



## Legal Protection of Street Children Post-Natural Disaster in Palu Based On The Family Empowerment Model

**Kartini Malarangan**

*kmalarangan300@gmail.com*

**Universitas Tadulako, Indonesia.**

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### Abstract

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### Abstract

*Street children have a negative impact on the stigma of child growth. Street children depend their lives on the streets because of economic, social or even family conditions that do not support their development. After the natural disaster, 28 September 2018 was the point where areas were affected, especially in the areas of Palu, Sigi and Donggala (Pasigala). The phenomenon that occurs when a disaster occurs, robs them of their finances, such as their homes and their livelihoods. The increasing number of street children will certainly affect the number of crimes committed considering the harshness of street life and the bad friendship environment can make a child who has never been faced with the law becomes a child who is dealing with the law. So in this case it is necessary to protect the law for street children. So that the main problem in this research is what are the factors that dominate a child being a street child in the Post-Natural Disaster Post Wolf Area, and*



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*how is the Model for Handling Street Children Post-Natural Disasters through an Innovation System Based on Family Empowerment. The results of this study indicate that legal protection for street children after natural disasters qualifies with the adoption of the family empowerment model by presenting the Tina Nu Ngata model.*

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## A. Introduction

Since the inception of the Unitary State of the Republic of Indonesia or *Negara Kesatuan Republik Indonesia* (NKRI), diversity is the wealth of the Indonesian State that must be recognized, accepted, and respected.<sup>1</sup> In the history of the nation's journey, the philosophy of nation life is the values that are body, live and develop in social life. These values have become the driving force to achieve the aspired goals. The crystallization of these values is contained in the principles contained in Pancasila. Pancasila has guided a better inner and outer life in society. Therefore, Indonesia guarantees the right of every child to obtain protection from economic exploitation activities and any work that endangers him, interferes with his education, physical health, morals, social life and mental spirituality.<sup>2</sup> However, the reality in the field of children's rights has not been fulfilled in a systematic and sustainable manner. Supposedly, protection of children is the responsibility of the state, family and parents in the fields of religious, educational, health and social life.<sup>3</sup> Children are a mandate and a gift from God Almighty, who in themselves are inherent in their essence and dignity as a whole human being.<sup>4</sup> Street children can be the entrance for a child to commit a crime and become a child who is facing the law. According to the 1945 Constitution, neglected children are cared for by the state.<sup>5</sup> This means that the government has the responsibility for the care and guidance of neglected children, including street children. The symptom of the spread of street children in Indonesia is a complex social problem.<sup>6</sup> Living as street children is indeed not a pleasant choice, because they are in a condition that has no clear future, and their existence often becomes a problem for many parties, families, communities and the state.

The rights of neglected children and street children are basically the same as human rights in general, as stated in Law (UU) Number 39 of 1999 concerning Human Rights, and Presidential Decree No. 36 of 1990 concerning Ratification of the Convention on the Right of the Child (Convention on

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<sup>1</sup> Laurensius Arlman et al., "PERLINDUNGAN HUKUM BAGI ANAK DALAM PERSPEKTIF PANCASILA DAN BELA NEGARA," *Negara. UNIFIKASI: Jurnal Ilmu Hukum* 05, no. 1 (March 22, 2018): 29–30, <https://doi.org/10.25134/unifikasi.v5i1.754>.

<sup>2</sup> Irma Runtianing, "KOTA LAYAK ANAK DALAM PERSPEKTIF PERLINDUNGAN ANAK," *Jurnal Ilmiah Pendidikan Pancasila Dan Kewarganegaraan* 27, no. 1 (June 27, 2016), <https://doi.org/10.17977/JPPKN.V27I1.5524>.

<sup>3</sup> Muhammad Fachri Said, "PERLINDUNGAN HUKUM TERHADAP ANAK DALAM PERSPEKTIF HAK ASASI MANUSIA □," *JCH (Jurnal Cendekia Hukum)*, vol. 4, September 28, 2018, [www.kpai.go.id](http://www.kpai.go.id).

<sup>4</sup> Andi Muhammad Sofyan and Andi Tenripadang, "KETENTUAN HUKUM PERLINDUNGAN HAK ANAK JALANAN BIDANG PENDIDIKAN," *DIKTUM: Jurnal Syariah Dan Hukum* 15, no. 2 (December 22, 2017): 229–46, <https://doi.org/10.35905/diktum.v15i2.438>.

<sup>5</sup> Triyani Ambat, "FUNGSI NEGARA MEMELIHARA ANAK-ANAK TERLANTAR MENURUT UNDANG-UNDANG DASAR 1945," *LEX ADMINISTRATUM*, vol. 1, November 9, 2013, <https://ejournal.unsrat.ac.id/index.php/administratum/article/view/3014>.

<sup>6</sup> Badrus Zaman, "PENDIDIKAN AKHLAK PADA ANAK JALANAN DI SURAKARTA," *Jurnal Inspirasi* 2, no. 2 (January 22, 2018): 129–46, <http://www.ejournal.undaris.ac.id/index.php/inspirasi/article/view/49>.

the Rights of the Child).<sup>7</sup> They need to get their rights normally as children, namely civil rights and freedoms, family environment and choice of care (family environment and alternative care), basic health and welfare, recreation, education, leisure and culture activities, and special protection.

Based on the Child Protection Law Number 23 of 2002, every child has the right to be able to live, grow, develop and participate fairly in accordance with human dignity, and receive protection from the essence of violence and discrimination. Even street children who should still be in school, instead they lead street life, the fact is that street children cannot access both formal and non-formal education, including family education. Even though it is the duty of parents to provide education and protection to their children. Based on Article 3 of Law Number 23 of 2002, it is stated that child protection aims to ensure the fulfillment of children's rights so that they can live, grow, develop and participate optimally in accordance with human dignity and discrimination. That the need for legal protection for children is very important because seeing the increasing data of street children. The results of the National Socio-Economic Survey or *Hasil Survei Sosial Ekonomi Nasional* (SUSENAS) of the Central Bureau of Statistics of the Republic of Indonesia in 2008 showed that there were around 2.8 million street children nationally. Two years later, in 2010, this figure had increased by about 5.4%, bringing the number to 3.1 million children. In the same year, there were 10, 3 million children classified as vulnerable to becoming street children or 17.6% of the child population in Indonesia, namely 58.7 million children. Until 2017, the number of street children remaining was 16,290. These figures show that the quality of life and future of the children is very worrying, even though they are an asset, an investment in human resources and at the same time a foundation for the future of the nation. If the condition and quality of life of our children is a concern, it means that the future of the nation and state is also less satisfying. In fact, it is possible that some of our nation's children have experienced lost generation.

## B. Discussion

SUSENAS 2010 shows that one of the factors of the unsuccessfulness of national development in Indonesia, among others, is the lack of attention from the government and all parties to the existence of the family.<sup>8</sup> The attention and treatment that focuses on "the family as the basis and empowerment system", which is the main ideal of the life of the nation and state, has not become a collective obligation and a serious effort by many parties. Meanwhile, a healthy, strong, intelligent, and quality society and country is ensured because it grows and develops from and in a family environment that is healthy, strong, intelligent and of high quality. Similar to that, the problem of children including street children needs family-based handling, because families have an important role in being responsible for the future of their children. When viewed further, the management of street children in all regions of Indonesia basically does not have the right and effective model and approach. For example, the existence of a halfway house, based on research results from the Social Development and Training Agency of the Ministry of Social Affairs, is considered ineffective because it does not touch the root of the problem, namely poverty in the family. It seems that there has not been much guidance and empowerment in the family environment where they live, so that the handling has tended to be "patchy" and ineffective. In addition, the family is the "first center for education, coaching and empowerment" which enables these children to grow and develop well, be healthy and smart. Family empowerment of street children, especially in terms of economy, education and religion, is considered to be the main basis and an effective model for handling and empowering street children. Based on this, the factors that encourage children to take to the streets are divided into three levels, namely:

### 1. The Micro Level Explains that Children Choose to Go Down the Street More on The Background of The Children Himself and From the Family

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<sup>7</sup> Imam Sukadi, "TANGGUNG JAWAB NEGARA TERHADAP ANAK TERLANTAR DALAM OPERASIONALISASI PEMERINTAH DI BIDANG PERLINDUNGAN HAK ANAK," *Journal de Jure* 5, no. 2 (December 30, 2013), <https://doi.org/10.18860/j-fsh.v5i2.3003>.

<sup>8</sup> Fauzi Rahman, "MODEL PENANGANAN ANAK JALANAN DI KOTA PALANGKA RAYA," *JURNAL SOCIOPOLITICO* 2, no. 1 (February 28, 2020): 61–69, <https://jurnal.fisipolupgriplk.ac.id/index.php/JSP/article/view/25>.

At this level, it provides an explanation that the child chooses to go down the path of the dilator behind him and from the family. Because from a child who always feels disharmony in the family, such as being asked to work while still in school or even dropping out of school. This comes from families with the inability of the parents to provide basic needs, wrong care from parents so that they experience violence at home (childabuse), and difficulty communicating with parents because they are separated from parents.

**2. Meso level provides an explanation that the child descends into the streets on the background of community factors**

This level provides an explanation that the child goes downhill due to social factors or the social environment, namely bad examples such as habits that teach work, so that one day it is a must and then leaves school. Usually this condition is caused by the poor community, children are an asset to help improve the family economy. Therefore, children are taught to work for other people to help the family economy.

**3. The last level, namely the Macro level provides an explanation such as job opportunities**

This last level provides explanations such as the opportunity for a job in the informal sector which does not really require capital and great skill, high education costs and discriminatory teacher behavior and there is no common understanding between government agencies of street children. Thus, children with limited abilities tend to choose to go down a path that does not require great skills. Street children certainly have an effect on human development in an area. This is also true in Central Sulawesi. In addition, the 2 incidents of natural disasters on September 8 2018 made more street children in the Pasigala area, especially in the city of Palu. The activities of these children can even be seen at crossroads, especially in Palu City. Expectations The length of schooling for 2016 Palu City is 15.53 years, while the average length of schooling is only 11.24 years in 2015 and 11.25 years in 2016. This figure does not reach 12 years in which school achievements must be taken by a child is 12 years old. The following is a picture of the level of education by category of work according to the Indonesian National Qualifications Framework.



Based on the data above, one of the influences is the existence of street children, so the need for special attention to street children. However, in this study, special attention is given to the collaboration between the government and families. The main objective is to streamline the role of the family through government programs and supervision. So in this study the researchers raised the title of research on Legal Protection of Street Children Post Natural Disasters in Palu through the Family Empowerment Model, and the focus of the problem focuses on what are the factors that cause a child

to become a street child in the Post-Natural Disaster Wolf Area, and how is the Child Handling Model Post-Natural Disaster Roads Through the Innovation System Based on Family Empowerment.

The research method used in this study is to use juridical normative and empirical juridical research and is supported by in-depth interviews where juridical normative research is legal research that places law as a norm system building. The system of norms in question is about the principles, norms, rules of legislation, agreements and doctrines (teachings). The data used are secondary data such as statutory regulations, scientific journals, books related to this research. While empirical juridical research is research that has the object of study on people's behavior in this case direct interviews. The data analysis used is qualitative data analysis. The government has actually set regulations related to child protection efforts, of course, including street children. In the Child Protection Law No. 23/2002, it is stated that child protection is an activity to guarantee and protect children's rights. Child protection is closely related to the five pillars, namely, parents, family, community, government and the state. In its simplest form, child protection strives so that every child's rights are not harmed. Child protection is complementary to other rights ensuring that children receive what they need so that they can survive, grow and develop. However, the condition of children in Indonesia is very worrying, especially those concerning street children. For this reason, the government should pay more attention to these conditions, so that street children can be overcome by the existence of programs from the government that will later reduce street children.

The road handling program currently carried out by open houses is actually very varied.<sup>9</sup> The programs carried out have touched on aspects of education, health, economic empowerment and others. To facilitate the reintegration of street children into the community, open houses have also carried out various programs, for example through seeking citizenship identity and helping to return children to the family. The intensity of mentoring and the approach that emphasizes the kinship that is carried out, with this intense mentoring, has the potential to handle roads. Factors such as length of time on the streets, lack of parental supervision, no shelter and a free environment, this makes street children very vulnerable to engaging in deviant behavior. The fulfillment of the basic rights of street children is one of the driving factors for the happiness of every human child which at the same time strengthens family relationships in the life of the people who are classified as underprivileged.<sup>10</sup> In coaching street children requires a special method where the method to be used must adapt to the character of the child. In providing guidance to children, the important thing is the transfer of knowledge or culture to street children through teaching methods, there is a process of internalization and possession of knowledge by students.<sup>11</sup> In this regard, efforts to tackle street children are not only the responsibility of the government. In addition to structurally facing institutional problems, programs for handling street children carried out at open houses if they face various obstacles related to the street children handling model. So in terms of understanding street children, we need to know the characteristics of street children, namely as follows:

a. Based on Age

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<sup>9</sup> Hemptri Suyatna, "Revitalisasi Model Penanganan Anak Jalanan Di Rumah Singgah," *Jurnal Ilmu Sosial Dan Ilmu Politik*, vol. 15, July 1, 2011, <https://journal.ugm.ac.id/jsp/article/view/10924>.

<sup>10</sup> Haling, "PERLINDUNGAN HAK ASASI ANAK JALANAN DALAM BIDANG PENDIDIKAN MENURUT HUKUM NASIONAL DAN KONVENSI INTERNASIONAL," *urnal Hukum & Pembangunan*, accessed February 11, 2021, <http://www.jhp.ui.ac.id/index.php/home/article/view/1668/1487>.

<sup>11</sup> Sari Famularsih and Arif Billah, "Pola Pembinaan Keagamaan Anak Jalanan Dalam Membentuk Kepribadian," *MUDARRISA: Jurnal Kajian Pendidikan Islam*, vol. 6, 2014, <https://mudarrisa.iainsalatiga.ac.id/index.php/mudarrisa/article/view/760>.

The Directorate of Child, Family, and Elderly Welfare, explained that street children are children who spend most of their time making a living or roaming the streets or other public places, their ages range from 6 years to 18 years.<sup>12</sup> In addition, according to the Indonesian Ministry of Social Affairs, indicators of street children according to age are children aged 6 to 18 years. From this explanation, it can be concluded that those who can be categorized as street children are those whose ages range from 6 to 18 years.

b. Based on Categorization

According to Surbakti, based on the results of field studies, street children are broadly divided into 3 category, namely:<sup>13</sup>

First, *Children on the street*, namely children who have economic activities as child laborers on the road, but still have a strong relationship with their parents. Half of their income is carried out in this category is to help strengthen the economic support of their family because the burden or pressure of poverty that must be borne cannot be resolved by both parents alone. Second, *Children of the street*, namely children who fully participate in the streets, both socially and economically. Some of them still have relationships with their parents, but the frequency of their meetings is uncertain. Many of them are children who for some reason ran away or left home. Various studies have shown that children in this category are very vulnerable to mistreatment, both socially, emotionally, physically and sexually.

Third, *Children from families of the street*, namely children who do live on the street. Even though these children have a strong enough kinship, their life is shifting from one place to another at all costs. One of the important characteristics of this category is the appearance of street life from infancy, even since the child is still in the womb. In Indonesia this category can easily be found in various under bridges, illegal houses along railways and river banks, although quantitatively the number is not known with certainty. The family is the smallest unit in society which consists of family members and has their respective roles.<sup>14</sup> So that in certain circumstances, the inability of one family member to play a role will cause changes in the family. This is what happened to street children in the Pasigala region after natural disasters. Where, children are required to help support the economic needs of the family by going down the road. The profession undertaken by street children as a busker, beggar, newspapers seller has gradually formed behavior that leads to deviant actions. Therefore, children prefer to be on the streets because they feel free from the demands of their parents or family. If the child cannot fulfill these demands, parents tend to be disappointed, angry or upset with the child. Based on this, the results achieved in this study are several things, namely:

4. **Factors That Dominates a Child to be a Street Child in the Pasigala Area Post-Natural Disaster**

Data on Street Children in Central Sulawesi

<sup>12</sup> M Ramadhani and Harpani Matnuh, "PERAN DINAS SOSIAL DALAM PENANGGULANGAN ANAK JALANAN DI KOTA BANJARMASIN," *Jurnal Pendidikan Kewarganegaraan*, vol. 6, May 1, 2016, <https://doi.org/10.20527/KEWARGANEGARAAN.V6I11.744>.

<sup>13</sup> Rosmawati Rosmawati Donal Donal, "HUBUNGAN ORANGTUA DENGAN ANAK JALANAN DI KOTA PEKANBARU," *Pendidikan & Sosial*, vol. 8 (Educhild , 2019), <https://doi.org/10.33578/JPSBE.V8I2.7669>.

<sup>14</sup> Ice Yulia Wardani and Dosen Keilmuan Keperawatan Jiwa Fakultas Ilmu Keperawatan, "STRES DAN STRATEGI KOPING ANAK JALANAN DI KOTA DEPOK," *Jurnal Persatuan Perawat Nasional Indonesia (JPPNI)*, vol. 2, August 31, 2018, <http://www.jurnal-ppni.org/ojs/index.php/jppni/article/view/88>.

No	Kabupaten/ Kota	Keterlantaran		
		Anak Jalanan		
		Tahun 2017	Tahun 2018	Tahun 2019
1	Kota Palu	11	24	27
2.	Kab. Donggala	-	2	2
3	Kab. Sigi	-	-	-
4	Kab. Parigi Moutong	(belum dideteksi)	(belum dideteksi)	(Belum dideteksi)
5	Kab. Luwuk	1	3	4

Sumber : Dinas Sosial Prov. Sulawesi Tengah, thn 2019

Factors That Dominates a Child to be a Street Child in the Pasigala Area Post-Natural Disaster:

1. Low Economic Welfare of Children's Families, because parents have lost their livelihoods after the disaster;
2. The low level of children's family education;
3. The amount of influence of association so that children want to be free; and
4. The place to live in shelters is less conducive so that children choose to socialize, and the chances of mingling wrong are greater

The Model of Handling Street Children Post Natural Disasters through the Innovation System of the *Tina Nu Ngata* Model Based on Family Empowerment

The term *5Ntina* itself later became one of the orders in the kaili government system in the past, where *Ntina* had the right to oversee customs which was carried out by the kingdom, even deciding who the king's figure would lead. In the current legal system, it is known as the People's Consultative Assembly or *Majelis Permusyawaratan Rakyat* (MPR). The adat law of *To Kaili* and *To Kulawi* which reside in Sigi Regency, each have a model and name of traditional institutions from generation to generation in their communities and are recognized by the Sigi adat law and other communities about their existence and role and function in society. The local mention of traditional institutions in the community is *Totua Ngata*, namely people who are elders in *Ngata*, *Totua Ada*, who are people who specifically regulate customs and *Bulonggo Nu Ada / Tina Ngata*, namely the roles played by traditional women. In Regional Regulation No. 15/2014 concerning Empowerment and Protection of Adat Law Communities in Sigi Regency, customary institutions ranging from villages, sub-districts and districts are permanent in modern terms.

Then the handling of the problem of street children is very important to do and pay attention to, in addition to the rights of street children to get welfare services that have been protected by law, also to avoid negative impacts if the problem of children who are very worrying cannot be solved. Obstruction of fulfillment of children, especially street children, will have an impact on the survival of the children themselves, the nation and the state of Indonesia.

Based on this, in terms of the concept of *Tina Nu Ngata* as a noble culture that maintains the situation and progress of the area in relation to street children, namely:



*Tina Nu Ngata* concept model:

1. Providing “SOU KITA” Shelter Homes for street children in collaboration with social agencies.
2. Arranging ideal management in “SOU KITA”, so that street children do not hesitate to stop by and even survive to improve their skills in both their right brain and left brain.
3. Creating a NAPANDE Program for street children, in the concept of introducing the Central Sulawesi region, especially the environment it is in, for example Palu City, Sigi Regency, Donggala Regency or Parigi Regency, so that these children not only feel responsible for education cognitively, but also more responsible for the environment.

The Role of *Tina Nu Ngata*

*Tina Nu Ngata* consists of the government and those who are active as child observers, therefore *Tina Nu Ngata* can be one of the parties present when the government, in this case law enforcement officers, requires assistance for implementation in dealing with street children. This consideration is present, because when street children are faced with the law, it is very difficult to find consistent parties who can assist them, even though there are religious leaders, parents, but the role of teachers can be replaced by the *Tina Nu Ngata*. However, this does not rule out the possibility that even if children who go to school are faced with the law, they can be overcome with *Tina Nu Ngata*.

### C. Conclusion

The poverty factor greatly influences the occurrence of street children in a certain location. In addition, the social environment also has a big influence in shaping children's behavior as well as being a forum for children to perform certain behaviors. This poverty factor is also present as a factor in the occurrence of street children in Pasigala. The number of street children in the Pasigala area increased significantly after the disaster. The most influencing factor is the economic level. The large number of neglected children, encourages and makes street children commit criminal acts. Therefore, legal protection is needed by means or methods recommended by the government. The family approach model for dealing with street children is a model that presents the concept of *Tina Nu Ngata* in the street children reduction program. Thus, to overcome the social problems of street children by increasing their abilities through education, skills training and moral education can be realized, so that street children do not have activities on the road anymore.

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