

Literature Study: The Role of the Indonesian Child Protection Commission in the Protection of Abandoned Children

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Abstract

The Indonesian Child Protection Commission is an independent state agency assigned based on Law No. 23 of 2002 concerning Child Protection. A neglected child is a child whose parents for some reason neglect and/or are unable to carry out their obligations so that the child's physical, spiritual and social needs are not met. Cases of abandoned children are widespread cases in Indonesia that need to be considered by the government in protecting and fulfilling children's rights. In general, neglected children experience multiple problems such as economic difficulties, lack of attention and affection from their parents, and cannot get optimal educational services. This research uses the literature study method, the literature study method is all data collected from journals, books or other sources. In this study, researchers looked for studies that were relevant to the research being conducted, reviewing existing research.

Keywords: Role of KPAID, Child Protection, abandoned children



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PENDAHULUAN

Children are the most beautiful gift that God has ever given. Its presence has been anticipated by some parents, basically children must get enough parental love because it affects their future growth. Children themselves are assets that are invaluable by anything in the future these children will continue the struggle of their parents later. In their growth and development, children need shelter, love as a whole from the family. All children deserve the necessities they need from breastfeeding. One of these needs is physiological to psychological, in the end the family will be responsible for everything that has been given to the child.

Children are a mandate as well as a gift from God Almighty, which we must always protect because they have inherent dignity and rights that must be upheld as human beings. Children's human rights are part of human rights contained in the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) and the United Nations Convention on the Rights of the Child. Children are the main priority in protection, because children are one of the most vulnerable groups and need supervision from adults. According to Chapter III in the Child Protection Law No. 23 of 2002 which regulates children's rights, every child is born with human rights or basic rights that cannot be taken away by others. From an early age, children should have many opportunities to develop physically, mentally and socially. One of the actions that can be taken to make all of this happen is education, as well as child safety by ensuring that their rights are fulfilled (Yuniarti, 2021).

Although the family plays a very important role in children's happiness, unfortunately not all children can feel the family as the main support in their lives, nor are all children able to see the function of the family properly, for example, only street children. Street children are children who spend most of their time on the streets and in public places, doing activities or hanging around the streets. These street children are children who experience misfortune for

family conditions, not much time can be spent with loved ones just to blow off steam and tell everything he has done.

The first party who is obliged to provide protection, care and fulfillment of social welfare for children is the family or their parents or guardians. If parents, guardians or families are unable to fulfill their responsibilities, the state is obliged to provide protection, care and welfare. Problems in Tasikmalaya Regency are not spared from the rise of abandoned children. One of them is the problem of neglected children which must be immediately addressed by the community, child protection agencies, and especially the government of Tasikmalaya Regency. This is because it is an exploitation of children who have the same educational and social rights as other children, because the main responsibility of children is not to work all the time or to be asked to take on adult responsibilities (Krisbiyantoro, 2016).

In an ideal world, all children's needs will be fulfilled according to their rights. On the other hand, it cannot be denied that there are still many children who receive less attention from their parents and families. As a result, many children still have to support themselves by working as street children. Even some street children are used by their families as a means of earning a living. Protection of children's rights has been stipulated in the 1979 Children's Declaration which was later adopted by the United Nations to become the Convention on the Rights of the Child (Convention on the Rights of the Child) Than 1989 in Geneva and has been ratified, approved or signed by 192 countries. The issue of the Convention has resulted in a careful commitment to give top priority to children's rights, survival, protection and development of children (Sandi, 2019).

Abandoned children are actually children who fall into the category of vulnerable children or children who need special protection (children in need of special protection). A child is said to be neglected, not just because he no longer has one parent or both parents. However, neglected here is also in the sense when the rights of children to grow and develop normally, to obtain proper education, and to obtain adequate health services. In order for children to obtain their rights as whole human beings when they enter adulthood, it is important to achieve absolute and fundamental human rights that cannot be compromised or sacrificed to obtain other rights. As a result, when the child grows up, he will realize and understand what is expected of him by the family, society, state and state.

According to the Ministry of Social Affairs of the Republic of Indonesia (2005: 5), Street children are children who spend most of their time doing daily life activities on the streets, either to make a living or roam the streets and other public places. Street children have the following characteristics, between the ages of 5 and 18 years, carrying out activities or roaming the streets, their appearance is mostly dull and their clothes are unkempt, and they have high mobility. In addition, the Directorate of Child Welfare, Family and Elderly, Ministry of Social Affairs (2001: 30) explained that street children are children who spend most of their time earning a living or roaming the streets or other public places, their ages range from 6 years to 18 years. The time spent on the road is more than 4 hours in one day. Basically, street children spend their time on the street to make a living, either voluntarily or by coercion from their parents (Mansur Taking and Dr. Sunarso, 2020).

According to WHO (World Health Organization) says that all abandoned children have certain reasons why they can live on the streets. There are several factors that influence one of them is poverty, this is why street children can live or live in a street environment. There are reasons why children want to live on the streets. The first is the desire to earn money to meet the needs of the child and his parents. The two find a place to live for the unfortunate children. The third is to save oneself from the violence that occurs in the house or the game environment. Fourth, to stay away from the rules made by parents who are considered to

curb their behavior. Fifth, stay away from institutions that have anything to do with children, such as schools, which they consider to be like prisons.

The phenomenon of abandoned children is a quite complex social problem for big cities in Indonesia. If you look closely, it turns out that street children are very easy to find in big cities. Starting from red light intersections, train stations, terminals, markets, shops, and even malls, these are places for street children to carry out their activities. It cannot be denied that they are usually coordinated by neat and professional groups, which today are often referred to as the street children mafia. Each member of the group has their respective duties. Some do mapping at every intersection, some arrange pick-ups, and so on. Here, there is exploitation of children and turning them into a business field. It is very concerning, this happens precisely with the consent of their own parents, who also often act as part of the street children mafia (Herlina, 2014)

Table.1 Data on Social Welfare Issues for Neglected Children in Jakarta in 2021

City	Total
South Jakarta	15
East Jakarta	32
Central Jakarta	47
West Jakarta	7
North Jakarta	9

Source: DKI Jakarta Province BPS data, 2021

Based on this description, several basic questions arise regarding street children, namely: 1) What are the causes of the emergence of abandoned children?; 2) How is the order of life for street children?; and 3) How is the protection of abandoned children? Through this paper, these problems will be examined using literature studies, with data obtained from scientific books, research reports, scientific essays, theses, dissertations, regulations, statutes, yearbooks, encyclopedias, and/or written sources, both printed and electronic. Writing a profile of street children aims to further explore the causes, challenges in life, and the vulnerabilities they face, so they tend to behave deviantly. Apart from that, this paper can also provide additional knowledge and think about the best ways that can be done to deal with the problem of neglected children.

RESEARCH METHODS

The method used is literature study or literature study, which is scientific writing containing the opinions of various experts regarding issues which are finally discussed and compared, so that conclusions can be drawn (Haryanto, 2000: p. 78). According to Trygu (2020) literature review is in the form of a series of studies using library data collection methods. In other words, it is research with objects taken from various literature information. The literature study method is a series of activities related to methods of collecting library data, reading and taking notes, and processing research materials. The literature study research method is an approach used to collect and analyze information from written sources that are relevant to the research topic. This method relies on analysis of existing works, such as books, scientific journals, articles, research reports, and other relevant sources. The literature study research method is a very useful approach for gathering information, analyzing existing research, identifying knowledge gaps, and developing a theoretical framework for follow-up research. The process carried out is to collect data by collecting, studying, reading, and studying literature, internet sources, books, journals related to the problems examined by the author. This method approach can provide knowledge related to

the role of KPAI in protecting abandoned children and can be useful for the community to add insight regarding the role of KPAI in protecting abandoned children.

RESEARCH RESULTS AND DISCUSSION

Parents are the closest family figures in a child's life. Before children get to know the community environment, it is the family environment that forms the basis for the formation of a child's growth and development according to the stages and ensures that children are ready to face the outside environment. This correlates with Law no. 35 of 2014 article 1 paragraph 6 concerning Child Protection explains that "neglected children are children whose needs are not met naturally, both physically, mentally, spiritually, and socially." It can be underlined that every neglected child has the right to have their needs met in a reasonable manner, physically, mentally, spiritually and socially. In fact, parents are one of the individuals but are the main ones in providing facilities for children to meet their needs. However, in fact, parents of neglected children cannot meet their children's needs, whether physical, psychological or emotional, do not provide attention and the means to develop according to their developmental tasks (Handaningtias et al., 2021).

Law in Indonesia regulates something that is a person's rights and obligations, this applies to something that is a child's rights and obligations, including abandoned children. Law No. 17 of 2016 children are part of human rights that must be guaranteed, protected and fulfilled by parents, families, communities, government and the State. Human rights are basic rights or basic rights that humans have from birth as a gift from God Almighty, so that no one can take or violate them.

The role of KPAI for the protection of neglected children is to supervise the implementation of child protection. KPAI assists the government in resolving cases of neglected children by providing protection and fulfillment of children's rights. Protection of children's rights is a form of effort created by KPAID so that every child exercises their rights and obligations in order to continue the child's development and growth both physically, mentally and socially.

Discussion

Neglected children need to get their rights normally as children, namely civil rights and freedoms, family environment and choice of care (family environment and alternative care), basic health and welfare, education, recreation and culture (education, leisure and culture activities), and special protection. The Convention on the Rights of the Child, as ratified by Presidential Decree Number 36 of 1990, states that because children are physically and mentally immature, they need attention and protection. (Sukadi, 2013: 118).

In Article 9 of Law no. 35 of 2014, it is stated that "every child has the right to receive education and teaching in the context of personal development and the level of intelligence in accordance with their interests and talents", whereas in Article 49 it is stated that: "the state, government, family and parents are obliged to provide the widest opportunity for children to obtain education", and through Law no. 20 of 2003, there was a fundamental change regarding the path of school and out-of-school education, into 3 channels, namely: formal education, non-formal education, and informal education (Article 13).

According to Law no. 20 of 2003, education is a conscious and planned effort to create a learning atmosphere and learning process so that students actively develop their potential to have spiritual strength, religion, self-control, personality, noble moral intelligence and the skills needed by themselves, the nation's community and country. Education is carried out to help realize the national mandate as mandated in the preamble of the 1945 Constitution,

namely: "to protect the entire nation and all of Indonesia's bloodshed, create the public, educate the nation's life and participate in carrying out world order based on freedom and eternal peace and social justice". Another opinion says the purpose of education is one of the components of education in the form of a formulation of the abilities that must be achieved by students and functions as a direction for all educational activities (Mumbunan, 2013: 130).

Setting the right to education in the Indonesian state constitution and various laws and regulations because education is an important aspect in a nation where the progress of a nation is largely determined by the education of its citizens, even Indonesia's independence was realized after the Indonesian people were given the opportunity to enjoy education so that they have the awareness to be independent and have a strategy in the struggle for independence. Education is also an element that has a very heavy burden because based on Law no. 20 of 2003, the function of education is to develop capabilities and form dignified national character and civilization in order to educate the life of the nation, aims to develop the potential of students to become human beings who believe and fear God Almighty, have noble character, are healthy, knowledgeable, capable creative, independent, and become a democratic and responsible citizen (Sirait, 2017).

The right to education is a fundamental right for every citizen. Building the future is building the world in children. KPAI's efforts in protecting abandoned children are by fulfilling children's rights in the field of education. The government's efforts to fulfill the right to education for citizens can be carried out, among others, by presenting a scholarship program for outstanding students or underprivileged children so they can continue their education to a higher level. Based on a review of relevant research, the role of KPAI for the protection of abandoned children is a task carried out by KPAI. Fulfillment of children's rights to build the foundation and capital of children as nation shoots that have the potential of the younger generation to participate in building a sovereign, advanced, just and prosperous country. The implementation of the KPAI's role in fulfilling children's rights includes the right to education so that in the future neglected children can be taught in the context of personal development in accordance with their interests, talents and level of intelligence.

CONCLUSION

Based on the results of the literature study above, it can be concluded that abandoned children are children whose basic needs for some reason cannot be fulfilled properly, both spiritually, physically and socially. The role of KPAI in protecting abandoned children has not been fully realized in fulfilling abandoned children's right to education. This is because there is no strong movement from the government to fulfill the rights of neglected children, including the right to education. The role of KPAI in restoring the rights of abandoned children is limited to supervision and KPAI takes action if there are cases of abandoned children. KPAI will delegate to related partners, namely LPSA for neglected children to be treated there, and for education rights KPAI partners with the Office of Education.

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