

Legal Protection of Street Children Reviewed from the Aspect of Human Rights in the Field of Education

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Abstract. In RI Regulation no. 23 of 2002 likewise makes sense of in article 21 that the state and government are obliged and capable to regard and ensure the common freedoms of kids without qualification of nationality, religion, race, class, orientation, identity, culture and language, the lawful status of youngsters, birth request of kids, and physical and additionally state of mind. This regulation is the reason for the public authority to secure and engage the country's kids, including street children who lack their rights as children. This research is included in qualitative research with a sociological juridical approach. It aims to look at legal phenomena from the perspective of existing regulations and law enforcement norms, social effects, and the social aspects behind them. Children's educational rights are governed by a number of national laws and regulations. It is found in Article 28 C Section (1), and Article 28 E of the 1945 Constitution of the Republic of Indonesia. Also, in Article 9 Area (1) of Guideline Number 23 of 2002 concerning Youngster Confirmation (UUPA), it is expressed each youngster has the option to get training and educating to foster his character and level of knowledge through his inclinations and abilities.

Keywords: Education, Street Children, Human Rights

1 BACKGROUND

Children as a blessing from God Almighty are the most valuable compared to other assets, which are always protected and covered for children are inherent in dignity and rights as human beings which must be upheld.[1] R.A. Koesnoen said that kids are youngsters, juvenile in age, energetic in soul and educational experience since they are handily affected by their environmental factors.[2]

Security of youngsters' freedoms has been specified in the 1979 Kids' Statement which was subsequently embraced by the UN as the Show on the Privileges of the Kid (CRC) in 1989 in Geneva and has been confirmed, endorsed, or endorsed by 192 nations.[3] The adoption of the convention has brought about an unwavering determination to place children's rights, their survival, protection, and development at the top of the priority list.[4]

In Indonesia, the overall improvement to zero in on and further foster adolescents' opportunities has been communicated in the third change to the 1945 Constitution of the Republic of Indonesia. A couple of articles structure the safeguarded justification for the need to zero in on and work on children's opportunities, as overseen in Article 34 section (1), Article 4 of Guideline Number 6 of 1974, Articles 11,12 and 13 of Guideline Number 4 of 1979,

Articles 55 - 58 of Guideline Number 23 of 2002 and PP Number 2 of 1999 which manages 8 (eight) expert for the Indonesian Priest of Get-togethers to do social government assistance endeavors for kids. Considering that children's privileges have developed into a constitutional right and an international community movement, the above excerpts clearly show how important it is to continue fighting for the attention and progress of children. However, in practice, many children's rights are included in the constitution, various applicable statutory provisions, and international agreements, but have not yet developed into a solid legal foundation that allows for legal protection of the rights of street children.

Executing youngster assurance is a commitment and obligation of the state, government, local area, family, and guardians which remembers insurance for the fields of religion, schooling, wellbeing, and social matters. The nature of security for youngsters ought to have a degree or level that is basically equivalent to insurance for grown-up ladies and men since everybody has a similar situation under the watchful eye of the law.[5] To overcome the problem of street children, the government must create policy programs that uphold children's rights. With the authority granted, the government carries out various public functions to meet the needs of the local area, beginning from administrations as guidelines or different administrations to address issues in the fields of training, wellbeing, social government assistance, and so forth. utilities, and different specializations.

Handling the problem of street children which is a concern of the community and requires the attention of local governments to overcome it, is one of the social challenges of child rights services related to public services, according to Makmur Saini. This social problem is widespread and requires immediate attention and a transparent and accountable service model. The lack of appropriate social policies to overcome this has led to an increase in the problem of street children in big cities, including neglected children, homeless children, delinquent children, and beggar children who like to use public facilities to earn money. Their presence is increasingly forcing complex social problems, disrupting order and security, threatening health and survival, and providing opportunities for criminal acts to occur.[6]

No one chooses to live as a street child; rather, it is a necessity that they have to accept for some reason. However, the situation of street children has developed so it needs to be handled by all parties. From a psychological perspective, they are still in the emotional and mental development stage as young people who should face the severity of the street world, which is usually detrimental to their personality development.[7]

In Indonesia, the government policies to deal with street children have not been effective. Society is increasingly calling for immediate social reform that only focuses on dealing with the problem of street children. It is the duty and responsibility of every local government to make this happen. The government's legal obligations need to be reconstructed to find out the extent of the government's role and obligations in enforcing the provisions stipulated in national law and international conventions because social policy programs regarding children's rights have not been directly proportional to the wishes of the community in the constitution and provisions of national legislation and international conventions.

Presently, road youngsters are a difficult issue, particularly in commonplace capitals and enormous urban communities. Their presence frequently causes different traffic, request, and metropolitan security issues. This present circumstance needs consideration since youngsters are the cutting edge who should be instructed and directed so they can develop and grow normally. Apart from that, if they are not rescued immediately it will certainly affect the quality and competitiveness of the nation in the future. Thus, it is necessary to guide from an early age which will enable them to receive good attention and not become problematic children in the future.

Questioning children's lives is an issue that is always interesting and never ends up being discussed. The complexity of children's problems runs parallel to the progress of a country's development. In essence, children's issues encompass not only the issue of children's rights to obtain guarantees of survival, but also the right to grow and develop, the right to participate in increasing their capacity, and the right to be protected from all forms of exploitation, neglect, and torture.

2 METHOD

This research is included in qualitative research. Emotional assessment is a sort of human science research that assembles and works with non-numerical data and attempts to translate the significance of this data so it can assist us with grasping public activity through the investigation of designated populaces or spots. This research aims to look at legal phenomena that are not only seen from the perspective of existing regulations but also seen from the law in terms of law enforcement norms, social effects, and the social aspects behind them, so this research tends to be legal research with a sociological juridical approach. Apart from this, this research uses a juridical approach which is then supported by field studies based on the scope and identification of existing problems. This is intended to find out the difficulties or problems in the field regarding the right to obtain legal protection, education, and a decent life for street children.

3 RESULTS AND DISCUSSION

3.1 The Concept of Human Rights (HAM)

Common liberties (In a general sense) To comprehend the idea of common liberties, we will initially make sense of the fundamental importance of freedoms. Absolutely, "privileges" are regulating components that capability as rules for conduct, safeguarding opportunity, and resistance and ensuring open doors for people to keep up with their nobility and poise.[8] Rights themselves have the following elements:[8]

- a. Rights owner;
- b. Scope of application of rights;
- c. Parties who are willing to implement rights.

A basic understanding of rights brings together these three components. The right to equality and the right to liberty, which relate to the relationship between humans and institutions, are normative aspects that are therefore inherent in every human being.

Privileges are something that should be acquired. About the obtaining of privileges, are two hypotheses, in particular McCloskey's hypothesis and Joel Feinberg's hypothesis. It is stated in McCloskey's theory that the grant of rights must be done, owned, or has already been done. In the interim, Joel Feinberg's hypothesis, it is expressed that the giving of full privileges is a necessary piece of a legitimate case (benefits got from the activity of freedoms joined by the execution of commitments). Accordingly, advantages can be acquired from the execution of privileges whenever joined by the execution of

commitments. It implies that privileges and commitments are two things that can't be isolated in their acknowledgment. Accordingly, when somebody requests privileges, they should likewise complete commitments.[8] John Locke expressed that common freedoms are privileges given straight by God as regular freedoms. Hence, no power in this world can renounce it. This natural right cannot be separated from human life because it is fundamental to human life. [9]

Alluding to Regulation Number 39 of 1999 concerning Basic liberties, Article 1 expresses that: " Common liberties (HAM) is a bunch of privileges that are inborn in the nature and presence of people as animals of God All-powerful and are His gifts that should be regarded, shielded and safeguarded by the state, guideline, government, and everybody for honor and security of human nobility."

Based on the discussion regarding the meaning of human rights, it has been determined that human rights are human rights that must be protected, upheld, and implemented by everyone, including the general public and even the entire nation. Thus, the embodiment of regarding and safeguarding common freedoms is to keep up with the security of human life all in all through a difficult exercise among privileges and commitments, as well as individual interests and the public interest.

Of course, not everything in human rights implementation is carried out, but this does not represent that the state, according to the Marxist paradigm which is the source of rights, does not implement human rights optimally. Universal human rights are available to everyone, but certain groups are more vulnerable to violations than other groups. These populations include children, women, indigenous peoples, human rights defenders, refugees, street children, and people with disabilities.[9] In this explanation, the author will focus more on vulnerable groups of people with disabilities so that they can focus more on the goals to be achieved.

Conceptually, street children are also humans, they also have fundamental rights like humans in general. Street children are given recognition by the international community regarding the protection and fulfillment of street children's human rights so that they receive special treatment. Street children receive special treatment as an effort to obtain protection from vulnerability to human rights violations, so substantively these efforts are aimed at maximizing respect, promotion, protection, and fulfillment of universal human rights, which is not a reason for obtaining the right to life and the right to defend life. Based on the deliberations stipulated in the law, it is substantively an effort by the state to protect the rights of street children so that they can lead a decent and independent life and livelihood leading to prosperity.

3.2 Protection and Empowerment of Street Children

Security of young people and youngster government help with Indonesia is communicated in Republic of Indonesia Guideline Number 4 of 1979 concerning Youngster Government help, Republic of Indonesia Guideline Number 23 of 2002 concerning Youngster Confirmation, and Republic of Indonesia Guideline Number 11 of 2009 concerning Social Government help.

In RI Regulation no. 23 of 2002 article 4 expresses that each kid has the option to live, develop, create, and partake fittingly by human poise, as well as security from brutality and segregation. According to Article 11, every child has the right to rest, use their free time, interact with other children their age, play, have fun, and be creative in accordance with their interests, abilities, and intelligence level. the sake of personal

development. This is what street children should also get. They have the same rights in terms of child protection.

Article 21 of Republic of Indonesia Regulation Number 23 of 2002 further makes sense of that the state and government are obliged to regard and ensure youngsters' common freedoms paying little mind to nationality, religion, race, class, orientation, culture, and language, as well as lawful status, birth request or actual wellbeing or their attitude. The government's efforts to protect and raise the country's children, especially street children who do not have the same rights as other children, are based on this law.

According to information published on the Indonesian Ministry of Social Affairs website (2010), responding to the phenomenon of street children in Indonesia, the Minister of Social Affairs, Salim Segaff Al Jufrie, on the sidelines of the launch of two of the Ministry of Social Affairs' flagship programs revealed that protecting street children is an urgent obligation. This is because street children are victims of neglect, exploitation, and discrimination. Street children experience human rights violations. The rescue effort was carried out through the Child Social Welfare Program (PKSA). In the interim, the chief general of Yanrehsos, Makmur Sunusi, Ph. D said, the PKSA program keeps on being associated as the public authority's work to save the country's youngsters. Kids should be safeguarded from terrible circumstances in the city, monetary abuse, brutality, disregard, and oppressive treatment. Youngsters' freedoms to development and improvement, endurance, and interest, ought to be satisfied. The objective of this program is kids who have deficient lives and experience social issues. Social problems like poverty, neglect, disability, isolation, social impairment, behavioral deviations, disaster victims, and victims of violence, exploitation, and discrimination are all examples of social problems.

The Indonesian Service of Get-togethers' PKSA program is a coordinated, incorporated, and practical exertion completed by the public authority and the local area as friendly administrations to address kids' issues, including sponsorships for fundamental necessities, openness of social administrations, and reinforcing local area guardians/family, and social government assistance establishments, by the Service of Parties' PKSA execution rules.

Apart from that, in the PKSA implementation guidelines of the Indonesian Ministry of Social Affairs (2010: 10), it is also explained that PKSA is divided into 6 program groups, namely:

- a. Toddler Social Welfare Program (PKS-AB)
- b. Abandoned Children Social Welfare Program (PKS-Antar)
- c. Street Children Social Welfare Program (PKS- Anjal)
- d. Social Welfare Program for Children in Conflict with the Law (PKS-ABH) e. Social Welfare Program for Children with Disabilities (PKS-ADK)
- e. Child Social Welfare Program with Special Protection (PKS-AMPK).

This shows that street children are one of the government's targets in the Child Social Welfare Program (PKSA). It is also stated in the PKSA guidelines of the Indonesian Ministry of Social Affairs (2010: 34) that Child Social Welfare institutions provide social welfare services for street children, such as Shelter Homes, Child Protection Homes, and other similar institutions.

In implementing the social welfare program for street children, the government has several program components. Several program components explained in the Indonesian Ministry of Social Affairs' PKSA implementation guidebook (2011: 59 -70) include:

- a. Social assistance/subsidies for children's basic rights which include
 - 1) Improving family nutrition through understanding healthy eating patterns, introducing a variety of healthy foods, planning a healthy family meal menu, and providing additional food.
 - 2) Making a birth certificate
 - 3) Access to basic health services through understanding healthy lifestyles and providing SKTM or Community Health Insurance or Gakin.
- b. Increased Accessibility to basic social services, including:
 - 1) Intermediary and/or delivery services (bridging courses) through developing work networks, providing life skills, implementing bridging courses (formal and non-formal education), referrals to formal, non-formal, and informal education, providing school equipment and supplies, monitoring, and evaluation of student development.
 - 2) Remedial services, namely the implementation of remedial (formal education by national education minimum service standards).
- c. Developing children's potential and creativity, including:
 - 1) Increasing children's personal potential and creative capacity through various activities that can provide prospects for the child's future, such as skills training, developing networks for job training, and channeling children's creative work after receiving skills training.
 - 2) Establishing partnerships with the business world in implementing the company's CSR and at the same time opening up market access for children's creative work, as well as opening up opportunities for children's production while increasing children's savings in preparation for independence when they grow up.
- d. Increased parental/family responsibility in caring for and protecting children, consisting of:
 - 1) Guidance on child care
 - 2) Accessibility to sources of economic services, education, health, and social networks that can be used to care for children.
 - 3) Training and family economic empowerment.
- e. Strengthening Institutional Systems and Community Support, including:
 - 1) Strengthening the community's ability to prevent and respond to neglected children.
 - 2) Coordination with affiliated parties, namely other government institutions, private institutions, NGOs, PKBM, and law enforcement.

3.3 Efforts and protection of the human rights of street children in the field of education

As a group of children who are considered citizens of the country, street children have the right to receive legal protection from national laws. Such is the earnestness of schooling for youngsters, that in 1990 the world proclaimed training for all which on a basic level incorporates, among others:

- a. Meeting the fundamental advancing necessities surprisingly requires in excess of a recommitment to essential training while at the same time expanding on the best of current practices;
- b. Universalizing access and advancing uniformity of fundamental instruction should be given to all youngsters, youth, and grown-ups;

- c. Focusing on providing learning opportunities to develop useful knowledge, skills, and values;
- d. Expanding the offices and inclusion of essential training including discovering that starts upon entering the world;
- e. The fundamental conveyance framework for essential training for youngsters outside the family is grade school;
- f. Improve the coordinated learning climate. In this way, society should guarantee that all students get sustenance, wellbeing administrations, and general close to home and actual help to partake in and benefit from their schooling effectively;
- g. Strengthening organizations Neighborhood, provincial, and public instruction specialists have a remarkable commitment to give fundamental training to all, however they can't be anticipated to meet the human, monetary, and institutional prerequisites for this undertaking. New and renewed organizations at all levels will be required;
- h. Developing a strategy setting that upholds the social, social, and financial areas important to understand the full arrangement and utilization of fundamental training to improve people and society;
- i. Mobilize existing and new human and monetary assets, public, private, and willful.
- j. Strengthening international solidarity to meet basic learning needs.

Aside from that, it was additionally stressed that instruction for all won't be accomplished except if the school system executes comprehensive training program for all kids who learn through both formal and non-formal channels. To circle back to the expectations and standards of global statements or shows, Indonesia can't keep away from collaboration between nations, however this has not been carried out ideally. The state's liability to lay out this collaboration can basically possibly be understood on the off chance that somebody gets it going. This intends that as a theoretical lawful element, the state couldn't really complete its obligations and authority alone. The state is addressed by its administration authorities to do its privileges and commitments. Insurance of kids' freedoms should be perceived by all public and global components. The UN has long perceived kids' on the right track to instruction, both through the UDHR and the 1989 Youngsters' Rights Show. Aside from the arrangements over, this show manages youngsters' privileges without qualification of race, nationality, religion, orientation, genetic beginning, or language. Youngsters have four essential rights, in particular:

- a. The right to improvement, including the right to schooling, data, leisure time, and imaginative and social creation, is likewise a common freedom for crippled youngsters, where they reserve the privilege to get exceptional treatment and training.
- b. The right to endurance, including the right to a satisfactory way of life and wellbeing administrations. This implies that kids reserve the option to great nourishment, satisfactory lodging, and great medical services assuming they become sick.
- c. The right to cooperation, including the right to opportunity of articulation, affiliation, and gathering as well as support in direction concerning oneself. So, adults, especially parents, should not impose their will on children because

it is possible that forcing their will can result in a psychological burden on children which in turn can disrupt their mental development and independent thinking;

- d. The right to security, including assurance from all types of abuse, and horrible and erratic treatment in the law enforcement process and different issues. The most frequent example of exploitation that we see is employing underage children who can disrupt their learning activities.

As a development to global instruments, a few regulations were given, for example, Regulation Number 20 of 1999 concerning the Endorsement of the ILO Show concerning the base age for admission to work, Regulation Number 1 of 2000 concerning Sanction of the ILO Show concerning Preclusion and Quick Activity to Kill the Most exceedingly terrible Types of Youngster Work (Show concerning the disallowance and prompt activity for the disposal of the most awful types of kid work). Even though these laws do not directly refer to the right to education, it is implied that both laws will minimize, or even prevent, children under school age who are working from being employed/forced to work in the business sector which endangers them, as a result of which the child's right to education is neglected. This in turn will disrupt national development, especially the human resources sector, which is very important for efforts to strengthen the country's existence in the era of globalization.

Aside from that, few public policies and rules regulate educational privileges for children. It is found in Article 28 C section (1), and Article 28 E of the 1945 Constitution of the Republic of Indonesia. Also, in Article 9 section (1) of Guideline Number 23 of 2002 concerning Youngster Security (UUPA), it is communicated Every young person has the choice to get preparing and teaching to encourage his personality and level of information through his tendencies and capacities. This article is the through and through justification for fulfilling young people's enlightening opportunities, as well as in the third part, Article 48 of the UUPA clearly communicates that the public authority is obliged to give crucial tutoring to something like 9 (nine) years for all children, as well as Article 49 which attests that the state, government, family, and gatekeepers are obliged to give the vastest expected open ways to adolescents to get preparing. This guideline plainly shows that the state directs the freedoms of kids, including road youngsters, to get schooling without taking a gander at whether the training being referred to should be gotten through formal or non-formal channels and is a joint liability between the public authority, local area, and family. This arrangement is additionally explained in Article 50 which expresses that youngsters' schooling ought not be restricted to formal scholarly training, however ought to remember mental and profound schooling for all fields so they will be prepared to confront a future loaded with worldwide rivalry. Article 50 expresses that training as planned in Article 48 is aimed at:

- a. Developing kids' character perspectives and capacities, gifts, and mental and actual capacities until they arrive at their ideal potential;
- b. Developing regard for common liberties and key opportunities;
- c. Developing regard for guardians, social personality, one's language and values, public qualities where the kid lives, where the kid comes from, and civilizations that are not quite the same as one's own;
- d. Preparing children for a responsible life;
- e. Developing respect and love for the environment.

4 CLOSING

In RI Regulation no. 23 of 2002 additionally makes sense of in article 21 that the state and government are obliged and dependable to regard and ensure the basic liberties of kids without qualification of nationality, religion, race, class, orientation, identity, culture and language, the lawful status of youngsters, birth request of youngsters, and physical and/or mental condition. This law is the basis for the government to protect and empower the nation's children, including street children who lack their rights as children. Street children experience human rights violations. The rescue was carried out through the Child Social Welfare Program (PKSA). In the interim, the chief general of Yanrehsos, Makmur Sunusi, Ph. D said, the PKSA program keeps on being associated as the public authority's work to save the country's youngsters. Kids should be safeguarded from terrible circumstances in the city, monetary abuse, brutality, disregard, and oppressive treatment. Youngsters' freedoms to development and improvement, endurance, and interest, ought to be satisfied. The objective of this program is kids who have deficient lives and experience social issues. Social problems like poverty, neglect, disability, isolation, social impairment, behavioral deviations, disaster victims, and victims of violence, exploitation, and discrimination are all examples of social problems.

Beside that, around a couple of public guidelines and rules deal with children's informational opportunities. This ought to be noticeable in Article 28 C section (1), and Article 28 E of the 1945 Constitution of the Republic of Indonesia. Also, in Article 9 section (1) of Guideline Number 23 of 2002 concerning Youngster Security (UUPA), it is communicated Every young person has the choice to get preparing and teaching to encourage his personality and level of information through his tendencies and capacities. This article is the out and out justification behind fulfilling youths' educational opportunities, as well as in the third part, Article 48 of the UUPA clearly communicates that the public authority is obliged to give fundamental tutoring to somewhere around 9 (nine) years for all children, as well as Article 49 which avows that the state, government, family, and gatekeepers are obliged to give the best likely entryways to children to get preparing. This rule obviously shows that the state coordinates the opportunities of children, including road youngsters, to get schooling without taking a gander at whether the training being referred to should be gotten through formal or non-formal channels and is a joint liability between the public authority, local area, and family. This arrangement is additionally explained in Article 50 which expresses that youngsters' schooling ought not be restricted to formal scholastic training, yet ought to remember mental and profound training for all fields so they will be prepared to confront a future loaded with worldwide rivalry.

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