

Development of Physical and Mental Abilities in Fulfilling Children's Rights in the Program of 'Kampung Anak Negeri' in Surabaya

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Abstract

As an obligation to protect the children, both physically and mentally, every child must be provided in accordance with their welfare by providing guarantees for the fulfillment of children's rights. The Indonesian government's concern for the protection and fulfillment of children's rights has actually existed since the enactment of Law Number 4 of 1979 concerning Child Welfare. However, until the promulgation of the Child Protection Act to date, welfare and fulfillment of children's rights are still far from what they should be, mostly for street children and neglected children. The purpose of this research is to study how the efforts to fulfill children's rights through the program specifically for street children and neglected children. The method used in this research is normative juridical. Based on the results of the study, that the Kampung Anak Negeri Program in Surabaya was made as a social service for the fulfillment of children's rights in the orphanage system, including meeting the needs of food, clothing, and shelter, as well as mental and spiritual guidance, behavior, children's talents, and business skills that can improve child welfare after leaving later.

Keywords: *physical development, education, mental abilities, children's rights, Kampung Anak Negeri, Surabaya.*

Introduction

The Indonesian state guarantees the protection of the human rights of its citizens, including the rights possessed by children. This is marked by the protection and fulfillment of children's rights in the 1945 Constitution of Indonesia as well as several other laws and regulations, both national and international. The protection of children's rights is strengthened by the ratification of the Convention on the Rights of the Child through Presidential Decree Number 36 of 1990 concerning Ratification of the Convention on the Rights of the Child.¹

The principles of protection for children, among others, are regulated in the Convention on the Rights

of the Child which has been ratified by the government through Presidential Decree No. 36 of 1990 which sets out general principles for child protection, namely non-discrimination, the best interests of the child, survival. And child development, and respect for children's participation. This principle is also accommodated in the provisions of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. This is done so that the principles of protecting children can be applied in Indonesia. The Constitution stated that the poor and neglected children are interrupted by the State. These neglected children also have rights as a whole child who must also be given protection and guarantee for the fulfillment of their children's rights.

The Indonesian government's concern for the protection and fulfillment of children's rights has actually existed since the enactment of Law Number 4 of 1979 concerning Child Welfare. However, until the issuance of the Child Protection Law to date, the welfare and fulfillment of children's rights, especially street children

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and neglected children, are still far from being expected. Abandoned children according to Article 1 point 6 of Law Number 35 of 2014 concerning Child Protection are children whose needs are not properly fulfilled, whether physically, mentally, spiritually, or socially. Street children are an example of neglected children. Many parties underestimate street children or children with juvenile delinquency problems. However, the Surabaya Government does not have high concern for the future of street children in Surabaya. This is evidenced by the establishment of the program of Kampung Anak Negeri which is under the guidance of the Surabaya Social Service. The program was established with the aim of fostering street children, school dropouts, and children with Social Welfare Problems.

Research Methods

The approach method used in this research is the normative juridical approach method. The normative research method is a study that analyzes law both written in the book, as well as law that is decided by the judge through judicial process.² This research uses descriptive analytical research method, which is research that generally aims to describe systematically, factually and accurately on a certain matter, regarding the characteristics, characteristics, or certain factors related to the fulfillment of children's rights.³ Data collection techniques that will be used in this study, the authors use literature study. To increase the source of data in this study, interviews were also conducted with the management of the Kampung Anak Negeri Surabaya, thus completing the results of this study.

Children's Rights in Indonesian Laws and Regulations

The rights of the child based on Article 52 paragraph (2) of Law Number 39 of 1999 concerning Human Rights are human rights and for its interests the rights of the child are recognized and protected by law even when in the womb. Children's rights apply when the child is in the womb where the child needs protection to live. Then when he is born he needs to maintain his life and wants an increase in the standard of living.

Children have the right to legal protection from all forms of physical or mental violence, neglect, ill-treatment and sexual harassment while they are in the

care of their parents or guardians, or other parties who are responsible for caring for the child. In addition, children are entitled to protection from every activity of economic exploitation and any work that endangers them so that they can interfere with their education, physical health, moral, social and mental spiritual life.⁴

Law No. 39 of 1999 concerning Human Rights stated that children have the right to protection by parents, family, society and the state; children with physical and or mental disabilities have the right to receive special care, education, training and assistance at the expense of the state, to ensure their life in accordance with human dignity, increase self-confidence and the ability to participate in the life of society, nation and state; children have the right to worship according to their religion, think and express themselves under the guidance of their parents and/or guardians; children have the right to know who their parents are, to be raised and cared for by their own parents. When the child's parents are unable to raise and care for their child properly and in accordance with this law, the child may be cared for or adopted as a child by another person in accordance with the provisions of the laws and regulations; children have the right to receive education and teaching in the framework of personal development according to their interests, talents and intelligence level; children have the right to associate with children of the same age, play, have recreation, and be creative according to their interests, talents and level of intelligence for self-development; children have the right to get proper health services and social security, in accordance with their physical and mental and spiritual needs; the child has the right to receive protection from economic exploitation activities and any work that endangers him, so that it can interfere with his education, physical health, moral, social life, and mental spirituality; children have the right to receive protection from activities of sexual exploitation and abuse, kidnapping, child trafficking, and various forms of abuse of narcotics, psychotropic substances and other additives; children have the right not to be subjected to mistreatment, torture, or inhuman punishment. The death penalty or life sentence cannot be imposed on a child offender.

Law No. 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection stated that child protection is all activities to guarantee

and protect children and their rights so that they can live, grow, develop, participate in an optimal manner in accordance with human dignity, and receive protection from violence and discrimination. Children's rights are part of human rights that must be guaranteed, protected and fulfilled by parents, family, community, government and the state. Children's rights in Law No. 35 of 2014 stated that children have the right to live, grow, develop and receive protection from violence and discrimination; children have the right to worship according to their religion, think and express themselves according to their level of intelligence and age; children have the right to know their parents, to be raised and cared for by their own parents. If the parents cannot guarantee the child's growth and development, or the child is neglected, the child has the right to be cared for or adopted as a foster child or adopted child by someone else in accordance with the provisions of the applicable laws and regulations; children have the right to obtain health services and social security in accordance with their physical, mental, spiritual and social needs; children have the right to education and teaching in the context of personal development and intelligence level according to their interests and talents. Especially for children with disabilities are also entitled to receive special education, while for children who have advantages are also entitled to special education; children have the right to rest and take advantage of their spare time, associate with children of the same age, play, have recreation, and be creative according to their interests, talents and intelligence level for self-development; children with disabilities are entitled to rehabilitation, social assistance and maintenance of social welfare; children have the right to receive protection from acts of abuse, torture, or violence.

Development of Physical and Mental Abilities in Surabaya's Kampung Anak Negeri

Legal products of the laws and regulations governing the protection of children's rights in Indonesia have provided a comprehensive and adequate aspect in children's rights. However, in implementation in community life there are still many shortcomings in fulfilling children's rights, including many cases such as street children, dropped out of school, exploitation of children for the economy, physical and non-physical violence, and sexual violence. However, the fulfillment

of children's rights has not been carried out optimally, especially for street children, school dropouts, and children with Social Welfare Problems. Their presence is increasing in number, causing anxiety for the general public if they are not properly nurtured. Because it is feared that it will have a negative impact on public order and security. Homelessness creates risky conditions for homeless children and adolescents, for example, malnutrition, loss of parental support, affiliation with deviant peers, dropping out of school, and so on. This state of risk has devastating physical, emotional, social and educational impacts on young people.⁵

Based on these conditions, since 2009 the Surabaya Government has established the Kampung Anak Negeri Program as a sustainable and structured program in order to foster and ensure the fulfillment of the rights of street children, school dropouts, and children with social welfare problems in Surabaya. This program was formed as an effort to create and provide a decent life for them because they are an integral part of the state as the nation's next generation. According to Erni Lutfia, Head of the Technical Implementation Unit of Kampung Anak Negeri, the children here come from various backgrounds. They come from street children, school dropouts, and children with social welfare problems who were caught by the raids on the municipal police. Until now, a total of 35 children live in Kampung Anak Negeri.⁶ Their age range is between 7 and 18 years. Education is an essential right to citizen. Article 28 of the Convention on the Rights of the Child (1989), recognizes the right of every child to a free primary education, and encourages the development of secondary education that is accessible and available. This right is essential to all societies in order to promote and achieve of stable and harmonious relations among nations and build the good citizens for the future.⁷

The education provided in Kampung Anak Negeri is in the form of formal and non-formal education. For formal education, Kampung Anak Negeri collaborates with nearby schools. Meanwhile, for children who have dropped out of school or dropped out, they will be included in pursuing packages, so that they can still receive education. On the other hand, non-formal education is in the form of interest and talent training, as well as entrepreneurial skills.

The shelter in Kampung Anak Negeri is somewhat different from a shelter. Children are free to play even outside the shelter area. However, there are still disciplinary boundaries that they must obey, such as going to school, attending interest and talent training, praying and reciting the Koran. So that the method applied can make children who live feel comfortable and have fun. The approach taken by the companions there is also somewhat different from the others, a companion must understand the child's psychology. Not only that, the figure of the companion there must also be a substitute father or mother for them, so that they still feel affection. Through the programs that have been carried out, some of these children have both regional and national achievements. For example, a child, AM (14) won first place in the 38 kilogram class boxing competition in the East Java Youth Amateur Boxing Championship in 2017. In bicycle racing, a child, MM (7) won third place in the KONI Bike Race Championship in Surabaya. Another child, LAP (16) has won in the same field second place in the Third Series Early Age Bike Race, Chairman of ISSI Central Java. From the martial art branch, MH (14) has won the award for early childhood champion in Surabaya.

While living in Kampung Anak Negeri, the children will be financed for their education until they graduate by the Surabaya Government, and even assist them to find work. In fact, there has been cooperation with five-star hotels in Surabaya, so that they can work there. In addition, they are also taught entrepreneurship, such as being a barista at the Children's Coffee Shop belonging to the Surabaya Social Service. The method applied in the program has shown success, as many of these children have graduated from school and found jobs. The program received appreciation from the Minister of Women's Empowerment and Child Protection, and plans to adopt the program to be implemented throughout Indonesia.⁸ The program is also one of the supporters of Surabaya being designated as a City Fit for Children in 2019 with the main title.

Conclusion

The fulfillment of children's rights, especially for street children and school dropouts, in the Kampung Anak Negeri in Surabaya has been carried out well. Children are in the phase of growth and development,

so they need to get guidance and shade in order to have mental and social maturity. Initially they live and live on the streets and drop out of school, transforming into a better life. They are given shelter and shelter. In addition, they are also provided for their primary needs, educational rights, mental and spiritual guidance. So that children can have the widest opportunity to grow and develop optimally both physically, psychologically and in social life.

Ethical Clearance: This research was ethically approved by Faculty of Law, Universitas Diponegoro, Semarang, Indonesia.

Funding: This research receives funding of research grant from Faculty of Law, Universitas Diponegoro, Semarang, Indonesia.

Conflict of Interests: There are no conflict of interests

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