

Legal Politics of Child Participation in the Public Policy Process in Batang Regency: A Study of the Implementation of the Principles of Child Protection

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Abstrak

Penelitian ini menganalisis politik hukum partisipasi anak dalam kebijakan publik di Kabupaten Batang, dengan fokus pada kesenjangan antara pengakuan normatif dan implementasi praktis. Meskipun Indonesia telah meratifikasi Konvensi Hak Anak (KHA) dan mengadopsinya dalam Undang-Undang Perlindungan Anak, hak partisipasi anak masih direduksi, seperti terlihat dalam ketidakjelasan Pasal 10 UU No. 23/2002 yang membatasi partisipasi berdasarkan "kesusilaan dan kepatutan". Studi kualitatif ini menggabungkan analisis dokumen hukum, observasi partisipatif di Forum Anak dan Musrenbang (2018–2024), serta wawancara dengan pemangku kepentingan, menemukan bahwa partisipasi anak di Kabupaten Batang—meski mendapat penghargaan sebagai Kabupaten Layak Anak—bersifat simbolis. Tantangan utama meliputi kurangnya pemahaman stakeholders, manipulasi suara anak, dan absennya mekanisme tindak lanjut aspirasi, yang tercermin dari penghilangan indikator partisipasi dalam Rencana Aksi Daerah. Penelitian menyimpulkan perlunya penguatan ratifikasi KHA, amendemen konstitusi untuk mengakui hak anak didengar, serta reformasi kebijakan daerah yang menjamin ruang partisipasi bermakna. Temuan ini menegaskan urgensi pendekatan holistik dalam politik hukum perlindungan anak.

Kata kunci: Politik Hukum; Part isipasi Anak; Kebijakan Publik; Perlindungan Anak

Abstract

This research analyses the legal politics of children's participation in public policy in Batang District, focusing on the gap between normative recognition and practical implementation. Although Indonesia has ratified the Convention on the Rights of the Child (KHA) and adopted it in the Child Protection Law, children's participation rights are still reduced, as seen in the vagueness of Article 10 of Law No. 23/2002 which limits participation based on 'decency and propriety'. This qualitative study combines legal document analysis, participatory observation at the Children's Forum and Musrenbang (2018-2024), as well as stakeholder interviews, to find that children's participation in Batang District—despite being recognised as a Child Friendly District—is symbolic. Key challenges include a lack of stakeholder understanding, manipulation of children's voices, and the absence of a follow-up mechanism for aspirations, which is reflected in the omission of participation indicators in the Regional Action Plan. The research concludes that there is a need

to strengthen ratification of the KHA, constitutional amendments to recognise children's right to be heard, and local policy reforms that guarantee space for meaningful participation. The findings emphasise the urgency of a holistic approach in the politics of child protection law.

Keyword: : *Legal Policy, Child Participation, Public Policy, Child Protection.*

INTRODUCTION

Normatively, the recognition of children's participation is linked to the recognition of children's rights as embodied in The Convention on the Rights of the Child (KHA) 1989. In relation to child participation, Article 12 of the KHA implicitly mandates: 'States Parties shall ensure that children who have their own views shall have the right to express them freely in all matters affecting children, and that such views shall be respected in accordance with the age and maturity of the child.' The existence of Article 12 of the KHA has recognised the child as a full human being with the ability to participate freely in society. This is one of the reasons why Article 12 of the KHA has been one of the most controversial provisions of the KHA during its drafting process.¹

In the global context prior to the KHA, children were generally considered incompetent and powerless to participate in the public sphere. Only adults were considered citizens, while children were seen as 'adult becomings' and citizens-in-the-making, hence their interests were adequately represented by adults. In contrast, after the KHA, children are considered to have the competence and power to engage in the public domain. In fact, Brian Simpson argues, more than 40 articles in the KHA that describe children's rights reflect that a child is capable of holding and exercising rights without the need for adult oversight.²

In simple terms, it can be understood that the presence of the KHA brings changes in the construction of children, who were originally considered as passive subjects who did not have agency and competence to become active subjects or competent social actors.

In Indonesia, the KHA was ratified through Presidential Decree No. 36 of 1990 on the Ratification of the Convention on the Rights of the Child. Consequently, Indonesia must make

¹ Silvia Fatmah Nursshobah, "Konvensi Hak Anak Dan Implementasinya Di Indonesia," *BIYAN: Jurnal Ilmiah Kebijakan Dan Pelayanan Pekerjaan Sosial* 1, no. 2 (2019): 123, <https://repository.uinjkt.ac.id/dspace/bitstream/123456789/73476/1/FAUZIAH AYUMI - FSH.pdf>.

² Brian Simpson, "Towards the Participation of Children and Young People in Urban Planning and Design," *Urban Studies* 34, no. 5–6 (1997): 907–25, <https://doi.org/10.1080/0042098975880>.

laws and other policies on the fulfilment of children's rights and special protection for children. Children's rights then become an integral part of human rights guaranteed in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945).³ Furthermore, to provide a more specific and operational legal basis, Law No. 23/2002 on Child Protection was established. In relation to child participation, Indonesia adopted the KHA and regulates it in Article 10 of Law No. 23/2002, which states, 'Every child has the right to express and be heard, to receive, seek and provide information in accordance with his/her level of intelligence and age for his/her development in accordance with the values of decency and propriety.' Furthermore, Article 24 of Law No. 23/2002 mandates the State and Government to guarantee children to exercise their right to express their opinion in accordance with the age and level of intelligence of the child.⁴

In order to ensure children's participation, especially in development, various regulations related to children's participation were established, including the Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia No. 3 of 2011 on the Policy on Children's Participation in Development (PermenPPPA No. 3/2011).⁵

In Indonesia, children's participation is formally realised in a forum called Forum Anak, which aims to facilitate children to associate and gather. Children are then given space in development forums, such as the Development Planning Consultation (Musrenbang), at the village, sub-district, district/city, provincial and national levels. The provision of a formal platform for children's participation has led many researchers to conduct research on children's participation.

Rizky, Sulastris, and Irfan (2015)⁶ for example, examined the extent to which the fulfilment of children's rights through the Children's Forum in the implementation of the child-friendly city policy in Bandung City. The study also showed the involvement of children in the Musrenbang. Another

³ Sekretariat Presiden, "Keputusan Presiden RI Nomor 36 Tahun 1990 Tentang Pengesahan Convention On The Rights Of The Child," Sekretariat Presiden § (1990).

⁴ BAPPENAS RI, "Undang - Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak," Arsyad, Azhar, (2002).

⁵ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, "Petunjuk Pelaksanaan Kebijakan Partisipasi Anak Dalam Pembangunan" (2011).

⁶ Devi Ayu Rizki, Sri Sulastris, and Maulana Irfan, "Pemenuhan Hak Partisipasi Anak Melalui Forum Anak Dalam Implementasi Kebijakan Kota Layak Anak Di Kota Bandung," *Share : Social Work Journal* 5, no. 1 (2015), <https://doi.org/10.24198/share.v5i1.13085>.

study conducted by Mujiati and Windryanto (2016) examined the evaluation of children's participation in development in Sleman. The provision of formal platforms for children's participation in the form of Children's Forums and Musrenbang is actually not without challenges. In their research, it is stated that children's participation in Sleman is shown in two ways, namely through the Sleman Children's Forum and Musrenbang. The first participation forum, the Children's Forum, was established with a top-down approach and tends to be exclusive, so that it is often only a means for the government to maintain the "status quo".

A U-Report survey conducted by the United Nations Children's Fund (UNICEF) Indonesia in 2020 involving 1,683 respondents showed that only 13% of children and youth participate in Musrenbang or Children's Forum forums. The main reasons for youth not participating were that they did not know how to participate (35%) and had never been invited (23%). Only 40% of respondents knew about these two participation platforms. Nonetheless, their desire to participate was clear, with 95% of respondents stating that they wanted to learn about how to participate in decision-making in their community.⁷

The second forum for participation, Musrenbang, also faces a number of challenges. Solin and Ruwaida in their study in East Jakarta (2022) found that the methods and flow of Musrenbang are not child-friendly.⁸ This is shown by several things, for example, children who are more active in seeking information instead of the government who is actively responsible for providing information, children are given the opportunity at the end and minimal attention from Musrenbang participants, and there is no follow-up mechanism for input/views submitted by children. In fact, the study concluded that children feel unsafe and uncomfortable when in adult-dominated public spaces such as the Musrenbang forum.

In contrast to that, based on the study Larasati P N (2019)⁹ In Magelang City, children are always given the first space to express their aspirations. Not only that, children's aspirations are more channeled and accommodated because they are directly responded to by the Regional

⁷ United Nations Children's Fund (UNICEF), "U-Report Indonesia: Survei Nasional Partisipasi Anak Dan Remaja Dalam Musrenbang, 2020," *UNICEF Indonesia*, 2020.

⁸ Solin dan Ruwaida, "Evaluasi Partisipasi Anak Dalam Musrenbang: Studi Di Jakarta Timur," 2022." (2022).

⁹ Nurhadi Larasati P N, "Partisipasi Anak Dalam Perumusan Kebijakan Daerah (Studi Pada Forum Anak Kota Magelang)," 2019, <https://etd.repository.ugm.ac.id/penelitian/detail/183285>.

Development Planning Agency (Bappeda) and related Regional Apparatus Organisations (OPD). In fact, some sub-districts in Magelang held a Children's Musrenbang so that children are not awkward to express their views. However, in some other sub-districts there is no participation of children in the Children's Forum or Musrenbang due to the lack of guidance for children.

From these studies, it can be seen that providing a formal platform for children's participation faces various challenges. Differences in children's age and competence, economic background and even poverty affect children's participation. A study by David Lätsch, et al, found that children and young people from poor families have far fewer opportunities to be included in discussions than their peers.¹⁰

The existence of various challenges in children's participation is a further result of the simplification of the space for children's participation. The establishment of the Children's Forum, for example, is a form of institutionalisation of children's space in the development process in Indonesia. Institutionalisation here is interpreted as an attempt to include children's voices in the development process only as a formal way. In addition, the lack of inclusive and safe spaces or platforms for children and young people to influence policy-making processes is also a structural obstacle in facilitating more meaningful participation. Furthermore, children are not involved in defining their participation from the outset.

Starting from this background, this research was conducted to explore and understand the legal politics of children's participation in public policy in Indonesia. Child participation as described is recognised in international and national legal instruments, but in practice there are a number of obstacles and challenges that are influenced by various aspects. In this context, political law research is important to conduct, because agreeing to use the term political law means agreeing that law cannot be separated from political aspects, even broader ideological, social and economic aspects that influence policy choices in the process of law formation.

Meanwhile, to obtain empirical evidence on the legal politics of children's participation in public policy, this research will explore children's participation in Kabupaten Batang. There are two

¹⁰ David Lätsch et al., *Child Participation and Social Inequality* (Cham: Springer, 2020).

reasons for choosing Batang as the research location. Firstly, Batang District already has a regional law product that regulates child participation, namely Batang District Regional Regulation No. 11/2019 on the Implementation of Child Protection (Perda No. 11/2019). Secondly, Batang district has received several awards related to child protection, namely the award for the District with the Best Children's Forum Development in Indonesia; Primary level Child Friendly District (2019 and 2021); and Intermediate level Child Friendly District (2022 and 2023).

METHOD

This research is a type of qualitative research with descriptive-analytical characteristics that aims to reveal the meaning and social dynamics behind the phenomenon of children's participation in public policy. As qualitative research, this study focuses on an in-depth understanding of social processes and the construction of meanings developed by relevant actors. The main data sources for this study consist of three types: first, documentary data in the form of official laws and policies related to children's participation; second, field data obtained through participatory observation in various policy forums; and third, in-depth interview data with stakeholders.

The data collection process was triangulated to ensure the validity of the findings. Primary data was obtained through the direct involvement of researchers in the activities of the Batang District Children's Forum during the 2018-2024 period, including the role as a facilitator in the Children's Musrenbang and the FANTA Goes to School programme. All interactions and field experiences were systematically documented in the form of field notes, which were then used for thematic analysis. Meanwhile, secondary data was collected through document studies of various regulations such as the Child Protection Law, the Batang District Regional Regulation on the Implementation of Child Protection, and regional development planning documents.

The characteristics of this research as an intrinsic case study allow the researcher to explore the complexity of the phenomenon of child participation in the specific context of Batang District, while still considering its relevance to the broader discourse on children's rights and governance. The multi-method approach used - combining legal document analysis, participatory observation and in-depth interviews - allows this research to capture not only the normative aspects but also the day-to-day practices of implementing child participation policies. As such, this research is able

to provide a holistic picture of how children's participation is constructed, understood and implemented in a particular socio-political context.

RESULTS AND DISCUSSION

The politics of child law is an important aspect of the Indonesian legal system that aims to protect children's rights and ensure their welfare. The politics of child protection law in Indonesia has undergone significant development post-constitutional amendment. Although the legal instruments for child protection have developed, their implementation still faces many obstacles. The politics of child protection law in Indonesia continues to evolve in line with social and political changes.¹¹

The government has made efforts to protect children from various threats, including violence and exploitation. Child protection laws have been established as a result of the government's legal policy. It aims to provide effective legal protection for Indonesian children. The involvement of minors in political campaigns is against the child protection law. Therefore, it is important to ensure the non-involvement of children in practical politics. The politics of law in this study includes: firstly, the state's official policy on child participation, including the political, economic, social, cultural background of the birth of the legal product on child participation; secondly, the implementation of legal provisions on child participation in reality.¹²

The recognition of children's participation stems from the birth of the Convention on the Rights of the Child (KHA). Article 12(1) of the KHA stipulates that “*States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child*”¹³

Although participation in policy-making is not a right explicitly listed in the KHA, it has become an important principle in children's rights around the world. The KHA principle states,

¹¹ Ari Wibowo and Yana Kusnadi Srijadi, *Politik Hukum Perlindungan Anak Di Indonesia Dalam Kerangka Negara Hukum, Wacana Paramarta: Jurnal Ilmu Hukum*, vol. 22, 2023, <http://paramarta.web.id/index.php/paramarta/article/view/246>.

¹² Ericson And E Elvira B Sutrisno, A Hazoni, “Politik Hukum Pembentukan Dan Perubahan Undang-Undang Perlindungan Anak Untuk Mewujudkan Perlindungan Serta,” *Jurnal Lex Specialis*, 2022.

¹³ Sekretariat Presiden, Keputusan Presiden RI Nomor 36 Tahun 1990 Tentang Pengesahan Convention On The Rights Of The Child.

among other things, that governments should fulfil the rights of the child, protect children against violations, and respect the views of the child.

In the context of national law, child participation is regulated in Law No. 23/2002 on Child Protection as amended by Law No. 35/2014 on the Amendment to Law No. 23/2002 on Child Protection. Child participation is part of the 4 (four) basic rights of children, as mentioned in Article 4 of Law No. 23/2002: 'Every child has the right to be able to live, grow, develop and participate reasonably in accordance with the dignity of humanity and receive protection from violence and discrimination.

Based on Article 12 of the KHA, Lundy states that child participation requires four factors to be implemented: space, voice, audience and influence. Space means that children must be given the opportunity to express their views. Voices, meaning children should be facilitated to express their views. Audience, meaning that children's views should be listened to. Influence, on the other hand, means that children's views should be acted upon as appropriate.¹⁴

In relation to the public policy process, Permen PPPA No. 3/2011 stipulates that children's participation is realised in the formulation of public policy. According to Permen PPPA No. 3/2011, the programme of mainstreaming children's participation in public policy formulation is directed towards efforts to incorporate children's views into the formulation of every public policy that is related to or has an impact on the interests and needs of children, both at the national and regional levels.¹⁵

However, while the regulation restricts children's participation to the policy formulation stage, this study takes children's participation in public policy in a broader sense, which is not limited to formulation, but also to the implementation, evaluation and revision stages of public policy.

Prior to the KHA, international and national legal instruments on children were dominated by a welfare approach that emphasised the role of the state to meet children's needs, without

¹⁴ Lundy Laura, "Voice' Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child," *British Educational Research Journal* 33, no. 6 (2007): 927–42, <https://doi.org/10.1080/01411920701657033>.

¹⁵ Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, *Petunjuk Pelaksanaan Kebijakan Partisipasi Anak Dalam Pembangunan*.

recognising children's participation. On that basis, the birth of the KHA has provided a new perspective on children and children's rights embodied in 4 (four) basic principles, including non-discrimination, the best interests of the child, the right to life and development, and respect for children's views.

In this case, Indonesia has ratified the KHA, so it can be understood that Indonesia has since accepted child participation as a new principle and norm. However, there are at least two fundamental issues in the acceptance of child participation in Indonesia, which relate to the ratification of the KHA and the recognition of child participation in the constitution. In turn, these two issues affect the regulation of child participation in Law No. 23/2002. The long process of amending the 1945 Constitution shows the political will to recognise children's rights explicitly.¹⁶

The provisions in the constitution regarding children's rights are very important because the 1945 Constitution is the highest law in the hierarchy of laws and regulations in Indonesia, which will be the source or derived from the laws and regulations below. Unfortunately, the constitution does not recognise the right to be heard and the best interest of the child, so Indonesia has no obligation to implement them. This is in accordance with the Government of Indonesia's reservation to the KHA, which states that "The ratification of the Convention on the Rights of the Child by the Republic of Indonesia does not imply the acceptance of obligations that go beyond constitutional limits or the acceptance of obligations to introduce rights beyond those set out in the Constitution."¹⁷

The KHA only applies in Indonesia to the extent that the rights afforded to children are recognised in the Indonesian constitution. If the rights are not recognised in the constitution, then there is no obligation whatsoever for Indonesia to recognise or enforce them. This has far-reaching implications. As is well known, the right of the child to be heard and the best interests of the child-two of the four general principles of the KHA-are not recognised in the Indonesian constitution.

¹⁶ Zedy Wulan Ayu Widhi Prameswari, "Ratifikasi Konvensi Tentang Hak-Hak Anak Dalam Sistem Peraturan Perundang-Undangan Di Indonesia," *Yuridika* 32, no. 1 (2017): 167, <https://doi.org/10.20473/ydk.v32i1.4842>.

¹⁷ Ari Wibowo and Yana Kusnadi Srijadi, "Politik Hukum Perlindungan Anak Di Indonesia Dalam Kerangka Negara Hukum," *Wacana Paramarta: Jurnal Ilmu Hukum* 22, no. 1 (2023): 15-24, <http://paramarta.web.id/index.php/paramarta/article/view/246>.

The rights recognised by the 1945 Constitution are the right to life, growth and development and the right to protection from violence and discrimination as set out in Article 28B(2) of the 1945 Constitution. The non-recognition of the principles of ‘best interests of the child’ and ‘right to be heard’ in the Indonesian constitution, in addition to providing evidence that not all of the provisions and general principles of the KHA are applied in Indonesia, also means that Indonesia is not obliged to implement these principles as there are still reservations regarding this matter.¹⁸

This adds to the poor record of legislation in the field of children's rights in Indonesia. Article 4 of the KHA stipulates that ‘State Parties shall take all appropriate legislative, administrative and other measures for the implementation of the rights recognised in this Convention.’ The many legal problems related to the ratification of the KHA and the recognition of the general principles of the KHA indicate that legislative measures in the field of children's rights in Indonesia are still not optimal. Further, these juridical problems have led to the reduction of children's rights in Indonesia, including the reduction of Law No. 23/2002, which is referred to as an ‘umbrella act’ that sui generis regulates children's rights. For example, regarding the right to be heard or children's participation, Article 10 of Law No. 23/2002 stipulates, ‘Every child has the right to express and be heard, receive, seek and provide information in accordance with his/her level of intelligence and age for his/her development in accordance with the values of decency and propriety.’¹⁹

However, the article does not provide an explanation of what is meant by ‘in accordance with decency and propriety’. Through this formulation, the framers of Law No. 23/2002 have limited the meaning of a child's right to be heard.

Although the law was explicitly stated in the deliberation process as an elaboration of the KHA, the framers of Law No. 23/2002 did not really pay attention to the provisions in the KHA, in particular Article 12 paragraph (2) of the KHA which states, ‘For this purpose, the child shall in particular be given the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or by an appropriate representative or body, in a manner consistent with the procedural rules of national law.’

¹⁸ S Rika, *Hukum Perlindungan Anak Di Indonesia* (Bandung: Citra Aditya Bakti, 2015).

¹⁹ Ahmand Zaki dan Diyan Yusri, *Hukum Perlindungan Anak Di Indonesia, Jurnal Ilmu Pendidikan*, vol. 7, 2020.

However, the formulation of Article 10 of Law No. 23/2002 is to some extent influenced by the official discourse of children during the New Order era where a child was projected to act according to certain moral standards. The problem is that, from a sociological perspective, in relation to how social norms are formed and enforced, a child is a submissive party and must follow the values of decency and propriety created by adults. Consequently, if individuals or society determine how children participate in accordance with propriety, then the substance of the right to be heard will not be fully respected.²⁰

Such a conceptualisation could pose a risk to children's participation if it is not respectfully dissected. The vagueness of Article 10 of Law No. 23/2002 has the consequence that each individual can interpret it for themselves. In other words, there is a vagueness of meaning in the article. In fact, according to Satjipto Rahardjo, one of the main characteristics of good law is that it always requires that what is intended is formulated clearly, in the sense that it is formulated in such a way that it does not cause confusion of meaning; and formulated in such a way that it can provide clear direction for its implementation (operational).²¹

Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia No. 4/2011 on Guidelines for the Implementation of Child Participation in Development Policy (Permen PPPA No. 4/2011) regulates child participation. For example, the stages of developing children's participation, the roles of parties in fulfilling the right to children's participation, and indicators of success in fulfilling the right to children's participation in development.

In Permen PPPA No. 4/2011, there are three strategies to develop children's participation: creating spaces for participation, encouraging children to become active citizens, and facilitating the establishment/activities of children's forums. Interestingly, this ministerial regulation regulates

²⁰ Rizki, Sulastri, and Irfan, "Pemenuhan Hak Partisipasi Anak Melalui Forum Anak Dalam Implementasi Kebijakan Kota Layak Anak Di Kota Bandung."

²¹ Satjipto Rahardjo, *Ilmu Hukum, Bentuk-Bentuk, 'Teori Perlindungan Hukum', Bentuk-Bentuk Perlindungan Hukum, 2018, 17-51* *Perlindungan Hukum* (Semarang: PT", Citra Aditya Bakti, 2018).

the criteria needed to develop children's participation, including a child-friendly environment, equality in position, and adult commitment and competence.²²

In the same year, the Government strengthened the KLA policy by paying more attention to children's participation. This policy is contained in the Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia No. 11 of 2011 on Child Friendly District/City Development Policy (Permen PPPA No. 11/2011), Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia No. 12 of 2011 on Child Friendly District/City Indicators (Permen PPPA No.12/2011), and Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia No. 13 of 2011 on Child Friendly District/City Development Guidelines (Permen PPPA No. 13/2011).

Permen PPPA No. 11/2011 requires that each stage of KLA development (preparation, planning, implementation, monitoring, evaluation and reporting) considers children's views obtained through child consultation.²³ Meanwhile, in Permen PPPA No.12/2011, KLA indicators include institutional strengthening. Institutional strengthening is seen from, among others, the number of laws, policies, programmes and activities that get input from Children's Forums and other children's groups. Not only that, the number of children's groups, including the Children's Forum, in the district/city, sub-district and village/ kelurahan is also an indicator of KLA.²⁴

In the period 2002-2011, of all the legal products related to children's participation that were issued, not a single one regulates the institutionalisation of participation. Indeed, some legal products-for example, Permen PPPA No. 3/2011 and Permen PPPA No. 4/2011-mention children's forums, but these legal products do not comprehensively regulate them, not even a definition. The only legal product that provides a definition of a children's forum is the Minister of Women's Empowerment Regulation No. 3/2008 on Guidelines for the Implementation of Child

²² Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, *Petunjuk Pelaksanaan Kebijakan Partisipasi Anak Dalam Pembangunan*.

²³ Peraturan menteri PP&PA, "No. 11 Tahun 2011 Tentang Kebijakan Pengembangan Kabupaten/Kota Layak Anak," Kementerian Republik Indonesia § (2011), <http://202.52.58.6/public/storage/files/9/PeraturanMenteri/bn570-2010.pdf>.

²⁴ Kemen PPPA, "Permen PPPA Nomor 12 Tahun 2011 Indikator Kabupaten/Kota Layak Anak," 8 *Kemenkpppa.Go.Id* § (2011), <http://202.52.58.6/public/storage/files/9/PeraturanMenteri/bn570-2010.pdf>.

Protection (PermenPP No. 3/2008) which states, 'A children's forum is a forum for children's participation in an effort to increase children's capacity to understand children's problems and children's rights, understand the policy-making process and increase capacity in organising children's groups and expressing children's aspirations.' However, again, these legal products do not comprehensively regulate how children's participation through children's forums is realised.²⁵

Children's participation in public policy in Batang District is demonstrated through the involvement of the Batang District Children's Forum (FANTA) in Musrenbang and other public forums. This is a consequence of Article 3 paragraph (2) of Permen PPPA No. 12/2015, which regulates the mechanism of children's participation. In that article, the mechanism for children's participation is carried out with the involvement of the Children's Forum in the Musrenbang stage. Similarly, the latest legal product on children's participation, Permen PPPA No. 1/2022, requires children to 'represent the Children's Forum in the area where they are located' in order to participate in public policy, including in the development planning process.²⁶

Child participation, as stated by Laura Lundy, requires four factors to be implemented: space, voice, audience and influence. Space means that children must be given the opportunity to express their views. Voices, meaning children should be facilitated to express their views. Audience, meaning that children's views should be listened to. Influence, meaning that children's views should be acted upon as appropriate.²⁷ The lack of influence of children's aspirations in public policy in Batang District is also evident from the Batang District Child Friendly District Action Plan (RAD-KLA) for 2022-2026, which was developed with reference to Permen PPPA No. 12/2011, where the KLA indicators according to the regulation are institutional strengthening and child rights clusters.

Regarding institutional strengthening, the regulation details seven indicators, including 'the number of laws, policies, programmes, and activities that receive input from the Children's Forum

²⁵ Kementerian Republik Indonesia, "Peraturan Menteri Pemberdayaan Perempuan Nomor 3 Tahun 2008 Tentang Pedoman Pelaksanaan Perlindungan Anak" (n.d.).

²⁶ "Pemerintah Kabupaten Batang, Rencana Aksi Daerah Kabupaten Layak Anak (RAD-KLA) Kabupaten Batang Tahun 2022–2026," n.d.

²⁷ Laura, "'Voice' Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child."

and other children's groups.' In the Batang District RAD-KLA 2022-2026 document, while other indicators in the institutional aspect are included, the indicator 'number of laws, policies, programmes and activities that have input from the Children's Forum and other children's groups' is omitted. This indicates an acknowledgement by the local government that children's aspirations have not been considered and therefore have no influence on public policy in Batang District.

Based on the findings of this research, it can be concluded that although the legal framework for children's participation has been normatively established through the ratification of the KHA and its derivative regulations, its implementation in Batang District is still formalistic and has not yet reached the essence of meaningful participation as outlined. This disparity between legal recognition and practice reflects a classic dilemma in the politics of child protection law in Indonesia, where weak political commitment and a tokenistic approach to institutionalising children's participation perpetuate exclusive practices that marginalise children's voices. This finding not only confirms previous studies on children's symbolic participation at the local level, but also reinforces the urgency of reconstructing policies oriented towards the principle of child-centred governance, particularly through strengthening institutional accountability and deconstructing adultism bias in the policy-making process. The theoretical implications of this research open space for further studies on the dynamics of power relations in child participation and the effectiveness of inclusive deliberative models in local governance."

CONCLUSIONS

Based on the analyses elaborated in the previous section, it can be concluded:

- a. The recognition of children's participation in Indonesia is done half-heartedly, as evidenced by the fact that the Convention on the Rights of the Child has not been ratified, participation is not recognised as a child's right in the constitution, and children's participation rights are reduced in legislation;
- b. The recognition of children's participation in public policy in Batang District is still half-hearted, as evidenced by the lack of understanding of stakeholders to realise meaningful children's participation, the manipulation of children's votes, and the absence of a follow-up mechanism for children's aspirations. As a result, in fact, children's views are not considered and therefore do not significantly influence public policy in Batang District.

Based on the analyses elaborated in the previous section suggest:

- a. The government should consider strengthening child participation in Indonesia by: strengthening the status of KHA ratification from Presidential Decree to law; regulating child participation in the Indonesian constitution; and ensuring the regulation of child participation in Indonesian positive law does not reduce children's rights.
- b. The Batang District Government should strengthen children's participation in Batang District by: ensuring that the available participation spaces are child-friendly; providing follow-up mechanisms and feedback on children's aspirations; and ensuring that children's aspirations are considered in public policies in Batang District.

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