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587 THE EXISTENCE OF LAW NUMBER 23 YEAR 2002 ON CHILD PROTECTION

Maemunah ?, Sudarsono ?? Lalu Husni ??? & Mohammad Ridwan ??? The increase number of street children that resulted in the disturbance of sense of justice, and humanity value in society as they have become ideal value stipulated in the preamble of 1945 UUD NKRI that state has obligation to protect its citizen, as it is also regulates in Part 4 UUD 1945 preamble.

The increase number of street children indicates shifting function of state, which in the theory recognized function of state to provide protection toward all citizen including street children. The increase number of street children also indicates that state has ignored its duty to provide legal protection toward citizen yet also street children.

Meanwhile, Law No. 23 year 2002 on children protection only regulates the general term of children protection and it still lacks of rules and concept of street children protection in the specific way as a basis to provide legal protection toward street children. The result of this research show that Law No.

23 year 2002 on children protection did not specifically accomodate the practice of legal protection on street children. This condition due to the process of Law on Children Protection drafting process are the issues of general term of children protection, education issue, economic issue, monetry crisis, poverty issue, political issue and street children issue.

However until now, the issue relates to street children has increased qualitatively and quantitatively because Indonesia still regarding the issue of street children is an unfamous issue to discuss seriously and the fund to solve the problem of street children

is incomparable to the economic oriented demand, meanwhile street children are children that have special needs that require attention and proper specific protection supported with specific regulation that regulates in Law No.

23 year 2002 in children protection as children with special needs. INTRODUCTION 588 I. RESULT AND DISCUSSION 591 ? Maemunah, Doctoral Degree Program of Ilmu Hukum Universitas Brawijaya Malang tahun 20112012. Research fields: State Administrative Law.

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588 US-CHINA LAW REVIEW Vol. 11: 587 A. Definition and Categories of Street Children 591 B. Law Number 23 Year 2002 on Children Protection Textually and Contextually 594 C. The Reason Behind Law Number 23 Year 2002 on Child Protection Did not Specifically Accommodate Street Children Legal Protection

596 CONCLUSION 599 INTRODUCTION
In state perspective, state commitment to provide protection on its citizen also including on children can found in the preamble of UUD 1945 (The Constitution of the Republic of Indonesia) Part four, which this regulation regulates in such word: Pursuant to which, in order to form a Government of the State of Indonesia that shall protect the whole people of Indonesia and the entire homeland of Indonesia, and in order to advance general prosperity, to develop the nation 's intellectual life, and to contribute to the implementation of a world order based on freedom, lasting peace and social justice, Indonesia 's National Independence shall be laid down in a Constitution of the State of Indonesia, which is to be established as the State of the Republic of Indonesia with sovereignty of the people and based on the belief in the One and Only God, on just and civilized humanity, on the unity of Indonesia and on democratic rule that is guided by the strength of wisdom resulting from deliberation / representation, so as to realize social justice for all the people of Indonesia ... 1 Concept of state which means in Part four UUD 1945 preamble is based on the concept of welfare state, in which state not only provide protection toward its citizen, yet it has an obligation to guarantee welfare for all citizen, since Indonesia children are valuable asset for the potential human

resources, yet also as young generation that will continue nation and state development, yet in regional and international scale.

And it will bring such a shame for the leader of the nation if they fail to provide such protection toward Indonesia children and resulted from the existence of street children. State has an obligation to guarantee basic rights and obligation of citizens and its people in state constitution as a consequence of welfare state that followed by Indonesia.

This consequence conducts within the assessment of basic rights and obligation of citizen in constitution, to bring such an effect to provide admittance, respect and appreciation toward citizen 1 Pembukaan UUD 1945 Alinia ke-empat. 2014 **THE EXISTENCE OF LAW NUMBER** 589 and people rights, include also the fulfillment of street children rights in factual life.

UUD NKRI 1945 Article 34 Part 1 stated that: Impoverished persons and abandoned children are to be taken care of by the state ... 2 It means that government has an obligation on neglected children rights maintenance, and legal protection on child can intepret as an legal protection effort on fundamental rights and freedom on children and many interest that related with child welfare.³

UUD NKRI 1945 Article 28B Part 2 stated that Each child has the right to live, grow up, and develop as well as the right to protection from violence or discrimination.⁴ International regulation has shown its work by the establishment of children right in 1983 **UN Convention on the Rights of the** Children, that **has been ratified by** more than 191 countries. Indonesia as a UN member has ratified this convention with Kepres No.

36 year 1990, and yet shown **UN Convention on the Rights of the** Children which has become the part of Indonesia law and strictly bound to all Indonesia citizen.⁵ **UN Convention on the Rights of t** he Children is a legal instrument that regulates on the formulation of universal principle and legal norm on child. **UN Convention on the Rights of t** he Children is an international treaty on human rights that combine civil and political r ights, economy, social and cultural rights.

Generally **UN Convention on the Rights of t** he Children can be categorized firstly as the stressing of children rights, second is child protection by state and thirdly a cooperation between various parties role (go vernment, society and public) in guarantee ing respect toward children rights . 6 In a safe countr y, practice show that not all children has the right protected by law, yet there occur violation on children right related with economy condition that has conduc t ed , such as child labor, street children, child prostitution,

child trafficking and child violation and torture .

7 Based on SUSENAS survey BPS Indonesia, in 2000 related data has shown that 2 Perubahan ke empat Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 10 Agustus 2002. 3 Perubahan ke empat Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 10 Agustus 2002. 4 Perubahan ke empat Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 10 Agustus 2002. 5 Ibid, hlm. 80. 6 Ibid, hlm. 80.

7 Laporan UNICEF tahun 1995 dalam 1999, Aspek Hukum Perlindungan Anak, dalam Perspektif Konvensi Hak Anak, Bandung, PT Citra Aditya Bakti, hlm 1. 590 US-CHINA LAW REVIEW Vol. 11: 587 street children in national scale in 3.1 million children, and in the same year the number of children that may become street children increase to 10.3 million children or 17.6% of total population of children in Indonesia which is 58.7 million children. This number has shown irony in the quality of life and future of Indonesia children.

Data from Social Ministry Republic of Indonesia in 2011 showed that about 230 million street children in Indonesia, meaning that there are 1 child per 1000 Indonesia citizen.⁸ The definition of child as it is stipulated in Law 23 year 2002 on Child Protection in Article 1 Part 1 (stated that "deaf and blind children" do not eliminate the chance that child may conduct such an action, while some children may have proper welfare supported by their parents, some of them may have physical and economic barrier that need special service, such as : parentless child, insufficient child, neglected child, child who suffers from maltreatment and child who has disabilities.

If we make general survey, in what category street children may classified with? It seems that street children may classify as neglected child, yet street children may include all types of this category. Therefore, we cannot make a same perspective on the category between street children and neglected children as it is regulates in Article 34 Part 1 UUD NKRI 1945.

In strictly opinion, it is clear that neglected child is child in which parents neglect their obligation and make insufficient needs fulfillment in spiritually, physically and socially. Yet in Article 1 Part 6 Law No. 23 year 2002 define neglected child as child who is not sufficient in its needs yet physically, mentally and in their social life.⁹

Therefore, in its normative way , the street children concept has not been regulated in UUD NKRI 1945 and in Law No. 23 year 2002 on Child Protection in its specific way as a basis on conducting legal protection toward street children in Indonesia. Street children chain of social life has put them in such a risky situation for them, yet for beggar child

if they do not operate in street , they will be humiliated by their parents, yet if they operates in street , they will face violation target from social district officers and even rascals .

Ironically,worse condition will be faced by girls who are also street children since they will suffer from sexual abuse and they also will face violation and humiliation if they bring less income. This condition has made street children push to work on the street until late midnight. If this condition drawn in a matrix, we can see that there is a booster factor yet in external/structural and internal/cultural.

It means that we cannot ⁸ [http:// www.tribunnews.com](http://www.tribunnews.com) 25 Agustus 2011 9 Pasal 1 ayat (7) UU No 4 Tahun 1979 tentang Kesejahteraan Anak. 2014 **THE EXISTENCE OF LAW NUMBER 591** set aside above structural factor related to policy imbalance in city-village, imbalance maintenance of the poor, educational access and minimal supply of general facilities and social facilities on children, yet it also can define that state also has contribution to create street children.

In this context, street children must be regarded as a victim. Difference of perspective in viewing street children has regarded the source of the problem, since government think street children, beggar as traffic disturbance, the source of imbalance life for housing environment and store safety and good ambience.

This condition can be seen from social district campaign that threatens anyone who give money to street children, support also with the enactment of post with police and municipal police whose presence is solely to " scare " . Not to mention the discourse repatriate street children, as an effort to provide a deterrent effect, is considered as an inhuman action.

By reviewing such a complex problem on street children, it will be wiser and considered as an step forward action to make a specific regulation on street children to cope with absence of law related with street children, yet it cannot be set aside from traditional culture value from each region that may affect on the way of life and parenting above child.

With the existence of specific regulation on street children, it means that it will accommodate some problems that may occur for complex issue of street children so the regulation will be in coherence with the various problem that every child is faced yet from the reason behind and problem they face. Legal protection provides street children right in this research which focuses on the rights to gain basic protection rights in every child life from state, so that state has the obligation to protect street children so that it

will create balance in national and state life that are able to protect street children rights on a basis of human rights. Based on above explanation, this research aims to explore about the reason of Law No.

23 **year 2002 on Child Protection** that did not accommodate specifically on street children legal protection. I. RESULT AND DISCUSSION A. Definition and Categories of Street Children As a result of the economic crisis that never ended, one social problem that requires immediate solution is the development of the **number of street children** that are lately more aware.

The **definition of street children** are children below 18-year-old, who spent most of their time to work on the 592 **US-CHINA LAW REVIEW Vol. 11: 587** streets, either as paper merchants, beggars, or the other.¹⁰ The street children need special attention due to the ill-treatment of those who are less responsible either thugs or persons who want to take advantage of the presence of children in the road, and also no less concern is the threat to the continuity of children's education street children in the future.

However, after a prolonged economic crisis, the number had grown to 16,000, an increase of over five times. Meanwhile, in the report Erwin Siregar of Indonesia Street Children Community (ISCC) in Batam Island population **of street children is** also growing very fast. At the beginning of 1998, a new population around 150-200 people, in the second quarter months of 1999 has increased to 500-600 people.

That is really troubling among street children in Jakarta that have been reported that there are about 3 thousand babies who manipulated by the beggars for compassion for motorists. In fact, before the crisis erupted, it is estimated only about 500 babies who were in the street know that his/her mother who is beggars or have rented from others.

The exact **number of street children in** Indonesia has not confirmed yet, and Anwar & Irwanto et al.; 1998 stated that the Ministry of Social Affairs estimates that there are at least 50,000 children who live and make a living on the road in big cities in Indonesia. However, they estimate that street children numbered over 50,000.

Many people also believe that the **number of street children** for real is above the mentioned data MOSA. Various opinions estimate the **number of street children** ranged from 50,000- 170,000.¹¹ The presence of children in the street view negatively by most members of the community and often labeled a bad boy and negative connotation implies likely involved in prostitution. ¹² In the context of treatment efforts against street children, including street children, the stigma that girl street children need to be changed.

Society should see the street children, both men and women as victims who need help and are consumed in their rights. As a child labor, street children are not a homogeneous group. They are quite diverse and can be distinguished on the basis of his work relationship with a parent or adult nearest time and type of activities in the streets as well as gender.

13 Based on the results of studies in the field of street children 10 Bagong Siyanto, *Kajian sosiologis tentang kasus pelanggaran hak anak dan anak-anak yang membutuhkan perlindungan khusus* (Krisis dan Child Abuse) (Airlangga University Press, 2002), hlm. 39. 11 PKPM Atmajaya & Departemen Sosial 1998 dalam Rika Saraswati, *ibid*, hlm. 9. 12 lihat Beazley, 1997; Miller, 1996; dan Huijben, 1999. dan Rika Saraswati, *ibid*, hlm. 10.

13 Farid, *Anak yang membutuhkan perlindungan khusus di Indonesia analisis Situasi Jakarta kerjasama PKPM Unika Atmajaya Jakarta, Departemen Sosial dan UNICEF 1999*. Dalam Bagong Siyanto, *op. cit.*, hlm. 41 2014 **THE EXISTENCE OF LAW NUMBER 593** broadly divided into three groups. 14 First, children on the street, the children who have economic activities as child laborers in the road, but still have a strong relationship with their parents. Most of their income on the road was given to his parents. 15 Street children functionality in this category is to help strengthen the family's economic support for the load or pressure that must be borne poverty cannot be solved alone by her parents. Second, children of the street, the children who participated fully in the streets, both socially and economically.

Some of them still have a relationship with the parents but the frequency of their meetings uncertain. Many of them are children who for some reason are usually violent, or run away from home. Various studies have shown that children in this category are highly vulnerable to mistreatment, socially, emotionally, physically and sexually. 16 Third, children from the family of the street, the children who come from families who live on the streets.

Although these children have a strong family relationships but live they oscillate from one place to another at all costs. 17 Most street children survive in ways that are socially less acceptable or even life challenges they face in general is different from the normative life in the community. In many cases, street children often live and thrive under pressure and stigma or label as disturbing order.

Their behavior is actually a logical consequence of the social stigma and alienation of them in society. No one is on their side and in fact their behavior actually reflects the

way society treats them as well as the public ' s expectations of their behavior.¹⁸ Each child labor in general, street children often begin life on the streets at a very young age . Estimated at about 2.3% of street children who live in t he city of Jakarta and Surabaya under 6 years old and a bout 70% are aged 6 - 15 years .

19 Meanwhile a survey of street children in the city of Surabaya , in 1980 reported 1.8 % of them aged 3 - 6 years and ano ther 35.3% are aged 7 - 13 years . 89 1 street children fro m the 49.1 % recorded aged 14 - 17 years and 13.8 % were aged 18 - 21 years. For street children, most of their involvement in informal economical sector bring pride because of their 14 Surbakti, dkk.

(eds), Prosiding Lokakarya Persiapan Survei Anak Rawan; Studi Rintisan di Kota Madya Bandung, Jakarta kerjasama UNICEF, 1997. 15 Soedijar, 1984; Sanusi, 1995. D alam Bagong Suyanto. Op. cit., hlm. 41. 16 Irwanto, dkk., Pekerja Anak di tiga kota besar; Jakarta, Surabaya, Medan Jakarta Unicef dan Pusat Penelitian Atmajaya 1995. 17 Irwanto dkk , ibid. 18 Mohammad Farid , op. cit.,

1998, 19 Ibid. 594 US-CHINA LAW REVIEW Vol. 11: 587 contribution to the family, yet this is also prove as a factor to eliminates ch ilerest tgainimuch mone .²⁰ Generally, in the first action street children do not directly work in street as street children. They usually experi ence a gradual learning process . At first , they ran away from home one day to a week and may continue for two weeks or three months until the end really did not run agai n for two years .

Initiation is the second phase that street children pass, which in this phase, they become the object of humiliation from bigger child, yet most of their valuable things taken, includes also the possibility of being beaten by some of their friend . ²¹ A number of studies found that smaller street children are often humiliated by a grown-up children.

Besides the thugs around him also did not hesitate to seize merchandise or ask for money. Street children who work as singers in city buses usually governed by a thug in the department where they are allowed to work and where the department is not permitted anyway. Money deposited from city buys singers to the thugs who coordinates for an average of 20 thousand per day including terminal dues.²² There are indeed many factors that cause children caught up in street life such as family financial difficulties or pressures of pover ty, disharmony between parents , and specific issues concerning the relationsh ip between children and parents .

And the combination of these factors often force children to take the initiative for in dependent living on the streets . Sometimes the influence of friends or relatives also

determine the decision to live on the streets. 23 B. Law Number 23 Year 2002 on Children Protection Textually and Contextually The establishment of Law No.

23 year 2002 is not apart from Indonesia urgent on the existence UN convention childRight, since Law No. 23 year 2002 is a harmonization effort from United Nation Convention on the Rights of the Child, that ratified with the existence of Keppres No. 36 year 1990. Yet based on this convention, we can see all the general principles from UN Convention childRight that be absorbed into general principles in Law No.

23 year 2002 (Article 2), though Keppres No. 36 year 1990 does not stipulates in consideration Law No. 20 Ibid. 21 Ibid, hlm.45. 22 Ibid, hlm. 46. 23 Kompas, July 23, 1997. 2014 THE EXISTENCE OF LAW NUMBER 595 23 at the substance child in convention Child's above norm Law year 2002. merging as caused consequence that Law No. 23 year 2002 cannot set apart from child in UN Convention childRight. 24 Law No.

23 year 2002 consist of legal norms on : a. Child's Rights; b State Obligation and Responsibility; c. Protection Type for Child; d. Collaboration with Society; e. Independent Institution on Children Protection; and f. Provisions of Criminal Law Sanctions for Violations of Law No. 23 of 2002. The definition and age limitation of child in Law No.

23 year 2002 does not mean to determine who has grown up and the rest is still a child, yet with the protection approach it means that every human being below 18 years old consider as a subject of law from Law No. 23 year 2002 have a right on protection granted from state²⁵ which is considered to fulfill within the law protection as it is regulated in Law No.

23 year 2002 The general principles on Article 2 Law No. 23 year 2002 that regulates on general principles as it is stipulated in UN Convention on Child's right absorbed on Law No. 23 year 2002 consist of: non-discrimination, the best interests of the child, right to life, survival and development, respect for child opinion.

Although Indonesia has ratified the UN Convention childRight with the Keppres No. 36/1990, and has also conducted the harmonization of legal norms, it was not enough. Thus it still needed institutional helped enforcement. Theoretically, the passage of the legal system must meet the elements of the substantive law (a legal substance)²⁶, institutional structure or law enforcement executive (legal structure), and the culture of law (legal culture) .

²⁷ Therefore, in such a perspective , embodiment and development of independent human rights institutions for children is needed and as an attempt to implement

children's rights contained in the UN Convention on 24 Lihat Surat Ketua Komisi VII Dewan Perwakilan Rakyat Republik Indonesia Nomor 41/KOM.VII/IV/2002, tanggal 5 Juli 2002 perihal Penyampaian draf RUU tentang Perlindungan Anak yang akan disahkan.

Dalam butir 2 dan 3 surat tersebut, secara eksplisit disebutkan unsur-unsur Konvensi Hak Anak menjadi acuan dari pembahasan norma hukum UU No. 23 Tahun 2002 ini. 25 Perlindungan negara terhadap warganegaraanya adalah wujud dari hak warga negara atas perlindungan hak - hak rakyat yang merupakan wujud dari pelunasan kontrak sosial (osial contract). 26 Implementation Handbook for the Convention on the Rights of the Child ibid, hlm. 19. 27 L IHAT LAWRENCE M. FRIEDMAN, AMERICAN LAW (W.W.

Norton & Company, New York-London, 1984), hlm. 4. 596 US-CHINA LAW REVIEW Vol. 11: 587 Cd's Rtsel .28 C. The Reason Behind Law Number 23 Year 2002 on Child Protection Did not Specifically Accommodate Street Children Legal Protection Children are a gift from the Almighty God, which always must keep well, because in him/her inherent dignity and rights as human beings that should be respected.

Children ' s rights are part of human right as it is stipulated in UUD 1945 and UN Convention on the Rights of the Child. Parents, family and society have responsibility for keeping and maintaining these rights in accordance with the obligations imposed by law. Similarly, in order to protect the child, states are responsible for providing facilities and accessibility for children, especially in ensuring growth and development as targeted appropriately.

In terms of national life, nation ' s children are the future, the next generation, so that every child has the right to live, grow and develop as well as the right to protection from violence and discrimination. This protection is a must, considering current condition of child that need most of our attention. Technically some of the issues that raise in the making process i n w Cd's rotecti are: First, in absolute education field, the number of child who terminates school in Indonesia in 1998/1999 reached 4.5 million students. During the normal course of the estimated 30 million primary school students, 1.2

million of whom are terminates school, then the economic crisis is now estimated number of children who drop out of school to reach 8 million students. This is because the number of people living below the poverty line has increased dramatically to reach 40 million households. Rising food prices make up about 100 million people of Indonesia today consume less than 2,100 calories per day.

As a result, 39% of children are malnourished, and certainly not impossible to reduce their ability to learn well. This condition does not just happen to elementary school

students, but also junior high school students who reached 6.5 million children who are not able to finish school.

At the macro level, this would affect the compulsory education program that increasingly makes the low quality of our human resources. Apart from the question of the accuracy of the data and the basic predictions, the likelihood of a wave of children dropping out of school is certainly very worrying. Second, a variety of political turmoil and unrest that arise during the 28 Penubuhan dan pengembangan institusi independen HAM untuk anak merupakan satu dari 10 General Measures for Implementation of the Convention.

2014 **THE EXISTENCE OF LAW NUMBER 597** **period of five years** terahir arising in various places is also a condition that causes significant suffering and disruption of the child ' s future. Conflicts between ethnic and religious communities that erupted in various parts of the country, nukan just devastated masyarakt economic activity and casualties, but also resulted in the education of children in limbo, food insecurity resulting in nutrient-prone, vulnerable to various kinds of disease, and it will certainly lead to the loss of the next generation, or often be called as the lost generation.

The third condition that are also identified are increasingly widespread number of street children, especially in big cities. Street children, vagrants or sometimes in eufiministik often referred to as the independent kid, real kids who are disadvantaged, marginalized and alienated affections of treatment, because most of them are in a relatively early age already have to deal with the harsh urban environment, and even very hostile.

Marginalized, vulnerable and exploitative terms that are very appropriate to describe the conditions and **lives of street children are** estimated to have reached about 50 thousand inhabitants. To survive amid harsh city life and help parents earn a living, about 50 thousand child doing a variety of jobs in the informal sector, both legal and illegal in the perspective of the law.

This is the fourth condition which will briefly describe for complete portrait of Indonesian children who need to get the attention of us all, even the children who are forced to work. The number of **children under the age of 18**, who were forced to work tends to increase with worsening conditions due to the economic crisis. Today the estimated 2.5 million children are forced to work, even 2000 of them work in the area of high risk, such as in Jemal.

In 1990, the number of children who are forced to work reached 2.4 million people, which then declined to 1.7 million children in 1995, remained in 1998 increased to 2.5

million children. If the variables associated with education, from the BPS is known that in August 1997 the child labor schools still amounted to 59.3%.

But in December 1998 among those who attended was reduced to 51.6%. For working children aged 10-14, those who go to school have declined 8% in the last year and a half terahir. As for the working children aged 5-9 years, when in February 1998 was still more than 80% are in school, then in December 1998 they were still in school decreased to 68% for boys and 74.1% for girls.

Seeing the severity of the situation and the condition of the children, it is very urgent for us to establish laws that provide protection for them, because according to the direction of the Guidelines in 1999, we have to 598 US-CHINA LAW REVIEW Vol. 11: 587 develop human resources as early as possible in a focused, integrated and comprehensive through a variety of proactive and reactive efforts by all components of the nation that young people can develop optimally complemented with the right support and protection in accordance with its potential ability.

The proposed law has initiated that the child protection stems from a vision, that the future of the nation is largely determined how we can nurture our children today, with attention, education, health care and adequate legal protection. Regarding the draft legislation confirms that the responsibilities of the parents, families, or communities, and the state is a series of activities carried out continuously for protection of children ' s rights.

The design of these activities must be sustainable and effective to ensure the growth and development of children, both physically, mentally, spiritually and socially. This action is intended to mean for creating the best life for children who are expected as a potential successor to the nation, both physically and mentally, have a sense of nationalism inspired by religious values and high values of Pancasila, as well as strong-willed maintain the unity and integrity of the nation and countries.

Although Law No. 39 Year 1999 on Human Rights has included details on the rights of children, but the implementation of the obligations and responsibilities of parents, families, communities and the GOI to provide protection to children still need the laws on child protection as a legal basis for implementation of the obligations and responsibilities.

Thus the formation of this law is based on the consideration of children in all its aspects is part of the national development activities, particularly in advancing the life of the nation and the state. Efforts on child protection need to be implemented as early as

possible, i.e., starting the fetus in the womb until the child is 18 years.

Based on the conception of the whole child protection thorough and comprehensive law on child protection obligations have been laying protection to children based on the following principles: faith and devotion, kinship, compassion, balance and harmony, benefit, non-discrimination, noble and democratic. The principles stipulated in the law are generally adopted elements of the Convention **Rights of the Child**, with conditional adjustment in Indonesia, particularly regarding with respect for religious coloring various aspects on child protection follows: 1.

Aspects of the elements of the CRC include physical, mental and social (spiritual aspect is developed through religious aspects) needs. 2. Fundamental principles of the CRC adopted the Draft Law on Child 2014 **THE EXISTENCE OF LAW NUMBER 599** Protection regulates as follows: non-discrimination, the most important **interests of the child, right to life, survival and** development, respect for the child opinion.

In final word, Law on Child Protection aims to provide and guarantee **the rights of children** to live, grow, develop and participate optimally **in accordance with the** dignity of humanity, and protection from violence and discrimination for the realization of Indonesian children, noble character and well-being (child here interpreted as being weak on all sides so they will need protection from various aspects **in order to develop** as a qualified successor.) CONCLUSION Law No.

23 **year 2002 on Child Protection** did not accommodate specifically legal protection on street children. This problem due to general issue in the making process of **Law No. 23 year 2002 on Child Protection**, which is general issue on children protection, economy and monetary issue, political issue and street children issue.

Yet, until nowadays the problem **of street children is** increasing qualitatively and quantitatively, because Indonesia still see that the problem **of street children is** not a great issue to discuss and it will need more money to solve the problem, rather than bringing economy profit. Though street children itself is a child that has special need and protection with specific regulation within the presence of Article Law **23 year 2002 on Child** Protection.

Recommendations that may be suggested in the effort to minimize childn esia : a. For DPR RI and Government, are the needs and urgency to amend **Law No. 23 year 2002 on Child Protection**, on Article 1 to complete **the definition of street children** and Article 59 to define street children as a child with specific need that requires special protection from state. b.

Government needs to make an organic regulation in the form of Governmental Regulation so that it will bring clear guidance for local government to provide legal protection toward street children based on every region culture, and it may bring harmonization for its execution horizontally and vertically. c. The needs to develop mechanism and integrated system of child protection system, so that it will provide systematical chart of child protection and inlecey hilrights rotectionia broad practice.

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