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AUTHOR

Maemunah Maemunah

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ADVOCACY ROLE MODEL NON-GOVERNMENT ORGANIZATION HANDLING STREET CHILDREN DEALING WITH LAW IN INDONESIA

ABSTRACT

Due to a lack of resources, an unbalanced family dynamic, stress from having to find a means of support, and their street occupations like begging and busking, among other things, street children prefer to live on the streets. The primary goal is to explain a non-governmental advocacy organization that works with street children and the law in Indonesia. A descriptive-analytic technique, a literature review, and primary and secondary data sources are all part of the normative juridical research methodology. Document analysis and observation were utilized to acquire data. Analyzing data employs qualitative analysis techniques. The findings of this study suggest that street children in Indonesia have a range of character concerns, particularly those pertaining to money, families, society, and the law. As a result, it is necessary for both community and governmental organizations to play a full protective role in order to achieve human rights. Maximizing the influence of NGOs in legal advocacy for street children. The effectiveness of legal aid organizations has led to numerous sorts of legal assistance for street children who have committed crimes; in addition, assistance also focuses on fostering the interests and abilities of street children. The prerequisite is that government support is required to give NGOs a specific budget in order for the process of properly campaigning for street children to be carried out. A thorough examination of other factors is necessary to assess the contribution that NGOs make to the cause of promoting street children.

Keywords: Street Children, Handling, Non-Government Organization, Advocacy

ABSTRAK

Anak jalanan memilih hidup dijalanan disebabkan oleh faktor ekonomi yang kurang, faktor keluarga yang tidak harmonis selalu bertengkar, anak-anak merasa stress sehingga memiliki jalanan sebagai tempat hidup, dan aktivitas mereka dijalanan yaitu mengamen, mengemis dan masih banyak aktifitas lainnya. Tujuan utama dalam artikel ini menjelaskan Tujuan utamanya adalah mendeskripsikan model peran advokasi NGO yang menangani anak jalanan di bidang hukum di Indonesia. Metode penelitian yang digunakan yuridis normative dengan pendekatan deskriptif analitik dan study kepustakaan dilengkapi sumber data primer dan data sekunder. Pengumpulan data yang dipakai observasi dan analisis dokumen. Analisis data menggunakan metode kualitatif analisis. Studi ini menunjukkan bahwa anak jalanan di Indonesia memiliki beragam karakter permasalahan terutama masalah ekonomi, keluarga, sosial, dan hukum untuk itu dibutuhkan peran lembaga masyarakat dan pemerintah untuk memberikan perlindungan seutuhnya dalam rangkian mewujudkan hak asasi manusia. Peran NGO dalam mengadvokasi anak jalanan berhadapan dengan hukum sudah maksimal, karena produktifitas dari lembaga bantuan hukum telah menghasilkan berbagai bentuk pendampingan hukum kepada anak jalanan yang terlibat tindak pidana, selain itu, pendampingan juga pada pengembangan minat dan bakat anak jalanan. Kondisi fakta bahwa diperlukan bantuan pemerintah untuk memberikan anggaran khusus kepada NGO agar proses pengadvokasian anak jalanan terlaksana dengan baik. Evaluasi terhadap peran NGO dalam mengadvokasi anak jalanan diperlukan kajian mendalam pada aspek lainnya.

Kata kunci: Anak Jalanan, Penanganan, Non-Government Organization, Advokasi

I. INTRODUCTION

A. Background

Street children are children who move the public space with various activities such as busking, making a living, living on the street, selling on the road, not at home and happy to find life on the streets. Street children choose to live on the streets due to lack of economic factors, family factors that are not harmonious, always fighting, children feel stressed so that they have the streets as a place to live, and their activities on the roads are busking, begging and many other activities.¹ Another factor, the existence of family disintegration can affect the lives of street children, so they choose to live on the road rather than receiving fights within their families.² The emergence of street children's problems begins with a lack of harmony in the family, causing the child to live freely uncontrolled by anyone, involving drugs, victims of violence, and victims of sexual harassment and crime. Also, the attention and protection of street children by the State is not yet optimal due to limited regulations and high economic demands.

The problem needs to be explained in more detail, both in terms of existing laws and also in terms of legal theory, such as the theory of effectiveness law by Anthony Lott which states that a provision of law does not work well because of several factors, namely: 1) The first reason is related to the equipment that creates and "emits" a standard at the originating or transmitting end. Legal and non-legal verbal formulations are all susceptible to the flaws inherent in any linguistic statement. This issue has been thoroughly discussed by "Glanville Williams" and others, so we don't need to press it. However, it would be important to note that in developed legal systems, the linguistic register and structure utilized for these communications is artificial, which further hinders their effective articulation. This is in addition to the inherent constraints of linguistic expression; 2) A potential clash between the goals of the legislator and the characteristics of the community in which he intends for his law to operate is a second reason why laws are unsuccessful. Here, the differences between the traditional and modern societies are most obvious. The people and their representatives have a considerably more active part in the creation of laws even in customary-law societies with clearly defined leadership roles (including those with centralized administrations, like mainly societies). Though this may not always be the case, legislators typically operate within the presumptions, customs, and conventions that have been established by the previous laws in order to make new laws; 3) Finally, we draw attention to legal implementation errors. The law is frequently left to navigate the world, along with the rest of the enacted and unlegislated law, as best it can, without adequate implementing norms, orders, institutions, or processes. The severity of this predicament is best illustrated by the vast amount of road traffic and automobile legislation in Britain. Enacting several rules governing vehicle construction is useless³.

Based on these 3 factors, it was defined which ones caused limited regulation and high economic demands. In the role of non-governmental organizations dealing with street children dealing with the law, the number factors put forward by Anthony Lott are explained, namely the lack of instruments. Supporters of the law, such as implementing regulations, institutions or processes relating to implementation and enforcement of laws. the given the lack of success of government agencies in providing guarantees and welfare as well as good education to street children in Indonesia, so that non-governmental

organizations are needed and have a fairly important role in providing advocacy, welfare assurance and education to street children as stated in Article 28 (b) paragraph 2 and Article 34 of the 1945 constitution the fourth.

Previous research explains the factors causing street children, beggars and homeless people due to low family economic factors, mediocre, abnormal body, and it makes it difficult for them to get a job so choosing to beg is an easy job. Social, cultural factors are caused because beggars have become an alternative to earning a comfortable, simple, and practical income. Street children have a particular organization for street children, parents, and relatives with the organization can collaborate, coordinate, and exploit street children. For prevention, the Panhandling model can be used through a family base, institutional base, and multiple bases, as well as other intervention programs.⁴

⁵ Factors that encourage child labor are caused by family problems, urbanization, social and culture, and personality.⁶ While others found in their research that it needed structure and apparatus support in solving the problems of street children, because the role of institutions, parents were not going well, regulations in handling street children were not valid because there were still street children coordinating mafia. In contrast, community assessments of street children, those street children, are considered to be very disturbing to the beauty of the city. Constraints, lack of shame in street children themselves, the high number of street children scattered throughout Indonesia, and the exploitation of street children for the coordinators' economic interests. Regarding policies made by the government, it has not been implemented optimally.⁷

Research on the rights of street children in Yogyakarta found that the bill on street children demands their right to live and work safely on the streets, but in the process, the street child protection law ends with a conclusion adopted from the international law conception of children's rights and aims at removing children from street life. The law explains that street children's rights are limited to finding life on the streets, both at international, national, and local levels; this is done because there are differences in the central, regional, provincial, and field organizations that deal with street children.⁸ Meanwhile, research in several other countries related to street children's handling and problems, such as in the Czech Republic, Latvia, and India, street children have frequent triggers, such as deteriorating family life, and insufficient education, and family system of importance, low social status, poverty, rising unemployment, family disputes – divorce, child abuse and violence, parental lack of an emotional relationship, educational issues, school conflicts, unfavorable peers friends.⁹

Similarly, research on the legal protection of street children in the concept of human rights according to the 1945 Constitution of the Republic of Indonesia after the reform, that to protect the rights of street children can be done: First, street-based, namely the model of handling street children where street children come from or stay later, street educators come to them for dialogue to accompany them to work, understand and accept the situation and position themselves as friends. Second, center-based, which is the approach and handling of street children in institutions or institutions. Third, community-based treatment methods that involve the community's full potential, especially families or

parents of street children.¹⁰ She also explained the existence of Law No. 23 of 2002 concerning child protection had been regulated in general relating to child protection rights, education issues, economic problems, income issues, political problems, and problems of street children, overall protected by the state.¹¹

Based on their various studies, the aspects of their research are more focused on aspects of the causes of street children, factors that employ street children, the role of government, families and non-government organizations in handling street children, enforcement of street children's rights based on child protection laws. Also, some study aspects of human rights in the protection of street children after the reformation, and the existence of the Law on the Protection of Street Children in Indonesia. Therefore, the writer needs to look at further conceptual studies related to the role of Non-Government Organizations in advocating for street children. In this regard, the main purpose of this article describes street children in Indonesia: a model for handling non-government organization advocacy. The model for handling street children's advocacy is done by providing legal assistance, education, and services to develop children's interests and talents. At the same time, Non-Government Organizations can contribute to the development, diffusion, and norms of institutions.¹² Thus, Non-Government Organizations, as non-governmental organizations, are organizations that move and play an active role in various issues regarding street children. Non-Government Organizations help governments that are committed to advocating for street children in conflict with the law.

B. Problem Formulation

The achievement of the formulation of the problem to be elaborated in this paper is how advocacy role model non-government organization handling street children dealing with law in Indonesia?

C. Research Methods

This study uses normative juridical research methods; the approach used is descriptive-analytic and literature study. Sources of data used are primary data on regulations about NGOs, child protection legislation, ministerial social laws, and ministerial and women's empowerment ministerial regulations, and jurisprudence. In contrast, secondary data is used to provide information on scientific articles related to the role of NGOs in the advocacy of street children, NGO annual reports, books, scientific works such as dissertations, theses, and theses on NGOs and street children. The data collection needed is the observation and analysis of documents in analyzing data used qualitative analysis methods.

II. DISCUSSION

A. Street Children in Indonesia

The condition of street children in Indonesia can be described based on the literature reporting that, First, seen from the profile of street children there are several trends, namely (1) most street children carry out street selling activities, (2) where they live at home, (3) obtain food by self-purchase, (4) length of stay on the road within one day

over 12 hours, (5) get money from selling and busking, (6) the money earned is used to help families, (7) rarely meet parents, (8) often gets into trouble at home, (9) feels less comfortable staying at home, (10) asking his relatives for help when experiencing difficulties as the party considered closest.¹³ Second, seen from the profile of street children families, there are several trends, namely (1) most families of street children whose parents are married, (2) the number of children 3-4 people, (3) being supportive of their children working in the streets, (4) being support if their children go to school, (5) have received information about joint ventures but have never participated in these activities because they believe that these activities do not help the family economy, (6) work in the non-formal sector with non-permanent income, and (7) occupy a house with status rent or state land..

Third, the map of the problems of street children can be categorized into six, namely (1) street children take to the streets due to the economic pressure of the family so that parents actually ask their children to go to the streets to look for additional family economy, (2) slum households make child unbalance being at home so that slum housing is one of the driving factors for children taking to the streets, (3) the lack of parental education causes them to not know their functions and roles as parents and also does not know the rights of children, (4) there is no policy umbrella Regarding children taking to the streets from the police, regional government and the Ministry of Social Affairs, the handling of street children is not well coordinated, (5) the role of the community in providing social control is still very low, and (6) institutions of social organizations have not played a role in encouraging participation the community deals with the problem of street children.¹⁴

Some social problems that affect children take to the streets¹⁵ that is, first, there is parental neglect of children who leave school and enjoy street life. Parents think practice when children can find money to meet their needs; it feels very beneficial, especially because children can give parents money, then praise will be given. Second, children from an early age have been introduced to street life, and this condition affects the physical, psychological and behavioral development of children. Third, children do not find a pleasant place to play, learn, and interact socially with their friends. Children are disappointed with family and school life that does not respond to the interests and needs of children. Others explained that other reasons for children to live on the streets include: (1) low family income, (2) homelessness, (3) neglect and abuse, (4) school failure, and (5) loss of parents due to armed conflicts, natural disasters, HIV/AIDS and other epidemics, and refugee problems.¹⁶ Map of the development of Indonesian children in 2018 Indonesia's population is projected to reach 264.2 million people. In 2018, the people of children in Indonesia will reach 30.1 percent of Indonesia's total population of 79.5 million people. While the number of street children reaches 2 million people.¹⁷

Table 1. The results of Assisting Children Dealing with the Law

Assisting Children Dealing with the Law	Year		
	2017	2018	2019
Diversified	47,35	52,80	55,90

- Diversi children back to parents	42,78	48,40	50,30
- Diverse children to social or other institutions	4,57	4,40	5,60
Decision of action	12,61	15,60	18,80
- The decision of the child returns to the parent	5,85	8,80	10,30
- Decisions are submitted to the Social Institutions or other	6,76	6,80	8,50
Criminal Verdict	40,04	31,60	29,50
- Conditional Criminal Verdict	8,41	4,40	4,20
- Prison Criminal Verdict	31,63	27,20	25,30
Total	100,00	100,00	100,00

Based on data from the Directorate General of Corrections, the Ministry of Law and Human Rights regarding the results of assisting children dealing with the law, during the last three years, it has shown a significant increase every year. This is shown in 2017, legal assistance with diversion results reached 15.78%, action verdicts came 4.20%, criminal decisions reached 13.35%. In 2018, children's legal assistance had increased for diversion to 17.6%, while the verdicts for action for street children reached 5.2%, and the criminal verdict for children reached 10.53%. In 2019 legal assistance has increased for diversion problems by around 13.35%. Likewise, the action verdicts went 10.53%, but in criminal decisions decreased by 1%, so that the verdicts reached were about 9.83%. So most of the settlement of children facing the law is done through the process of transferring the settlement of children's cases from the criminal justice process to the non-criminal justice process (diversion) and dominated by the process of diversion of children back to parents and the process of diversion of children back to social institutions. Also, assisting children in dealing with the law has the meaning of protecting street children so that action decisions, criminal decisions, and diversions can be appropriately resolved. Criminal imprisonment against children was only used as a last resort, as stated in Law No. 11 of 2012 concerning the Juvenile Justice System Article 81 Paragraph (5). Based on the principle of deprivation of liberty and punishment as a last resort, every child in the criminal justice process has the right not to be arrested, detained, or imprisoned, except as a last resort and in the shortest possible time. For the investigation, investigators were authorized to hold children who are suspected of committing a crime (delinquency) based on sufficient preliminary evidence that the child commits a crime (delinquency). However, detention can only be done if a child commits a crime which is at least 17 years old and was threatened with a maximum imprisonment of 7 (seven) years based on applicable law.

Detention of children is carried out in a special place for children, namely Temporary Placement Institutions for Children or Institution for Social Welfare Organization if there is no Temporary Placement Institution for Children. Investigators who carry out detention must first consider the consequences of detention in terms of the interests of children, such as the physical and mental growth and development of children. In addition it must also consider aspects of community interests, for example by the detention of community suspects to be safe and secure. But in its application it becomes difficult to do because taking into account the protected interests, detention is not easy to do. In the act of detention, investigators should involve competent parties, such as social counselors, psychologists, criminologists, and other experts as needed, so that child investigators do not make the wrong decision in making detention. It is further explained

about a consequence of detention of street children in terms of criminological theory such as labeling or community stigma so that in the future if the children have a criminal record, it is difficult to improve their lives because it is difficult to find work. That imprisonment has various consequences calculated from the economic aspect of both the state and children. Considering what Stephen J. Spur said, "The use of imprisonment as a punishment is common. The downsides of this choice go beyond only the cost of the prisoner's misery. but also the cost of creating and maintaining prisons, as well as a decrease in the offender's productivity while they are in custody. "Due to his extended absence from the workforce and the stigma of having been convicted of a major crime, the person will also be less productive after his release. His diminished productivity and earning potential will decrease the opportunity cost of crime and raise the likelihood that he will engage in it again".¹⁸

B. Non-Governmental Organizations (NGOs) in Indonesia

In general, a non-governmental organization is an organization that is established both individually and as a group where the organization is not results-oriented or profit-oriented but rather because there are specific objectives in the community. Non-Government Organization (NGO) is the development of a non-governmental organization or also referred to as a Non-Government Organization (NGO). So, the Non-Government Organization (NGO) is an organization outside the government. Outside the bureaucracy, the aim can be to help the government's performance and even oversee the running of the government so that it does not cause abuse of authority. So Non-Government Organizations (NGOs) are all organizations that are not bound by the government and bureaucracy. Data on the number of NGOs in Indonesia who work in handling children, as well as street children based on the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia, consists of the National Commission for Children, the Commission for the Protection of Indonesian Children, Sahabat Anak Foundation, KDM, ISCO, Pemantau Hak Anak Foundation, and Karang Madya Foundation.

6000 Non-Government Organizations (NGOs) engaged in the issue of women and children, there are around 1765 Non-Government Organizations (NGOs) or 28% who have interacted and collaborated with the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia and the Office of Women's Empowerment and Protection Provincial and District / City level children.¹⁹ This synergy has been carried out by the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia together with Non-Government Organizations (NGOs) related to three ends, including:²⁰ (1) Collaborating with Regional Work Units and Non-Government Organizations (NGOs) in almost all provinces in Indonesia through the Community-Based Integrated Child Protection program, both individuals, communities, and organizations to jointly eliminate violence against children; (2) Mainstreaming the issue of violence against women and children through advocacy and outreach to all elements of society; (3) Form a task force for the Handling and Eradication of the Criminal Act of Trafficking in Persons, consisting of elements from the government, Non-Government Organizations (NGOs), and law enforcement; and (4) Initiating Home Industry programs through training provided to

women victims of violence and women with lower middle economic level to build small home-based businesses.

Non-Government Organization (NGO) aims to carry out its functions properly, namely 1) as a container organization that accommodates, processes, manages and implements all the aspirations of the community in the field of development, especially in parts that are often not noticed by the government including street children whose rules are always inconsistent between one another and often overlap; 2) Always participate in developing soul and spirit and empowering the community in the field of development, this is one of the main functions of the formation of the non-government organization itself; 3) Participate in implementing, supervising, motivating and designing the process and results of sustainable development not only at the moment. In this case, the non-government organization (NGO) must provide direct counseling to the community to take an active role in development; 4) Non-Government Organizations (NGOs) must also actively participate in maintaining and creating a conducive atmosphere in the life of the community rather than on the contrary making the situation even more chaotic by the existence of false issues that unsettle the community; 5) Non-Government Organization (NGO) as a channel for channeling aspirations of the rights and obligations of citizens and activities of the population by the goals set by each Non-Government Organization; 6) Non-Government Organizations (NGOs) must also participate in exploring and developing all the potential possessed by their members so that they can realize the goals that have been set together. In this case, it is imperative because if members in Non-Government Organizations so that non-governmental organizations do not have the potential by the stated objectives will make Non-Government Organizations (NGOs) like the undead, who have existed but do not have lives in them; 7) Non-Government Organization (NGO) as a forum that actively participates in its role in the success of the nation and state development. And in this case, participate in maintaining the sovereignty of the country and maintaining social order; 8) As one way for the community to give their aspirations, these aspirations are accommodated by Non-Government Organizations (NGOs) following the objectives of the Non-Government Organization (NGO) itself and then will be distributed to the relevant political institutions to achieve a right balance of communication between society and government such as Indonesia's foreign policy.

The purpose of Non-Government Organizations (NGOs) is to protect street children and women who experience abuse and violence and other forms of criminal activity. This very important because children and women in Indonesia are still deprived of their rights so that their reporting to the police may always be small. This Non-Government Organization (NGO) will continue to provide counseling to the public to report all kinds of criminal actions to the NGO. The NGO will submit it to the authorities. The characteristics of Non-Government Organizations (NGOs) are 1) not part of the government and the bureaucracy of the Central, Provincial, City and Village governments; 2) the purpose of the organization was not to make a profit; 3) has a clear goal which is in the interests of the general public not just for the benefit of a few groups.

Rights and Obligations of Non-Government Organizations (NGOs), i.e., a) Prepare activity plans and carry out various activities in achieving the goals that have been set jointly by NGO members; b) Support and maintain its right name when organizing programs of activities aimed at the community and its members; c) Non-Government Organizations have the right to do the reasons they have; d) Defend the sustainability rights of the Non-Government Organization by the objectives of the NGO; e) Coordinate with NGO members to carry out the purposes and maintain the survival of the NGO. In addition

to the rights obtained by the Non-Government Organization above, the Non-Government Organization also obliged to have a statute and by-laws with a bright source of income and expenditure, always participating in living, practicing and supervising the running of the government based on Pancasila and the Law The State of the Republic of Indonesia, prioritizing the public interest rather than the interests of the group, prioritizes the importance of the state rather than prioritizing the interests of individuals and always participates in securing the unitary state of the Republic of Indonesia, and contributes to facilitating or connecting the government and society.

The legal policy regarding the handling of street children is explicitly explained by Law Number 23 of 2002,²¹ Law 35 of 2014,²² Law Number 11 of 2009,²³ Law Number 13 of 2011²⁴ and Regulation of the Minister of Social Affairs of the Republic of Indonesia Number 08 of 2012.²⁵ Thus follows the substance of various child protection laws relating to the role of the Non-Government Organization in the handling of street children. First, the essence of Law Number 23 of 2002 concerning child protection is as follows:

1. BAB I general provisions of Article 1 paragraph (13) relating to the community are individuals, families, groups, and social organizations, and social organizations.
2. BAB XI deals with the Indonesian Child Protection Commission. The chapter outlines some of the tasks of the Indonesian Child Protection Commission, namely:
 - a. Indonesian Child Protection Commission is independent as an organization that provides child protection.
 - b. The membership of the Indonesian Child Protection Commission consists of 1 (one) chairman, 2 (two) deputy chairs, 1 (one) secretary, and 5 (five) members.
 - c. The Commission's membership consists of government elements, religious leaders, community leaders, social organizations, social organizations, professional organizations, non-governmental organizations, the business world, and community groups concerned with child protection.
 - d. The Commission's membership is appointed and dismissed by the President after being considered by the House of Representatives of the Republic of Indonesia, for a term of 3 (three) years, and maybe reappointed for 1 (one) term of office.
 - e. A Presidential Decree stipulates further provisions regarding the completeness of the organization, work mechanism, and financing.

Second, the substance of Law 35 of 2014 concerning child protection is explained in Article 72 paragraph (3) explaining in the implementation of child protection that includes:

- 1) provide information through outreach and education about the Rights of the Child and the laws and regulations concerning children;
- 2) provide input in the formulation of policies relating to Child Protection;
- 3) report to the authorities if a violation of the rights of the child occurs;
- 4) plays an active role in the process of rehabilitation and social reintegration for children;
- 5) monitor, supervise and take responsibility for the implementation of Child Protection;

- 6) providing facilities and infrastructure as well as creating an atmosphere conducive to children's growth and development;
- 7) plays an active role by eliminating negative labeling of child victims;
- 8) provide space for children to be able to participate and express their opinions.

Paragraph (4) The role of social organizations and educational institutions is carried out by taking necessary steps according to their respective duties, functions, and authorities to assist in the implementation of Child Protection.

Third, Law of the Republic of Indonesia Number 11 the Year 2009 Regarding Social Welfare Article 1 Paragraph (7) Social Welfare Institutions or social associations that carry out the implementation of social welfare are formed by the community, both legal entities and non-legal entities. Article 38 paragraph (1) the community plays a role in the implementation of social welfare. The same article paragraph (2) the part of social organizations. Article 42 paragraph (1) explains that to carry out social welfare, coordination between social institutions/organizations is needed. The same article also paragraph (2) describes the implementation of the coordination of the implementation of social welfare by the community based on coordination between institutions realized by forming a non-governmental social welfare coordination institution and is open, independent, and independent. Article 43 explains the task of the social welfare coordination agency to have the responsibility of a) coordinating social organizations/institutions; b) fostering social organizations/institutions; c) develop social welfare service models; d) organizing communication and consultation forums for organizing social welfare, and e) carry out social advocacy and budget advocacy on social institutions/organizations.

In the Law of the Republic of Indonesia, Number 11 the Year 2009 Concerning Social Welfare, BAB III concerning the Implementation of Social Welfare paragraph 2 states that the implementation of social welfare as prioritized to those who have a life that is not humanly feasible and has the criteria of social problems: include poverty, neglect, disability, remoteness, social disability and deviant behavior, victims of natural disasters, and victims of violence, exploitation, and discrimination. In the next paragraph, in the same article the model for implementing social welfare is included: social rehabilitation guarantees social empowerment and social protection. The following article will explain the model of handling social welfare that involves the parties, whether the central, regional, private, or community. In realizing social welfare, this law contains rewards to social welfare service providers, conditions, and even certification of these institutions. Listening to article by article the regulation of this Act globally the handling of people with social welfare looks neat and systematic and provides a broad space for the parties to contribute to the implementation of social welfare.²⁶ So the substance of this Law is broader and even the social problems handled in Law Number 11 the Year 2009 is more complex, which addressed to individuals, families, groups, and communities, which prioritized for those who have a life that is unfit for humanity.

Fourth, Law Number 13 of 2011 concerning the Poor. In this law, social organizations play a role as an oversight and handling agency for the poor, including street children, neglected children, and beggars. The code is still too general, operationally translated into Regulation of the Minister of Social Affairs of the Republic of Indonesia

Number 08 of 2012 concerning Guidelines for Data Collection and Management of Data on Persons with Social Welfare Problems and the Potential and Sources of Social Welfare. In the appendix, vulnerable communities including street children grouped in Persons with Social Welfare Problems, including 26 criteria: neglected children under five, neglected children, children facing law, street children, children with disabilities, children who are victims of violence or mistreated, children with special protection, Elderly displaced persons, persons with disabilities, homeless people, beggars, scavengers, prostitutes, ex-prisoners of prisons, people with HIV/AIDS, victims of drug abuse, victims of trafficking, victims of violence, victims of social problems migrants, social problem workers, victims of natural disasters, victims of social accidents, economically vulnerable women, poor people, families with psychological, social problems and remote indigenous communities. For this reason, in the Law on handling street children the responsibility of street children rests with the State and the government responsible. The government and regional governments are responsible for providing free education and assistance or individual services, one of which is for abandoned children. These are mainly so in carrying out maintenance, care, and social rehabilitation of abandoned children, both within the institution and outside the institution, all of which is the government's responsibility of the government. To organize the care and care of neglected children, government agencies, and community institutions can collaborate with various related parties. Their supervision is carried out by the ministry that organizes government affairs in the social field.²⁷

Based on the legal policy of the child protection law and the regulations of the social minister of the Republic of Indonesia related to government institutions, social organizations, social organizations have been included in the child protection law by mostly that the authority of the tasks and functions of social organizations in dealing with various problems of street children is given entirely to community organizations such as Non-Government Organizations in providing services to the needs of street children. So the authority of duties and functions is given to social organizations and social organizations to protect children. It can be interpreted that Non-Government Organizations are part of social organizations. Thus Non-Government Organizations can advocate for street children in two aspects of activities: (1) Protection of juridical children, which includes: protection in the field of public law, and in the area of civil law. (2) Protection of children who are non-juridical, including security in the social, health, and education fields.²⁸

C. Role of Non-Government Organizations in Advocating Street Children Who Are Confronting the Law

The role of Non-Government Organizations in advocating for street children is to provide services to street children, provide welfare for street children, help raise individual funds for street children in various countries, provide legal assistance to street children.²⁹ Likewise, the Non-Government Organization in dealing with street children establishing a particular organization that handles street children is a contributory handling method in helping to foster abandoned children. The strategic partner organizations of Non-Government Organizations in advocating for street children who are dealing with the law are as follows:

1. Legal Aid Institutions

5 It is an institution consisting of advocates or legal aid workers who can assist children dealing with the law, both of which only focus on assisting cases of children dealing with the law as one of the fields or issues. Legal aid institutions are often in the form of Non-Government Organizations or become part of the university's law faculty Not only providing direct assistance, but some legal aid institutions also strengthen communities, families, or strengthen children in conflict with the law through support, advocacy training, paralegal training, and other training so that they are not dependent on legal aid institutions in advocating for children dealing with the law such as the Jakarta Legal Aid Institute, the Indonesian Legal Aid Foundation, the APIK Legal Aid Institute, and the Community Legal Aid Institute. In cooperating with legal aid institutions, they hold the principle of free legal aid (*pro bono*), and they uphold the code of ethics of legal aid workers or advocate's code of ethics.

Table 2. Annual Report of Legal Aid Institutions in Indonesia in Legal Assistance for Street Children

Legal Aid Institute	Legal Assistance			
	2017	2018	2019	Total
Jakarta Legal Aid Institute	41	29	43	113
Indonesian Legal Aid Foundation	43	37	85	165
APIK Legal Aid Institute	35	32	41	108
Community Legal Aid Institute	178	151	160	489

The annual report on the performance of the Legal Aid Institute in Indonesia in providing legal assistance to street children is generally dominated by The Community Legal Aid Institute in 489 cases over the past year, while the least licensed aid agency handling legal cases is the APIK Legal Aid Institute only completing 108 cases, others completed less than 200 cases. The types of cases dealt with by the Legal Aid Institutions include sexual violence 13, trafficking 15, child abuse 13, child neglect 13, child education 17, child health 14, and child crime 15. The way complaints are carried out by some NGOs to legal aid organizations is carried out by individuals and groups, but provides complaints received by aid agencies through groups such as the NGO Foundation Sanggar Alang Alang, the NGO Bina Bakat, the NGO Griya Baca, and the YACB Foundation. So the existence of legal representation depends on reports and complaints from several children or institutions that uphold justice and human rights to obtain equality.

2. Observers and Advocates for the Rights of the Child

The Institute of Observers and Advocates for the Rights of the Child is a legal aid institution that has the main task of advocating and assisting children in conflict with the law. Focus on programs to fulfill children's rights by conducting research, coaching, and mentoring. These institutions also have orphanages as well as shelters for street children. Observers and advocates for street children's rights include the Indonesian Child Protection Commission, the Sahabat Anak Foundation, the Modern Diakonia Campus Foundation, the ISCO Foundation, and the Karang Madya Foundation. The Indonesian Child Protection Commission's main program is to defend the enforcement of children's human rights, child

legal assistance, child education, children's social welfare, and children's economy. Sahabat Anak Foundation (which focuses on protecting children who are driven by volunteers to fight for the fulfillment of children's rights, exceptionally marginal children (on the street, from the street, vulnerable to be on the street) by providing access to free education, scholarships, kindergarten/Early Childhood Education, non-formal schools, libraries, providing healthy food, counseling and health checks, and advocacy).

Modern Diakonia Campus Foundation (focused on promoting and fulfilling the rights and protection of children using rescue, advocacy, boarding, and alternative education), ISCO Foundation (plays a role in providing help to urban poor children in obtaining knowledge and maximizing the potential of poor children as individuals who are caring, productive and responsible), and the Karang Madya Foundation (plays an active role in the surrounding community by providing Qur'an recitation programs for children who live around the foundation. Besides, this foundation also helps the community in the program equality education package A, package B, and package C).

Table 3. Protection of Street Children in Indonesia

NGOs	Legal Protection			
	2017	2018	2019	Total
Indonesian Child Protection Commission	319	430	196	1.017
Sahabat Anak Foundation	157	170	160	487
Modern Diakonia Campus Foundation	185	194	178	557
ISCO Foundation	170	105	127	402
Karang Madya Foundation	158	177	196	531

The assistance and legal protection of street children by some NGOs shows a substantial contribution dominated by the Indonesian Child Protection Commission capable of resolving cases over the past three years reaching 1,017 cases, while the NGO ISCO Foundation is only able to resolve 402 cases of street children legal cases, then other NGOs such as the Sahabat Anak Foundation reaching 487 cases, the Modern Diakonia Campus Foundation reaching 557 cases and the Karang Madya Foundation reaching 531 cases. So in terms of assisting and completing legal cases of street children, they hold the principle of Indonesian children must be free from violence. The types of cases that often occur and are handled by several NGOs in the form of problems of neglect of children by parents, child sexual violence, child abuse, child education, and child health.

3. Psychological Consultation Institute

In addition to institutions that conduct research and advocacy, other institutions have considerable benefits for the advocacy of street children dealing with law, namely psychological institutions. The institute provides free or very cheap consultation assistance to street children who are dealing with the law. As we know, street children who are dealing with the law often street children as witnesses, street children as victims, and even street children as perpetrators experience intense psychological pressure and trauma. The trauma can have a profound effect on the legal process that will be undertaken, such as being unable to remember who the perpetrators are clearly, changing information, fear of meeting the police or authorities, and others. Not only in the legal process, but the trauma will also affect all aspects of life to adulthood; for example, street children are reluctant to go to school, afraid to meet new people, become vulnerable and angry, and others.

Examples of consulting agencies that often deal with children in conflict with the law include the Pulih Foundation.

4. Rumah Singgah

Rumah Singgah functions as a shelter from various forms of violence affecting street children, rehabilitation (restoring and implanting social functions of children), and access to services, namely temporary stopover of street children and access to various social services such as education, health and so on.³⁰ For that reason, in fostering street children in open houses, a strategy is needed, an effective way so that their activities can be carried out correctly. The model of handling street children must refer to three main objectives of social protection, namely preventing and reducing the risks experienced by humans to avoid severe and prolonged misery, increasing the ability of vulnerable groups to face and escape poverty, anxiety and social-economic insecurity and enable poor groups to have a standard of living with dignity.³¹ The implementation of social protection must also have an empowerment orientation. This empowerment orientation intended to increase the ability of the social role of the community in specific resources.³²

Based on this explanation, Rumah Singgah has a vital role in guiding street children, especially to develop knowledge competencies, skills, and interests of talents such as informal education, investment and talent development through arts programs (dance, music, drama, painting, etc.). Then for moral and moral development is done in the form of counseling, spiritual guidance, play facilities, and other types of personal growth. So in principle, Rumah Singgah returns street children to become independent children, intelligent, useful for others. These are in line with the research results that coaching in open houses that are most understood/favored by street children skills coaching. This is because in coaching skills, children can see and practice the coaching directly obtained (learning by doing) so that the process of understanding children will be more quickly achieved. If a child feels that there are activities that are better understood and preferred and are more important to him, then he will encourage the child to stay at the halfway house and participate in coaching because he wants to better understand the activity. Conversely, if the child feels that coaching in a halfway house does not meet his basic needs to know and better understand a coaching activity in a halfway house, then even street children will be indifferent to the existing coaching. The further consequence is that the child does not know which coaching is more understood / liked and is more important to him than all the existing development activities. So Rumah Singgah serves as a place for street children education to develop interests and talents in accordance with the abilities of street children.

The existence of Legal Aid Institutions, Observer Institutions and Child Rights Advocacy, plays an important role in helping to solve legal problems faced by street children. Providing legal assistance to street children is free of charge, voluntary to uphold children's rights and human rights. In addition, this legal aid institution also strengthens the community, family, or strengthening of children who are in conflict with the law through assistance, advocacy training, paralegal training, and other training. While psychological consultation institutions play a role in free consultation assistance to street children who are dealing with the law, this is done because, in the case of street children who are dealing with the law often street children as witnesses, street children as victims, and even street children as perpetrators will surely experience strong psychological pressure and trauma.

The mental stress and trauma experienced by the child can have a significant effect on the legal process that will be undertaken, such as being unable to clearly remember who the perpetrators of crime are, fickle information, fear of meeting the police or authorities, etc.. This is consistent with the claim that the presence of legal aid organizations can significantly increase access to justice, hence generating evidence in the courts for everyone, without distinction.³³ Additionally in accordance with the idea of non-litigation or the pursuit of legal justice by social praxis, the Legal Aid Institute can conduct a defense using the advocacy technique employed in this process, not through judicial channels but rather through alternative legal access. The non-litigation advocacy strategy gives priority to a number of crucial tenets, and the advocacy campaign must: 1) Give legal, political, and social education a higher priority than other parts of education; 2) Actions to raise critical awareness using civil society as the guiding principle for advocacy; 3) Use advocacy in a transparent manner by creating opportunities for community involvement, openness, and accountability; 4) Involving the neighborhood in the process of social advocacy. The non-oil and gas tactics used include political and administrative procedures, socialization procedures, mobilization procedures, social analysis, and educating social communities about land reform.³⁴

7 **D. Role of Non-Government Organizations in Advocating Street Children in the Educational and Social Aspects**

1. Non-Governmental Organizations Sanggar Alang Alang

It has a program in the field of informal education in handling street children, neglected children, beggars, buskers to have initial capital through life after becoming an adult (18 years). The foundation's educational model focuses on strengthening the issues of ethics, aesthetics, norms, religion, and free education, such as family gatherings and uncertain financial resources.³⁵ The strengthening of mental and religious sectors for street children can have a positive impact on them. Positive impacts are 1) communication ethics with good and polite speech according to the indigenous cultures of Indonesians such as friendly, polite, hardworking, mutual cooperation. 2) the aesthetics of street children such as being able to love the beauty of nature in the home environment, being able to protect the environment and being able to preserve natural ecosystems and like to travel. Activities carried out by providing education for children to love the environment. 3) norms are rules that must be obeyed in such a way that the implementation of the activities of citizens runs in an orderly manner, the norms implemented by street children are the norms of decency, law and religious norms as their handle in running as law-abiding street children. The activities carried out are providing legal counseling, the community is aware of the constitution by cooperating with legal institutions or the local government. 4) Religion is something that is very important for everyone in regulating human relations with the god who created them. Strengthening religion is done by giving tausiah, religious lectures every day and educating them to carry out their obligations as religious people.

2. Non-Governmental Organizations Bina Bakat

It has several components of activities,³⁶ First, Street Educators. The targets in the literacy program are street educators or street children assistants. Non-Government Organization Bina Bakat has 3 street educators. The three assistants serve as friends,

brothers/sisters, grandmothers/grandfathers, caregivers, teachers, advocates, and street children's supporters. The main thing in this activity is to use a friendship approach among street children. Then in the Non-Government Organization Bina Bakat provides benefits such as street educators or assistants such as working full time, work recommendations, weekly and monthly schedules, agreements, transportation costs, institutional support, education assistants, and salaries. Allowances for teaching assistants are given based on a 24-hour performance count times seven days without leave. They are developing staff, training, seminars, learning skills, study trips, internships, discussions, and literacy curriculum development.

Second, curriculum and learning content for street children. Until now, the appropriate material and curriculum that supports the development of street children's events still limited in number. So, while street educators invite children as friends, they also have to prepare materials and lessons in the street literacy unit or module. Street children educators will develop according to their needs because they are closer to children and know the requirements during the learning process. In giving topics at least more than one issue such as street music or daily life or money management, to be carried out for approximately 2-3 weeks, then given a regular cleaning module that they will create. The program is influential in developing the experience of street children and as a source of expertise for street educators. To broaden their knowledge, they need the opportunity of their time by giving a story assignment, or collecting newspapers and then being used as a portfolio to identify the contents of the paper as learning material. The curriculum and material presented are not only knowledge but healthy living behaviors, ways of having sex with other communities, creating opportunities and being able to express themselves.

Third, Learning at Home, in this informal school conducted by educators, namely providing various activities in one meeting such as creativity, drama, children's music, band music, typing, library, batik, health, martial arts, soccer, discussions with doctors and legal experts, money management business development, recreation, and others. The method used to deliver the material in school, the teacher, stands in front of them who are many to talk to convey everything while the children sit, be quiet, and listen. Next, the discussions and simulations carried out in strategic places such as markets, bus terminals by giving the task of singing, writing their experiences during the practice location from the morning, afternoon to evening, and even night. So the method can provide their expertise and have a significant influence on the ability of the skill.

Fourth, Learning House is a place where street children gather, study together, and meet with educators. The learning house serves as a place live, and sleep street children both in the city and outside the city who want to join to learn together in developing collectively and participate in various activities scheduled. At home, learning becomes an enormous family managing a house while urbanizing the community. The existence of the program, according to street child educators, states that the implementation of the street literacy approach has been very satisfying because they are now working in the informal sector such as food stall waiters, band players, security officers, computer typists, and screen printing (printing) services.

3. Non-Governmental Organizations Griya Baca

It has had two excellent programs for street children, namely: First, accompanying and directing street children to find their identity and facilitate the process to achieve their goals. Second, instill spiritual and moral values as initial capital to change the behavior

patterns of the target participants without any compulsion.³⁷ The growth of self-motivation of street children was carried out by employing assistance by a team of volunteers and several assistants for each predetermined schedule. The motivation of children, is fundamental, so that street children have hope for the future that is useful for their own lives and family. The way to do this is to measure their interests and talents, where their abilities are. If their interests and skills are known, the volunteer team will reinforce to street children to stay focused and work in the field. The cultivation of spiritual and moral values prioritized as the first capital for fostered children without any sense of coercion, the NGO team in implementing Islamic study programs can be done every night after the Maghrib prayer. Furthermore, religious lecture activities, read-write al-Qur'an, and prayer guidance. These programs are beneficial for street children to become children who are pious and obedient to religion.

The Role of Non-Government Organizations such as Sanggar Alang Alang, Bina Talat, Griya Baca is an institution engaged in education and social services for street children in the hope of becoming independent teenagers either becoming entrepreneurs, entrepreneurs, teachers, preachers, and computer technicians, as well as artists. Education carried out by these NGOs uses informal learning, both carried out inside the house and outside the home, and has a unique curriculum for street children. Empowerment in the social aspect focuses on fostering the character of street children through religious education, moral ethics education and strengthening reading comprehension of the Qur'an, as well as promoting the practice of prayer. That, in line with the opinion that the role of NGOs in providing education for street children includes the facilitative role, the educational purpose, the role of representatives, and the technical role. Factors in the NGO process in providing education for street children are influenced by supporting and inhibiting factors. Where the supporting elements are the surrounding community, NGO members, and from within the street children themselves. While the inhibiting factors are parents, volunteers, and street children themselves.³⁸

The contribution of NGOs to street children is in line with the results of research showing that NGOs have a role in protecting the rights of street children as indicated by the establishment of a children's studio unit that protects abandoned children, street children, and child labor so that they can grow and develop by human dignity and dignity, and get protection from violence and discrimination.³⁹ Likewise, UNICEF has an essential role in protecting children from poverty, violence, disease, and discrimination so that the future of children in the world can benefit their country in the future.⁴⁰ So the role of NGOs in advocating for street children is very helpful for the government in dealing with street children in various sectors of education, social, legal and economic.

III. CONCLUSION

The findings of this study suggest that street children in Indonesia have a range of character concerns, particularly those pertaining to money, families, society, and the law. Therefore, it is necessary for both community and governmental organizations to play their full protective roles in order to fulfill human rights. The NGOs' influence on the legal representation of street children should be increased. Due to the effectiveness of legal aid organizations, street children who have committed crimes can now receive a variety of

legal aid; in addition, assistance is also provided for the development of the interests and skills of street children. Government support is required to give NGOs a specific budget in order for the process of campaigning for street children to proceed properly. A thorough examination of other factors is necessary to assess the contribution that NGOs make to the cause of promoting street children.

IV. BIBLIOGRAPHY

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