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# **The Concept of Fulfilling Children's Rights in the United Nation Convention on the Right of the Child (UN-CRC)**

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## **ABSTRACT**

Fulfillment right right child who has mandated by law national law in Law 23 of 2002 on Neighborhood Child Protection and provisions law international conventions right child or UN-CRC (United Nation Convention On The Rights Of The Child) provides order to government as executor power field executive that must give right right base child in a way comprehensive , fulfillment This can shaped policy or action preventive before happen crime that , often once who became a victim of something action crime is children and women , then government become focus main For protect and provide right right on they . Draft fulfillment right the can done with make policy in the field health , education , economics , social politics and making child child the as subjects are also objects from policies issued . Efficiency and effectiveness something policy is based on research deep with study level fulfillment right.

**Keywords :** Concept Fulfillment of Children's Rights , UN-CRC,

## INTRODUCTION

The Convention on the Rights of the Child is instrument the most comprehensive and comprehensive international human rights law instrument law For promote and protect rights child . CRC is convention first one complete ensure protection rights child in field economic, social, cultural, civil and political. CRC is also an instrument law international first one explicit confess children as owner active from rights they Alone.<sup>1</sup> Convention This arrange standard standard treatment, care and protection to all child. CRC has occupy position on the growth line instrument human rights law adopted by the United Nations <sup>2</sup>and has ratified by 196 countries.<sup>3</sup>

Government is responsible party answer full to fulfillment right right children in Indonesia as stated in the Protection Law child as law national and UN-CRC Conventions as law international. The country which is institution executive who is as executor in carry out statutory and legal orders national . Provision law international own aspect aspect fulfillment right the child must fulfilled such as Civil Rights and Freedoms , Environment Family and Parenting Alternatives , Health and Wellness children Education, utilization time leisure and activities culture should too get protection special . As for rights rights that have been ratified by Indonesia against law international are the Right to Joy, the Right to Education, the Right to Protection, the Right to obtain Name, Rights to Nationality , Food Rights , Health Rights, Recreation Rights, Equality Rights and Role Rights in Development.

Fulfillment rights child is foundation and child capital as the shoot of a nation that owns potency as well as generation young successor ambition struggle nation For participate in build Indonesia into a sovereign , advanced , just and prosperous country .

## METHOD

Approach method in this writing is juridical sociological (socio - legal approach), namely something reviewed studies law as fact social that can noticed in experience as pattern behavior in form institution social or intuition social,

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<sup>1</sup> UNICEF, The State of the World's Children: Special Edition (UNICEF 2009).

<sup>2</sup> Hans-Joachim Heintze, The UN Convention And The Network Of The International Human Rights Protection By The UN ([s.n.] 1992 ).M. Freeman; P. Veerman, The Ideologies Of Children's Rights (Kluwer Academic Publishers 1992)

<sup>3</sup> United Nations, 'UN Treaty Collection: Status of the Convention on the Rights of the Child' (United Nations Treaty Collection, 2012)

studies law that conceptualizes and theorizes law as symptom positive and empirical social.

Based on framework thinking in background behind so technique data collection carried out is Document Study that is every written material well prepared for research, testing something incident or record, in the form of archives and documents other related things with writing.

## RESULT & DISCUSSION

Children are something generation to be decider direction progress A regions, in various countries have apply rule about protection child and carry out fulfillment right right child the to use look after and educate generation future leader. Invite Law (UU) Concerning child there is in Law 23 of 2002 on Neighborhood Current Child Protection This has there is a law above changes to the above law namely Law No. 35 of 2014 provides definition child is Child is someone who hasn't aged 18 (eight twelve) years old, incl still child in content. There are rules This so Already should all over fulfillment protection to child can fulfilled with good and right . Change on the protection law child namely Law Number 35 of 2014 which started effective applies dated 18 October 2014 had an impact to consequence change paradigm law among them give not quite enough responsibilities and obligations to the state, government , government region , community , family and parents or guardian in matter maintenance protection children , as well raised it provision minimum penalty for perpetrator crime sexual to children , as well introduced system law new ie exists right restitution .

A number of years Then currently happen degradation to children who are victims of various follow criminal especially crime victims sexuality. Not only attack institution government but precisely occurs in institutions education Good background religious nor general . Government Already should provide a sense of security , suitability and protection livelihood to child child with emit pro and supportive policies full to aspect fulfillment right right child . The provisions of the Law above is extension hand from rule law international management about child especially right right child namely UN-CRC (United *Nation Convention On The Rights Of The Child* ) or also called as Convention on the Rights of the Child, provisions This has ratified into the law national Presidential Decree No. 36 of 1997.

The provisions that have been regulated by rules law national and international make government as holder peak policy and power highest he should for emit protective policies child with various fulfillment right his rights.

Consequence law from No fulfillment right right child so need there is an implementation model from provision rule on For can fulfilled right right children in Indonesia

### **A. Children's Rights in Law**

Every citizen own base livelihood patriotic as guarantees by the 1945 Constitution Articles 27 - 34 concerning rights and obligations citizen . Provision this is also binding to status citizen as someone rightful child right child is something things that must be done acquired by the child categorized as has determined by the protection law children and provisions normative other. Children's rights is right mandatory basis given and obtained by the child covers child age early childhood and adolescence aged 12-18 years. Children's rights This applies good children who have parents or Already No have parents, and also children abandoned. Rights child become something already appropriately obtained by the child.<sup>4</sup> According to the ratified CRC (Convention on the Rights of the Child). into the Presidential Decree No. 36 of 1997, there are 10 Absolute Rights of Children:

1. Joyful Rights: Every child entitled of joy and happiness a child That must fulfilled.
2. Educational Rights: Every child entitled obtain decent education.
3. Protection Rights: Every child entitled get protection, protected from all follow violence and abuse.
4. Right To get a Name: Every Child has the right obtain name, as one identity child.
5. Top rights Nationality: Any child entitled acknowledged as citizen and own nationality, child No can apatriide (without nationality).
6. Food Rights : Every child entitled obtain food For grow develop and maintain his life .
7. Health Rights: Every child entitled obtain service proper health, without discrimination, child must served in health.
8. Recreation Rights: Every child entitled for recreation for refreshing, and children must involved in choose place their recreation want.
9. Equal Rights : Everyone child entitled treated The same wherever and whenever , without There is follow discrimination .
10. Role Rights in Development: Every child entitled involved in development of the country, because child is the future nation .

Whereas for right base children, there are 4 rights base children, namely:

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<sup>4</sup> Anissa Nur Fitri et al , Volume: 2 Number : 1 KS Proceedings : Research & PKM, Protection of Children's Rights in Efforts to Improve Child Welfare , p . 46.

1. Right to Life: Right to life This applies from since child That Still in content , which includes into the right life is like give nutrition and stimuli when child Still in content , check content , etc.
2. The Right to Growth and Development: In life children given chance the best For grow and develop, like gain upbringing, good education, if Sick treated or brought doctor, given breast milk, in immunization , brought to posyandu. Apart from That development His psychology was also taken into consideration, such as providing a sense of security and comfort, making environment conducive, distant child from Dangerous things, no give dangerous food for its development.
3. Participation Rights Purpose of right participation here is child must protected from situations emergency, apply about protection law, and of anything related with the future si child.
4. Protection Rights : Children have right For get protection and determination choice For his life. Child in family must get used to talk , so that the child have right sound and start brave determine desired things. For example, is want to moment child own different desires with desire his parents, then looking for point meeting. Pg This need noticed Because what is determined by adults That Not yet Of course good for you too si child, so children are also treated as humanized human being. If child has feel that need himself fulfilled , child will feel prosperous . Because level well-being child can be measured from how much big his needs fulfilled .

## **B. Draft Fulfillment of Children's Rights**

As for concerns right right fulfillment need child can categorized as includes 5 (five) clusters as following :<sup>5</sup>

1. Civil Rights and Freedoms which include :
  - a. Existence children who are registered and have quote Deed Birth
  - b. Availability facility information for child
  - c. There are Children's Groups and Children's Forums formed in sub-district areas
2. Environment Family and Parenting Alternatives include:
  - a. Condition age marriage first below 18 years old
  - b. Availability institution consultation for parents in frame nurturing and care child

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<sup>5</sup> Ika Post Himawati et al , Journal Knowledge Social Mamangan Volume 5, Number 1, January-June 2016, Analysis Fulfillment of Children's Basic Rights in the "City Friendly for Children" Program in Gading Cempaka District , Bengkulu, p.40

- c. Availability institution well-being child
- 3. Health and Wellness children which include :
  - a. Infant Mortality Rate
  - b. Prevalence Lack nutrition in toddlers
  - c. Exclusive presentation of breast milk (ASI).
  - d. Existence Breast Milk Corner
  - e. Sustainability immunization base complete
  - f. Availability providing institution service health reproductive and mental
  - g. Child of poor families get increased health insurance well-being
  - h. Availability access clean at home ladder
  - i. Availability area without cigarette ;
- 4. Education, utilization time leisure and activities culture which includes :
  - a. Participation figures education child age early
  - b. Implementation activity must Study education for 12 years
  - c. Existence school friendly child
  - d. Availability school in provide children's program facilities and infrastructure from and to safe school for child
  - e. Availability facility For activity friendly creative and recreational child, outside school and can accessible to all child ;
- 5. Protection special
  - a. Presentation children in need protection special and acquire service
  - b. Presentation case opposite child with law (ABH) is completed with approach restorative (*Restorative Justice*)
  - c. Mechanism countermeasures disaster that pays attention interest child
  - d. Percentage emancipated child from work worst

Not fulfilled right right child is old history which is a lesson for countries can do anticipation to treat No pleasant to child . Like In 1989 , there was more of the 700 institutions that do warehousing child of baby until mature young 18 year olds across the country. In 1996 , children Lots live in an orphanage Romanian upbringing as in 1990. Conditions life they improved; more A little abused child \_ in a way open.<sup>6</sup>

This also happened in Bulgaria, research find that the majority of parents No want to leave child them , however when faced with poverty , disease or excommunication social , they often make decision this , think that they act in the best interest best child the . In a research that interviewed 75 new parents just in a way open leave children those (aged 0-3) in institutions local, yes preferred reason

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<sup>6</sup> Romania's Abandoned Children Ten Years After the Revolution A Report to America From the US Embassy Bucharest, Romania, 2001

For leave children the is homeless , destitute food , no There is warmup during season cold , and no Enough diapers . In addition , 41% of the sample Already own four or more children in the family them and feel that they No capable Again . The study also found that 72% of the sample consists from Mother from Roman society , who reported that they requested by staff in the maternity unit If they want to look after the child them , and say that a member staff complete form adoption For they as problem routine .<sup>7</sup>

### C. Implementation Convention in Indonesia

The Convention on the Rights of the Child is form real on effort protection to child , to live child become more Good . Since Indonesia ratified There are many Conventions on the Rights of the Child in 1990 progress that has been made demonstrated by the Indonesian government in carry out Convention on the Rights of the Child. In implementing Convention on the Rights of the Child, participating countries conventions have obligations For carry out its provisions and rules in policies , programs and management his government . The Convention on the Rights of the Child is A binding agreement , which means when agreed by a country, then that country bound by the promises contained in it and the state is obliged For carry it out .<sup>8</sup>

The Convention on the Rights of the Child is A agreement international law concerning rights child . Convention This in a way simple can grouped into 3 things . First, organize about obligated party bear about right namely the country. Second , parties recipient right that is children . Third , load about shapes a right that must be guaranteed For protected , fulfilled and enhanced . Indonesia itself ratify Convention on the Rights of the Child (CRC) through Presidential Decree No.36 of 1990 on 25 August 1990.<sup>9</sup>

## CONCLUSION

The Convention on the Rights of the Child is an international agreement that regulates the civil, political, economic, social and cultural rights of children child. Countries that ratify this International Convention are required to implement it in accordance with international law and adapt it with law every country . The

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<sup>7</sup> Kevin. Browne , Child Abandonment and its Prevention, Institute of Work, Health & Organizations , University of Nottingham, UK

<sup>8</sup> Raissa Lestari, 2017, Implementation Convention International About the Rights of the Child (Convention on the Rights of the Child) in Indonesia, accessed at <https://media.neliti.com/>, p . 6

<sup>9</sup> Ibid.

implementation of the Convention is supervised by the United Nations Committee on the Rights of the Child whose members consist of various countries throughout the world .

The Convention on the Rights of the Child is A agreement international law concerning rights child . Indonesia itself ratify Convention on the Rights of the Child (CRC) through Presidential Decree No.36 of 1990 on 25 August 1990. Consequences on has ratified the Convention on the Rights of the Child, Indonesia is obliged For carry out the provisions contained and or own obligation For fulfil rights recognized child in the KHA which is general give protection and appreciation to child , so that child can feel all over his rights , so farthest from action violence and neglect .

Idealization Convention on Children's Rights in Indonesia still Not yet accomplished with OK , still many happen level violence that occurs against children , such as child face to face with law , the child has protection special and entitled children \_ basically Not yet fulfilled . Implementation Convention on the Rights of the Child not yet effective Because policies implemented by the government Not yet held with it should be . Lack of socialization provided to society about violence to children, and institutions related institutions about implementation right child Not yet carry out task with it should be . This matter added with institutional related in management This No own mechanism executorial as handling conflict other laws.

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