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Life Protection Guarantees and Control of Street Children under Law No. 35/2014 on Child Protection

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ABSTRACT

Street children in Indonesian cities face violence, exploitation and exclusion from care, although Law No. 35/2014 on Child Protection assigns the state, the community and the family a shared duty to protect them. Research has examined risk, health and participation mainly outside Indonesian statutory analysis, and few studies read the Law as one protective regime for street children. The study assessed how Law No. 35/2014 guarantees the protection of the life of street children and regulates their control, and it identified where implementation departs from the norm. Normative-juridical research with a descriptive-analytical orientation was used, supported by statute, conceptual and socio-legal approaches. Library research covered primary legal materials, including the 1945 Constitution, Law No. 35/2014, the Convention on the Rights of the Child and General Comment No. 21, and Scopus-indexed articles published between 2020 and 2024. The materials were interpreted grammatically and systematically, compared with implementation patterns reported in the literature, and checked through triangulation. The findings showed that the harms suffered by street children correspond to the special protection categories of the Law, that control becomes protective only when joined to schooling, economic support, shelter and care, and that guarantees of health care and education are weakest where they depend on a caregiver. The shortfall lies in delivery and coordination rather than in missing norms. A local lead institution and operational use of Articles 59A, 66 and 72 are recommended.

Keywords: *Child Protection, Indonesia, Legal Implementation, Special Protection, Street Children*

INTRODUCTION

Children who live or work on the street occupy one of the most exposed positions in urban societies.[1] The United Nations uses the term children in street situations for those who depend on the streets to live or earn a living, whether alone, with peers or with family.[2] Empirical work shows that this exposure carries a measurable cost. A survey of 592 street-connected adolescents in Bangladesh quantified their experience of physical violence and emotional abuse and examined which factors predicted it.[3] A scoping review of 35 studies reached a compatible conclusion. It reported that street and working children share many barriers to healthcare and face recurring rights violations, while the evidence on their access to services remains thin.[4] These findings place the protection of street children among the pressing questions of child rights law, and not only of social policy.

Indonesia confronts this problem in an acute form as its cities keep growing. Street livelihoods such as busking, begging and hawking are visible at intersections, markets and transport terminals, and the children who work there live with constant exposure to harassment and violence.[5] Research in West Java on children who sing and beg on the street documented a violent language environment around them. It concluded that government protection agencies must start from the children's own viewpoint if protection is to help them leave the street.[6] Health is a second point of exposure. A qualitative study conducted around the 2022 Street Child World Cup found that the absence of an accompanying adult separates many street-connected children from other disadvantaged groups when they seek care.[7] Taken together,

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[1] Ashfaq Ferdous and Sabiha Mahfuz Nila, "Lived Experience, Coping Strategies and Social Network of Street-Working Children," *South Asian Journal of Social Studies and Economics*, May 27, 2020, 19–34, https://doi.org/10.9734/sajsse/2020/v6i330168; Meroe Vameghi et al., "Street Children in Iran: What Are Their Living and Working Conditions? Findings from a Survey in Six Major Cities," *International Journal of Environmental Research and Public Health* 20, no. 7 (March 27, 2023): 5271, https://doi.org/10.3390/ijerph20075271.

[2] OHCHR, "General Comment No. 21 (2017) on Children in Street Situations" (2017).

[3] Nicole F. Bromfield et al., "Adolescents in Street Situations in Bangladesh and Their Exposure to Physical Violence and Emotional Abuse," *Children and Youth Services Review* 144 (January 2023): 106714, https://doi.org/10.1016/j.childyouth.2022.106714.

[4] Eva Jörgensen et al., "Access to Health and Rights of Children in Street Situations and Working Children: A Scoping Review," *BMJ Paediatrics Open* 8, no. 1 (October 2024): e002870, https://doi.org/10.1136/bmjpo-2024-002870.

[5] Rr Nanik Setyowati et al., "Street Children Survival Strategy Against Violence: Case Study on the Surabaya Ketintang Railway," 2021, https://doi.org/10.2991/assehr.k.211223.157; Farah Fadhilah and Netrawati Netrawati, "Analysis of Bullying Behavior Experienced by Street Children," *Counseling and Humanities Review* 2, no. 2 (December 30, 2022): 34–40, https://doi.org/10.24036/00675kons2023.

[6] Atwar Bajari and Engkus Kuswarno, "Violent Language in the Environment of Street Children Singer-Beggars," *Heliyon* 6, no. 8 (August 2020): e04664, https://doi.org/10.1016/j.heliyon.2020.e04664.

[7] Shona Lindsay Macleod, Pia MacRae, and Júlia Pimenta, "Children in Street Situations' Access to Healthcare: Qualitative Findings from the Street Child World Cup 2022," *BMJ Paediatrics Open* 7, no. 1 (December 2023): e002101, https://doi.org/10.1136/bmjpo-2023-002101.

these studies indicate that vulnerability arises from missing adult support as much as from the hazards of the street itself.

Indonesia's legal response rests on a layered architecture. Article 34(1) of the 1945 Constitution places the care of poor and abandoned children under state responsibility, and Article 28B(2) guarantees every child the right to survive, grow and develop and to be protected from violence and discrimination. Law No. 35/2014, which amended Law No. 23/2002 on Child Protection, converts these commitments into duties shared by the state, government, community, family and parents. It also reflects the principles that Indonesia accepted through the Convention on the Rights of the Child, namely non-discrimination, the best interests of the child, the right to life, survival and development, and respect for the child's views.[8] The Law further creates a category of special protection for children in defined situations, including children who are economically or sexually exploited, who fall victim to narcotics or who suffer violence and neglect.[9] Street children often fall within several of these categories at once, which makes the special protection provisions a direct test of whether the legal design works.

Protection in practice nevertheless remains uneven. A recent analysis of civil rights for vulnerable groups in Indonesia observed that the government has issued many laws and has joined conventions on the rights of the child, yet these efforts have not been matched by a strong shared commitment. It called for an effective law enforcement mechanism.[10] Scholarship published has shown how Law No. 35/2014 operates alongside sectoral legislation, for instance the health law that governs abortion, which indicates that the child protection regime has to be applied across several bodies of law at once.[11] For street children this layering is demanding, because their circumstances touch education, health, social welfare, criminal law and local public order at the same time. When responsibility is divided across these domains, no single institution may answer for the overall safety of the child. The difficulty is therefore one of implementation as much as of norm creation.

The meaning of control is a central part of that difficulty. Control can be understood in two ways. One treats street children as a threat to public order, and the other treats the street as a setting in which the state must prevent harm to the child. General Comment No. 21 adopts the second reading and advises States against criminalising children for their presence in street situations, favouring

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[8] Pemerintahan Republik Indonesia, "UU No. 35 Tahun 2014 Tentang Perlindungan Anak," Sekretariat Negara § (2014).

[9] Pemerintahan Republik Indonesia.

[10] Rudy Rudy et al., "Implementation of Civil Rights against Vulnerable Groups in the Legal and Constitutional System in Indonesia," *Hasanuddin Law Review* 8, no. 3 (February 19, 2023): 299, https://doi.org/10.20956/halrev.v8i3.4229.

[11] Endah Triwulandari and Edy Tarsono, "SOCIO-JURIDIC ANALYSIS OF ABORTION ACCORDING TO ARTICLE 75 OF LAW NO. 36/2009 CONCERNING ON HEALTH AND LAW NO. 35/2014 CONCERNING ON CHILD PROTECTION," *Journal of Law Theory and Law Enforcement* 1, no. 2 (April 6, 2022): 40–53, https://doi.org/10.56943/jlte.v1i2.68.

support over punitive measures.[12] Indonesian law already contains a comparable logic in other fields. The double-track system for narcotics abuse, which this journal has examined, pairs criminal sanctions with non-penal measures,[13] and this matters here because narcotics victimisation is one ground for special protection under Law No. 35/2014. Evidence from India adds a practical dimension. A rights-based programme aligned with General Comment No. 21 increased the responsiveness of service providers during COVID-19 and strengthened the agency and negotiation skills of street-connected peer leaders.[14]

These strands of research leave a gap. The international studies cited above concentrate on violence, health and participation, and they come from settings with different legal systems. The Indonesian analysis of vulnerable groups addresses rights in general terms and does not follow a single category of children through the statutory text. As far as the sources reviewed for this study show, no analysis reads Law No. 35/2014 as one protective regime for street children across their living conditions, the control measures applied to them and the guarantees owed to them. Without that integrated reading, the special protection provisions and the community participation duties in Article 72 are rarely tested against the realities of the street.

The study therefore pursues one objective, which is to assess how Law No. 35/2014 guarantees the protection of the life of street children and regulates their control, and to identify where implementation departs from the norm. Three research questions follow. What living conditions define street children in urban Indonesia, and which legal categories apply to them? How is the control of street children carried out, and does it follow a protective or a punitive logic? What guarantees of protection does Law No. 35/2014 provide, and how far do the state, local government and the community implement them? Answering these questions calls for a normative-juridical analysis supported by a socio-legal reading of implementation, drawing on statutes, scholarly literature and documented programmes.

The study offers three points of novelty. First, it treats control as a protective duty derived from Law No. 35/2014 and not as an exercise in public order, which connects living conditions, control and protection in a single analytical line. Second, it restates the statutory basis of special protection with the provisions correctly identified, in particular Articles 59, 66 and 72. Third, it grounds the analysis in General Comment No. 21 and in empirical research published between 2020 and 2024, which allows Indonesian practice to be assessed against current

[12] OHCHR, General comment No. 21 (2017) on children in street situations.

[13] Mujito Mujito et al., "DOUBLE TRACK SYSTEM IN CRIMINAL SANCTION AGAINST NARCOTICS ABUSE," *Journal of Law Theory and Law Enforcement*, July 20, 2022, 22–31, https://doi.org/10.56943/jlte.v1i3.104.

[14] Debapriya Bhattacharyya and Swati Chakraborty, "Building Resilience of Street-Connected Children during COVID-19: Turning Rights into Practices through CINI Method," *Frontiers in Public Health* 12 (July 17, 2024), https://doi.org/10.3389/fpubh.2024.1353867.

international standards. The findings are relevant to legislators, to local governments responsible for social services and to child protection institutions, because they show where the statutory design needs operational support. Academically, the study adds an Indonesian legal reading to a literature dominated by health and social science.

RESEARCH METHODOLOGY

Normative-juridical research with a descriptive-analytical orientation structured the inquiry.[15] This design treats law as a body of norms that must be identified, interpreted and tested for coherence, and doctrinal scholarship has been defended as a distinct methodology that explains and justifies a segment of law within the larger legal system.[16] The descriptive element followed Soekanto's view that descriptive legal research seeks to portray a condition or phenomenon as precisely as possible, and the analytical element examined the portrayed norms against the principles that give them meaning.[17] Two approaches were combined. The statute approach and the conceptual approach, as formulated by Marzuki, guided the examination of Law No. 35/2014 and of the concepts of special protection and control.[18] A socio-legal reading was then added to relate the norms to the conditions of street children reported in empirical studies, since socio-legal research studies law as it operates in social settings.[19]

Legal materials fell into primary and secondary groups. The primary materials comprised the 1945 Constitution, Law No. 35/2014 and the Law No. 23/2002 that it amended, Law No. 39/1999 on Human Rights, the Convention on the Rights of the Child and General Comment No. 21, because these instruments define the rights, duties and special protection categories at issue.[20] The secondary materials comprised peer-reviewed journal articles on street children, child protection and law enforcement, published between 2020 and 2024 in Scopus-indexed journals, together with established methodological and doctrinal texts. The materials were collected through library research, which involved identifying, reading and recording the relevant provisions and findings. Selection depended on relevance to the three research questions and on whether a source

[15] Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, 21st ed. (Depok: PT Rajagrafindo Persada, 2022).
[16] Terry Hutchinson and Nigel Duncan, "Defining and Describing What We Do: Doctrinal Legal Research," *Deakin Law Review* 17, no. 1 (October 1, 2012): 83, https://doi.org/10.21153/dlr2012vol17no1art70.
[17] Soerjono Soekanto, *Pengantar Penelitian Hukum*, Ketiga (Jakarta: UI Press, 2015).
[18] Peter Mahmud Marzuki, *Penelitian Hukum*, Revision Edition (KENCANA, 2021).
[19] Mike McConville and Wing Hong Chui, *Research Methods for Law* (Edinburgh University Press, 2017).
[20] Pemerintahan Republik Indonesia, UU No. 35 Tahun 2014 tentang Perlindungan Anak; Republik Indonesia, "UU No. 23 Tahun 2002 Tentang Perlindungan Anak," Sekretariat Negara § (2002); OHCHR, General comment No. 21 (2017) on children in street situations.

could be verified by its author, journal and digital object identifier. Sources that rested on news reports or on unverifiable statistics were excluded.

Analysis proceeded in three steps. First, the materials were sorted according to the three research questions, namely living conditions, control and guarantees of protection. Second, the provisions of Law No. 35/2014 were interpreted grammatically and systematically, that is, by their wording and by their place within the wider body of child protection and human rights law, and they were then compared with the implementation patterns described in the literature. Third, the resulting propositions were synthesised qualitatively into conclusions on the gap between norm and practice. Validity was addressed through triangulation, in which statutory texts, international standards and empirical studies were read against one another to check whether the same conclusion emerged from each.[21] Because the study relied on documentary sources and generated no primary field data, its conclusions on implementation remain limited to what the reviewed literature reports.

RESULT AND DISCUSSION

Legal Definition and Living Conditions of Street Children

Who counts as a child is the first question any protective analysis must settle, and Indonesian law answers it unevenly. Law No. 35/2014, Law No. 39/1999 on Human Rights and the Convention on the Rights of the Child all set the threshold at eighteen years. The first two also extend protection to a child still in the womb where this serves the child's interest.[22] Older instruments use other thresholds. Article 45 of the Criminal Code, in its older formulation, placed the limit at sixteen, and Article 330 of the Civil Code treats a person as a minor until twenty-one unless married.[23] The age of a street child, and therefore the scope of protection owed, can consequently shift according to the instrument invoked. Because Law No. 35/2014 is the specialised statute on child protection and follows the Convention, it should govern wherever street children are concerned.

The practical situation of street children is no less varied than their legal status. General Comment No. 21 defines children in street situations as those who depend on the streets to live or work, alone, with peers or with family, and it adds a wider group who have formed strong connections with public spaces.[24] Indonesian literature has traditionally distinguished children who work on the street while keeping family ties from those who live on it with little family

[21] Michael Quinn Patton, *Qualitative Research & Evaluation Methods: Integrating Theory and Practice* (USA: SAGE Publications, Inc., 2015).
[22] Pemerintahan Republik Indonesia, UU No. 35 Tahun 2014 tentang Perlindungan Anak; General Assembly resolution 44/25, "Convention on the Rights of the Child" (1989), https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child.
[23] Republik Indonesia, "Kitab Undang-Undang Hukum Perdata (Burgerlijk Wetboek)" (n.d.).
[24] OHCHR, General comment No. 21 (2017) on children in street situations.

contact, and from children at risk of entering street life. The broader international definition accommodates all three groups, which matters legally because each group raises a different duty. A child who still lives with parents calls for family support and prevention, whereas a child without family contact calls for care placement and guardianship measures.

The evidence on risk shows that harm accumulates with exposure to the street. A study of Bangladeshi adolescents identified total time on the street, sleeping alone, inability to write, family poverty and certain types of informal work as key predictors of violence and abuse.[25] Research in West Java recorded a violent language environment around children who sing and beg, which suggests that harm also takes forms that are rarely visible in legal records.[26] Access to care is a further point of exposure, since street-connected children often lack an accompanying adult to help them find and use health services.[27] Many of these situations correspond to categories of special protection in Law No. 35/2014, including economic and sexual exploitation, narcotics victimisation and violence.[28] Street children are therefore not an exceptional group outside the Law but a population in which several of its protective categories overlap.

Control of Street Children between Order and Protection

Law No. 35/2014 assigns control to a chain of duty-bearers that runs from the state to the family, and it obliges the state, the government and regional governments to support the facilities, infrastructure and personnel that child protection needs.[29] The statutory design is protective, because the Law frames these duties around respecting the fulfilment of children's rights and not around the regulation of public space. Implementation, however, depends on the shared commitment of institutions, and a recent analysis of vulnerable groups in Indonesia found that commitment lacking.[30] General Comment No. 21 supplies the standard against which implementation can be judged. It advises States against criminalising children for their presence on the street and favours support over punitive measures.[31] Where control takes the form of clearing public spaces, it addresses the visibility of street children and leaves untouched the conditions that bring them there. The West Java findings point the same way, because they

[25] Bromfield et al., "Adolescents in Street Situations in Bangladesh and Their Exposure to Physical Violence and Emotional Abuse."
[26] Bajari and Kuswarno, "Violent Language in the Environment of Street Children Singer-Beggars."
[27] Macleod, MacRae, and Pimenta, "Children in Street Situations' Access to Healthcare: Qualitative Findings from the Street Child World Cup 2022."
[28] Pemerintahan Republik Indonesia, UU No. 35 Tahun 2014 tentang Perlindungan Anak.
[29] Pemerintahan Republik Indonesia.
[30] Rudy et al., "Implementation of Civil Rights against Vulnerable Groups in the Legal and Constitutional System in Indonesia."
[31] OHCHR, General comment No. 21 (2017) on children in street situations.

show that protection must begin from the child's own viewpoint and offer a route off the street.[32]

The drivers that control must address are visible in the empirical evidence. The predictors found in Bangladesh point to levers that Indonesian authorities also hold, namely schooling and literacy, family economic support, shelter and the regulation of informal child labour.[33] Each lies in a different administrative domain, so no single agency can deliver control alone. Education and social affairs agencies, health services, local governments and the police all act on the same child, yet Law No. 35/2014 does not name a single lead institution for street children. Responsibility is therefore shared in principle and diffuse in practice. A reading of control as a protective duty accordingly requires coordination mechanisms and not only stronger enforcement.

Two further observations qualify this picture. Indonesian law already knows a model in which punishment and treatment operate together. The double-track system applied to narcotics abuse combines criminal sanctions with non-penal measures,[34] and the same logic suits street children, who appear in Law No. 35/2014 as victims of narcotics, exploitation and violence and who should be met with care before penalty. Participatory models show, in addition, that control can be built with the children themselves. A rights-based programme in India trained street-connected peer leaders as researchers and advocates, and service providers became more responsive to the children during COVID-19.[35] Scholarship in this journal on the interface between child protection and health law illustrates that these regimes must be applied together, which suggests the same coordination for the agencies that implement them.[36]

Guarantees of Protection under Law No. 35/2014

The guarantee has a clear normative core. Law No. 35/2014 defines child protection as all activity that secures children and their rights so that they can live, grow, develop and participate fully, in keeping with human dignity, and be protected from violence and discrimination. It makes this a shared duty of the state, government, community, family and parents.[37] Special protection is differentiated by situation, with the government and state institutions obliged to provide it to children in the listed categories. Article 59A adds measures to

[32] Bajari and Kuswarno, "Violent Language in the Environment of Street Children Singer-Beggars."
[33] Bromfield et al., "Adolescents in Street Situations in Bangladesh and Their Exposure to Physical Violence and Emotional Abuse."
[34] Mujito et al., "DOUBLE TRACK SYSTEM IN CRIMINAL SANCTION AGAINST NARCOTICS ABUSE."
[35] Bhattacharyya and Chakraborty, "Building Resilience of Street-Connected Children during COVID-19: Turning Rights into Practices through CINI Method."
[36] Triwulandari and Tarsono, "SOCIO-JURIDIC ANALYSIS OF ABORTION ACCORDING TO ARTICLE 75 OF LAW NO. 36/2009 CONCERNING ON HEALTH AND LAW NO. 35/2014 CONCERNING ON CHILD PROTECTION."
[37] Pemerintahan Republik Indonesia, UU No. 35 Tahun 2014 tentang Perlindungan Anak.

accelerate it, including prompt handling, psychosocial support, social assistance for children from poor families and assistance in legal proceedings.[38] For economically or sexually exploited children, Article 66 specifies dissemination of the relevant regulations, monitoring, reporting and sanctioning, and the involvement of agencies, businesses, trade unions, non-governmental organisations and communities, while Article 72 opens the way for individuals, institutions, business entities and the mass media to take an active part in protection.

Education and health show where the guarantee meets its limits. The Law recognises the child's rights to health services and social security and to education, and Law No. 39/1999 states the health right in comparable terms. These rights are universal in text, yet their exercise normally runs through a caregiver who enrols the child, holds documents and completes administrative steps. Street children often lack that adult, and research with street-connected children confirms that the absence of an accompanying adult separates them from other disadvantaged groups when they seek care.[39] Education matters for protection as well as for development, since inability to write was among the predictors of violence in the Bangladeshi sample.[40] A scoping review of access to health and rights for street and working children likewise found shared barriers and persistent rights violations, which indicates that formal entitlement alone does not produce access.[41] A guarantee in the Indonesian setting therefore needs delivery routes that do not depend on a parent.

Enforcement completes the picture. Law No. 35/2014 prohibits placing, allowing or involving a child in economic or sexual exploitation and attaches a criminal sanction to the prohibition, which gives the protective provisions a deterrent counterpart aimed at adults who use children for income. The provisions on prevention and assistance depend, by contrast, on administrative capacity and cooperation, which is where implementation has been described as least secure.[42] The difference matters because a regime strong on sanction and weak on assistance leaves the child exposed in the period before an offender is identified. Strengthening the assistance side, through the Article 59A measures and the community roles in Articles 66 and 72, would deliver more protection than additional penalties would. Research with street-connected children also

[38] Pemerintahan Republik Indonesia.
[39] Macleod, MacRae, and Pimenta, "Children in Street Situations' Access to Healthcare: Qualitative Findings from the Street Child World Cup 2022."
[40] Bromfield et al., "Adolescents in Street Situations in Bangladesh and Their Exposure to Physical Violence and Emotional Abuse."
[41] Jörgensen et al., "Access to Health and Rights of Children in Street Situations and Working Children: A Scoping Review."
[42] Rudy et al., "Implementation of Civil Rights against Vulnerable Groups in the Legal and Constitutional System in Indonesia."

highlights the work of organisations that help them reach healthcare, which suggests that community actors can fill gaps that formal systems leave.[43]

The pattern of vulnerability identified here agrees with the international evidence cited in the Introduction. The Bangladeshi survey linked abuse to time on the street, poverty, lack of literacy and informal work,[44] and the scoping review of street and working children reported shared barriers to care and recurring rights violations.[45] Reading Law No. 35/2014 against these findings shows that the Indonesian special protection categories correspond closely to the harms the studies describe, which supports the view that the statutory framework is well aimed. The difference lies in the point of departure. The studies measure harm to children, whereas the legal analysis asks which duty-bearer is answerable for it.

The studies on communication, healthcare and participation are extended in a different way. The West Java research concluded that protection must start from the children's viewpoint,[46] and the study around the Street Child World Cup found that the absence of an accompanying adult shapes access to care.[47] The Indian programme demonstrated that street-connected children can act as researchers and advocates.[48] Law No. 35/2014 already provides a legal basis for such participation, because it recognises the child's right to express views and to be heard.[49] Yet neither the Law nor the sources reviewed connect that right to the design of control or assistance for street children. The present findings therefore add a legal route for ideas that earlier studies advanced on empirical or practical grounds.

The Indonesian legal studies cited earlier are supported and refined. Rudy and colleagues observed that rights commitments for vulnerable groups lacked strong shared commitment and called for an effective enforcement mechanism.[50] The analysis of control and assistance above locates that shortfall in coordination and delivery and not in the absence of norms. Work in the interaction between child protection and health legislation and on the double-track sanctioning of narcotics abuse points to the same lesson, namely that child protection operates

[43] Macleod, MacRae, and Pimenta, "Children in Street Situations' Access to Healthcare: Qualitative Findings from the Street Child World Cup 2022."
[44] Bromfield et al., "Adolescents in Street Situations in Bangladesh and Their Exposure to Physical Violence and Emotional Abuse."
[45] Jörgensen et al., "Access to Health and Rights of Children in Street Situations and Working Children: A Scoping Review."
[46] Bajari and Kuswarno, "Violent Language in the Environment of Street Children Singer-Beggars."
[47] Macleod, MacRae, and Pimenta, "Children in Street Situations' Access to Healthcare: Qualitative Findings from the Street Child World Cup 2022."
[48] Bhattacharyya and Chakraborty, "Building Resilience of Street-Connected Children during COVID-19: Turning Rights into Practices through CINI Method."
[49] Pemerintahan Republik Indonesia, UU No. 35 Tahun 2014 tentang Perlindungan Anak.
[50] Rudy et al., "Implementation of Civil Rights against Vulnerable Groups in the Legal and Constitutional System in Indonesia."

through several laws at once and succeeds where punishment is paired with care.[51] For street children, who sit at the intersection of exploitation, narcotics, health and education, that lesson applies with particular force.

On balance, the findings support earlier research on three points, namely the severity and patterning of risk among street children, the barriers to care that the absence of a caregiver creates, and the gap between legal commitment and implementation in Indonesia. They extend that research by reading Law No. 35/2014 as one protective regime across living conditions, control and guarantees, by treating control as a protective duty and not as an order-maintenance task, and by showing that the rights of street children are formally universal yet practically dependent on adult mediation. No contradiction with the cited studies emerged. The international evidence does come from other legal systems, and the present analysis rests on documentary sources, which limits how far the extension can be generalised. Field research on how local governments and community organisations apply Articles 59A, 66 and 72 would be the natural next step.

CONCLUSION

Street children in Indonesia are not a legal anomaly. Law No. 35/2014 already places them within several of its special protection categories, and the evidence reviewed shows that the harms they suffer, from violence and exploitation to lost access to care, accumulate with time on the street and with family poverty. Their legal status is less settled than their situation, because the age at which a person counts as a child still varies between the Child Protection Law and older codes. Control, as the Law frames it, is a duty to prevent harm and to support the child. It becomes protective only when it is joined to schooling, economic support, shelter and care, and not when it amounts to clearing public spaces. The guarantees of protection are broad in text, but they are weakest where they depend on a caregiver, as in access to health services and education, and where assistance relies on coordination that no single institution leads.

Reading living conditions, control and guarantees as one regime shows that the shortfall lies in delivery and not in the absence of norms. Treating control as a protective duty gives local governments a standard other than public order against which their programmes can be judged. The rights of street children are formally universal yet practically mediated by adults, so routes to health care, schooling and documentation need to be built for children who have no parent to open them. For policy, this implies naming a lead institution at the local level, putting the Article 59A measures and the community roles in Articles 66 and 72 into operation, and

[51] Triwulandari and Tarsono, "SOCIO-JURIDIC ANALYSIS OF ABORTION ACCORDING TO ARTICLE 75 OF LAW NO. 36/2009 CONCERNING ON HEALTH AND LAW NO. 35/2014 CONCERNING ON CHILD PROTECTION"; Mujito et al., "DOUBLE TRACK SYSTEM IN CRIMINAL SANCTION AGAINST NARCOTICS ABUSE."

involving street children in designing the services meant for them, in line with General Comment No. 21.

Several limits qualify these conclusions. The study rested on statutes and published research, and much of the empirical evidence comes from outside Indonesia, so its claims about implementation are provisional. Field research should test them by examining how local governments, social services and community organisations apply the provisions of Articles 59A, 66 and 72, and by recording the accounts that street children give of those services. Comparative work on how other jurisdictions assign a lead institution for children in street situations would also show whether the coordination gap identified here is particular to Indonesia.

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