Fulfillment of Civil Rights and Children's Freedom in Ternate in the Development of a Child-Friendly City

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Abstract

The existence of children is not only limited to biological and sociological recognition, but it is also critical for the State to formally recognize the existence of a child where they live and stay. It is challenging for children to have a right because they cannot consistently enforce or waive their rights. In contrast, the realization of children's rights is critical in implementing the concept of Child-Friendly Cities. Child-Friendly City is a concept that applies to all communities’ governance, including children, large and small, urban and rural. This study was conducted to determine the implementation of the fulfillment of civil rights and children's freedom in Ternate as an indicator of realizing a child-friendly city. Empirical Law research with a conceptual approach and a legal instrument approach was used. The collected data were analyzed descriptively and qualitatively, with conclusions reached using deductive to inductive methods. The findings indicate that the fulfillment of civil rights and children's freedom in several variables has not been fully realized, seen from several examples such as; the low number of children who have access to Child Identity Cards, the formation of children's forums that are not evenly distributed across sub-districts, and the lack of child-friendly information facilities.
A. Introduction

International Human Rights law doctrine emphasizes the attributive authority of the State to take a particular temporary action (affirmative action) for a group of people who are categorized as vulnerable groups, and children are included in this group. Local governments have a very strategic role in efforts to realize child protection, as stated in the Child Protection Act. Children are individuals who need special protection that is different from adults based on how children are physically and mentally immature. Efforts to implement child protection must be carried out in an integral and integrated manner as a form of government and local government commitment. Efforts that can be made by local governments are to make their area a child-friendly area. To continue to add and create a child-friendly city, the participation of all parties, especially the community, is needed.

Regulations related to children regulated in the Regional Government Law stipulate that Women's Empowerment and Child Protection is one of the "Mandatory" Affairs of the Provincial Government and Regency/Municipal Governments that are Non-Basic Services. It is known that since 2006 the Ministry of Women Empowerment and Child Protection (PPPA) has introduced Child-Friendly Cities (KLA) through the Child-Friendly City Policy. In 2009, the Regulation of the Minister of PPPA No. 2 of 2009 concerning the KLA Policy was tested in 10 districts/cities. The final goal to be achieved is that by 2030 Indonesia has reached the condition of Indonesia worthy of children.

Under the Convention on the Rights of the Child, there are five clusters of children's rights described in the KLA indicators and measures, namely: Civil Rights and Freedoms; Family Environment and Alternative Parenting; Disability, Basic Health, and Welfare; Education, Utilization of Leisure and Cultural Activities; and Special Protection. A cluster of civil rights and freedoms is the focus of this research. It consists of the first indicator; Percentage of children who are registered and get a birth certificate quote; second; Establishment of children's forums at the City, District and Village levels; and third; Availability of appropriate information for children.

Data from the Population Administration Information System as of March 31, 2020, shows an increase in the coverage of childbirth certificate ownership, which has reached 91.49% (Ministry of Home Affairs, March 2020). However, around 8.51% of children still need special attention to obtain a birth certificate quote, including children residing in the regions (Lagged, Frontier, and Outermost). Children reside in provinces where the achievement of childbirth certificates is below the national target. This is a challenge for every stakeholder, especially the government, because children's rights must be fulfilled under any circumstances.

Based on the description of the background above, the writer formulates the problem as follows: "How is the implementation of the fulfillment of civil rights and children's freedom in Ternate City? The objectives to be achieved are: To determine the implementation of the fulfillment of civil rights and children's freedom in the city of Ternate as an indicator in

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realizing a child-friendly city. The novelty of this research is this research uses Empirical Law research method with conceptual approach and legal instrument approach (statute approach).\textsuperscript{7} While the type of research used is qualitative. Research with the type of Empirical Law is used to see and identify the variables of the fulfillment of civil rights and children's freedom in the City of Ternate. The nature of this research is descriptive, which aims to test whether there is a causal relationship between the various problem variables studied.\textsuperscript{8} The data analysis technique used is the descriptive qualitative analysis, and in conclusion, the deductive to inductive method is used.

In this study, the types and sources of data\textsuperscript{9} are; Primary data from the PPA Office, the Dukcapil Office of Ternate City, and the results of interviews in the field, both interviews were conducted with several respondents who were the primary sources in obtaining research information. Supporting data Primary data is sourced from Primary legal materials, such as legislation and secondary legal materials that explain primary legal materials for books, theses, journals, opinions of legal scholars, research results, and other legal and scientific works.

B. Discussion

1. Child-Friendly City Policy in Ternate City

The implementation of policies regarding the development of Child-Friendly Cities is left to each region. To formulate a holistic child protection policy, it is necessary to develop various models of approaches and development strategies in accordance with the characteristics of children's problems.\textsuperscript{10} For the effectiveness of a policy and program, it is necessary to have a clear regulatory basis, such as a Regional Regulation. Regional legal products that are made must be in accordance with needs, apply effectively or on target, achieve goals, and at the implementation level can benefit all levels of society in the area.\textsuperscript{11} The commitment of the Ternate City Government to achieving KLA is based on the establishment of the Ternate City Regional Regulation Number 1 of 2019 concerning Child-Friendly Cities.

The scope of regulation of the Ternate City Regulation Number 1 of 2019 regulates the stages of KLA development which consists of preparation, planning, monitoring, evaluation and reporting, then mandates the establishment of child-friendly sub-districts and sub-districts, child-friendly islands, children's forums, providing space for community participation, the business world as well as the media, as well as awards and funding aspects. To make KLA development effective, this Perda mandates the establishment of an KLA task force in charge of coordinating and integrating KLA policies, programs and activities as outlined in the RPJPD, RJPJD, RKPD, Renstra of regional apparatus referring to the KLA national policy to carry out the task of reporting the results of the implementation of tasks to the mayor.

Public policy according to what was put forward by William N. Dunn implies the existence of collective choices that depend on one another, in which decisions to take action. The public policy in question is made by a government agency or office. This policy is then implemented by administrative units with the support of financial and human resources, and evaluated so that it can be used as a monitoring mechanism for the policy in accordance with the objectives of

\textsuperscript{7} Peter Mahmud Marzuki, Penelitian Hukum (Jakarta: Kencana, 2006).

\textsuperscript{8} Amiruddin and Zainal Asikin, Pengantar Metode Penelitian Hukum (Jakarta: Rajawali Pers, 2006).

\textsuperscript{9} Zainuddin Ali, Metode Penelitian Hukum (Jakarta: Sinar Grafika, 2009).


the policy itself. In line with that, according to Easton, policy is a government activity that has a purpose, has certain values and has a (positive) impact on the wider community. Therefore, local government policies related to KLA must be implemented in order to have the desired impact and goals.

2. Fulfillment of Civil Rights and Child Freedom in Ternate City

Ideally, the law must be able to regulate the authority of the ruling party and the people whose interests are protected, so that the desired legal protection can be created. As for the State of law to be able to provide legal protection for the interests of individuals in society, according to Frederick Julius Stahl, it must be able to meet the following requirements: 1) Protection of human rights; 2) Separation or division of power to guarantee human rights, commonly known as Trias Politica; 3) Government based on regulations; and 4) Administrative justice in disputes. Furthermore Child protection is a struggle that requires the contribution of everyone at all levels. Every child has human rights, freedoms and welfare. Children as an important element of the nation need to be guaranteed the fulfillment of their rights as a form of legal protection. Fulfillment of Civil Rights and Freedoms as a form of acknowledgment of the existence of children is not only limited to biological and sociological recognition, but it is important to acknowledge the existence of a child where he lives and lives formally by the State through registration (registration) and the provision of citations of their Birth Certificates, Child Identity Cards (KIA), Implementation of child-friendly information and space for children to freedom of expression and opinion through children's forums are well available.

The implementation of the Child Friendly City policy is a very important stage in the overall policy structure, because through this procedure the level of success in achieving goals can be known. Agustini in Utari swadesi et al suggests that there are three major groups of variables that can affect the successful implementation of a program, namely: the logic of a policy, the environment in which the policy is implemented and the ability of the implementer.

a. Percentage of Children Who Are Integrated and Get Quotations of Birth Certificates and Child Identity Cards (Kartu Identitas Anak/ KIA)

The right of identity for a child is stated firmly in Article 5 of Law no. 23 of 2002 concerning Child Protection. The article states that "Every child has the right to a name as self-identity and citizenship status". Then this is also emphasized in article 27 paragraphs (1) and (2) which State, paragraph (1) "The identity of each child must be given from birth", and paragraph (2) reads "identity as referred to in paragraph (1) is stated in birth certificate". In addition, the 1945

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Constitution also provides guarantees for citizenship status as regulated in 28 D paragraph (4) which states, "everyone has the right to citizenship status".

Registering a birth is the first legal acknowledgment of the existence of a child. Birth certificates are so important because they can help children to get their other citizenship rights, such as getting educational assistance (scholarships), e-KTP, employment, health insurance coverage, etc. The selection of a birth certificate is also important to protect children from exploitation or trafficking. Aware of this, the government has made various efforts to overcome and record every baby born.

According to the National Medium-Term Development Plan for 2020-2024, the target for the achievement of births in 2020 is 93%, in 2021 95% until 2024 it must reach 100%. Based on data from the Dukcapil Office of Ternate City, the achievement of birth certificates in 2021 is 97%, which this figure has exceeded the target set nationally.

In addition to a birth certificate, children are also entitled to a Child Identity Card (KIA) which functions as population data and has many benefits. In contrast to the achievement of birth certificates which have exceeded the target, MCH achievements in Ternate City have not been maximized. The number of children registered and receiving MCH is still low.

Table 1: Number of MCH Service Reports (Child Identity Cards) until October 2021

<table>
<thead>
<tr>
<th>No</th>
<th>District</th>
<th>Mandatory KIA</th>
<th>October</th>
<th>Child with KIA</th>
<th>Child without KIA</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Jml</td>
<td>%</td>
<td>Jml</td>
<td>%</td>
</tr>
<tr>
<td>1</td>
<td>Ternate Island</td>
<td>2.429</td>
<td>6</td>
<td>1322</td>
<td>2.26</td>
<td>1.107</td>
</tr>
<tr>
<td>2</td>
<td>South Ternate City</td>
<td>21.115</td>
<td>131</td>
<td>6.782</td>
<td>11.61</td>
<td>14.333</td>
</tr>
<tr>
<td>3</td>
<td>North Ternate City</td>
<td>13.790</td>
<td>95</td>
<td>4.793</td>
<td>8.21</td>
<td>8.997</td>
</tr>
<tr>
<td>4</td>
<td>Moti</td>
<td>1.304</td>
<td>0</td>
<td>819</td>
<td>1.40</td>
<td>485</td>
</tr>
<tr>
<td>5</td>
<td>Batang Dua Island</td>
<td>738</td>
<td>42</td>
<td>660</td>
<td>1.13</td>
<td>78</td>
</tr>
<tr>
<td>6</td>
<td>Central Ternate City</td>
<td>15.668</td>
<td>96</td>
<td>4.758</td>
<td>8.15</td>
<td>10.910</td>
</tr>
<tr>
<td>7</td>
<td>Hiri Island</td>
<td>791</td>
<td>1</td>
<td>737</td>
<td>1.26</td>
<td>54</td>
</tr>
<tr>
<td>8</td>
<td>West Ternate</td>
<td>2.562</td>
<td>0</td>
<td>721</td>
<td>1.23</td>
<td>1.841</td>
</tr>
<tr>
<td></td>
<td><strong>Amount</strong></td>
<td><strong>58.397</strong></td>
<td><strong>371</strong></td>
<td><strong>20.592</strong></td>
<td><strong>35.26</strong></td>
<td><strong>37.805</strong></td>
</tr>
</tbody>
</table>

Source: Department of Population and Civil Registration (Dukcapil) Ternate City

Referring to the table above, it appears that the percentage of children who do not have MCH is higher than the achievement of MCH which only reached 35.26%. The gap is also seen in the achievement in several sub-districts. The city of South Ternate achieved the highest

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number of MCH achievements with justification for the highest number of compulsory MCH children, namely 21,115 and supported by easy access as well as the layout of the sub-district located in the city center. This is not directly proportional to the achievement in the Batang Dua sub-district with the lowest percentage of only 1.13% with justification for the number of children who are required to have MCH as 791 and is not supported by easy access because geographically it is the furthest sub-district. In the KLA, the achievement rate for the city of Ternate is still relatively low, so it is necessary to make various efforts to stimulate this program. According to Director Daurmala (Nurdewa Safar) 19, the public's lack of interest in MCH is due to the absence of a standard system regarding the use of MCH that is applicable nationally. Unlike electronic ID cards, which can access all public services.

The right to obtain information in documents that match the identity of a civilian is a legal entity that should receive recognition from the State.20 In the author's opinion, as one of the principles in the KLA is "for the best interests of the child", then the need for a child population card such as KIA should be maximized in order to ensure that the continuity of the child's life is not complicated because of the constraints of MCH. As we know, in the future MCH plays a very important role in facilitating children's access to education, as well as accessing other public services.

Ika Pasca Himawati et al, in their research explained that so far, children tend to play more roles as program objects and have not been fully positioned as subjects who have shared awareness in carrying out development activities. As a result, children have not been able to fully enjoy their basic rights.21

Children's rights include the right to identity, welfare, access to education and health services, freedom from discrimination and the right to survival and development.22 The right to identity is important, because if a child does not have a birth certificate, then he does not have legal status over himself, does not have basic rights, and does not have citizenship status.23 As regulated in the Minister of Home Affairs Regulation Number 2 of 2016 concerning Child Identity Cards, MCH is the official identity of the child as proof of the child who is less than 17 years old and unmarried issued by the Population and Civil Registration Office of the Regency/City. Therefore, the Government is obliged to provide a national identity for all Indonesian citizens as an effort to protect and fulfill the constitutional rights of citizens.

b. Provision of Child-friendly Information Facilities

Referring to the indicators provided by the Ministry of Women's Empowerment and Child Protection that the availability of child-friendly information facilities, the City of Ternate through the PPPA Service as a driving force for cross-sectoral synergy with other regional apparatus and NGOs (Daurmala and Wahana Visi), has attempted to provide information facilities child-friendly in the form of the Child Friendly Information Center (PISA) and smart cars that serve children's literacy needs. Smart cars are a partnership program with the Ternate City Library and Archives Service. PISA has only been formed in 4 regions so that

19 Wawancara tanggal 11 November 2021
22 Waluyadi, Hukum Perlindungan Anak (Bandung: Mandar Maju, 2002).
simultaneously it has not been able to make it easier for all children to access this information center.

"This is a shared responsibility and not the result of the work of one agency alone, so there needs to be synergy between the local government work units and the community and there must be a commitment from the community to implement the Child Friendly City program. , maybe one of the reasons we haven't done socialization optimally". 24

A Child Friendly City is a city that has a children's rights-based development system through the integration of government, community and business commitments and resources that are planned in a comprehensive and sustainable manner in policies, programs and activities to ensure the fulfillment of children's rights.

According to Soerjono Soekanto, the degree of community legal compliance is one of the parameters regarding the effectiveness or not of the law being enforced.25 Relevant to the theory put forward by Romli Atmasasmita, namely that the factors that hinder the effectiveness of law enforcement do not only lie in the mental attitude of law enforcement officials (judges, prosecutors, police and legal advisors) but also lies in the factor of legal socialization which is often ignored, namely ordinary in the form of community factors, factors supporting facilities and facilities as well as cultural factors that exist in the community.26 To maximize the role of stakeholders in supporting the development of KLA, it is important to socialize the Ternate City Regulation No. 1 of 2009 so that the community and business actors can know and take their role.

c. The formation of children's forums at the City, District and Village levels

The right of children's participation, which is actually to involve children to play an active role, is intended so that children can be responsible and enjoy the results of development through the Children's Forum. The Children's Forum is a forum for children's participation to encourage children's involvement in the decision-making process about everything related to themselves and is carried out with awareness, understanding and mutual will so that children can enjoy the results or benefit from these decisions. In addition to the age requirement, other requirements to become a member of the Children's Forum include joining on the basis of self-awareness, attaching a parent/guardian's permission, and being willing to maintain the good name of oneself and the organization.

The objectives of the Children's Forum are; (1) Communicating the fulfillment of children's rights and obligations; (2) communication media for children's organizations; (3) Bridging the fulfillment of children's participation rights; (4) Facilities for developing children's talents, interests and abilities; and (5) Media for children's achievement competitions. In an effort to mainstream children's rights, the Ternate City Government has issued Ternate Mayor Decree Number 155/II.9/KT/2019 concerning the Ternate City Children's Forum 2019-2021. The children's forum as intended in charge of:

1) channel children's aspirations
2) identify socio-cultural conditions and issues related to children's rights
3) coordinate all activities carried out by the fields in the Ternate city children's forum
4) report the results of the implementation of the Ternate city children's forum program to the Ternate City Office of Women's Empowerment and Child Protection.

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24 wawancara Kadis PPPA Kota Ternate, 10 November 2021
25 Soerjono Soekanto, Faktor-Faktor Yang Mempengaruhi Penegakan Hukum (Jakarta: PT Raja Grafindo Persada, 2008).
26 Romli Atmasasmita, Reformasi Hukum, Hak Asasi Manusia & Penegakan Hukum (Bandung: Mandar Maju, 2001).
In addition, the children's forum has the following functions:

1) make children's forums a vehicle for learning and developing science and technology
2) making the children's forum a vehicle for communication and interaction with children in the city of Ternate.
3) making the children's forum a vehicle for creating change cadres and motivators for children in the city of Ternate.
4) make children's forums a vehicle for critical thinking and sensitivity to social phenomena that occur in society.
5) make the children's forum a vehicle to increase love for regional and national culture.
6) make the children's forum a vehicle for caring for cleanliness, beauty and environmental sustainability.

This policy has been followed up with the establishment of a children's forum at the sub-district level in Ternate City.

### Table 2: District Children's Forum

<table>
<thead>
<tr>
<th>No</th>
<th>Kids Forum Name</th>
<th>Certificate Number</th>
<th>Member</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>North Ternate District Children's Forum</td>
<td>463/14/2017</td>
<td>22</td>
</tr>
<tr>
<td>2</td>
<td>Central Ternate District Children's Forum</td>
<td>400/124/2017</td>
<td>28</td>
</tr>
<tr>
<td>3</td>
<td>District Children's Forum. South Ternate</td>
<td>141/23/2018</td>
<td>30</td>
</tr>
<tr>
<td>4</td>
<td>District Children's Forum. West Ternate</td>
<td>01/05/KEC.TB/2018</td>
<td>16</td>
</tr>
<tr>
<td>5</td>
<td>District Children's Forum. T Hiri Island</td>
<td>16/11/2018</td>
<td>21</td>
</tr>
<tr>
<td>6</td>
<td>District Children's Forum. Ternate Island</td>
<td>462/15/kec.ol.Te/2018</td>
<td>21</td>
</tr>
</tbody>
</table>

**Source:** Ternate City PPPA Service

The Ternate City PPPA Service with the support of a partnership with Daurmala, Wahana Visi, the District and Urban Village Parties has attempted to establish a children's forum in six sub-districts within the City of Ternate. Of the total 9 sub-districts in the administrative area, there are still 2 sub-districts that do not yet have a children's forum, namely the Moti sub-district and the Pulau Batang Dua sub-district. Its formation was constrained by the COVID-19 pandemic, which affected the implementation budget for a number of activities due to recofusing in several SKPDs, including the Ternate City PPPA Service. Suwitri argues that the function of implementation is to form an effort that allows the goals or objectives of public policies to be realized as "outcomes" or the results of government activities and the goals or objectives of public policies are translated into action programs that can achieve these goals. Not being allocated a budget can hinder the development of KLA in Ternate City.

Simultaneously, strategic steps were also taken at the kelurahan level through the establishment of a sub-district children's forum. Based on data from the Ternate City PPPA Service, out of a total of 78 sub-districts, there are 36 sub-districts in 6 sub-districts as shown in the table above, so there are still 42 villages in Ternate City that do not have a children's forum. This is certainly not in accordance with the mandate of Law no. 34 of 2014 concerning Child Protection that every child has the right to live, grow and develop, and participate.

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27 Wawancara Kepala Dinas PPA Kota Ternate, 10 November 2021
The children's forum that has been formed proactively initiates positive children's activities and participates in every development planning activity in the region such as children's participation in Musrenbang. As the law protects a person's interests by allocating power to him to act in the context of that interest, then the allocation of this power is carried out in a measurable manner, in the sense that its discretion and depth are determined. Such power is called a right, so in the concept of legal protection it is defined as the protection of rights. If the rights of children are not fulfilled, then there is no legal protection for them. In fact, according to Frans Magnis Suseno, protection of children's rights is a form of defense of human rights. 29

Support is needed not only from parents and siblings, but also from the wider community and the government. The development of children's potential is a strategic matter, because the future of a nation depends on the ability of children in the future to build and manage their country. Children are the continuation of the existence of the nation, so it is natural that their protection is a shared responsibility. 30 The space for children's freedom of expression which is still limited to the formation of children's forums that are not evenly distributed in all sub-districts and villages is one of the factors that hinders the fulfillment of civil rights and children's freedom. This is not in line with the strategy of mainstreaming the fulfillment of children's rights which explicitly mandates that it must be carried out at every regional level: national, provincial and district/city, sub-district to village/kelurahan.

In fact, stakeholder engagement or stakeholder involvement, especially children in development, is very necessary because not only do they have the right to be involved, but they are also useful in creating a participatory, collaborative, and inclusive policy. 31 In the future, the challenges faced by districts/cities in developing KLA are the need to align the paradigm of children as the main part of development, basic data about children, and ensure listening to the views of children's forums when formulating and implementing policies and programs. 32 On the other hand, Dewi Ayu Rizky et al in their research 33 also found that there are not many child facilitators who understand and are trained on the Convention on the Rights of the Child and other regulations related to children in facilitating children's forums to carry out their roles as representatives of children, children still need adult assistance to ensure their rights.

C. Conclusion

There is a commitment from the Ternate City Government in developing Child Friendly Cities, which is marked by the establishment of Ternate City Regional Regulation No. 1 of 2019 concerning Child Friendly Cities, and technically a KLA task force is formed in charge of implementing programs, policies and evaluating and reporting on KLA developments to the Mayor. This is followed by the implementation of KLA programs through technical agencies or SKPD in synergy with the community and business actors.

Based on the results of the study, the fulfilment of children's civil liberties through 3 clusters namely the Percentage of Integrated Children and Obtaining Birth Certificates and Child Identity Cards (KIA), the availability of children's forums, and the availability of child-friendly information facilities in the city of Ternate has not been fully fulfilled. for example,

30 Arif Gosita, Masalah Perlindungan Anak (Jakarta: Akademi Pressindo, 1989).
the low number of children accessing MCH, the formation of children's forums that are not evenly distributed in all sub-districts and sub-districts, and the lack of child-friendly information facilities due to lack of support from the community and the business world. 

There is a more appropriate scheme to encourage citizen participation in accessing MCH. To the technical agencies in charge of protecting women and children in order to maximize the outreach program so that the development of KLA gets the attention of the community as well as the business world. Encouraging budget advocacy to maximize the implementation of programs or activities based on mainstreaming the fulfilment of children's rights in the City of Ternate.

Bibliography

A. Book

B. Journal


