniles is a legal obligation directly integrated with the ultimate objective of sentencing.

Although the criminal law mandate strictly requires the absolute fulfillment of the right to education, its field implementation frequently conflicts diametrically with the procedural rigidity of administrative law. Adjudicated juveniles often experience structural barriers in accessing the national educational database system due to the absence of mandatory civil registration documents, such as National Identification Numbers and Family Registry Cards. This situation represents a failure of preventive legal protection, in which centralized state administrative actions unilaterally invalidate the fulfillment of citizens' constitutional rights (Hadjon, 1987). The misalignment between the rehabilitative obligations of the criminal law regime and the rigid enrollment prerequisites of the educational administration regime generates a law enforcement paradox that severely disadvantages vulnerable groups.

This conflict of norms manifests factually in the correctional processes conducted at the Ambon Class II JCF. The local JCF authority has demonstrated progressive initiative by executing various inter-institutional cooperative agreements with vocational education institutions and local equivalency program administrators. These institutional agreements are specifically designed to facilitate learning requirements and final examinations for adjudicated juveniles. Nevertheless, efforts to realize these rights have stalled due to the unpreparedness of external institutional partners, who defer examination schedules by invoking administrative arguments about incomplete prerequisites for enrollment in the national database.

The deferral of basic services by external institutional partners creates severe legal and sociological implications for the future of pre-release adjudicated juveniles. The stagnation of equivalency examination schedules results in dozens of adjudicated juveniles completing their custodial sentences and returning to society without legal certification of graduation, such as a diploma. The absence of administrative recognition of educational achievements automatically impairs the social reintegration of juveniles within civil society and restricts their access to the formal labor market.

This prolonged neglect of civil rights engenders a state of vulnerability that induces former adjudicated juveniles to commit further offenses for survival, which ultimately culminates in high recidivism rates (Patty & Firmansyah, 2025).

Various previous academic studies have explored the normative obligations of JCFs in fulfilling the right to education for juveniles in conflict with the law from diverse scholarly perspectives (Nurhamdah et al., 2022; Manahan & Krisna, 2023; Loppies et al., 2024). Prior empirical research has tended to concentrate evaluations on mental rehabilitation program innovations, the readiness of physical infrastructure, and the efficacy of educators within the internal environment of the JCF (Virgayanti et al., 2024; Waldo & Bakir, 2024; Ringgi & Amir, 2025). Although this body of literature successfully maps the behavioral rehabilitation of juveniles from a sociological standpoint, no academic publication has specifically dissected the systemic barriers to educational legality arising from civil registration conflicts or critically analyzed the administrative omission of external institutions through an administrative law lens. This literature gap establishes the state of the art, positioning the current study on a foundation of novelty to expose the structural flaws of cross-institutional legal governance within the juvenile justice realm.

In response to this literary lacuna, this study focuses on dissecting and analyzing three essential problems regarding the paradox of realizing the right to education for adjudicated juveniles within the scope of JCFs. First, this study aims to identify and critique the conflict of norms between the criminal mandate to protect juvenile human rights and the rigidity of civil registration administrative regulations that obstruct the legal recognition of formal education for adjudicated juveniles. Second, this study evaluates the juridical efficacy of various inter-institutional cooperative agreements in guaranteeing legal certainty for educational implementation within correctional institutions. Third, this study analyzes the legal implications of potential passive maladministration and breach of contract by external institutional partners on the threatened civil future of adjudicated juveniles.

METHOD

This study draws on empirical legal research rooted in the sociology of law and applies a critical analytical approach grounded in qualitative methods (Qamar & Rezah, 2020). This approach is specifically selected to contrast positive legal norms operating within the realm of *das sollen* (the law as it ought to be) with empirical anomalies in the field within the realm of *das sein* (the law as it factually is). The primary methodological focus is to dissect the gap between the absolute obligation to fulfill the right to education for adjudicated juveniles under legislation and the structural bureaucratic barriers encountered in its execution. This critical analytical approach is applied to ensure that the study does not merely describe administrative

phenomena, but rigorously examines the degree of state institutional compliance with human rights protection mandates.

The location for this empirical research was purposively determined at the Ambon Class II JCF. The selection of this locus is not based on regional demographic factors or the facility's physical topographic conditions, but rather on the availability of factual data regarding an acute administrative law paradox. This institution has eight active inter-institutional agreements with various partner institutions, yet the execution of formal education has reached an impasse due to the civil registration administrative system. Consequently, this location is methodologically justified as the most representative locus of empirical observation to demonstrate the occurrence of public service maladministration within the JCF environment.

The selection of informants in this study was executed via a purposive sampling technique (Sampara & Husen, 2016). This technique is utilized to strictly select informants based on their institutional authority and the degree of their direct involvement in the administrative law issues under investigation. This study designates five key informants to satisfy the requirement of cross-verification through data triangulation in qualitative research. The representative involvement of these diverse parties is designed to ensure the validity of information from the perspectives of structural policymakers, technical operational implementers in the field, affected legal subjects, and duty-bearing external partner institutions.

Key informants from internal elements include the Head of the Rehabilitation Section, who plays a vital role as the initiator of internal educational programs and the coordinator of juvenile mental readiness assessments. The subsequent informant is an internal implementing officer holding a Tutor Appointment Decree, who interacts directly with learning modules and encounters factual technical barriers within the primary educational database system. Furthermore, field data collection also involves service recipients and external representatives to eliminate unilateral claim bias. Two adjudicated juveniles are included as informants to validate the efficacy of internal rehabilitation programs and to explore the sociological impacts resulting from the absence of formal diploma legality upon their release. Statements from these adjudicated juveniles serve as a balancing instrument against success claims made by the administrative apparatus. Finally, one structural representative from the Ambon City Learning Activity Center is designated as an external informant. The involvement of this external informant is necessary to cross-examine the validity of the data regarding the deferral of equivalency examinations from 2023 to 2025.

Field data collection procedures are operationalized through the deployment of in-depth interviews, a technique specifically designed to identify the root determinants of bureaucratic stagnation and the impasse in implementing cross-

institutional cooperative agreements. In addition to interviews, the researcher applies a document study method through documentary analysis. This documentary analysis is implemented in detail upon the formulation of clause structures contained within the eight inter-institutional agreement documents. The primary objective of this documentary analysis is to detect potential breaches of contractual obligations and to examine the absence of executory sanctions binding the parties.

The primary field data obtained from interviews and document observation are fully supported by relevant primary legal materials. This study prioritizes a doctrinal analysis of Law Number 11 of 2012, Law Number 22 of 2022, Law Number 1 of 2023, alongside the Laws concerning public services and government administration. The use of these positive regulations serves as the primary analytical tool for evaluating the validity of administrative actions taken by stakeholders. The dialectical juxtaposition between primary data and primary legal materials is executed to examine and assess the degree of institutional compliance with the protection of juvenile rights.

The entire set of collected field data and regulations is analyzed using an interactive qualitative data analysis model (Irwansyah, 2020). This data analysis process requires three systematic scientific stages: data reduction, data display, and conclusion drawing. In the data reduction stage, the researcher filters and excludes observational findings that lack juridical relevance, such as juvenile dietary routines or the layout of the institutional building. Subsequently, the data display stage involves mapping a matrix of contradictions between the imperative mandates of criminal legislation and the administrative rules governing civil registration. The final stage is carried out through conclusion drawing, which synthesizes all field findings into a precise legal conclusion on the occurrence of passive maladministration and the functional failure of cooperative instruments.

RESULTS AND DISCUSSION

A. The Paradox of Educational Legality for Adjudicated Juveniles: The Divergence of Restorative Sentencing Mandates and the Absence of Civil Registration Affirmation

The execution of the educational mandate for adjudicated juveniles at the Ambon Class II JCF initially demonstrated progressive institutional intent. This is evidenced administratively by the internal initiative of the structural authorities, who issued Tutor Appointment Decrees for field operational officers. The issuance of this instrument aimed to ensure that adjudicated juveniles continued to receive educational instruction via learning modules dispatched by their original schools prior to their encounter with the criminal justice system. This affirmative measure constitutes a concrete manifestation of the JCF's proactive compliance, facilitating

the continuity of children’s right to education amid limitations in the JCF’s formal educational infrastructure.

Before presenting the empirical analysis of this internal educational program’s success, this study presents quantitative data on educational participation rates. This empirical data serves as an objective measure of institutional compliance with the obligation to fulfill the fundamental rights of adjudicated juveniles over the last three academic calendar years.

Table 1. Educational Participation Rates of Adjudicated Juveniles at the Ambon Class II JCF (2023 – 2025)

Period	Adjudicated Juveniles	Enrolled in Education (Average)	Not Enrolled (Graduated)	Released (Sentence Completed)
January – December 2023	24	8	3	21
January – December 2024	27	15	7	20
January – September 2025	25	19	5	20

Source: Processed from Secondary Data, 2025.

Based on the extraction of educational participation data in Table 1, there is a significant increase in the number of adjudicated juveniles participating in learning programs, rising from 8 children in 2023 to 19 children in 2025. This quantitative fact demonstrates that the operationalization of the Tutor Appointment Decree within the internal institutional sphere is characterized by a high level of correctional proactivity. This steadily improving participation rate should be directly proportional to the realization of the noble objectives of restorative justice. This condition indicates that the children have been substantially prepared academically prior to reintegration into civil society.

Although the internal initiative technically operates, the same empirical data confirms a severe factual anomaly regarding the ultimate legality of the educational process. Table 1 confirms empirical data indicating that an average of 20 adjudicated juveniles are released or complete their sentences annually. The lack of recognition by the national educational system results in dozens of adjudicated juveniles completing their custodial sentences at the JCF without a formal graduation diploma. This fact proves that the high rate of learning participation within the institution lacks legal protection under civil law.

This impasse regarding the legality of diplomas is systemically caused by the misalignment between the civil registration data of adjudicated juveniles and the rigid prerequisites of the integrated national educational administration system. To scrutinize these operational constraints more deeply, this study involved an internal implementing officer who holds a Tutor Appointment Decree and

coordinates the learning modules. This informant exposed the empirical reality of bureaucratic barriers that invalidate state recognition of the entire instructional process during the rehabilitation period. This testimony serves as irrefutable empirical evidence of a cross-institutional procedural deadlock.

“As internal tutors, we have made maximum efforts to facilitate adjudicated juveniles to continue learning using modules from their origin schools, but the primary issue always conflicts with the registration system. The origin schools and the educational department cannot issue diplomas or process grade promotions because the majority of adjudicated juveniles here do not possess Family Registry Cards and National Identification Numbers upon admission to the facility, causing their data to be automatically rejected and removed from the Primary Educational Database System.”

This lack of civil identity is empirically proven not to originate from the managerial negligence of the JCF, but is deeply rooted in the inherent sociological barriers within the family backgrounds of the adjudicated juveniles. The majority of adjudicated juveniles commence their correctional period as minors who, under constitutional law, are not yet legally mandated to hold a National Identity Card. Upon reaching the age of 17, which coincides with the crucial stage of secondary education evaluation, the fulfillment of this administrative obligation is hindered by a lack of family participation in obtaining basic documents such as Family Registry Cards and Birth Certificates. Qualitative findings reveal the psychological fact that adjudicated juveniles frequently choose to conceal or misrepresent the absence of these documents to avoid imposing additional bureaucratic burdens on their families, who endure conditions of socio-economic vulnerability.

The denial of the right to final evaluation due to administrative prerequisites creates a diametric conflict with the absolute mandates upheld by the juvenile criminal law and correctional regimes. The state’s obligation to provide education for juveniles in conflict with the law is a manifestation of human rights protection that is non-negotiable under any administrative circumstances (Nurhamdah et al., 2022). Article 12 letter c of Law Number 22 of 2022 explicitly guarantees the absolute right of adjudicated juveniles to receive education and teaching. This state obligation is also imperatively enshrined in Article 85 section (3) of Law Number 11 of 2012, which issues an absolute mandate for JCFs to organize education. Furthermore, Article 113 section (1) letter e of Law Number 1 of 2023 establishes the obligation to attend formal education as a component of action sanctions, automatically reaffirming the postulate that education for adjudicated juveniles is a legally indispensable instrument.

Conversely, the administrative law regime operates under a highly rigid logic of centralized identity governance certainty. Article 13 of Law Number 23 of

2006 strictly mandates that every resident must possess a National Identification Number as a single identifying feature. This prerequisite of civil registration certainty was subsequently adopted in its entirety and without exception by Regulation of Minister of Education, Culture, Research, and Technology Number 31 of 2022. The fundamental issue does not reside in the existence of civil identity regulations themselves, but rather in the total absence of cross-agency affirmative policy discretion to facilitate the legality of identity for citizens undergoing stages of physical liberty deprivation under state supervision.

The fulfillment of the noble mandate of criminal law must constantly be grounded in the principle of the best interests of the child as outlined within universal legal protection frameworks. The extinguishment of the right to educational legality due to bureaucratic friction contradicts the philosophy of restorative sentencing, which mandates the holistic rehabilitation of the child to reintegrate as an economically and socially viable member of society (Gultom, 2014). This lack of cross-sectoral regulatory harmonization engenders a perpetual paradox of legal protection. According to Hadjon (1987), preventive legal protection dogmatically requires the state to provide preemptive instruments before the constitutional rights of citizens are impaired or diminished by rigid and definitive government administrative procedures.

The sociological conditions impeding the attainment of legality demand a highly proactive state institutional intervention to eliminate administrative reliance on family structures proven negligent. The JCF must undertake administrative discretionary measures by formulating strategic cooperative instruments with the Department of Population and Civil Registration at the local government level. This cross-sectoral collaboration can be realized concretely through proactive, direct identity-recording services on the facility premises, thereby enabling adjudicated juveniles who have attained the age threshold of 17 to acquire valid civil identities immediately. The provision of these primary identity documents is a mandatory prerequisite that allows adjudicated juveniles to integrate into the national educational administration system without being burdened by procedural omissions in their original families.

The deferral of formal administrative fulfillment due to civil registration bureaucratic barriers directly deprives inmates of essential civil rights, crucial for guaranteeing their legal identity during the post-sentencing phase (Welli, 2024). Organizing equivalency education programs for vulnerable communities isolated from public system facilities strictly necessitates institutional interventions that are far more flexible and result-oriented (Khotami et al., 2024; Putri et al., 2024). These empirical findings, methodologically refuting prior literature, show that the

failure to issue legal diplomas undermines the perspectives of the prior literature, such as the study by [Loppies et al. \(2024\)](#), which prematurely claimed that the fulfillment of juvenile offenders' rights has proceeded in an integrated manner. A comparative study conducted by [Manahan and Krisna \(2023\)](#) at JCFs in other regions reinforces the point that the mere provision of physical facilities is legally insignificant unless accompanied by guarantees of administrative legality for juvenile inmates. Therefore, the complete resolution of this legal paradox depends heavily on the juridical efficacy of cross-institutional cooperative agreements in compelling partner agencies to fulfill their public duties.

B. The Juridical Efficacy of Inter-Institutional Cooperative Agreements: A Holistic Approach and the Malfunction of Public Law Instruments

In addressing the intricate and structural civil registration administrative impasse within the national educational system detailed previously, the institutional authorities of the Ambon Class II JCF did not assume a passive stance. The institution implemented a comprehensive approach to eliminate disparities in the fulfillment of fundamental life rights within the JCF. An extraction of internal managerial governance instruments demonstrates the existence of eight active inter-institutional cooperative agreements spanning a broad spectrum of the essential needs of adjudicated juveniles. This cross-sectoral strategic partnership encompasses rehabilitation within the formal and non-formal education sectors, operational healthcare services, and sustainable spiritual guidance programs.

The existence of these eight cross-institutional partnership documents is not merely a supplementary administrative initiative, but an absolute manifestation of compliance with the constitutional mandates of positive state law. The primary legal foundation for this expansion of the cooperative's scope of operations is Government Regulation Number 58 of 2022. Article 21 section (7) of the Government Regulation grants fully valid attributive authority to institutional leaders to cooperate with educational institutions and other integrated external entities if the availability of facilities within the facility is deemed inadequate. This collaborative approach aligns with rights-based rehabilitation modeling, which postulates that the rehabilitation of juveniles in conflict with the law strictly requires the functional integration of various state executive agencies ([Wilsa et al., 2024](#)).

To maintain analytical focus and avoid expansive administrative descriptions, this study restricts its scope exclusively to partnership instruments within the formal and non-formal education rehabilitation sectors. In the dimension of fulfilling equivalency education programs, the Ambon Class II JCF fulfilled its

commitment through a Cooperative Agreement with the Ambon City Learning Activity Center Non-Formal Education Unit, as evidenced by Letter Number W.28.PAS.PAS.16-HA.02.01.04-308 Number 421.9/18/SPNF-SKB-2023. This specific partnership instrument explicitly sets a noble objective: to organize integrated equivalency programs, enhance practical life skills, and ensure legal certainty in the fulfillment of the right to education for adjudicated juveniles during their deprivation of liberty. However, the high degree of normative declaration in the formulation of these objectives starkly contrasts with the complete absence of sanction clauses for public service violations. The lack of a coercive instrument in this document provides an opportunity for the external institution to engage in passive conduct, allowing it to defer administering equivalency examinations for years without the risk of binding institutional evaluation.

An identical structural defect is also present in the formulation of cooperative instruments in the vocational education sector. The Ambon Class II JCF formalized integrated contractual instruments with Ambon State Vocational High School 7 via Letter Number W.28.PAS.PAS.16-HA.02.01.04-176 Number 074/71/2023 and with Ambon State Vocational High School 3 via Letter Number W.28.PAS.PAS.16-HA.02.01.04-944 Number 074/71/2023. Both institutional engagement documents uniformly stipulate strategic operational objectives to provide vocational skills training to enhance the practical competence and employment readiness of adjudicated juveniles during the post-sentencing phase. Ironically, the construction of legal arguments in both vocational cooperation instruments consists solely of hortatory clauses without executory power. In the absence of a rigid formulation of minimum operational service standards and strict instructional timelines, the skills training program remains highly vulnerable to significant stagnation should the vocational schools abruptly experience a shift in funding or budgetary priorities within their internal spheres.

As an independent internal mitigation against the weak binding capacity of these external cooperative documents, the JCF authorities formulated a robust supporting mechanism within the realm of psychological rehabilitation. This preventive policy was concretely realized through the establishment of a foster parent guidance program, coordinated closely and directly by structural officials managing the rehabilitation phase. This specialized guidance program was systematically designed to ensure the psychological readiness of adjudicated juveniles before and during their receipt of curriculum learning materials from partner institutions. To verify the functional rationalization of this supporting policy on the efficacy of juvenile educational absorption, this study directly involved the Head of the Rehabilitation Section, as the program initiator, as a key informant in an in-depth interview.

“The foster parent program we initiated has proven to be an exceptionally effective foundation for increasing the learning motivation and improving the behavior of adjudicated juveniles. The emotional approach applied by officers acting as foster parents within the institution is capable of filling the void left by family figures, thereby making their discipline during various education and training programs provided by external partners far more structured.”

Although empirically shown to be highly effective in building the psychological resilience of adjudicated juveniles internally, this emotional approach unfortunately lacks public law leverage to remedy the systemic failure of external contractual instruments radically. In the established doctrine of administrative law, an inter-agency cooperative agreement document within state structures invariably operates under the principle of bureaucratic subordination, making it customary to avoid civil law details such as cash fines or material compensation for damages. While this argument is sustainable, the absence of alternative clauses stipulating operational compliance standards and the timely completion of services severely degrades the status of the official document. This dogmatically converts the educational agreement document from a highly binding public law agreement into a mere non-binding moral memorandum of understanding devoid of binding legal force.

Contemporary perspectives in administrative law sharply advanced by [Laia \(2024\)](#) reaffirm that institutional cooperative instruments within the specific context of fulfilling the rights of vulnerable groups strictly require clause formulations that are public law-enforceable. The absence of executory sanction enforcement within the partnership frameworks at the JCF results in the institution perpetually occupying a subordinate bargaining position. When the external educational institution unilaterally and abruptly decides to defer the performance of its obligations, the JCF immediately loses any law-enforcement tools to compel the partner agency to fulfil its constitutional public service duties. This structural condition generates an imbalance in bureaucratic power relations among state institutions, directly and adversely impacting the fulfillment of the fundamental rights of adjudicated juveniles.

The failure to demonstrate the juridical efficacy of these specific educational cooperative instruments, consistently and inevitably, generates inefficiencies that severely harm state financial governance. [Akbar and Musakkir \(2022\)](#) explicitly postulate, through an economic analysis of law approach, that operational rehabilitation programs experiencing stagnation in implementation constitute a concrete manifestation of institutional inefficiency. Every protracted stage of drafting agreement contents, the ceremonial formalization of legal documents, and the routine allocation of administrative time for coordination invariably

requires substantial budgetary allocations and public resources. The failure to achieve and execute the ultimate objectives of formalizing these educational partnership agreements ultimately sacrifices the legal certainty of the future of adjudicated juveniles and generates a continuous, futile waste of governmental material resources.

Furthermore, the absence of binding clause formulations in cross-institutional cooperative agreements in the education sector creates a state of impunity for public service omissions by external agencies. The structural anatomical weakness of these contractual instruments provides a multilayered procedural protection for partner institutions, particularly the Ambon City Learning Activity Center, to continuously defer their obligation to administer national final evaluations. External organizing authorities can easily evade their primary public service responsibilities without being constrained by the threat of bureaucratic compliance sanctions. Consequently, the neglect of constitutional duties by partner institutions must be dissected critically through the lens of administrative law to expose evidence of systemic maladministration detrimental to civil rights.

C. The Legal Implications of Equivalency Examination Deferrals: Supervisory Dysfunction and Public Service Maladministration

Indications of systemic maladministration, facilitated by the weak binding capacity of cooperative documents, are evident in the execution of the equivalency education program. Based on operational governance extraction, the Ambon City Learning Activity Center as the partner institution routinely conducts semesterly monitoring and evaluation of learning implementation within the Ambon Class II JCF. This routine administrative oversight was initially assumed to comply with the standard operating procedures for inter-institutional cooperation. Nevertheless, the existence of this periodic evaluation is opposed to the empirical reality of fulfilling the final evaluation rights of adjudicated juveniles in the field.

Factual evidence demonstrates that from 2023 to 2025, the partner institution unilaterally deferred the execution of equivalency examinations without providing a definitive completion timeline. This consecutive three-year deferral amidst claims of routine monitoring validates the occurrence of significant institutional dysfunction in public service governance. Monitoring by the partner institution is proven to be merely utilized as an administrative formality instrument to satisfy procedural obligations on paper. This supervisory action completely failed to culminate in the execution of primary service obligations, namely the fulfillment of the constitutional rights of adjudicated juveniles to be examined and granted graduation legality.

To confirm the anomaly between the high frequency of external monitoring routines and the absolute stagnation in the conduct of graduation examinations, this study obtained additional testimonies from internal operational officers. The officer holding the Tutor Appointment Decree is the party coordinating directly and intensively with the partner institution overseeing the equivalency education program. The testimony of this internal informant transparently uncovers the justificatory pretexts consistently employed by external organizing authorities to evade public service execution responsibilities.

“As internal tutors, we frequently receive monitoring visits from the Learning Activity Center, but when we request the scheduling of the equivalency examination, they invariably claim they cannot take the risk. The primary reason always returns to the absence of National Identification Numbers for the adjudicated juveniles, whereby they state that the centralized database system will reject the issuance of diplomas. Consequently, the examination is continuously deferred from year to year.”

To avoid objectivity bias from unilateral evidence and to satisfy the principle of balanced cross-verification, this study confronted these stagnation findings directly with external institutional representatives. The informant involved is a structural representative of the equivalency education implementer at the regional level. This external informant presented arguments based on bureaucratic hierarchy, which restricts their administrative authority to exercise discretion in administering graduation examinations for adjudicated juveniles.

“We occupy a dilemmatic position. As a regional implementing agency, we possess absolutely no authority to bypass or grant dispensations to the Primary Educational Database System, which is accessed exclusively by the central ministry. If a child does not possess a National Identification Number, the system automatically rejects examination enrollment, and we do not dare to take action to issue diplomas outside the legal provisions of the national system.”

The hierarchical compliance pretext asserted by the regional institution, although understandable within state administrative governance, does not absolve violations of public service law. Pursuant to Article 15 letter f of Law Number 25 of 2009, providers bear an absolute obligation to execute services in accordance with the service standards agreed upon within the cooperative instrument. The failure to organize equivalency examinations for consecutive years constitutes a repudiation of the operational standards that underpin the partnership document. This procedural neglect simultaneously demonstrates the state apparatuses' negligence in providing legal certainty to vulnerable groups.

Furthermore, the legal defect of the regional education apparatus does not fundamentally reside in its inability to grant dispensations within the administrative

system directly. Given that the authority to lock civil registration and educational databases lies absolutely within the jurisdiction of the central ministry, the maladministration in this case must be classified as passive maladministration, manifesting as a failure to act. The regional apparatus has been proven to exploit procedural pretexts of centralized system rigidity, without undertaking any legal or administrative remedies to resolve the group under its service responsibility.

Pursuant to Article 17 section (2) letter b and Article 18 section (2) letter b of Law Number 30 of 2014, government officials are strictly prohibited from committing omissions that potentially impair the constitutional rights of citizens. In confronting the national civil registration database impasse, the external institution at the regional level has failed to coordinate strategically with the JCF to escalate the issue to the ministerial level. Instead of formulating affirmative policy requests to the central agency, the partner institution took a regressive step by allowing the deferral of the learning evaluation service to persist for three academic years.

This administrative escalation failure empirically validates the classic postulate regarding fundamental factors inhibiting law enforcement. [Soekanto \(1983\)](#) asserted that law enforcement failure in Indonesia frequently originates not in the substance of legislation itself, but in the passive mentality and rigidity of implementing apparatuses in the field. The absence of legal initiatives or breakthroughs by the educational apparatus at the regional level reflects the bureaucracy's low level of administrative compliance with the urgency of fulfilling the human rights of marginal groups experiencing periods of physical liberty deprivation.

This cross-sectoral bureaucratic dysfunction becomes increasingly chronic due to the paralysis of the external supervisory system within the criminal justice regime. [Yafid and Muzakkir \(2020\)](#) sharply critiqued the absence of effective functions of Supervisory and Observational Judges in ensuring the holistic continuity of the fulfillment of inmate rights. In the constellation of modern criminal law, Supervisory and Observational Judges ought to be present to exercise strong judicial capacity to intervene in inter-agency bureaucratic deadlocks within the executive branch. This judicial oversight capacity is absolutely required to ensure that judicial decisions oriented toward juvenile rehabilitation are genuinely executed in the field.

Due to the absence of an integrated and binding judicial oversight instrument, the JCF is compelled to strive independently and ultimately succumbs to the rigid procedures of the educational bureaucracy. This imbalanced structural condition places JCF officers in a subordinate position when confronting external

agencies overseeing primary services. Internal JCF officers lose coercive authority and equivalent legality to demand the fulfillment of the constitutional rights of adjudicated juveniles from negligent partner authorities (Haskari & Muzakkir, 2024).

The legal implications of this series of passive maladministration and cross-institutional bureaucratic stagnation culminate in the loss of legal certainty for the future of adjudicated juveniles. As clearly documented in the empirical data on participation rates at the beginning of the discussion, an average of 20 adjudicated juveniles must complete their sentences annually without having nationally valid proof of graduation. Dozens of these children are forced back into society bearing a double vulnerability, namely the social stigma as former inmates and the status of individuals whose educational qualifications are unrecognized by the state.

Various contemporary literatures have reached an absolute academic consensus on the latent danger posed by the absence of educational legal documents for former inmates (Virgayanti et al., 2024; Waldo & Bakir, 2024; Patty & Firmansyah, 2025; Ringgi & Amir, 2025). The absolute absence of a formal diploma will close the access of former juvenile inmates to the formal labor market and to higher education institutions. This systemic neglect of civil rights not only deviates from the noble essence of restorative sentencing but also sociologically compels the child to return to the criminal ecosystem for survival, which ultimately constructs the JCF as an instrument that reproduces recidivism rates.

CONCLUSIONS AND SUGGESTIONS

This study concludes that the fulfillment of the right to education for adjudicated juveniles at the Ambon Class II JCF faces a legal protection paradox rooted in conflicts between legislative regimes and sociological barriers. The progressive intent of the JCF in facilitating internal learning conflicts is opposed to the rigidity of the national civil registration administrative system. The fulfillment of the right to education, absolutely mandated by criminal law instruments and the correctional system, is extinguished by the absence of National Identification Numbers resulting from the negligent participation of the adjudicated juveniles' family structures. This conflict between the human rights protection mandate and the certainty of administrative law underscores the failure of state institutions to provide preventive legal protection instruments, thereby sacrificing the certainty of educational legality for dozens of pre-release adjudicated juveniles each year.

The failure of preventive legal protection is further exacerbated by the weak juridical efficacy of the various inter-institutional cooperative agreement instruments formulated. The eight strategic partnership documents, particularly within the formal

education rehabilitation and equivalency education sectors, exhibit legal defects due to the absence of public service sanction clauses and strictly binding executory timelines. The lack of coercive instruments in these documents degrades the status of the agreements from public law instruments to mere non-binding moral memoranda of understanding. This structural condition creates an imbalance of power that places the JCF authority in a subordinate position, while simultaneously providing partner institutions with a sphere of administrative impunity to evade service responsibilities without being constrained by the threat of bureaucratic sanctions.

The weak binding capacity of these partnership instruments ultimately culminates in significant passive maladministration facilitated by the paralysis of the judicial oversight system. The actions of regional educational institutions in deferring the administration of equivalency examinations for three consecutive academic years constitute a concrete manifestation of omission. The bureaucratic compliance pretexts regarding the national enrollment system hierarchy do not absolve the fact that regional apparatuses have failed to execute hierarchical coordination to escalate the issue to the central ministry. This series of cross-sectoral bureaucratic dysfunctions directly deprives adjudicated juveniles of their civil rights to graduation diplomas, forecloses their access to formal labor market competition, and sociologically transforms the JCF into an instrument that reproduces recidivism rates due to the children returning to the criminal ecosystem for survival.

Grounded in the synthesis of these conclusions, this study formulates policy implications and concrete follow-up actions that demand integrated, cross-ministerial structural integration. The central government, through the Ministry of Immigration and Correctional Affairs, alongside the Ministry of Education, Culture, Research, and Technology, must formulate affirmative discretionary protocols to enable the synchronization of specialized educational data enrollment for legal subjects undergoing periods of physical liberty deprivation. At the local government operational level, the JCF authorities are required to immediately enter into direct, proactive service cooperative agreements with the Department of Population and Civil Registration to ensure the identity recording of adjudicated juveniles upon reaching the mandatory National Identity Card age threshold. This collaborative policy intervention constitutes an absolute prerequisite to bypass the civil registration administrative impasse without burdening the socio-economically vulnerable family structures of the adjudicated juveniles.

In addition to administrative governance policy interventions, this study recommends a complete overhaul of the clause construction of inter-institutional cooperative agreements and the strengthening of the oversight system within the criminal justice regime. All future cooperative agreement texts must be drafted as public law instruments that include detailed formulations of minimum service

standards, rigid instructional timelines, and the threat of public service violation reporting sanctions should breaches of obligation by partner institutions occur. Furthermore, the Supreme Court of the Republic of Indonesia must absolutely revitalize the effectiveness of the functions of Supervisory and Observational Judges in exercising direct judicial intervention against government bureaucratic stagnation in the field. Optimizing these judicial oversight instruments will ensure that judicial decisions aimed at the rehabilitation of the civil rights of adjudicated juveniles are fully implemented and equitably enforced.

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