

**THE IMPLEMENTATION OF PARENT'S RESPONSIBILITIES (HOMELESS)
TOWARDS CHILDREN WELFARE ACCORDING TO REGULATION'S NO. 4 OF
1979 ON CHILDREN WELFARE IN BENGKULU CITY**

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ABSTRACT

The aims of the study entitled "Parents' Responsibilities toward Children Welfare According to Regulations No. 4 of 1979 on Children Welfare (A Case Study on the Homeless in Bengkulu City) Analyzed by Using Theory of Role" were to analyze the implementation of parents' responsibilities (homeless) toward children welfare in Bengkulu City, and to analyze the factors influenced the failure in performing parents' responsibilities (homeless) in ensuring the welfare of children in Bengkulu City. The method used was empirical legal research with descriptive characteristic. The result of the study showed that: the implementation of parents' responsibilities (homeless) in Bengkulu City toward the children welfare was below the acceptance standard level since a majority of parents (homeless) in Bengkulu City could not perform their responsibilities as parents, and the factors influenced the failure in performing parents' responsibilities (homeless) in ensuring the children welfare in Bengkulu City were consisted of economic factor of the family, socio-economic role of the family, the family unity, attitudes and habits of parents, as well as communication between parents and children.

Keywords: responsibilities, parents, children welfare, homeless, and theory of role

INTRODUCTION

A. Background of the Study

Every social being always makes contact with other human beings. This relationship occurred since humans are born until their death. This human relationship naturally arises; it means that human beings are predetermined to always live together.¹

Family is a group formed by the relationship of men and women in which it happens in a bit much long period to create and raise children. So, family in a pure form is a social unit consisting of a husband, a wife, and children who are minors.²

In Regulations No. 1 of 1974 on Marriage, it is stated that "both parents are obliged to raise and educate their children as good as possible". That obligation applies until the children is married or can stand alone, where the obligations continue to be applicable even though the marriage between the

parents breaks up (Article 45 Paragraph 1 and 2).³

Based on the data accessed through the official website of the Central Bureau of Statistics of Bengkulu City, it was known that in September 2015, the number of poor people (the population with the spending per capita per month is below the Poverty Line) in Bengkulu province reached 322.83 thousand of people (17.16 percent), increased by 6.33 thousand of people compare to the poor in September 2014 which amounted to 316.5 thousand of people (17.09 percent).⁴

Based on the data accessed through the official website of Women Empowerment and Children Protection Board, the number of victims of violence against women and children was the highest in Bengkulu City⁵ which reached 315 people and the lowest number of victims of violence was in Bengkulu Tengah Regency that was only 7

³ Hilman Hadikusuma, *Hukum Perkawinan Indonesia*, Mandar Maju, Bandung, 1990, Page 141.

⁴ Central Bureau of Statistics of Bengkulu Province, *Jumlah Penduduk Miskin*, <http://bengkulu.bps.go.id/Brs/view/id/152>, Retrieved in January 27th, 2016, at 01.45 pm.

⁵ Women Empowerment and Child Protection Board of Bengkulu Province, *Jumlah Korban Kekerasan di Provinsi Bengkulu*, <http://bpppa.bengkuluprov.go.id/ver3/index.php/dai m/buku>, Retrieved in January 27th, 2016 at 02.07 pm.

¹R. Abdoel Djamali, *Pengantar Hukum Indonesia*, PT. Raja Grafindo Persada, Jakarta, 2008, Page 147.

²Abu Ahmadi, *Psikologi Sosial*, Rineka Cipta, Jakarta, 2009, Page 221.

people. While, the highest number of children victims of violence was in Rejang Lebong Regency which was as many as 81 people. The large number of violence cases in Bengkulu City happened because the city is the central government of province where the level of socio-economic and environment are more advanced, moreover it is also because the process of case management and data collection are already good so that the cases of violence have been recorded.

Based on the type of violence, the numbers of women and children victims of violence in Bengkulu Province in 2015 were as follows: type of physical violence by 75.6%, psychological violence by 2.0%, sexual assault by 18.4%, negligence violence by 3.2%, and other types of violence by 0.7%.

The child also has its own world and different from adults. Parents not only enough to feed and drink alone, or just protecting it in a house, because the boy is in desperate need of affection. Compassion is a virtue in education. Without the affection of his parents, the ideal education could not be run.

As in some intersections the city of Bengkulu, the example in

Simpang Padang Harapan, Simpang Skip, and also in Simpang Lima, still widely seen children who live on the streets and make a living by busking and begging to road users either two wheelers or four wheels and at this time often see parents who treat their children with improper treatment done, who should parents give attention, affection and maintenance to families displaced even let their children live on the streets or at crossroads.

Someone said to abandoned children, not just because he no longer has one parent or both parents. But here also displaced within the meaning when the rights of children to grow naturally, to obtain a proper education, and to obtain adequate health care, are not met due to negligence, misunderstanding of parents, inability or deliberate.

Based on the above description, the writer was interested in examining the issue of parents' responsibilities toward children welfare which was written into the form of a thesis proposal entitled "Parents' Responsibilities toward Children Welfare According to Regulations No. 4 of 1979 on Children Welfare (A Case Study on

the Homeless in Bengkulu City)
Analyzed by Using Theory of Role”.

B. Identification of the Problems

Based on the background above, the formulation of the problems to be presented are as follows:

1. How is the implementation of parents' responsibilities (homeless) toward children welfare according to Regulation No. 4 of 1979 on Children Welfare in Bengkulu City ?
2. What factors influenced the failure in performing parents' responsibilities (homeless) in ensuring the welfare of children in Bengkulu City ?

C. Method of the Study

a) Type, Characteristic, and Approach of the Study

The type of research was empirical legal study. This study was descriptive. Descriptive research method can be interpreted as a troubleshooting procedure investigated by describing or depicting the state of subject/object of the study (a person, an institution, community, etc.).⁶ This study used empirical legal approach. Empirical legal approach is a study aiming to

reveal the reality on the ground with data collection based on the experiences of respondents, where the law is seen as a fact because the law will interact with other social institutions.⁷

b) Method of Determining Population and Sample

1. Population

In this study the scope of the population was restricted based on the aims of the study, the scope of the population taken by the writer based on the data in the Social Welfare Office of Bengkulu City was amounted to 34 of Homeless and the writer will take from 34 homeless to 3 homeless (parents) and 3 homeless (children).

2. Sample

The samples relating to this study consisted of:

- 1) Head of Social Services of Bengkulu City. This sample selection was based as head of Social Services of Bengkulu City has the authority in the field of social included has a role in dealing with the homeless in Bengkulu City.

⁶ *Ibid*, Page 23.

⁷ Rony Hanitijo Soemantoro, *Metode Penelitian Hukum dan Jurimetri*, Ghalia Indonesia, Jakarta 1998, Page 10.

- 2) Head of Women's Empowerment and Children Protection Services of Bengkulu City. This sample selection was based as Women's Empowerment and Children Protection Services of Bengkulu City has the authority such as overcoming violence against children.
- 3) 3 (three) homeless parents and 3 (three) homeless children.

c) Research Data

1. Primary Data

Primary data contains '*actual data*' obtained from field research, by communicating with the Head of Social Services of Bengkulu City, the Head of Women's Empowerment and Children Protection Services and homeless located in Bengkulu City where research was done.⁸

2. Secondary Data

Secondary data is the source of research data obtained by the researcher directly through intermediary medium (gotten and noted by other parties). Secondary data is generally such evidences, notes or historical reports that have been structured in the published and

unpublished archives (documenter data).⁹

d) Method of Data Collection

1. Primary Data Collection

Primary data collection in this study was conducted *directive interview* which was the data taken directly to the interviews conducted directionally.¹⁰ the interviewing in this study was with the Head of Social Services of Bengkulu City and the Head of Women's Empowerment and Children Protection Services as well as homeless parents and children, so that the researcher gathered the truth from the field phenomenon.

2. Secondary Data Collection

Secondary data collection in this research was obtained from document study. Document study is used to get secondary data through reading, learning, researching, identifying and analyzing secondary data related to the research material.¹¹

⁸ *Ibid*, Page 65

⁹ Ahmad Fauzi, *Metodologi Penelitian Kuantitatif*, Walisongo Press, Jakarta, 2009, Page 164.

¹⁰ Ronny Hanitijo Soemitro. *Op.Cit*, Page 60.

¹¹ Soejono Soekanto, *Pengantar Penelitian Hukum*, UI Press, Jakarta, 1986, Page 21.

e) Method of Data Procession

1. Data Editing

Editing is that the scattered data is collected and should be read and checked one by one.¹² In editing phase, the data is selected and checked back to know whether the data is completed or not. In this stage, there is correcting of erroneous data, adding and filling in the missing data.¹³

2) Data Coding

Data coding is the adjustment of the data obtained in the study.

f) Data Analyzing

To analyze the data, this study was used qualitatively by collecting primary and secondary data. Qualitative analysis Method is the data analyzing described by using words applied deductive and inductive framework of thinking.

D. Research Result and Discussion

a) The implementation of parents' (homeless) responsibilities on the children welfare according to Law No. 4 of 1979 on the children welfare in Bengkulu city.

Based on the result of the study done in the field, such as interviewing and doing observation

to homeless (parents) in Bengkulu City. The background of Th become beggar is because Th does not have the skill or ability to do the other fixed work and also is comfortable getting money without working hard by expecting the mercy of others.¹⁴ Th has not permanent residence and she is often taking a rest in front of offices around Padang Harapan of Bengkulu City. In doing her activity as a beggar, Th always takes her 6 years old daughter. According to the information given by her, her husband is no longer known where his presence till now.

In accordance with the research done by interviewing the homeless existed in Bengkulu City, like interviewing and observing the next beggar, Sn is living in Anggut Dalam of Bengkulu City and Po is living in Sawah Lebar of Bengkulu City. The background of Sn and Po become beggars or begging for money to others is because they could work in one place only. It means that they are disability. Sn is blind while Po is shortage of organ in the body.

¹² Hilman Hadikusuma, *Metode Pembuatan Kertas Kerja atau Skripsi Ilmu Hukum*, Bandar Maju, Bandung, 1995, Page 95

¹³ *Ibid*, Page 96.

¹⁴ Interview Result with Th (A beggar in Bengkulu City) on April 14, 2016 at 14.20 in Simpang Lima of Bengkulu City

In implementing parents' responsibilities toward the children welfare, there is the role of government / state, people, as well as parents / family to protect children rights, such as:

1. The Role of Government are:

In accordance with the mandate in the preamble of the 1945 Constitution, the role of the Republic of Indonesia is the welfare and prosperity of people, educating the nation, defense and security, and justice. It says in the 1945 constitution of Article 28A which reads "Every person has the right to live and to defend life and living". Further, it says in Article 28B and paragraph 2 which reads "every child has the right to live, grow, and develop as well as the right to protection from violence and discrimination".

Based on the research result, the duty of Social Services of Bengkulu City toward homeless is only limited on doing guidance after the implementation or the enforcement activity done by Civil Service Police Unit and Town Police Station of Bengkulu City to homeless in Bengkulu City. The coaching mentioned above is such doing briefing in places or locations

of homeless through persuasive approach. Meanwhile, for special or general guidance, Social Services of Bengkulu City is limited on funds or budgets.¹⁵ Mostly of homeless in Bengkulu City comes from outside of city.

In 2009, Social Services of Bengkulu City had implemented a special guidance, but it was only for homeless in disability category numbering over 10 disabled homeless gotten the guidance for 9 days. The coaching is in the training of reflexology; after the training of reflexology massage was done the disabled homeless were given the tools of reflexology and a place lent by Social Services of Bengkulu City for 6 months.

Bengkulu city government including Social Services of Bengkulu City was ever offered to homeless to be trained to Bekasi city for almost 6 months. In Bekasi, there have homes that are owned by Ministry of Social. There, the homeless is able to be trained the skill based on their own ability. In addition, the homeless is allowed to bring children as well as the family

¹⁵ Interview Result with Nur (the Staff of Social Services of Bengkulu City in Handling Homeless) on April 25, 2016 at 11.15 in Social Services Office of Bengkulu City.

and the children who want to study get paid by Ministry of Social.

Meanwhile, the homeless have refused to join the training with some reasons. They said that they are already comfortable in becoming homeless which caused by their each mental and mindset.

Social Services of Bengkulu City on August 2016 has a plan to build a home to accommodate the homeless if it is realized. After the homeless get the accommodation, Social Services of Bengkulu City is willing to find out first the main problem of homeless and then to find solution in overcoming the problem faced by the homeless.

Based on the research done by interviewing Mrs. Hj. Willy Purnama HY., S.H., M.M as the Head of PTKA sub in Women's Empowerment and Children Protection Services of Bengkulu City, one of the role of Women's Empowerment and Children Protection Services toward violence is conducting prevention such as socialization through banners mounted in the road, and making a forum called Forum Anak Bengkulu which is addressed to embrace and to take a deep down the children creativities of homeless.

2. The Role of People are:

In chapter IV of Children Welfare Article 11 Paragraph (4) Regulations No. 4 of 1979 About Children Welfare, stating that: the government held a direction, guidance, assistance, and supervision of children welfare efforts undertaken by the community.

The role of people in implementing the children welfare especially for homeless is by making Non-Government Organizations (LSM). The role of community can be done individually or groups.

In the Article 27 and Paragraph (2) of constitution of children protection mentioned that community roles were done by individual, children protection agencies, social institution, non-governmental organization, educational institutions, religious institutions, business entities, and mass media.

Based on the research, the result on field was found that public did not care and apathetic to the homeless in Bengkulu city. The role of institutions that was created by the community like Children Forum of Bengkulu, Non-Governmental Organization (NGO) Tiga Sehati, and Institution Payung Besurek,

there were mentioned above did not work maximally in each role because of the institutions was constrained by funds and its budget in training and guiding the homeless 'skills in the Bengkulu city.

3. Parents /Family Roles are:

In the Government Regulation of Republic Indonesia Number 2 year 1988 about welfare for children who have problems on chapter II which governs the responsibilities in Article 2 Paragraph (1) was declared that parents was the first and mainly of the responsibilities of welfare for children.

In the chapter III on the parents responsibilities to children welfare at Paragraph 9 of Regulations Number 4 of 1979 about children welfare was explained that parents were to be responsible by firstly to the realization of the welfare of children both on spiritual, physically and socially.

Based on facts that were found in the field, many parents (homeless) cannot carry out their responsibilities to the children welfare.

The role or responsibilities as a parent is not only as the intermediary among mortal and birth but also nurture and educate them. In order to carry out the education to their

children parents need more knowledge, education for example.¹⁶

Based on the research in the field toward homeless mentioned above, it can be concluded that the homeless were enjoy to their job as beggars without realizing to their role and be liable as a parent to the children welfare.

b) The Influenced Factors to The Unimplemented of Parents' Responsibilities to The Children Welfare in Bengkulu City

Based on the research that was conducted by interviewing the homeless and children who are almost begging the money on the shopping areas of Bengkulu city, the background of SJ singing beggar on the street because of he/she want to covers themselves for living. Sj lives in Kebun Geran street of Bengkulu city, Sj only have his/her school in elementary school grade because of the economic limited.¹⁷ Sj only have a mother in his/her family because his/her dad has passed, and his/her mom was a blind. According to Sj, his/her mother was prevented

¹⁶ Kartini Kartono, Family Roles to Guide Children, Rajawali, Jakarta, 1985, Page.38.

¹⁷ Interview Results with Sj (Child Beggar) on April 27th 2016 at 08.30 pm at Simpang Lima Bengkulu

him/her from being a singing beggar, Sj being a beggar secretly without his/her mother knowing.

The background of Pr become a singing beggar and begger is because of his/her own desire, without his/ her grandma knows about it because Pr's parent did not give responsibilities as a parent for Pr's livings since he/she was 6 years old and know Pr lives with his/her grandma at Penurunan Street after his/her parents were divorced.¹⁸ Based on Pr' explanations, his/her parent live in Bandung (West Java) and they were live well.

Background Ak become a beggar when we interviewed him/her was because of own desire to help his/her livings 'family. Ak only have education on elementary school. Ak lives in Simpang Skip Bengkulu city.¹⁹ But after I interviewed with Ak, one of the cellphone shop assistant at Barata said that Ak became a beggar because his/her parent ask his/her for doing this.

As the influenced factors of the un-implementation of parents

responsibilities to the children welfare were²⁰ the social economic roles in the family , the family unit, the influence of attitudes and habits from parents, and parents-children communication.

Sometimes, these conditions were not realized by parents, it will be like accidentally. Parents do may caused by:²¹

1. Do not Know, Do not know how to educate their children
2. Know, the situations was forced, getting busy. So, become a parent will be required to any requirements on that for children growth well

E. Conclusion (Suggestion and Conclusion)

Based on research results about the responsibilities of parents to the children welfare that have been done according to the Regulations Number 4 of 1679 about welfare of children (study on homeless in Bengkulu city) was analyzed by using role of theory, so it can be concluded that:

¹⁸ Interview Results with Pr (Child Beggar) on April 27th 2016 at 08.30 pm at Simpang Lima Bengkulu

¹⁹ Interview Results with Ak (Child Beggar) on April 27th 2016 at 08.30 pm at Simpang Lima Bengkulu

²⁰ Abu Ahmadi, Loc.Cit, Page.236.

²¹ Abu Ahmadi, Loc.Cit, Page.229.

a) Conclusion

1. The implementation of parents' responsibilities (homeless) toward welfare of children in Bengkulu city mostly caused by almost parents less in implementing their role as a parent in children welfare to their children
2. Influenced factors on unimplemented the responsibility of parents (homeless) in Bengkulu City in giving welfare to their children were: the social economic roles in the family, the family unit, the influence of attitudes and habits from parents, and parents-children communication, and the Government of Bengkulu City not yet optimized in organizing the homeless in Bengkulu City and also caused by their mindset and mental of the homeless itself

b) Suggestions

Related to the conclusions above, the suggestions were required from the writer were:

1. The Government of Bengkulu City should be more in pay attention to the homeless so their welfare on children can be implemented well. By giving a train by Social Service of Bengkulu City and State Ministry for Women's Empowerment of Bengkulu City

who is handling the homeless and children both of the homeless adult people or children. The training was a special training to protect the children of welfare (homeless). Like was explained above that Social Service of Bengkulu City have plan to make a guest house for a homeless people to give their practical skills in individually and hope so this house will be realized soon and well by its purposes.

2. The government of Bengkulu city both of social service of Bengkulu city and State Ministry for Women's Empowerment of Bengkulu city may take The government of D.I Yogyakarta as a model which was use the solutions to decrease the homeless number. The government of D.I Yogyakarta make a poster "no sense of giving" to the homeless. A big possibility was, when all of the road was not available to them they will stop in doing the activity.
3. For family which have low income which is caused unable for home, the government can provide them the government's houses for them by free for temporarily times and give them a train based on their own skills to make their own

income. With placing the disadvantages family with the available materials in together homes, so the controlling be taken easier.

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