

# The Role of Child Protection in Fulfilling Children's Rights: A Literature Review

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**Abstract:** The Indonesian government's efforts to guarantee and realize child protection and welfare are through the establishment of Law Number 23 of 2002 concerning Child Protection. According to the Convention on the Rights of the Child which was ratified into President Regulation Number 36 of 1997 there were 10 conventions on the rights of the child. Child Protection is the responsibility of parents, family, community, local government, government and the state which is a series of activities carried out continuously for the protection of children's rights, as the organizer of child protection.

**Keywords:** organizing protection, child protection, convention on the rights of the child

## 1. INTRODUCTION

The problem of human resources arranged in a systematic problem, explains that the problem of children is one of the problems that greatly affects the quality of human resources. Children's problems are inseparable from the lack of responsibility towards children. The state has a great responsibility to protect children because one of the rights that must be obtained by children is the state's recognition of children's right to life and the obligation of the state to guarantee the development and survival of children. One of the problems of children that continues to increase every year is the problem of children who are dealing with the law.

Children are the budding, potential, and the younger generation to succeed the ideals of the nation's struggle, have a strategic role and have special characteristics and traits that guarantee the continued existence of the nation and state in the future. Children's rights are part of human rights contained in the 1945 Constitution of the Republic of Indonesia and the United Nations Convention on the Rights of the Child. The provisions of Article 28B paragraph (2) of the Constitution of the Republic of Indonesia states that each child has the right to survival, growth and development and are entitled to protection from violence and discrimination.

Law Number 39 of 1999 concerning Human Rights in Chapter III Human Rights and Basic Human Freedom in Part Tenth regulates the rights of children. This section entitled "Children's Rights" provides regulatory provisions as stipulated in 15 (fifteen) articles, where Article 52 Paragraph (2) states that children's rights are human rights and for their interest's children's rights are recognized and protected by law even since in the womb. The state has an obligation to guarantee that Indonesian

children are safe from violence and discrimination, and guarantee them to develop (the right to education).

Child Protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and dignity, and get protection from violence and discrimination. Child protection is closely related to the five pillars namely, parents, family, community, government, regional and state governments. All five have links to one another as providers of child protection.

Child protection strives so that every child's right is not harmed. Child protection is complementary to other rights ensuring that children will receive what they need so they can survive, develop and grow. However, in reality the condition of children in Indonesia is still very alarming, especially regarding issues of child labor, street children, and children who are victims of sexual violence, sexual exploitation, and commercial sexual exploitation.

## 2. CHILD PROTECTION IN FULFILLING CHILDREN'S RIGHTS

The Government of Indonesia in its efforts to guarantee and realize child protection and welfare is through the establishment of Law Number 23 of 2002 concerning Child Protection. According to Article 1 of the Law, child protection is all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination.

Children's rights are basic rights that must be granted and obtained by children including early

childhood and also adolescents aged 12-18 years. Children's rights apply both to children who have parents or do not have parents, and also children who are neglected. Children's rights become something that should be obtained by children. According to the KHA (Convention on the Rights of the Child) ratified into President Regulation Number 36 of 1997, there are 10 Absolute Rights of the Child: (1) fun rights, every child has the right to joy, and the happiness of a child must be fulfilled; (2) right to education, every child has the right to receive proper education; (3) protection rights, every child has the right to get protection, protected from all acts of violence and persecution; (4) right to name every child is entitled to a name, as one of the child's identities; (5) right to nationality every child has the right to be recognized as a citizen and have a nationality, children must not be parried (without nationality); (6) food rights every child has the right to receive food for growth and development and to sustain his life; (7) health rights every child has the right to receive proper health services, without discrimination, children must be served in health; (8) right of recreation every child has the right to recreation for refreshing, and children must be involved in choosing the recreational place they want; (9) equal rights every child has the right to be treated the same wherever and whenever, without discrimination; and (10) role rights in development every child has the right to be involved in the development of the country, because children are the future of the nation.

As for the basic rights of children, there are 4 basic rights of children, namely: right to life; growth and development rights; participation rights; and protection rights. Right to Life, the right to life is valid from the time the child is still in the womb, which is included in the right to life is like providing nutrition and stimuli when the child is still in the womb, check the womb, and others. Growth and Development Rights, in a child's life, children must be given the best opportunity to grow and develop, such as getting care, good education, if sick treated or taken by a doctor, given breast milk, immunized, brought to the Integrated Healthcare Center. In addition, psychological development is also considered, such as giving safety and comfort, create a conducive environment, keep children from things that are dangerous, do not provide food that is harmful to their development.

Participation Rights, the purpose of the right to participation here is that children must be protected from emergency situations, apply about legal protection, and from anything related to the child's future. Protection Rights, children have the right to get protection and make choices for their lives. Children in the family must be accustomed to speak, so that children have voting rights and begin to dare to determine the things they want. For example, when children have desires that are different from the wishes of their parents, then find a point gathering. This needs to be considered because what is

determined by the adult is not necessarily good for the child, so the child is also treated as a human being human.

### **3. OBLIGATIONS AND RESPONSIBILITIES OF THE STATE AND GOVERNMENT**

The Preamble of the 1945 Constitution of the Republic of Indonesia mandates the Government of the Republic of Indonesia to protect the entire Indonesian nation and all of Indonesia's blood and to promote public welfare, educate the nation's life, and participate in carrying out world order based on freedom, eternal peace and social justice. The 1945 Constitution of the Republic of Indonesia mandates the Government to strive for and organize a national education system that enhances faith and piety in God and noble character in order to educate the nation's life regulated by law.

The national education system must be able to ensure equal distribution of educational opportunities, quality improvement and the relevance and efficiency of education management to face challenges in accordance with the changing demands of local, national and global life so that it is necessary to plan education in a planned, directed and sustainable manner.

In the Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System it is stated that the State and the government have the obligation and responsibility to respect and guarantee the human rights of every child regardless of ethnicity, religion, race, class, gender, ethnicity, culture and language, status child law, birth order for the child, and physical and / or mental condition. The state and the government guarantee the protection, care and welfare of children by taking into account the rights and obligations of parents, guardians or others who are legally responsible for the child.

The state and the government must be present to oversee the implementation of child protection. As an implementation of the implementation of international conventions on the protection of children's rights which are the obligations and responsibilities of the state and the government, through the Ministry of Social Affairs of the Republic of Indonesia, policies are adopted in accordance with Government Regulation Number 2 of 1988 concerning Social Welfare Enterprises for Children, the Ministry of Social Affairs has been given authority including: (1) meeting basic needs consisting of food, clothing, housing, learning, education, health and recreation, security guarantees, and equality of treatment; and (2) meeting the special needs of children with disabilities and children with psychosocial disorders.

In addition to the moral responsibilities of parents, newly born children already have natural human rights which are not gifts or gifts from the state authorities. Possession of these basic rights, among others, has been guaranteed by the Geneva Declaration on the Rights of the Child in 1924 and the Declaration of the Rights of the

Child approved by the UN General Assembly in 1959. These rights are also recognized in the Declaration of Human Rights of the World.

#### 4. COMMUNITY OBLIGATIONS AND RESPONSIBILITIES

In the event that for some reason the parents cannot guarantee the growth and development of the child, or the child is in an abandoned condition, the child has the right to be cared for or adopted as a foster child or adopted child by another person in accordance with the provisions of the applicable laws and regulations.

Obligations and community responsibility towards child protection are carried out through the activities of the community's role in the implementation of child protection. In carrying out development, development and protection of children, it is necessary for the role of the community, whether through child protection institutions, religious institutions, non-governmental organizations, social organizations, social organizations, the business world, mass media, or educational institutions.

#### 5. CONCLUSION

The role of local government in protecting children is very vital. This has been stated in the revised articles that explain how the responsibilities and obligations of the Regional Government in protecting the rights of children. Child protection is the responsibility of parents, family, community, local government, government and country which is a series of activities carried out continuously for the protection of children's rights, as the organizer of child protection.

Child protection strives so that every child's right is not harmed. Child protection is complementary to other rights ensuring that children will receive what they need so they can survive, develop and grow. To increase child protection, community participation must be truly felt by the community, so that children feel that they are protected. Then active community participation is needed for the ongoing purpose of protecting children.

#### REFERENCES

- [1] Arliman S. 2016. Vol. 2, No. 3. *Partisipasi Masyarakat dalam Perlindungan Anak Berkelanjutan*. PJIH
- [2] Fitriani. 2016. Vol. 11, No 2, Juli-Desember. *Peranan Penyelenggara Perlindungan Anak Dalam Melindungi Dan Memenuhi Hak-Hak Anak*. Jurnal Hukum Samudra keadilan.
- [3] Fitri, dkk. ISSN: 2442-4480. Vol. 2, No. 3. *Perlindungan Hak Anak dalam Upaya Peningkatan Kesejahteraan Anak*. PROSIDING KS: Riset & PKM.
- [4] Kurniawan. 2015. Vol. 6 No. 1, Juni. *Peran Parlemen dalam Perlindungan Anak*. Aspirasi.
- [5] Undang-Undang Republik Indonesia Nomor 23 Tahun 2002 Tentang Perlindungan Anak.
- [6] Gunawan, I., Kusumaningrum, D. E., Triwiyanto, T., Zulkarnain, W., Nurabadi, A., Sanutra, M. F. A., Rosallina, N. S., Rofiq, M. A., Afiantari, F., Supriyanto, K. P., & Yuantika, E. A. F. (2018). *Hidden Curriculum and Character Building on Self-Motivation based on K-means Clustering*. 2018 4th International Conference on Education and Technology, ICET 2018, 32–35. <https://doi.org/10.1109/ICEAT.2018.8693931>.
- [7] Bafadal, I., Nurabadi, A., Sobri, A. Y., & Gunawan, I. (2019). The Competence of Beginner Principals as Instructional Leaders in Primary Schools. *International Journal of Innovation, Creativity and Change*, 5(4), 625-639.
- [8] Gunawan, I., Afiantari, F., Kusumaningrum, D. E., Thasbikha, S. A., Zulkarnain, W., Burham, A. S. I., Nurabadi, A., Pertiwi, A. K., Andringrum, H., Cholifah, P. S., Kusumawati, E. S., Nuraini, N. L. S., & Budiarti, E. M. (2019). Improving Disaster Response Through Disaster Simulation. *International Journal of Innovation, Creativity and Change*, 5(4), 640-653.
- [9] Kusumaningrum, D. E., Sumarsono, R. B., & Gunawan, I. (2019). Professional Ethics and Teacher Teaching Performance: Measurement of Teacher Empowerment with a Soft System Methodology Approach. *International Journal of Innovation, Creativity and Change*, 5(4), 611-624.
- [10] Sumarsono, R. B., Triwiyanto, T., Kusumaningrum, D. E., & Gunawan, I. (2019). Opportunities for the Implementation of School-Based Management in the Eastern Area of Indonesia. *International Journal of Innovation, Creativity and Change*, 5(4), 180-196.
- [11] Wiyono, B. B., Kusumaningrum, D. E., Gunawan, I., & Ardiansyah, M. (2019). Implementation of School Management Based on a Balanced Scorecard and its Relationship with Headmaster Attributes in Indonesia. *International Journal of Innovation, Creativity and Change*, 5(4), 164-179.
- [12] Wiyono, B. B., Kusumaningrum, D. E., Triwiyanto, T., Sumarsono, R. B., Valdez, A. V., & Gunawan, I. (2019). *The Comparative Analysis of Using Communication Technology and Direct Techniques in Building School Public Relation*. In 2019 5th International Conference on Education and Technology (ICET) (pp. 81-86). IEEE.
- [13] Gunawan, I. (2017, September). *Indonesian Curriculum 2013: Instructional management, obstacles faced by teachers in implementation and the way forward*. In 3rd International Conference on Education and Training (ICET 2017). Atlantis Press.
- [14] Sobri, A. Y., Bafadal, I., Nurabadi, A., & Gunawan, I. (2018, October). *Development of Mentoring Modules Based on Self-Reflection for Beginner Principal*. In 3rd International Conference on Educational Management and Administration (CoEMA 2018). Atlantis Press.
- [15] Gunawan, I. (2018). The Implementation of Lesson Study Based Learning Management and the Effect toward Students' Activeness in Lecturing. *JPP (Jurnal Pendidikan dan Pembelajaran)*, 24(2), 51-63.
- [16] Pertiwi, A. K., Cahyani, S. S. A., Diana, R. C., & Gunawan, I. (2018, October). *The Leadership of Kyai: A Descriptive Study*. In 3rd International Conference on Educational Management and Administration (CoEMA 2018). Atlantis Press.
- [17] Kusumaningrum, D. E., Sumarsono, R. B., & Gunawan, I. (2018, October). *Empowering the Principal of Boarding*

*House-Based Junior High School in East Java Province Indonesia.* In 3rd International Conference on Educational Management and Administration (CoEMA 2018). Atlantis Press.

- [18] Gunawan, I. (2016). *Perspectives of Pancasila: Leadership Education's Values and Ethics*. 2nd ICET Theme: "Improving the Quality of Education and Training Through Strengthening Networking, 417.
- [19] Gunawan, I. I. (2017, August). *The Application of Instructional Management Based Lesson Study and its Impact with Student Learning Achievement.* In 2nd International Conference on Educational Management and Administration (CoEMA 2017). Atlantis Press.
- [20] Bafadal, I., Nurabadi, A., & Gunawan, I. (2018, December). *The Influence of Instructional Leadership, Change Leadership, and Spiritual Leadership Applied at Schools to Teachers' Performance Quality.* In International Conference on Education and Technology (ICET 2018). Atlantis Press.
- [21] Sultoni, S., Gunawan, I., & Ningsih, S. O. (2018, October). *Descriptive Study of Efforts Integrates Character Values to Students.* In 3rd International Conference on Educational Management and Administration (CoEMA 2018). Atlantis Press.