

CHILDREN'S RIGHT TO EDUCATION BASED ON CHILD PROTECTION LAW IN INDONESIA

Wafda Vivid Izziyana
Muhammadiyah University of Ponorogo
Wafda.vivid@yahoo.com

Abstract

Milions of the nation's children wjimper at the corners of their beloved country, with not just empty stomach longing for rice, but their brains also yearn for their rights to education. They could only hope with their weak footprints in achieving their ambitions, while the country's leaders spend money with an excuse of preparing for the Democratic Party that will soon take place in this country. School collapsed here and there and children dropping out of school could be found everywhere, in almost every street – from the intersections, junctions and in other we could see children of school ageroaming around. Some of them became beggars, buskers and hawkers, and even as a cash caw to help their parents to fulfill the needs for a living. The massive number of children who have not earned the right to education could not be separated from the background of children of this country's history and condition of the nation which is still messy. After some period of time of reformation era, the country experienced various disasters. This is not entirely the goverment's fault. However, the poverty problem is still not resolved and corruption in various institutions could weaken the reputation of this country. Apart from economic factor that “force” them to do so. As reviewed from another side, the problem is actually the primary task of the government ti immediately realize the “independence” of education, especially for children, as the provisions of the Law of the Republic of indonesia Number 23 of 2002 on children's protection, article 9 paragraph 1 states that “every children has the right to education and teaching in order to develop his personality and his intellegence level in accordance with his interest and talents”.

Keyword : Children, Education, Law on Children's Protection

INTRODUCTION

Human are born with the right to life, the right to education, and also other right inherent in him. This paper will review children's rights to education since children also have rights that must be respected and given by adults. Children should not be treated differently and discriminated. In accordance with their age and physical circumstances, children have the same rights as adults.

Education is the language of civilization and the most fundamental language. The aim of education is to make the world a better place. Therefore, education isa human right that must no be denied. Denying human right is the denial of humanity itself. The right to education is

inherent in all people who bring hope to children, the future of the nation, and even the universal rights of all mankind.

In preparing the future generation, children are a major asset. Early child development is the responsibility of the family, community and country. But the process of child development are influenced by various factors, such as biological, psychological, social, economic, and even cultural issues that could cause the non-fulfillment of children's right. To overcome the problems faced by children, The Act of Children Protection Law No. 23 of 2002 has been authorized. This act aims to ensure the fulfillment of children's right so that children can live, grow and participate optimally in accordance to dignity the equality of Indonesian children to be educated, noble and prosperous.

The government which allocates 20% of the state budget for education still does not guarantee the completion of the national educational facilities and neglects of Children's rights in education, as well as with the number of school buildings in the country which were damaged and not decent for the use for learning. This fact is very heartbreaking considering how to civilization could be built while education as a tool in building human is not necessarily a top priority.

Millions of the nation's children whimper at the corners of their beloved country, with not just empty stomach longing for rice, but their brains also yearn for their rights to education. They could only hope with their weak footprints in achieving their ambitions. While the country's leaders spend the money with an excuse of preparing for the Democratic Party that will soon take place in this country. School collapsed here and there and children dropping out of the school could be found everywhere, in almost every street - from the intersections, junctions and in other places we could see children of school age roaming around. Some of them became beggars, buskers and hawkers, and even as a cash cow to help their parents to fulfill the needs for a living.

Those problem are apart from economic factors "forcing" them to do so. But viewed from the other side, this problem is actually the primary task of the government to immediately actualize the "independence" of education, especially for the children of the nation, as the Act of the Republic of Indonesia Number 23 of 2002 concerning children's protection, article 9, paragraph 1 states "every children has the right to education and teaching in order to develop his personality and his intelligence level in accordance with his interest and talents".

The massive number of children who have not earned the right to education could not be separated from the background of this country's history and the condition of the nation which is still messy. After some period of time of reformation era, the country experienced various disasters. This is not entirely the government's fault. However, the problem of poverty which is remains unsolved, corruption which exists in various institutions (including institutions on behalf of peoples representatives), daily fights in the political elite, the rising price of fuel oil, followed by the rising price of various staple food and other crucial issues, all of which have an obvious impact on the education sector in this country that should be the responsibility of the government as state officials.

Despite the problem facing our country, education should remain as a top priority for the government. This is due to the progress of a country which is closely linked to the equality of education held by the government. It should be recognized that in the recent period, our education quality, especially the formal institutions, continued to decline which is marked by the decreasing quality of human resources. It is even still considered as a failure in educating the nation, increasing the noble character, and enhances the harmony across the nation with diverse backgrounds. This is based on the evidence that the harmonious and peaceful society has not yet been established and the fact that Indonesia is one of the countries with the highest level of violence in the world. Besides, the collapsing of the nation in all areas was caused by the major problem of education which is reflected from the inequality in facilities, teacher's quality, number of students, and the curriculum which does not yet accommodate the cultural values of the nation.

In preparing the future of Indonesia, just talking about per capita income, economic growth, investment, or other macro indicators is not enough. The most basic thing is to what extent the child's condition is prepared by the family, community and country. Children, who have been suffering from disability, dependence, and both physical and intellectual mental immaturity, need protection, care and guidance from parents or adults. Treatment, care and education of children are a religious obligation and humanity that must be conducted by parents, family, community, nation and state.

Children are a gift and mandate from God that we must guard since they have inherent value, dignity and human rights that must be upheld. In terms of life, children are the future of the nation and future successor of the nation's aspiration. Therefore, every child has the right to live, grow and develop, participate, and are entitled to protection from violence and discrimination. Parents, families and communities are responsible for protecting and maintaining these rights in accordance with the obligations imposed by the law. Based on the issues above, the problem of the study can be formulated as follows : How is the implementation of the children's rights in the educational process according to the Child Protection Act?

DISCUSSION

Definition of Children's Rights

The rights of children are a part of human rights which must be guaranteed, protected and fulfilled by parents, family, community, government, and country.

The Right of Children

As human being, children also have rights that must be respected by adults. The rights which are owned by the children are : a) The right to live, to grow up, to develop, and to participate fairly according to human's value and dignity, and also the right in getting protection from right to violence and discrimination. b) The right to a name as the identity and citizenship status, c) The intelligence and age , under parental guidance. d) The right to acknowledge, being raised, and cared for by their own parents. If the parents could not guarantee the child's

development, or the child is being neglected, then the child is raised in foster care or adopted by a person according to the provisions of the legislation in force., e) The right to obtain medical care and social security according to the physical, mental, spiritual and social needs, f) The right to education and teaching in order to develop personality and talent. In particular, the development of personality is associated with religious education, moral education or citizenship education. However, reality has shown that learning in school still has a fundamental weakness. Children acquire learning of the cognitive domain of religion, morality and citizenship by memorizing rather than gaining effective experience of values that form a child's personality, g) The child's right to play and relax, and also to participate in cultural and arts activities, psychologists assert that most of a child's life is playing. This is why kindergartens are designed to provide as many children to play as is given in play groups. The more mature the child is, the more activities are given in the process of learning by doing.

The Right to Education as a Part of Human Right

Education, as well as socio – economic development of a country, has a great importance to human resources (HR). The right to education has been recognized as one of the Human Rights, since human rights is nothing but a basic right that should be owned by everyone. The right to education is very closely related to human rights. Without education, life would have no meaning and value of dignity which is the real purpose of human rights itself, where every person has the right to become a whole person.

John Stuart Mill in his “Principles of Political Economy and Liberty” stated that education is consciously needed by each child as a provision for life, and parents have an obligation to prepare sufficient nutrients for the growth of these children. Therefore, providing proper education should be an obligation for the parents, whether it's towards their children or towards the society as a whole.

Articles Related to Children's Rights to Education

Human Rights Law (Act No. 39 of 1999) on Children's Rights, one which is as follows :

- (1) Every child has the right to education and teaching in the context of personal development according to their interest, talents and level of intelligence.”

The 1945 constitution

- 1) Article 28 B, paragraph 2 of the 1945 Constitution reads :

“every child has the right to live, grow and develop, and is entitled to protection from violence and discrimination”. Article 28B clearly states that every child receives the rights as a young generation who has a chance to live, to grow up, and develop physical abilities and thoughts.

To support the obtaining of all the children's rights, education is the most important right for a child in developing their potential ability. Given that children are younger and physically weaker than adults, they are entitled to protection from threats, violence and discrimination.

2) article 31, paragraph 1 and 2 reads : (1) every citizen has the right to education (2) every citizen is obliged to follow basic education and the government must finance it.

Citizen referred in this article emphasize more one children since they are generally in school age at the elementary level.

To guarantee this basic education, the 1945 Constitution also requires the government finance. In verse 4, country even demands to prioritize the education budget at least 20 percent of the state and the local budgets.

5. implementation of Children's Rights to Acquire Education in Indonesia

In order for every child to receive education and teaching, learning opportunities must be expanded. However, the implementation of the expansion of learning opportunities is done in stages since the government still has other obligations that must be considered. The application of this basic education must be integrated, which is an integrated application.

Gradually, the government built buildings and new school facilities, increasing the number of textbooks, adding and improving the quality of the teacher and providing tuition assistance. In the provision of facilities and educational facilities, the government also provides education in remote areas people with disabilities from the government so that school age children across Indonesia have the same opportunity to acquire basic education.

By the obligation of following basic education for all school age children, the government also has an obligation to provide and organize the secondary education. By the increase of primary school graduates, junior high school must be provided to accommodate all primary school graduates. Nowadays, there have been many building of new secondary schools up to the outposts in order to fulfill the learning obligation mandated in the 1945 Constitution.

The basic education for Indonesia citizen is completing school up to secondary school or junior high school. This obligation is known as a 9 year basic education which is completion of elementary to junior high school.

A complete education is a continuous education. That is, to improve the equality of human resources in Indonesia, one must continue their education not only until the junior level but also proceed to the high school level or SMK (Vocational High School), then continue to colleges ranging from levels of Diploma, Bachelor Degree, up to post graduate and doctorate.

Besides the government, providing education could also be done by private sectors which are in the form of foundations. The implementation of private education has the opportunity to add a special education as the mission and objective of the foundation.

CONCLUSIONS

Children's right is a part of human rights which must be guaranteed, protected and fulfilled by parents, family, community, government and country. There are many children's rights, one of which is the right to education. The right to education is very closely related to human rights. Without education, life would have no meaning and value of dignity. In the 1945

Constitution there is also an article that says that basically every child has the right to education and the government was obliged to pay for it. In addition, children also have the right to finish the 9 years of basic education from elementary to junior high school.

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