

## Research Article

## **Legal Protection and Fulfillment of Children's Right to Education Through the Foster Sister Program in a Welfare Perspective**

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### **Abstract**

The deterioration of the family economy is the main problem in fulfilling children's rights in the world of education, thus giving birth to a vulnerable community which results in a large number of school dropouts (ATS). In addition, as a result of weak family understanding, also supported by economic problems against the fulfillment of the child's right to education, causing loss of access in providing children's education services that affect the child's enthusiasm and ethos to learn, especially in orphans who are a vulnerable group that should receive handling and rescue efforts, because it causes the right to education and the right to children's welfare neglected so that the role and involvement of the community is needed through cooperation and partnership models. Community Service Activities (PKM) are carried out with a qualitative approach the Asset-Based Community Development (ABCD) method is a sustainable empowerment method based on the assets, strengths, and potentials of the Community by looking at the aspects of capacity, associations, and existing institutions or institutions by mobilizing the capabilities of all resources, skills, and community experience as the main foothold to improve the quality of life in various aspects in Community. Community Service through this model is a solution to solving problems in society related to the fulfillment of the right to education and welfare for children which is part of the form of community involvement in helping the Government which is trying to make efforts to build social welfare and overcome economic downturns, the widespread number of children dropping out of school and cutting other social problems in the future as a result of low levels of education in vulnerable communities, this is so that social justice can be realized for all Indonesian people.

**Keywords:** Children's Rights, Education, Welfare, Community Service, Foster Brothers.



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## INTRODUCTION

The downturn of the family economy is the main problem in fulfilling children's rights in the world of education. In addition, the existence of parents is also a factor in the welfare of a child in daily life. The economic downturn has the impact of a weak family, while the absence of parents also has implications for the status of the keyatiman. These two phenomena then affect the level of needs and welfare of children in their lifetime, but these problems should not be left alone, so a new construction is needed that is oriented to the discourse of development and children's rights (Smith, 2007), especially in urban communities due to the high cost of unmet living needs resulting in limitations in meeting children's needs and welfare. This is the background for the occurrence of school dropouts (ATS). According to Kusumaningsih (2024), in overcoming the situation that occurs, serious attention is needed so that they do not lose their spirit, and awaken them from adversity by providing their rights through the role of the government to care, guide, maintain, and fulfill their right to good health and education.

In addition to economic problems, parents' understanding of the importance of children's education has not been completely complete, so that the fulfillment of children's education has not become a priority need, the education provided is only and there are rampant mishandling in providing children's education services, as a result of which there is no welfare system built in the family which affects the loss of safety guarantees which has an impact on long-term consequences due to (Cénat et al., 2021), as happened to the urban weak community in Surabaya.

As a result of the weak understanding of the family, also supported by economic problems against the fulfillment of the child's right to education, it causes a *loss of access* in providing children's education services that affects the enthusiasm and ethos of the child himself to learn, especially in orphans who are a vulnerable group who should receive handling and rescue efforts. Efforts to save their future so that they become the nation's successors are the main issues to be overcome in order to give birth to the expected future generations (Retnaningsih, 2021).

The fulfillment of children's right to education in Indonesia is a mandate from the 1945 Constitution that must be fought for as part of the nation's next generation. Education is one of the most important for human life, because the indicators of a country's progress are greatly influenced by good, quality education, which produces human resource products that have an impact on superior human beings who can compete strongly in the era of globalization which also forms human characters who can interact and communicate well in their environment (Eleanora & Siswanto, 2024).

Article 31 paragraphs 1-5 of the 1945 Constitution states that the urgency of education must be accepted and enjoyed by every citizen without exception, that everyone has the right to education and teaching, so that everyone has the right to education. Meanwhile, in article 5 paragraphs 1 and 2 of the National Education Law, it is explained that every citizen has the same right to obtain quality education. And citizens who have physical, emotional, mental, intellectual, and/or social disorders have the right to special education, so that article 4 in this Law, education is organized with democratic and just principles and is not discriminatory by upholding human rights, religious values, cultural values, and the plurality of the nation. This means that education must be fulfilled by all parties without exception as children's rights by

prioritizing democratic and just principles without discrimination, especially for orphans and poor people who are included in the category of vulnerable communities.

On the other hand, it turns out that the number of children who have not been able to receive education and teaching according to their respective levels and ages from each year is still categorized as very high, as revealed by the Central Statistics Agency (BPS) regarding data on the number of children who are not in school in the education level and expenditure group in the period 2022-2023 are as follows:

Table 1. BPS data on the number of out-of-school children						
Expense Group	Out-of-School Children by Education Level and Expenditure Group					
	Elementary / Equivalent		Junior High School / Equivalent		High School / Equivalent	
	2022	2023	2022	2023	2022	2023
Kuintil 1	1,19	1,15	11,5	10,11	33,38	30,66
Kuintil 2	0,65	0,58	7,3	7,33	25,09	23,21
Kuintil 3	0,54	0,58	6,16	6,14	21,47	19,65
Kuintil 4	0,54	0,46	5,05	5,37	18,46	19,31
Kuintil 5	0,51	0,38	3,86	5,05	13,08	14,67

In line with that, the Indonesian Education Monitoring Network (JPPI) revealed that the data on out-of-school children (ATS) in Indonesia is very high, found as many as 3,094,063 Indonesian children who are not in school. According to Ubaid Matraji, the number of Out-of-School Children (ATS) of around 3 million is very concerning, and this figure is obtained from the results of data processing by the Central Statistics Agency (BPS) which shows that the higher the age group and the percentage of ATS is also high (Zhulfakar, 2024).

From the above data, of course, it will be contrary to the mandate of the 1945 Constitution which provides certainty of the fulfillment of children's rights and welfare through education to all groups of children regardless of their respective social status, so that there must be efforts and efforts in order to realize the ideals of the 1945 Constitution through sustainable social movements that can provide assistance and welfare stimulation to vulnerable groups from orphans and poor people who are in in urban society, they need serious settlement and handling after the death of their parents (Retnaningsih, 2021).

There are many patterns of community service that have been carried out in the past, including, entitled "Legal Protection and the Right to Education for Street Children in the Perspective of Welfare" which results in the involvement of stakeholders and certain parties, especially the social department, in order to prioritize and prioritize the fulfillment of the right to education as a form of the best interests of children in order to fulfill their human rights and welfare. And other services related to child protection against violence, protection of minors and integrated child protection in the community.

Through Community Service (PKM) this is not only aimed at providing educational assistance and donations, but by developing a foster sister model by providing understanding and services as well as legal assistance and children's rights to Parents or Guardians to always provide effective and best assistance to children so that they grow and develop in accordance with the rules and provisions of children's human

rights. This model will strengthen support for children to continue to get the right to education as stipulated in the National Education Law and the Child Protection Law article 25 paragraphs 1 and 2 invite participation from community organizations, academics, and child observers, so that the model of the idea of the foster sister program that is developed in the future becomes a sustainable community service program.

Community Service (PKM) initiated through the foster sister program has a focus on assisting children's rights in education and welfare as an effort to increase the spirit of education and teaching of foster children in vulnerable families who play an important role in ensuring the fulfillment of children's rights, so that in all limitations the family still survives to be able to provide educational services for them.

The difference in the level of educational disparity and the needs of the community at all levels of society occurs in Surabaya, so that as one of the big cities in Indonesia, it cannot be separated from the phenomenon of social and educational disparities that occur in the community. One example is the real difference between the families of students who attend Al Hikmah Junior High School and other vulnerable communities.

Al Hikmah School Surabaya, which is known as an Islamic-based private school with modern educational facilities and high quality of learning, tends to be chosen by students from middle to upper middle families. These students' families generally have wide access to quality education, both in the form of formal curriculum, extracurricular programs, and tutoring outside of school. Established economic conditions allow them to meet their children's educational needs without significant obstacles.

On the other hand, the lives of foster children certainly come from families that are considered vulnerable, most of whom come from the lower social classes, often face various challenges in meeting educational needs. Many children in the region have to attend educational institutions with limited facilities. Their parents often struggle with day jobs or odd jobs that make access to additional education, such as private tutoring or courses, difficult.

This gap is not only visible in educational facilities, but also in future mindsets and opportunities. The institution of Al Hikmah School Surabaya is more open to the global world, with better exposure to technology and good informatics life, while the lives of foster children tend to experience modest educational support or even less, as a result of the limitations of the economic level and the mindset of parents/guardians and their families.

However, in the midst of this gap, there is an opportunity to reduce the distance between the two groups. Through the educational collaboration program programmed in the activities of the Foster Brothers which is expected to provide stimulation and good hope in fulfilling their educational rights to realize better welfare and educational equality.

This PKM model shows that education is not only an individual responsibility, but a shared responsibility to build a fair and equal society in order to minimize the occurrence of social and educational disparities at the general level of society. So that in realizing the goals of this PKM, community participation is needed to carry out collaborative activities by collaborating with the management of Takmir Al Hidayah Mosque in Menanggal Village, Surabaya City as an agent of community partners in accommodating the interaction between Al Hikmah Junior High School and the community involved.

Based on the above background, Community Service (PKM) generally includes two important stages, namely, legal guidance on children's right to education and services for the right to fulfill children's education welfare which are expected to boost

the decline of education in vulnerable families, as well as providing understanding, insight and ideas to Parents/Guardians/Children in fulfilling education and welfare as an effort to ensure the rights and protection of children in Indonesia.

## RESEARCH METHODS

PKM for the Fulfillment of Education for Orphans and the Poor Through the Foster Sister Program is carried out for a period of one year, starting in September 2024, and is evaluated in stages for the next year's period on vulnerable families in the Menanggal sub-district area of Surabaya by preparing collaborative activities between the management of Al Hikmah School Surabaya as a distributor of community social funds and Takmir Al Hidayah Mosque in Menanggal sub-district as a community partner.

The implementation of PKM is carried out in four stages starting from problem identification, implementation stages, mentoring techniques, and dissemination of results that will be carried out with a qualitative approach with *the Asset-Based Community Development* (ABCD) method which is a sustainable empowerment method based on the assets, strengths, and potential of the community by looking at aspects of capacity, associations and institutions or institutions (Setiawan et al., 2022). The ABCD approach uses all resources, skills, and community experience as the main foothold to improve the quality of life in various aspects of ABCD (Setiawan et al., 2022). In a participatory way because it is related to planning action actions for social change through organizing ideas, resources/potentials and organizing movements.

The Community Service Program (PKM) is carried out in Menanggal Village, Surabaya, located at the Al Hidayah Mosque, through a participatory collaboration between Al Hikmah School Surabaya and Takmir Al Hidayah Mosque. The activity began with the identification of problems, namely the preliminary stage to determine the basis for the implementation of PKM, by involving social fund distribution institutions and mosque takmiran as community partners. Furthermore, the implementation stage includes socialization and exploration so that participants understand the program's objectives, as well as guidance services through interactive dialogue, brainstorming, and individual consultation related to effective child welfare and education. Assistance and evaluation are carried out by monitoring the daily practices of parents and children in the family, providing feedback to improve the effectiveness of the program. Finally, the dissemination of results is carried out as a form of reporting and publication of ideas, so that this program can contribute to solving social problems faced by the community, as well as being proof of accountability to various stakeholders.

With the method mentioned above, it is expected to be able to provide the best results in an effort to provide services, guidance and consultation on legal protection and the fulfillment of the right to education and welfare to Parents/Guardians of Children who are part of the Foster Brothers in maintaining and improving their level of knowledge about the fulfillment of children's right to education as a responsibility inherent to every Parent/Guardian of children in community life.

This PKM activity is carried out by optimizing the potential of social funds that can support the fulfillment of the education of orphans and poor children as a welfare effort through the Foster Brothers program for vulnerable family groups as an effort to fulfill sustainable welfare and assistance for children's right to education.

## RESULTS AND RESEARCH

Community Service Activities (PKM) can be carried out properly and in

accordance with the desired goals, so the implementation of this PKM activity is carried out with various efforts. The concrete steps that have been taken to achieve the goal are, through stages that are connected between one stage and another.

### Identification and Socialization

Identification and socialization are carried out by recording the condition of each family through submissions submitted by registrants and filling out a form containing information about the child's and parents' self-health, parents' work and parents/guardians' income with evidence of collecting biodata of the child and parents/guardians and attaching a photocopy of the Family Card (KK).

The data collected was verified that the family is part of the family that has the right to protection and the right to welfare in funding education costs.

The existing data is verified and analyzed for the eligibility of anyone who meets the requirements will be collected to get socialization to become part of the Foster Sister. From the data, a total of twenty-five families were obtained who received these rights.

Foster Sisters can be interpreted as Foster Children in a broad sense. A foster child is a child who is cared for by an individual or institution, to be given guidance, maintenance, care, education and health because his parents or one of the parents is unable to guarantee the child's growth and development reasonably (Child Protection Law, 2002). But in this PKM it is carried out not in general as referred to in Article 1 of Law Number 23 of 2002, but the target of this PKM activity is Foster Brothers who are only in certain aspects that are limited in nature that can provide assistance in terms of guidance and fulfillment of educational rights only, and not in general from what is referred to in article 1 of Law Number 23 of 2022 related to guidance, maintenance, care, education and health.

The number of foster children who have been registered in this PKM activity is 25 foster children, most of whom are still in grade 4 elementary school or equivalent, kindergarten or equivalent with a composition of 13 boys and 12 girls.

Table 2. Data classification of Foster Siblings

No	Gender		Education		Family Status	
	Male	Female	Kindergarten	Primary school	Orphan	Poor
1	12	13	5	20	15	10

The socialization was carried out by inviting all foster children and parents or guardians to maintain their commitment to fulfilling children's rights, especially in fulfilling education, this socialization was attended by foster children, parents or guardians, social fund distributors, and Nurul Hidayah Mosque Management/Takmir as Community Partners.



Figure 1. Socialization of Activities at the Nurul Hidayah Foundation Mosque in Menanggal

### Implementation of Services, Guidance and Monitoring and Monitoring

Monitoring and monitoring through guidance and consulting services and personal and classical motivation are carried out to find out the level of understanding of the foster family's family to always provide assistance to them so that they get rights and protection from various aspects that are detrimental to them by providing services in understanding the principles in the law and child protection rights in accordance with the rules of Law Number 35 of 2014 and Article 1 of Law Number 23 of 2022 which is related to the obligations and responsibilities of parents and families because in the law it has been discussed how we should treat children so that children can live prosperously and get protection and fulfillment of their life needs and rights (Fitri et al., 2015). which is connected through the concepts of child and family education in accordance with the provisions of Islamic sharia in the context of Al Maqosyid As-Syar'iyah, namely maintaining the goals of sharia which include five main principles, namely; Protect religion (*Hifzh al diin*), protect the soul (*hifzh al nafs*), protect the intellect (*hifzh al aql*), protect human dance (*hifzh al nasl*), and protect property (*hifzh al mal*) (Herawati et al., 2014). In line with this, the Human Rights Law (Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights, 1999) mentions that:

*"Everyone has the right to protection for his personal development, to obtain education, educate himself, and improve his quality of life in order to become a human being who is faithful, devout, responsible, noble, happy, and prosperous in accordance with human rights."*

This service and guidance is carried out by providing understanding to Parents/Guardians, Children and families in understanding the importance of protecting Children and the whole family to gain an understanding of the importance of education as part of implementing the goals of the Sharia, namely equipping themselves through proper and adequate education so that in the future they will grow into individuals who are broad-minded, free-minded and independent and independent in carrying out Life that has always been a cycle in human life from time to time.

This service and guidance is participatory, meaning that Parents/Guardians and Children can understand the basics of rights and obligations in carrying out education, which in particular they already know the position of the obligations of Parents/Guardians, Children but they only need assistance in financing, so it is necessary to strengthen education financing. The financing of education is based on the nature of formal education and formal religious education such as Madrasah Diniyah



(MADIN) or TPQ and others which provide the main provisions to children in the aspects and basics of education itself.



Figure 2. Nurul Hidayah Mosque Foundation Menanggal as a community partner and guidance services to Parents/Guardians and Foster Siblings

### **Fulfillment of sustainable well-being**

In the fulfillment of sustainable welfare, the role of educational institutions or institutions that have concern for vulnerable groups through social activities is always synergized, so that it can be used as a liaison for financing and funding in providing welfare to them in an effort to fulfill the right to education. The institution is Al Hikmah School Surabaya which is located at Jl. Kebonsari Elveka V Kebonsari Village, Jambangan District, Surabaya City, as an institution that seeks funds and distributes education funds for Foster Sisters which is located at Jalan Kebonsari Elveka V Surabaya which is in partnership with the Nurul Hidayah Mosque which is located in Menanggal Village, Gayung District, Surabaya City as a community partner who receives assistance and donations for children's education fees, as well as a place post to provide legal services and guidance and child protection from a welfare perspective through the Foster Brothers program.

The fulfillment of the education fees of the Foster Brothers is given every month during their education in the current school year, assuming that it is the cost of schooling, studying, purchasing learning tools and the educational needs of the Child, which is given to the Parents/Guardians to be able to use them in these needs.

The right to regulate is fully given to Parents/Guardians so that they can be adjusted in managing their respective family finances, so that periodic monitoring and monitoring are needed so that the funds are really properly channeled for the benefit of children's education as part of the implementation of the Foster Sister program. This is in line with the formulation of article 23 of Law Number 23 of 2022 paragraph (1) which explains:

*"The State and the Government guarantee the protection, maintenance and welfare of children by paying attention to the rights and obligations of parents, guardians, or other persons who are legally responsible to the Child."*





Figure 3. Handover of education funds to foster children given by the Nurul Hidayah Mosque Management as a Community Partner at the Nurul Hidayah Mosque Menanggal Surabaya City

### Mentoring and Evaluation

Assistance for children and families is an important part of overseeing the effectiveness and goals of PKM. Assistance to the role of Parents/Guardians and Children is formulated through empowerment and the implementation of *Home Visits*. This *Home Visit* was carried out to explore, direct and strengthen the role of Parents/Guardians by discussing to explore various problems faced by Parents/Guardians and Children that must be solved directly.

The role of Assistance will have a positive impact as a form of cooperation and synergy between others so as to provide a calm and comfortable feeling for the family, as if all their complaints and problems as well as their aspirations in building an educated family culture and atmosphere are accommodated and conveyed. This will open up shortcomings, limitations and advantages in implementing the program of activities to fulfill children's educational rights and welfare through foster children, so that these shortcomings can be adapted to improve relevant activities that are better and controlled.

The shortcomings that often arise are the communication between all interested parties, the existence of miscommunication between parties in the family will affect the essence of ensuring the welfare of the foster sister. Lack of understanding of parents in fulfilling the right to education of children that should be fulfilled, and due to other factors, these rights have not been fulfilled properly.

This improvement effort must go through a restructured program by making more specific community service activities to align various interests, both the interests of fund distributors, community partners and foster children so that they can achieve the desired goals together in a sustainable manner.



Figure 4. Assistance and evaluation through Home visits conducted by the Community Partner Team

### Spread of Results

The dissemination of results is a responsibility that is part of the implementation of PKM which is addressed to several parties involved in all components involved in the implementation of the program. In this case, the fulfillment of the right to education and sustainable welfare through the empowerment of Foster Brothers and Sisters activities cannot be separated from various elements. Family partners who are given their responsibilities to the Management of the Nurul Hidayah Mosque Surabaya will give feedback to the social fund distributor, in this case the Al Hikmah School Surabaya which is used in financing the fulfillment of the education of the Foster Sisters, that everything related to this responsibility can be solved properly.

The dissemination of these results is a reference for the implementation of activities gradually and periodically as a form of means of improving PKM in concretizing the ideas that have been achieved for anyone who will delve into Lebig more.

In the context of Al Hikmah School Surabaya, of course, it will be very necessary to disseminate the results of the activities that have been carried out as a form of evaluation and projection and plan activities that can increase the trust of donors, so that this will add to the inventory to measure the direction of policies made by the Al Hikmah School Surabaya institution in taking sustainable policies and providing various treatments in compiling future programs and plans so that Solidity has been achieved in the implementation of the program in the future.

The dissemination of results is a benchmark for the success of collaborative social activities in the context of fulfilling the right to education and welfare through the Foster Sister program, which gives meaning that education and welfare are like currencies that cannot be separated from each other as part of the awareness of community components in the success of collaborative programs in society when the government cannot fully cover the needs of education and welfare community as mandated in the constitution of the Republic of Indonesia as stated in the 1945 Constitution.



Figure 5. Review Meeting and dissemination of results with stakeholders and evaluation of internal programs for distributing social funds to the community

### CONCLUSION

The fulfillment of children's right to education in Indonesia is a mandate from the 1945 Constitution that must be fought for as part of the nation's next generation.

Education is one of the most important for human life, because the indicators of a country's progress are greatly influenced by good and quality education. However, in the midst of this gap, there is an opportunity to reduce the distance between the two groups. Through the educational collaboration program programmed in the activities of the Foster Brothers which is expected to provide stimulation and good hope in fulfilling their educational rights to realize better welfare and equality of education, this method has been accommodated together between the role of Al Hikmah School Surabaya and the Nurul Hidayah Mosque network as a Community Partner.

The implementation of this PKM is carried out in four stages starting from problem identification, implementation stages, mentoring techniques, and dissemination of results which will be carried out with a qualitative approach with the Asset-Based Community Development (ABCD) method which is a sustainable empowerment method based on the assets, strengths, and potential of the community by looking at aspects of capacity, associations and institutions or institutions.

The stages chosen in this community service show a significant direction in the implementation of the series of service which begins with data collection and analysis as part of socialization, then continues with services and guidance gradually through home visits to support the effectiveness of a sustainable welfare framework for foster children, so that assistance and evaluation are needed in order to measure the shortcomings and advantages This service, so that a holistic evaluation can be carried out so that the results can be disseminated to related parties periodically as part of the responsibility for the implementation of community service.

Community service through this model is a solution in solving problems in society related to the fulfillment of the right to education and welfare for children which is part of the form of community involvement in helping the government to try to make efforts to build social welfare and overcome economic downturn in vulnerable communities in order to achieve social justice for all Indonesian people.

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