



The Function of Child Protection Agencies in Upholding and Defending Children's Rights

Dewi Ratnasari^{1*}

¹ Study Program of German Literature, Faculty of Cultural Sciences, Universitas Padjadjaran, Sumedang 45363, Indonesia

*Corresponding author email: dewi.ratnasari@unpad.ac.id

Abstract

The five pillars of parents, family, community, government, regional government, and the state are all strongly tied to child safety. The five of them are connected to one another as child protection organisers. All actions taken to ensure that children are treated fairly, have their rights upheld, are able to live, develop, and participate in society to the fullest extent possible, and are shielded from harm and discrimination, are collectively referred to as "child protection." The goal of child protection is to protect each child's rights. Child protection works in conjunction with other rights to ensure that kids have the things they need to live, grow, and thrive. However, in actuality, the situation of children in Indonesia is still quite worrying, particularly in regards to child labour, children living on the streets, and young people who have been sexually abused, exploited, or exploited for profit. In addition to being a violation of children's rights, the Child Protection Act also poses a significant threat to their survival and future development. However, the actual status of kids in Indonesia is still quite troubling, especially when it comes to child labour, kids living on the streets, kids who have been sexually abused, kids who have been sexually assaulted, and kids who have been the victims of commercial sexual exploitation. The Child Protection Act not only infringes on children's rights but also seriously jeopardises their survival and future growth.

Keywords: Role, Child Protection, Children's Rights

1. Introduction

Children are potential leaders, future generations, and those who will uphold the principles of the nation's battle. They have special qualities that will guarantee the future existence of the nation and state in addition to playing a critical strategic function. Children's rights are a part of human rights, according to both the United Nations Convention on the Rights of the Child and the Republic of Indonesia's 1945 Constitution. According to the provisions of Article 28B paragraph (2) of the Constitution of the Republic of Indonesia, every child has the right to life, growth, and development as well as the right to be shielded from maltreatment and discrimination (Tibaka & Rosdian, 2017).

The Convention on the Rights of the Child specifically governs everything relating to children's rights. The UN revolution occurred on November 20, 1989, and the Convention on the Rights of the Child came into effect on September 2, 1990 in accordance with Article 49, paragraph (1) of the convention. Under this treaty, children are both parties receiving special protection and bearers of fundamental rights and freedoms (Verhellen, 2015).

The Convention on the Rights of the Child was established as a result of the understanding that children are by their very nature helpless, reliant, innocent, and in need. As a result, children also need particular physical and emotional protection and care.

Indonesia ratified the Convention on the Rights of the Child in 1990 on the basis of Presidential Decree Number 36 of 1990, which was issued on August 25, 1990 (Hammarberg, 1990). In accordance with the provisions of Article 49, paragraph 2, the Convention on the Rights of the Child was proclaimed to be in effect in Indonesia as of October 5, 1990. So, "the Indonesian government must do all possible to protect children's rights in Indonesia.

Law No. 39 of 1999 Concerning Human Rights, Part 10, Chapter III, Human Rights and Basic Human Freedoms, governs children's rights. According to Article 52 paragraph (2), children's rights are human rights and are recognised and safeguarded by law even when they are still in the womb in order to serve their best interests. Regulations as detailed in 15 (fifteen) articles are contained in the section labelled "Rights of the Child" (Peers & Prechal, 2022).

The Unitary State of the Republic of Indonesia takes numerous actions to ensure the welfare of every citizen, one of which is to safeguard children's rights, which is a human right. The Indonesian government's efforts to guarantee and

realise the safety and welfare of children include the passing of Law Number 23 of 2002 concerning Child safety. The consequence was the promulgation of Law Number 35 of 2014 about Amendments to Law Number 23 of 2002 Concerning Child Protection. Numerous adjustments were made to a number of articles as a result of this in order to meet various standards (Geovani et al., 2021).

Any measures done to ensure that children's rights are protected, that they can live, develop, and participate in society in a way that respects human dignity and values and is free from abuse and prejudice are considered to be child protection. Child safety is closely related to the five pillars of parents, families, communities, governments, regional governments, and states. As organisers for kid protection, the five of them are linked to one another. The most basic goal of child protection is to prevent any violations of children's rights. In order to guarantee that children have the resources they need to survive, develop, and flourish, child protection works in tandem with other rights. However, the actual status of kids in Indonesia is still quite troubling, especially when it comes to child labour, kids living on the streets, kids who have been sexually abused, kids who have been sexually assaulted, and kids who have been the victims of commercial sexual exploitation. The Child Protection Act not only infringes on children's rights but also seriously jeopardises their survival and future growth.

2. Materials and Methods

Because this study primarily focuses on secondary data, normative legal research employs such techniques. Secondary data in normative legal research include:

1. Primary legal materials, such as binding legal texts like laws and rules.
2. Secondary legal materials, which offer justifications for primary legal materials including research findings and scholarly publications from the legal community.
3. Tertiary legal resources, such as dictionaries, encyclopaedias, electronic media, and other resources that explain primary and secondary legal resources.

3. Results and Discussion

3.1. Organizers for Child Protection in Upholding and Protecting Children's Rights

Children frequently receive attention in fields other than science, such as sociology, law, and religion, which helps them develop socially-awareness and practicality. Allah SWT characterised children as beings who continually interact within the context of the community, the country, and the state in Considering Sociological Aspects to Comprehend. In this scenario, children are positioned as social groups with lower social standing than those already existent in their environment. In this social setting, children's importance primarily focuses on protecting the child's natural nature.

According to the preamble of the Convention on the Rights of the Child, which Indonesia ratified through Presidential Decree Number 36 of 1990, children must be adequately prepared to live a life of freedom. Indonesian law does not consistently define children; instead, each regulation establishes a different upper age limit for children. Therefore, from the multiple definitions of children supplied above, one can actually draw a common thread that describes what or who is truly meant by children and the numerous consequences they receive as children.

Children are being interpreted legally in a way that positions them as both the object and the main subject of a process that legitimises, generalises, and systematically controls children. This legal safeguard shall preserve the rights and existence of children (Pare, 2003).

- a. Children as subjects of the law

Children are considered to be living things with human rights that are protected by laws and rules.

- b. Children have equal rights and responsibilities.

In compliance with the rules and laws, a child will have the same obligations as an adult (Baumrind, 1978).

The following are the external factors that affect a child:

- a. The existence of legal provisions based on the equality in law (equality before the law) concept;
- b. The existence of privileges granted by the government under the 1945 Constitution.

Kid protection is defined as all actions taken to ensure that each kid can exercise his legal rights and responsibilities for the right physical, mental, and social development and maturation of children. Child protection is sought in numerous spheres of public and private life because it is a sign that justice exists in a society. Activities involving children have legal repercussions under both written and unwritten laws. The law ensures that child protection measures are taken.

Child protection measures must be implemented as soon as practical from the moment a foetus is in the womb until they are eighteen years old. The law places the duty to protect children on the basis of the concepts of complete, comprehensive, and comprehensive child protection, non-discrimination, the best interests of the child, the right to life, survival, and development, and the principle of respect for the views/opinions of children (Snider et al., 2003).

The two (two) components of child protection are as follows:

- a. Juridical child protection, which covers protection under both public and civil law.

b. Children's non-legal protection, such as that provided in the social, health, and educational sectors

Parents, families, communities, governments, and the state all have a role to play in ensuring that children's rights are protected through a variety of ongoing activities. There needs to be increased parental and societal supervision of youngsters. It aims to safeguard children's rights and keep out harmful external influences that can impair their ability to grow and develop.

Child protection, as outlined in Article 1 paragraph 2 of the Law on Child Protection, can be accomplished with the help and commitment of many parties. The assistance necessary to realise the protection of children's rights in Indonesia is governed by Article 20 of the UUPA, which states that the state, government, local government, community, family, and parents or guardians are required and responsible for implementing child protection.

The State and Government of the Republic of Indonesia have a duty and responsibility to protect and ensure each child's human rights, regardless of the child's race, class, gender, ethnicity, ethnicity, culture, language, legal status, order of birth, physical or mental condition, or ethnicity. The state and government must also offer the required facilities and infrastructure in order to carry out child protection. The arrangements on the obligations and responsibilities of the state and the government are listed in Articles 21 and 22 of the Law on Child Protection.

The state and federal guarantees for the implementation of child protection are governed by Articles 23 and 24 of the Law on Child Protection. By taking into account the rights and obligations of parents, guardians, and other individuals who are legally responsible for children, the state and government guarantee the protection, maintenance, and welfare of children. Additionally, the state and government ensure that kids can exercise their right to free speech in accordance with their maturity and degree of intelligence. Following the guarantees made by the state and the government, child protection is implemented under monitoring.

According to Article 25, the community has obligations and responsibilities for protecting children (Melton, 2005). Through community role actions in the implementation of child protection, the community's tasks and responsibilities for protecting children are carried out. According to the provisions of Article 72 paragraph 2 of the Law on Child Protection, individuals, child protection organisations, social organisations, non-governmental organisations, educational institutions, religious institutions, business entities, and the media all play a role in the community (Lindblom, 2005).

The responsibilities and obligations of parents and families are governed by Article 26 of the Law on Child Protection (Jerome et al., 2015). Parents have a duty and responsibility to:

- a. developing children in accordance with their abilities, qualities, and interests;
- b. preventing child marriage; and
- c. looking after, nurturing, educating, and protecting children.
- d. Teaching young sters moral values and developing manners in them.

Implementation of the law's child protection provisions. In addition to the specific protection for children outlined in Article 59 point 2 UUPA, protection of children is also carried out in the areas of religion, health, education, and social affairs. The state, as the highest and most powerful organisation, also plays a significant role in defending the rights of children. This is accomplished by promulgating laws that guarantee children's protection, which will have an effect on the continuation of child protection efforts and avoid irregularities in their execution. protection of kids. The state's objectives, which include defending the country and the state as well as promoting the welfare of children generally, include taking steps to protect children.

Due to their status as members of the nuclear family, parents have a larger role in a child's protection than society as a whole. However, society is equally responsible for defending children's rights. In order to ensure that kids feel safe and secure outside of the house, it is important to uphold their rights when they are in other settings.

Along with individuals, community organisations, non-governmental organisations, the Child Protection Commission, and other child protection-related organisations are among the elements of society engaged in child protection.

3.2. Enforcement of laws and rules to prevent abuses of the rights of children to protection

The aim of child protection, according to the Law on Child Protection, is to guarantee that children's rights are upheld in order for them to live, grow, develop, and participate as fully as possible in accordance with human dignity, as well as to protect them from abuse and discrimination in order to produce quality Indonesian children. respectable and prosperous.

Rules governing children's rights are included in Articles 52 through 66 of the Law on Human Rights. There are no provisions defining the specific duties of children in the Law on Human Rights. The entirety of the Act's responsibility-related provisions constitutes fundamental human rights (Simmons, 2009).

Children's rights and responsibilities are governed by the Law on Child Protection. The provisions of Articles 4 through 18 govern children's rights. The following rights for children are included in the Law on Child Protection:

- a. the ability to worship in accordance with their religion, think and be creative in accordance with their level of intelligence and age under parental guidance;
- b. the possession of a name as identity and citizenship status;

- c. the ability to live, grow, develop, and participate fairly in accordance with human dignity and to receive protection from violence and discrimination;
- d. the ability to know his parents and be raised and taken care of by his own parents;
- e. the ability to obtain health services and social security in accord;
- f. express and be heard, receive, seek, and provide information according to the level of intelligence and age for self-development in accordance with the values of decency and decency;
- g. obtain special education, rehabilitation, social assistance, and maintenance of social welfare levels for children with disabilities;
- h. obtain special education for children who have advantages;
- i. appropriate to the level of intelligence and age for self-development in accordance with the values of decency and decency, express oneself, be heard, receive, seek, and supply knowledge;
- j. to relax and make the most of spare time, interact with kids their own age, play, have fun, and express their creativity in accordance with their interests, skills, and level of intelligence for self-development;
- k. get protection from persecution, injustice, neglect, brutality, and other forms of oppression; receive protection from economic and sexual exploitation;
- l. unless there is a good reason and/or legal requirement stating that the separation is in the child's best interests and is the primary factor, to be cared for by their own parents;
- m. to be shielded from persecution, torture, or the application of inhumane punishments;
- n. acquire freedom in compliance with the law;
- o. receive humane treatment, be placed in a setting separate from adults, receive effective legal or other assistance at every stage of the applicable legal remedies, be able to defend oneself and seek justice before a juvenile court that is objective and impartial in a proceeding that is not open to the public;
- p. any youngster who is a victim or offender of sexual assault or who is in trouble with the law, to be kept private;
- q. For each child who commits or witnesses a crime, legal representation and other support should be obtained.
- r. The Law on Child Protection's articles that address children's rights share several similarities with the Law on Human Rights's child rights provisions.
- s. The commitments that each kid must uphold are likewise governed by the Law on kid Protection.

Several laws of the Republic of Indonesia make provisions for rights; the State guarantees and must uphold the fundamental rights of children, including:

1. Since the child is still in the womb, the right to life is applicable. Examples include feeding and stimulating the child while they are still inside the womb, examining the womb, and other similar actions. Abortions and other offences that hurt a foetus in the pregnancy are examples of violations.
2. Children must be given the best opportunity to grow and develop, including proper care, treatment or transportation to a doctor if they are ill, breast milk, and immunisations. delivered to Posyandu. Additionally, psychological factors are taken into account, such as giving children a sense of security and comfort, creating a conducive environment, protecting them from dangerous objects, preventing them from eating food that is harmful to their development, integrating them into society, teaching them languages, and using parenting techniques that humanise children.
3. This child has the right to protection, and should be shielded from danger, from the application of the law, and from anything that might affect their future.
4. Children in the family must become accustomed to being spoken to, especially when it comes to their wants or the things they want. For instance, if your parents want something different from what you want, a common ground can be created on where you want to attend school. Talk to when buying what colour of clothing. Children are considered as human beings since what adults decide is not always best for them, and this humanization of children's choices

In terms of legal products, Indonesia's implementation of legal protection or guarantees for children's rights is sufficient, as evidenced by the country's ratification of the Convention on the Rights of the Child and the existence of numerous laws and regulations that govern children.

When examining the provisions for children's rights in Indonesia's laws and regulations, it is clear that they are still far from being implemented properly and that there are numerous issues here and there that affect the rights of Indonesian children. Several examples are given below.

- a. physical and psychological violence
- b. sexual violence
- c. victims of pornography
- d. economic exploitation
- e. school dropout
- f. Street children
- g. drug abuse, and others

It is obvious that many children, especially those from marginalised and remote communities, do not have their legal rights completely respected given that there are still many occurrences of this kind in Indonesia. This shows that the Child Protection Law's continued existence has not been affected by the implementation of child protection.

Children's rights are expected to be preserved by law so that they can live, grow, and participate as completely as possible in accordance with human dignity. Regulations and their implementation govern the provision of legal protection. In order to produce resilient children who will guide the nation's future generations, it is also important to get protection from all sorts of violence, injustice, abuse, neglect, discrimination, exploitation, and other detrimental behaviours.

Children's social, physical, mental, spiritual, and intellectual development must be promoted through a sustained series of activities. The goal of this effort is to provide the best possible living for children, who are anticipated to be future national heirs and possess a spirit of nationalism based on high moral character.

4. Conclusion

As child protection providers, parents, families, communities, local governments, governments, and the state are all accountable for ensuring that children's rights are protected through a variety of ongoing actions. In its most basic form, child protection works to ensure that no kid's rights are violated. Child protection works in conjunction with other rights to ensure that kids have the things they need to live, grow, and thrive.

There are numerous laws in the Republic of Indonesia that protect children's rights, but they are rarely upheld since there are so many unresolved cases. As a result, it is difficult for child protection organisations to guarantee that children's rights are upheld so that they can live, optimally progress, expand, and participate in keeping with human dignity. In addition, to be protected from any acts of violence, injustice, neglect, discrimination, exploitation, and other wrongdoing.

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