

CHILDREN CIVIL RIGHTS AND FREEDOM ON PROGRAM TO DEVELOPING "KOTA LAYAK ANAK" IN SERANG CITY BANTEN

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Abstract

Children as the next generation must gets rights both certainty and development and growth .The Effort to protect their right was outlined in the child protection policies, programs and activities to ensure the fulfillment of children's rights, so that children can live, grow, develop and participate optimally in accordance with human dignity, as well as protection from violence and discrimination. One of the policies to guarantee the rights of the child is with developed program Kota Layak Anak.. One cluster of this program are ciivil rights and freedoms. Civil rights and freedoms set forth in the right to identity, identity protection, the right of expression and speech, the right of thought, conscience and religion, freedom of association and peaceful assembly, the right to protection of private life, the right of access and adequate information, the right of free of punishment and torture, this study aims to determine how performance indicator cluster civil rights and child development in the development of the City of Eligible children in the city of Serang. The method used is qualitative ,data collection techniques of documentation and interviews. The main source of data is secondary data. The results showed that the achievement on the cluster of civil rights and freedoms of children still less, some local district children civil right owner still less than fifty percent, we can ' t find children forum in every vilage, free playground is limited . Preparing to developed Kota Layak Anak in Kota Serang actually only make a policy , not yet planning action. Our recommendations are: the first necessary to set up groups of children to support the creativity of children, the second to increas the function of children communication forum .

Keywords: *Children, civil rights, the right to freedom*

BACKGROUND

Children are the forerunner of the coming generation. As a candidate for the next generation of children should get their attention and to ensure the protection of children's rights. One form of protection for children is to ensure the civil rights of children and children's freedom. Civil rights are formally recognized child shown with ownership of birth certificates. While the right to freedom of children is the child's right to creative freedom, of expression in the growth of. The right to freedom of children indicated by the available means of growth and development of children, play groups, a means of supporting creativity, art and sport for children.

One of the important moments that reinforce a shared commitment to achieve a world fit for children as an expression of the fulfillment of children's rights is a resolution of United Nations

General Assembly on 10 May 2002, which adopted the report of the Ad Hoc Committee on the Special Session for Children. That document was then known under the title "A World Fit for Children". The title of the document shows the resonance peak of a series of world efforts to give greater attention to the problem of the future of the earth, the continuity of human life and more specifically the effort to prepare the future generation for the better through the children living at the present time and at later times. Given the involvement of Indonesia is already very early and so intensely about the fulfillment of children's rights through the CRC, and remember World Eligible Children is a global commitment, the Government of Indonesia immediately responded positively to the recommendations of the UN General Assembly in 2002 the. Indonesia's participation in the World commitment Eligible Children are part of interest Indonesia as formulated in the Preamble to the Constitution. (Explanation of Regulation of the Minister of Women Empowerment and Child Protection No. 12 of 2011)

The government's commitment to create a city worthy of children conducted by creating the policies, programs and activities to ensure the fulfillment of children's rights so that children can live, grow, develop and participate optimally in accordance with human dignity, as well as protection from violence and discrimination, which is government issues the district and the city. This is why the Ministry of Women Empowerment and Child Protection policy making on Development District / Town Worth a child.

KLA Development initiative aims to build the county / city directed to the transformation of the concept of child rights into policies, programs, and activities to ensure the fulfillment of the rights of children in the district / city. (Candy PPA No. 11 of 2011). Each district / city can be categorized as the City Proper Child if it fulfills the rights of children as measured by indicators KLA.

The Ministry of Women's Empowerment and Child Protection together with all stakeholders at national and regional levels, assign 31 (thirty-one) "Indicators of Children's Rights" which is also the "Indicators KLA". The thirty-one indicators are grouped into 6 parts, namely the strengthening of institutional and 5 (five) clusters of children's rights, which include: clusters of civil rights and freedoms; clusters of family environment and alternative care; clusters of basic health and welfare; education cluster, use of leisure time and cultural activities; and special protection cluster. With the indicator districts / cities can determine the achievement of efforts to fulfill the rights of children in the region.

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Research purposes

This study aims to determine how clusters of civil rights and freedoms of children in developing the City of Eligible Children in Serang

LITERATURE REVIEW

2.1. The concept of Children's Rights as Human Rights

In Law No. 35 of 2014 on the Protection of the Child, article 1, paragraph (1) is the Son is a person under 18 (eighteen) years, including children who are still in the womb. Children are the group of young people who have the potential to be developed in order to participate actively in the development of future performance. They are groups that need to be prepared for the continued existence of the nation and the State in the future. Embodiment children as young generation of qualified, has implications for the need for guidance and protection of the rights he has in order to ensure the growth and development of the physical, mental and social development. Children with positive growth of an embryo quality human resources and superior.

The development of quality Indonesian children through the fulfillment of the rights they have been mandated in Article 28 (B) of the Constitution of the Republic of Indonesia in 1945 which states that: "Every child has the right to live, grow and develop and is entitled to protection from violence and discrimination". Then also stated in Law No. 35 of 2014 on Child Protection article 4 which states:

"Every child has the right to live, grow, develop and participate fairly in accordance with human dignity and protection from violence and discrimination". The right to survival and development of children is the most fundamental rights and inherent in every child and should be recognized and be guaranteed by government . To fulfill the right to survival and development of children with regard to the fulfillment of basic rights, namely health, education, identity, adequate living standard as well as the chance to develop theirself. . Right on the protection of children is the right of every child to get a guarantee to be free of the dangerous condition and cause harm to the growth process both physical and non-physical. Sanctuary meant the protection of all forms of violence, exploitation, abuse and discrimination.

Cluster Rights of the Child

Cluster rights of children consisted of 5 (five) clusters, namely:

- 1) Civil Rights and Freedoms
- 2) Family Environment and Alternative Care
- 3) Basic Health and Welfare
- 4) Education, Use of Leisure and Cultural Events
- 5) Special Protection

Civil Rights and Freedoms

Civil Rights and Liberties of Children based candy PPA No. 11 of 2011 measured by several of the following elements:

a. Right to Identity

Ensuring that all children are listed and have a birth certificate quotation as soon as possible in fulfillment of the state's responsibility in the name and nationality of children (including date of birth and genealogy); guarantee provision of free birth certificate; and impose a service to the village / village.

b. Right to Identity Protection

Ensuring systems for the prevention of crimes against children, such as trafficking, illegal adoption, manipulation of age, the manipulation of the name, or darkening of the origins and

the recovery of the identity of the child in accordance with the real situation before the crime against the child, and guarantees the right of priority of children's raised by their own parents.

c. Removing the rights of expression and opinion

Guarantee the right of children to believe and the provision of space for children to be able to issue an opinion or freedom of expression as he wishes.

d. Right to Think, Be Conscience and Religion

Assurance that children are given space to practice their faith in peace and recognize the right of parents to provide guidance.

e. Assemble the Right to Organise and Peaceful

Assurance that children can assemble peacefully and form organizations that work for them.

f. The Protection of Personal Life

Guarantee that a child will not be disturbed personal life, or exposed to the public without the consent of the child or that would interfere with growth and development.

g. Information Access Rights and Decent

Assurance that information providers comply with the provisions of the eligibility criteria information for children; availability of licensing and supervisory agencies; and the provision of facilities and infrastructure in adequate amounts that allow children to access the information for free services.

h. Right to Freedom from Torture and Punishment of the other Cruel, Inhuman or Degrading Human Dignity.

Guarantee that each child is treated humanely without the slightest violence, including when the child against the law.

Concept Development Policy Regency / City Eligible Children (KLA)

Definition of KLA

The Understanding Regency / City for Children (KLA) are: System district / city development that integrates the commitment and resources of government, public and business are planned thoroughly and sustainable policies, programs, and activities for the fulfillment of children's rights.

As for the importance of realizing the KLA is as follows:

1. Number of children around one third of the total population.
2. Child is an investment of capital and human resources in the future, as well as the future generation.
3. Children must be qualified in order not to be a burden of development.
4. Coordination and partnership among relevant stakeholders fulfillment of children's rights must be strengthened so integrated, holistic and sustainable.

The purpose of KLA

KLA aims to establish initiatives the county / city directed to the transformation of the Convention on the Rights of the Child (Convention on the Rights of the Child) of the legal framework for the definition, strategy and development interventions, in the form of: policies, programs and development activities devoted to the fulfillment of children's rights, at a district / city.

Principles, Strategies, and Scope KLA

KLA principle is as follows.

1. Non-discrimination
2. The best interests of the child
3. The right to live, grow and thrive
4. Respect for the child's opinion

KLA strategy of mainstreaming child rights (PUHA), which means doing the integration of children's rights into:

1. Each formulation process: policy, programs and activities.
2. Each stage of development: planning and budgeting, implementation, monitoring and evaluation.
3. Each regional level: national. provincial and district / city, district or village to village.

The scope of the KLA covers all areas of development, which are grouped into:

1. Growth
2. Child Protection

RESEARCH METHODS

This research is descriptive qualitative approach. Data collection techniques used in this study used several techniques, namely:

a. Study documentation

Document is one of the necessary secondary data sources in a study. According to Guba and Lincoln (Lexy J. Moleong, 2005: 126) the document is any written material or movies, pictures and photographs that are prepared for their demand for an investigator. Further study of the documentation can be interpreted as data collection through written materials yang diterbitkan by the institutions of the research object, either in the form of procedures, rules, images, reports the results of the work as well as in the form of photographs or electronic documents (records).

b. Interview

The interview is a conversation with a purpose. The conversation was conducted by two parties that interviewers and interviewees. The type of interview used is a case study interview-type open-ended. Robert K. Yin (2002: 108-109) explains as follows:

"The most common type of case study interviews open-ended, where researchers can ask respondents about the key facts of an event there. In some circumstances, the researcher could even ask the respondent to present their own opinion on a specific event "

From the description, the researchers can conclude that for the informant would use open-ended interviews means that the interviewer will use the types of questions open because it requires in-depth explanation of the sources and interviews will take place based interview guides that have been prepared in advance. Question is flexible means that it can develop further.

Interview guidelines compiled in this study is not a list of the interview but only in the form of key points that will be asked on the informant and developed at the time of the interview. It is intended that the interview process is a natural and deep.

Types and Sources of Data

In conducting the research can be used multiple sources of facts, both primary and secondary. According to Adi Riyanto (2004: 57) is the primary data and secondary data is as follows:

"Judging from the way the data acquired can be divided into two primary data and secondary data. Primary data is data obtained directly from the object under study. While secondary data is data that is already in finished form, such as data in the form of documents and publications".

DISCUSSION

Civil Rights and Freedoms

Civil Rights and Liberties of Children based candy PPA Number 12 Year 2011 regarding the evaluation of KLA described with some of the following elements:

1). Right to Identity

Ensuring that all children are listed and have a birth certificate quotation as soon as possible in fulfillment of the state's responsibility in the name and nationality of children (including date of birth and genealogy); guarantee provision of free birth certificate; and impose a service to the village / village.

Birth Certificate picture ownership rights in Serang city are as follows:

Based on information obtained from the Department of Population and Civil records Serang 2015, it can be obtained a description of how children who have a birth certificate. Number of Children who have a birth certificate can be seen in the following table:

Table 1
 Jumlah Anak yang Memiliki Akte Kelahiran

No	Kecamatan	Jumlah Anak	Anak Memiliki Akta		Anak Belum Memiliki Akta	
		0-18	Jumlah	%	Jumlah	%
1	Serang	72.620	34.434	47.42	38.186	52.58
2	Kasemen	33.591	24.397	72.63	9.194	27.37
3	Walantaka	27.429	16.659	60.73	10.770	39.27
4	Curug	16.825	14.302	85.00	2.523	15.00
5	Cipocok Jaya	29.786	20.951	70.34	8.835	29.66
6	Taktakan	29.014	22.443	77.35	6.571	22.65
	Total	209.265	133.186	63.64	76.079	36.36

Sources: Disdukcapil Kota Serang tahun 2015

Based on the above table it is known that a child who already has a certificate kelahiran terdapat around 63.64 in the meantime there are about 36.36%. Of the six districts in the city of Serang District

of Serang have a number or percentage of children who do not have birth certificates the highest, reaching 52.58%. One that is contradictory, districts as districts in the capital city of Serang turns out the number of children who do not have birth certificates greatest.

Serang City Government has made some efforts to improve the birth certificate of ownership is to:

- a. Socialization both to residents and local government officials
- b. Coordination with various organizations or social institution in many shapes and professions
- c. Their services for abandoned children, nursing home or other vulnerable groups of population administration
- d. Closing the service to reach every village / village
- e. Cooperation with community residents (eg, RT / RW / Dusun)
- f. Is it possible the maintenance of collective
- g. Is there an effort to anticipate the problem of domestic court decision
- h. their dispensation
- i. How to cope with the cost of replacement print blank and stamp duty on Deed and Deed Excerpt
- j. Any efforts to increase the capacity of civil registration personnel that has been done
- k. How to integrate with other programs that are running (eg dasa homestead, PKK, early childhood, and so on)
- l. How to ensure the delivery of policy from the national level down to the lowest level

Right to Identity Protection

Right to Identity Protection is intended to ensure the system in order to prevent crimes against Children, such as trafficking, illegal adoption, manipulation of age, the manipulation of the name, or darkening of the origins and the recovery of the identity of the child in accordance with the real situation before the crime against the child, and guarantee priority rights of children to be raised by their own parents.

Kota Serang in cases such as child trafficking still occurs, an example of which often do is take advantage of children for begging on the roadside and red lights. Some of the locations that are begging to be a place in the sealing Ciceri, sealing and sealing the wells Pecung Pisang Mas. Based on data obtained from BPMPKB Serang City in 2016 there were 4 cases of child trafficking were reported. The figure may be larger, but it was not reported, it is not recorded in the data of child trafficking.

For illegal adoption case, the fact still going on but there is no data. Adoption that do usually not listed in the registry office and prosecuted. Parties who adopted or adopt a child only makes agreement among them. While there is no age-related data manipulation case, which is normally used when applying to the school, due to enroll to primary school level and the next level must be accompanied by a birth certificate. Likewise for work in a factory / company should have a yellow card, in which the requirement to have the yellow card must be aged over 17 years.

Removing the rights of expression and opinion

Guarantee the right of children to believe and the provision of space for children to be able to issue an opinion or freedom of expression as he wishes. The existence of the Forum Organization of children as a means for children to express opinion and expression belum exist at the district level, there is only one Children's Forum at the municipal level.

Table 2
Institution of Children Participation

NO	Kecamatan	Organisasi Forum Anak
1	Serang	
2	Walantaka	
3	Kasemen	
4	Cipocok Jaya	
5	Curug	
6	Taktakan	
7	Tingkat Kota	1
	Jumlah	1

Source : BPMPKB Kota Serang

According to the table very clearly that every district is not formed Forum

Children as to which mandate in candy PPA No. 11 of 2011. The Children's Forum is a vehicle of children enrolled in the district or city that role to give input in the planning, implementation, monitoring and evaluation of policies, programs and activities of the fulfillment of child rights. Children's Forum membership consists of representatives of the children of the district level representing all groups of children, based on their interests, talents or abilities, men and women, without discrimination, including children with special needs, minority and indigenous children.

Right Thought, Conscience and Religion Be

Assurance that children are given space to practice their faith in peace and recognize the right of parents to provide guidance. In order to fulfill the rights of thought, conscience and religion then created several institutions to maintain the growth and survival of children. Institutional growth and survival of children in Serang city grew rapidly rose from quantity and quality. Institutional is meant social welfare institutions, institutional Early Childhood Education, Elementary School, Junior High School and High School Level Up.

Here's a list and a number of institutional growth and survival of children in the city of Serang.

Table 3
Social Welfare Institution at Kota Serang in 2016

No	Nama LKS	KECAMATAN	KET
1	AL-MUBAROK	SERANG	LKSA
2	NURUL ISLAM	SERANG	LKSA
3	BANI ADUNG	TAKTAKAN	LKSA
4	JAUHAROTUSSALAM	CIPOCOK JAYA	LKSA
5	AL-AZIZIYAH	SERANG	LKSA
6	NURUL BANTANI	SERANG	LKSA
7	BINA WANITA BAHAGIA	SERANG	LKSA
8	NAILUL AUTHAR	SERANG	LKSA
9	YAKENAS	SERANG	LKSA
10	BAITURRAHMAN	KASEMEN	LKSA
11	MIFTAHUL JANNAH SAYAR	TAKTAKAN	LKSA
12	NURURROHMAN	KASEMEN	LKSA
13	TORIKUL JANNAH	SERANG	LKSA
14	HIDAYATUT TAHLIBIN	TAKTAKAN	LKSA
15	IBNU LATIEF	SERANG	LKSA
16	RUMAH SINGGAH	CIPOCOK JAYA	LKSA LUAR PANTI

Source : Dinas Sosial Kota Serang, 2016

LKS is an agency that provides assistance and provide social services, both of which are managed by governments and society aimed at the welfare of the poor. Especially children from disadvantaged communities. There are 15 worksheets that provide services in the home and 1 LKS (shelters), whose members are outside the home, or do not stay on the worksheet because they only come at any time.

Right to Organize and Gather Peaceful

Assurance that children can assemble peacefully and form organizations that work for them. The right of association and peaceful assembly are held by children when they follow the organizations within the school such as student council, Scout, PMR, Rohis, Sports clubs and others. Children were given the freedom to gather, discuss and even taught democracy to determine the student council president, Chairman of the class and others. Local Government establish child forum as a place for children to organize and assemble peacefully.

Right to Protection of Personal Life

Guarantee that a child will not be disturbed personal life, or exposed to the public without the consent of the child or that would interfere with growth and development. There are several cases of violence that resulted in the personal lives of child victims of such abuse, cases tersebut are as follows:

Tabel 4
 Children Victims of Violent at Kota Serang in 2016

No	Kasus	Jumlah
1	Anak dalam situasi darurat (Anak Pengungsi, Korban Kerusakan, Bencana Alam, Korban Konflik Bersenjata);	0
2	Anak yang berhadapan dengan hukum;	19
3	Anak dari kelompok minoritas dan terisolasi;	0
4	Anak yang dieksploitasi secara ekonomi dan/atau seksual;	0
5	Anak yang menjadi korban penyalahgunaan NAPZA	2
6	Anak yang menjadi korban pornografi;	8
7	Anak dengan HIV/AIDS;	0
8	Anak korban penculikan, penjualan, dan/atau perdagangan;	4
9	Anak korban Kekerasan fisik dan/atau psikis;	8
10	Anak korban kejahatan seksual;	38
11	Anak korban jaringan terorisme;	0
12	Anak Penyandang Penyandang difabilitas;	0
13	Anak korban perlakuan salah dan penelantaran;	11
Jumlah		90

Source: Lembaga Perlindungan Anak Provinsi Banten 2016

Based on observations and interviews of child victims of violence, particularly violence seksualakan shock and shame, so that the data created by the LPA and the Police not by name and by

address. But the problem is the people who live in the neighborhood of victims, written again by the media covering. Obviously this is very disturbing mental casualties.

Right of Access and Information Eligible

Assurance that information providers comply with the provisions of the eligibility criteria information for children; availability of licensing and supervisory agencies; and the provision of facilities and infrastructure in adequate amounts that allow children to access the information for free services.

Facility information eligible children include:

- a. Reading corner, reading corner in the city of Serang already provided by supermarkets "carefour ". Supposedly every public service venues such as malls, hospitals, garages and a large dealer also provides a reading corner for consumers who carry a child.
- b. Intelligent Garden, In Kota Serang there has been no deliberate Intelligent garden dibuatka by the City of Serang to develop creativity, skill, intelligence and talent of children.
- c. Library, the library as a place to learn and find references very supportive for the child's learning. Library obtained at each school ranging from elementary to junior high school level, there is also a library belonging to the community such as House of the World, SA Foundation. To reach out to children in rural areas provided bookmobile. While this Serang city itself has not specifically have a library, but still use Perpustakaan belonging to the province of Banten.
- d. The service area information, including information on disaster management

Facilities eligible children meet the criteria, namely:

- a) Non violation of children's rights / hazardous materials
- b) Freedom from violence
- c) Freedom from discrimination
- d) Freedom of racism
- e) Free from the threat of
- f) Free from vulgarity / obscenity
- g) Freedom of exposure data / self child

To report a few acts of violence and violations of children's freedom to provide services Serang city government Telephone Sahabat Anak (TESA). TESA picture in Serang city are as follows:

Table 5
Telepon Sahabat Anak (TESA) 129

No	Kecamatan	Jumlah
1	Serang	2 unit
2	Walantaka	-
3	Kasemen	-
4	Cipocok Jaya	-
5	Curug	-
6	Taktakan	-
7	Tingkat Kota	1 unit
	Jumlah	3 unit

Source : Dinas Sosial Kota Serang

According to the table above, we can see that the children are 3 posts in the city attacking companions, namely in the area Ciceri, ginger garden and plaza attack. Each POS guarded by 4 people, consisting of two community leaders around, 1 orang Satpol PP and 1 officer of Social Affairs.

TESA 29 is media information services and toll-free telephone consultation for children who are in need of assistance in the face and resolve emergency problems affecting children.

1. General Purpose

Protect and help children in need of protection and children who have an emergency (emergency) and to ensure their access to quality services that can support normal child growth.

2. Special Purpose

Protecting children in order to carry out its activities as a child, whether at home, school and social environment lainnya; • Assist in the development of cooperation between the parties in order to create a network of services that support and facilitate the care and protection of children; Advocating for services for children previously unreachable services, has no access or inadequate access to services; Strive to increase the quality of care for children who require special protection and also ensuring the security of the fulfillment of child rights.

Right to Freedom from Torture and Punishment of the other Cruel, Inhuman or Degrading Human Dignity.

Guarantee that each child is treated humanely without the slightest violence, including when the child against the law. Therefore, if found cases of children berhadapat with the law, then both victims and perpetrators receive protection and assistance from the Child Protection Institution (LPA) Kota Serang. Victims will be covered credentials, given counseling and medical action if necessary. Meanwhile, if the child actors will be accompanied at the time of reporting, justice and rehabilitation.

CONCLUSION

Cluster Children Civil Rights and Freedoms is one part that must be met to develop the City Proper Child. Cluster Civil Rights indicated by how big the birth certificate of ownership and protection of the child's identity .. In the city of Serang possession of a birth certificate has been about 63.64%. However, the ownership deed not evenly distributed in every district. Attacking ownership certificate for the child only 47.42%, whereas in urban areas. While still rural Serang District of ownership of birth certificate number reached 85%.

The right to freedom of children are shown to the right to freedom of expression and speech, the right of thought, conscience and religion, freedom of association and peaceful assembly, the right to protection of private life, the right of access and adequate information, the right to freedom from torture and cruel, inhuman and degrading treatment. The fulfillment of the right to freedom of children is by providing various facilities and infrastructure and the institutions that support the fulfillment of child rights. Provision of equipment and facilities such as providing space to play, creativity, reading corner, intelligent parks, libraries, art galleries, shelters and others. Meanwhile institutions that need to exist to support the right of freedom of the child is school, child forum, Child Protective Services, KPAID, Social Services, Police and Judicial institutions and others.

Suggestion

In order to develop the City of Eligible Children in Serang city, the Regional Governments need to do some things related to the cluster of Civil Rights and Liberties of the Child as follows:

- a) To disseminate the importance of birth certificates in the district that figure is still low birth certificates of ownership.
- b) Establish a Children's Forum at the district level
- c) To provide guidance to organizations, institutions that embody the creativity and talent of children.
- d) Advise managers of malls, supermarkets, hospitals, banks and others to provide a reading corner and a play area for children.
- e) Provide Intelligent thematic parks and promote local wisdom.
- f) Governments provide a sufficient budget for advocacy and assistance in cases of child against the law.

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