

## **Fulfillment Of Human Rights For The Poor And Abandoned Children**

Muhammad Refri Bintang Pamungkas<sup>1</sup> , Muhammad Kamal Hidjaz<sup>2</sup> , Sri Amlinaty<sup>3</sup>

<sup>1,2,3</sup> Fakultas Hukum, Universitas Muslim Indonesia, Indonesia

Surel Koresponden: [raffi22mei@gmail.com](mailto:raffi22mei@gmail.com)

**Abstrak:** Penelitian ini bertujuan untuk menganalisis ketentuan hukum pidana yang mengatur tindak pidana kekerasan fisik terhadap istri dalam rumah tangga serta menilai sejauh mana perlindungan hukum terhadap korban telah diimplementasikan secara berperspektif korban. Metode penelitian yang digunakan adalah penelitian hukum yuridis normatif dengan pendekatan perundang-undangan dan pendekatan konseptual. Bahan hukum yang digunakan terdiri atas bahan hukum primer, sekunder, dan tersier yang dianalisis secara kualitatif deskriptif. Hasil penelitian menunjukkan bahwa Ketentuan hukum pidana di Indonesia yang mengatur kekerasan fisik terhadap istri dalam rumah tangga yaitu diatur dalam Undang-Undang Nomor 23 Tahun 2004 tentang Penghapusan Kekerasan dalam Rumah Tangga yang memberikan perlindungan khusus bagi korban serta menetapkan sanksi pidana bagi pelaku kekerasan. Sedangkan Perlindungan hukum terhadap kekerasan fisik terhadap istri dalam rumah tangga dilakukan secara preventif dan secara represif. Perlindungan hukum bagi kekerasan fisik terhadap istri dalam rumah tangga secara preventif dilakukan dengan memperkuat jaringan sosial, memahami kearifan budaya lokal dan mengamalkan ajaran agama, serta memperkuat fondasi dan bangunan ekonomi keluarga. Sedangkan perlindungan hukum bagi kekerasan fisik terhadap istri dalam rumah tangga secara represif dilakukan dengan perlindungan sementara dan perlindungan berdasarkan penetapan pengadilan. Penelitian ini merekomendasikan agar pemerintah dan aparat penegak hukum mengoptimalkan penerapan ketentuan pidana yang telah diatur dalam peraturan perundang-undangan, khususnya dengan memperkuat mekanisme perlindungan korban, pendampingan hukum, serta pemulihan psikologis dan sosial. Selain itu, diperlukan peningkatan koordinasi antar lembaga terkait, sosialisasi hukum kepada masyarakat, serta pengawasan yang lebih efektif dalam proses penegakan hukum guna memastikan korban memperoleh perlindungan yang maksimal dan pelaku mendapatkan sanksi yang memberikan efek jera.

**Kata Kunci:** Anak-anak, Hak-hak, Kemiskinan

**Abstract:** *This study aims to analyze in depth the efforts of the Makassar City Government to fulfill the rights of poor and neglected children, as well as to identify and examine factors in legal policies that influence the effectiveness of the fulfillment of these rights. The focus of this study is directed at vulnerable groups of children, particularly street children, beggars, and vagrants, who in fact still face various limitations in obtaining their basic rights, such as education, protection, and social welfare. This study uses an empirical legal method with a qualitative approach, which relies on primary data through direct observation in the field and is supported by secondary data in the form of laws and regulations and related literature. The results of the study indicate that the efforts made by the Makassar City Government to fulfill the rights of poor and neglected children have not been running optimally and sustainably. Various programs that have been implemented*

*tend to be partial, temporary, and have not comprehensively addressed the root of the problem. In addition, it was found that this ineffectiveness is influenced by several main factors, including limited internal government initiatives and coordination, low levels of community participation in supporting social policies, and the influence of social and cultural values that do not fully support child protection. Thus, this study recommends that the Makassar City Government strengthen legal policies by formulating more integrated, sustainable programs based on the real needs of poor and neglected children. Furthermore, increased synergy between the government, the community, and relevant institutions is needed to ensure optimal fulfillment of children's rights and create a more effective, responsive, and equitable child protection system.*

**Keywords:** *Children, Rights, Poverty*



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## **A. INTRODUCTION**

Rights man or also known as designation human rights in term English, is something the most important thing For can carry out life for each individual, good related with the interaction fellow other individuals as well behavior in state and society. Human rights man emphasize urgency right from each individuals who must always perpetuated for the sake of more life good, in meaning right basic man If realized in a way consequent will become fundamental things for sustainability life public.[1]

Rights man is recognized ownership in a way public in the world and help protect humans everywhere from threats and disasters social or dangerous nature. This ownership There is because based on rights, namely valid norms in law in a way general as well as in enlightened morality.[2] Recognition public to right basic man allows for man For feel safe anywhere, applicable values in a way wide give permanence of rights the. Perpetuation right basic man become runaway important for life humans for the benefit on himself, the environment surrounding areas and society in a way broad. The nature that is manifested in conflict mark right basic man will harm sustainability collective, because one individual with other individuals, or interaction individual with organization official or legal entity, mutually connected with bond social based on acquisition right basic man.[3]

Either in the form of rule or in the form of action, if show matter contradiction regarding with right basic man so hinder progress society. Important basis for progress public or creation man superior must distributed with affirmation full of values right basic humans. Society can proceed because guaranteed right freedom expression, rights continue descendants, rights belief, and so on.[4] Man superior that can beneficial for himself and society because fulfillment right education, rights opinion, and so on. Craving progress public with his limp embodiment mark right basic man is impossible, in fact right basic man become prerequisite main for progress public.[5]

Principles right basic recognized human being in room scope international covers principle universality, principle equality, the principle of non- discrimination, the principle No can revoked, mutual depends, and not can divided.[6] Some principle right basic man the considered as runway important in the realization right basic humans in various countries. Universal principle is embodiment mark right basic man in a way expanding with presenting harmonious norms or in line to implementation right basic human. Implementation right basic people in one country with another country for example own related normative similarities to direction the projection.[7] Principle equality put forward equality in behave or act to room scope social community, equality each individual in front of law without look at background behind tribe, group, race, religion, type gender, and so on. Equality as one of the principle right basic man play a role important regarding guarantee dignity and honor man in socializing life state and society.[1]

The principle of non- discrimination is form award mark humanity with implementation right basic man fairness. The principle of non- discrimination want each individual For empowering himself or increase development its potential without obstacle stigmatization or constraint structural in scope public wide and state.[8] Principle No can revoked, mutual depends, and not can divided show right basic man as fundamental values of life Good interaction towards others in socializing society, as well as for example the relationship of the people to the state or officials government. Principles the emphasize relevance right basic man For always maintained, guaranteed, and so on related to its implementation in a way consequent.

Rights man has become draft general in civilization in the developing world along dynamics life human . Concept about right basic man This born from struggle long man For get freedom, justice , equality , and effort achievements dignity and honor . Development right basic man in a way contextual can it is said its beginning at around 13th century in England. Magna Carta, document historic which was first signed in 1215 by King John of English on desire strong nobles feudal . Magna Carta This considered as one of the runway beginning development draft right basic humans and limitations power absolute a king. Although at first confronted For protection interest nobility , Magna Carta become symbol important For right basic man . The principles become inspiration on formation document important others , such as Bill of Rights and Declaration Independence of the United States.

Declaration of Independence or Declaration Independence of the United States is document important thing to be reference For independence of the United States from the power of the British Empire in 1776 . Policy high taxes by the Kingdom English over the colonial territories in the North American region without representation in parliament English cause dissatisfaction and feelings oppressed . Tension increases which leads to the occurrence of war until the emergence Declaration United States of America Independence Document This made into as one of the draft on development right basic people in the world, at the same time as basic idea formation Bill of Rights . Bill of Rights This designed For protect rights individual from potential abuse power by the federal government , which was born as response to concern that The United States Constitution , ratified in 1787 , provided too Lots power to government center without Enough protect people's freedom . Principle Bill of Rights considered Still relevant and become an integral part of protection right basic humans in the modern era. In the modern era, development draft right basic man start become attention main after World War II ended on December 10, 1948 in Paris , the United Nations Nations succeed make Universal Declaration of Human Rights Human Rights (UDHR). UDHR contains 30 articles , with load a number of rights important in draft right basic human , namely right on equality , rights civil and political ( sipol ), rights economic , social and cultural ( ekosob ), as well as not quite enough accountability and enforcement rights . UDHR is not something binding document in a way law , will but become base formation various document related development right basic man

next , such as International Covenant on Civil and Political Rights ( ICCPR ) or covenant about rights civil and political rights , also the International Covenant on Economic, Social, and Cultural Rights ( ICESCR ) or International Covenant on Economic, Social and Cultural Rights.

Indonesia as a country that upholds tall implementation right basic human , proclaiming draft right basic human inside its constitution . The 1945 Constitution of the Republic of Indonesia was ratified a day post proclamation independence on August 17, 1945, containing right basic man in form principles the basis that prioritizes welfare , equality and freedom in framework obligation collective as citizen. Load right basic man in the original 1945 Constitution among them is all citizens at the same time his position in law and government and mandatory uphold law and government That with No There is except . This is show principle equality and non-discrimination right basic human beings , which are applied to citizens in relation to with law and government . Next There is right for each upper citizens decent work and livelihood for humanity . The right to livelihood This is embodiment of the principle right basic man For can always undergo his life with Good .

Then There is guarantee by the state for independence each resident For hug their respective religions and for worship according to his religion and beliefs . Principles This emphasize right each citizens to determine Alone the belief that he considered true , and practice the religion he believes in. Furthermore cargo in the Indonesian constitution is for the poor and neglected children maintained by the state. This is put the country first as guarantor on fulfillment good life for children neglected and poor. Deep poverty context This No only refers to the condition economy only, but also towards inability For can fulfil need the basis that should be become right every citizens. The state is obliged For create supportive policies repair condition they through various social and economic programs sustainable and widespread .

Poverty usually caused by low income or ability income financial, or inability For get work worthy For can turn on self and his family. Not a few people who do not own ability or skills and adequate education For contribute in the formal job market, so trapped in informal work or No stable. Lack of access related fulfillment quality education can become obstacle main for individual For increase condition economy they. Quality minimal education can obstruct

somebody For get good and profitable job high . Poverty result in difficulty in continue a better life good . Even though quality good life in the form of welfare or fulfillment need daily become runway important For can ensure sustainability life . Difficulties For fulfil need base show crisis in fulfillment need base humans , such as need clothing , food , shelter. Children displaced is one of the consequence from inability family For fulfil need base or occurrence crisis financial . Children displaced is underprivileged children or No get protection , attention , or fulfillment need base from parents or family they , well in a way physical , emotional , and social . They often live in difficult conditions , without access adequate to education , health , and also protection . Children displaced faced with risks various challenges , including lost right For learning , poor health , exploitation environment , and difficulties in building a good future . Children displaced will difficulty For realize ideals and life Good later , with matter That so cause low empowerment potential man in a way overall . Even though children become regeneration For can ensure sustainability public general in the future .

Second subject main namely the poor and children displaced is task main country that has consequences logically become task area also for can ensure sustainability rights they can fulfilled . Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia states that the poor and children<sup>2</sup> displaced maintained by the state. Rights man for the poor and children displaced become fundamental matters , and fulfillment , maintenance , or guarantee right for they must realized in a way pure and consistent in life those who become task main area as part from extension hands of the state. Regions as projection on government center in charge realize constitution , no may dodge on kindness life for the poor and children displaced based on right basic man .

Constitution Number 13 of 2011 concerning Handling of the Poor, in part consideration letter b explains that in accordance with provision The 1945 Constitution of the Republic of Indonesia , the state is responsible answer For caring for the poor in order to make ends meet need a proper basis for humanity . Fulfillment need a proper basis for the poor to become matter important For can realize right basic man fair . More carry on stated in Article 1 paragraph (2), that handling of the poor is directed , integrated and sustainable efforts are made government , government area , and/ or public in form policies , programs and activities empowerment ,

mentoring , and facilitation For fulfil need base every citizens . The role of government area as implementer tasks regionalism and extension hand government center in the region must in line with fulfillment , maintenance and guarantee right basic man for the poor in order to realize need base they .

Constitution Number 23 of 2002 concerning Child Protection in the section consideration letter d explains that every child in the future capable carry not quite enough answer said , then He need get the widest possible opportunities For grow and develop optimally , well physical , mental and social and moral noble , necessary done effort protection as well as For realize welfare child with give guarantee to fulfillment their rights as well as existence treatment without discrimination . Responsibility the intended answer is ensure continuity existence nation and state in the future later . So from matter That children displaced must confirmed fulfillment , maintenance and guarantee rights they based on the embodiment right basic man .

Government area play a role important For can make sure right basic man for the poor and children displaced can fulfilled , guaranteed and maintained with good . That's it based on the spirit For achievements need base they with effective quality for sustainability life They are the poor and the children abandoned in Makassar City to become not quite enough answer government local so that they can realize right basic effective human For all , and become reject measuring implementation right basic a pure and consistent human being .[9]

Based on data from the Central Statistics Agency (BPS) at the end of 2023 in Makassar City, the percentage recorded poor population by 5.7%. This is show quite an improvement big compared to from year Previously , 4.5 % of the poor population in Makassar City were poor. On the other hand , in 2022 , the Makassar City Government carried out screening to children considered abandoned as method For do order general.[10] Screening method the done with data collection and coaching , which takes the form of children abandoned people caught in the net the stay overnight at the office Civil Service Police Unit Praja ( Satpol -PP) during term 3 days time. Second matter the show implementation right basic man for the poor and children abandoned in Makassar City still Not yet can come true with good , because improvement the quantity of poor people shows problem crucial or No put attention specifically on eradication

or implementation rights for the poor in general serious , and also the way face children displaced No can display implementation on implementation right basic man for they .

## **B. METHOD**

Type research used in study This is type study law empirical research law empirical ( empirical law research ), namely study laws that use empirical data through observation in situation real For explain something research. Research This carried out in the room scope Makassar City Government, specifically the Makassar City Social Services Department. Reasons for choosing location study This is relevance related research with the Makassar City Social Service. The population in question in study This is the Makassar City Social Service, and the Sample is Worker Young Social Expert ( Position) Functional ) Field Rehabilitation Makassar City Social Services. Types of data in study This is types of primary data, in the form of results interview with resource person, whereas secondary data sources in study This is legislation. Data collection techniques in study This is with method interviews conducted to party related. The data analysis used is qualitative, then filter and organize relevant data, then data presentation, is data compilation in form narrative, and finally is withdrawal conclusion.[11]

## **C. DISCUSSION**

### **1. Makassar City Government's Efforts to Fulfill the Rights of the Poor and Abandoned Children in Makassar City**

Makassar City Government as executive area responsible responsible for fulfillment right for the poor and children abandoned in the jurisdiction of Makassar City. The authority For handle problem the has own umbrella law, such as Makassar City Regional Regulation Number 2 of 2008 concerning Guidance for Street Children, Homeless People, Beggars, and Buskers in Makassar City. This Regional Regulation more specify subjects that are classified as poor and children abandoned. Street children defined as children who are active on the streets between 4 – 8 hours a day. There are three distribution child street This based on age, namely child street age toddler with range age 0 – 5 years, then There is child street age school with range ages 6 – 15 years, and finally child street age productive with range Age

16 – 18 years.[12] There are also specifications special about children who have problems on the streets, which means as children who do not have parents and abandoned children neglected, uncared for children capable, exploited children and children who roam in places general.[13]

Children is asset progress nation in the future, and things That reflected from condition or condition his life before getting older mature or age productive. Children displaced must noticed with No put aside his rights, because on matter That can become reject measuring moment children the has move on adults and especially when required For responsible responsible for himself and his family or environment. Various need the must fulfilled by the government as part from not quite enough moral and legal responsibilities. In 2022, children the percentage of abandoned people recorded in Makassar City around 400 people. Meanwhile, in 2024, there will be decline percentage child 140 people were displaced in Makassar City.[14]

Another subject that becomes focus main in This Regional Regulation is homeless person. Homeless person is a living person in condition No according to the norms of a decent life in society, no have eye livelihood and not have place stay still. Next is beggars, defined as somebody or a group and/ or act on behalf of the institution social that gets income with method begging on the streets and/ or in places general with various reason For expect twelve pity from other people. Final is busker, defined as somebody or a group of people who do appreciation art through a training process with display work art, which can heard and enjoyed by others, so that others feel amused that other people then provide service or reward on his activities That outright. Third group final can classified as as poor, because the same person very No have source eye livelihood and/ or own source eye livelihood but No can fulfil need a proper basis for life himself and/ or his family. The absence or lack source eye livelihood For fulfillment need life daily must endeavored by the government for the sake of achievement quality life public in a way more general good. Based on the data collected from various source, percentage residents who are classified as as poor people experience fluctuations, however more leaning towards the trend improvement each year . March 2022, the level poverty the population of Makassar City reached the figure is 4.58% or If calculated

around 71,830 people. Meanwhile, in March 2023, the percentage poverty increase to 5.07% or around 80,320 people. However different with the years Previously, in 2024, data on poor people in Makassar City was not available. published until moment this. If we refer to the percentage average poverty in South Sulawesi Province in 2024, the trend of which is decrease from 8.70% to 8.06%, the average probability of poor people in cities or Districts in South Sulawesi are declining But No significant.

There are many umbrella the law that provides legitimacy rights for the poor and children abandoned. Umbrella law the loaded in The 1945 Constitution of the Republic of Indonesia ( especially in article 34 paragraph (1) which reads that the poor and children displaced maintained by the state); International Covenant on Economic, Social, and Cultural Rights ( ICESCR ) or International Covenant on Economic , Social and Cultural Rights ; Law Number 13 of 2011 concerning Handling of the Poor; Law Number 35 of 2014 concerning Change on Constitution Number 23 of 2002 concerning Child Protection ; Makassar City Regional Regulation Number 2 of 2002 2008 about Guidance for Street Children, Vagrants, Beggars , and Buskers in Makassar City. Of all umbrella the law that has been mentioned related with the poor and children abandoned, Makassar City Regional Regulation Number 2 of 2008 concerning Guidance for Street Children, Vagrants, Beggars and Buskers in Makassar City is umbrella the law that must be made into as backrest For fulfillment right basic man for the poor and children abandoned in Makassar City. The rights that are made as evaluation to fulfillment right basic man for the poor and children displaced is right on education , rights on place decent living, and rights on job. Third right This is the rights most needed by the poor and children abandoned, because rights This hold role important to fulfillment need base in a way general for them, and have an impact term long at a time influential straight to life they.

Based on greater needs deep related study this, the author do audience or interview with Social Services Makassar City Government on July 22 , 2025, represented by directly by workers Young Social Expert in the Field of Rehabilitation Social Services of Makassar City Social Services. Mr. Kamil Kamaruddin, SE as Official Worker Young Social Expert in the Field of Rehabilitation The Makassar City Social Services Department stated that problem

fundamental related child street, beggar, or vagrants, are lies in the condition economy very minimal family , and circumstances education they neglected. For example, that children street hanging around up to the porch road axis because unavailability food at home, so that they hope twelve the pity he received from pedestrians or past drivers lalang . Likewise with beggars, and also vagrants.

Based on the interview carried out, he explain that method settlement problem by the Makassar City Social Service, implemented with do screening or sweeping (usually Work The same with Satpol PP) for put things in order community that is classified as child street, beggar, or homeless. Penjaringan the usually implemented by the Makassar City Social Service ahead of celebration day highway or days certain, for example like ahead of Eid al-Fitr, Celebration year new, and so on. After caught, they transported For quarantined during about 3 to 10 days in a place special regarding with matter that, which is called as a Trauma Center Protection House (UPT Social Services, Barombong). During their stay at the Trauma Center Protection House, they accompanied For motivated, strived for spiritual improvement, and remain given food main on a regular basis. That's it a number of focus main for child street, beggar, or homeless before issued or returned to his family. However when will issued from the Trauma Center Safe House, they required For make or sign letter statement For No Again do matter similar, and if violated so will rehabilitated in a social institution South Sulawesi Province, which is known as duration the rehabilitation much longer namely about 3 months. Makassar City Social Services estimates related to amount child street, homeless, or beggar every do screening is around 15 people per sub-district. If the number This made into reference, then There is around 225 people were caught when the Makassar City Social Service carried out screening from results overall There are 15 sub-districts in Makassar City. Apart from that that, Mr. Kamil also explained that the Makassar City Social Service is carrying out establishment a number of post, in the form of post child streets in nine the point that is considered vulnerable and spread throughout Makassar City. The establishment of post child street the based on objectives For make it easier socialization related need information from the Makassar City Social Service, and also appeals certain in society when There is something things to do delivered by the Makassar City Social Service.

## **2. Factors Influencing Law Enforcement by the Makassar City Government in Fulfilling the Rights of the Poor and Abandoned Children**

The legal instrument in Makassar City related to the fulfillment of rights for the poor and neglected children, namely Makassar City Regional Regulation Number 2 of 2008 concerning Guidance for Street Children, Homeless People, Beggars, and Buskers in Makassar City. Technical Implementation For coaching child street, vagrants, and beggars by the Makassar City Social Service has not fully succeed For foster until fulfil rights they. There are several factor affecting enforcement law Makassar City Government in fulfillment right for the poor and children abandoned, namely: government factors in question is the absence of sustainable programs aimed at For truly do coaching for child street children, vagrants, and beggars. The guidance provided only limited to screening and quarantine during a number of day only. Mr. Kamil Kamaruddin, SE as Official Worker Young Social Expert in the Field of Rehabilitation The Makassar City Social Services Department stated that The City Government only will focus For follow and implement national programs that have been initiated by the Central Government, for example such as the People's School Program, the Red and White Cooperative, and so on.[15]

This matter show that internal factors of the City Government tend to act as extension hand or implementing Central Government programs, with lack Power creativity For focus in a way sustainable to fulfillment right for the poor and children abandoned. Even though besides implementing the Central Government program, the City Government can also create special programs aimed at to fulfillment right for the poor and children abandoned. Apart from that, coaching the poor and children displaced in the form of regulation to child street, homeless, and beggars show that the government's internal act in a way impact term short, and lacking substantial to fulfillment right for the poor and children neglected. The clean-up carried out by the Makassar City Social Services is not wrong thing, but If relation to fulfillment right for the poor and children displaced so matter the still very minimal.

Participation factors public interpreted as involvement public in a way active to fulfillment right for the poor and children abandoned, good initiative public That alone, or cooperation with Government For carry out matter that which is of a nature collaboration and focus in a way term long or sustainable. In addition, participation public itself is very minimal for help or Work The same with City Government to be able to push fulfillment right child street, homeless, and beggars. The role of society must activated in problem this, to make it easier control direct to fulfillment right child street, homeless, and beggars.

Participation public can realized as involvement active by various circles public civil, for example like academics, figures society, institutions student affairs, organizations society, etc., for can support seriousness City Government in implementation fulfillment right child streets, vagrants, and beggars . Habit factors public interpreted as continuity the community that has frequency For vagrancy, begging, and so on. Repeating patterns the assessed caused by the acquisition income financial term short and considered the easiest accessible to them. Mr. Kamil Kamaruddin, SE as Official Worker Young Social Expert in the Field of Rehabilitation The Makassar City Social Service is of the opinion that matter the happen specifically for children displaced or child street is Because family they own will For get income with ways like it is good That in the form of begging, vagrancy or begging, and so on. One of effectiveness law according to Lawrence M. Friedmann, it is culture or habit law, and things this is what becomes constraint to fulfillment right for the poor and children neglected. Habits society and government that still put aside fulfillment right for the poor and children abandoned, making the difficulty achievements fulfillment right the.

## **D. CONCLUSION**

Fulfillment of the rights of the poor and neglected children, including street children, beggars, and vagrants, in Makassar City is still limited to screening and quarantine activities carried out by the Makassar City Social Services Agency. This is usually carried out before certain celebrations, in collaboration with the Public Order Agency (Satpol PP). Shortly after the screening, they are quarantined at the Trauma Center (Social Services Unit, Barombong) and

provided with mental and spiritual support. This measure has not fully fulfilled the rights of the poor and neglected children, as it is short-term and fails to address the underlying causes of street children, beggars, and scavengers. The government must be serious about addressing the issues of street children, beggars, and scavengers on a continuous and sustainable basis. Sustainable means that the efforts undertaken must take into account other elements related to these fundamental issues, for example, in addition to focusing on economic issues. They also pay attention to social factors in social interactions in a society free from discrimination.

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