



Fulfillment of Children's Constitutional Rights within the Framework of a Child-Friendly City (CFC) in Pekalongan

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Abstract

Pekalongan Regency is one of the regions that has held the title of child-friendly City in the Central Java Province region since 2015, the primary criteria for which this award was directly given by the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia in Semarang, after carrying out an intensive assessment in 2014. In 2021, Pekalongan Regency succeeded in winning the Child Friendly City (CFC) award again with intermediate criteria and won the Parahita Ekapraya Award (APE) five times. Pekalongan Regency has received the Child Friendly City (CFC) awards with average criteria from 2015, 2017, 2018, 2019, 2021, 2022 and 2023. However, the high number of children's rights that have not been fulfilled, stunting, children not in school (ATS), Ownership of children's birth certificates in Pekalongan Regency is still said to be quite high. This research uses empirical juridical research using a qualitative approach. The data obtained are primary data and secondary data. Meanwhile, data collection techniques emphasize observation, interviews and documentation. The results of this research have not been implemented well because it has not run ideally and not all related fields or departments can be equal in terms of fulfilling children's rights. Several departments that carried out research included the Education Service, Health Service, Population and Civil Registration Service, Women's Empowerment and Child Protection Service and the Regional Development Planning Agency. In this case, the fulfillment of children's constitutional rights within the Child Friendly Regency (CFC) framework in the Regency Pekalongan can run ideally if the three elements of the Welfare State theory are fulfilled.

Keywords: Children's Rights; Constitutional Rights; child friendly City

Abstrak

Kabupaten Pekalongan merupakan salah satu daerah yang telah menyandang predikat Kota Layak Anak di Provinsi Jawa Tengah sejak tahun 2015. Penghargaan ini diberikan secara langsung oleh Kementerian Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia di Semarang setelah melakukan penilaian intensif pada tahun 2014. Pada tahun 2021, Kabupaten Pekalongan kembali berhasil meraih penghargaan Kota Layak Anak (KLA) dengan kriteria madya dan memenangkan Penghargaan Parahita Ekapraya (APE) sebanyak lima kali. Kabupaten Pekalongan telah menerima penghargaan Kota Layak Anak (KLA) dengan kriteria rata-rata pada tahun 2015, 2017, 2018, 2019, 2021, 2022, dan 2023. Namun, tingginya jumlah hak anak yang belum terpenuhi, kasus stunting, anak tidak sekolah (ATS), serta kepemilikan akta kelahiran anak di Kabupaten Pekalongan masih cukup tinggi. Penelitian ini menggunakan metode yuridis-empiris dengan pendekatan kualitatif. Data yang diperoleh meliputi data primer dan data sekunder. Teknik pengumpulan data menekankan pada observasi, wawancara, dan dokumentasi. Hasil penelitian menunjukkan bahwa pelaksanaan pemenuhan hak anak belum terlaksana dengan baik karena belum berjalan secara ideal dan tidak semua bidang atau dinas terkait dapat setara dalam memenuhi hak anak. Beberapa dinas yang menjadi subjek penelitian mencakup Dinas Pendidikan, Dinas Kesehatan, Dinas Kependudukan dan Pencatatan Sipil, Dinas Pemberdayaan Perempuan dan Perlindungan Anak, serta Badan Perencanaan Pembangunan Daerah. Dalam hal ini, pemenuhan hak konstitusional anak dalam kerangka Kabupaten Layak Anak (KLA) di Kabupaten Pekalongan dapat berjalan secara ideal jika ketiga elemen teori Negara Kesejahteraan terpenuhi.

Kata kunci: Hak Anak; Hak Konstitusional; Kota Layak Anak

Introduction

Children are part from generation young as one of the source Power the human being who is potential And successor ideals struggle nation , Which own role strategic And have characteristics And characteristic special , need coaching And protection in frame ensure growth And development physique , mentally And social . Definition child according to Constitution Number 35 of 2014 is as following : "Children are somebody Which Not yet aged 18 (eight twelve) year , including child Which Still in content ." Children are defining asset life nation in the future . Source Power man superior must be prepared since early , because That protection to child absolute should be done so that the child can grow And develop with Good . This matter in accordance with the mandate that exists in paragraph fourth Opening The 1945 Constitution of the Republic of Indonesia (UUD NRI 1945) states that Wrong One objective country Indonesia that is protect all spilled blood Indonesia Which Then Chapter 28 paragraph (2) NRI 1945 in a way firm entrust that every child That entitled asta continuity live , grow and develop , and protection from shape violence And discrimination . Furthermore , chapter 34 UUD NRI 1945 too mention that poor poor And child displaced maintained by country.

In terms of For protect rights child welfare , government make a program policy about effort development Regency Worthy Children (CFC) as explained in Regulation of the Minister of State for Women's Empowerment and Child Protection Number 12 of 2022 concerning Implementation Regency /City Worthy Child Which containing about Indicator Regency /City Worthy Child. Development Guide Child-Friendly City /City, Evaluation Guide Child-Friendly Citys /Cities aiming for For build initiative government City / city that is directed at efforts transformation Convention on the Rights of the Child *Convention on the Right of the Child* from framework law to in definition , strategy And intervention development in form : policies , programs and activities development that intended For fulfillment rights child , on a region City / city .

Regency Pekalongan is one of areas that have been to bear predicate Regency worthy child in region Province Central Java since year 2015, criteria first Which where award This direct given by Ministry Empowerment of Women and Protection of Children of the Republic of Indonesia in Semarang, after he did evaluation in a way intensively in

2014. In 2021 the Regency Pekalongan succeed get return award Child Friendly City (CFC) with criteria middle And award to snatch Award The Parasite Ekapraya (APE) five times. Regency Pekalongan in total gets award Child Friendly City (CFC) with criteria middle from year 2015, 2017, 2018, 2019, 2021, 2022 And 2023. However from a number of predicate or award regency worthy child Which in can Regency Pekalongan Still Lots rights child Which Not yet fulfilled for example on the quote deed birth , amount applicant dispensation marry , prevalence stunting, percentage must Study 12 year on child the numbers Still tall .

Following this is the problem data child for 3 years last in the City Pekalongan Still Enough Lots from year 2021-2023:

Table 1.1 Data Amount Quote deed birth , Prevalence Stunting And Child No school Child Regency Pekalongan Year 2021-2023

	Year 2021	Year 2022	Year 2023
CHILD BIRTH CERTIFICATE QUOTATIONS	17,463 Do not have yet deed birth	11,257 Not yet own deed birth	8,098 Do not have yet deed birth
CHILD STUNTING	Very short 514 Short 1,114 total 1. 628	Case Very Short 747 And Short 6,768 total 7,515	Very short and Short 4,922 Toddlers 1,612 Clown total 6,534
CHILD NO SCHOOL	4.200 ATS	4,850 ATS	4.065 ATS

Source : Department Health, Service Education, Service population And recording civil Regency Pekalongan .

From table 1.1 Amount child Which Not yet get deed birth as big as 17,463 in year 2021 in region Regency Pekalongan . In year next even Still There is child Which Not yet get deed birth namely 11,257 child And on year 2023 There is around 8,098 child Which Not yet get deed birth in area Regency Pekalongan . From table 1.1 we get information about prevalence amount stunting rate in the Regency Pekalongan experience quite an improvement significant in 2022 and 2023, recorded year 2021

prevalence of stunting in the Regency Pekalongan 1. 628 where experience improvement from year to year . In 2022 it shows number 7.515. Based on 2021 to 2022 is experiencing a very significant increase whereas on year 2023 confirmed A little experience decline .

Based on data from the City Health Office Pekalongan , there is some areas critical stunting Which all three There is in region Coast That is Orange sari, Tegal dowo And Coral Jompo . Region the is a region fish producer . Based on results research health toddler is group Which prone to experience not enough nutrition Wrong the only one is stunting. Prevent stunting on child with fulfillment nutrition fond of Eat fish is Wrong One The method . However third area the is region critical stunting in Regency Pekalongan region Which reach 43.8%.

Data in table 1.1 show number of ATS in the City Pekalongan with case the biggest total 4.200 ATS in Regency Pekalongan per year 2021. With details on year 2021 show 4.200 ATS And experiencing increase on year 2022 namely as big as 4,850 ATS. However , on year 2023 ATS decline namely 4.065 ATS. Can in conclusion For ATS cases have fluctuated change number . There are four group Which background behind ATS : No capable follow process Study in school 33.02%; reason psychological Because Already long stop school (27.96%); reason economy (20.41%); as well as child in need special (ABK) And child sufferer disability (APD) (7.43%).

Based on data and regulations minister empowerment women and protection child Number 12 year 2022 about organization City / city worthy child Which refer to to convention right child Which containing right child Which grouped based on 5 clusters .

On program City/ City Worthy Child there is 5 cluster with 24 Indicator that is ,

Table 1.2 Cluster City/ City Worthy Child

CLUSTER NUMBER	NAME CLUSTER	COMPATIBILITY CHAPTER RIGHTS WITH THE CONSTITUTION INDONESIA
I	Right Civil And Freedom	Law Number 23 of 2004 concerning Deletion Violence

		in House Ladder
II	Environment Family and Parenting Alternative	Regulation minister social Number 21 of 2013 concerning Child Care
III	Health Base and Welfare	Act Number 4 1979 about Child Welfare . Law Number 36 of 2009 concerning Health
IV	Education, Utilization Time Free time, And Activity Culture	Law Number 20 of 2003 about System Education.
V	Protection Special ⁷	Chapter 28B Paragraph 2 Right protection from violence and discrimination

Where based on data And cluster evaluation regency worthy child , there is 3 clusters right child who has not fulfilled namely right child on identity ensure that all over child recorded and have quote deed birth as soon as possible Possible as fulfillment not quite enough answer country on Name And citizenship child (including date birth And his genealogy). right Which second right on education ensure every child get access education And training Which quality without discrimination as well as right on health ensure child reach standard highest life in matter physical , mental, spiritual, moral And social .

So, the urgency from study This namely a number of efforts that have been made done , but data to welfare child Still Lots Which Not yet fulfilled And need There is improvement For get predicate Child Friendly City (CFC). So that writer feel need For do study related with fulfillment right constitutional child in framework regency worthy child in Regency Pekalongan .

Method

Types of research This is type study legal empirical research conducted through

service empowerment Women and Child Protection City Pekalongan especially in the field of Protection Child Which discussion This done with researching in a way direct on location study how fulfillment right constitutional child in framework regency worthy child in Regency Pekalongan .

Approach research that will be researcher do is with use approach qualitative . Approach qualitative is approach study Which more emphasize on aspect understanding in a way deep to a problem , in matter This that is fulfillment right constitutional child in framework Regency worthy child in the Regency Pekalongan . Research qualitative No use statistics , but through collection data, analysis , And Then interpreted Which usually relate with problem social .

Research Location This carried out in the Regency area Pekalongan , which will carried out at the P3A Service (Women's Empowerment and Child Protection and Control) Resident) Regency Pekalongan specifically in field Protection Child. In service health Regency Pekalongan For get information case amount child sufferer stunting, service education Regency Pekalongan use get data case child separated school , and in the service population and registration civil Regency Pekalongan For get case data child who has not get or to obtain quote deed birth .

Discussion

1. Fulfillment Right Constitutional Child in Framework Regency Worthy Children (CFC) in the Regency Pekalongan

Based on research conducted researcher that is Fulfillment of Children's Constitutional Rights Within the Framework Child Friendly Regency (CFC) in the Regency Pekalongan , researcher analyze results from study This in accordance with welfare state theory that effective or whether or not a law in the country of use prosper its people depends from 3 (three) meanings , namely : As condition prosperous (*well-being*), well-being social welfare , process or business planned .

1. Arrangement Welfare Child

Constitution Number 4 Year 1979 about Welfare Child (UU No. 4 years 1979) its formation in base on on a number of consideration that is :

- a. Children are potential as well as successor ideals the basic nation basically has in put it down by generation previously ;

- b. So that every child capable carry not quite enough answer the , so He need get the widest possible opportunity for grow and develop with reasonable Good in a way spiritual , physical and social ;
- c. That inside public there are also children who experience it obstacle welfare spiritual , physical , social And economy ;
- d. Maintenance welfare child Not yet can in carry out by child That Alone ;
- e. That opportunity , maintenance and effort remove obstacle the only will can implemented dandy process when business welfare child guaranteed .

Law No. 4 of 1979 explains that welfare child is a way of life and livelihood child who can ensure growth and development with fair , good in a way spiritual , physical and social . While business welfare child is business welfare social shown For ensure realization welfare child especially fulfillment need main child .

2. Right Child On Identity

Practice implementation service population And recording civil (Next) in call Civil Registration Department). Wrong One effort fulfillment Which in do by Civil Registry is fulfillment to Which registered And get quote deed birth . A number of fulfillment to indicator This :

- a. There is liberation customs giving quote deed birth children (0-18 years);
- b. The existence of registration And giving quote deed birth to child with 100 percent percentage ;
- c. The existence of data selected to child who 0-18 year Which in sort according to type gender and sub-City ;
- d. The existence of effort coverage increase coverage registration And ownership deed birth and;
- e. The existence of mechanism Which effective Which available for society For note taking birth .

Based on indicator the , practice fulfillment Which in do by Civil Registry is First , to giving deed quote birth child who 0 - 18 year Already released from customs (free). Second , presentation child age 0 – 18 year Which registered and get quote

deed birth in the Regency Pekalongan age 0-18 years has reach 96.34 percent or not enough from 100 percent .

3. Children's Rights To Get Health

Practice implementation in the Health Service. Implementation fulfillment Regency Worthy Child (CFC) Already in do in Service Health. Matter This seen in description the following data :

	Year 2021	Year 2022	Year 2023
CHILD	Very short 514	Short Case 747 And	Very short and
STUNTING	Short 1,114 total 1. 628	Short 6,768 total 7,515	Short 4.922 Toddler 1,612 Clown total 6,534

Based on the data above stunting rate in the City Pekalongan in period time three year final the trend experienced quite a few ups and downs significant . Data from the Health Service (Dinkes) of the Regency Pekalongan in the year 2021as many as 1,628 child about case stunting And in year next go on 7,515 children , in the year this is 2022 up compared to year previously . As for the trigger the rise namely existence Covid-19 pandemic . Although the increase Enough significant However in the year of 2023 experience decline around 981 cases child stunting.

Constitution Number 36 of 2009 concerning Health (Law No. 36 of 2009) was formed on base understanding that health is right basic human and one of element welfare that must be realized in accordance with ideals the Indonesian nation as intended in Pancasila and the 1945 Constitution of the Republic of Indonesia. Article 4 of Law No. 36 of 2009 states: that every person entitled on health on context organization health in a way more Details even the a quo law in CHAPTER VII regulates provision to better health details among them load mother , baby , child , teenager , continued age , and disability defect (read disability).

Implementation health for child by law this is formulated in a way

integrity with fulfillment health mother , and baby, some of which are arranged in Article 126, until with Article 135, which specifically special summarized as following :

- a. There is an obligation government give immunization complete to every babies and children .
- b. Maintenance health baby and child must be addressed For prepare the generation that will come healthy , smart and qualified as well as For lower number death babies and children .
- c. Maintenance efforts health child done since child Still in womb , birth , after was born , and until aged 18 (eight) twelve) years .
- d. Maintenance efforts health baby and child become not quite enough responsibility and obligation together for parents , families , communities and governments , and governments area .
- e. The child is born must be raised and cared for in a way responsible answer so that allow child grow and develop in a way healthy and optimal.
- f. Every child entitled to obtain immunization base in accordance with applicable provision For prevent the occurrence diseases that can avoided through immunization
- g. Every baby and child entitled protected and spared from all form discriminated against and prosecuted violence that can disturbing his health .
- h. Government , government region and society obliged For ensure the implementation protection babies and children and provide service health in accordance with need .
- i. Government obliged set standards and/ or criteria to health baby and child as well as ensure its implementation with make it easier every organization to standards and criteria the .
- j. Government , government region and society must provide places and other facilities as needed For play child who allows child grow and develop optimally and capable socialize in a way Healthy .

Against 10 points main organizing health for the child in charge in

Constitution health show strategic position government area as organizer government area For fulfil right health child . Law to attach multiple levels of authority , rights and obligations For affairs health the child who becomes task government area . Based on matter the in its optimization role government area to fulfillment health child There is a number of the part that has not been fulfilled especially in cases and rates of stunting .

4. Children's Rights To Get Education

The 1945 Constitution of the Republic of Indonesia mandates government to undertake and organize One system education national Which increase faith and piety to God Almighty as well morals glorious in frame to make smart life the nation above with law . System education national must capable ensure equalization chance education , improvement quality as well as relevance and efficiency management education For face challenge in accordance with demands change life local , national , and global so that need done update education in a way planned , directed and sustainable .

Constitution Number 20 year 2003 about system Education National (Law) National Education System) arrange right And obligation inhabitant country, person old , public and the government in affairs regulated education in CHAPTER IV. Article 5, it is stated that: ¹⁴

- a. Every inhabitant country have right Which The same For to obtain quality education ;
- b. Inhabitant country Which own abnormality physique , emotional, mental , intellectual , And or social entitled to obtain education special ;
- c. Inhabitant country in the area remote or backward or public custom Which remote entitled to obtain education service special ;
- d. Inhabitant country Which own potential intelligence And talent special entitled to obtain education special ;
- e. Every inhabitant country entitled get chance increase education throughout life .

- a. Every inhabitant country Which aged seven until with five twelve year

must follow education base ; And

- b. Every inhabitant country responsible answer to sustainability organization education .

Based on a number of the provisions of Chapter IV of the National Education System Law above seen that relevance involvement government area For ensure fulfillment education child become the more clear . Role government area the one of them can realized in organization CLA.

Effort sharpening to implementation Act National Education System Also done at the regulatory level implementation in the ministry through Minister of Women's Empowerment and Child Protection Decree Number 5 of 2011 concerning Fulfillment Right Education Child (Candy PPPA No 5 Year 2011).

And Based on results interview known that there is two the cause that cause difficulty in identify And Still There is right child who has not fulfilled in framework regency worthy children in the Regency Pekalongan , namely :

- a. Field program Which too wide And characteristic objective Which complex
- b. Ambiguity as well as obstacle in statement sizes basis and purpose policy in assessment CLA.

This matter No in line with welfare state theory where , because his field too wide allows the program No evenly in socialization and giving education to public so that material needs and non material from age child Not yet fulfilled .

Fulfillment aspect right civil and liberty in implementation regency worthy children in the Regency Pekalongan Already implemented and entered criteria worthy child through service population in frame fulfillment right child relatedness right civil child , integration of 3 documents population that can given to public moment a baby new born will direct given document in the form of a Certificate Birth from Hospital, Number Parent Population (NIK), Family Card latest , Act Birth , Child Identity Card (KIA), and BPJS Health Membership for baby that was obtained without pay cost whatever . However fulfillment aspect right civil And freedom in policy development regency worthy children in the Regency Pekalongan new to form plan And script academic regulation area City / city worthy child Regency Pekalongan , regulations or related policies with City

worthy child .

Fulfillment right health basic and welfare in implementation regency worthy children in the Regency Pekalongan Already applied and some indicator Already walk and be fulfilled Among others Achievements breastfeeding , provision of breast milk health center friendly child , giving immunization complete , coaching And implementation inspection health child school . Only just a number of indicator Which Still Keep going attempted related case stunting on child Which Still Enough tall the numbers And For press case nutrition bad , number death mother , number death baby , implementation area forbidden smoke Which until moment This Still constrained its implementation And his supervision .

Furthermore fulfillment aspect education , utilization time free time , and activities culture in implementation regency worthy child in Regency Pekalongan Already implemented However The same with as it is in service health number child separated school still up and down No stable . In its implementation government Regency Pekalongan has make an effort increase percentage must Study 12 years and has available service education for child besides school . In addition Government Regency Pekalongan has also make an effort prepare Child-Friendly Schools (SRA) and the Must Go to School Movement . However, the number of children No school since 2021 - 2023 Also experience go on down .

2. External Factors That Influence Fulfillment of Children's Rights in the Regency Pekalongan

Fulfillment child is not quite enough answer that is not only involving One party just However various aspect especially in matter This fulfillment right child in framework Child Friendly City (CFC).

1. Internal Factors

Internal environment , namely covers

- a. Source Power less human adequate , still limited source Power man specifically personnel in charge empowerment and protection child so that can hinder implementation regency worthy child based on the fulfillment law child ;
- b. Not yet available Regional Regulation Regulation Regent Regency Pekalongan which discusses about Child Friendly City (CFC) but Already There is in form script academic . While external covering public That alone , how citizens / community respond / respond a program/ activity implemented in the region the ;
- c. Desire big from government Regency Pekalongan For speed up implementation regency worthy children to raise their prints .
- d. There is support positive collaborative together from party independent and social institutions as well as party the legislature that started give attention in regency worthy child based on the protection law children in the Regency Pekalongan ;
- e. Even though Already formation group task City worthy child , but at the stage implementation by each member Not yet in a way commitment in operate duties and functions in implementation regency worthy child .

2. External Factors

- a. Issue problem related problem child Still considered No the problem is indeed important For handling even though Already mandated in legislation ;

- b. External factors also come from public That alone , how citizens / community respond / respond a program/ activity implemented in the region In this case . fulfillment right child on identity quote deed birth condition enter school must attach deed birth . BPJS Health requires attachment deed birth awareness public about ownership deed birth ;
- c. The government formed a children's forum City that will give opportunities for children For participate in determination policy related with child as well as can help effort protection and fulfillment right child through activities that are carried out and can be as receptacle child in develop potential children who are at various level events provincial , national and international .

Conclusion

Fulfillment Right Constitutional Child In Framework Regency Worthy Child (CFC) in Regency Pekalongan as following :

1. Implementation Which Already implemented in accordance with articles as stated in in Regulation Evaluation about Child-Friendly City . However For Worthy City Child in the program No Can in the same flatten between One service with service other Because difference in fulfillment need child .

Internal and external factors Fulfillment of Children's Constitutional Rights Within the Framework Regency Worthy Child (CFC) in Regency Pekalongan as following :

1. Environment internal namely covers Source Power The human being who not enough adequate
2. Not yet available Regional Regulation Regulation Regent Regency Pekalongan which discusses about Child Friendly City (CFC) but Already There is in form script academic .
3. Whereas external covering public That Alone , How citizens / community respond / respond a program/ activity implemented in the region the .

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