

# **BIRTH CERTIFICATE AS AN EFFORT TO FULFILL CHILDREN'S RIGHTS OF STREET CHILDREN IN DKI JAKARTA**

**Nike Vonika**

Politeknik Kesejahteraan Sosial Bandung, nikevonika@gmail.com

---

## **Abstract**

Birth registration is a form of identity recognition and guarantee and protection of children's rights. Fulfilling this right is the responsibility of the government and the family. However, the existence of street children where the general phenomenon is that they are separated from their parents becomes a problem in itself when these street children must be registered to get a birth certificate. This research illustrates the efforts to fulfill children's rights by the DKI Jakarta government regarding birth certificates for street children. The research method used is a qualitative approach with descriptive research type. The results of this study indicate that the government has issued various policies and efforts so that all Indonesian children get their rights to birth certificates. For street children, child registration can be done through a parent / guardian, where the parent / guardian can be from an orphanage, shelter where the child takes shelter. The policy on the ease of obtaining birth certificates was also implemented, such as free financing, bringing the certificate management agency closer to the sub-district level and establishing an implementing unit to reach unregistered children so that their birth certificates could be made

### **Key words:**

Child rights, street children, birth registration

## INTRODUCTION

Poverty that occurs in developing countries such as Indonesia is very complex and multidimensional, which is related to social, economic, cultural and other aspects. Poverty that occurs in Indonesia refers more to the situation in the form of a shortage of things related to meeting primary needs, such as clothing, food and shelter. This poverty problem affects many things, including unemployment, crime, and most importantly poverty has an impact on the deprivation of children's rights. It is not new if we see children of school age or even preschool age having to struggle to survive on the traffic roads in Indonesia. Not infrequently among these children are forced to drop out of school. All that they do for economic reasons, to help their parents. This is very concerning, because the poverty that afflicts children will cause long-term damage to the development of the children themselves.

Every child has the same right to live, grow and develop optimally according to their potential. In layers, starting from the circle of family and relatives, the surrounding community, local to central government, to the international community which is obliged to respect, protect and strive to fulfill children's rights. A child is born as a human being with inherent human rights. Children, for the full and harmonious development of their personality, must grow up in their family environment in an atmosphere of happiness, love and understanding (Preamble

to the Convention on the Rights of the Child). Article 14 of Law Number 23 Year 2002 regarding Child Protection states: Every child has the right to be cared for by his own parents, unless there is a valid reason and / or legal rules indicating that separation is in the best interest of the child and is the last consideration .

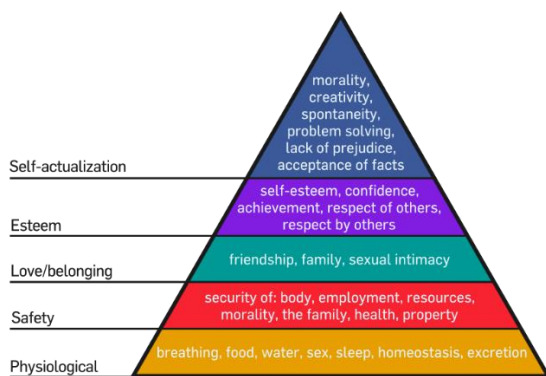
There are many impacts that arise when children's basic needs are not fulfilled, one of which is the emergence of the phenomenon of street children, which is quite a lot in big cities; an important and interesting thing to study. Children who are on the street raise the potential for violence experienced by children to be high, because the streets are an environment that is not conducive to child development. Protection of children is the protection of their rights, including street children, and this has been guaranteed by the laws of the Indonesian government. Legal instruments that aim to protect, prosper and fulfill children's rights are as follows:

- UUD 1945
- UU No. 4 tahun 1979 tentang Kesejahteraan Anak
- Kepres No. 36 tahun 1990 tentang ratifikasi KHA
- UU No. 39 tahun 1999 tentang Hak Asasi Manusia
- UU No. 23 tahun 2002 tentang Perlindungan Anak

According to Maslow's hierarchy of needs theory, which Lindgren (1980) later

used the concept for, basic needs are divided into 5 aspects:

1. Self-actualization: self-development that is more complex and social in nature.
2. Self-confidence: making friends or having a person to hold on to,
3. Attention and affection: the need to have, can be the need to be cared for, accepted and recognized by friends.
4. security, and defense, maintenance and self-defense which are individual.
5. Basic physical needs: clothing, food, shelter



**Picture: Maslow’s Hierarchy of Needs**

Peter Davies gives an understanding that the phenomenon of street children today is a global phenomenon. The growing urbanization and swelling of slum areas in the worst-hit cities in the developing world, has forced an increasing number of children to go out on the streets to join in foraging for their families and for themselves (Peter Davies, Human Rights). (Jakarta: Obor Foundation, 1994), p. 69). The poverty that occurs causes a lack of functioning or even a non-functioning family in carrying out its role to

fulfill children's basic needs. In Law no. 23 of 2002 concerning child protection, what is meant by family is the smallest unit in society consisting of husband and wife, or husband and wife and their children, or father and child, or mother and child, or blood family in a straight line up or down to with the third degree. According to the BKKBN (National Family Planning Coordination Agency) and Government Regulation Number 21 of 1994, the function of the family is divided into:

1. Religious function, namely by introducing and inviting children and other family members in religious life, and it is the duty of the head of the family to instill that there are other forces that regulate this life and there is another life after in this world.
2. Socio-cultural functions, carried out by fostering socialization to children, forming norms of behavior in accordance with the child's level of development, passing on family cultural values.
3. The function of love, is given in the form of providing affection and security, as well as giving attention to family members.
4. The function of protecting, aims to protect children from bad actions, so that family members feel protected and feel safe.
5. Reproductive function is a function that aims to continue the offspring, nurture and raise children, nurture and care for family members

6. Socialization and education functions are functions in the family which are carried out by educating children according to their level of development, sending children to school. Socialization in the family is also carried out to prepare children to become good members of society
7. Economic function is a series of other functions that cannot be separated from a family. This function is carried out by finding sources of income to meet family needs, regulating the use of family income to meet family needs, and saving to meet family needs in the future.
8. Environmental development function

Based on the Ministry of Social Welfare Data and Information Center, the number of street children in 2007 was 230,000. Meanwhile, the BPS and the ILO estimated the number of street children to be 320,000 in 2009. There are several kinds of definitions of street children. First, according to the UN, street children are children who spend most of their time on the streets working, playing and doing other activities. Second, according to Soedijar (1989) street children are children aged between 7 to 15 years who work on the streets which can disturb the safety and peace of themselves and others. Third, according to the Ministry of Social Affairs (1999), the definition of street children is "children under the age of 18 who due to various factors, such as

economy, family conflicts to cultural factors that make them take to the streets".

Based on policies and theories related to the protection of children's rights, it is clear that street children, like children born and raised in normal families, also need to fulfill their basic needs through the role of the family in carrying out their functions as above. The function of the family is very important to be carried out, especially for elementary school age children, where primary school age is the most important period in the process of forming a child's personality which is very fundamental. This is because children at their age are a period of searching for and forming a child's identity towards the world and their environment. At this time, children begin to socialize well to adjust to the environment and society around them. Therefore, at this time serious attention is required from outsiders, especially from his parents so that all aspects involved in the process of forming self-identity can take place completely.

The existence of street children as a phenomenon of social problems is based on various factors. The causative factors can be divided into three levels, namely:

#### 1. Micro level

The micro level is the one that relates to the situation of children and their families, such as neglected children, the inability of parents to provide for children's needs, wrong care or violence at home, difficulties relating to family, separation from parents, being

ordered by parents to work, go on adventure or play. -play (invited by friends)

## 2. Mezzo level

The mezzo level is related to the community in which the child's family is located. The reason is that there are people who see children as assets that can help the family economy so that children are taught to work. Another cause is the existence of children who are not accepted in society so that children see the streets as their place of escape

## 3. Macro level

The micro level, for example, is related to (1) the economy, namely the existence of informal job opportunities that do not really require expertise and economic demands force them to walk for a long time and even leave school, (2) education is high school fees, discriminatory teacher behavior, technical and bureaucratic provisions that beat learning opportunities, (3) the elements of the government are not yet uniform in seeing the problems of street children, between as a group that needs care and considers street children as a trouble maker.

A number of points above show that there are so many factors that can make a child become a street child. However, in many cases in Indonesia, factors of low economic level also play a role in causing a child to become a street child. Until now, many people believe that poverty is the main factor of children being on the road. In poor families, when the survival of the family is

threatened, children are mobilized to help the family economy.

The difficult economic conditions of the family force the children to work and earn a living or just to help their parents to meet their daily needs. So that sometimes other expenses such as the need for school are considered not too important. Every member of the family becomes busy making money and the logical consequence is that each family member rarely meets and the family becomes disharmonious which then creates a feeling of being uncomfortable at home. In the sequel, children on the sidelines looking for money will look for professional friends on the streets. And it can be said that in general children from poor families, their rights are less protected, because there is a big risk when the child is on the road.

Protection of children's rights has been stipulated in the 1979 Declaration of Children adopted by the United Nations to become the Convention on the Rights of the Child (KHA) in 1989 which was later ratified by Indonesia (Asnawi, 2013). In international documents regarding the Convention on the rights of the child, it is clearly regulated regarding child protection. By regulating the rights of these children, the State is obliged to protect and fulfill children's rights (Ahsanim, 2016). One of the fulfillment of children's rights is related to legality as a citizen by providing a birth certificate. The existence of children without legal identity, namely birth certificates, is a serious problem in Indonesia.

The baseline data study conducted by the Empowerment of Women Headed Families (Pekka) in 2012 showed that 29% of Indonesian children, or the equivalent of 24 million children, do not have birth certificates. For DKI Jakarta in 2012, there were 7,000 street children who are very familiar with the problem of poverty. One survey found that two out of three children in slum areas of Jakarta do not have birth certificates. Economic factors and social complexity make birth certificates often neglected. As a consequence, street children live amidst vulnerability, without access to public services, health, education and so on.

From the background described above, then this study aims to describe how the fulfillment of children's rights related to birth certificates, especially for street children. This objective is interesting to research because the phenomenon of street children is a child who is separated from the family, while for the processing of a birth certificate it is necessary to have a parent / guardian who is responsible for the child.

## RESEARCH METHOD

This research method uses qualitative methods with descriptive research type. The data collection technique was done by interview and observation. For interviews, the selection of informants was carried out by purposive sampling, so that the selected informants could provide information related to the research. Based on the informant

selection technique above, the information obtained in this study was obtained from the following parties:

1. Dinas Sosial Propinsi DKI Jakarta
2. Dinas Kependudukan dan Catatan Sipil DKI Jakarta
3. Government at the village, RT and RW levels
4. Companion / implementing unit

## DISCUSSION

The existence of street children as a phenomenon of social problems is based on various factors. One of the informants from the Head of Sub-Directorate for Rehsos Ana Toddler, Ministry of Social Affairs stated that children are on the street because they live on the street and have a house and family but choose to earn money on the street.

Regarding the protection of the rights of street children through fulfilling their needs for birth certificates, the government has endeavored to go through policies to reach all children who have their birth registered through birth certificates, as stated by informant T from the DKI Jakarta Population and Civil Registry Office as follows :

“There is a Permendagri policy No. 6 of 2016 concerning the Acceleration of Achieving Birth Certificates. In DKI, it is easy to arrange a certificate, first it's free and we pick up the ball. Since 2015, for example, every baby who has just been delivered to the hospital, if the

parents' adminduk documents are complete for 2 days, they will immediately get a deed. If you take care of it yourself, the standard is 5 working days. There is a governor's regulation, and right after the launch, 3 children were born, they got birth certificates. " (D, DKI Jakarta Population and Civil Registry Office)

For street children, birth certificates are processed through the Social Service. For this reason, as the guardian of the street children, there must be a foundation or institution that covers them and their names are entered on the family card and in the process they will receive a SKOT (Displaced Person Certificate) form from the Social Service And if all the requirements are complete, the child will get a NIK and birth certificate.

With this birth certificate, a further benefit for street children is that they can access government programs where currently many government programs require legality of birth certificates so that the person concerned can enter the program. For example, such as the health insurance program through the BPJS, educational assistance programs and other programs.

Even though there are conveniences in obtaining a birth certificate, including the need and direct benefits for children who have their birth registered through a birth certificate, reaching out for birth certificate processing to street children is not an easy

matter. One of the informants from the DKI Jakarta Provincial Social Service, Mr. AH stated that the character of street children in Jakarta is somewhat different from street children in other cities, this is stated as follows:

“street children here are rather difficult to reach, they are always on the move, not always in one place, so they keep moving. And this makes it difficult for us to provide birth certificates to street children. Even these street children after we nett, enter into the shelter, if we say it's already comfortable, yes, because there is a place to live and they are guaranteed to eat, but maybe they just make it uncomfortable, then run away "(AH, Social Service, DKI Jakarta )

With various challenges in fulfilling children's rights, especially for street children, there is a need for synergy between various parties. So that the program to accelerate the ownership of birth certificates for children is not just an achievement so that children are registered but also have their rights protected to achieve a better quality of life.

## CONCLUSION

Protection of children's rights, including street children, has actually been guaranteed by the Indonesian government in legislation. Even though there are a number of laws that regulate the rights of these children, the reality is that in the field there are still quite a

lot of street children and the rights of children on the streets are of course still not fulfilled or protected. Efforts to register street children by providing birth certificates are an effort to protect their rights. And the next goal is to improve the quality of life of street children and prevent them from exploitative and dangerous behavior.

Kelahiran, Jurnal Cakrawala Hukum,  
DOI:

<https://doi.org/10.26905/idjch.v9i1.2160>

Poerwandari, Kristi, E. Mengungkap  
Selubung Kekerasan. Bandung:  
Yayasan Eja Insani 2004

### REFERENCES

- Ahsinim, Adzkar. 2016. Anak Sebagai Korban Paling awaldan Paling Rentan Karena Tindakan Diskriminatif Yayasan Pemantau Hak Anak: Children's Human Rights Foundation. Jakarta. diakses tanggal 17 Mei 2016.
- Asnawi, Habib Shulton. 2013. Politik Hukum Putusan MK No. 46/PUU-VIII/2010 Tentang Status Anak di Luar Nikah: Upaya Membongkar Positivisme Hukum Menuju Perlindungan HAM. Jakarta. Jurnal Konstitusi, Vol. 10, Nomor 2, Juni 2013.
- Herlina, Apong. Perlindungan Anak berdasarkan UU No. 23 tahun 2002 tentang Perlindungan Anak. Jakarta: Harapan Prima 2003
- Huraerah Abu. Kekerasan terhadap Anak. Jakarta: Nuansa 2006
- Sukranatha, Anak Agung Ketut, Perlindungan Hukum terhadap Hak Anak dalam Memperoleh Akte