THE ROLE OF DEPARTMENT OF SOCIAL BENGKULU CITY IN DEVELOPMENT OF STREET CHILDREN (ANAK JALANAN) BASED ON LAW NO. 25 OF 2014 CONCERNING ON CHILDREN PROTECTION

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ABSTRACT

Anak Jalanan (street children) are those who spend most of their time of daily basis such earning some money or merely wandering from one place to another at street or other public facilities. Those street children have some characteristics of age ranges from 5 to 18 years old, spent all his time doing daily activities or wander aimlessly at street, rumpled cloths and appearance, and high mobility. Act No. 25 of 2014 concerning on children protection states that the responsibility of parents, relatives, society, government and state is the continuous sequence of effort to protect children’s rights. Street children development done by Department of Social in Bengkulu city is part of state’s responsibility that has been delegated to local government. Several efforts have been do to perform the mandate of Act of Children protection, though those still cannot solve the problem regarding to street children in Bengkulu city. One of causes is unsuccessful program of controlling street children, homeless and beggars in Bengkulu city due to the lack of coordination with other children protection organizations such as KPAI. The problem found in this study is how The role of Department of Social Bengkulu city in street children development based on Act No. 25 of 2014 concerning on children protection? This study used juridis empirical research with primary data and secondary data that were analyzed descriptively. Results and discussion indicate that street children development done through formulating and performing policies related to children protection by Major Instruction No. 08 of 2016 concerning on the implementation of Local Regulation No. 5 of 2016 on children protection to where the implementation involves Community Development, Women, Children and Family Protection and Family Planning Board and Department of Social of Bengkulu city. The scope of children protection covers prevention, risk reduction, treatment, and children protection data system.

Key Words: Children, Government, Department of Social
A. Introduction

1. Introduction

Children are part of young generation and one of human resources with good potential and ideas to be future leader of the nation with strategic role and special characteristics. They need protection and guidance to guarantee the growth of physical, mental, and social aspects as a whole, equal and harmoniously. Guiding and protection to children can only be done with support from relevant institution and adequate legal system, thus the regulation concerning children jurisdiction need special attention.

In Indonesia, there 4,1 million neglected children, 5,900 children are victims of human trafficking, 3,600 children are involved in juvenile crime, 1.2 million neglected babies and 34,000 street children. Based on the recent data of raid on beggars and homeless by Department of Social on April 4th, 2016, there are 15 children that become beggars and street children.

Street children are those who spend most of their time of daily basis such earning some money or merely wandering from one place to another at street or other public facilities. Those street children have some characteristics of age ranges from 5 to 18 years old, spent all his time doing daily activities or wander aimlessly at street, rumpled cloths and appearance, and high mobility. Street children spend their time wandering aimlessly on street more than 4 hours each day to earn money willingly or by forces from parents. In earning money, many of children do that willingly though some of them are forced to work on street as beggars, street singer, or shoe polisher from their parents, relatives, or other people around them, for low financial condition.

2http://www.antarajateng.com/detail/medsos-jumlah-anak-terlantar-di-indonesia-mencapai-41-juta.html, retrieved on Sunday, February 14th, 2016 at 19.37 WIB. The mapping is proposed to investigate the total of neglected children in Indonesia to solve problem regarding children.

3Department of Social of Republic of Indonesia (2005) define the term of street children as are those who spend most of their time of daily basis such earning some money or merely wandering from one place to another at street or other public facilities. Those street children have some characteristics of age ranges from 5 to 18 years old, spent all his time doing daily activities or wander aimlessly at street, rumpled cloths and appearance, and high mobility.
It is said in the 1945 constitution of Republic of Indonesia that impoverished persons and abandoned children shall be taken care of by the State. With this statement from the constitution, it is clear that children who cannot stand by themselves, spiritually, physically and socially should be the responsibility of parents, relatives, society and state particularly to ensure their prosperity. In case that there are not any parties could handle such responsibility, then the right and obligation hold by the state.

State guarantees the prosperity of each citizen including children and human right. Act No. 35 of 2014 concerning on children protection states that the responsibility of parents, relatives, society, and government and state is the continuous sequence of efforts to protect children’s rights. The sequence of efforts should be continuous and directed to ensure the growth of children spiritually, physically and socially. This is meant to create the best life for children as potential generation of the nation with high nationalism and spirit of Pancasila, descent character, strong minded in keeping unity. Article 1 (2) of Act No. 35 of 2014 concerning on children protection (law of children protection) states that children protection is:

“Any activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally in line with dignities of humanity, as well as acquire protection from violence and discrimination”.

Bengkulu as the developing city also has problems regarding street children and beggars where the number of them increases over time. Data from Department of Social of Bengkulu city in 2016 shows that there are 15 street children ranging from 3 – 18 years old. In average, those children have elementary school

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6According to Article 1 paragraph 6 of Act No. 35 of 2014, the definition of street children is children that their needs are not fulfilled normally, physically, mentally, spiritually, and socially. However, the formal definition of street children was defined in Workshop of Poverty and Street Children hosted by Department of Social on October 25th – 26th, 1995. Street children are those that spend their most of daily time wandering on streets or public facilities aimlessly to earn money. Thus, in this research, researcher conclude that street children are part of neglected children and street children in this study are children that spend most of their time on street.
diploma. Those children are widespread in streets in Bengkulu city such in Simpang Lima and Padang Harapan traffic light, department stores, Sukamerindu area and along Pantai Panjang street.

Local government through Department of Social has done lots of controlling on street children by organizing raids.

Meanwhile after doing the evaluation toward the implementation of government policy, the steps of street children order conducted by Department of Social is no as expected as well yet. The nurtured street children always come back to the street. Based on the beginning of research toward head of section of Social Rehabilitee of Department of Social of Bengkulu city, the problem faced by Department of Social is the difficulty in approaching street children to get data information and to get nurtured. The handling of street children needs special and effective approach. There are some specific natures of the street children causing them to be nurtured, such as how their mindset works to get something instantly without any hard work and lack of willingness to change.

External factor influencing the existence of street children is family role that allows or even asks them to be street children because of economy factor.

The problem of street children is caused by the accumulation of social problem. Kartini Kartono stated:

“There is no any social problem that could be solved in one way. Deeper discussion is needed to formulate strategy and to find others ways in covering this problem. The orphanage and beggars are the center of poverty lived in the city; it is caused by economy factor and the need of insisted life. Complex modern society, as the product of high technology, mechanization, industrialization, and urbanization emerge various social problems”.

The socialization of street children in Bengkulu city by Department of Social is state responsibility delegated to local government. Kinds of efforts have been done by Department of Social to run the message of Child Protection Law, but the socialization is no able to overcome the problem of street children in Bengkulu city yet. One of causes the unsolved efforts of street children, homeless people and beggars order is uncoordinated child protection institution, such as

\[\text{Kartini Kartono, Patologi Sosial, Rajawali, Jakarta, 1981, page v}\]

Based on the explanation above, the researcher interested to study the thesis entitled “The Socialization of Street Children by Department of Social of Bengkulu City Based on Law No. 35 of 2014 about Child Protection”

2. Problem Identification

1. How was the role of Department of Social of Bengkulu city in guiding the street children based on Law no. 35 of 2014 about child protection?

B. RESEARCH METHODOLOGY

Type of research used in this study was empirical juridical research, which is a method seeing legal reality in society. This research required the researcher to know law and social science, and to have knowledge in social science research. This study was analytical descriptive, which means revealing the legislation related to theories of research object as well as the law in its implementation in the society regarding to the research object. The population is all research objects as the target to get and collect the data.

The population in this study was the party related to the guiding of street children in Bengkulu City which is Department of Social of Bengkulu City and Bunga Harapan Orphanage of Bengkulu City.

C. RESULT AND DISCUSSION

Department of Social of Bengkulu City is government instance that responsible toward the handling of street children in Bengkulu city. Vision of Department of Social of Bengkulu City is to realize the humane social welfare services, with one of mission to improve the social rehabilitee services for society who have social dysfunction.

From the interview on July 4th 2016 with Head of section of Social Rehabilitee of Bengkulu city, Itera Hasti, S.Sos of Department of Social of Bengkulu city, in 2015 the number of street children saved on the policing operation was 9 (nine) street children.

On March 2016, from the policing operation and countermeasuring the vagrant and beggar, the cooperation

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9 Ibid, page 105-106
among Polda (Regional Police) Bengkulu, Polres (Local Police) of Bengkulu city, Department of Social of Bengkulu city and Satpol PP (Civil Service Police Unit) of Bengkulu city dragged 12 (twelve) street children in Bengkulu city.

According to Head of section of Social Rehabilitee of Bengkulu city, Itera Hasti, S.Sos of Department of Social of Bengkulu city, the raid was in line with the local regulation (Perda) No. 3 of 2008 about Peace and Order of Public in Bengkulu city. On Article 27 stated, “everyone or agency is forbidden to ask help or beg with any way and any reason, whether it is done alone or groups in the road, public transportation, houses, offices and others public place without any permission from the Mayor or official officers.”

The problems caused by street children in Bengkulu city are quite alarming that cause fretfulness in society, such as forcing the rider to give some money in traffic light, doing criminal act in public place like market and station by pilfering, stealing, commit armed robbery, often fighting among the street children caused by alcohol. To overcome these problems, Department of Social of Bengkulu city always does raid in order to decrease street children in Bengkulu city. However, the raid done during this time with various concepts offered cannot run optimal as expected.

In this year of 2016, according to Head of Department of Social of Bengkulu city, Mr. Syarifuddin Cikmat, SH, Department of Social of Bengkulu city has initiative to prepare the integrated halfway house for vagrant and beggar located in Air Sebakul. This house is one of solution for them to not come back again to the street. In this house, they will have socialization by psychologist and skills training by social worker in order to change their mind set to not do begging. For the children, they will be back to their parents first, if the parents are unable to care and give education, with children approval, they will be cared in Bunga Harapan orphanage of Bengkulu city to get education and special attention.

One place to coach street children in Bengkulu city is Bunga Harapan
The number of children in the orphanage is 30 (thirty) children.

State, Government, Local Government, Society, Family and Parents must protect and fulfill the children right based on the duty and responsibility. Children protection done for this long time has not given guarantee of getting treatment and chance regarding to their needs in various life field, thus in implementing the protection effort toward children right by Government must be based on the principle of human right which is respecting, fulfilling, protecting over the children right.

Article 34 verse (1) Constitution of 1945, declared that the destitute and neglected children are cared by the state. With the guarantee of Constitution of 1945, it means that the children cannot stand alone spiritually, physically, and socially, so that it becomes the obligation of parents, family, society and the state in filling the children needs mainly in welfare aspect. If there is no party to do it, the right and obligation become the state responsibility.

The welfare state is closely related to the social policy which is in many countries covering the strategies and efforts of government in improving the citizen welfare, especially in social protection which is about social guarantee, or social safety nets.

In concept of economy social state, the state is responsible to actualize the people’s welfare, both social and economy. The state is aimed to welfare the people and demanded to give good services to people.

In Indonesia, the welfare concept refers to the concept of social welfare development, which is planned and institutionalized series of activities showed to improve the standard and quality of human being. As a process to increase the welfare condition, the term of “welfare” truly doesn’t need to use word ‘social’ any longer, because it refers clearly to sector or field included in social development area. “Education” and “health” sector is also included in the area of social development and do not wear frills “social” or “human”. In the other countries, a term widely used is the “welfare” (welfare) which is conceptually cover all the processes and activities of the citizens welfare and explain the system of social
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protection and social services schemes for disadvantaged groups.\(^\text{12}\)

If it is associated with the Laws Number 35 year of 2014 on the child protection, the responsibility of the state, local governments contained in Article 21 which states that:

1) The state and the government have the obligation and responsibility for respecting and guaranteeing every child’s rights regardless ethnic, religion, race, group, sex, culture, and language, child’s legal status, rank of birth, and physical and/or mental conditions.

2) To guaranteeing the fulfillment of the child’s rights referred to in subsection (1), the State is obligated to meet, protect, and respect the child’s rights.

3) To guaranteeing the fulfillment of the child’s rights referred to in subsection (1), the Government has the obligation and responsibility to formulate and implement policies in the field of organization of child protection.

4) To guaranteeing the fulfillment of child’s rights and implement the policy referred to in paragraph (3), the local governments are obligated and responsible for carrying out and supporting national policy in child protection in the region.

5) The policy referred to in subsection (4) may be realized through the region efforts to build decent kabupaten/kota.

In Article 21, the local government is obligated and responsible for carrying out and supporting national policy in child protection in the region.

Following up on this, the local government of Bengkulu city issued instructions Mayor Bengkulu No. 08 in 2016 on the implementation of local regulation No. 5 of 2016 on the implementation of child's protection to instruct the Community Empowerment, Women, Child and Family Planning Agency of Bengkulu City and Social Department of Bengkulu City to implementing the local regulation Number 5 year of 2016 on the Implementation of Child Protection.

Regarding the implementation of street children development conducted by the local government especially through the Social Affairs Department of Bengkulu city, one of Bengkulu city government policy through the Social Affairs Department to provide protection of street children.

\(^{12}\) Edi Suharto, seminar materials that discuss the heading of "Negara Kesejahteraan" (welfare state) at Universitas Gadjah Mada dated on July 25\(^{th}\), 2006.
is to do with child development policies in a comprehensive, integrated and sustainable.

The development undertaken by the Social Affairs Department is to address the problem of street children and their families in order to live and make a living with still give priority of fundamental rights for humanity.

The development of the street children undertaken by Social Affairs Department aims:

a. Preventing and anticipate the growing of street children community;

b. Preventing the abuse of street children community from exploits certain parties;

c. Educate the street children community in order to live in a decent and normal life of the community as generally;

d. Empower the street children to be able to live independently are economically and socially; and

e. Increase the awareness and participation of local government, the corporate in other community elements to participate in handling of street children.

The policy implementation of guidance of street children in a comprehensive, integrated and sustainable in order to prevent the development of street children, therefore the regional level must play an active role in fostering preventive action, repressive and rehabilitative.13

a) Social Coaching;

b) Social assistance;

c) Expansion of employment opportunities;

d) Local settlement;

e) Improvement of health status; and/or

f) Improvement of Education

b. Repressive

Organized efforts, either by institutions or not in order to eliminate street children, and prevent widespread in society;

a) Raids

b) Temporary shelter to be selected

c) Devolution

c. Rehabilitative

Organized efforts cover the efforts in the forms of sponsorship, provision of training and education, restoration of capability and re-distribution to the society, further supervision and guidance, therefore the street children regained the ability to live a decent life with human dignity as citizens of the Republic of Indonesia;

13The interview results dated on 4th July 2016 with the Unit Head of Social Rehabilitation of Bengkulu City Itera Hasti, S.Sos.
1. Shelter Effort;
2. Selection Effort;
3. Sponsorship Effort;
4. Distribution Effort; and
5. Follow-up Effort

Guidance and coaching for these street children is an attempt for the activities undertaken by the Government and/or the community to address the problem of street children in order to live and earn a living while maintaining the basic rights of humanity. Development of street children is based on the principle of patronage, the principle of humanitarianism, kinship principle, the principle of justice, the principle of orderliness and legal certainty.

In organizing the development of street children, the local government must prepare facilities and infrastructure such as:

a. Social homes;\(^{14}\)
b. Shelters;\(^{15}\)
c. Protection Houses;
d. Social rehabilitation center;
e. Education and training center;
f. Social welfare center.

In addition to the role of government in dealing with street children, the community also has a role in fostering the implementation of street children training. Community participation can be carried out by:

a. Individual;
b. Foundation;
c. Business institutions;
d. Social organization;
e. Community organization; and
f. Businessmen

The forms of community participation as referred to in paragraph (1) were implemented by:

a. Providing information and or report any situation of vulnerability and violence toward known children.
b. Facilitating or engage in prevention and risk reduction activities.
c. Providing protection for the victims children.
d. Advocating the victims and the public about the handling of cases of violence, exploitation, abuse and neglect of children.
e. Assisting the process of repatriation, social rehabilitation, and social reintegration.

\(^{14}\) Orphanage of "Bunga Harapan" is an institution set up by the Social Service Department of Bengkulu City as the solution to the abandoned children and street children

\(^{15}\) Social Services Department of Bengkulu City initiated a home for beggars, street musician and displaced people housed in the area of Air Sebakul
D. CLOSING

1. Conclusion

1. The role of Social Service Department of Bengkulu City in the program of street children training was done by formulating and implementing policies in the field of organizing Child Protection. With the issuance of the Mayor instruction of Bengkulu City No. 08 of 2016 on the implementation of Regulation No. 5 of 2016 on the implementation of child protection of which the implementation instructed the Department of Community, Women, and Children Empowerment and Family Planning Bengkulu City and Social Department Bengkulu City to implement Regulation No. 5 of 2016 on Implementation of Child Protection. The scope of the implementation of child protection includes prevention, risk reduction, treatment, and child protection data system.

2. Suggestion

1. The government is obligated and responsible for formulating and implementing policies in the field of organizing Child Protection. Public budget allocation should be responsive to the most minimal needs of children, although in a certain condition the State has the ability to finance due to the budget constraints to carry out that obligation.

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penyelenggaraan perlindungan anak

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Edi Suharto, bahan seminar yang membahas tajuk ‘negara kesejahteraan’ (welfare state) di Universitas Gadjah Mada tanggal 25 Juli 2006