

Harmonization of the Convention on the Rights of the Child and Islamic Law in Efforts to Protect Children's Rights in Medan City

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Abstract

Children are an inseparable part of a nation's sustainability, and thus, their rights must be legally and morally guaranteed. This research aims to examine the forms and implementation of child rights protection in Medan City from the perspectives of Islamic Law and the Convention on the Rights of the Child (CRC). Islamic Law emphasizes child protection through the teachings of the Qur'an and Hadith, which highlight the responsibilities of parents, families, and society in fulfilling children's basic needs and rights. Meanwhile, the 1989 Convention on the Rights of the Child, ratified by Indonesia through Presidential Decree No. 36 of 1990, provides an international framework for ensuring comprehensive and non-discriminatory child rights. This research uses a normative legal method with legislative and conceptual approaches, supported by literature review. The findings reveal that both Islamic Law and the CRC share fundamental principles of child protection, such as the best interests of the child, the right to life and development, and protection from violence. In Medan City, child protection efforts still face challenges; however, integrative measures combining religious values and positive law have been implemented to support children's rights fulfillment. This study recommends strengthening collaboration among the government, religious leaders, and communities to establish a more effective and sustainable child protection system.

I. Introduction

A child in Indonesian law is an individual under the age of 18 who has constitutional rights to survival, development, protection, and participation..¹ Children are the future generation of our nation and require special protection to ensure their optimal development, physically, mentally, and socially. However, in practice, children's rights are often neglected, due to factors such as poverty, violence, exploitation, and public ignorance about children's rights. Legal protection for children is crucial to ensure their rights are fulfilled, both nationally and internationally. Globally, UNICEF states that the current level of protection for children's rights is very low. This is linked to UNICEF data revealing that 1 in 6 children (aged 2-17 years) experience physical or emotional violence in a year, and there are also 160 million children involved in child labor.²

Indonesia's 1945 Constitution, specifically Article 34, mandates state support for the poor and neglected children. Article 28B (2) further enshrines children's rights as human rights, guaranteeing their right to survival, development, and protection from violence and poverty. Indonesia's commitment to international law is demonstrated by its ratification of the 1989 Convention on the Rights of the Child (CRC) via Presidential Decree No. 36 of 1990. Islamic law, independently, also strongly emphasizes child protection, drawing from the Quran, Hadith, and Fiqh, outlining parental responsibilities for providing sustenance, education, and safeguarding children from harm. While the CRC and Islamic law originate from different sources (secular-universal vs. divine), they converge on core principles of child protection. However, practical implementation in Indonesia faces challenges, including inconsistencies between legal norms, varying interpretations, and a lack of coordination between positive law and religious values.

Medan, Indonesia's third-largest city, highlights this issue, with children representing 30% of its population.³ Medan, with its substantial child population, faces significant challenges in protecting children's rights. A concerning 226 cases of child abuse have been reported, predominantly involving sexual violence and economic exploitation.⁴ Not only that, Medan also experiences a high prevalence of child marriage and children involved in criminal activities, both as perpetrators and victims.

The city's multi-ethnic character, with Malay, Batak, Javanese, and Chinese communities, contributes to diverse parenting paradigms and varying approaches to

¹ Sri Wahyuni, *Hukum Perlindungan Anak Di Indonesia* (PT. RajaGrafindo Persada, 2018).

² UNICEF, "UNICEF. (2023). The State of the World's Children 2023.," April 2023.

³ Badan Pusat Statistika, "Jumlah Penduduk Menurut Kelompok Umur Dan Jenis Kelamin Di Provinsi Sumatera Utara, 2023," 2023.

⁴ Fatma Basril dkk, *Profil Kekerasan Terhadap Perempuan Dan Anak Tahun2023*, ed. Fitriani Mangatur Nababan dkk (Medan: Dinas Pemberdayaan Perempuan, Perlindungan Anak dan Keluarga Berencana Provinsi Sumatera Utara, 2023).

child protection. Children's rights are diverse. This condition is also exacerbated by poverty, low legal literacy, and the strong influence of customs that often conflict with the principles of the 1989 Convention on the Rights of the Child (CRC) and Law No. 35 of 2014 concerning Child Protection. For example, the practice of early marriage is still justified under the pretext of Malay customs ("better to marry than to commit adultery"), even though it clearly violates Article 19 of the CRC concerning protection from sexual exploitation. The Convention on the Rights of the Child ratified by Presidential Decree No. 36 of 1990 concerning the basic principles that must continue to maintain the dignity and welfare of children, namely 1.) The principle of the best interests of the child: children have the right to receive protection from exploitation, abuse, and neglect and ask that matters affecting them be considered on the basis of the child's best interests being the primary consideration. 2.) Principle of participation: children should be given the opportunity to be heard and taken into account in all matters affecting the child, the child's opinions being given due weight according to the child's age and maturity. 3.) Principle of Parental Guidance: children have the right to receive guidance from their parents or legal guardians in the exercise of their rights in a manner appropriate to the child's developing abilities and parents are responsible for the child's maturity and development.

UU No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 on Child Protection. Our Constitution has mandated such, since the ratification of the KHA and the issuance of Law No. 4 of 1979 on Child Welfare. Article three (3) states that: "Children have the right to care and protection, both during pregnancy and after birth." Furthermore, Article four (4) states that: "Children have the right to protection from environmental hazards that may endanger or hinder their natural growth and development." In dangerous circumstances, children are the first to be entitled to assistance, aid, and protection.⁵

In addition to global normative rules and laws in Indonesia, Islamic law adopted by the majority of Medan residents actually emphasizes child protection through the principles of:

1. Obligation to provide for (QS. At-Talaq: 6),
2. Prohibition of violence (Hadith narrated by Bukhari: "Whoever does not love, will not be loved"),
3. Responsibility for care (QS. An-Nisa: 9).

Islamic teachings have made an extraordinary contribution to modern life in the formation of world laws or international instruments, even to this day. According to Islamic teachings, children have rights and no obligations until they are adults and become mukallaf (burdened with obligations). After children reach adulthood based

⁵Eko Prasetyo, *HAM Kejahatan Negara Dan Imperialisme Modal* (Yogyakarta: Insist Pres, 2001).

on their age and psychological condition, the burden of obligations then follows.

Child protection in a legal perspective can be reviewed through the *das sollen* perspective, namely by means of philosophical studies, theoretical studies of science and studies of phenomena in the form of facts and realities. Philosophical studies are critical reflections on law and justice in depth, universally and rationally.⁶ In this research, a philosophical study was conducted with an in-depth normative analysis of laws and regulations related to the protection of children's rights. Theoretical studies aim to build a conceptual framework based on relevant theories in order to understand and explain legal phenomena.⁷ In this study, theoretical studies were conducted using theories relevant to the protection of children's rights, such as the theory of protection and the theory of children's rights. While from the perspective of the study of reality, facts or reality and phenomena, child protection is seen from primary and secondary data that explain the condition of children.⁸

From the various explanations above, it can be concluded that the implementation of legal protection for children's rights in the city of Medan is a very complex issue because it requires synergy between global and national normative rules, religious rules, and customary rules that are very multiethnic. There is a gap between legal norms and empirical reality, so it requires a comprehensive and in-depth study related to this matter. Therefore, the author is interested in conducting research entitled "Harmonization of the Convention on the Rights of the Child and Islamic Law in Efforts to Protect Children's Rights in Medan City". The formulation of the problem in this research is:

1. How is the conceptual protection of children's rights?
2. How is the protection of children's rights in Medan City viewed from the perspective of Islamic Law and the Convention on the Rights of the Child?

Research by Tegar Sukma Wahyudi and Toto Kushartono in the *Dialectics of Law* journal discusses legal protection for children's rights who are victims of domestic violence. This study highlights to what extent Law No. 35 of 2014 can accommodate legal protection that can be given to children to obtain their rights after experiencing domestic violence. This research recommends synergy between Law No. 35 of 2014 and law enforcement officials to achieve the effectiveness of the rules that have been made.⁹

⁶ Satjipto Rahardjo, *Ilmu Hukum* (Bandung: Citra Aditya Bakti, 2006).

⁷ Soerjono Soekanto, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat* (Jakarta: RajaGrafindo Persada, 2011).

⁸ Akmaluddin Syahputra and Rustam, *Perlindungan Anak Di Keluarga, Sekolah, Masjid Dan Situasi Pandemi Covid-19* Dalam Jufri Bulian Ababil (Editor), ed. Jufri Bulian Ababil (Medan: Majelis Ulama Indonesia, 2021).

⁹ Tegar Sukma Wahyudi and Toto Kushartono, "Perlindungan Hukum Terhadap Hak Anak Yang Menjadi Korban Perlakuan Tindak Kekerasan Dalam Rumah Tangga Dihubungkan Dengan Undang-Undang Nomor 35 Tahun 2014

Yemi Mandagi in legality: Journal of Law examines the factors that influence sexual crimes against children in Medan City and legal protection efforts for minors from sexual crimes in Medan City. This study explains that Law No. 35 of 2014 concerning Child Protection provides legal protection for the rights of children affected by criminal acts in the form of sexual crimes by providing psychological assistance which is considered very urgently needed.¹⁰

From the review of previous studies, it appears that most studies focus on empirical aspects related to the implementation and effectiveness of Law No. 35 of 2014 concerning Child Protection. However, there is a lack of ethnic approaches as characteristics of Medan City and analysis of the convention on the rights of the child as a global legal norm as well as Islamic law as the majority of beliefs held by the population of Medan City. Therefore, this study offers novelty by integrating the legal and ethnic cultural approaches of the people of Medan City so that they can be compatible.

2. Research Method

This research is a normative legal research, namely research that aims to study and analyze the applicable legal norms related to the protection of children's rights, both from the perspective of Islamic law and international law (Convention on the Rights of the Child). Normative legal research is conducted by approaching secondary legal materials and relevant literature sources. This research uses several approaches, namely the Statute Approach which is intended to analyze national laws and regulations in force in Indonesia, such as Law No. 35 of 2014 concerning Child Protection, and Presidential Decree No. 36 of 1990 concerning the ratification of the Convention on the Rights of the Child. The Conceptual Approach is intended to study the concept of children's rights in Islamic law through the interpretation of the Qur'an, hadith, and the opinions of scholars. The Historical and Sociological Approach is intended to review how child protection is implemented in the city of Medan, including socio-cultural aspects and practices in society. The collection of legal materials was carried out through library research, namely by tracing relevant legal sources from libraries, online databases, and official documents. The analysis was carried out qualitatively, by describing, interpreting, and comparing applicable legal norms, both in Islamic law and the Convention on the Rights of the Child, as well as their implementation at the local level (Medan City).

3. Results And Discussion

Tentang Perubahan Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak," *Jurnal Dialektika Hukum* 2 (2020): 57–82.

¹⁰ Yemi Mandagi, Triono Eddy, and Alpri Sahari, "Tinjauan Perlindungan Hukum Terhadap Anak Di Bawah Umur Atas Tindak Kejahatan Seksual Di Kota Medan," *Legalitas : Jurnal Hukum* 14, no. 1 (June 2022): 17–26.

A. Legal Protection for Children and Basic Rights of Children

Children have the right to receive appreciation and the best interests for them. The right of children to be heard or to have their opinions respected is important so that their growth and development can be achieved optimally. In other words, it is impossible to achieve the best decision for a child or for the child to grow and develop optimally if the child's opinions are not heard and their opinions are not valued in decision-making for them.¹¹ Child protection rights are enshrined in the 1979 Declaration of the Rights of the Child, which was later adopted by the UN as the Convention on the Rights of the Child (CRC) in 1989 in Geneva and has been ratified, approved, or signed by 192 countries. This convention has resulted in a strong commitment to prioritizing children's rights, survival, protection, and development.

In Indonesia, this global movement towards increased attention to children's rights has been incorporated into the 3rd Amendment to the 1945 Constitution of the Republic of Indonesia. Several articles form the constitutional basis for the need for attention to and improvement of children's rights, as stipulated in Article 34 paragraph (1), Article 4 of Law No. 6 of 1974, Articles 11, 12, and 13 of Law No. 4 of 1979, Articles 55-58 of Law No. 23 of 2002, and Presidential Regulation No. 2 of 1999, which grants eight (8) authorities to the Indonesian Minister of Social Affairs to carry out social welfare efforts for children. These provisions clearly demonstrate the importance of continually fighting for children's rights, as they have become a constitutional right and an international community movement. However, in reality, many children's rights that are already stipulated in the constitution and several existing laws and international conventions have not yet been able to become a strong legal basis for providing legal protection for children's rights.

International law, through the creation of the Convention on the Rights of the Child, has positioned children as legal subjects who require protection of their rights. One of the main subjects of the Convention on the Rights of the Child is the right to protection. Article 37 of the Convention on the Rights of the Child states that States Parties shall ensure that:

1. No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age.
2. No child shall be deprived of his or her liberty unlawfully or arbitrarily.

¹¹ Save The Children, "Laporan Tinjauan Pelaksanaan Konvensi Hak Anak Di Indonesia 1997-2009," 2010.

The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.

3. Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.
4. Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

The protection of children's rights is a shared responsibility that must be recognized and implemented by all elements, both nationally and internationally. This recognition has long been affirmed by the United Nations (UN), including through the Universal Declaration of Human Rights (UDHR) and more specifically in the Convention on the Rights of the Child in 1989. One fundamental right emphasized is the right of children to education. However, the protection of children's rights does not stop there. This convention also emphasizes that all children's rights must be guaranteed without discrimination of any kind, including differences in race, ethnicity, religion, gender, ancestry, or language. This principle of equality is an important foundation for every country in formulating policies and concrete actions to ensure that children's rights are fulfilled in all aspects of life. Children have four basic rights:

1. The right to develop, including the right to education, information, leisure, artistic and cultural creation, and the right of children with disabilities to receive special treatment and education.
2. The right to survival, including the right to an adequate standard of living and health services. This means that children have the right to good nutrition, adequate housing, and good healthcare if they fall ill.
3. The right to participate, including the right to freedom of expression, association, and assembly, and to participate in decisions that affect them. Therefore, adults, especially parents, should not impose their will on children because imposing their will can lead to psychological burdens on the child, which in turn can disrupt their mental

development and independent thinking.

4. The right to protection, including protection from all forms of exploitation, cruel and arbitrary treatment in criminal justice processes and other matters. An example of exploitation that we often see is employing underage children, which can disrupt their learning activities.

In the Child Protection Law, the main subject of protection is the child itself, while the object of protection is the rights inherent to each child. When these rights are violated or not fulfilled, the child has the right to legal protection. The responsibility for providing this protection does not lie with one party alone, but is a shared obligation encompassing the state, government, community, family, parents or guardians, and social institutions. All these parties have a strategic role in ensuring that every child grows and develops in a safe, decent, and loving environment.

B. Protection of Children's Rights in Medan City Reviewed from the Perspective of Islamic Law and the Convention on the Rights of the Child

Child protection is a crucial aspect in creating a future generation that is healthy, intelligent, and dignified. In Medan City, known as a multiethnic city with diverse ethnicities and religions, the issue of child protection is a significant concern, both in terms of positive law and religious values.¹² Two approaches used to analyze child protection in this region are the perspective of Islamic Law and the Convention on the Rights of the Child (CRC). In Islamic Law, children are viewed as a trust from Allah SWT that must be protected, educated, and have their rights fulfilled, both physically, mentally, and spiritually.¹³ Islamic law emphasizes the importance of fulfilling children's basic rights, such as the right to life, affection, education, and protection from violence or unjust treatment. These values align with the spirit of the 1989 Convention on the Rights of the Child, which Indonesia ratified through Presidential Decree No. 36 of 1990. The Convention outlines various children's rights without discrimination and emphasizes the obligation of the state and society to ensure that every child grows up in a safe and supportive

¹² Adam Kurniawan, "Sejarah Perkembangan Kampung Madrasah Di Medan," *BORDER Jurnal Arsitektur* 2, no. 2 (November 2020): 95–106.

¹³ Yusnadi, "Perlindungan Hak Sehat Anak Perspektif Hukum Islam," *Wasatha : Jurnal Studi Islam Dan Humaniora* 1, no. 1 (January 2023): 33–46.

environment.

In Medan City, child protection has begun to be implemented through local policies, social programs, and the active role of religious and community institutions. However, challenges such as poverty, domestic violence, and child exploitation remain ongoing issues requiring synergy between positive law, Islamic values, and the commitment of the government and the community. An integrative approach combining Islamic Law and the Convention on the Rights of the Child can be an effective model in promoting a holistic and contextual child protection system in Medan City. This not only strengthens the legal and moral basis for child protection but also reflects local wisdom and the universality of humanitarian values.

The role of the Medan City Social Service, as a reality, finds relevance with Islamic law and the CRC in the field of child protection, particularly in social welfare. Official data from the Medan City Government indicates that the number of children aged 0-19 years in Medan City in 2020 was 777,013. In 2019, there were 95 victims of violence against women and children, with 72.63% of the victims being women. Of the 95 victims, 36.84% were children under 18 years of age. In 2020, the number of victims of violence decreased to 58, with 89.65% being women.¹⁴ The North Sumatra Social Service's role in handling child sexual abuse includes supporting victims from the investigation stage to the trial, establishing RPTC (Trauma Protection Center) and RPSA (Child Social Protection Center) as rehabilitation centers, coordinating with SOS Children's Villages and psychologists from the University of North Sumatra to provide psychological assistance to victims, coordinating with orphanages and PKBI (Indonesian Family Planning Association), and providing support to families and victims. Obstacles faced by the North Sumatra Provincial Social Service in handling child sexual abuse include budgetary constraints and inter-sectoral ego issues from parties involved in addressing the problem.¹⁵

¹⁴ Dinas Pemberdayaan Perempuan, Perlindungan Anak dan Pemberdayaan Masyarakat Kota Medan, "Rencana Strategis Dinas Pemberdayaan Perempuan, Perlindungan Anak Dan Pemberdayaan Masyarakat Kota Medan" (Medan, November 2021).

¹⁵ Dwi Putri Rachmawati, Syafruddin Ritonga, and Beby Mashito Batubara, "Peranan Dinas Sosial Dalam Menangani Masalah Kekerasan Sosial Terhadap Anak Di Provinsi Sumatera Utara The Role of the Social Service in Dealing with

The protection of children's rights in Medan City has a strong legal basis, both from the perspective of Islamic Law and the Convention on the Rights of the Child. From an Islamic perspective, child protection is based on the teachings of the Qur'an and Hadith, which emphasize the importance of protecting, educating, and fulfilling the rights of children as a trust from Allah SWT. For example, Surah An-Nisa verse 9 and Surah At-Tahrim verse 6 affirm the obligation of parents to protect their children from things that endanger their future.¹⁶ In addition, the Convention on the Rights of the Child, adopted by the UN in 1989 and ratified by Indonesia through Presidential Decree No. 36 of 1990, provides universal guarantees for children's rights, such as the right to life, education, protection from violence, and non-discrimination. At the national level, the implementation of this convention is supported by Law No. 35 of 2014 on Child Protection and Law No. 11 of 2012 on the Child Criminal Justice System. With this legal basis, child protection in Medan City becomes a shared responsibility between the state, society, families, and religious institutions, to ensure that children's rights are fulfilled fairly and comprehensively.

Medan City Regional Regulation No. 12 of 2008 on Social Order, which regulates community order, does not specifically regulate street children. In protecting street children, the Social and Burial Services, among other things: (1) assist street children by providing services such as training, education, health care, and psychological counseling; (2) issue regulations that people who donate money to street children will face punishment and imprisonment in the future to minimize the number of street children; and (3) develop plans to establish a phone center for complaints about street children and other issues. At the district/city level, policies related to child protection are Medan City Regional Regulation No. 6 of 2003 on the Prohibition of Vagrancy and Begging and Immoral Practices in Medan City. This Regional Regulation is considered unsuccessful in reducing the number of vagrants. As stated by the Head of the Medan City Social Service himself, that according to Medan City Regional

the Problem of Social Violence Against Children in North Sumatra Province," *Jurnal Ilmu Pemerintahan, Administrasi Publik Dan Ilmu Komunikasi (JIPIKOM)* 2, no. 1 (2020): 38–45.

¹⁶ Ahmad Fauzi, "Perlindungan Hak Anak Dalam Al-Qur'an (Studi Atas Relevansi Pada Konteks Keindonesiaan)" (Institut Perguruan Tinggi Ilmu Al-Qur'an Jakarta, 2016).

Regulation No. 6 of 2003 on the Prohibition of Vagrancy and Begging and Immoral Practices in Medan City, although routine enforcement is carried out, but with the vastness of the city of Medan, we are very limited, especially patrol cars, there is only one, so at most in a day, the Social Service can only monitor a maximum of three points.

This Regional Regulation is included in the category of problematic Regional Regulations, as in the book compiled by Ismantoro Dwi Yuwono, a collection of PROBLEMATIC & CONTROVERSIAL REGIONAL REGULATIONS. In addition, based on research, the public lacks understanding of the Regional Regulation made for the interests of the region and to law enforcement officers to reveal the form of begging carried out in public places that fall into the category of violations according to the provisions of the Criminal Code (Kitab Undang-Undang Hukum Pidana) and Medan City Regional Regulation No. 6 of 2003.¹⁷ Regional regulations issued have not been able to overcome this social ill. The main factors behind social ills are economic and educational factors, as well as religious understanding within families.¹⁷

The implementation of Regional Regulation Number 6 of 2003 has not yielded significant results. Regional Regulation Number 6 of 2003 has failed to uphold the principles of legal certainty, justice, and benefit in its application, as evidenced by the continued presence—and even a relative increase—of vagrants, beggars, and those involved in immoral practices in Medan City.¹⁸ From a utilities theory perspective, Regional Regulation Number 6 of 2003 has not maximized benefits in achieving Medan City's vision of being BESTARI (a vision I do not have further information on) and becoming a metropolitan city. In Medan, the significant role of the community is highlighted by the presence of institutions supporting human rights, such as the Medan City Urban Social Work Group, which aims to address economic, educational, and social needs.¹⁹ Regional Regulation No. 6 of 2003 is no longer realistic and requires revision supported by more serious and comprehensive research. Many studies have

¹⁷ Ismantoro Dwi Yuwono, *Kumpulan PERDA Bermasalah Dan Kontroversial* (Yogyakarta: Pustaka Yustisia, 2012).

¹⁸ Mhd. Yusrizal Adi Syaputra, "Kajian Hukum Pemberlakuan Perda Kota Medan Nomor 6 Tahun 2003 Perspektif Utilities Theory," *Jurnal Mercatoria* 10, no. 2 (December 2017): 197–215.

¹⁹ Syaputra.

recommended its revision.

To address and provide services for social welfare development, the Medan City government has the task of carrying out regional government affairs based on the principles of regional autonomy and assistance in the social sector, encompassing social empowerment and the handling of the poor; the identification and capacity building section; the community empowerment section; the distribution of stimulus assistance and environmental management; the institutional, heroism, and social restoration section; the social rehabilitation sector; the social rehabilitation section for children and the elderly outside shelters and/or institutions; the social rehabilitation section for socially vulnerable individuals and victims of human trafficking; the social protection and security sector; the social protection section for victims of natural disasters; the social protection section for victims of social disasters; and the family social security section. The Medan City Social Service is headed by a Head of Service who is under and responsible to the Mayor.

The implementation of this policy aims to ensure that every child has human rights as stipulated in Regional Regulation Number 6 of 2003, which prohibits children from begging, a practice that threatens their future, as each child is a potential asset to the nation. This also applies to street children. Street children have the same right to protection and guidance. The government, in its efforts to guide street children, has created policy programs whose benefits are directly felt by the target group—street children—at least enabling them to become more self-reliant and self-sufficient for their future.²⁰ Street children need to have their attitudes and behaviors reshaped in accordance with societal values and norms. Like any child, they deserve education and the freedom to play, not to work. Street children must receive guidance because they are Indonesian citizens who deserve protection and are the future of the nation. Every child has equal rights, including street children. They are entitled to education, healthcare, and protection. To guarantee these rights, the government creates guidance programs whose benefits are felt by street children, ensuring a more directed future for them.²¹ Through socialization and

²⁰ Muhammad Zaki, "Perlindungan Anak Perspektif Hukum Islam," *Jurnal Asas* 6, no. 2 (2014).

²¹ Burhanudin Hamnash, "Pemenuhan Hak-Hak Dasar Anak Dalam Perspektif Islam," *Adliya Jurnal Hukum Dan Kemanusiaan* 8, no. 1 (2014).

guidance programs for street children, parents also benefit, as they won't have to bear the significant costs of schooling and skills training for their children. Another benefit is a reduction in public disturbance caused by children on the streets. The government also benefits from this policy, as it helps reduce the number of street children and fosters a generation of independent individuals, contributing to poverty reduction.²²

Implementation: The parties responsible for the protection and guidance of street children are the government, particularly the social services department. Society, parents, and families also play a crucial role in supervising and taking responsibility for their children, who will be the future generation. The government's procedure for implementing policy programs in the form of support for street children involves enforcement and supervision. Initially, street children are rounded up at intersections and in city corners by a designated team. A special team is formed to address the issue of street children, comprising members of the Satpol PP (regional regulation enforcement agency), the police, and the Social Services Department. After the roundup, data is collected, and the Medan City Social Services Department hands over the children to the Provincial Social Services Department to be placed in a shelter, a halfway house, for guidance and support. At this shelter, street children receive socialization, guidance, and skills training according to procedures outlined in the policy programs of the North Sumatra Provincial Social Services Department, with the assistance of organizations that advocate for street children.

Supervision: The Social Services Department conducts supervision by forming a team that monitors and prohibits street children from begging at traffic lights, in accordance with Regional Regulation No. 6 of 2003 concerning the prohibition of begging at traffic lights. The state, local government, society, families, and parents have a duty and responsibility for the protection of children; all parties must cooperate in implementing child protection. The Social Services Department coordinates with regional leaders to supervise the guidance program for street children. Coordination meetings aim to ensure

²² Muhammad Zikri, "Peranan Dinas Sosial Dalam Merehabilitasi Pemerlu Pelayanan Kesejahteraan Sosial Di Kota Medan (Studi Di Dinas Sosial Kota Medan)" (Universitas Muhammadiyah Sumatera Utara, 2021).

alignment in various internal activities among the Social Services Department, the community, and various organizations through communication and dialogue. Law enforcement agencies supervise by limiting the operational areas of street children or specifying permitted operational zones.²³

To date, the Medan City Social Services Department is not directly involved in rehabilitation programs. These programs are implemented by the Provincial Social Services Department, which owns the shelters, and also by private social institutions to which the Medan City Social Services Department refers clients. However, according to Article 12 Paragraph 3 of the Social Ministry Regulation No. 16 of 2019 concerning National Standards for Social Rehabilitation, the Medan City Social Services Department is responsible for implementing basic social rehabilitation programs to restore the social condition of beggars. The Medan City Social Services Department has not yet implemented policies based on the Social Ministry Regulation No. 16 of 2019 concerning National Standards for Social Rehabilitation. The goal of rehabilitation by the Medan City Social Services Department, based on Law Number 11 of 2009, is to restore and develop the capabilities of individuals experiencing social dysfunction so they can fulfill their social functions like normal members of society. This aligns with the goals of the Indonesian Republic stated in the Preamble to the 1945 Constitution, Article IV. The implementation of rehabilitation by the Medan City Social Services Department, as the executor of social affairs, represents the state's responsibility in advancing general welfare. The implementation of any program faces challenges, and this is also true for the Medan City Social Services Department in rehabilitating beggars. The challenges faced tend to stem from infrastructure and personnel factors. There are six obstacles faced by the Medan City Social Services Department in rehabilitating beggars: 1) Insufficient personnel within the Medan City Social Services Department. 2) Regional Regulation factors. 3) Lack of facilities and infrastructure. 4) Poor communication between the Medan City Social Services Department and the North Sumatra Provincial Social Services Department. 5) Factors related to the

²³ Gunung Bayu, "Peran Dinas Sosial Terhadap Eksploitasi Anak Yang Dipekerjakan Di Jalanan (Studi Penelitian Dinas Sosial Kota Medan)" (Universitas Pembangunan Panca Budi, 2020).

beggars themselves. 6) Factors related to the community.²⁴

The Medan City Social Services Department's efforts to address these challenges include: 1) Increasing personnel by collaborating with other agencies; 2) Implementing policies that do not conflict with Regional Regulations; 3) Collaborating with private social institutions; 4) Developing social institutions owned by the Medan City Social Services Department; 5) Optimizing spiritual guidance for beggars; and 6) Campaigning against begging.

4. Conclusion

Legal protection of children and their fundamental rights is crucial for ensuring their optimal physical, mental, and social development. Children, as an integral part of a nation's future, possess fundamental rights that must be guaranteed by the state, including the right to life, growth, education, protection from violence, and to have their voices heard. Child protection in Medan City has a strong legal basis, from both Islamic Law and the Convention on the Rights of the Child. From an Islamic perspective, child protection is based on the teachings of the Qur'an and Hadith, emphasizing the importance of safeguarding, educating, and fulfilling children's rights as a trust from Allah SWT. For example, Surah An-Nisa verse 9 and Surah At-Tahrim verse 6 emphasize parents' obligation to protect children from things that endanger their future. Furthermore, the Convention on the Rights of the Child, adopted by the UN in 1989 and ratified by Indonesia through Presidential Decree No. 36 of 1990, guarantees children's rights universally, such as the rights to life, education, protection from violence, and non-discrimination. Nationally, this convention's implementation is supported by Law No. 35 of 2014 on Child Protection and Law No. 11 of 2012 on the Child Criminal Justice System. With this legal foundation, child protection in Medan City is a shared responsibility of the state, society, families, and religious institutions, ensuring that children's rights are fulfilled fairly and comprehensively. The protection of children's rights in Medan City, viewed from the perspectives of Islamic Law and the Convention on the Rights of the Child, demonstrates a harmony of values between religious norms and international provisions in guaranteeing children's rights. Islamic Law emphasizes moral and spiritual responsibility in protecting, educating, and safeguarding children from all forms of injustice. Meanwhile, the Convention on the Rights of the Child highlights the importance of fulfilling children's rights without discrimination

²⁴ Masta Rosida, "Peran Kantor Dinas Sosial Kota Medan Dalam Pemberdayaan Anak Jalanan Di Kecamatan Medan Tembung" (Universitas Islam Negeri Sumatera Utara Medan, 2018).

and the obligation of the state and society to create a safe, healthy, and supportive environment for children's development. Therefore, an integrative approach combining Islamic values and international standards forms a strong foundation for creating a comprehensive child protection system in Medan City. Synergy between the government, society, and religious institutions is essential to ensure that every child receives their rights fully and equitably.

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