Protection of Children's Rights in the Progress of a Nation

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Abstract

Based on the constitution of the republic of Indonesia in 1945, the rights of the child is protected and followed by local governments that have done and approach to using the friendly city of the child. Indonesia has therefore been taking part in a movement to protect the rights of the child, and is being followed by a community that teaches about child protection.

Keywords: child protection, Indonesia, child rights

INTRODUCTION

The child is one of god's gifts that is given fulfilled with his rights and protection, the child is the successor of a nation and continues the struggle in building an order that a country aspires to in the future (Fitriani, 2016). The rights of the child are clearly stated in the Constitution of the Republic of Indonesia in 1945 and are strengthened in the Convention of members of the Union on the Rights of the Child.

Man from the time of the year has had the right until his death, all the gifts of God to anyone and guaranteed by every human being who must not be deprived at any cost. The rights of the child that have been regulated in the Convention on the Rights of the Child (KHA), the definition of the convention on the rights of the child is a rule to ensure that the child obtains his rights. Basically, child protection is the protection of the whole person (Pahlevi, 2016). The protection of the rights of children has indirectly protected the next generation of the nation.

In general, children are very vulnerable to discrimination because basically children are very vulnerable, dependent, innocent, and have special needs that must be met. Therefore, the creation of a new awareness that children need special care and protection in their physical and mental well-being (Fitriani, 2016). In Law 39 of 1999 on Human Rights described in Chapter III discusses the rights of the child. Where in Article 52 paragraph (2) it is stated that the rights of the child are human rights that must be respected, protected by law even though they are still in the womb. Attention to children is in line with the journey of human civilization which is increasingly developing (Junaidi, 2021).

Sexual violence against children is still often found in the life of society. Often violence against children is called obscene behavior. R. Susilo's opinion regarding obscene acts is that actions committed in violation of moral norms that are inappropriate only prioritize the lust of the genitals, for example fingering, kissing, fingering the genitals, fingering the breasts, and so on (Fibrianti et al., 2020).

Indonesia's steps in supporting the protection of children's rights are one of realizing human rights. In its efforts, the State of the Republic of Indonesia has established Law Number 23 of 2002 concerning child protection. In the process, the law made adjustments to several provisions, therefore it underwent an update to Law Number 35 of 2014 (Wahyudi & Kushartono, 2020).

Protection of children's rights is very necessary, children should not get violence in any form obtained in the environment or in their own family, children must get a sense of comfort and security, but in reality there are still very many anomalies that occur towards the child himself (Wahyudi & Kushartono, 2020). In its provisions, the age that can be said to
be a child is a person who has not reached the age of 21 (twenty-one) years and has never been married, explained in Law No. 4 of 1979 article 1 paragraph 2.

Basically, children have basic rights and must be given and obtained by the child and not reduced in the slightest, covering the age of 12-18 years. That right also applies to anybody without being dictated on whether the child has parents whether or not. In Presidential Decree No. 36 of 1997, it is explained that there are 10 absolute rights of children, namely: 1) The Right to Joy; 2) The Right to Education; 3) Right of Protection; 4) Right to Acquire a Name; 5) The Right to Nationality; 6) Food Rights; 7) Right to Health; 8) Recreation rights; 9) The Right of Equality; 10) Role Rights In Development. Meanwhile, the basic rights of the child consist of 4 basic rights, namely: 1) the Right to Life; 2) Growth and Development Rights; 3) Participation Rights; 4) Right to Protection (Fitri et al., 2015).

The progress of a nation can be seen from the level of education and the even distribution of people who get quality education (Phillo et al., 2021). With quality education, it can form superior human resources who are smart and superior for future generations. In line with the objectives of the Indonesian nation as stated in the 4th paragraph in the Preamble to the 1945 Constitution of the Republic of Indonesia.

METHOD

In this writing using a normative juridical approach, regarding this approach using the collection of journals and laws and regulations that solve problems related to this writing

RESULTS AND DISCUSSION

Result

Realizing the Hope of the Indonesian Nation: Efforts to Protect children's rights and increase legal certainty

Indonesia as a developing country has participated in fulfilling the rights of children by ratifying the Convention on the Rights of the Child since 1990. In line with the results of the Indonesian convention, this commitment is stated in the formation of the 1945 Constitution Article 28 B (2) and in Law Number 23 of 2002 which has been updated with Law Number 35 of 2014 concerning Child Protection. To realize from the rights of children, the government developed the idea of a Child-Friendly City (KRA) (SALIM, 2016). Guided by the existing law, that all children who grow up in Indonesia are under the policy of the government of the Republic of Indonesia which has been agreed upon in the implementation of the law, if there is a violation and the rights as appropriate to be exercised by adults may be subject to sanctions as appropriate and included in part of the orders of the Law. However, violations still often occur in people's lives as anomalies in human life, as stated by the thinker Thomas Hobbes "Homo Homini Lupus" humans are wolves for other humans, until now the thoughts of Thomas Hobbes are very relevant. Especially anomalies of violations are often found to be committed by adults against young children who in this case are very vulnerable to deprivation of independence. Direct protections are actions that are manifestly for the protection of rights, efforts are made to overcome outward threats, while regarding the fulfillment of rights, it is also very basic to fulfill basic psychological needs as a provision for the avoidance of social diseases that have the tendency to commit negative acts in the process of development (Hamid, 2018).

Well-being is a state of affairs, serene, safe, and secure. Welfare touches all aspects of human life and health which is one of the spears as a benchmark in the level of public welfare, the higher the level of public health, the higher the welfare of the community (Purwanto, 2015). The rights of the child have been owned since the
womb. For example, the right to obtain nutrients that must be given by the mother since the baby is in the womb with this fulfillment minimizes the occurrence of babies who are born abnormally. In 1990 Indonesia ratified the Convention on the Rights of the Child (KHA) in Law Number 23 of 2002 concerning Child Protection. All of God's gifts to anyone and are guaranteed by every human being and must not be taken away by anyone.

The main foundation of government in fulfilling the health of citizens is that human rights themselves are government obligations. Law on the State Of The Republic of Indonesia of 1945. Regarding the environment, it is explained in Article 28b paragraph (2) which explains. This is reinforced in Article 28h paragraph (1) which explains that everyone has the right to live a prosperous life, to have a place to live, and to have an ideal environment and the right to obtain health services. With that, the government must fulfill what is stated in the 1945 Constitution. (Arliman, 2018) the government's obligations are also clarified in Article 8 of Law Number 39 of 1999 and in the health sector it is also explained in Article 14 paragraph (1) of the Health Law explaining that "The government is responsible for planning, regulating, organizing, fostering, and supervising the implementation of health efforts that are equitable and affordable by the community". The Health Law also explains again in Article 15 states "The government is responsible for the availability of the environment, agriculture, health facilities both physical and social for the community to achieve the highest degree of health" (Arliman, 2018).

The role of society in the protection of the rights of children is very crucial as the first milestone to participate and participate which means community contributions in the form of statements and in the form of activities and contributing ideas / thoughts. (Alijana et al., 2022) Protection of children's rights as defined in Article 1 number 2 of Law Number 35 of 2014 concerning Child Protection can be realized, of course, requiring support from various parties. What is meant by this support in order to realize the protection of children's rights in Indonesia as stated in Article 20 of the Child Protection Law. The article states that the parties who are obliged to strengthen child protection are the state, government, local government, community, family, and parents or guardians. Parents are the central point that has an obligation to fulfill the rights of the child, the state gives to and the child who will give the best to the state. (Wasiati, 2020) In the process of growth and development, a child is distinguished in several phases. The classification is divided into 3 (three) namely (Wasiati, 2020):

1. Phase I

   This phase begins at the age of children 0 (zero) to 7 (seven) years old which is generally referred to as a child and is also called mental growth, activation of body functions.

2. Phase II

   Unlike phase I, this phase begins at the age of children 7 (seven) to 14 (fourteen) years. At this age, it is usually called childhood, where in this period gigolongan becomes 2 (two) periods, namely:
   a) entering the school period starting from 7-12 years, in this period the child begins to socialize with the school environment, the community outside the family, . In this period the child is still exploring the potential that exists in him that tends to be hidden;
   b) adolescence or prepubertal period, in this period is characterized by abundant energy that can be seen from the change in physical form, and the behavior is increasingly violent.

3. Phase III

   Where in this phase starting at the age of children 14 (fourteen) to the age of 21 (twenty-one) years which is usually referred to in the adolescent age period is divided into 4 (four) namely:
   a) The beginning of puberty,
   b) The nenentang phase;
c) Puberty, (more or less beginning at the age of 14 (fourteen) years but puberty in females is earlier than in men);

d) In this period it is approximately starting at the age of 17 (seventeen) years old until about 19 (nineteen) to 21 (twenty-one) years old. In this phase includes all three phases that are earlier regarding this phase is often characterized by the onset of symptoms of child delinquency.

In the period of growth of a child is very illustrated from the way the parents are handled, therefore the role of parents is very impactful for the development of a child. One thing that parents must know in handling children at this age is because it is very vulnerable to needing wisdom, because not all children have the same growth as each other, there are those who experience obstacles in growth and development (Wasiati, 2020).

The right of the child to obtain an education is a very fundamental right in the existence of a country to continue to develop. In addition to attending education, children must also have time to play as a khodrati right as a social being and want to explore the potential that exists in themselves in the fields of art, culture, sports, and other activities. (Purwanto, 2015) In Law Number 35 of 2014 concerning Child Protection states clearly in Article 9 that every child has the right to get education and teaching according to the interests of his talents in the context of personal development and intelligence (Kartikasari & et al., 2021). Based on Article 48, the government must fulfill and provide 9 (nine) years of basic education for all children. It also explains the role and imperatives carried out by the government in order to educate the nation regulated in article 49. Therefore, everything in the Child Protection Law (UUPA) is still explained in article 50 explaining that education should not be limited to only formal education, but must include all aspects in order to support the future of a nation rich in human resources.

The role of the government in fulfilling child protection, in realizing this fulfillment, the government emphasizes that local governments must realize and be carried out. Child Worthy City is one of the dreams of every child. (Roza, Darmini, Arliman, 2018) In the protection of children's rights, there is a sustainable concept that guarantees and certainty of protection that will be carried out continuously. Regarding the concept of protection, it must be carried out continuously due to many factors that cause children to be at risk of violence, neglect, and exploitation (Wasiati, 2020). With the construction of many integrated rooms that are child-friendly is an participation in the development of future generations (Rachmawati & Maksum, 2022).

The efforts made by the government to support the realization of education and talent development equally include (Kartikasari & et al., 2021):

1. Realizing education in a planned and equitable manner for the realization of a learning atmosphere and in the learning process so that students are more active so that the potential that exists in them can come out optimally to obtain spiritual strength, intelligence, self-control, noble morals, personality, and expertise needed for the nation and state as stated in the 2003 Law on the Education System.

2. Holding rocks in the aspect of education through Karti Indonesia Pintar (KIP) for 20.1 million students as stated in Presidential Regulation Number 18 of 2020 concerning the National Medium-Term Development Plan.

3. Providing counseling guidance aimed at students can improve their abilities at the same time and can overcome problems in their growth and development which are clearly stated in the Regulation of the Minister of Cultural Education Number 15 of 2018.

4. Socialize about family involvement in the implementation of education in the family, as stated in the Regulation of the Minister of Education and
Culture Number 30 of 2017 concerning Family Involvement in the Implementation of Education.

Of course, the responsibility is not given to the government alone, but the community, family and parents to fulfill the right in the aspect of education to children in order to increase competitiveness in the era of globalization. The rapid pressure of globalization is one aspect of the reason for the country, especially the government itself as the stakeholder, is to develop proper planning and budgeting and strict supervision and transparency.

Human rights regulations in Indonesia, especially education as stated in the constitution, can be identified as normatively the Indonesian state has provided protection in aspects of education. However, therealization has sometimes not gone ideally regarding the regulation. This human right as a barometer of the existence and continuation of an independent nation, of course, in a legal state (Jasin, 2009). With the presidential decree no. 44 of 1984 tentang National Children's Day which is commemorated every July 23, which should be a momentum to reflect on oneself to always obey the promise of the constitution, but this activity over time is only as ceremonial, because of the unmanageableness of governing in responding to children's problems in Indonesia (Kurniawan, 2015).

And children have the right to protect children in conflict with the law. In handling cases, children can be equated with adults, they must get an explanation which has been regulated in Law Number 11 of 2012. In the process, children who are in conflict with the law are not necessarily given legal sanctions, children are witnesses. Children who are subject to law in the Act are classified, children under 12 years old must not be touched in the legal process will be returned to parents if the parents feel that they are unable, the child will be decided to be cared for by relatives or will be cared for by an institution. Children who are suspected of committing crimes at the age of 12 (twelve) years but not yet 18 (eighteen) years, according to the provisions of the applicable law, investigators who handle cases must be child investigators, so that in the procedural legal process, a child approach is also used.

In assisting children, the process must be carried out by what the child considers to be his friend, in essence, who according to the child is comfortable. The criminal procedural law process is required to have a legal advisor or advocate to assist the child in the process of the event, but if you do not have the cost to hire a legal advisor, you can request assistance from the Legal Aid Institute (LBH) which has a problem free of charge by asking for a certificate from the kelurahan or village hall.

If a child is in conflict with the law, he will be put in prison but will be placed in a common room. Before the child enters the detention room, diversion steps will be carried out first.

The goals of diversion are (Hambali, 2019): 1). Reconciliation between the perpetrator and the victim; 2). Complete children's cases indirectly in the realm of the court; 3). Keep children away from taking the right to independence; 4). Mobilize the community to adapt; 5). foster responsibility for children.

With this, it is hoped that children in conflict with the law can be handled optimally without having to traumatize the child which makes the child's mentality disturbed.

Children who are victims of violence must be provided with mental health services. There are already national policies that provide umbrellas for children who experience violence, such as laws and regulations issued by their respective regions. Regional contributions also play an important role in preventing violence against children which aims to protect the nation's generation (Nandang et al., 2019). Policies regarding the prevention of violence against children have also been explained in Law Number 35 of 2014 Article 1 paragraph (2) which states that all activities to ensure the continuity of children's rights so that they can live, develop, grow, and participate optimally in accordance with their dignity, and dignity, and receive protection from violence and discrimination.
CONCLUSION

In line with the hope of the Indonesian people, which prioritizes justice without discrimination, is the first step in the creation of justice. Children are a gift from God entrusted to parents whose rights must be protected and fulfilled, children often get discrimination whose rights must be fulfilled. Basically, children are the next generation of a nation in order to remain in excess in their existence, then the state must protect, nurture, and fulfill their needs.

Violence often still occurs in the community due to a lack of public understanding and is often neglected by the community itself, there is no comprehensive handling of violence against children so that each institution handles it independently.

BIBLIOGRAPHY


