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THE EXISTENCE OF HUMAN RIGHTS FOR THE POOR AND ABANDONED CHILDREN IN INDONESIA

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Abstract: Human rights are basic principles that protect and respect the freedom, dignity and well being of every individual, regardless of their social, economic or background status. However, in Indonesia, the existence of human rights for the poor and abandoned children is still a controversial and complex issue. The current condition of the poor and abandoned children in Indonesia shows violations of their rights. The poor often face difficulties in accessing education, housing, health services and decent work, all of which are basic rights guaranteed in the constitution. Neglected children are also often victims of physical, psychological, and sexual exploitation, with the lack of protection and protection they receive. The method used in this research is the normative juridical method by examining the law and examining library materials. The results show that the existence of human rights for the poor and abandoned children in Indonesia requires concrete steps. This includes improving access to basic services such as education, housing, and health care, as well as effective law enforcement against perpetrators of violence and exploitation against children. In this regard, it is important for the government, child protection agencies, and Indonesian society to work together to protect the human rights of the poor and abandoned children, ensure justice and welfare for them, and build a more inclusive society.

Keywords: Human Rights; Poor; Neglected Children

1. Introduction

In Indonesia, the problems of the poor and abandoned children are pressing social issues. The existence of human rights for these groups is crucial in maintaining their dignity, welfare and protection. As a democratic country, Indonesia adheres to internationally recognized human rights principles. Human rights include the rights to life, liberty, dignity, non-discrimination, legal protection, and various economic, social and cultural rights. However, in practice, there are still many challenges in fulfilling these rights for the poor and abandoned children in Indonesia.

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The poor often face difficulties in accessing basic rights such as food, clean water, adequate housing and health services. The number of poor people in Indonesia is still quite large, especially in marginalized rural and urban areas. This calls for further efforts in the fulfillment of their rights, including protection from exploitation and oppression. Abandoned children are also a group that is easily exposed to human rights violations. Children living on the streets or in underprivileged conditions are often denied the right to education, protection and a decent life. They can become victims of exploitation, sexual abuse, human trafficking and other acts of violence. The existence of human rights for abandoned children is essential to protect them from these risks and provide them with equal opportunities for a better life.

The existence of human rights for the poor and abandoned children is a complex problem in Indonesia, where the poor and abandoned children are often plunged into practices that they should not do by irresponsible people, such as children who are employed as manual laborers, victims of violence, and prostitution practices. They are treated cruelly and inhumanely, and their basic rights are deprived.¹ These problems show that there are still many violations of basic rights, which should belong to everyone especially the poor and abandoned children. To ensure that everyone is protected, significant efforts must be made so that Indonesia's poor and abandoned children, and the struggle for their basic rights, can enable them to live, grow, and develop in a safe environment.

The Indonesian government must take various steps in an effort to strengthen the existence of human rights for the poor and abandoned children. Programs carried out by the government such as social protection and welfare improvement must be more equitable and efficient, the government must be more effective in carrying out its programs to increase protection and improve welfare for them as the poor and abandoned children. As has been

¹ Bagong Suyanto, *Masalah Sosial Anak*, (Jakarta: Kencana Prenada Media Group. 2010), hlm. 2.

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guaranteed in the 1945 Constitution in Chapter XIV on the National Economy and Social Welfare, Article 34 paragraph (1) which states "The poor and abandoned children are cared for by the state."² Without exception. And the government must provide free education equally for neglected children who cannot attend school, as stipulated in the 1945 Constitution in Chapter XIII on Education and Culture, Article 31 paragraph (1) which reads "Every citizen has the right to education"³ and continued in Article 31 paragraph (2) "Every citizen is obliged to attend basic education and the government is obliged to finance it."⁴

In addition, there is a need for cooperation between the government, institutions and the general public to increase awareness and participation in the protection of human rights. Educational campaigns, the establishment of responsive policies, and the strengthening of child and poor protection systems are efforts that need to be continued. And it needs to be sustainable, comprehensive, and involve all parties involved. This will encourage positive changes in the protection and fulfillment of their rights, and ensure that they can live with dignity and have equal access to opportunities and welfare.

2. Method

In accordance with the title and problems to be discussed in this study and in order to provide useful results, this research was conducted with normative juridical research (normative legal research method). Normative juridical research method is a library legal research conducted by examining library materials or secondary data only.⁵ This research

² Indonesia, *Undang-Undang Dasar 1945 pada Bab XIV tentang Perekonomian Nasional dan Kesejahteraan sosial*, Pasal 34 ayat (1).

³ Indonesia, *Undang-Undang Dasar 1945 pada Bab XIII tentang Pendidikan dan Kebudayaan*, Pasal 31 ayat (1).

⁴ *Ibid*, Pasal 31 ayat (2).

⁵ Soerjono Soekanto dan Sri Mahmudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, (Jakarta: Raja Grafindo Persada, 2003), hlm. 13.

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was conducted in order to obtain materials in the form of, theories, concepts, legal principles and legal regulations related to the subject matter.

3. Analysis or Discussion

A. Definition of Fakir, Poor and Neglected Children

Definition of Fakir

According to linguists, the word Fakir is a word with several variations. Some refer to fakir by using the terms al-faqru, al-faqir, and many other terms. The word "fakir" is interpreted differently by the Imams of the four schools of fiqh. Imam Hanafi defines a poor person as one who has a business but does not have enough money for his daily needs. Meanwhile, a poor person has no means of livelihood. However, a poor person is someone who is able to make an effort despite being well-off. Thus, the state of the fakir remains superior to that of the poor.⁶

According to a different interpretation offered by Imam Malik, a fakir is a person whose wealth cannot support his needs for a year. Fakir according to Imam Malik is included in the group of people who get zakat. Finally, Imam Shafi'i and Imam Hanbali expressed their final opinion, defining fakir as someone who does not have property and business, or has property and business but only enough to meet less than half of his needs in life and no one is obliged to provide his living expenses. The four views on fakir presented by the imams of the madhhab of fiqh above all refer to the same thing, someone who has property and business, but not enough to cover his needs for a year. According to the definition given above, fakir refers to a lack of material needs. The meaning of fakir meaning a lack of meeting

⁶ M. Ali Hasan. *Zakat dan Infaq*. (Jakarta: Kencana. 2006), hlm. 95.

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daily needs, is very much in line with the Islamic understanding of the term. In Islam, they are basically people who qualify for zakat.⁷

Definition of Poverty

Poverty is a structural social phenomenon that affects society in ways that are very evident in the Human Development Index such as the very weak ability of households to meet their needs for economic resources, education, and nutrition, leading to low human capital.⁸ The financial inability of a person to support the average standard of living of a person in a particular area is known as poverty. The inability to pay for necessities such as food, clothing, and housing is what defines this state of inability.⁹

In the context of the Human Development Index, poverty is often measured using indicators such as income levels, access to quality education, access to adequate health services, and levels of food security. Poverty can also be viewed in terms of economic inequality and social inequality. Poverty reduction involves efforts to improve equitable access to economic, educational, and health resources. It can involve public policies that support the redistribution of wealth and resources, the fulfillment of basic rights, and inclusive economic development.

The Family Hope Program, which is targeted at low-income families and focuses on improving the quality of human resources, particularly in the areas of education and health,

⁷ Imam Abu Ubaid al-Qasim, *Al-Amwal (Ekslopedia Keuangan Publik)*, Penerjemah Setiawan Budi Utomo, (Jakarta: Dema Insani. 2009), hlm. 53.

⁸ Pusat Bahasa Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*. Cetakan VII, Edisi IV, (Jakarta: PT Gramedia Pustaka Utama. 2014), hlm. 581.

⁹ Mudrajat Kuncoro, *Ekonomika Pembangunan, Teori, Masalah dan Kebijakan*, (Yogyakarta: YKPN. 2002), hlm. 112.

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is one of many government initiatives that help the poor by expanding their access to public health and education services.¹⁰

Definition of a Neglected Child

A child is said to be neglected not because he or she has no parents. Children who do not receive their basic needs be it spiritual, physical or social are considered neglected. Neglect here refers to a situation where a child does not get his or her rights properly, such as the right to education and the right to adequate health care, due to negligence, lack of parental understanding, limited ability, and even malicious intent towards the child in circulation. As experts have pointed out, child sexual abuse, child abuse resulting in death, or the abuse of children in the sex trade, are often thought of as problems that occur within individual families.¹¹

The issue of violence against children only began to be taken seriously when the number of cases of violence committed by adults against children increased significantly, the number of victims increased, and the impact on society suffered greatly. Like violence against women, child abuse seems to exist at every level of society and can be perpetrated by anyone, be it a person with a psychological disorder or a parent who seems to be doing well in their daily life. They can suddenly become angry: berate, slap, hit, and even take the life of their own biological child.¹²

B. Rights of the Poor and Neglected Children in Indonesia

Right to Life

¹⁰ Bagong, Suyanto, *Anatomi Kemiskinan dan Strategi Penanganannya*, (Malang: Penerbit Intrans Publishing, 2013), hlm. 25.

¹¹ *Modul Program Kesejahteraan Sosial Anak (PKSA)*, Kementerian Sosial RI. Milik Dinas Sosial (Yogyakarta, 2004)

¹² Abu Huraerah, *Kekerasan Terhadap Anak*, cet-1, (Bandung: Nuansa Cindekia. 2006), hlm.47.

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Human rights can be explained as rules that apply in society, because the laws governing human rights basically come from the beliefs of society. Later, these beliefs become reasons asserted by society. Jhon Rawls argues that human rights consist of a collection of very important rights, and he emphasizes that there is no tolerance for the violation of these important rights by anyone. These include the right to life and equal treatment under the law, as well as the rights of the poor, the abandoned, and the marginalized. These rights should not be ignored, as they can create perfect justice.¹³

In the right to life, the main objective is to ensure that everyone has the opportunity to exist in this world and realize their aspirations and goals. This concept was put forward by Rhoma K. M. Smith, who explained that the right to life is a fundamental right possessed by every person since he or she is in the womb. This right is the first right as explained in the 1945 Constitution in Chapter XA on Human Rights in Article 28G paragraph (1) reads, "Everyone has the right to protection of self, family, honor, dignity, and property under his control, and is entitled to a sense of security and protection."¹⁴ The most important thing is that without this right, other rights have no meaningful value.¹⁵

Right to Protection

In the 1945 Constitution in Chapter XA on Human Rights Article 28G paragraph (1) reads, "Everyone has the right to protection of self, family, honor, dignity, and property under his control, and is entitled to a sense of security and protection from threats of fear to do or not do something that is a human right."¹⁶ It can be interpreted that everyone regardless of race, economy, social, is entitled to protection from threats including the poor and

¹³ Jhon Rawls, *The Law Of People*, (Cambridge:Harvard University Press, 1999), hlm. 79-80.

¹⁴ Indonesia, *Undang-Undang Dasar 1945 pada Bab XA tentang Hak Asasi Manusia*, Pasal 28A

¹⁵ Rhoma K. M. Smith. *et. al. Hukum Hak Asasi Manusia*. (Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia (PUSHAM UII). 2008), hlm. xx.

¹⁶ Indonesia, *Undang-Undang Dasar 1945 pada Bab XA tentang Hak Asasi Manusia*, Pasal 28G ayat (1).

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abandoned children are entitled to protection from irresponsible people who have plunged them which can be said to violate human rights and which in essence article 28G paragraph (2) states everyone has the right to be free from torture.¹⁷ The poor and abandoned children are entitled to it and the government, child protection agencies, must keep a tight control so that the cases of the poor and abandoned children that are still running until now are stopped.

Right to Education

Education is considered a basic right because it is the foundation for the development of quality individuals and societies. The right to basic education is also key to building a more just and equitable society. However, the reality on the ground shows that there are still many people who do not have access or opportunity to basic education such as abandoned children. In national law, special attention has been given to the right to education in the 1945 Constitution, Chapter XA on Human Rights, Article 28(1):¹⁸

"Everyone has the right to develop themselves through the fulfillment of their basic needs, to receive education and to benefit from science and technology, arts and culture, in order to improve the quality of their lives and for the welfare of mankind".

And Article 12 of Law No. 39 of 1999 on Human Rights reinforces the importance of fulfilling human rights, especially the right to education:¹⁹

"Every person has the right to protection for his/her personal development, to obtain education, to educate himself/herself, and to improve the quality of his/her life in order to become a believing, devoted, responsible, noble, happy, and prosperous human being in accordance with human rights".

¹⁷ *Ibid.*, Pasal, 28G ayat (2).

¹⁸ Indonesia, *Undang-Undang Dasar 1945 Bab XA tentang Hak Asasi Manusia*, Pasal 28 ayat (1).

¹⁹ Indonesia, *Undang-Undang Nomor 39 tahun 1999 tentang Hak Asasi Manusia*, Pasal 12.

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More specifically, in the 1945 Constitution, Chapter XIII on Education and Culture, Article 31 paragraphs (1) and (2) states: ²⁰"Every citizen has the right to education". And paragraph (2) states: "Every citizen is obliged to attend basic education and the government is obliged to pay for it". Paragraphs (1) and (2) of the Constitution guarantee education to every citizen and the government bears the cost. However, the empirical reality on the ground is that there are still many neglected children who do not attend school.

And according to Paulo Freire in the book *Pedagogy of the Oppressed*, education is a process that provides opportunities for humans to hone their criticality and to develop their ability to solve problems that confront them in everyday life. ²¹ In a sense, education is very important for a person to prosper his life and especially for neglected children who should be very much in the spotlight of the government to provide education and provide knowledge of how important education is in his life and the community must also assist in providing the doctrine needed in the neglected child, so that neglected children can easily get education.

B. Challenges in the Protection of Human Rights of the Poor and Neglected

Children

The 1945 Constitution is the highest basic law governing the life of the nation and state. The 1945 Constitution has undergone four amendments from 1999 to 2002 to further strengthen the protection of people's constitutional rights. The poor, beggars, scavengers, street children, rulers, and Article 34 of the 1945 Constitution paragraph (1) are interrelated, implying that the poor and abandoned children are protected by the state. Article 34 of the

²⁰ Indonesia, *Undang-Undang Dasar 1945 pada Bab XIII tentang Pendidikan dan Kebudayaan, loc.cit.*, Pasal 31 ayat (1) dan (2)

²¹ Raihan Kamil Muhadzib, Ummi Yusnita, Grace Sharon. "Upaya Mengatasi Ketimpangan Pendidikan Menurut Konvensi Internasional", *Jurnal Plaza Hukum Indonesia*, Vol.1 No.1 (Maret, 2023), hlm. 97.

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1945 Constitution paragraph (1) means that abandoned and homeless children have the same rights and protection as the state. The Indonesian government is experiencing many challenges to protect all Indonesian people in an effort to improve the general welfare and educate the nation's life, it should be done by the government not just like a parable. Indonesia's human rights protection challenges for the poor and abandoned children are complex and require a holistic approach. There are several key challenges that need to be addressed in order to protect their rights:

a. Poverty and backwardness

The poor and abandoned children often live in conditions of extreme poverty and deprivation. This makes them highly vulnerable to human rights violations. The main challenge is to change their social and economic conditions through economic empowerment programs, access to education, decent housing, and access to adequate health services.

b. Access to education

Neglected children often find it difficult to access proper education. This challenge can be overcome by providing free and high-quality education, creating an environment that supports learning, and reaching out to abandoned children living in remote or marginalized areas.

c. Violence and exploitation

The poor and abandoned children are vulnerable to violence, sexual exploitation and child labor. Their protection should be prioritized with strict law enforcement against perpetrators of violence and exploitation, as well as rehabilitation and reintegration programs for victims.

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d. Access to basic services

The poor and abandoned children often have difficulty accessing basic services such as health care, sanitation, clean water and adequate housing. Efforts need to be made to improve the accessibility and availability of these services, including through government programs and cooperation with civil society organizations.

e. Stigma and discrimination

The poor and abandoned children often experience social stigma and discrimination, making it difficult for them to access their human rights. Human rights protection should include approaches that focus on eliminating stigma and discrimination, and restoring their human rights and dignity.

To address these challenges, collaborative efforts from governments, civil society organizations and international agencies must be structured. It is important to involve the poor and abandoned children in the policy-making process to ensure their needs are considered. In addition to the provision of education, priority must be given to access to adequate health services and employment opportunities. Promoting social equality, shaping positive public opinion, and enhancing legal protection are important steps in addressing challenges in the protection of the human rights of the poor and abandoned children.

D. Rights of the Poor and Neglected Children in Indonesia

One of the many goals of the Republic of Indonesia is to achieve a prosperous life for the entire Indonesian population. This duty is assigned to the government to promote the welfare of the people and ensure that every citizen achieves a minimum standard of living worthy of human dignity. More so, the Constitution specifically affirms that the state and

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government are responsible for the welfare of the poor and abandoned children.²² Some of the factors that cause abandoned children and poverty often involve economic, family and educational issues.²³ All poor and abandoned children share the same rights as any other human being, without discrimination. However, the current situation that restricts mobility has caused a significant impact on children, especially with many children unable to get an education and choosing to help their families financially.²⁴

In addition to having responsibility for abandoned children, the government also has an obligation to fulfill the rights of the poor. The poor refer to those who can only meet half of the actual needs of life. In Islam, it is important that the administration of the state must also adopt religious values and the principles of the rule of the state, so that the state must be oriented towards this.²⁵ According to Law Number 13 of 2011 concerning Handling the Poor, Article 1 number 2 states:²⁶

"Handling the poor is a directed, integrated, and sustainable effort carried out by the Government, local governments, and/or the community in the form of policies, programs and activities of empowerment, assistance, and facilitation to meet the basic needs of every citizen."

In the sense that the government is obliged to facilitate and fulfill its basic needs to anyone who resides in Indonesia and makes its duty as a holder of power. And what is called a neglected child in Law Number 35 of 2014 concerning Amendments to Law Number 23 of

²² Sitti Ma'rifah Nisrina Arifin dan Dea Larissa. "Pertanggungjawab Hilang Atau Rusaknya Barang Bagasi Pesawat di Bandara Sultan Hasanuddin Makassar." *Siyasatuna: Jurnal Ilmiah Mahasiswa Siyasa Syar'iyah*, Vol 1 No. 2 (2020), hlm. 326.

²³ Romli Atsmita, *Peradilan Anak Di Indonesia*, (Bandung: Mandar Maju, 1997), hlm. 160.

²⁴ Muladi, *Hak Asasi Manusia Hakekat: Konsep Implikasi Dalam Perspektif Hukum Dan Masyarakat*, (Bandung: PT. Refika, Aditama, 2005), hlm. 231.

²⁵ Usman Jafar. "Negara dan Fungsinya (Telaah Atas Pemikiran Politik)." *al-Daulah*, Vol 4, No. 1 (Juni, 2015), hlm. 5.

²⁶ Indonesia, *Undang-Undang Nomor 13 tahun 2011 tentang Penanganan Fakir Miskin*, Pasal 1 angka 2.

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2002 concerning Child Protection in Article 1 number 6 states:²⁷ "A neglected child is a child whose needs are not met properly, whether physical, mental, spiritual, or social." The government also explains its responsibility for neglected children in Article 53 paragraph (1) which states:²⁸

"The Government and Regional Governments are responsible for providing tuition fees and/or free assistance or special services for children from underprivileged families, neglected children, and children residing in remote areas."

As such, the government has a responsibility to facilitate and fulfill the basic needs of the poor and abandoned children in Indonesia. This is part of their duty as the holder of power to realize the welfare and protection of all Indonesian people. The strategy for handling the poor and abandoned children carried out by the central government and local governments is to educate the poor and abandoned children by socializing, but this has not been done thoroughly. To achieve optimal results in dealing with the problems of the poor and abandoned children, a planned approach and courage in implementing public policies that are considered important are needed. In addition, there is a need for moral support from policy makers, both at the regional and national levels, in an effective manner.

3. Conclusion

The existence of human rights for the poor and neglected children in Indonesia is very important to maintain and protect the human rights of the poor and neglected children. Human rights are rights that are inherent in every individual, regardless of their social status or background. It can be concluded from the discussion that has been carried out that the

²⁷ Indonesia, *Undang-Undang Nomor 35 tahun 2014 tentang Perubahan atas Undang-Undang Nomor 23 tahun 2002 Tentang Perlindungan Anak*, Pasal 1 angka 6.

²⁸ *Ibid.*, Pasal 53 ayat (1).

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protection of the rights of the poor and neglected children in Indonesia faces complex challenges and requires a holistic approach. Several important points need special attention in efforts to overcome this problem.

1. The poor and the needy are two groups that are closely related in the context of poverty, but with different definitions according to the views of the Imams of the Madzhab. The poor refer to people who have a business but whose income is insufficient to meet their daily needs, while the poor are those who have no means of livelihood at all. Abandoned children are children who do not receive basic needs, whether physical, mental, or social, either due to negligence, parental limitations, or malicious intent that harms them. These three groups have worrying living conditions and require special attention in terms of fulfilling their rights.
2. Basic rights such as the right to life, protection, and education are rights that must be given to the poor and neglected children in accordance with the 1945 Constitution and other related regulations. In this case, the government is required to ensure their protection, provide access to decent education, and adequate health facilities. However, the reality on the ground shows that even though there are regulations, there are still many challenges in fulfilling these rights, both in terms of access to education and social protection.
3. Protection of the rights of the poor and neglected children is faced with various challenges, including extreme poverty, limited access to education, violence, exploitation, and social stigma. In addition, many neglected children cannot access decent education, while the poor often have difficulty in meeting their basic needs. Overcoming these challenges requires cooperation between the government, society, and non-governmental organizations to raise awareness and facilitate their rights.
4. The Indonesian government has launched various policies to address poverty and neglected children, such as through Law Number 13 of 2011 and Law Number 35 of

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2014. These policies include economic empowerment, provision of free education, and protection for neglected children. However, to achieve maximum success, a planned approach, courage in implementing policies, and moral support.

References

Book:

- Abu Huraerah, *Kekerasan Terhadap Anak*, cet-1, (Bandung: Nuansa Cindekia. 2006), hlm.47.
- Bagong Suyanto, *Masalah Sosial Anak*, (Jakarta: Kencana Prenada Media Group. 2010).
- Bagong, Suyanto, *Anatomi Kemiskinan dan Strategi Penanganannya*, (Malang: Penerbit Intrans Publishing, 2013).
- Imam Abu Ubaid al-Qasim, *Al-Amwal (Ekslopedia Keuangan Publik)*, Penerjemah Setiawan Budi Utomo, (Jakarta: Demas Insani. 2009).
- Jhon Rawls, *The Law Of People*, (Cambridge:Harvard University Press, 1999), hlm. 79-80.
- M. Ali Hasan. *Zakat dan Infaq*. (Jakarta: Kencana. 2006).
- Mudrajat Kuncoro, *Ekonomika Pembangunan, Teori, Masalah dan Kebijakan*, (Yogyakarta: YKPN. 2002).
- Muladi, *Hak Asasi Manusia Hakekat: Konsep Implikasi Dalam Perspektif Hukum Dan Masyarakat*, (Bandung: PT. Refika, Aditama, 2005).
- Pusat Bahasa Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*. Cetakan VII, Edisi IV, (Jakarta: PT Gramedia Pustaka Utama. 2014).
- Rhoma K. M. Smith. et. al. *Hukum Hak Asasi Manusia*. (Yogyakarta: Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia (PUSHAM UII). 2008).
- Romli Atsasmita, *Peradilan Anak Di Indonesia*, (Bandung: Mandar Maju, 1997).

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Soerjono Soekanto dan Sri Mahmudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat*, (Jakarta:Raja Grafindo Persada, 2003).

Journal Article:

Raihan Kamil Muhadzib, Umami Yusnita, Grace Sharon. "Upaya Mengatasi Ketimpangan Pendidikan Menurut Konvensi Internasional", *Jurnal Plaza Hukum Indonesia*, Vol.1 No.1 (Maret, 2023), hlm. 97.

Sitti Ma'rifah Nisrina Arifin dan Dea Larissa. "Pertanggungjawab Hilang Atau Rusaknya Barang Bagasi Pesawat di Bandara Sultan Hasanuddin Makassar." *Siyasatuna: Jurnal Ilmiah Mahasiswa Siyasa Syar'iyah*, Vol 1 No. 2 (2020), hlm. 326.

Usman Jafar. "Negara dan Fungsinya (Telaah Atas Pemikiran Politik)." *al-Daulah*, Vol 4, No. 1 (Juni, 2015), hlm. 5.

Regulation:

Undang-Undang Dasar 1945 Bab XA tentang Hak Asasi Manusia.

Undang-Undang Dasar 1945 pada Bab XIII tentang Pendidikan dan Kebudayaan.

Undang-Undang Dasar 1945 pada Bab XIV tentang Perekonomian Nasional dan Kesejahteraan sosial.

Undang-Undang Nomor 13 tahun 2011 tentang Penanganan Fakir Miskin.

Undang-Undang Nomor 35 tahun 2014 tentang Perubahan atas Undang-Undang Nomor 23 tahun 2002 Tentang Perlindungan Anak.

Undang-Undang Nomor 39 tahun 1999 tentang Hak Asasi Manusia.

Other Sources:

Modul Program Kesejahteraan Sosial Anak (PKSA), Kementrian Sosial RI. Milik Dinas Sosial (Yogyakarta, 2004)