



# Space Fits for Children: Perspective of Law and Ethics

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**Abstract.** This paper focuses on bureaucratic aspects through a historical institutionalism approach in carrying out government functions, one of which is environmental development for children. Development that is seen focuses more on family development as social capital in Mandau District, Bengkalis Regency. Family Development is one part of the program of the National Population and Family Planning Agency (BKKBN) Strategic Plan for 2020-2024. The Strategic Plan was stipulated through National Population and Family Planning Agency Regulation Number 6 of 2020 on May 8 2020 by the Head of BKKBN Hasto Wardoyo. The technical program is the Family Development, Population, and Family Planning Program, abbreviated as *Bangga Kencana*. Implementing this program by every level of government at the regional/district/village/kelurahan levels deserves attention, especially from the perspective of law and ethics. A quality family is a very valuable social capital to support population- and environment-oriented development, especially in Mandau District, which has a fairly high level of population plurality in Bengkalis Regency. This research is qualitative research with a statute approach, library research, observation, and interviews with relevant informants

**Keywords:** State and Family, Children and Environment, Environmental Development, Law and Ethics

## 1 Introduction

Mandau District Bengkalis Indonesia has an area of 937.47 km<sup>2</sup>, 15 Villages/Kelurahan, and a city center at Duri City, 45.3% of children in 2020 (268,810 of 593,460 people).[1] Mandau is currently led by Riki Rahardi as District Head, Kasmarni as Bengkalis Regency leader, and Syamsuar as Governor of Riau Province. The vision of Riau Province 2005-2025 is the realization of Riau Province as the center of the Malay economy and culture in a religious, physical, and mentally prosperous society in South-east Asia in 2020. This vision can be found in Peraturan Daerah Provinsi Riau Nomor 9 Tahun 2009 tentang Rencana Pembangunan Jangka Panjang Provinsi Riau Tahun 2005-2025 (Riau Province Regional Regulation Number 9 Year 2009 about Plan Long Term Development of Riau Province 2005-2025).

The RPJPD was formulated against the background of, among other things, the characteristics or behavior of development, especially the private sector, which contributes to housing, industrial, or other development, around more than 60% of the total development.[2] Development planning is an important process in determining alternative uses of resources to achieve certain goals in the future it consists of 4 basic elements, namely planning means choosing; planning is a tool for allocating resources; planning is a tool to achieve goals; and planning for the future. Development as a function of government has three pillars of sustainable development, namely social development<sup>1</sup>, economic development,<sup>2</sup> and environmental development.<sup>3</sup>

Previous studies mainly related to child-friendly cities[3]; children and positive laws[4]; children and parenting styles[5]; and children and violence[6]. This paper has explored the relationship between two categories, social development and environmental development for supporting family development, especially children's development from the perspective of law and ethics.

## 2 Literature review

Historical institutionalism focuses on the construction, maintenance, and adaptation of political institutions.[7] Development planning is the establishment of a legal basis that contains aspects of conceptualization, motivation, and political decisions in facing various challenges and problems.[8] These challenges and problems include the increasing population; national identity; application of religious teachings in daily life (religious values), high and quality economic growth; science and technology contribution; provision of facilities and infrastructure evenly; democratic consolidation process; defense and security forces that exceed minimum defense forces; space standards according to designation; and the threat of food, water and energy crises.

The main problems of the Indonesian nation include the spread of social conflict and the emergence of national disintegration; weak enforcement of law and human rights; slow economic recovery; low people's welfare, increasing social ills, and weak community resilience; and underdeveloped regional and community development capacity.

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<sup>1</sup> Social development is related to all building activities to improve humans/society in the social order with a spectrum of development planning in everything about it, including: education, worship, fitness, poverty, tradition, culture, transformation, communication, security, safety, ideology, politics and so on.

<sup>2</sup> Economic development is related to all constructive activities to improve people/society in the economic order, including: livelihood, business, work, production, added value, consumption, competition, protection, investment, fiscal, access to capital, access to markets, commerce, and so on.

<sup>3</sup> Environmental development is related to all building activities to improve the suitability of living places with a spectrum of development planning including: clean water, clean air, clean environment, technology, health and so on.

National development priorities are first, building a democratic political system and maintaining unity and integrity. Second, realizing the supremacy of law and good governance. Third, accelerate economic recovery and strengthen the foundation for sustainable and equitable development based on a people's economic system. Fourth, build people's welfare, improve the quality of religious life, and community resilience. Fifth, increase regional development.

The implementation of child-friendly spaces requires openness of information as mandated in Article 28F of the 1945 Constitution (Undang-Undang Dasar 1945)[9] which states that "Everyone has the right to communicate and obtain information to develop their personal and social environment, and has the right to seek, obtain, own, store, process and convey information properly." using all kinds of channels available."

Law Number 14 of 2008 concerning Openness of Public Information (Undang-Undang Nomor 14 Tahun 2008 tentang Keterbukaan Informasi Publik (KIP))[10] strengthens the right to information regarding child-friendly spaces. In Article 3, the objectives of KIP are: first, to guarantee citizens' rights to know plans for making public policies, public policy programs, and public decision-making processes, as well as the reasons for making a public decision. Second, encourage community participation in the public policy-making process. Third, increasing the active role of the community in making public policies and good management of public bodies. Fourth, realizing good state administration, namely transparent, effective, efficient, accountable, and accountable. Fifth, find out the reasons for public policies that affect the lives of many people. Sixth, develop science and educate the nation's life. Seventh, improve information management and services within public bodies to produce quality information services.

### **3 Research Methods**

The grounded theory[11] research used a statute approach, a library research method to achieve data regarding formal and informal institutions and other relevant data. Observation and interviews with relevant informants were unable to complete and validate this research, but they are important for the maximal utility of this result for planning development[12].

## **4 Results and Discussions**

### **4.1 Child-Friendly City and Space Fits for Children**

Providing suitable spaces for children is part of the government's role, both in terms of service, development, and empowerment. The government has issued Law Number 23 of 2002 concerning child protection (Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak) which has been amended to become Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Undang-Undang Nomor 35 Tahun 2014 tentang Perubahan Undang-Undang Nomor 23

Tahun 2002 tentang Perlindungan Anak).[13] Regional governments are given the authority by the constitution (Undang-Undang Dasar 1945) Article 18B to make regulations regarding child-friendly spaces and child-friendly cities.

Presidential Regulation of the Republic of Indonesia Number 25 of 2021 concerning Policies for Child-Friendly Districts/Cities (Peraturan Presiden Republik Indonesia Nomor 25 Tahun 2021 tentang Kebijakan Kabupaten/Kota Layak Anak)[14] Article 1 point 2: Child Friendly Districts/Cities, hereinafter abbreviated to KLA, are districts/cities with a development system that guarantees the fulfillment of children's rights and special protection for children carried out in a planned manner, comprehensive, and sustainable. Child-friendly spaces to fulfill children's rights require policies that accelerate the realization of a child-friendly Indonesia. The government is not the only player in this matter. Society, mass media, and the business world play a role in organizing child-friendly spaces. The role of society is carried out by individuals, child protection institutions, social welfare institutions, community organizations, and educational institutions.

Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 12 of 2011 concerning Indicators for Child-Friendly Districts/Cities (Peraturan Menteri Negara Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia Nomor 12 Tahun 2011 tentang Indikator Kabupaten/Kota Layak Anak)[15] Article 1 point 2: Child-Friendly Districts/Cities, hereinafter abbreviated to KLA, are districts/cities that have a development system based on children's rights through integrating commitment and comprehensive and sustainable government, community and business world resources in policies, programs and activities to ensure the fulfillment of children's rights. Furthermore, point 4: Children's rights are part of human rights which must be guaranteed, protected, and fulfilled by parents, families, society, government, and the state. The right to obtain a child-friendly space is part of the child's rights.

Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 2 of 2017 concerning Community Participation in the Development of Women's Empowerment and Child Protection (Peraturan Menteri Negara Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia Nomor 2 Tahun 2017 tentang Partisipasi Masyarakat dalam Pembangunan Pemberdayaan Perempuan dan Perlindungan Anak)[16] Chapter I General Provisions point 1: Communities are individuals, families, communities, religious leaders, community leaders, traditional leaders, business world and cooperatives, community organizations, social organizations, women's and gender study centers, mass media or other similar things. The aim of community participation in organizing child-friendly spaces is to: a. encourage the public to participate in child protection; b. creating conditions for a society that cares about child protection, and c. accelerating the implementation of Child Protection.

Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia Number 18 of 2019 concerning the Implementation of Children's Forums (Peraturan Menteri Negara Pemberdayaan Perempuan dan Perlindungan Anak Republik Indonesia Nomor 18 Tahun 2019 tentang Penyelenggaraan Forum Anak)[17] Chapter I General Provisions Article 1 point 2: The Convention on

the Rights of the Child, hereinafter abbreviated as KHA, is an international legal instrument that is legally and politically binding among the various governing countries. matters relating to human rights for children, which were ratified by Indonesia with Presidential Decree Number 36 of 1990 (Keputusan Presiden Nomor 36 Tahun 1990)[18] concerning the Ratification of the Convention on the Rights of the Child. Point 3: Children's rights are part of human rights which must be guaranteed, protected, and fulfilled by parents, families, communities, the state, government, and local governments.

## 4.2 Space Fits for Children; Perspective of Law

Providing child-friendly spaces is the government's commitment to carrying out its role in this democratic country and the rule of law, based on democratic values and based on law. Government legal actions involve the area of public law and the area of private law. Public legal instruments are in the form of regulations (Regeling), decrees or decisions (Beschikking), policy regulations (Beleidsregels), government plans (Bestuurs Plan), government permits (Vergunning). Civil legal instruments include agreements/engagements and the formation of Government-Owned Enterprises. These two types of instruments play an important role in planning the development of child-friendly spaces as part of national development.

The implementation of child-friendly spaces still refers to the mandate outlined in Law Number 25 of 2004 concerning the National Development Planning System (Undang-Undang Nomor 25 Tahun 2004 tentang Sistem Perencanaan Pembangunan Nasional)[19] which states that first, planning is a process for determining appropriate future actions, through a sequence of choices taking into account available resources. Second, future action options are formulated in order to realize the National ideals contained in the Preamble to the 1945 Constitution of the Republic of Indonesia, namely a free, united, sovereign, just, and prosperous national life. Third, the action in question is the formulation of the National Goals for the Formation of the Government, namely to: (1) protect the entire nation and all of Indonesia's bloodshed; (2) promote general welfare; (3) enlighten the nation's life; and (4) participate in implementing world order. Fourth, the basic capital for carrying out national development planning is the Independence of the Republic of Indonesia.

Law Number 17 of 2007 concerning the National Long Term Development Plan for 2005-2025 (Undang-Undang Nomor 17 Tahun 2007 tentang Rencana Pembangunan Jangka Panjang Nasional Tahun 2005-2025)[20] which was promulgated on February 5 2007 has 5 chapters and 9 articles and attachments. In article 6 it is stated that the National RPJP is a reference in preparing the Regional RPJP which contains the vision, mission, and direction of Long Term Regional Development. Furthermore, the Regional RPJP becomes a guideline in preparing the Regional RPJM which contains the Vision, Mission, and Program of the Regional Head. It should be noted that the Regional RPJM is prepared taking into account the National RPJM.

This law was issued with the aim of first, supporting coordination between development actors in achieving national goals. Second, it ensures the creation of integration, synchronization, and synergy between regions, space, time, between government func-

tions, and between the Center and the Regions. Third, guarantee the linkage and consistency between planning, budgeting, implementation, and supervision. Fourth, ensure that the use of resources is achieved efficiently, effectively, fairly, and sustainably. Fifth, optimize community participation.

The National RPJP contains a vision for national development for 2005-2025, namely an Indonesia that is independent, just, and prosperous. This development vision is pursued with 8 national development missions, namely: First, creating a society with noble, moral, ethical, cultured, and civilized character based on the Pancasila philosophy. Second, creating a competitive nation. Third, realizing a democratic society based on law. Fourth, make Indonesia safe, peaceful, and united. Fifth, realizing equitable and just development. Sixth, realizing a beautiful and sustainable Indonesia. Seventh, making Indonesia an archipelagic country that is independent, advanced, strong, and based on national interests. Eighth, realizing that Indonesia plays an important role in international relations.

1st RJPM (2005-2009): Reorganizing the Republic of Indonesia, building an Indonesia that is safe and peaceful, just and democratic, with a better level of prosperity.

2nd RJPM (2010-2014): Strengthening the restructuring of the Republic of Indonesia, improving the quality of human resources, building science and technology capabilities, and strengthening economic competitiveness.

3rd RJPM (2015-2019): Strengthen overall development by emphasizing building economic competitive advantages based on available natural resources, quality human resources, and science and technology capabilities.

4th RJPM (2020-2024): Creating an independent, advanced, just, and prosperous Indonesian society through accelerated development in all fields with a strong economic structure based on competitive advantage. At this time, community participation plays an increasingly important role in organizing child-friendly spaces. This right can be seen among other things, from the presence of child protection activists through the Regional Head's Decree on Community-Based Integrated Child Protection (PATBM).

### **4.3 Space Fits for Children: Perspective of Ethics**

Organizing child-friendly spaces also requires competent leaders. Government ethics requires leaders who have characteristics such as honesty (integrity), forward-looking, competent, and inspiring followers.[21] Five exemplary are challenging the process, inspiring new insights, enabling others to act, being a guide, and encouraging the heart. The ten supportive leadership commitments are commitment to the organization, oneself, society as customers, other people, and tasks. These characteristics, exemplary, and commitment are so important for minimizing dilemmas in bureaucracy in organizing child-friendly spaces. Decision-making and strategic planning skills are also very important[22] so that children can enjoy an adequate standard of living.[23]

The Regent of Bengkalis has made a decision regarding the management of the Bengkalis Regency Children's Forum and the District-wide Children's Forum in Bengkalis. The Children's Forum took part in the Planning and Development Deliberation (Musyawarah Perencanaan Pembangunan/Musrenbang) by providing proposals for the establishment of child-friendly play spaces and smoke-free playgrounds.[24]

Apart from that, the child-friendly mosque (Masjid Ramah Anak) program is also part of a joint program at the Indonesian Ministry of Religion, the Indonesian Ministry of Women's Empowerment and Child Protection, and the Central Leadership of the Indonesian Mosque Council called "Semarak" (One Million Child-Friendly Mosques/Sejuta Masjid Ramah Anak).[25]

Activities Child-Friendly Mosque (MRA) socialization activities led by the Women's Empowerment and Child Protection Service of Bengkalis Regency, presenting the Head of the Division for Fulfillment of Children's Rights and Protection, DPPPA, Bengkalis Regency, Fitrianita Eka Putri, Head of KUA, Mandau District, Head of Talang Mandi Village, and 10 Mosque Administrators in the District Mandau. An orderly child-friendly mosque is sought to be achieved in several ways, including first, providing play areas for children, such as ball pools, slides, and so on. Second, there is guidance by parents, when at home parents must instill values about etiquette in the mosque, including being calm, not making noise, running around, or disturbing people who are praying. If our child is one who is too active and finds it very difficult to condition him at the mosque, then there is no harm in parents providing special assistance, only then will he be conditioned straight away. Third, mosque administrators should not get bored of giving advice to their mosque congregation so that repeated advice can be understood, comprehended, and implemented. And finally, in row management, children are given rows between adults so they can supervise and discipline them.

It is very important to make children feel at home in the mosque so that in the future they can become the younger generation whose hearts will be connected to the mosque. If their hearts are connected to the mosque, there is no need to forbid children from going to internet cafes, malls, entertainment venues, or unimportant music concerts. So, juvenile delinquency and other deviant behavior can be minimized. Love for mosques has not been eroded by sophisticated technology that can divert children's world. Mosques as children's learning spaces with more modern creativity and innovation. Media is an influential tool in the development of children's political socialization and education.[26]

## 5 Conclusion

Providing child-friendly spaces is a government task based on law and democracy. Law and ethics have an essential role. Competent leaders are needed to make collaborative governance an integrated joint effort in national development, especially children's development. As historical institutionalism is a part of new institutionalism, the actor outside state should be explore later. In this way, family resilience becomes easier to achieve. A good country starts with a good family. A good family produces good children who are God's gift and the nation's successors.

## 6 Acknowledgment

Thanks to the Faculty of Social and Political Sciences Universitas Riau Indonesia. This paper is part of research with Contract Number: 14781/UN19.5.1.1.1/AL.04/2023.

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