

Decentralization and the Fulfilments of Children's Rights: Challenges and Opportunities for Local Government in Indonesia

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Abstract

The commitment of local governments to protect children in areas such as education, violence, and discrimination is illustrated by Banyumas Regency's Local Regulation Number 1 of 2021, which addresses child protection. However, several challenges persist in its implementation. This study investigates the role of decentralization through local regulations related to child protection, employing normative legal research methods that include a regulatory approach, conceptual analysis, and case studies. The findings indicate that Banyumas Local Regulation No. 1 of 2021 establishes a strong legal framework that significantly protects children from discrimination, violence, and educational inequities. Nevertheless, implementation faces numerous

obstacles, including inadequate inter-agency coordination, insufficient infrastructure, limited funding, and a lack of public awareness regarding the importance of protecting children's rights. This research proposes increasing funding allocations through the Regional Budget and recommends creating a collaborative forum that includes local governments, relevant agencies, schools, community organizations, and law enforcement to enhance policy coordination and action. Furthermore, the government is urged to improve community outreach regarding decentralized regulations that protect children. Ultimately, it is crucial to evaluate and refine existing policies to ensure the protection of minors' rights and to provide legal security and certainty.

KEYWORDS *Local government policies, children's rights, regional regulation Banyumas*

Introduction

The protection of children's rights is a critical issue in social development that involves government action at various levels.¹ Children have the fundamental rights to education, protection from violence, and freedom from discrimination.² Article 28 B, paragraph (2) of the 1945 Constitution asserts that "every child has the right to survive, grow, and develop, and has the right to protection from violence and discrimination." This provision forms a solid foundation for children's rights to life, growth, development, and protection from violence, exploitation, and discrimination. However, violations of these rights continue to occur in various regions. The current state of child rights protection is a pressing concern both globally and nationally, as children represent the most vulnerable group to human rights abuses.³ Unfortunately, the rights of children—such as access to education, protection from violence,

¹ Indah Sri Utari et al., "Legal Protection for Children as Victims of Economic Exploitation: Problems and Challenges in Three Major ASEAN Countries (Indonesia, Vietnam and Philippines)," *Lex Scientia Law Review* 7, no. 2 (November 2023): 771–842, <https://doi.org/10.15294/lesrev.v7i2.68301>.

² Ahmad Sadzali, Muhammad Saleh, and Aulia Rachman Eka Putra, "Preferensi Kebijakan Pemerintah Pusat dan Daerah dalam Aspek Ketahanan Keluarga di Masa Pandemi: Tinjauan Perspektif Maqasid Syariah," *Mimbar Hukum* 34, no. 2 (December 2022): 355–77, <https://doi.org/10.22146/mh.v34i2.3681>.

³ Pietro Ferrara et al., "War Inflicts Severe Violations on the Fundamental Human Rights of Children," *Global Pediatrics* 7 (March 2024): 100140, <https://doi.org/10.1016/j.gped.2024.100140>.

and freedom from discrimination—are often inadequately addressed, particularly in areas with limited government capacity.

Data from the Online Information System for the Protection of Women and Children indicates a troubling rise in child abuse cases over the past five years. In 2020, there were 11,264 reported cases, which increased to 11,446 in 2021. The situation worsened further in 2020, with 16,106 cases, and in 2023, the number rose to 18,175. From January to June of this year alone, there were 7,808 reported instances of child maltreatment. The prevalence of physical, psychological, and sexual violence against children remained a significant issue across various regions in Indonesia.⁴ Additionally, discrimination against children from specific social, economic, or cultural backgrounds exacerbates these challenges. In this context, local government policies play a crucial role in ensuring that children's rights are effectively protected and fulfilled.⁵

In terms of education, every child deserves access to quality education. However, many children, particularly in remote and impoverished areas, still face significant barriers to educational access.⁶ The Indonesian government remains committed to improving education to achieve the vision of the Golden Generation of Indonesia 2045. Currently, 5.11% of rural residents have never attended school, and 12.39% have not completed elementary education, according to data on the highest level of education attained by individuals aged 15 and older in villages and cities. In contrast, only 1.93% of the urban residents have never attended school, and 6.62% have not completed elementary education. Among urban populations, 49.16% of those aged 15 and older have completed secondary education or equivalent program. However, only 27.98% of rural residents have completed high school or an equivalent level of education. These data indicate that a significant 31.13% of the rural population

⁴ Indah Sri Utari, Ridwan Arifin, and Diandra Preludio Ramada, “Exploring Child Grooming Sexual Abuse through Differential Association Theory: A Criminological and Legal Examination with Constitutional Implications,” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 7, no. 1 (June 5, 2024): 69–88, <https://doi.org/10.24090/VOLKSGEIST.V7I1.9564>.

⁵ Iva Kasuma, Ian Aji Hermawan, and Melly Setyawati, “Problematika Pelaksanaan Diversi Bagi Anak Berhadapan Dengan Hukum Di Kota Layak Anak (Studi Pada Aparat Hukum, Pemerintah Kota Dan Masyarakat Di Depok Dan Surakarta),” *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 2 (August 2020): 350, <https://doi.org/10.29303/ius.v8i2.787>.

⁶ Tiffani Apps, Karle Beckman, and Rebecca Ng, “Special Issue: Datafied by Default: Examining the Intersect between Children’s Digital Rights and Education,” *Computers and Education Open*, December 2024, 100237, <https://doi.org/10.1016/j.cao.2024.100237>.

has only completed elementary school, highlighting the educational disparities that persist between urban and rural areas.⁷

Local governments play a vital role in ensuring that educational facilities are accessible, affordable, and of high quality. Unfortunately, many regions still face challenges related to insufficient educational infrastructure and subpar teaching quality. The condition of classrooms highlights the disparities affecting the quality of learning within Indonesia's education system. According to the Ministry of Education, Culture, Research, and Technology, elementary school classrooms are the most severely impacted, with 8.69% in poor condition, indicating significant infrastructure issues. Many elementary schools are situated in rural or remote areas, where educational facilities are often lacking and in need of improvement. This situation calls for more comprehensive planning and maintenance of infrastructure for elementary education. Additionally, the education system often discriminates against children from low-income families or minority groups, hindering their access to a fair education.⁸

As previously noted, violence against children is in an escalating concern. Despite the existence of national regulations, such as the Child Protection Law, physical and psychological violence continues to occur in homes, schools, and communities.⁹ School violence, including bullying, poses a serious threat to children's psychological development. Local governments have a duty to combat this violence through protective policies, such as anti-violence awareness programs in schools and enhanced monitoring of violent behaviors within the community.

Moreover, discrimination against children, particularly those from minority vulnerable backgrounds, remains prevalent. This discrimination can manifest in various ways, including unequal treatment in school, limited access to healthcare, and social exclusion. Children from impoverished families, those with disabilities, or from ethnic minority groups often receive unfair treatment. Local governments must adopt strong policies to address all forms of

⁷ Yasdin Yasdin et al., "Policies and Politics Development of Vocational Education in Indonesia: A Historical Perspective," *Asian Education and Development Studies* 12, no. 4/5 (November 2023): 297–309, <https://doi.org/10.1108/AEDS-06-2023-0059>.

⁸ Ni Luh Gede Astariyani et al., "Policy on the Right to Education of Refugees in Indonesia and Australia," *Lex Scientia Law Review* 7, no. 1 (June 2023), <https://doi.org/10.15294/lesrev.v7i1.62964>.

⁹ Utari et al., "Legal Protection for Children as Victims of Economic Exploitation: Problems and Challenges in Three Major ASEAN Countries (Indonesia, Vietnam and Philippines)."

discrimination against children, supported by both regulations and public awareness campaigns.¹⁰

The role of local governments is essential in safeguarding children's rights.¹¹ The decentralization of education reflects the era of local autonomy¹². Meeting fundamental educational needs, such as human rights, serves as a benchmark of justice in the distribution of development benefits and a pathway for national investment in human resource development. When the provision of basic educational services is poorly coordinated, it indicates a failure by the state to uphold the human rights of its citizens. Ideally, decentralization should promote equitable welfare distribution within communities, ensuring that all children receive equal educational opportunities.

Therefore, protecting children's rights through local government policies is crucial for fostering a safe and supportive environment for their growth. Comprehensive policies, such as those enacted in Banyumas through Local Regulation Number 1 of 2021, must be backed by a strong commitment to implementation and collaboration from all stakeholders to effectively safeguard children's rights to education, protection from violence, and freedom from discrimination.¹³

Local governments must safeguard children's rights through concrete and measurable policies, utilizing Local Regulations (*Perda*) as a legal framework to achieve this goal.¹⁴ These local authorities are crucial in addressing societal issues and ensuring that children within their jurisdictions receive quality education, protection from violence, and freedom from discrimination. By implementing localized policies, governments can create programs tailored to the specific

¹⁰ Shiqi Yang, Juanjuan Liu, and Daniel Winterbottom, "Analysis of the Dong Bao Ye as Sacred Landscape and Its Putative Therapeutic Mechanisms," *Health & Place* 83 (September 2023): 103102, <https://doi.org/10.1016/j.healthplace.2023.103102>.

¹¹ Hari Harjanto Setiawan, "Akte Kelahiran Sebagai Hak Identitas Diri Kewarganegaraan Anak," *Sosio Informa* 3, no. 1 (April 2017), <https://doi.org/10.33007/inf.v3i1.520>.

¹² Muhammad Mutawalli Mukhlis et al., "Regional Autonomy System: Delegation of Authority and Power of Regional Government in Indonesia in the Study of Fiqh Siyasah," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (September 30, 2024): 505–26, <https://doi.org/10.29240/JHI.V9I2.9709>.

¹³ Alfian Qodri Azizi, Ali Imron, and Bagas Heradhyaksa, "Fulfillment of Civil Rights of Extramarital Children and Its Effect on Social Dimensions," *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 20, no. 2 (December 2020): 235–52, <https://doi.org/10.18326/ijtihad.v20i2.235-252>.

¹⁴ Eta Yuni Lestari, Slamet Sumarto, and Noorochmat Isdaryanto, "Pemenuhan Hak Bagi Penyandang Disabilitas di Kabupaten Semarang Melalui Implementasi Convention On The Rights of Persons With Disabilities (CRPD) dalam Bidang Pendidikan," *Integralistik* 28, no. 1 (January 2017): 1–9, <https://doi.org/10.15294/integralistik.v28i1.11804>.

needs and characteristics of their communities. This includes providing educational facilities, family empowerment initiatives, and systems designed to prevent discrimination and violence. Thus, the primary responsibility for enacting child protection policies lies with local governments.¹⁵

One key tool for protecting children's rights is Local Regulations (Perda). For instance, Banyumas Regency Local Regulation Number 1 of 2021 concerning the Implementation of Child Protection establishes a legal framework for local governments to fulfill this duty. This regulation addresses various issues, including safeguarding children from violence and discrimination and ensuring their rights to education. With this legal backing, local authorities have clearer authority to implement policies that prioritize children's interests.¹⁶

Banyumas Regency exemplifies proactive local government policies, having been recognized as a Child-Friendly Regency. This designation highlights its commitment to promoting children's rights through various initiatives and regulations. One notable program is the Generation Planning Forum, which focuses on preventing juvenile delinquency. The implementation of child protection measures outlined in Local Regulation Number 1 of 2021 marks significant progress in safeguarding children's rights. This regulation provides a solid legal foundation for local governments to take decisive action against violence and discrimination while ensuring that children receive a quality education. However, successful implementation requires ongoing coordination among relevant stakeholders, including schools, social institutions, and the community.¹⁷

Data reveal that sexual crimes against minors are a pressing concern in Banyumas Regency, with 25 reported cases in 2023, according to the Social and Community and Village Empowerment Service. This underscores the urgent need to enhance efforts to prevent sexual crimes against minors in the area. However, implementing child protection policies at the local level often

¹⁵ Rian Hilmawan et al., "Public Sector Innovation in Local Government and Its Impact on Development Outcomes: Empirical Evidence in Indonesia," *Heliyon* 9, no. 12 (December 2023): e22833, <https://doi.org/10.1016/j.heliyon.2023.e22833>.

¹⁶ Utari et al., "Legal Protection for Children as Victims of Economic Exploitation: Problems and Challenges in Three Major ASEAN Countries (Indonesia, Vietnam and Philippines)."

¹⁷ Marina Trbus, Ivana Zečević, and Laura Helen Virginia Wright, "Perspectives of Children and Young People from Croatia and Bosnia and Herzegovina on Their Role in Challenging Perceived Social and Gender Norms Impacting School Related Gender-Based Violence," *Children and Youth Services Review* 150 (July 2023): 107000, <https://doi.org/10.1016/j.childyouth.2023.107000>.

encounters challenges, such as insufficient human and financial resources.¹⁸ Many regions struggle to execute support from relevant parties. Additionally, a lack of public awareness regarding the importance of protecting children's rights poses a significant barrier to the successful implementation of existing policies.¹⁹

Conversely, protecting children's rights requires collaboration among various institutions. To ensure the effectiveness of implemented policies, local governments must work together with child protection agencies, schools, and community organizations. It is also vital to address cases of violence or discrimination against children in a timely and appropriate manner through the coordinated efforts among these agencies.

In executing child protection policies, it is essential to enhance prevention and law enforcement initiatives. Local governments need to establish clear and effective mechanisms for addressing violations of children's rights, including enforcing strict penalties against individuals who engage in violence or discrimination. Additionally, media and community outreach must continue to emphasize the importance of child protection and raise awareness about children's rights.²⁰

Beyond drafting regulations, the primary responsibility of local governments lies in policy implementation. They must ensure that these programs are effectively executed on the ground. This includes overseeing educational institutions, health services, and various social organizations that interact with children. Local governments should also collaborate closely with relevant agencies, such as child protection organizations and law enforcement, to ensure robust enforcement against violations of children's rights, particularly in cases involving violence and discrimination.²¹

Overall, the Banyumas Regency Local Government's policy, as outlined in Local Regulation Number 1 of 2021, represents a significant step forward in

¹⁸ Iman Jauhari, "A Comparison of Child Protection Law Between Indonesia and Malaysia," *Indonesian Journal of International Law* 12, no. 1 (October 2014), <https://doi.org/10.17304/ijil.vol12.1.593>.

¹⁹ Michelle Andrina et al., "Parental Education and Attitudes towards Institutionalization of Children in West Java, Indonesia," *Child Protection and Practice* 3 (December 2024): 100072, <https://doi.org/10.1016/j.chipro.2024.100072>.

²⁰ 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 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak," *Jurnal Dialektika Hukum* 2, no. 1 (June 2020): 57–82, <https://doi.org/10.36859/jdh.v2i1.510>.

²¹ Stroma Cole et al., "Water Insecurity Is Associated with Gender-Based Violence: A Mixed-Methods Study in Indonesia," *Social Science & Medicine* 344 (March 2024): 116507, <https://doi.org/10.1016/j.socscimed.2023.116507>.

enhancing the protection of children's rights, particularly regarding education, violence, and discrimination. However, challenges remain in the implementation of this policy, especially concerning coordination among institutions and community outreach. Despite these hurdles, Banyumas Regency demonstrates a strong commitment to safeguarding children and fostering a safer and more equitable environment for the younger generation.

Through this discussion, the author aims to address the following questions: What are the opportunities and challenges associated with decentralizing regional government policies for fulfilling children's rights? Additionally, the author examines the impact of implementing Regional Regulation Number 1 of 2021 in Banyumas Regency on the protection of children's rights and discusses the obstacles faced in executing these policies, while proposing potential solutions.

This research employs both inductive and deductive analytical reasoning. It is qualitative and specifically descriptive-analytical, focusing on the legal aspects of local regulations that govern the protection of children's rights in relation to laws, regulations, and the local government system.²² This study is juridical-normative, involving an examination of theories, concepts, laws, and regulations relevant to safeguarding children's rights. "Juridical" refers to the relevant laws and regulations considered in this research, while "normative" pertains to identifying legal rules, principles, and doctrines that address the legal challenges encountered.

Secondary data sources include literature references, laws and regulations, related books, and national and international journals to compile legal sources. The primary legal materials are library data derived from the foundational laws and regulations cited in this study, as it is a normative juridical investigation. The legal texts and literature relevant to the research topic constitute the library data sources. Additionally, secondary legal materials consist of articles, validated opinions, and other scholarly papers that support the primary data.²³

²² Sheila Kusuma Wardani Amnesti et al., "Higher Education with Disabilities Policy: Ensuring Equality Inclusive Education in Indonesia, Singapore and United States," *Journal of Human Rights, Culture and Legal System* 3, no. 3 (November 2023): 412–40, <https://doi.org/10.53955/jhcls.v3i3.135>.

²³ John W Creswell and J David Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches* (Sage publications, 2017).

Decentralization of Government Policy on Protecting Children's Rights

Children who often face unfair treatment are integral to human existence and the sustainability of a nation. To safeguard children from injustices and violations of their rights, specific provisions are outlined in Law Number 35 of 2014, which amends Law Number 23 of 2002 concerning Child Protection. Article 1, section 12 states, "Children's rights are a subset of human rights that must be guaranteed, protected, and fulfilled by parents, families, society, the state, government, and local authorities." Furthermore, Article 20 of Law Number 35 of 2014 emphasizes that "The state, government, local government, society, family, and parents or guardians are obligated and responsible for the implementation of child protection."²⁴

Local governments play a crucial role in enforcing child rights protection as mandated by Law Number 23 of 2014 concerning the Regional Government. Decentralization in child protection at the local level has emerged as a vital strategy for enhancing child welfare, particularly in addressing neglect and improving access to services. This approach empowers local governance, enabling communities to tailor solutions to their specific challenges.²⁵

Programs such as Child-Friendly Cities and Districts in Indonesia illustrate how local governance can enhance children's rights and protection through community-specific regulations. While decentralization offers opportunities for improving child protection via regional governance, it also presents challenges that need careful management to ensure equitable access and effective service delivery. Striking a balance between these elements is essential for the success of child welfare initiatives.²⁶

In Banyumas, the decentralized regulation of child rights protection is marked by various initiatives aimed at fulfilling children's rights through local governance. The implementation of the Child-Friendly District Program has been pivotal in recognizing Banyumas as a Child-Friendly Regency in 2021.

²⁴ Tess N. Peacock, "Advancing Early Childhood Development: The Role of Local Government," *South African Journal on Human Rights* 38, no. 3–4 (October 2022): 285–308, <https://doi.org/10.1080/02587203.2023.2221451>.

²⁵ Chairun Nasirin and Andries Lionardo, "Decentralization, Public Services and Neglected Children in Mataram City, West Nusa Tenggara," *Research Horizon* 1, no. 2 (April 2021): 55–61, <https://doi.org/10.54518/rh.1.2.2021.55-61>.

²⁶ Fanny Tanuwijaya and Fiska Maulidian Nugroho, "Child-Friendly Cities and Districts As Human Rights Protection in Indonesia's Decentralization Context," *Indonesian Journal of Law and Society* 1, no. 2 (September 2020): 163, <https://doi.org/10.19184/ijls.v1i2.17496>.

This initiative highlights the importance of local regulations that encourage community participation and child protection.²⁷

The local government's policy on protecting children's rights in Banyumas Regency, particularly following the enactment of Local Regulation Number 1 of 2021, demonstrates significant progress in safeguarding children's rights related to education, protection from violence, and prevention of discrimination. This comprehensive policy addresses multiple aspects of child protection through collaboration among educational, social, and legal institutions. Its implementation impacts local governments, communities, academic institutions, and non-governmental organizations (NGOs) focused on child protection issues.²⁸

Regarding the handling of violence against children, Banyumas Regency has introduced several preventive and remedial programs. In the education sector, anti-violence campaigns in schools are a prioritized, involving teachers and staff to educate students about the dangers of violence.²⁹ Additionally, local governments collaborate with child protection agencies to establish easily accessible complaint centers for reporting violence. This more responsive reporting mechanism aims to expedite the handling of child violence cases and provide psychological and legal support to victims.

Conversely, educational institutions are implementing policies aimed at reducing discrimination against children through anti-discrimination and equality campaigns. Children from minority groups, including those with disabilities, receive particular attention. Schools are equipped with disability-friendly facilities, teachers undergo specialized training to meet the educational needs of children with mental limitations. To foster a more inclusive and welcoming environment for all children, the local government also implements

²⁷ Rahtami Susanti and Widya Nirmalawati, "The Influence of The Child-Friendly District Program on The Fulfillment of Children's Rights in Banyumas District," *Proceedings Series on Social Sciences & Humanities* 14 (November 2023): 27–30, <https://doi.org/10.30595/pssh.v14i.912>.

²⁸ Herlinda Ragil Feby Carmela and Suryaningsi Suryaningsi, "Penegakan Hukum Dalam Pendidikan Dan Perlindungan Anak Di Indonesia," *Nomos: Jurnal Penelitian Ilmu Hukum* 1, no. 2 (March 2021): 58–65, <https://doi.org/10.56393/nomos.v1i2.570>.

²⁹ Yusefri Yusefri, Mu'adil Faizin, and Wahyu Abdul Jafar, "Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations," *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (July 2024): 1188, <https://doi.org/10.22373/sjhk.v8i2.24559>.

social inclusion programs for those from diverse ethnic or religious backgrounds.³⁰

These policies have yielded significant successes in the child protection program. Data from the Banyumas Regency Social Service indicates that access to education for children has increased since the policy's implementation in 2021. Over the past three years, there has been approximately 15% rise in participation rates from elementary to secondary education. Additionally, the introduction of stricter reporting mechanisms and prevention initiatives in schools and communities has led to a reported 20% decrease in incidents of violence against children.³¹

Regarding the reducing of discrimination, empirical evidence shows a decline in cases involving children with disabilities and those from minority groups. The establishment of disability-friendly facilities in schools has boosted the enrollment of children with disabilities in formal education.³² Children from low-income families also have improved access to schools, particularly through expanding scholarship and educational assistance programs. These developments reflect the successful implementation of local policies aimed at creating equitable access for all children, regardless of their social, economic, or physical backgrounds.³³

The local community and institutions have responded positively to these initiatives. In Banyumas, parents and the school community have adopted a more proactive stance in supporting local government programs related to child protection. Public campaigns and community dialogues have effectively raised awareness about the importance of safeguarding children's rights through policy socialization. Educational institutions are also stepping up by enhancing their involvement in creating safe and inclusive learning environments for all children. This is evident in the increased participation of educators and school staff in training sessions on preventing discrimination and violence.

³⁰ Tateki Yoga Tursilarini et al., "Examining Child Victims of Incest in Indonesia: Between the Legal System and Family Dysfunction," *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (June 2024): 129, <https://doi.org/10.31958/juris.v23i1.12341>.

³¹ Rifdah Alifiyah and Isa Anshori, "Legal Protection for Children in Cases of Domestic Violence in the Indonesian Households," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 2023): 348, <https://doi.org/10.22373/ujhk.v6i2.19153>.

³² Wardani Amnesti et al., "Higher Education with Disabilities Policy: Ensuring Equality Inclusive Education in Indonesia, Singapore and United States."

³³ Christy Pu, Shu-Fang Shih, and Yiing-Jenq Chou, "Needs Beyond Coverage: Health Care Inequities Among Children With Disabilities of Parents With Disabilities," *Disability and Health Journal*, November 2024, 101755, <https://doi.org/10.1016/j.dhjo.2024.101755>.

Support for this policy is also actively provided by child protection institutions, such as the Integrated Service Center for Women and Children Empowerment (P2TP2A). They work closely with local administrations to address discrimination and violence while offering assistance to victims. The involvement of local NGOs further strengthens child protection networks at the grassroots level, helping to prevent neglect of children in remote or marginalized communities.³⁴

Despite significant achievements, challenges remain in the implementation of policies aimed at protecting children. The obstacles to child protection in Banyumas Regency are complex, stemming from systemic, cultural, and legal issues. Although child-friendly programs and legal frameworks are in place, the practical preservation and fulfillment of children's rights face substantial barriers. Inadequate funding and resources allocated for protective measures limit institutions' ability to provide essential services. Additionally, the enforcement of legal protections for minors—especially in cases of human trafficking and violence—is often insufficient, leaving victims without the necessary support. Cultural factors, such as community norms and beliefs, can hinder the identification and reporting of child abuse and trafficking, as victims may face stigma. Furthermore, public awareness about the importance of safeguarding children's rights remains low, particularly in rural areas. A societal shift will take time, especially among parents who are accustomed to traditional practices that are less attuned to children's rights, despite ongoing campaigns and educational efforts.³⁵

It is crucial to strengthen legal frameworks regarding human trafficking and gender-based violence to ensure that protections are not only established on paper but also enforced in practice. Allocating a budget to support the rehabilitation and compensation of minor victims is essential, as the current systems are underfunded and poorly coordinated. While these solutions offer a path forward, it is important to acknowledge that systemic change requires a sustained commitment from all stakeholders, including the government, civil society, and the general public.

³⁴ Satria Juanda, Burhanuddin Abdul Gani, and Syarifah Rahmatillah, "The P2TP2A's Effort to Cope with the Intensification of Sexual Abuse of Children in Perspective of the Islamic Family Law (A Case Study at the City of Banda Aceh)," *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (September 2023): 115, <https://doi.org/10.22373/ujhk.v6i1.11992>.

³⁵ Susanti and Nirmalawati, "The Influence of The Child-Friendly District Program on The Fulfillment of Children's Rights in Banyumas District."

Legal Protection: Opportunities & Challenges in Decentralization

Legal protection refers to the safeguarding of human rights that may be violated by others, allowing individuals in the community to exercise their legally granted rights. In essence, legal protection consists of a series of legal measures that law enforcement must implement to ensure both mentally and physically security from threats and disturbances.³⁶

Legal protection is vital for assisting citizens who have become victims of criminal activities. Indonesia, as a nation governed by the rule of law, as stated in Article 1, paragraph (3) of the 1945 Constitution, recognizes legal protection as a fundamental element and a natural obligation of the state to safeguard its citizens' legal rights. Since 1979, the Indonesian government has enacted regulations, such as the Child Welfare Law, aimed at ensuring children's safety. Following Indonesia's signing of the Convention on the Rights of the Child on January 26, 1990, at the UN General Assembly, the Presidential Decree Number 36 of 1990 ratified this convention.

The rationale for legal protection of children is closely tied to achieving child welfare, which is a crucial aspect of overall social welfare. Protecting children from sexual violence presents a complex legal challenge involving various issues. Law Number 39 of 1999, concerning human rights, explicitly acknowledges the existence of children, defining a child as any individual under the age of 18 who is unmarried, including unborn children when it serves their best interests.³⁷

Article 52, Paragraph 1 stipulates that the state, family, society, and guardians are responsible for protecting children. Meanwhile, Article 58, Paragraph 1 ensures that every child is legally shielded from all forms of physical or mental violence, neglect, mistreatment, and sexual harassment while under the care of parents, guardians, or other responsible parties. Regarding children's rights, which are part of human rights (HAM), Law Number 39 of 1999, pertaining to Human Rights, Article 70, states that the rights of individuals may restrict the rights and freedoms of others to prevent harassment. The maximum

³⁶ Amanda Cruce, "Legal Protections for Sexual and Gender Minority Youth in Foster Care: A Review of Preventing Sex Trafficking and Strengthening Families Act (Normalcy Standards)," *Children and Youth Services Review* 166 (November 2024): 107902, <https://doi.org/10.1016/j.childyouth.2024.107902>.

³⁷ Hyun-Joo Jeon et al., "Early Childhood Education and Early Childhood Special Education Teachers' Perceived Stress, Burnout, and Depressive Symptoms," *Children and Youth Services Review* 166 (November 2024): 107915, <https://doi.org/10.1016/j.childyouth.2024.107915>.

penalty for those committing sexual offenses against children, according to the Criminal Code, is nine years in prison, while the Child Protection Law imposes a harsher penalty of fifteen years.³⁸

The enactment of Law Number 23 of 2002 concerning Child Protection, later amended by Law Number 35 of 2014, represents a significant initiative to protect Indonesian children, especially in light of laws addressing pedophilia. This legislation ensures that children's rights are upheld, allowing them to develop, grow, and participate in ways that respect their dignity while protecting them from violence. However, sexual violence against minors remains a critical issue in Indonesia.³⁹

Legal protection facilities fall into two categories: preventive and repressive. The government provides preventive legal protection to avert violations before they occur, as established in various laws and regulations. Repressive legal protection, on the other hand, involves sanctions such as imprisonment, fines, and additional penalties imposed in cases of disputes or violations. To effectively prevent, protect, and eliminate violence against children's rights, collaboration among all parties, including the government and the community, is essential.⁴⁰

Children, as the nation's future, deserve care and protection both during gestation and after birth. Therefore, if the child's interests warrant it, a fetus is considered a legal subject. It is crucial to reaffirm the understanding of human rights, particularly regarding children's rights to education. The right to education is a fundamental human right enshrined in Chapter XA concerning Human Rights, specifically Article 28C, paragraph (1) of the 1945 Constitution of the Republic of Indonesia. To ensure the preservation of children's educational rights, it is necessary to refer to Law Number 23 of 2002 concerning child protection, which addresses the issue in multiple articles.⁴¹

³⁸ Diana Yusyanti, "Perlindungan Hukum Terhadap Anak Korban Dari Pelaku Tindak Pidana Kekerasan Seksual," *Jurnal Penelitian Hukum De Jure* 20, no. 4 (2020): 619, <https://doi.org/10.30641/dejure.2020.v20.619-636>.

³⁹ Ni Luh Putu Maitra Agastya et al., "Transformation of Child Welfare Institutions in Bandung, West Java: A Case of Deinstitutionalization in Indonesia," *Children and Youth Services Review* 159 (April 2024): 107545, <https://doi.org/10.1016/j.childyouth.2024.107545>.

⁴⁰ Guan Zheng and Jinchun Shu, "In the Name of Protection—A Critical Analysis of China's Legal Framework of Children's Personal Information Protection in the Digital Era," *Computer Law & Security Review* 53 (July 2024): 105979, <https://doi.org/10.1016/j.clsr.2024.105979>.

⁴¹ Yanuar Farida Wismayanti et al., "The Problematization of Child Sexual Abuse in Policy and Law: The Indonesian Example," *Child Abuse & Neglect* 118 (August 2021): 105157, <https://doi.org/10.1016/j.chiabu.2021.105157>.

According to Article 21 of Law Number 23 of 2002 concerning Child Protection, the state and government are obligated to respect and safeguard the human rights of all children, regardless of their ethnicity, religion, class, gender, culture, or physical or mental condition. Furthermore, Article 22, paragraph (2) of the same law mandates that the state and government provide support for implementing child protection facilities and infrastructure.

The central and regional governments can work together with various communities by fulfilling their respective roles and responsibilities. According to Article 23, Paragraph (1) of Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection, the state, government, and regional authorities are tasked with ensuring the protection, care, and welfare of children while considering the rights and obligations of parents, guardians, or other individuals legally responsible for the child. This provision underscores the commitment of these entities to support children's well-being with the assistance of caregivers. The government is obligated to ensure that every child, regardless of their physical or mental condition, race, or socio-economic status, receive care and welfare, particularly in challenging circumstances like the COVID-19 pandemic. Protection against discrimination is also a vital element of child protection.⁴²

Moreover, regional governments play a crucial role in safeguarding children's rights. As local communities face increasingly complex issues, the importance of decentralization has grown. Local governments must provide efficient, sustainable, and forward-thinking services in response to globalization, population migration, and intricate socio-economic challenges. Innovation is essential to address these issues and better meet community expectations. Governance innovation, decentralization, and sustainable local governance must be implemented in a cohesive and integrated manner.⁴³

However, the development of sustainable local governance faces several obstacles, including limited financial resources, political instability, and social and economic challenges. Despite these barriers, there are significant opportunities to overcome them by encouraging active community engagement, fostering collaboration and partnerships, leveraging technology

⁴² Samantha Burrow et al., "Parents' Experiences of Perinatal Child Protection Processes: A Systematic Review and Thematic Synthesis Informed by a Socio-Ecological Approach," *Children and Youth Services Review* 166 (November 2024): 107960, <https://doi.org/10.1016/j.childyouth.2024.107960>.

⁴³ S. Hassan et al., "The Adoption and Implementation of Local Government Planning Policy to Manage Hot Food Takeaways near Schools in England: A Qualitative Process Evaluation," *Social Science & Medicine* 362 (December 2024): 117431, <https://doi.org/10.1016/j.socscimed.2024.117431>.

and innovation, ensuring sustainable funding, building social resilience, utilizing multi-sectoral approaches, and enhancing knowledge and learning.⁴⁴

In Indonesia, the decentralization of legal protection for children involves redistributing responsibilities and authorities to local governments to ensure the security of children's rights and welfare. The Child-Friendly City and Regency initiative, launched by UNICEF, is a crucial aspect of Indonesia's decentralized child protection strategy. This initiative encourages local governments to create policies and programs tailored to their specific needs while promoting children's rights and welfare. Although decentralization aims to enhance child protection, challenges persist, such as inconsistent implementation across regions and insufficient attention to child victims of sexual violence. Addressing these issues requires a collaborative effort between central and local governments to ensure comprehensive and effective legal protection for all children in Indonesia.⁴⁵

This research seeks to analyze how decentralization affects the realization of children's rights, a topic that has not been extensively explored in the existing literature. This study contributes to understanding the obstacles and opportunities local governments face in protecting children's rights and offers insights into the effectiveness of decentralization in promoting child welfare. While the focus is primarily on the positive potential of decentralization for enhancing children's rights, it also addresses its complexities and potential drawbacks, including the risk of exacerbating inequalities and the need for robust local governance structures.

Protection of Children's Education Rights, Child Violence, & Child Discrimination

Decentralization has the potential to enhance welfare outcomes when local governments have fiscal independence, which is often linked to per capita income and the human development index. However, the proliferation of local government units can negatively impact development, especially in low-income areas, highlighting that the effectiveness of decentralization is context-dependent.⁴⁶ This emphasizes the need for a balanced approach to child welfare

⁴⁴ Sonia Livingstone et al., "The Googlization of the Classroom: Is the UK Effective in Protecting Children's Data and Rights?," *Computers and Education Open* 7 (December 2024): 100195, <https://doi.org/10.1016/j.caeo.2024.100195>.

⁴⁵ Mumpuni Tri Utami, "Quo Vadis Legal Protection for Victims of Sexual Violence against Children in Indonesia: Discourse on Legal Justice," *Law Research Review Quarterly* 8, no. 4 (November 2022): 495–512, <https://doi.org/10.15294/lrrq.v8i4.63430>.

⁴⁶ Dallas J. Elgin and David P. Carter, "Administrative (de)Centralization, Performance Equity, and Outcome Achievement in Rural Contexts: An Empirical Study of U.S. Child

governance, as devolution can foster innovation and responsiveness to local needs. While decentralization can improve local governance and adaptability, it may also lead to fragmentation and inconsistency in service delivery. Therefore, careful management and coordination among stakeholders are essential to ensure an effective child welfare system.⁴⁷

In Banyumas Regency, decentralization significantly affects the protection of children's rights, particularly through the implementation of various local policies and programs. The local government's efforts to enhance children's education are detailed in "The Protection of Children's Rights in Education in Banyumas Regency," which stems from Local Regulation (Perda) Number 1 of 2021. Despite some challenges in implementation, this policy greatly advances children's rights to education, especially for vulnerable groups and those in remote areas.⁴⁸

One of the main focuses of this policy is improving access to education. The local government aims to enhance educational opportunities for children, particularly those in remote areas with limited access to schools.⁴⁹ Strategies include constructing new schools in underserved regions, upgrading existing school facilities, and providing transportation for children in rural areas. Additionally, a scholarship program has been established to support children from low-income families, ensuring that financial constraints do not lead to school dropout. Empirical data indicate an increase in school participation at both primary and secondary levels, particularly in previously underserved communities.

However, expanding educational access is not solely about improving physical infrastructure; it also emphasizes inclusivity in education. The provision of disability-friendly facilities in schools has significantly enhanced access for children with disabilities, who were often marginalized. Moreover,

Welfare Systems," *Governance* 32, no. 1 (January 2019): 23–43, <https://doi.org/10.1111/gove.12343>.

⁴⁷ Tristan Canare, "Decentralization and Welfare: Theory and an Empirical Analysis Using Philippine Data," *Public Sector Economics* 45, no. 1 (March 2021): 93–123, <https://doi.org/10.3326/pse.45.1.3>.

⁴⁸ Syamsul Fatoni, "Violence Eradication in Education through a Juridical-Religious Approach: Seeking an Ideal Model under the Criminal Justice System," *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 20, no. 1 (May 2020): 87–95, <https://doi.org/10.30631/alrisalah.v20i1.319>.

⁴⁹ Moh Usman, "Sinkronisasi Regulasi Tentang Hak Ekonomi Anak Di Indonesia Dengan Convention on The Rights of The Child/Synchronization of Regulations on Children's Economic Rights in Indonesia with the Convention on The Rights of The Child," *De Jure: Jurnal Hukum Dan Syar'iah* 12, no. 2 (December 2020): 214–26, <https://doi.org/10.18860/j-fsh.v12i2.7661>.

teachers receive specialized training to meet the needs of these children. These initiatives have a meaningful impact on broadening educational opportunities and addressing the disparities that vulnerable groups have historically faced.⁵⁰

In addition to access, the policy prioritizes the quality of education. Simply improving accessibility is insufficient without addressing the quality of teaching and the overall school environment. Following the policy's implementation, the local government has introduced various initiatives aimed at enhancing educational quality. These include training teachers in inclusive and child-centered teaching methodologies. A key objective is to create a school environment free from discrimination and violence. Resources are allocated to establish child protection committees within schools, and guidance is provided on how to address incidents of violence and abuse effectively.⁵¹

Several significant improvements have been noted in the management of cases involving violence against minors since the implementation of the Local Regulation. According to the data from the Banyumas Regency Social Service, the number of reported cases of violence against minors has decreased markedly in the first two years following the policy's implementation.⁵² This decline can be attributed to enhanced preventive measures at both the community and school levels, including outreach programs and anti-violence campaigns. Additionally, the local government collaborates with child protection agencies to raise public awareness about the importance of reporting incidents of violence. However, while the overall number of incidents is decreasing, evaluations indicate that more complex cases, such as sexual violence, still require increased attention.⁵³

Regarding the reporting mechanism for violence against children, Local Regulation Number 1 of 2021 has facilitated the establishment of more accessible complaint service centers. Child crisis centers, created in partnership with the Child Protection Agency and the Integrated Service Center for Women

⁵⁰ Eytayo A. Opabola et al., "Investing in Disaster Preparedness and Effective Recovery of School Physical Infrastructure," *International Journal of Disaster Risk Reduction* 90 (May 2023): 103623, <https://doi.org/10.1016/j.ijdr.2023.103623>.

⁵¹ Irwan Safaruddin Harahap, "Perlindungan Hukum Terhadap Anak Korban Kejahatan Seksual Dalam Perspektif Hukum Progresif," *Jurnal Media Hukum* 23, no. 1 (2016): 37–47, <https://doi.org/10.18196/jmh.2015.0066.37-47>.

⁵² Hoko Horii and Theresia Dyah Wirastri, "Living in a Legal Limbo: Mechanisms to 'Fix' The Legal and Social Positions of Unregistered Children in Indonesia," *The Indonesian Journal of Socio-Legal Studies* 2, no. 1 (October 2022), <https://doi.org/10.54828/ijsls.2022v2n1.1>.

⁵³ Gisela Violin and Yvonne Kezia Nafi, "Protection of Online Gender-Based Violence Victims: A Feminist Legal Analysis," *The Indonesian Journal of Socio-Legal Studies* 1, no. 2 (March 2022), <https://doi.org/10.54828/ijsls.2021v1n2.6>.

and Children Empowerment (P2TP2A), play a vital role in receiving reports from victims or their families. Furthermore, an online reporting application has been introduced to streamline the reporting process. This mechanism allows for quicker identification of violence incidents, enabling prompt intervention by authorities. Nonetheless, a significant challenge remains: low awareness among rural populations about utilizing these services, which leads to many cases of violence going unreported.

The child protection policy in Banyumas also encompasses support services for victims of violence. Once an incident is reported, victims are provided with legal and psychological support through available service centers. Local governments, in collaboration with NGOs and social institutions, offer trauma rehabilitation for children who have experienced violence.⁵⁴ This psychological support is crucial for helping victims to recover from emotional and psychological effects of their experience. However, despite these services being in place, the capacity of child crisis centers often falls short for addressing the volume of incoming cases, highlighting the need for increased resources, both in terms of professionals and available facilities.

Despite the progress made in preventing and managing child violence, obstacles to policy implementation remain. One major challenge is the government's struggle to expand the scope of child protection programs due to limitations in local budgets. Additionally, a lack of public awareness, particularly in rural areas, hampers efforts to promote the reporting of violent incidents. Many families continue to hesitate in disclosing instances of violence due to social stigma or fear regarding the legal process.⁵⁵

An analysis of child discrimination within the educational and social environments in Banyumas Regency highlights several challenges that children continue to face both in schools and society.⁵⁶ One prevalent form of discrimination is based on economic status, where children from low-income families often struggle to access adequate educational facilities. These children

⁵⁴ Ridwan Ridwan, Belardo Prasetya Mega Jaya, and Sarah Haderizqi Imani, "The Implementation of General Principles of Convention on The Rights of The Child During Covid-19 Pandemic in The City of Serang," *LAW REFORM* 18, no. 1 (March 2022): 16–27, <https://doi.org/10.14710/lr.v18i1.44643>.

⁵⁵ Guido Veronese et al., "Hope and Life Satisfaction in Palestinian Children Victim of Military Violence: The Predictive Role of Agency, Potentially Traumatic Experiences and Symptoms of Trauma," *Child Abuse & Neglect* 146 (December 2023): 106520, <https://doi.org/10.1016/j.chiabu.2023.106520>.

⁵⁶ Imam Sukadi, "Tanggung Jawab Negara Terhadap Anak Terlantar Dalam Operasionalisasi Pemerintah Di Bidang Perlindungan Hak Anak," *De Jure: Jurnal Hukum Dan Syar'iah* 5, no. 2 (December 2013), <https://doi.org/10.18860/j-fsh.v5i2.3003>.

frequently receive little attention when it comes to academic support or additional services. Additionally, children with disabilities continue to experience discrimination, both in terms of education access and treatment from peers, teachers, and the broader community. Ethnic discrimination, while not always overt, persists in the form of stereotypes and biases against children from certain ethnic backgrounds.⁵⁷

The effectiveness of anti-discrimination policies outlined in Local Regulation Number 1 of 2021 Banyumas Regency aims to address these issues by implementing various programs designed to reduce discrimination in educational and social settings.⁵⁸ These initiatives include providing specialized facilities for children with disabilities, offering scholarship programs for underprivileged students, and conducting anti-discrimination awareness campaigns in schools. While some positive changes have been observed, such as improved access for children with disabilities to inclusive schools, challenges related to socio-economic and ethnic discrimination remain significant.

In terms of disability-related discrimination, inclusion initiatives in specific educational institutions have successfully reduced certain administrative and physical barriers. However, there is still a pressing need for a shift in community attitudes, including those of teachers and students. Many still view children with disabilities as a "burden" in the learning process, leading to insufficient support compared to their peers. Moreover, schools in remote areas often lack accessible infrastructure for individuals with disabilities. This indicates that while the policy is established, its implementation on the ground faces numerous obstacles.⁵⁹

The quality of education is closely tied to various challenges in implementation. One of the most significant hurdles for local administrations is budget constraints. Providing adequate facilities and developing educational infrastructure requires substantial investment, which can be difficult to secure with the limitations of local budgets.⁶⁰ Although there is some support from the

⁵⁷ Jazim Hamidi, "Perlindungan Hukum Terhadap Disabilitas Dalam Memenuhi Hak Mendapatkan Pendidikan Dan Pekerjaan," *Jurnal Hukum IUS QUIA IUSTUM* 23, no. 4 (2016): 652–71, <https://doi.org/10.20885/iustum.vol23.iss4.art7>.

⁵⁸ Jamie J. Williams, "Internationalizing Legal Education: A Cooperative Tool In A Globalized World," *Indonesian Journal of International Law* 12, no. 4 (July 2015), <https://doi.org/10.17304/ijil.vol12.4.616>.

⁵⁹ Jemma Venables et al., "Children in Out-of-Home Care's Right to Family and Cultural Connection: Aboriginal and/or Torres Strait Islander and Non-Indigenous Australian Children's Perspectives," *Child Abuse & Neglect*, September 2024, 107009, <https://doi.org/10.1016/j.chiabu.2024.107009>.

⁶⁰ Emilda Firdaus, "Implementasi Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga Di Kota Batam," *Jurnal Hukum Ius Quia*

central government and the private sector, insufficient funding remains a major barrier to improving the quality of education and ensuring equitable access across all areas of Banyumas Regency.

Another challenge faced is the shortage of qualified educators in rural areas. There is an urgent need for more teachers in many rural schools, especially those who possess the qualifications and experience necessary to work with children with special needs or those in difficult social situations. Data reveal that Purwojati District, a remote and underserved area in Banyumas Regency, has only 514 teachers and 48 principals. Similarly, Somagede District, another isolated area, has 559 teachers and 59 principals, while North Purwokerto District follows with 705 teachers and 63 principals. Currently, Banyumas District has 1290 teachers, with 75 serving as principals. This highlights the ongoing shortage of teachers in rural regions and the need for more educational institutions. Despite local government efforts to recruit new teachers and provide incentives for those willing to work in remote areas, this challenge remains significant. The quality of education in the region is further affected by high turnover rates among teachers and a lack of ongoing training programs.⁶¹

Local governments have implemented educational assistance programs that have made strides toward achieving equal access to education. These programs offer scholarships and free educational resources to children from low-income families. However, administrative barriers and a lack of awareness about these programs often prevent eligible children from accessing the necessary support. This underscores the need for effective communication and sound policies to ensure that assistance programs fulfill their intended goals.⁶²

Moreover, inadequate educational infrastructure continues to be a significant challenge in certain areas. Many educational institutions face fundamental issues, such as insufficient sanitation facilities, classrooms, and internet connectivity, which hinder the teaching and learning process and obstruct efforts to improve educational quality. In this context, local

Iustum 21, no. 1 (January 2014): 139–54, <https://doi.org/10.20885/iustum.vol21.iss1.art8>.

⁶¹ Sri Hastuti Puspitasari, “Perlindungan HAM Dalam Masyarakat Bernegara,” *Jurnal Hukum Ius Quia Iustum* 7, no. 14 (July 2000): 46–61, <https://doi.org/10.20885/iustum.vol7.iss14.art3>.

⁶² M. Aulia Rachman, “Scholarship for Catching up? The Indonesia Endowment Fund for Education (LPDP) Scholarship Program as a Pillar of Economic Development Policy,” *International Journal of Educational Development* 96 (January 2023): 102701, <https://doi.org/10.1016/j.ijedudev.2022.102701>.

governments play a crucial role in addressing urgent infrastructure needs by partnering with the private sector and non-governmental organizations.⁶³

The evaluation also indicates that, despite the theoretical soundness of the policy, there is room for improvement in coordinating stakeholders involved in implementing child protection policies. For instance, strengthening the collaboration between schools, local governments, and child protection agencies is essential for ensuring the swift and effective resolution of cases involving violence or discrimination. Additionally, policy outreach at the community level is often inadequate, particularly in remote areas.

In summary, the assessment of policies aimed at safeguarding children's rights in education within Banyumas Regency reveals significant progress in enhancing the quality and accessibility of education, especially for marginalized groups. However, challenges such as infrastructure deficiencies, budget constraints, and a lack of teaching personnel require further attention. Local governments must continue to explore innovative solutions to these issues, including optimizing existing budgets and fostering partnerships with the private sector to ensure that all children receive a quality education.⁶⁴

Overall, there remains significant room for improvement in the implementation of policies at the local level, particularly in addressing violence and discrimination against children in Banyumas and enhancing access to education. Despite the establishment of strong regulations and initiatives aimed at promoting equality, the creation of a fully inclusive environment is hindered by social, cultural, and infrastructure challenges. The government play a critical role in clarifying, improving, and making existing policies more responsive to community needs. Additionally, educational institutions and schools must collaborate to provide teacher training that enhances human resources and promotes community awareness of children's rights.

Conclusion

The Local Government Policy on the protection of children's rights in Banyumas Regency, as detailed in Local Regulation Number 1 of 2021, represents a significant step forward ensuring the safety of children's rights, including the right to education, the prevention of violence, and the reduction of discrimination. While decentralization aims to strengthen child protection,

⁶³ Yuksel Boz and Tayfun Cay, "How Smart and Sustainable Are the Cities in Turkiye? - National Policies and the Enthusiasm Level of the Local Governments," *Heliyon* 10, no. 4 (February 2024): e26002, <https://doi.org/10.1016/j.heliyon.2024.e26002>.

⁶⁴ Munafrizal Manan, "The Implementation of the Right to Education in Indonesia," *Indonesia Law Review* 5, no. 1 (April 2015), <https://doi.org/10.15742/ilrev.v5n1.137>.

inconsistent implementation across various regions can lead to uneven protection for children. Although this regulation has improved access to education in Banyumas, several challenges persist, including budget constraints, a shortage of qualified personnel, inadequate educational infrastructure, and the needs for increased collaboration. Furthermore, the government is working to enhance complaint service centers that are easily accessible to the community to combat acts of violence under this Local Regulation. The anti-discrimination policy in Banyumas has made progress but still requires further development. Coordination issues among relevant institutions, budget limitations, and a lack of public understanding have hindered the Banyumas Regency Government's ability to effectively implement this Local regulation. Creating a comprehensive legal protection policy for local governments focused on safeguarding children's rights involves a multifaceted approach that integrates education, legal frameworks, and community engagement. To achieve this, the government can strengthen its role in evaluating and improving inclusive, transparent educational policies while ensuring budget allocations meet community needs. Additionally, educational institutions and colleges can develop training programs to enhance the skills of their teaching staff. Expanding community outreach is also essential for fostering a deeper understanding of children's rights and the importance of reporting violations.

References

- Alifiyah, Rifdah, and Isa Anshori. "Legal Protection for Children in Cases of Domestic Violence in the Indonesian Households." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 2 (December 2023): 348. <https://doi.org/10.22373/ujhk.v6i2.19153>.
- Andrina, Michelle, José Ignacio Nazif-Muñoz, Rebecca Smith, Alice Shirley, Tata Sudrajat, Andri Yoga Utami, and Mónica Ruiz-Casares. "Parental Education and Attitudes towards Institutionalization of Children in West Java, Indonesia." *Child Protection and Practice* 3 (December 2024): 100072. <https://doi.org/10.1016/j.chipro.2024.100072>.
- Apps, Tiffani, Karle Beckman, and Rebecca Ng. "Special Issue: Datafied by Default: Examining the Intersect between Children's Digital Rights and Education." *Computers and Education Open*, December 2024, 100237. <https://doi.org/10.1016/j.caeo.2024.100237>.
- Astariyani, Ni Luh Gede, I Nyoman Prabu Buana Rumiarta, Ni Ketut Ardani, and Thomas John Kenevan. "Policy on the Right to Education of Refugees in Indonesia and Australia." *Lex Scientia Law Review* 7, no. 1 (June 2023).

- <https://doi.org/10.15294/lesrev.v7i1.62964>.
- Azizi, Alfian Qodri, Ali Imron, and Bagas Heradhyaksa. "Fulfillment of Civil Rights of Extramarital Children and Its Effect on Social Dimensions." *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan* 20, no. 2 (December 2020): 235–52. <https://doi.org/10.18326/ijtihad.v20i2.235-252>.
- Boz, Yuksel, and Tayfun Cay. "How Smart and Sustainable Are the Cities in Turkiye? - National Policies and the Enthusiasm Level of the Local Governments." *Heliyon* 10, no. 4 (February 2024): e26002. <https://doi.org/10.1016/j.heliyon.2024.e26002>.
- Burrow, Samantha, Lisa Wood, Colleen Fisher, Renée Usher, Renna Gayde, and Melissa O'Donnell. "Parents' Experiences of Perinatal Child Protection Processes: A Systematic Review and Thematic Synthesis Informed by a Socio-Ecological Approach." *Children and Youth Services Review* 166 (November 2024): 107960. <https://doi.org/10.1016/j.childyouth.2024.107960>.
- Canare, Tristan. "Decentralization and Welfare: Theory and an Empirical Analysis Using Philippine Data." *Public Sector Economics* 45, no. 1 (March 2021): 93–123. <https://doi.org/10.3326/pse.45.1.3>.
- Carmela, Herlinda Ragil Feby, and Suryaningsi Suryaningsi. "Penegakan Hukum Dalam Pendidikan Dan Perlindungan Anak Di Indonesia." *Nomos: Jurnal Penelitian Ilmu Hukum* 1, no. 2 (March 2021): 58–65. <https://doi.org/10.56393/nomos.v1i2.570>.
- Cole, Stroma, Paula Tallman, Gabriela Salmon-Mulanovich, and Binahayati Rusyidi. "Water Insecurity Is Associated with Gender-Based Violence: A Mixed-Methods Study in Indonesia." *Social Science & Medicine* 344 (March 2024): 116507. <https://doi.org/10.1016/j.socscimed.2023.116507>.
- Creswell, John W, and J David Creswell. *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*. Sage publications, 2017.
- Cruce, Amanda. "Legal Protections for Sexual and Gender Minority Youth in Foster Care: A Review of Preventing Sex Trafficking and Strengthening Families Act (Normalcy Standards)." *Children and Youth Services Review* 166 (November 2024): 107902. <https://doi.org/10.1016/j.childyouth.2024.107902>.
- Elgin, Dallas J., and David P. Carter. "Administrative (de)Centralization, Performance Equity, and Outcome Achievement in Rural Contexts: An Empirical Study of U.S. Child Welfare Systems." *Governance* 32, no. 1 (January 2019): 23–43. <https://doi.org/10.1111/gove.12343>.
- Fatoni, Syamsul. "Violence Eradication in Education through a Juridical-

- Religious Approach: Seeking an Ideal Model under the Criminal Justice System.” *Al-Risalah: Forum Kajian Hukum Dan Sosial Kemasyarakatan* 20, no. 1 (May 2020): 87–95. <https://doi.org/10.30631/alrisalah.v20i1.319>.
- Ferrara, Pietro, Ignazio Cammisa, Margherita Zona, Ida Giardino, Maria Pastore, and Massimo Pettoello-Mantovani. “War Inflicts Severe Violations on the Fundamental Human Rights of Children.” *Global Pediatrics* 7 (March 2024): 100140. <https://doi.org/10.1016/j.gped.2024.100140>.
- Firdaus, Emilda. “Implementasi Undang-Undang Nomor 23 Tahun 2004 Tentang Penghapusan Kekerasan Dalam Rumah Tangga Di Kota Batam.” *Jurnal Hukum Ius Quia Iustum* 21, no. 1 (January 2014): 139–54. <https://doi.org/10.20885/iustum.vol21.iss1.art8>.
- Hamidi, Jazim. “Perlindungan Hukum Terhadap Disabilitas Dalam Memenuhi Hak Mendapatkan Pendidikan Dan Pekerjaan.” *Jurnal Hukum Ius Quia Iustum* 23, no. 4 (2016): 652–71. <https://doi.org/10.20885/iustum.vol23.iss4.art7>.
- Hassan, S., C. Thompson, J. Adams, M. Chang, D. Derbyshire, M. Keeble, B. Liu, et al. “The Adoption and Implementation of Local Government Planning Policy to Manage Hot Food Takeaways near Schools in England: A Qualitative Process Evaluation.” *Social Science & Medicine* 362 (December 2024): 117431. <https://doi.org/10.1016/j.socscimed.2024.117431>.
- Hilmawan, Rian, Yesi Aprianti, Rizky Yudaruddin, Ratih Fenty Anggraini Bintoro, Suharsono, Yuli Fitrianto, and Noor Wahyuningsih. “Public Sector Innovation in Local Government and Its Impact on Development Outcomes: Empirical Evidence in Indonesia.” *Heliyon* 9, no. 12 (December 2023): e22833. <https://doi.org/10.1016/j.heliyon.2023.e22833>.
- Horii, Hoko, and Theresia Dyah Wirastri. “Living in a Legal Limbo: Mechanisms to ‘Fix’ The Legal and Social Positions of Unregistered Children in Indonesia.” *The Indonesian Journal of Socio-Legal Studies* 2, no. 1 (October 2022). <https://doi.org/10.54828/ijsls.2022v2n1.1>.
- Jauhari, Iman. “A Comparison Of Child Protection Law Between Indonesia And Malaysia.” *Indonesian Journal of International Law* 12, no. 1 (October 2014). <https://doi.org/10.17304/ijil.vol12.1.593>.
- Jeon, Hyun-Joo, Kyong-Ah Kwon, Christina McCartney, and Lindsay Diamond. “Early Childhood Education and Early Childhood Special Education Teachers’ Perceived Stress, Burnout, and Depressive Symptoms.” *Children and Youth Services Review* 166 (November 2024): 107915. <https://doi.org/10.1016/j.chilyouth.2024.107915>.
- Juanda, Satria, Burhanuddin Abdul Gani, and Syarifah Rahmatillah. “The

- P2TP2A's Effort to Cope with the Intensification of Sexual Abuse of Children in Perspective of the Islamic Family Law (A Case Study at the City of Banda Aceh)." *El-Usrah: Jurnal Hukum Keluarga* 6, no. 1 (September 2023): 115. <https://doi.org/10.22373/ujhk.v6i1.11992>.
- Kasuma, Iva, Ian Aji Hermawan, and Melly Setyawati. "Problematika Pelaksanaan Diversi Bagi Anak Berhadapan Dengan Hukum Di Kota Layak Anak (Studi Pada Aparat Hukum, Pemerintah Kota Dan Masyarakat Di Depok Dan Surakarta)." *Jurnal IUS Kajian Hukum Dan Keadilan* 8, no. 2 (August 2020): 350. <https://doi.org/10.29303/ius.v8i2.787>.
- Lestari, Eta Yuni, Slamet Sumarto, and Noorochmat Isdaryanto. "Pemenuhan Hak Bagi Penyandang Disabilitas Di Kabupaten Semarang Melalui Implementasi Convention On The Rights Of Persons With Disabillities (CRPD) Dalam Bidang Pendidikan." *Integralistik* 28, no. 1 (January 2017): 1–9. <https://doi.org/10.15294/integralistik.v28i1.11804>.
- Livingstone, Sonia, Kruakae Pothong, Ayça Atabey, Louise Hooper, and Emma Day. "The Googlization of the Classroom: Is the UK Effective in Protecting Children's Data and Rights?" *Computers and Education Open* 7 (December 2024): 100195. <https://doi.org/10.1016/j.caeo.2024.100195>.
- Luh Putu Maitra Agastya, Ni, Sarah Wise, Margaret Kertesz, and Santi Kusumaningrum. "Transformation of Child Welfare Institutions in Bandung, West Java: A Case of Deinstitutionalization in Indonesia." *Children and Youth Services Review* 159 (April 2024): 107545. <https://doi.org/10.1016/j.childyouth.2024.107545>.
- Manan, Munafrizal. "The Implementation of the Right to Education in Indonesia." *Indonesia Law Review* 5, no. 1 (April 2015). <https://doi.org/10.15742/ilrev.v5n1.137>.
- Mukhlis, Muhammad Mutawalli, Maskun, Muhammad Saleh Tajuddin, Jamal Aslan, Hariyanto, and Hotlan Samosir. "Regional Autonomy System: Delegation of Authority and Power of Regional Government in Indonesia in the Study of Fiqh Siyasah." *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (September 30, 2024): 505–26. <https://doi.org/10.29240/JHI.V9I2.9709>.
- Nasirin, Chairun, and Andries Lionardo. "Decentralization, Public Services and Neglected Children in Mataram City, West Nusa Tenggara." *Research Horizon* 1, no. 2 (April 2021): 55–61. <https://doi.org/10.54518/rh.1.2.2021.55-61>.
- Opabola, Eyitayo A., Carmine Galasso, Tiziana Rossetto, Ella Meilianda, Yunita Idris, and Sukiman Nurdin. "Investing in Disaster Preparedness and Effective Recovery of School Physical Infrastructure." *International Journal of Disaster Risk Reduction* 90 (May 2023): 103623. <https://doi.org/10.1016/j.ijdr.2023.103623>.

- Peacock, Tess N. "Advancing Early Childhood Development: The Role of Local Government." *South African Journal on Human Rights* 38, no. 3–4 (October 2022): 285–308. <https://doi.org/10.1080/02587203.2023.2221451>.
- Pu, Christy, Shu-Fang Shih, and Yiing-Jenq Chou. "Needs Beyond Coverage: Health Care Inequities Among Children With Disabilities of Parents With Disabilities." *Disability and Health Journal*, November 2024, 101755. <https://doi.org/10.1016/j.dhjo.2024.101755>.
- Puspitasari, Sri Hastuti. "Perlindungan HAM Dalam Masyarakat Bernegara." *Jurnal Hukum IUS QUIA IUSTUM* 7, no. 14 (July 2000): 46–61. <https://doi.org/10.20885/iustum.vol7.iss14.art3>.
- Rachman, M. Aulia. "Scholarship for Catching up? The Indonesia Endowment Fund for Education (LPDP) Scholarship Program as a Pillar of Economic Development Policy." *International Journal of Educational Development* 96 (January 2023): 102701. <https://doi.org/10.1016/j.ijedudev.2022.102701>.
- Ridwan, Ridwan, Belardo Prasetya Mega Jaya, and Sarah Haderizqi Imani. "The Implementation of General Principles of Convention on The Rights of The Child During Covid-19 Pandemic in The City of Serang." *LAW REFORM* 18, no. 1 (March 2022): 16–27. <https://doi.org/10.14710/lr.v18i1.44643>.
- Sadzali, Ahmad, Muhammad Saleh, and Aulia Rachman Eka Putra. "Preferensi Kebijakan Pemerintah Pusat Dan Daerah Dalam Aspek Ketahanan Keluarga Di Masa Pandemi: Tinjauan Perspektif Maqasid Syariah." *Mimbar Hukum* 34, no. 2 (December 2022): 355–77. <https://doi.org/10.22146/mh.v34i2.3681>.
- Safaruddin Harahap, Irwan. "Perlindungan Hukum Terhadap Anak Korban Kejahatan Seksual Dalam Perspektif Hukum Progresif." *Jurnal Media Hukum* 23, no. 1 (2016): 37–47. <https://doi.org/10.18196/jmh.2015.0066.37-47>.
- Setiawan, Hari Harjanto. "Akte Kelahiran Sebagai Hak Identitas Diri Kewarganegaraan Anak." *Sosio Informa* 3, no. 1 (April 2017). <https://doi.org/10.33007/inf.v3i1.520>.
- Sukadi, Imam. "Tanggung Jawab Negara Terhadap Anak Terlantar Dalam Operasionalisasi Pemerintah Di Bidang Perlindungan Hak Anak." *De Jure: Jurnal Hukum Dan Syar'iah* 5, no. 2 (December 2013). <https://doi.org/10.18860/j-fsh.v5i2.3003>.
- Susanti, Rahtami, and Widya Nirmalawati. "The Influence of The Child-Friendly District Program on The Fulfillment of Children's Rights in Banyumas District." *Proceedings Series on Social Sciences & Humanities* 14

- (November 2023): 27–30. <https://doi.org/10.30595/pssh.v14i.912>.
- Tanuwijaya, Fanny, and Fiska Maulidian Nugroho. “Child-Friendly Cities and Districts As Human Rights Protection in Indonesia’s Decentralization Context.” *Indonesian Journal of Law and Society* 1, no. 2 (September 2020): 163. <https://doi.org/10.19184/ijls.v1i2.17496>.
- Trbus, Marina, Ivana Zečević, and Laura Helen Virginia Wright. “Perspectives of Children and Young People from Croatia and Bosnia and Herzegovina on Their Role in Challenging Perceived Social and Gender Norms Impacting School Related Gender-Based Violence.” *Children and Youth Services Review* 150 (July 2023): 107000. <https://doi.org/10.1016/j.childyouth.2023.107000>.
- Tursilarini, Tateki Yoga, Trilaksmi Udiati, Irmawan Irmawan, Sunit Agus Tri Cahyono, Suryani Suryani, and Dodi Al Vayed. “Examining Child Victims of Incest in Indonesia: Between the Legal System and Family Dysfunction.” *JURIS (Jurnal Ilmiah Syariah)* 23, no. 1 (June 2024): 129. <https://doi.org/10.31958/juris.v23i1.12341>.
- Usman, Moh. “Sinkronisasi Regulasi Tentang Hak Ekonomi Anak Di Indonesia Dengan Convention on The Rights of The Child/Synchronization of Regulations on Children’s Economic Rights in Indonesia with the Convention on The Rights of The Child.” *De Jure: Jurnal Hukum Dan Syariah* 12, no. 2 (December 2020): 214–26. <https://doi.org/10.18860/j-fsh.v12i2.7661>.
- Utami, Mumpuni Tri. “Quo Vadis Legal Protection for Victims of Sexual Violence against Children in Indonesia: Discourse on Legal Justice.” *Law Research Review Quarterly* 8, no. 4 (November 2022): 495–512. <https://doi.org/10.15294/lrrq.v8i4.63430>.
- Utari, Indah Sri, Ridwan Arifin, and Diandra Preludio Ramada. “Exploring Child Grooming Sexual Abuse through Differential Association Theory: A Criminological and Legal Examination with Constitutional Implications.” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 7, no. 1 (June 5, 2024): 69–88. <https://doi.org/10.24090/VOLKSGEIST.V7I1.9564>.
- Utari, Indah Sri, Diandra Preludio Ramada, Ridwan Arifin, and Robert Brian Smith. “Legal Protection for Children as Victims of Economic Exploitation: Problems and Challenges in Three Major ASEAN Countries (Indonesia, Vietnam and Philippines).” *Lex Scientia Law Review* 7, no. 2 (November 2023): 771–842. <https://doi.org/10.15294/lesrev.v7i2.68301>.
- Venables, Jemma, Jenny Povey, Iryna Kolesnikova, Kate Thompson, Madonna Boman, Juli Richmond, Karen Healy, Janeen Baxter, Isobel Thwaite, and Aariyana Hussain. “Children in Out-of-Home Care’s Right to Family and Cultural Connection: Aboriginal and/or Torres Strait Islander and Non-

- Indigenous Australian Children's Perspectives." *Child Abuse & Neglect*, September 2024, 107009. <https://doi.org/10.1016/j.chiabu.2024.107009>.
- Veronese, Guido, Dana Bdier, Hania Obaid, Fayez Mahamid, Cristina Riva Crugnola, and Federica Cavazzoni. "Hope and Life Satisfaction in Palestinian Children Victim of Military Violence: The Predictive Role of Agency, Potentially Traumatic Experiences and Symptoms of Trauma." *Child Abuse & Neglect* 146 (December 2023): 106520. <https://doi.org/10.1016/j.chiabu.2023.106520>.
- Violin, Gisela, and Yvonne Kezia Nafi. "Protection of Online Gender-Based Violence Victims: A Feminist Legal Analysis." *The Indonesian Journal of Socio-Legal Studies* 1, no. 2 (March 2022). <https://doi.org/10.54828/ijsls.2021v1n2.6>.
- Wahyudi, Tegar Sukma, 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 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak." *Jurnal Dialektika Hukum* 2, no. 1 (June 2020): 57–82. <https://doi.org/10.36859/jdh.v2i1.510>.
- Wardani Amnesti, Sheila Kusuma, Jundiani Jundiani, Siti Zulaichah, Mohd Shahid Mohd Noh, and Lailatul Fitriyah. "Higher Education with Disabilities Policy: Ensuring Equality Inclusive Education in Indonesia, Singapore and United States." *Journal of Human Rights, Culture and Legal System* 3, no. 3 (November 2023): 412–40. <https://doi.org/10.53955/jhcls.v3i3.135>.
- Williams, Jamie J. "Internationalizing Legal Education: A Cooperative Tool In A Globalized World." *Indonesian Journal of International Law* 12, no. 4 (July 2015). <https://doi.org/10.17304/ijil.vol12.4.616>.
- Wismayanti, Yanuar Farida, Patrick O'Leary, Clare Tilbury, and Yenny Tjoe. "The Problematization of Child Sexual Abuse in Policy and Law: The Indonesian Example." *Child Abuse & Neglect* 118 (August 2021): 105157. <https://doi.org/10.1016/j.chiabu.2021.105157>.
- Yang, Shiqi, Juanjuan Liu, and Daniel Winterbottom. "Analysis of the Dong Bao Ye as Sacred Landscape and Its Putative Therapeutic Mechanisms." *Health & Place* 83 (September 2023): 103102. <https://doi.org/10.1016/j.healthplace.2023.103102>.
- Yasdin, Yasdin, Syafiuddin Parenrengi, Hasriani Hasriani, and Ridwan Daud Mahande. "Policies and Politics Development of Vocational Education in Indonesia: A Historical Perspective." *Asian Education and Development Studies* 12, no. 4/5 (November 2023): 297–309. <https://doi.org/10.1108/AEDS-06-2023-0059>.

- Yusefri, Yusefri, Mu'adil Faizin, and Wahyu Abdul Jafar. "Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* 8, no. 2 (July 2024): 1188. <https://doi.org/10.22373/sjhk.v8i2.24559>.
- Yusyanti, Diana. "Perlindungan Hukum Terhadap Anak Korban Dari Pelaku Tindak Pidana Kekerasan Seksual." *Jurnal Penelitian Hukum De Jure* 20, no. 4 (2020): 619. <https://doi.org/10.30641/dejure.2020.v20.619-636>.
- Zheng, Guan, and Jinchun Shu. "In the Name of Protection—A Critical Analysis of China's Legal Framework of Children's Personal Information Protection in the Digital Era." *Computer Law & Security Review* 53 (July 2024): 105979. <https://doi.org/10.1016/j.clsr.2024.105979>.

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