

Accelerate Child Protection through Regional Government and CSO Cooperation: Opportunities and Challenges

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Abstract: Cooperation is the best strategy for achieving goals. The Convention on the Rights of the Child (CRC) even mentions in article 4 about the international cooperation that must be undertaken by state party of the CRC to ensure the fulfillment of children's rights according to the CRC. This paper is the result of a research conducted for 8 months involving local government organizations (OPD) and Civil Society Organizations (CSO) children working in Sumatera Utara province. This study aims to determine the OPD and CSO cooperation system in accelerating child protection in Sumatera Utara province. The research focus is on the opportunities and challenges that arise in the collaboration of child protection by OPD and CSO. Literature and field studies were conducted to obtain research objectives. The conclusion of this study is that OPD and CSO must continue to cooperate in accelerating child protection based on the conditions of (1) limited human resources, facilities and infrastructure in OPD (2) expansion of program coverage to all areas in Sumatera Utara and (3) limited CSO funding to implement the program sustainable.

1 INTRODUCTION

Collaboration in fulfilling child rights is discussed at all levels of legal products. The Convention on the Rights of the Child (CRC) as a product of international law regulates it in article 4 which states that to ensure that State party do not find obstacles in fulfilling children's rights in accordance with the CRC, the State party can take legislative and administrative steps to the maximum and if needed carried out within the framework of international cooperation (CRC, 1989). The 2016-2020 Document Country Program Action Plan/CPAP is collaboration between Indonesia and UNICEF. The document was prepared with the aim of supporting the achievement of development goals as stated in the 2015-2019 RPJMN which are synergized with the Sustainable Development Goals/SDGS. Through this collaboration, UNICEF is committed to helping the Indonesian government fulfill children's rights including improving survival, development, maternal and child protection, health, education, protection and justice for children (www.bappenas.go.id, 2016).

Nationally, Indonesia has also taken legislative steps in fulfilling children's rights in accordance with

the CRC, namely the amendment of Law No. 23 of 2002 concerning child protection to Law No. 35 of 2014 concerning the Second Amendment to Law No. 23 of 2002 concerning child protection (*Undang-Undang Perlindungan Anak/UUPA*) as shown in the following table.

Table 1: The roles of the community/CSO in child protection in Indonesia.

Law No. 23 of 2002 concerning Child Protection (Article 72)	Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning child protection (Article 72)
Paragraph (1) The community has the right to obtain the widest possible opportunity to play a role in protection child.	Paragraph (1) The community participates in the protection of children, both individually and in groups. Paragraph (2) The role of the Community as referred to in paragraph (1) is carried out by individuals, child protection institutions, social welfare institutions, community organizations, educational institutions, mass media, and the business world.
Paragraph	Paragraph (3) The role of the Community in the implementation of

<p>(2) The role of the community as referred to in paragraph (1) is carried out by individuals, child protection institutions, social institutions, non-governmental organizations, educational institutions, religious institutions, business entities, and mass media.</p>	<p>Child Protection as referred to in paragraph (1) is carried out by: a. provide information through socialization and education regarding Child Rights and legislation concerning Children; b. provide input in policy formulation related to Child Protection; c. report to the authorities if a violation of the Rights of the Child plays an active role in the process of rehabilitation and social reintegration of the Child; e. conduct monitoring, supervision and take responsibility for the implementation of Child Protection; f. providing facilities and infrastructure and creating a conducive atmosphere for child development; g. play an active role by eliminating negative labeling of the victim's child as referred to in Article 59; and h. provide space for Children to be able to participate and express opinions.</p> <p>Paragraph (4) The role of community organizations and educational institutions as referred to in paragraph (2) is carried out by taking the necessary steps in accordance with their respective duties, functions and authorities to assist in the implementation of Child Protection.</p> <p>Paragraph (5) The role of the mass media as referred to in paragraph (2) is carried out through the dissemination of useful information and educational material from the social, cultural, educational, religious and health aspects of the Child by taking into account the best interests of the Child.</p> <p>Paragraph (6) The role of the business world as referred to in paragraph (2) is carried out through: a. company policy with a child perspective; b. products intended for children must be safe for children; c. contribute to the fulfillment of the Rights of the Child through corporate social responsibility.</p>
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The amendment of the UUPA is based on efforts to increase protection for children in Indonesia as stated in Law No 35/2014 concerning child protection (UUPA, 2014). The fact shows that in 2002, the Indonesian government had established an integrated service center (*Pusat Pelayanan Terpadu/PPT*). The formation of PPT is the Government of Indonesia's response to women and children who experience violence. PPT then turned into an Integrated Service Center for Empowering Women and Children (*Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak/P2TP2A*).

In summary, the establishment of P2TP2A is a manifestation of an integrated service mechanism, as well as an overview of the integration of government and society in dealing with women and children victims of violence, which is reflected in the structure and elements of P2TP2A management (Perempuan, K., 2017). However, P2TP2A has not been able to reduce the rate of violence against children in the community both village and *kelurahan* (KP3RI, 2016).

Since 2014, Sumatra Utara Province has provincial regulation No. 3 of 2014 concerning the Implementation of Child Protection (P2A). This P2A regulation regulates the participation of the community in article 23. The definition of the community referred to in article 23 paragraph (1) is an individual, child protection institution, social organization, non-governmental organization, educational institution, religious institution, business entity and mass media (*Perda Provsu*, 2014).

This research is intended to find out the opportunities and challenges of regional government cooperation with CSOs in accelerating child protection, especially in Sumatera Utara. In order to achieve the answer of the main problem, there were two research problems. Firstly, what are the opportunities in local government cooperation with CSOs to accelerate child protection? and what are the challenges of regional government cooperation with CSOs in accelerating child protection?.

2 RESEARCH METHODOLOGY

This research is descriptive normative research. Data was obtained by conducting literature review and field study. Literature Review is done with various documents both online and manual. The implementation of the research is limited to the Sumatera Utara provincial administration. There are two groups of research informants, namely local government leaders or staff who become child protection focal points in Sumatera Utara in accordance with regional regulation No. 3 of 2014 concerning the implementation of child protection and Civil Society Organizations (CSOs) who are concerned with protection child in Sumatera Utara.

3 RESULT AND DISCUSS

Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning child protection has

clearly stated in Article 72 about the role that can be carried out jointly between the government and the community, including CSOs (UUPA, 2014). Ministry of Religion P3A which is currently aggressively carrying out community movements that work in a coordinated manner in preventing and responding quickly in the event of violence in the village/*kelurahan* community. This movement is a Community Based Integrated Child Protection (PATBM) movement. The PATBM movement is carried out by PATBM activist groups from the community according to the definition of Law No. 35 of 2014 concerning the amendment of Law No. 23 of 2002 concerning child protection, namely individuals, child protection institutions, social welfare institutions, community organizations, educational institutions, mass media, and the business world.

3.1 Opportunities in Regional Government Cooperation with CSOs in Accelerating Child Protection

Based on field research, information was obtained which confirmed the contents of Article 25 of Regional Regulation No. 3 of 2014 concerning the implementation of child protection in Sumatera Utara Province in relation to opportunities for regional government cooperation with CSOs in accelerating child protection. The CSO definition which used in this refers to the term used in 2007-2008 by a group of experts on CSOs and the effectiveness of assistance. Furthermore, this definition is used by the Organization for Economic Co-operation and Development's (OECD) Development Assistance Committee (DAC) or abbreviated as OECD DAC (Tomlinson, 2013). CSOs are defined to include all non-market and non-state organizations outside the family where people organize themselves to pursue common interests in public areas for example including community-based organizations and village associations, environmental groups, women's rights groups, farmer associations, organizations religion-based, trade unions, cooperatives, professional associations, chambers of commerce, independent research institutions and not-for-profit media.

Thus the definition of CSO here is not limited to Non government organizations (NGOs) or known in Indonesian as Non-Government Organizations (NGOs). The definition of CSO here includes the definition of the community mentioned in Law No. 35 of 2014 concerning the amendment of Law No.

23 of 2002 concerning child protection and the Sumatera Utara provincial regulation No. 3 of 2014 concerning the implementation of Child Protection namely child protection institutions, social welfare institutions, community organizations, educational institutions, mass media, and the business world. One government agency which is also a child protection focal point stated that the child protection program carried out by local government (*Organisasi Pemerintah Daerah/OPD*) is currently purely from the state budget (*Anggaran Pendapatan Belanja Negara/APBN* and *Anggaran Pendapatan Belanja Daerah/APBD*). However, in fact, various activities carried out can be done by collaborating with CSOs in Sumatera Utara. One case whose handling is often carried out jointly between the government and CSO is trafficking. Some writings state that government and CSO cooperation is carried out on prevention programs by socializing the modus operandi of trafficking (Minin, 2011). Other writings mention that government cooperation not only involves CSOs but also UN institutions such as the International Organization for Migration (IOM) in the identification and handling of victims of trafficking (Arif, 2016).

Information related to government cooperation with IOM on trafficking issues was also found in a study entitled "effective international funding in the implementation of the fulfillment of children's rights". The research informant, the Sumatera Utara provincial social affairs agency (*Dinsos*) stated that in 2016, after landing the roghy refugee ship in Aceh Province, a number of minor unaccompanied were in the province of Sumatera Utara to get services related to their rights to life (UNHCR Indonesia, 2016). The Sumatera Utara provincial social service collaborates with IOM to provide shelter for minor unaccompanied. Besides collaboration with IOM, the social service also cooperates with CSOs that provide activities for minor unaccompanied at the Social Service Office of Sumatera Utara province.

Another opportunity that can be done in the collaboration between regional governments and CSOs is through the Regional Technical Implementation Unit (*Unit Pelaksana Teknis Daerah/UPTD*) of the Integrated Service Center for the Empowerment of Women and Children (P2TP2A) under the P3A Service. UPTD P2TP2A is a direct service provider, currently P2TP2A in collaboration with child CSOs in Medan provide direct services for children in Sumatera Utara. P2TP2A does not only provide services to the victim's child but also the child as the perpetrator and witness in a legal case. P2TP2A is even actively

involved in the Child Protection Network (JPA) in the province of Sumatera Utara. (Interview, June 2018). Furthermore, opportunities for government and CSO cooperation can be seen in the book of PATBM activities that offer more than 60 activities that can be carried out jointly by the government of groups of children, families and CSOs. The activities included: (a) stop campaign of violence against children (b) formation of children's forums in the regions, villages/*kelurahan*, (c) reproductive health education for children (d) commemoration of children's day (e) campaign village/*kelurahan* free of child labor (f) socialization of the Convention on the rights of the child (g) prevention of child marriage and so on.

3.2 Challenges of Cooperation between Local Governments and CSOs to Accelerate Child Protection

Article 74 of Law No. 23 of 2002 concerning Child Protection previously reads Article 74 in order to improve the effectiveness of child protection, with this law an independent Indonesian Child Protection Commission is established. This article underwent changes as stipulated in article 74 of the UUPA to be (1) in order to increase the effectiveness of supervision of the implementation of the fulfillment of the rights of the child, with this Law an independent Indonesian Child Protection Commission is established. (2) In case it is needed, the Regional Government can form a Regional Child Protection Commission or other similar institution to support the supervision of the implementation of Child Protection in the area. "

The mandate of article 74 of the BAL can be found in Article 21 of the Sumatera Utara provincial regulation Number 3 of 2014 concerning the Implementation of Child Protection which states that (1) To realize the implementation of child protection in Sumatera Utara, the Regional Child Protection Commission of Sumatera Utara was formed independent; and (2) Formation, Main Tasks and Functions, Secretariat, Organizational Structure, Work Mechanism, Supervision, and Financing of the Commission for the Protection of Indonesian Children in Sumatera Utara Province are further regulated by Governor Regulation.

The first challenge of regional government cooperation with CSOs to accelerate child protection in the province of Sumatera Utara can be seen from research findings related to the existence of the Regional Indonesian Child Protection Commission (*Komisi Perlindungan Anak Indonesia Daerah/KPAID*) of Sumatera Utara. Unfortunately,

when this research was carried out KPAD Sumatera Utara Province has been inactive since the beginning of 2017 based on the statement of the Head of Women's Empowerment and Child Protection of Sumatera Utara Province contained in an online newspaper in Medan (*Harian online Berita sumut*, 2017).

"...We will evaluate the existence of this Sumatera Utara *KPAID*, we will coordinate immediately to the central KPAI. However, for the public complaints service to the problems of children we still serve our UPT namely UPT Empowerment of Women and Children... "

The challenge with the absence of KPAID in the province of Sumatera Utara must be a common concern. First, Sumatera Utara KPAID is a form of government and community cooperation including CSOs. Furthermore, persons who registered to the KPAID recruitment process are people who have a concern for children including academics, advocates and activists active in CSOs.

The second reason is that the absence of KPAID must be a common concern is the basis for consideration of KPAID's non-activeness in the form of a Decree of the Minister of Home Affairs regarding the cancellation of the Sumatera Utara provincial regulation No. 3 of 2014 concerning the implementation of child protection. In the ministerial decree it was stated that Perda Number 3 of 2014 was contrary to the higher laws and regulations, in which article 26 paragraph (1) of the intended regional regulation contradicted the implementation of child protection as amended in Law Number 35 of 2014, that supervision the implementation of child protection is one of the tasks of KPAI not KPAID. [8] Likewise, article 27 of the regional regulation referred to also contradicts attachment II number 118 and number 121 of Law Number 12 of 2011 concerning the establishment of legislation. Today's facts show that the Sumatera Utara provincial regulation Number 3 of 2014 concerning P2A has undergone changes in accordance with the Sumatera Utara Provincial Regulation Number 9 of 2017 concerning Amendments to the Sumatera Utara provincial regulation Number 3 of 2014 concerning the Implementation of Child Protection. Perda No 9 of 2017 contains two things, namely: (1) abolishment of article 26 paragraph (1); and (2) Article 26 is amended so that every person who violates the provisions as referred to in articles 22 and 23, shall be sentenced to imprisonment as referred to in the legislation.

The existence of the Sumatera Utara Provincial Regulation Number 9 of 2017 concerning Amendments to the Sumatera Utara provincial regulation Number 3 of 2014 concerning the Implementation of Child Protection returns the need

to present KPAID in accordance with the mandate of the Sumatera Utara provincial regulation No. 3 of 2014 concerning P2A Article 21 discussed above.

Another challenge found in the field is the limited human resources both in the OPD such as the P3A Service and the Social Affairs Office, which has resulted in limited service delivery provided by the OPD. The same situation also occurs in CSOs, so this limitation is a challenge for both parties to establish cooperation in child protection. Examples of cases submitted by informant during in-depth interviews are trafficking cases. When the victim's child will be returned to his home region, from the government side, she does not have anyone who has time to accompany the child during the trip until re-integration. On the other hand, CSOs who find trafficked children have no funds to return trafficked children to their origin. For this reason, coordination between CSOs and local governments is needed, both the destination and victims.

4 CONCLUSIONS

The conclusions of this study are, firstly, the opportunity for collaboration between the government and CSOs is made possible by the regulation of Law No. 35 of 2014 concerning amendments to Law No. 23 of 2002 concerning child protection, especially article 72. Regionally, the same arrangements are regulated in provincial government regulations Sumatera Utara No. 3 of 2014 concerning the implementation of child protection. Secondly, cooperation between OPD and CSO in the fulfillment of children's rights includes the implementation of prevention and handling programs for child victims of violence. At present, various forms of government cooperation and CSOs are offered in PATBM strategies developed by the Ministry of Foreign Affairs at the village / outreach level. Meanwhile the challenges that exist in government and CSO cooperation in accelerating child protection in Sumatera Utara are among others, firstly, the absence of KPAID as a commission that contains officials from various backgrounds including CSOs. Secondly, limited human resources, facilities and infrastructure for CSOs and OPDs on the one hand and the extent of program coverage that takes place in the entire region of Sumatera Utara and (c) the limited funding of both OPD and CSO to implement sustainable programs.

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