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**Submission date:** 27-Sep-2022 12:44PM (UTC+0700)

**Submission ID:** 1910192656

**File name:** N\_CONSTITUTIONAL\_RIGHT\_TO\_MEET\_EDUCATION\_FOR\_STREET\_CHILDREN.pdf (258.4K)

**Word count:** 2567

**Character count:** 14673

## ROLE AND COMMUNITY IN CONSTITUTIONAL RIGHT TO MEET EDUCATION FOR STREET CHILDREN

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### Info Artikel

Received: 20/07/2020  
Revised: 21/07/2020  
Accepted:  
25/08/2020

### Keywords:

Constitutional Rights,  
Education, Street Children

### Kata Kunci:

Pendidikan, Partisipasi  
Masyarakat, Hak  
Konstitusional dan Anak  
Jalanan

P-ISSN: 1412-310x

E-ISSN: 2656-3797

### Abstract

Children as the next generation of quality nation absolutely have the right to obtain proper and adequate education. The Indonesian government together with the community is obliged to realize adequate education for Indonesian children. This study aims to determine community participation in efforts to fulfill the constitutional rights of education for street children. This research is a descriptive empirical legal research using primary and secondary data and qualitative data analysis. In Indonesia, street children cannot get an education because they live on the streets or are often called street children. On the other hand the constitutional responsibility of the state is one of them is seeking education for all Indonesian children. The limited ability of the state to fulfill these responsibilities has encouraged the community to participate in realizing the fulfillment of the right to education for Indonesian children, especially children traveling.

### Abstrak

Anak sebagai generasi penerus bangsa yang berkualitas mutlak berhak memperoleh pendidikan yang layak dan memadai. Pemerintah Indonesia bersama-sama masyarakat berkewajiban untuk mewujudkan pendidikan yang memadai bagi anak-anak Indonesia. Penelitian ini bertujuan untuk mengetahui bagaimana partisipasi masyarakat dalam upaya pemenuhan hak konstitusional memperoleh pendidikan bagi anak jalanan. Penelitian ini merupakan penelitian yuridis empiris yang bersifat deskriptif dengan menggunakan data primer dan sekunder serta analisa data yang bersifat kualitatif. Di Indonesia anak jalanan belum bisa memperoleh pendidikan dikarenakan mereka hidup di jalanan atau sering disebut anak jalanan. Disisi lain tanggung jawab negara secara konstitusional salah satunya adalah mengupayakan pendidikan bagi seluruh anak Indonesia. Keterbatasan kemampuan negara untuk menunaikan tanggung jawab tersebut telah mendorong masyarakat untuk berpartisipasi mewujudkan pemenuhan hak memperoleh pendidikan bagi anak Indonesia terutama anak jalanan.

## INTRODUCTION

Children are the next generation of the nation who are expected to continue the ideals of realizing a just and prosperous society as proclaimed in the preamble of the 1945 Constitution of the Republic of Indonesia. The Indonesian government together with the community is obliged to realize adequate education for Indonesian children.

Article 31 paragraph (1) of the 1945 Constitution states that every citizen has the right to receive education while paragraph (2) states that every citizen is required to attend basic education and the government is obliged to finance it. Law Number 20 Year 2003 concerning the National Education System mandates that every citizen aged 7-15 years must attend basic education. Article 34 Paragraph (2) of the Law states that the government and regional governments guarantee the implementation of compulsory education at the minimum level of basic education free of charge, and in paragraph 3 it is stated that compulsory education is a state responsibility held by government educational institutions, local governments, and society. So moral education is very important for the formation and development of street children's personalities in order to be able to find concepts about clear life goals and behavior in accordance with applicable norms<sup>1</sup>.

In the UN Convention on the Rights of the Child (CRC), which has been ratified by the Indonesian government with the issuance of Presidential Decree 36 of 1990 concerning the Convention on the Rights of the Child says that the intended child is an individual who is not yet 18 years old. Article 28 of the CRC states that participating countries recognize the right of children to education, and realize this right in stages and based on equal opportunities. In particular, participating countries will make education an obligation and are freely available to all children. From the explanation above, it shows that the recognition and support of the government of the Republic of Indonesia of the importance of education, especially for children, and the implementation of basic education for all children without exception and for free have a legal basis.

Not all children are in good condition so they can get proper and adequate education. Some children are forced to live on the streets to earn a fortune so they cannot get the chance to enjoy education as well as other children. The issue of street children has actually been around since the 1990s, where from time to time there is always a good development regarding quality and quantity. One of the problems faced by street children is regarding the fulfillment of their right to education. The condition of street children who spend a lot of time on the road and the lack of funds makes them unable to get formal education in schools.

Previous studies have shown that poverty and the absence of parents are the cause of many children who finally live on the streets. The government and the community need to provide protection and support for these children. Street children, generally they come from families whose economic life is weak and their work is heavy. Street children grow and develop with the background of the life of street children who are full of poverty, persecution, and loss of affection. Protection efforts for street children is an effort to save a nation. One form of protection and support for street children "is to provide special services in the field of education. Community participation based assistance is needed to help overcome problems related to fulfilling the rights of street children to obtain education. The government needs to strengthen the role of the community in order to maximize their efforts in fulfilling the constitutional rights of street children to obtain education.

## PROBLEMS

What is the role of the community in the effort to fulfill constitutional rights in obtaining education for street children?

<sup>1</sup> Rus Zaman, "Jurnal Pendidikan Akhlak Pada Anak Jalanan Di Surakarta", *Inspirasi*, Vol. 2 No. 2, July- Desember 2018, p.133

<sup>2</sup> Tjutjup Purwoko, "Analisis Faktor-Faktor Penyebab Keberadaan Anak Jalanan Di Kota Balikpapan", *eJournal Sosiologi*, Vol. 1 No. 4, 2013, p.14

## RESEARCH OBJECTIVES

To analyze the role of the community in the effort to fulfill constitutional rights in obtaining education for street children.

## RESEARCH METHODS

The type of research used in compiling this research is empirical juridical research. This research is a descriptive study with qualitative data. Data collected in qualitative research is data in the form of words, sentences, images that have more meaning than just numbers or frequencies<sup>3</sup>. In this study the data used include primary data and secondary data. Primary data were obtained through interviews and observation method. Secondary data were obtained using the documentation method.

Data analysis was performed using qualitative descriptive analysis methods, namely as a research procedure that produces descriptive data in the form of written or oral words from people and observable behavior. This approach is directed at an individual's background holistically (whole). So in this case it is not allowed to isolate individuals or institutions into variables or hypotheses but it is necessary to view them as part of a whole<sup>4</sup>.

## DISCUSSION

The existence of "street children is often seen in big cities in Indonesia. Street children should be protected and guaranteed their rights as children in general in order to become a useful human and bright future. Children need to obtain their normal rights as appropriate, including civil rights and freedoms, family environment and alternative care, basic health and welfare, education, recreation and culture (education, leisure, and culture activities), and special protection<sup>5</sup>.

Being a street child is not a life choice they want, but a compulsion that they must accept because of "certain causes. Street children, however, have become a phenomenon that demands the attention of all parties. Psychologically they are children who at some level do not yet have a strong mental emotional formation, while at the same time they have to wrestle with the hard world of the road and tend to be negative for the formation of "personality"<sup>6</sup>.

In the 1945 Constitution it is stated that abandoned children are nurtured by the State. This means that the government has the responsibility for the care and guidance of "neglected children, including street children. The rights of neglected children and street children are essentially the same as human rights in general, as stated in Law No. 39 of 1999 concerning Human Rights, and in Ratification of the Convention on the Rights of the Child adopted by the United Nations in 1989 and ratified by the Government of Indonesia through Presidential Decree No. 36 of 1990 has laid the main foundation for the fulfillment of children's rights. The rights that should be received by a child cannot be fulfilled, so the child chooses to live on the streets<sup>7</sup>.

The policy models for dealing with street children as models of social policy. In relation to social policy models are mainly made to explain the processes, characteristics, mechanisms and determine social policy strategies. Social policies can be grouped into several categories (1) based on implementation (2) based on scope or scope (3) based on constancy or sustainability (4) based on type of problem or target<sup>8</sup>.

<sup>3</sup> HB Sutopo, 2002, *Metodologi Penelitian Kualitatif*, Surakarta: UNS Press.

<sup>4</sup> Lexy J. Moleong, 1988, *Metodologi Penelitian Kualitatif*, Bandung: Remaja Resdakarya, p.3

<sup>5</sup> Harja Saputra, 2007, "Masalah Anak Jalanan", Available on website: <http://www.harjasaputra.wordpress.com>, Accessed on April 27<sup>th</sup> 2015.

<sup>6</sup> Syamsul Haling dkk, "Perlindungan Hak Asasi Anak Jalanan Dalam Bidang Pendidikan Menurut Hukum Nasional Dan Konvensi Internasional", *Jurnal Hukum & Pembangunan*, Vol. 48 No. 2, 2018, p.363

<sup>7</sup> Tata Sudrajat, "Isu Prioritas Dan Program Intervensi Untuk Menangani Anak Jalanan", *Jurnal Hakiki*, Vol. 1 No. 2, Edition November 1999.

<sup>8</sup> Anasiru Ronawaty, "Implementasi Model-Model Kebijakan Penanggulangan Anak Jalanan Di Kota Makassar", *Jurnal Sosiokonsepsia*, Vol. 16 No. 02, Tahun 2011, p.179-180

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Limited access to education will increasingly plunge the poor into the abyss of ignorance. Eventually the poor will forever be stupid and have no skills. As a result of not having the skills they do not have a job, let alone creating jobs, and if they become unemployed, they will be a burden to families, communities and also the government<sup>9</sup>. The responsibility for the implementation of community participation based education has been carried out everywhere. Conceptually, community responsibilities include: overseeing the running of socio-cultural values, channeling community aspirations, fostering and improving family quality<sup>10</sup>. One form of community participation in education is to form LSM.

Children who are involved as street children, not only because of poverty, but more on mentality issues, they do not have the enthusiasm or motivation to think about their future, they are easily influenced by adults to be exploited to become beggars<sup>11</sup>.

Even in their young age they do not have skills that are suitable to the adult work world. The above conditions have encouraged the government and community groups (NGOs) to solve the problems of street children in education through a free education service program. Between the government and community groups (NGOs) can work together to deal with the problems of street children so that the goal to solve the problems of street children can run effectively.

## CONCLUSIONS

One of the problems in street children is related to education. Many street children are unable to enjoy proper and adequate education. Many street children who drop out of school don't even go to school. The dilemma arises when street children have to choose between school and work on the street.

## SUGGESTION

to solve the problems of street children in education through free education service programs. Between the government and community groups (NGOs) can work together to handle the problems of street children so that the goal of solving the problems of street children can run effectively.

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<sup>10</sup> Abdul Rahman Saleh, 2005, *Pendidikan Agama dan Pembangunan Watak Bangsa*, Jakarta: Grafindo Persada, p.347

<sup>11</sup> Ronawati, *Op cit*, p.176

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