

Integrating Constitutional Mandates and Sharia Values: A Holistic Approach to the Handling of Abandoned Children by the Banda Aceh Social Services Department

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Abstract: *Abandoned children remain a crucial social issue in Indonesia, including in the city of Banda Aceh. The high prevalence of abandoned children is generally triggered by complex factors, such as the death of parents, high divorce rates, structural poverty, and limited access to education. Based on 2024 data, there are approximately 53 abandoned children in Banda Aceh requiring specialized intervention. In response to this issue, this study aims to examine in depth how the Banda Aceh City Government interprets the mandate of Article 34, Paragraph (1) of the 1945 Constitution of the Republic of Indonesia as the constitutional foundation for handling abandoned children, and how this interpretation is manifested through policy formulation and operational measures in the field. This research employs a juridical-empirical method with a case study design. Data analysis was conducted through a review of positive legal norms and observations of social service practices by the Social Services Department (Dinas Sosial). The results indicate that the local government interprets the constitutional provision as an absolute state obligation to provide care, protection, and the fulfillment of basic needs for abandoned children. Operationally, this implementation is realized through a series of systematic stages: starting from proactive outreach mechanisms, rapid assessments to identify conditions, and temporary guidance at the Lamjabat Halfway House (Rumah Singgah Lamjabat), to intensive inter-agency coordination aimed at family reunification and child repatriation. This case study demonstrates that the constitutional mandate has been effectively implemented in Banda Aceh. However, field execution still faces several challenges, particularly regarding human resource constraints, minimal budget allocation, and a lack of supporting infrastructure. Consequently, strengthened synergistic collaboration across sectors is essential to ensure that the state's fundamental responsibility for the protection of abandoned children is fulfilled optimally.*

Keywords: *Abandoned Children, Banda Aceh Social Services Department, Child protection.*

Abstrak: *Anak terlantar masih menjadi salah satu persoalan sosial yang krusial di Indonesia, tidak terkecuali di Kota Banda Aceh. Tingginya angka anak terlantar pada umumnya dipicu oleh berbagai faktor kompleks, seperti kematian orang tua, tingginya angka perceraian, kemiskinan struktural, hingga rendahnya akses pendidikan. Berdasarkan data pada tahun 2024, terdapat sekitar 53 anak terlantar di Banda Aceh yang membutuhkan intervensi khusus. Merespons persoalan tersebut, penelitian ini bertujuan untuk mengkaji secara mendalam bagaimana Pemerintah Kota Banda Aceh menginterpretasikan amanat Pasal 34 ayat (1) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 sebagai landasan konstitusional dalam penanganan anak terlantar, serta bagaimana interpretasi tersebut diwujudkan secara nyata melalui rumusan kebijakan dan langkah operasional di lapangan. Penelitian ini menggunakan*

metode yuridis-empiris dengan desain studi kasus. Analisis data dilakukan melalui kajian norma hukum positif dan observasi praktik pelayanan sosial oleh Dinas Sosial. Hasil penelitian menunjukkan bahwa pemerintah daerah telah memaknai ketentuan konstitusi tersebut sebagai wujud kewajiban mutlak negara dalam memberikan pemeliharaan, perlindungan, serta pemenuhan kebutuhan dasar bagi para anak terlantar. Secara operasional, implementasi ini diwujudkan melalui serangkaian tahapan yang sistematis, dimulai dari mekanisme penjangkauan proaktif di lapangan, asesmen cepat untuk mengidentifikasi kondisi, pembinaan sementara di fasilitas Rumah Singgah Lamjabat, hingga upaya koordinasi intensif antar instansi guna mewujudkan reunifikasi keluarga dan pemulangan anak. Studi kasus ini secara tegas menunjukkan bahwa amanat konstitusi tersebut telah diterapkan di Kota Banda Aceh. Meski demikian, pelaksanaan di lapangan masih menghadapi beberapa tantangan, terutama terkait keterbatasan sumber daya manusia, minimnya alokasi anggaran, dan kurangnya infrastruktur pendukung. Oleh karena itu, sangat dibutuhkan penguatan kolaborasi sinergis antar lintas sektor untuk memastikan terpenuhinya tanggung jawab fundamental negara secara optimal bagi perlindungan anak yang terlantar.

Kata Kunci: *Anak terlantar, Dinas Sosial Kota Banda Aceh, Perlindungan anak.*

Introduction

Children are a blessing and a trust from Almighty God that must be nurtured with love and care. Within every child lies inherent dignity and fundamental human rights that must be respected and protected. Children's rights constitute an essential part of human rights, as enshrined in the 1945 Constitution of the Republic of Indonesia and the United Nations Convention on the Rights of the Child. In the context of national and state life, children represent hope and the future generation of the nation.¹ The progress of a nation is largely determined by the quality of its future generations. Children who are growing up today should be the hope and aspiration of their parents, so that in the future they may become a generation that actively contributes to building and advancing the life of the nation.²

Socially, a family's honor and dignity are greatly influenced by the attitudes and achievements of its children. From a cultural perspective, children are regarded as valuable assets that must be protected and are seen as symbols of family fertility and continuity. In the political sphere, children are viewed as the next generation who will carry on the lineage of the tribe and the nation. Economically, there is still a prevailing belief that having many children brings greater fortune and prosperity. Meanwhile, from

¹ Al-Khanif Firman Othaviana Sulistiyono, Aan Efendi, "Tanggung Jawab Negara Memelihara Anak Terlantar Perspektif Negara Kesejahteraan," *Tanggung Jawab Negara Memelihara Anak Terlantar Perspektif Negara Kesejahteraan*. 4, no. 1 (2025): 61–78, <https://doi.org/10.35719/constitution.v4i1.133>.

² Ja'far Shodiq M. Mujib Bahkiyar Sarifudin A., Moh. Aqil Musthofa, "Kewajiban Ḥaḍānah Pada Anak Terlantar Di Indonesia Perspektif Hukum Islam," *Kewajiban Ḥaḍānah Pada Anak Terlantar Di Indonesia Perspektif Hukum Islam* 4, no. 2 (2023): 137–56.

a legal perspective, children hold an important role as successors and heirs of the family, as well as legal subjects who possess rights and obligations protected by law.³

The problem of abandoned children is the result of social issues faced by society at large, including poverty.⁴ Poverty also contributes to abandonment, social dysfunction, and other social problems. It is the root cause of social welfare issues, leading to the inability to fulfill physical, psychological, social, and spiritual needs, which ultimately results in the abandonment of children.⁵ Child abandonment is often carried out by parents unconsciously and is influenced by daily environmental factors such as poverty, personal character, or the stress and pressures experienced by parents at a particular time. Some individuals perceive abandonment as a common occurrence, making it difficult to identify. Reports of such conditions to professionals remain rare, as they are often considered private family matters, even though, in reality, they significantly affect children's lives and their future development.⁶

Many children ultimately become abandoned for various reasons, particularly due to conditions of poverty and the lack of parental awareness and responsibility in caring for and raising them. As economic pressure becomes increasingly severe, parents often feel overwhelmed, which in some cases leads them to relinquish their responsibilities for the care and upbringing of their children.⁷

Childcare is a responsibility shared by both parents; therefore, parenting includes various activities such as providing affection, education, economic support, and other essential needs. Caring for a child involves more than merely providing material support; it also means offering loving attention and emotional care. Patience is also a crucial element in a child's development and serves as a determining factor in the formation of their personality. Through proper care, children and parents are able to communicate effectively without causing negative impacts on the child's mental health. If these aspects are not fulfilled, children are at risk of being influenced by negative peer environments that may be harmful to their well-being.⁸ The obligation to care for and raise a child begins at the time of the child's birth or legal adoption and ends when the child reaches adulthood or enters into marriage.⁹

On this basis, the State bears the responsibility to guarantee the rights and obligations of children, as stipulated in Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states that "the poor and abandoned children shall be

³ Fifik Wiryani, "Perlindungan Hukum Bagi Pekerja Anak", *Jurnal Legality*, vol. 11, no. 2 (2004), pp. 288.

⁴ Triyani Ambat, "Fungsi Negara Memelihara Anak-Anak Terlantar Menurut Undang Undang Dasar 1945," *Lex Administratum*, vol. 1, no. 2 (2013), pp. 44.

⁵ Mujiyadi, *Studi Kebutuhan Pelayanan Anak Jalanan*, (Jakarta: P3KS Press, 2011), p. 1.

⁶ Tampubolon, Modul Pertemuan Peningkatan Kemampuan Keluarga (P2K2) Bidang Perlindungan Anak Program Keluarga Harapan (PKH), p. 57–58.

⁷ Imam Sukadi, Tanggung Jawab Negara Terhadap Anak Terlantar Dalam Operasionalisasi Pemerintah Di Bidang Perlindungan Hak Anak, *Jurnal Syariah dan Hukum*, vol. 5, no. 2, (2013), pp. 119.

⁸ Ahmad Rofiq, *Hukum Islam Di Indonesia* (Jakarta: Raja Grafindo Persada, 1998), p. 240.

⁹ Subekti, *Pokok-Pokok Hukum Acara Perdata*, (Jakarta: Intermasa, 2003), p. 51.

cared for by the State.” This provision demonstrates that the State acts as a protector and guardian for children in need in Indonesia. The article affirms the constitutional rights of all impoverished individuals and abandoned children, which must be fulfilled and safeguarded by the State with full commitment.¹⁰ Fundamentally, abandoned children are those who live in underprivileged family conditions and do not receive adequate fulfillment of their basic needs until reaching the age of 18 years.

A number of previous studies have examined child protection from legal and social policy perspectives; however, only a limited number have specifically analyzed the implementation of the constitutional norm enshrined in Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia within the context of local governmental practice. Moreover, studies that integrate an empirical approach with policy analysis at the local level remain relatively scarce, particularly in regions with unique characteristics such as Aceh.

Based on the research findings, child abandonment in Banda Aceh City is caused by various factors, including the death of one or both parents, parental divorce, rigid parenting patterns, poverty, and educational problems that encourage children to run away from home. In general, abandoned children do not only refer to those who have lost their parents, but also include children who still have parents who are unable to fulfill their rights or who deliberately neglect their responsibilities toward their children, thereby causing them to be considered abandoned.

Cases of child abandonment in Banda Aceh City are not as complex as those found in other major cities. Abandoned children in Banda Aceh generally still have one or both parents. However, due to poverty experienced within their families, these children seek to earn a living outside the home, either by working or begging on the streets to obtain what they need. In 2024, the number of abandoned children was recorded at 53 individuals. Abandoned children in Banda Aceh are generally found on roadsides by municipal public order officers (Satpol PP) during raids targeting beggars. These children are then taken to the Banda Aceh City Social Services Department (DinSos) to receive appropriate handling and social services.

The 1945 Constitution of the Republic of Indonesia (*Undang-Undang Dasar* 1945) serves as the constitutional foundation of the Unitary State of the Republic of Indonesia, formulated by the nation’s founding fathers following independence from colonial rule. The 1945 Constitution functions as the supreme fundamental law governing the administration of national and state life. After undergoing four amendments in 1999, 2000, 2001, and 2002, the 1945 Constitution has become stronger in guaranteeing the constitutional rights of citizens. One of its important provisions is found in Article 34 paragraph (1), which states that the poor and abandoned children are the responsibility of the State to care for. This means that the State, through the government, is obligated to

¹⁰ Faiz Asmi Permana, Septi Nur Wijayanti, Peran Negara dalam Melindungi Hak-Hak Konstitusional Anak Terlantar di Indonesia, *Media of Law and Sharia*, vol. 3, no. 3 (2022), pp. 220.

provide protection and empowerment for abandoned children, street children, and other vulnerable groups. In accordance with the spirit of the Preamble to the 1945 Constitution, the government is not only tasked with protecting all Indonesian people but also with promoting public welfare, educating the life of the nation, and contributing to the maintenance of world order. These obligations must be implemented concretely and not merely remain rhetorical commitments.¹¹

Therefore, the active role of the government is essential to unify, harmonize, and strengthen all existing potentials in order to address poverty and safeguard the future of the nation's children. The government must be capable of mobilizing all elements at various levels from policymakers to implementers both within and outside governmental structures, including legislative institutions and the wider community. Strong and tangible support from all parties is non-negotiable and must not be treated merely as a matter of image-building; rather, it constitutes an urgent necessity that must be realized promptly and concretely.¹²

Effective handling of poverty and the issue of abandoned children requires close cooperation between the central government, local governments, and the community. This collaboration aims to design and implement well-organized, comprehensive, and sustainable policies, programs, and activities. The primary focus of these efforts is to ensure that every citizen particularly the underprivileged and abandoned children has guaranteed access to basic needs such as food, clothing, shelter, health services, education, employment opportunities, and social support.¹³

Protecting and realizing the rights of abandoned children and impoverished families is a shared responsibility aimed at achieving equitable welfare across all segments of society. Undoubtedly, the government plays a crucial role in addressing the issue of abandoned children, as mandated by the 1945 Constitution of the Republic of Indonesia, particularly Article 34 paragraph (1), which explicitly states that "the poor and abandoned children shall be cared for by the State."¹⁴

Based on the foregoing background, the formulation of the research problem in this study focuses on how Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia is implemented in the handling of abandoned children in Banda Aceh City, as well as the obstacles encountered in its implementation. In line with this problem formulation, this study aims to conduct an in-depth analysis of the

¹¹ Triyani Kathrilda Ambat, Fungsi Negara Memelihara Anakanak Terlantar Menurut Undangundang Dasar 1945, *Lex Administratum*, vol. 1, no. 2 (2013), pp. 42-43.

¹² Triyani Kathrilda Ambat, Fungsi Negara Memelihara Anakanak Terlantar Menurut Undangundang Dasar 1945, *Lex Administratum*, vol. 1, no. 2 (2013), pp. 44-45.

¹³ Erizka Permatasari. Masih Ada Fakir Miskin dan Anak Terlantar di Jalan, Ini Bentuk Penanganannya. Universitas Indonesia. (2021). <https://www.hukumonline.com/klinik/mitra/si-pokrol-lt4b457ff0c3e1b/erizka-permatasari--sh-lt5f8445b8eca72/>.

¹⁴ Atika Najwa, Muhammad Luthfi Fauzi Putra Adisty, Bakhti Fatwa Anbiya, Analisis Makna Pasal 34 Ayat 1 UUD 1945 dan Implikasinya Terhadap Jaminan Kesejahteraan Warganegara Indonesia, *Media Hukum Indonesia*, vol. 2, no. 3 (2024), pp. 87.

implementation of policies addressing abandoned children while also identifying various operational challenges faced in their execution at the local government level.

Method

The method applied in this study utilizes a juridical-empirical research type. Juridical-empirical research is an approach that highlights how the law is actually implemented and perceived by society in daily life. Rather than being fixated solely on written rules, this research seeks to understand the law as actual human behavior and a part of the social phenomena living within the community.¹⁵

This research employs a case study approach, which is conducted by examining and analyzing various situations related to the issues under investigation. The cases analyzed are those that have been adjudicated by the courts and have obtained final and binding legal force, thereby serving as references for resolving similar issues. This approach aims to understand how legal norms or laws are applied in practice in real-life settings.¹⁶

This study utilizes both primary and secondary data sources. Primary data refer to data or information obtained directly from the main sources, namely individuals who are directly involved with the research topic, commonly referred to as respondents. Such data or information are collected through systematic data collection methods, including the use of written questionnaires or oral interviews with officials from the Banda Aceh City Social Services Department. Meanwhile, secondary data are obtained from sources that are not directly derived from the main subjects of the study, such as literature, documents, and previously published data, in order to acquire the information necessary to address the research problems.¹⁷ Secondary data are collected through documentation studies of laws and regulations, institutional reports, and academic literature. The data collection techniques employed in this study include interviews, observation, and documentation.

The data analysis process in this study was conducted using a qualitative approach that runs through three interactive stages: data reduction to select and focus on essential information, data display to assemble information structurally, and finally, drawing conclusions. Furthermore, to ensure the validity and reliability of the findings obtained, this study applies source and method triangulation techniques. The application of this triangulation technique serves to verify and cross-compare the accuracy of information from various subject perspectives and data collection instruments, ensuring the final conclusions generated are comprehensive and scientifically accountable.

¹⁵ Salim HS San Erlies Septiana Nurbani, *Penerapan Teori Hukum Pada Penelitian Tesis dan Disertasi*, (Jakarta: Radja Grafindo Persada, 2013), p. 20.

¹⁶ Muhaimin, *Metode Penelitian Hukum*, (Mataram: Mataram University Press, 2020), p. 57.

¹⁷ Fenti Hikmawati, *Metodologi Penelitian*, (Depok: Rajawali Pers, 2020), p. 18.

Discussion

A. Legal Interpretation of Article 34 Paragraph (1) of the 1945 Constitution in the Handling of Abandoned Children

In analyzing the implementation of policies addressing abandoned children, this study employs the perspective of public policy implementation theory, which emphasizes factors such as communication, resources, disposition, and bureaucratic structure. In addition, the welfare state approach is used to understand the State's responsibility in ensuring the welfare of vulnerable groups.

Based on the 1945 Constitution of the Republic of Indonesia, Article 34 paragraph (1) states that “the poor and abandoned children shall be cared for by the State,”¹⁸ indicating that the government holds responsibility for the care and nurture of abandoned children, including those living on the streets. The human rights of abandoned children are essentially equivalent to general human rights. Article 34 paragraph (1) of the 1945 Constitution affirms that the State is responsible for caring for the poor and abandoned children. This responsibility encompasses the maintenance and development of abandoned children, including street children, throughout Indonesia from Sabang to Merauke. Within this context, the State bears the obligation to provide appropriate services, care, and attention to their education.¹⁹

Abandoned children are not necessarily neglected solely because one or both of their parents are absent. Rather, the term “abandonment” in this context also refers to situations in which a child's rights to grow and develop naturally, obtain proper education, and receive adequate health care are not fulfilled due to parental negligence, misunderstanding, inability, or deliberate disregard. The issue of abandoned children is not solely the responsibility of the government; society as a whole also bears responsibility for addressing this problem in accordance with their respective capacities. Nevertheless, when viewed from an institutional standpoint, the government unquestionably holds a greater responsibility in caring for and addressing the needs of abandoned children, as it acts as the regulator of public affairs and as the guardian of all citizens.²⁰

B. The Role of the Banda Aceh City Social Services Department in Addressing Abandoned Children

The Social Services Department is a governmental institution operating under the authority of the Ministry of Social Affairs, responsible for administering various matters

¹⁸ Tim Redaksi BIP, *Undang-Undang Negara Republik Indonesia Tahun 1945 Pahlawan Nasional dan Revolusi*, (Jakarta: Penerbit Bhuana Ilmu Populer Kelompok Gramedia, 2018), p. 21.

¹⁹ Jihan Thaniya Damayanti Safitri dan dkk. Tanggung Jawab Negara Terhadap Hak Konstitusional Anak Terlantar Di Indonesia, *Lex Privatum*, vol. 9, no.4 (2021). pp. 78.

²⁰ Imam Sukadi, Dkk., “Perlindungan Hukum Terhadap Anak Terlantar Dalam Perspektif Negara Kesejahteraan”, *Qawwam: Journal For Gender Mainstreaming*, vol. 14, no. 2 (2020), pp. 28.

related to social rehabilitation, social security, social empowerment, social protection, and the handling of impoverished communities in support of the President in governing the State. Through this institutional mandate, the State is formally authorized to demonstrate its concern for the future of abandoned children. Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia explicitly states that “the poor and abandoned children shall be cared for by the State.” Accordingly, abandoned children fall under the direct responsibility of the State. Furthermore, Article 28B paragraph (2) of the 1945 Constitution affirms that “every child has the right to survival, growth and development, and is entitled to protection from violence and discrimination,” a provision that also applies to abandoned children.

The scope of governmental responsibility is influenced by the characteristics of the duties assigned to it. The role of the government is to carry out state functions, namely to administer part of the State’s responsibilities as an organization of public authority. With regard to state responsibility, the obligations of both the central government and local governments are regulated in several provisions of Law of the Republic of Indonesia Number 35 of 2014, which, among other things, mandates and assigns responsibility to respect and fulfill children’s rights without discrimination based on ethnicity, religion, race, social group, gender, ethnic origin, culture and language, legal status, birth order, or physical and/or mental condition. The law also obliges the government to protect and respect children’s rights and to take responsibility for formulating and implementing policies in the field of child protection. Furthermore, under this law, local governments are required and held responsible for implementing and supporting national policies on child protection at the regional level. This obligation may be realized through local initiatives to develop child-friendly districts or cities, as well as by providing support in the form of facilities, infrastructure, and the availability of qualified human resources for the effective implementation of child protection.²¹

Ms. KH, as the Head of the Child Rehabilitation Section at the Banda Aceh City Social Services Department, explained that the identification of abandoned children is not conducted through a proactive “outreach” system, but rather through reports submitted by the community, families, or village authorities (*gampong*). Once a report is received, the Social Services Department responds by deploying social workers (*peksos*) to conduct an assessment, which involves tracing the causes and chronology of the child’s abandonment. The results of the assessment are subsequently discussed in an internal meeting (case conference) involving cross-sectoral stakeholders, such as the Office for Women’s Empowerment, the police, and Baitul Mal, in order to determine the most appropriate solutions for handling the case.

²¹ Muliawan, *Paradigma Baru Hukum Perlindungan Anak Pasca Perubahan Undang-Undang Perlindungan Anak*, <https://pn-palopo.go.id/index.php/publikasi/artikel/164-paradigma-baru-hukumperlindungan-anak-pas-ca-perubahan-undang-undang-perlindungan-anak>, diakses 26 September 2025.

If an abandoned child originates from outside Banda Aceh, the Social Services Department makes efforts to carry out family reunification through the network of Sub district Social Welfare Workers (*Tenaga Kesejahteraan Sosial Kecamatan/TKSK*) and the social services department of the child's region of origin. If no family is found, the child may be returned to their area of origin or placed in an orphanage as a last resort. However, the primary priority remains family-based care; in some cases, arrangements are facilitated to place the child with suitable foster parents.²²

In its practical implementation, the Social Services Department faces several constraints, particularly differences in family attitudes. Some parents refuse to relinquish their children despite proven negligence, making it necessary to involve *gampong* officials and sub-district heads (*camat*) in order to reach a resolution. Support from *Baitul Mal* is also frequently utilized to assist with children's educational needs, such as school supplies. In addition, private orphanages or *rumah yatim* operating in Banda Aceh are engaged as partners to accommodate children who genuinely have no families, in accordance with Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

Aceh Qanun Number 11 of 2013 on Social Welfare affirms that abandoned children fall within the category of vulnerable groups who are entitled to protection, care, and welfare guarantees from the local government. The measures taken by the Social Services Department in addressing constraints arising from differing family attitudes by involving *gampong* officials, sub-district heads (*camat*), and establishing partnerships with private orphanages constitute an implementation of the government's obligations as stipulated in this Qanun, namely the provision of comprehensive social services.

In addition, support from Baitul Mal in the form of assistance for school supplies is also in line with the mandate of the Qanun, whereby the role of the government is not limited merely to providing temporary shelter, but also extends to fulfilling the basic rights of abandoned children, including the right to education. The Qanun further emphasizes the importance of cross-institutional and community cooperation in addressing the issue of abandoned children. Accordingly, the collaboration among the Social Services Department, village authorities, sub-district heads (*camat*), and non-governmental social institutions (orphanages) represents a concrete realization of the principles of social protection and social welfare as regulated in the Qanun.

In Islamic teachings, it is clearly emphasized that parents are prohibited from abandoning their children. This is because children are the successors of their parents who will carry forward what has been entrusted to them, particularly in preserving family lineage so that it does not disappear. Children are also regarded as a source of hope for religion and the nation, as they are expected to continue the struggle in the future. Therefore, parents are obligated to protect, care for, and educate their children so that

²² Hasil Wawancara dengan Ibu KH sebagai Kasi. Rehabilitasi Anak Dinas Sosial Kota Banda Aceh Tahun 2025.

they may become a strong generation capable of advancing and upholding both religion and the nation. Abandoning children, on the other hand, risks producing a weakened generation, which would be detrimental to the future of religious and national life.²³

The role of Islamic law and the implementation of Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia clearly affirm that abandoned children must continue to be guaranteed the rights inherent to them, such as the right to life, the right to grow and develop, the right to participate in social and spiritual life, and the right to protection. The importance of caring for abandoned children is also regulated in the Child Protection Law, which serves as a legal framework for addressing the underlying problems that lead to child abandonment.

This Islamic perspective indicates that responsibility for children is not merely individual in nature, but also collective, including the responsibility of the State. In this context, Islamic values are aligned with the principles of the welfare state, which place child protection as a shared responsibility. In optimizing the implementation of the relevant laws, the government must give due attention to parenting practices and to the facilities provided when children are not living within a proper family environment. Therefore, from a formal legal standpoint, the government is strongly bound by its obligation to protect and care for abandoned children.

In principle, the rights of abandoned children are guaranteed through minimum service standards as stipulated in Regulation of the Minister of Social Affairs Number 9 of 2018, which include protection, education, and health services. The Banda Aceh City Social Services Department places greater emphasis on handling cases outside institutional care, whereas if a child is placed in an institution, responsibility falls under the authority of the Aceh Provincial Social Services Department. Through a cross sectoral collaboration system and regulatory support, it is expected that the rights of abandoned children can continue to be fulfilled without having to rely solely on orphanages.

The Banda Aceh City Social Services Department facilitates various forms of intervention for abandoned children, ranging from family reunification, the identification of suitable foster parents, to placement in orphanages or community-based public schools (*sekolah rakyat*). For adoption cases, a formal legal process is required through court hearings at the Mahkamah Syar'iyah, with assistance and supervision provided by social workers. In addition, for children who have reached secondary school age, there are programs that enable them to enroll in *sekolah rakyat*, which provide dormitory facilities, education, and learning materials. All of these measures are implemented through cross agency coordination to ensure integrated and effective handling of abandoned children.

Supervision of children placed in foster families or orphanages is conducted on a regular basis, at least once every three months, through evaluation and monitoring procedures. The Social Services Department does not only assess the child's condition

²³ Didi Sukardi, *Perlindungan Hukum Anak Korban Penelantaran Orang Tua Berbasis Hukum Positif dan Islam*, *Jurnal Kajian Hukum Islam*, vol. 1, no. 2 (2016), pp. 192.

through reports from foster families, but also directly listens to the child's concerns in order to prevent cases of violence or abuse. If problems are identified, the child may be relocated to an orphanage or another safer environment. This supervision is emphasized because many cases of abuse and abandonment occur as a result of parents' lack of understanding in proper child-rearing practices.

Future strategies emphasize the importance of community involvement. The Social Services Department actively conducts public outreach through media channels, community activities at the *gampong* level, and counseling programs aimed at parents. New initiatives are also being prepared, such as the "do not give to beggars" campaign conducted on streets and in cafés, with plans to implement an electronic system in 2026. Cafés that are declared free from beggars will be granted recognition as part of this initiative.

C. Implementation of Article 34 Paragraph (1) of the 1945 Constitution in the Handling of Abandoned Children at the Banda Aceh City Social Services Department

Several cases handled by the Social Services Department indicate that child abandonment is often caused by factors such as exploitation, poverty, and parental drug abuse. For example, some children are forced to beg by parents who are drug users, until the children are eventually rescued and the parents are subjected to legal proceedings. In emergency situations, abandoned children are temporarily accommodated in a shelter house (*rumah singgah*). This shelter functions similarly to a dormitory, equipped with caregivers, worship facilities, and religious guidance activities such as Qur'an recitation (*mengaji*), aimed at providing protection, care, and moral development for the children.²⁴

The shelter house managed by the Social Services Department functions as a temporary accommodation for abandoned children or individuals apprehended while begging on the streets. The building resembles a two story house and is equipped with basic facilities such as shelter, food, clothing, and religious guidance. The shelter is staffed with caregivers, security personnel, and religious teachers (*ustadz*) who provide Qur'an recitation lessons (*mengaji*); even adults staying at the shelter are permitted to participate in these activities. Children or individuals accommodated in the shelter generally stay for a maximum of 3 to 7 days while assessments and family tracing are conducted. However, in certain cases, the length of stay may be extended, even for several months, particularly for those who do not have a home or family to return to.

In addition to fulfilling basic needs, the shelter house also receives clothing donations from the community, which are then distributed to the residents. There are even plans to establish a dedicated gallery for wearable clothing to ensure better organization and distribution. When an individual is deemed ready to return home, the family is

²⁴ Hasil Wawancara dengan Ibu KH sebagai Kasi. Rehabilitasi Anak Dinas Sosial Kota Banda Aceh Tahun 2025.

required to sign a written statement formally committing not to repeat acts of abandonment. However, there are also special cases in which residents are allowed to stay longer, provided that they are able to meet their own needs, for example by working while continuing to temporarily reside in a room at the shelter house.

In practice, the Social Services Department encounters recurring cases, such as families who deliberately exploit children for begging due to economic pressures or entrenched negative habits. This phenomenon is further exacerbated by the strong culture of giving alms within the urban community, particularly during the month of Ramadan, which allows begging practices to persist. Therefore, the Social Services Department conducts educational and awareness-raising initiatives through various media channels, such as state radio (RRI), schools, and community activities, in order to increase public awareness and prevent the problem of abandoned children.

The Banda Aceh City Social Services Department (*Dinas Sosial*) officially escorted an abandoned child from Meuraxa Sub-district to continue his education at the Ali Hasymi People's High School (*SMA Sekolah Rakyat Ali Hasymi*). The child had previously been assisted by the Social Services Department in 2023 and was temporarily cared for by his grandmother, but became abandoned again after graduating from junior high school. Upon receiving a report from local residents, the Social Services Department, in collaboration with the Technical Implementation Unit of *Rumoh Sejahtera Aneuk Nanggroe* (UPTD RSAN), conducted an assessment and referred the adolescent to an orphanage. There, he was recognized as a well-behaved, intelligent, and diligent individual, which led to efforts to facilitate his acceptance into the People's School.²⁵

According to the Head of the Banda Aceh City Social Services Department, Sukmawati, all living and educational needs of the adolescent will be fully covered, including dormitory accommodation, health facilities, basic necessities, and a living allowance. He will also receive support from foster parents during his stay in the dormitory. Sukmawati expressed her hope that there would be no more parents who abandon their children or other family members, and that the community would continue to play an active role by reporting cases of abandonment so that they can be addressed promptly.²⁶

In another case handled by the Banda Aceh City Social Services Department in collaboration with the Sub-district Social Welfare Workers (*Tenaga Kesejahteraan Sosial Kecamatan/TKSK*), follow-up action was taken in response to a community report concerning a convert to Islam (*muallaf*), identified by the initials F (40), and her daughter, CD (8), who had been abandoned for three days at a Trans Kutaraja bus stop in front of

²⁵ Abdullah, Muslem, "Strategies for Protection and Recovery of Domestic Violence Victims: Analysis of Rumah Putro's Role for Women and Children", *El-Hadhanah: Indonesian Journal Of Family Law And Islamic Law*, vol. 4, no. 2, (2024): pp. 154-68, doi:10.22373/hadhanah.v4i2.5726.

²⁶ <https://baiturrahmanfm.com/dinsos-antar-anak-terlantar-lanjutkan-pendidikan-di-sekolah-rakyat-menengah-atas/>, diakses 24 November 2025.

the Baiturrahman Grand Mosque. Both individuals were subsequently evacuated by the Municipal Police (*Satpol PP*) and *Wilayahul Hisbah* (WH) and taken to the Lamjabat Shelter House. Based on the assessment results, F stated that she had come to Banda Aceh to search for her husband, with whom she had lost contact for a long time. She experienced depression after being abandoned by her husband and, in a state of distress, brought her child from Aceh Jaya to Banda Aceh.

Following the initial intervention, the Banda Aceh City Social Services Department coordinated with the Aceh Provincial Social Services Department to return F and her child to Aceh Jaya, accompanied by assistance for transportation costs and clothing. This measure represents the government's concern for vulnerable citizens, particularly women and children. The Head of the Social Services Department also reaffirmed the commitment to continuously provide the best possible services for communities in need.²⁷

The main factors causing child abandonment are economic hardship, low levels of parental education, and unhealthy behaviors, including unwillingness to work or involvement in drug abuse. The root of the problem consistently lies in family education, as parents who do not understand their roles and responsibilities often give rise to children who become abandoned. Therefore, in addition to direct intervention, the Social Services Department also emphasizes the importance of family guidance and the role of *gampong* authorities in resolving family conflicts, so that children do not become recurring victims of abandonment.²⁸

When analyzed using policy implementation theory, the implementation of this program indicates that limitations in resources and inter-agency coordination remain the main obstacles. This condition has resulted in the policy objectives, as mandated by the Constitution, not being fully achieved. The author emphasizes that Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia affirms the State's responsibility to care for the poor and abandoned children. In practice, this responsibility is realized through policies, programs, and cross-sectoral cooperation, as demonstrated by the Banda Aceh City Social Services Department through its collaboration with *gampong* authorities, sub-district heads (*camat*), Baitul Mal, and private orphanages.

The implementation of this responsibility is further reinforced by Law Number 35 of 2014 on Child Protection and Aceh Qanun Number 11 of 2013 on Social Welfare, both of which emphasize the importance of fulfilling the basic rights of abandoned children, particularly in the areas of education, protection, and care. However, in practice, challenges such as exploitation, parental resistance, as well as economic and social factors remain significant obstacles. Therefore, the fulfillment of the constitutional mandate must

²⁷ <https://dinsos.bandaacehkota.go.id/dinsos-kota-banda-aceh-dampingi-ibu-dan-anak-terlantar/>, diakses 25 November 2025.

²⁸ Afifa Putri Mugopar and Dera Izhar Hasanah, "Peran Dinas Sosial Terhadap Pembinaan Anak Terlantar Melalui Program Usaha Ekonomi Produktif Di Kabupaten Bandung", *JISIPOL: Jurnal Ilmu Sosial Dan Ilmu Politik*, vol. 7, no. 3, (2023).

be accompanied by preventive strategies based on family and community involvement, so that the protection of abandoned children is not merely reactive in nature but also capable of preventing the emergence of new cases.

The Qur'an also explains this matter in Surah An-Nisa verse 9, which states:

وَالَّذِينَ الَّذِينَ لَوْ تَرَكَوْا مِنْ خَلْفِهِمْ ذُرِّيَّةً ضِعْفًا خَافُوا عَلَيْهِمْ فَلْيَتَّقُوا اللَّهَ وَلْيَقُولُوا قَوْلًا سَدِيدًا

Meaning: "And let those fear Allah who, if they were to leave behind weak offspring, would be concerned for their welfare. Therefore, let them fear Allah and speak words of appropriate justice."²⁹

The Qur'an also addresses this matter in Surah At-Tahrim verse 6, which states:

يَا أَيُّهَا الَّذِينَ ءَامَنُوا قُوا أَنْفُسَكُمْ وَأَهْلِيكُمْ نَارًا وَقُودُهَا النَّاسُ وَالْحِجَارَةُ عَلَيْهَا مَلَائِكَةٌ غِلَاظٌ شِدَادٌ لَا يَعْصُونَ اللَّهَ مَا أَمَرَهُمْ وَيَفْعَلُونَ مَا يُؤْمَرُونَ

Meaning: "O you who believe, protect yourselves and your families from a Fire whose fuel is people and stones, overseen by angels who are stern and severe, who do not disobey Allah in what He commands them, and who carry out what they are commanded."³⁰

On the other, the role of technology and digital innovation can also be maximized to support the protection of abandoned children. For instance, this may be achieved through easily accessible online reporting systems for the public, integrated databases of abandoned children to facilitate assessment processes, and the use of social media for public awareness campaigns. Through this modern approach, local governments do not rely solely on conventional mechanisms but are also able to accelerate responses to reports of abandonment cases. Ultimately, the combination of regulatory frameworks, cross-sectoral collaboration, family-based guidance, and the utilization of technology is expected to ensure the fulfillment of the rights of abandoned children, as mandated by Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, in a more effective and sustainable manner.

The various efforts undertaken by the Banda Aceh City Social Services Department, along with the accompanying challenges, underscore that fulfilling the constitutional mandate requires a holistic approach. A combination of regulatory enforcement, the strengthening of cross-sectoral collaboration involving *gampong* authorities and private institutions, as well as family-based educational guidance constitutes the key to preventing and addressing cases of child abandonment, both reactively and preventively.

In addition, optimizing the role of technology and digital innovation such as the provision of easily accessible online reporting systems, the utilization of integrated databases for assessment purposes, and public awareness campaigns through social media

²⁹ Q.S. An-Nisa (4) ayat 9.

³⁰ Q.S. At-Tahrim (66) ayat 6.

can accelerate local government responses to reports of abandonment cases in the field. Through the integration of conventional and modern approaches, it is expected that the basic rights of abandoned children can be more effectively and sustainably guaranteed, as mandated by Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia.

Conclusion

Based on the research findings and discussions presented above, two main conclusions can be drawn. First, the implementation of Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia by the Banda Aceh City Government demonstrates that the constitutional mandate has been interpreted and implemented as an expression of the State's absolute responsibility to provide protection and fulfill the basic needs of abandoned children. This implementation is operationally carried out by the Social Services Department through systematic stages, beginning with responses to public complaints, the conduct of rapid assessments by social workers, and the provision of temporary guidance at the Lamjabat Shelter House. Further handling is also conducted collaboratively with cross-sectoral institutions such as Baitul Mal, *gampong* authorities, and the police to facilitate family reunification, the identification of foster parents, or placement in People's Schools (*Sekolah Rakyat*) and orphanages. These measures are in line with child protection values as regulated in Aceh Qanun Number 11 of 2013 as well as the principles of Islamic law. Second, in practical implementation, the Banda Aceh City Social Services Department continues to face several structural constraints, including limitations in human resources, inadequate infrastructure support, and insufficient budget allocation. Beyond these managerial challenges, social factors within the community also constitute significant obstacles, such as family resistance to relinquishing children despite proven negligence, the exploitation of children by parents due to economic pressure or drug abuse, and the strong culture of almsgiving among urban residents, which indirectly perpetuates the practice of child begging on the streets. From an academic perspective, this study contributes to enriching empirical studies on constitutional implementation at the local government level. Practically, the findings provide recommendations for local governments to strengthen cross-sectoral coordination, enhance human resource capacity, and expand community participation in addressing the issue of abandoned children. Future research is recommended to conduct comparative studies across regions in order to develop more comprehensive and effective policy models.

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