

Constitutional and Siyasah Dusturiyah Review of Neglected Child Protection in Purwakarta

Tinjauan Konstitusional dan Siyasah Dusturiyah terhadap Perlindungan Anak Terlantar di Purwakarta

M Yahya Wahyudin¹ , Rena Zulfaidah² 

¹⁻²Sunan Gunung Djati State Islamic University, Indonesia

Article Info

Corresponding Author:

M Yahya Wahyudin

✉ 2249310018@student.uinsgd.ac.id

History:

Submitted: 05-04-2026

Revised: 31-05-2026

Accepted: 01-06-2026

Keyword:

Neglected Children, Siyasah Dusturiyah, Maqashid Shariah, Child Protection, Purwakarta.

Kata Kunci:

Anak Terlantar, Siyasah Dusturiyah, Maqashid Syariah, Perlindungan Anak, Purwakarta.

Abstract

The phenomenon of neglected children in Purwakarta Regency exposes a severe disconnect between the 1945 Constitution and actual regional protection practices. Utilizing an empirical approach, this study critically analyzes legal frameworks, direct field observations, and targeted interviews with local social agencies to evaluate regulatory implementation. Findings reveal acute institutional paralysis and ineffective bureaucratic synergy, reducing Regional Regulation Number Two of 2021 into a mere administrative text. Consequently, state interventions completely fail to address structural poverty and the rampant economic exploitation continuously orchestrated by organized street child mafias. To rectify this systemic failure, this research proposes integrating the interdisciplinary principles of Siyasah Dusturiyah and Maqashid Shariah. Operationalizing the ethical concepts of Hifdz al Ummah alongside established jurisprudential maxims strictly demands a transformative governance model. Substantively protecting marginalized youth directly requires dismantling these exploitative networks rather than merely enforcing superficial public order, thereby genuinely actualizing a fully constitutional regional protection environment today.

Abstrak

Fenomena anak terlantar di wilayah Kabupaten Purwakarta mengekspos diskoneksi parah antara konstitusi dasar 1945 dan praktik perlindungan daerah aktual. Menggunakan pendekatan empiris, studi ini menganalisis secara sangat kritis kerangka hukum, observasi lapangan langsung, dan wawancara tertarget dengan dinas sosial lokal untuk mengevaluasi implementasi peraturan. Temuan mengungkap kelumpuhan institusional akut dan sinergi birokrasi yang tidak efektif, mereduksi Peraturan Daerah Nomor Dua Tahun 2021 menjadi sekadar teks administratif. Akibatnya, intervensi negara sepenuhnya gagal mengatasi kemiskinan struktural serta eksploitasi ekonomi merajalela yang terus diorkestrasikan oleh para mafia anak jalanan terorganisir. Untuk memperbaiki kegagalan sistemik ini, riset ini mengusulkan pengintegrasian prinsip interdisipliner Siyasah Dusturiyah dan Maqashid Syariah. Mengoperasionalkan konsep etis Hifdz al Ummah di samping maksim yurisprudensial mapan secara ketat menuntut model tata kelola transformatif. Melindungi pemuda marjinal secara substantif langsung mensyaratkan pembongkaran jaringan eksploitatif ini daripada sekadar menegakkan ketertiban umum superfisial, dengan cara demikian sungguh mengaktualisasikan lingkungan perlindungan daerah sepenuhnya konstitusional hari ini.



Copyright: © 2026 by the authors. Submitted for possible open access publication under the terms and conditions of the Creative Commons Attribution (CC BY SA).

 <https://doi.org/10.65101/vatqxy25>

A. INTRODUCTION

1. Background

The existence of street children in Purwakarta Regency is a striking legal anomaly in the midst of a constitutional mandate that guarantees the welfare of citizens. Although Article 34 paragraph (1) of the 1945 Constitution explicitly mandates that the poor and abandoned children be cared for by the state, the empirical reality on the ground shows a sharp disconnect between legal norms and protection practices. The inability of the local government to implement Purwakarta Regency Regional Regulation Number 2 of 2021 concerning Child-Friendly Regency has created a persistent legal protection crisis.¹

At the macro level, the state's responsibility to protect children is not only administrative, but also a moral and constitutional imperative. Theologically, this mandate is in line with the principle of *hifz al-ummah* in *the Siyasa Dusturiyah*, which obliges the ruler to ensure the welfare and safety of every individual, especially vulnerable groups.² The state has an absolute responsibility to ensure that no child is plunged into a marginal climate that endangers their future.

National regulatory frameworks such as the Child Protection Law and regional regulations in Purwakarta have actually experienced an impasse in implementation.³ Institutional paralysis can be seen in the ineffectiveness of coordination between the Social Service and the Satpol PP, which is often stuck in a control approach without touching the root of socio-economic problems. Regulations that are supposed to be a protector are actually dead texts that do not have operational reach in the field.

This failure is empirically confirmed through statistical data on street children in Purwakarta which shows stagnation at 62 to 76 people in the period 2017-2020.⁴ This number that has not decreased significantly is proof that the policy interventions carried out so far are not solutional. This phenomenon also shows that the relevant institutions have failed to respond to the basic needs of these children to get out of the snare of street exploitation.

¹ Intan Rahma Dini, "Studi Analisis Terhadap Implementasi Pasal 34 Ayat (1) UUD 1945 Tentang Fakir Miskin Dan Anak Terlantar Dipelihara Oleh Negara Perspektif Hukum Islam" (Thesis, Universitas Islam Indonesia, 2024), <https://dspace.uii.ac.id/handle/123456789/52634>.

² Husni Mubarrak, "Peran Fatwa Mui Dalam Perubahan Sosial: Fatwa Majelis Ulama Indonesia Dalam Pandangan Akademisi," *Sekretariat Komisi Fatwa Majelis Ulama Indonesia*, September 1, 2021.

³ Moch Agung Lukmanul Hakim et al., "Menyingkap Kebekuan Advocacy Coalition Framework Dari Institusi Kepemudaan Di Kabupaten Cianjur Dalam Membangun Skema Eksklusivitas Pelayanan," *Jurnal Education and Development* 11, no. 1 (2023): 366–83, <https://doi.org/10.37081/ed.v11i1.4545>.

⁴ Redaksi, "Purwakarta dalam Angka Tak Seindah Purwakarta di Dunia Maya," *gugah.co*, May 26, 2026, <https://gugah.co/3570/purwakarta-dalam-angka-tak-seindah-purwakarta-di-dunia-maya/>.

The current academic discourse on child protection is generally still divided and has not reached a complete synthesis. Secular literature tends to focus analysis on aspects of administrative and bureaucratic compliance, while studies that integrate Islamic law are often stuck in normative theoretical discussions.⁵ There is a "blind spot" in the existing literature: there is no critical synthesis that tests the failure of local regulations through the lens of *Maqashid Syariah* and *Siyasah Dusturiyah*.

A number of recent studies reinforce that the problem of protecting neglected children in Indonesia is not merely a matter of normative gaps, but primarily the weakness of policy implementation. Nurdina Sari et al. (2024) analyze Law Number 17 of 2017 on the Protection of Child Victims of Sexual Violence from the perspective of Fiqh Siyasah Dusturiyah and conclude that Indonesia's positive legal construction has in fact already positioned child protection as a state obligation, yet its effectiveness is determined largely by the commitment of the *ulil amri* in enforcing sanctions and preventing sexual violence.⁶ Farisi and Putri (2025) find that the forms of legal protection against the economic neglect of children in Sukabumi Regency include supervision, prevention, care, and rehabilitation, but their implementation is hampered by limited funding, a lack of understanding of procedures, the absence of clear SOPs, and low levels of empathy among officials and the community.⁷ Meanwhile, Susilowati (2022), through a study of the practice of protecting neglected children in Child Social Welfare Institutions (LKSA), shows that the still limited written policies, violence-reporting mechanisms, and caregiver competencies require practical guidelines, continuous training, and child-care certification so that protection standards are genuinely internalized in institutional governance.⁸

In this study, the author offers a new paradigm that dissects these failures through an interdisciplinary approach. If the previous literature only views child protection policies as a matter of administrative compliance, then this study places the paralysis as

⁵ Moh Anas et al., "Pendekatan Normatif Doktrinal Dalam Studi Islam Dan Implikasinya," *TADBIRUNA* 5 (August 2025): 1–8, <https://doi.org/10.51192/jurnalmanajemenpendidikanislam.v5i1.2153>.

⁶ Nurdina Sari et al., "Analisis Undang-Undang Nomor 17 Tahun 2017 Tentang Perlindungan Anak Korban Kekerasan Seksual Perspektif Fikih Siyasah Dusturiyah," *Journal of Sharia and Legal Science* 2, no. 1 (April 2024): 107–30, <https://doi.org/10.61994/jsls.v2i1.414>.

⁷ Muhamad Salman Farisi dan R. Eriska Ginalita Dwi Putri, "Perlindungan Hukum Terhadap Penelantaran Anak Secara Ekonomi di Kabupaten Sukabumi," *Majelis: Jurnal Hukum Indonesia* 2, no. 1 (2025): 49–73, <https://doi.org/10.62383/majelis.v2i1.504>.

⁸ Ellya Susilowati, "Praktik Perlindungan Anak Terlantar di Lembaga Kesejahteraan Sosial Anak," *Sosio Informa* 8, no. 1 (2022), <https://doi.org/10.31595/inf.v8i1.2981>.

a violation of the principle of public benefit in *Siyasah Dusturiyah*. This study argues that the failure of child protection in Purwakarta is not caused by the absence of law *in books*, but by the loss of moral-political urgency in policy execution (*law in action*).⁹ The integration between constitutional principles and *fiqh siyasah* is an absolute prerequisite for improving the governance of child protection. Without a paradigm shift towards more responsive jurisprudence, the number of street children will continue to be an unresolved burden of civilization.

This research will outline how local policy structures fail to anticipate the economic exploitation that occurs behind the phenomenon of the "street child mafia". Through an in-depth analysis of empirical reality, this article will not only uncover gaps in regulatory implementation, but also offer a systemic resolution model that synergizes state responsibility with family obligations within the framework of *Sharia Maqashid*.¹⁰ This research provides a theoretical contribution for legal academics in understanding how Islamic jurisprudence can strengthen the standards of child protection set by the country's constitution. By connecting the responsibility of *ulul amri* with the empirical reality in Purwakarta, this article is expected to be a practical reference for local governments in conducting policy evaluations. This step is crucial to ensure the fulfillment of children's rights as an investment in the future of a more civilized nation.

2. Research Question

Flowing directly from the constitutional and socio-legal context of neglected child protection in Purwakarta and the dialectic between law in books and law in action elucidated in the foregoing literature, the core inquiries of this research crystallize into a dual, yet interrelated, problem formulation.

First, in line with the sub-chapter "The Rights of Abandoned Children as Citizens According to the 1945 Constitution and Purwakarta Regency Regional Regulation Number 2 of 2021 concerning Child-Friendly Districts", how can the constitutional mandate of Article 34 paragraph 1 of the 1945 Constitution, together with the normative design of Purwakarta Regency Regulation Number 2 of 2021, be doctrinally reconstructed and empirically tested so as to move beyond merely administrative, text-

⁹ Alifa Nurdiannisa, *Law in Action Vs. Law in Books Penerapan Sociological Jurisprudence Pada Proses Peradilan Kasus Korupsi Timah Oleh Harvey Moeis*, December 9, 2025.

¹⁰ Nurjannah Amir et al., *Maqashid Syariah Dalam Hukum Keluarga*, in *IAIN Parepare Nusantara Press* (2026), <https://omp.iainpare.ac.id/index.php/ipnpress/catalog/book/337>.

based guarantees and instead substantively secure the citizenship rights and welfare of neglected and street children in Purwakarta?

Second, corresponding to the sub-chapter “Review of Siyasah Dusturiyah on the Protection of Street Children According to the 1945 Constitution and Purwakarta Regency Regional Regulation Number 2 of 2021”, by what conceptual and institutional mechanisms can the principles of Siyasah Dusturiyah, Maqashid Shariah particularly Hifdz al-Ummah, Hifz an-Nasl, and the maxim dar’ al-mafasid muqaddam ‘ala jalb al-masalih be operationalized into a concrete child protection governance model that is capable of dismantling the structural exploitation surrounding street children, correcting the current implementation failures, and realizing a truly Child-Friendly Regency in Purwakarta in both constitutional and ethical terms?

3. Research Methods

This study uses an empirical socio-legal approach as the main framework to bridge the gap between *law in books* and *law in action* in child protection in Purwakarta Regency. A purely doctrinal approach is considered inadequate because the main problem does not lie in the text of Regional Regulation Number 2 of 2021 itself, but in the institutional paralysis and socio-economic realities that systemically hinder the effectiveness of regulatory implementation. Thus, a socio-legal approach is needed to critically unpack how legal norms interact or fail to respond to factual realities on the ground.¹¹

To ensure the accuracy of the analysis, the legal corpus of this research is categorized precisely. The primary legal materials analyzed include Article 34 paragraph (1) of the 1945 Constitution as the highest constitutional mandate, as well as specific articles in the Purwakarta Regency Regulation Number 2 of 2021 concerning Child-Friendly Districts.¹² Meanwhile, secondary legal material is focused on relevant doctrinal literature, especially works in the *tradition of Fiqh Siyasah Dusturiyah* and *Maqashid Shariah*, including As-Shatibi thought on *Hifz an-Nasl* (protection of offspring), which serves as a theoretical framework for evaluating state obligations in child protection.¹³

¹¹ Nada Sabila et al., *Menggunakan Penelitian Hukum Berbasis Masyarakat (Socio-Legal-Approach)*, April 29, 2026.

¹² “PERDA Kab. Purwakarta No. 2 Tahun 2021,” Database Peraturan | JDIH BPK, accessed May 30, 2026, <http://peraturan.bpk.go.id/Details/165729/perda-kab-purwakarta-no-2-tahun-2021>.

¹³ Achmad Basyar, “Perlindungan Nasab Dalam Teori Maqashid Syariah: Achmad Beadie Busyroel Basyar,” *Maqashid* 3 (May 2020): 1–16, <https://doi.org/10.35897/maqashid.v3i1.286>.

Empirical data collection is carried out by a strict method to guarantee the validity and reliability of the findings.¹⁴ Informants were selected using *the purposive sampling technique*, where strategic officials at the Social Service and Satpol PP of Purwakarta Regency were selected based on their direct involvement in the enforcement of child protection policies. Regarding street children, field observations are carried out with parameters that focus on their interaction patterns with public spaces and the response of officials in the field. The granularity in the selection of informants and observation parameters aims to objectively capture the phenomenon of the "street child mafia" and bureaucratic obstacles.

As an analytical scalpel, this research integrates systematic legal interpretation with a teleological approach rooted in *Maqashid Shariah*.¹⁵ The mechanics of analysis are carried out by dialogizing empirical findings (results of interviews and observations) critically to the normative standards of *Siyasah Dusturiyah*. Through this dialectic, field data on the failure of policy implementation will be tested against the principles of public benefit and the responsibility of *ulul amri*. Thus, the resulting conclusions are not only descriptive, but are a legal synthesis that is able to offer a systemic resolution to the lack of protection for abandoned children in Purwakarta Regency.

B. DISCUSSION

The architecture of the ensuing analysis and discussion unfolds in a rigorously sequenced manner, closely adhering to the dual research inquiries delineated in the introductory section. Anchored first in the doctrinal and empirical configuration of Indonesia's constitutional framework and Purwakarta Regency Regional Regulation Number 2 of 2021, the discourse begins by unpacking how the rights of abandoned and street children as citizens are normatively articulated and, at the same time, systematically betrayed in their concrete implementation. It then migrates into a deeper normative-ethical plane by dialogizing these findings with the principles of *Siyasah Dusturiyah* and *Maqashid Shariah*, elaborating how concepts such as *Hifdz al-Ummah*, *Hifz an-Nasl*, and *dar' al-mafasid muqaddam 'ala jalb al-masalih* may be transposed into a transformative child protection governance model capable of dismantling structural

¹⁴ Ari Riswanto et al., *Scientific Research Methodology (A Practical Guide to Quality Research)* (2023).

¹⁵ Arzam Arzam and Kusnadi Kusnadi, "Maqasid Al-Shari'ah and Ecotheology: A Philosophical Analysis of the Normative Foundations of Islamic Law in Ecological Issues," *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsiyyah* 8, no. 4 (2025): 902–16, <https://doi.org/10.58824/mediasas.v8i4.473>.

exploitation and reorienting Purwakarta's Child-Friendly Regency agenda toward substantive, not merely symbolic, protection of vulnerable children.

1. The Rights of Abandoned Children as Citizens According to the 1945 Constitution and Purwakarta Regency Regional Regulation Number 2 of 2021 concerning Child-Friendly Districts

Constitutional protection for abandoned children is the main mandate of the state as stipulated in Article 34 paragraph (1) of the 1945 Constitution. Although a normative framework is already in place, implementation on the ground shows a sharp disconnect between legal ideals and empirical reality. The inability of local governments to operationalize these regulations has created a chronic protection crisis. The phenomenon of street children in Purwakarta is not just a social problem, but evidence of the law's powerlessness in guaranteeing basic rights. This emphasizes that existing policies often stop at the administrative level without touching the substance of child welfare. This crisis demands an in-depth evaluation of the effectiveness of the bureaucratic structure in carrying out the imperative constitutional order.¹⁶

Purwakarta Regency Regional Regulation No. 2 of 2021 should be an instrument of salvation for vulnerable children. However, in practice, this rule seems to have lost its fangs due to the lack of synchronization between the relevant agencies. The Social Service and Satpol PP are often stuck in a repressive short-term control approach. This approach ignores the root of the socio-economic problems that trigger children to take to the streets. As a result, the regulation is only a dead text that fails to answer the challenges of the times. Without synergy between institutions, child protection will continue to be trapped in the vicious circle of ineffectiveness of public policy.¹⁷ The following is data on various abandoned children in Purwakarta Regency:

Table 1. Recap of 5 years of data on abandoned children in Purwakarta Regency

Year	Street children	Abandoned toddler	Child victims of violence	Abandoned children
2024	65	1	54	45
2023	65	6	93	45
2022	43	6	11	747

¹⁶ Prof Dr Jimly Asshiddiqie S.H, *Konstitusi dan Konstitusionalisme Indonesia* (Sinar Grafika, 2021). 67

¹⁷ Soerjono Soekanto, *Sosiologi: suatu pengantar* (Rajawali, Jakarta, 1982). 45

Year	Street children	Abandoned toddler	Child victims of violence	Abandoned children
2021	117	6	11	747
2020	62	62	1	527

Source: West Java Geuliss PPKS Data Dashboard, "Abandoned Children/Street Children," accessed May 31, 2026, <https://geuliss.jabarprov.go.id/Dashboarddata/ppks>.

Data on Persons with Social Welfare Problems (PPKS) for children in Purwakarta Regency during the 2020–2024 period reflects child protection problems that are multidimensional and have not been addressed systemically. Based on the West Java Geuliss PPKS Data Dashboard, the number of street children fluctuated without a consistent downward trend, even jumping dramatically in 2021 to 117 people before returning to stagnation at 65 people in 2023–2024, a condition that confirms that policy interventions so far have been reactive and do not touch the root of socio-economic problems structurally.

More worryingly, the data on abandoned children shows a much larger number than that of street children, namely 527 people in 2020 and even jumped to 747 people for two consecutive years (2021–2022), before declining sharply to 45 people in 2023–2024, a decline that should be questioned for its methodological validity, whether it reflects the success of the program or is it simply a change in data categorization. The data on child victims of violence that reached its peak in 2023 as many as 93 people also confirms that the vulnerability of children in Purwakarta does not stand alone, but is intertwined between neglect, street exploitation, and violence, a reality that demands a thorough evaluation of the effectiveness of Purwakarta Regency Regional Regulation Number 2 of 2021 concerning Child-Friendly Regency as a substantive protection instrument that should be able to respond to this complexity in a comprehensive manner. holistic and sustainable.

Based on the results of interviews with stakeholders of the Purwakarta Regency Social Service, many regulations have been made to overcome this phenomenon, but none have yielded results. The number of street children has not decreased significantly, in fact it is increasing and most of them live in the criminal world. If you look at Article 9 of Regional Regulation Number 2 of 2021 concerning Child-Friendly Districts, it is explained that in realizing a Child-Friendly Regency, it is necessary to fulfill children's rights which are the basic foundation. However, in reality, there are still many street children in

Purwakarta Regency whose rights have not been fulfilled. The birth of street children was first caused by the economic crisis that occurred in 1998. In that era, in addition to the society experiencing economic changes, it was also a period of government transition that caused so many social problems to arise. Directly, the impact of the economic crisis is closely related to the increase in the number of street children in several major cities in Indonesia. This finally gives deviant ideas to the children's social environment to exploit them economically, one of which is by doing activities on the streets. The Purwakarta Regency Social Service mentioned several causes of the appearance of street children, including:¹⁸

- a. Parents encourage children to work under the pretext of helping the family economy.
- b. Cases of violence and mistreatment of children by parents are increasing, so children run to the streets.
- c. Children are in danger of dropping out of school because their parents cannot afford to pay school fees.
- d. More and more children are living on the streets because the cost of housing contracts is expensive/increasing.
- e. There is competition with adult workers on the streets, so that children are forced to do high-risk work for their safety and are exploited by adults on the streets.
- f. Children become living longer on the streets so that new problems arise.
- g. Street children are victims of extortion and sexual exploitation of female street children.

The persistence of street children in Purwakarta, whose numbers are relatively stagnant, shows a systematic systemic failure. Field data proves that government intervention so far has not been holistic and sustainable. Most policies are only *ad-hoc* without touching the comprehensive protection dimension. This condition is exacerbated by weak supervision of child protection mechanisms at the sub-district level.¹⁹ The local government seems to have lost its direction in unraveling the tangled threads of child

¹⁸ Interview with Yuyun Nuraeni from the Purwakarta Social Service. 28 February 2025.

¹⁹ DKP UMY, "Pakar UMY Ungkap Akar Lemahnya Sistem Perlindungan Anak: Fragmentasi Dan Respons Yang Terlalu Lambat," *UMY*, December 4, 2025, <https://www.umi.ac.id/pakar-umi-ungkap-akar-lemahnya-sistem-perlindungan-anak-fragmentasi-dan-respons-yang-terlalu-lambat/>.

neglect that are increasingly complex. This failure signals the need for a complete overhaul of the regional child protection policy implementation model.

This institutional paralysis is rooted in the bureaucracy's inability to understand the substantive needs of abandoned children. Law enforcement officials tend to view street children as objects of public order, not as legal subjects whose rights must be fulfilled. This perspective results in inhumane treatment and excessive stigmatization of children. This is in contrast to the spirit of *Child-Friendly Regency* carried out in the Regional Regulation. As a result, street children are actually double victims of poverty and state indifference. A paradigm shift is needed that puts the welfare of children above the importance of urban aesthetic stability.²⁰

Economic factors are the main drivers that are often overlooked in the design of regional child protection regulations.²¹ Many children are forced to work on the streets due to the urgent demands of meeting family needs. Without an adequate social safety net, children's dependence on the informal sector will continue to increase. Local governments must be able to map family economic vulnerability as a preventive measure for child protection. Policies that only focus on control without economic intervention will always meet with a dead end. Structural poverty must be addressed with empowerment programs that target directly the root cause of the problem.

The phenomenon of the "street child mafia" adds a dimension of complexity in handling child protection cases at the regional level. These organized groups exploit children's vulnerabilities to extract economic benefits illegally and exploitatively.²² The state seems to be stuttering in breaking the chain of exploitation involving adult actors behind the scenes. The absence of strict action against exploiting actors shows the weakness of law enforcement on the ground. The existence of this group has created a dark space of jurisdiction that is difficult to reach by regional rules. It takes institutional courage to dismantle this network that perpetuates child trafficking.²³

²⁰ Laras Winarsih et al., "Efektivitas Penegakan Hukum Pidana Anak Jalanan Dalam Sistem Peradilan Pidana Anak Perspektif Humanis Restoratif," *NOLAN - Noblesse Oblige Law Journal* 2, no. 1 (2025): 213–27.

²¹ Kamila Nur Cahyani, "Faktor Ekonomi Penyebab Eksploitasi Anak Dalam Tinjauan Hak Asasi Manusia," *LEX et ORDO Jurnal Hukum Dan Kebijakan* 1, no. 1 (2023): 61–67.

²² Ruangguru Tech Team, "Fenomena anak jalanan menjadi salah satu permasalahan..., " accessed May 30, 2026, https://roboguru.ruangguru.com/forum/fenomena-anak-jalanan-menjadi-salah-satu-permasalahan-sosial-yang-cukup-kompleks-bagi_FRM-WRFQKRL7.

²³ Rena Zulfaidah and Utang Rosidin, "Pengujian Konstitusionalitas Hak Atas Lingkungan Hidup Yang Baik Dalam Kasus Pencemaran Lintas Batas: Telaah Terhadap Prinsip Kedaulatan Negara," *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora* 4, no. 1 (2026): 213–26, <https://doi.org/10.59246/aladalah.v4i1.1748>.

Family disintegration is a factor that often triggers the flight of children to harsh street environments. The role of the family as the main bulwark of child protection seems to be weakening due to the increasingly heavy pressure of life. Local governments lack to provide intensive assistance for high-risk families. Educational programs regarding children's rights and parental responsibilities are still very minimal in Purwakarta. Without strengthening the role of the family, preventing children from becoming abandoned will continue to experience serious obstacles. Community-based approaches must be reactivated to restore the social functioning of the family.²⁴

The social stigmatization of street children creates a wall of separation that hinders their reintegration process. People often see them as a social burden rather than as citizens whose rights are neglected. This negative view also worsens the psychological and social conditions of children in their environment. Local governments have a responsibility to conduct massive social inclusion campaigns. Without community support, efforts to fulfill children's rights will always face strong social resistance. Inclusive policies will help children to feel welcome back in a healthy social ecosystem.²⁵

The absence of an easily accessible complaint mechanism for street children further widens the gap in legal protection. Children do not have the space to voice their aspirations or report the violence experienced directly. They are in a very vulnerable position without legal protections of a protective nature. The government needs to build a mentoring system that reaches strategic locations where children are active. The presence of the state must be felt directly by children through responsive and partisan services. Access to justice for street children is an absolute prerequisite for the creation of real protection.²⁶

The effectiveness of regional regulations is highly dependent on the moral urgency and political commitment of policy makers. The law will not work to its fullest if it relies solely on text without consistent execution in the field. There needs to be inherent supervision of the performance of the technical service so as not to get caught up in

²⁴ Hari Setiawan, *Mencegah Menjadi Anak Jalanan Dan Mengembalikannya Kepada Keluarga Melalui Model Community Based*, February 7, 2019.

²⁵ Ranti Putri et al., "Pengaruh Lingkungan Sosial Terhadap Perkembangan Psikologis Anak Sekolah Dasar," *Cognoscere: Jurnal Komunikasi Dan Media Pendidikan*, ahead of print, June 9, 2025, <https://doi.org/10.61292/cognoscere.273>.

²⁶ "Pengaturan Tenaga Pendamping Sosial Perlu Kajian Kesiapan Daerah Lebih Lanjut | Kementerian Koordinator Bidang Pembangunan Manusia Dan Kebudayaan," accessed May 30, 2026, <https://www.kemendikbud.go.id/pengaturan-tenaga-pendamping-sosial-perlu-kajian-kesiapan-daerah-lebih-lanjut>.

bureaucratic routines. Periodic evaluations of Regional Regulation Number 2 of 2021 must involve the active participation of the public and legal academics. Only with strong synergy, the constitutional protection of children in Purwakarta can achieve the ideal welfare target. Today's failure must be the starting point for a more visionary and humane policy change.²⁷

2. Review of Siyasah Dusturiyah on the Protection of Street Children According to the 1945 Constitution and Purwakarta Regency Regional Regulation Number 2 of 2021

The study of child protection through the lens of *Siyasah Dusturiyah* provides a new dimension that is more profound in the legal perspective. The main principle in Islamic governance is the obligation of the ruler to ensure the public benefit equally. The failure of the local government to protect abandoned children is a form of violation of the principles of *Hifdz al-Ummah*. The state has an ethical responsibility to ensure that every individual is protected from any form of systemic damage. In this case, protection policies must be in line with the main purpose of Islamic law which places humans at the center of protection. This perspective shifts the paradigm from mere rule compliance to broader ethical responsibility.²⁸

The principle of *dar'ul mafasid muqaddam ala jalbil mashalih* has become a sharp scalpel in evaluating the control of street children. Disciplinary actions that only aim for aesthetics without a long-term solution are forms of damage (*mafsadah*) that must be prevented. The government must prioritize the fulfillment of children's rights over the interests of public order stability alone. Policies that do not provide real benefits for children's growth and development must be immediately evaluated or replaced. Islam demands that every public policy is designed to bring real good to society. Inhumane law enforcement is a form of denial of the main purpose of a government.²⁹

The concept of *Hifz an-Nasl* emphasizes the importance of protecting generations as a very valuable asset for the nation's future. Street children whose education is neglected

²⁷ Elazhari Elazhari and Barham Siregar, "Reformasi Birokrasi Dan Tantangan Tata Kelola Pemerintahan Yang Baik Di Tingkat Lokal: Analisis Kritis Terhadap Implementasi Sistem Merit," *All Fields of Science Journal Liaison Academia and Society* 5 (August 2025): 138–49, <https://doi.org/10.58939/afosj-las.v5i2.798>.

²⁸ Nurdina Sari et al., "Analisis Undang-Undang Nomor 17 Tahun 2017 Tentang Perlindungan Anak Korban Kekerasan Seksual Perspektif Fikih Siyasah Dusturiyah," *Journal of Sharia and Legal Science* 2 (April 2024): 107–30, <https://doi.org/10.61994/jsls.v2i1.414>.

²⁹ Isniyatin Faizah et al., "Implementasi Kaidah Dar'ul Mafasid Muqaddamun 'Ala Jalbil Mashalih Terhadap Pencatatan Perkawinan Di Indonesia," *As-Sakinah Journal of Islamic Family Law* 2 (March 2024): 1–11, <https://doi.org/10.55210/jhki.v1i2.333>.

will be a threat to the quality of human resources in the future. The state's negligence in maintaining this generation can be categorized as an act that damages the sustainability of the nation's civilization. Countries should allocate sufficient resources to ensure their future is well maintained. Formal and non-formal education must be the main right that is fulfilled by the government unconditionally. Protection of the destiny and dignity of children is a form of state responsibility before the constitution and God.³⁰

The integration of *Maqashid Sharia* values in regional policies will provide a strong moral foundation for stakeholders. Policies that are only secular often lose the spirit of humanity in the process of their implementation in the field. By adopting the principles of Islamic ethics, policies will become more comprehensive and touch on the spiritual aspects of children. The government needs to build a protection system that not only guarantees physical needs, but also mental and moral aspects. This is in line with the legal goal of creating a harmonious life for all citizens. Physical and mental well-being is the ultimate goal of an ideal public policy.³¹

The responsibility of *ulul amri* in *Fiqh Siyasah* requires supervision and evaluation of every legal product produced. Local governments should not be complacent just by establishing regional regulations without any real action felt by the community. Each regulation must be tested for its usefulness periodically to ensure that no party is harmed by the policy. Transparency and accountability in the management of child protection budgets are important instruments to prevent misappropriation. The people have the right to hold the government accountable in every policy it takes. Leadership with integrity is the main key to the success of the implementation of the law in the region.³²

The dialogue between positive law and Islamic jurisprudence offers an alternative solution to the regulatory impasse experienced so far. The intersection between the 1945 Constitution and the principle of *Siyasah Dusturiyah* strengthens the urgency of protection for the vulnerable. We must leave behind the rigid dichotomy between secular law and

³⁰ Alwan Subaki and Khafid Khafid, "Reinterpretasi Hifz An-Nasl Menurut At-Tāhir Bin 'Āsyūr Dan Relevansinya Terhadap Konsep Ketahanan Keluarga: Reinterpretation of Hifz an-Nasl According to At-Tāhir Bin 'Āsyūr and Its Relevance to the Concept of Family Resilience," *QISTHOSIA : Jurnal Syariah Dan Hukum* 6 (June 2025): 12–24, <https://doi.org/10.46870/jhki.v6i1.1489>.

³¹ Almiyah Damayanti and Ichsan Iqbal, "Integrasi Nilai Maqashid Syariah Dalam Pengelolaan Pendapatan Nasional: Studi Ekonomi Islam," *Jurnal Riset Dan Pengetahuan Nusantara* 6, no. 3 (2025), <https://ejournals.com/ojs/index.php/jrpn/article/view/3119>.

³² "KPU KAB-TOLIKARA - Kedaulatan Rakyat: Pengertian, Prinsip Dan Penerapannya Di Indonesia," KPU KAB-TOLIKARA - Kedaulatan Rakyat: Pengertian, Prinsip Dan Penerapannya Di Indonesia, October 30, 2025, https://kab-tolikara.kpu.go.id/blog/read/7955_kedaulatan-rakyat-pengertian-prinsip-dan-penerapannya-di-indonesia.

religious values-based law in the realm of public policy. The two can synergize in creating a strong and responsive child protection framework. Islamic intellectual property in *fiqh siyasah* provides space for benefit-oriented policy flexibility. This synergy will be a new model in handling social issues at the district level.³³

Local governments need to reformulate the vision of *Child-Friendly Regency* by explicitly including the principles of Islamic benefits. This will give a new spirit to every program run by the relevant agencies in Purwakarta. Community participation must be encouraged through a da'wah approach that emphasizes the importance of taking care of children as God's mandate. In this way, child protection is no longer a burden on the state, but a shared responsibility of all citizens. This approach will strengthen social ties and people's sense of empathy for street children. This success will set a good precedent for other regions in Indonesia.³⁴

The importance of cross-sector collaboration must be a priority in carrying out the child protection mandate in Purwakarta. The government, the private sector, and religious leaders must sit together in formulating policies that are solutions for abandoned children.³⁵ Funding support from the private sector can be used to fund educational programs for school dropouts. Religious leaders can play a role in providing education about the importance of child protection at the grassroots level. This collaboration will expand the reach of protection services to the corners of the city. Cross-stakeholder synergy is the main requirement to optimize the effectiveness of the Regional Regulation.

An in-depth evaluation of the "street child mafia" from the perspective of Islamic ethics demands the firmness of the state's stance to carry out rescue measures. Child exploitation is a great social sin that violates basic human rights.³⁶ The government must make a systematic intervention to return the child to the lap of the family or the state.

³³ Feri Irawan et al., "Tinjauan Siyasa Dusturiyah Terhadap Pelaksanaan Asas Keseimbangan dan Profesionalitas Pelayanan Publik di Kecamatan Naringgul Berdasarkan Pasal 4 Perda Kabupaten Cianjur Nomor 6 Tahun 2013 Tentang Pelayanan Publik," *UNES Law Review* 6, no. 3 (2024): 8165–73, <https://doi.org/10.31933/unesrev.v6i3.1705>.

³⁴ Robi Assadul Bahri and Yane Mayasari, "Urgensitas Penyelenggaraan Kabupaten Layak Anak Di Kabupaten Bandung Barat Dalam Rangka Menjamin Pemenuhan Dan Perlindungan Hak Anak Universitas Pahlawan Tuanku Tambusai," *Jurnal Pendidikan Dan Konseling (JPDK)* 4 (January 2022): 10157–69.

³⁵ Reza Harminata Syam, "Implementasi Kebijakan Perlindungan Anak Terlantar Pada Dinas Sosial Kota Bekasi Tahun 2023-2024," *PRESIDENSI: Jurnal Politik Dan Pemerintahan* 1, no. 1 (2024): 49–61, <https://doi.org/10.64019/presidensi.v1i1.27>.

³⁶ M. Yahya Wahyudin, "Akuntabilitas Komisi Penyiaran Indonesia Sebagai Lembaga Negara Penunjang dalam Sistem Demokrasi Indonesia: Tinjauan dan Tantangan," *Jurnal Media Akademik (JMA)* 4, no. 2 (2026), <https://doi.org/10.62281/nq6shq09>.

There should be no tolerance for anyone who makes children the object of economic exploitation for personal gain. The law must be enforced with a high sense of justice and partiality to the victim. The state is the main protector whose presence must be real when the child is threatened by crime.

The integration of *Siyasah Dusturiyah* into public policy is a necessity to face modern social complexity. This effort is not only the fulfillment of legal rights, but also the fulfillment of our moral obligations as a civilized nation. The future of the nation depends heavily on how we treat the children who are at their most vulnerable today. Let's make child protection the main form of social worship for the progress of the nation. With a strong commitment, Purwakarta can become a regional model that succeeds in realizing the essential welfare of children. Pro-child policies are the best investment for a brighter future for Indonesia.

C. CONCLUSIONS

Empirical evidence from Purwakarta Regency demonstrates that the constitutional mandate of Article 34 paragraph (1) of the 1945 Constitution and the statutory guarantees within Regional Regulation Number 2 of 2021 suffer from acute institutional paralysis, rendering them as mere administrative texts that fail to substantively protect marginalized youth from socio-economic exploitation. To rectify this systemic governance failure and transcend purely formalistic legal compliance, local policymakers must operationalize the interdisciplinary principles of *Siyasah Dusturiyah* and *Maqashid Shariah*—specifically *Hifdz al-Ummah* and *Hifz an-Nasl*—into binding, actionable institutional mechanisms. By strictly applying the jurisprudential maxim of *dar' al-mafasid muqaddam 'ala jalb al-masalih*, regulatory frameworks can be reconfigured to prioritize dismantling the structural exploitation orchestrated by street syndicates rather than merely subjugating children through superficial public order enforcement. Ultimately, synthesizing robust constitutional doctrines with Islamic jurisprudential ethics establishes a transformative, child-centric governance model that resolves current implementation impasses and genuinely actualizes Purwakarta's mandate to become a substantive Child-Friendly Regency.

REFERENCES

Amir, Nurjannah, et al. *Maqashid Syariah Dalam Hukum Keluarga*. Parepare: IAIN Parepare Nusantara Press, 2026.
<https://omp.iainpare.ac.id/index.php/ipnpress/catalog/book/337>.

- Anas, Moh, et al. "Pendekatan Normatif Doktrinal Dalam Studi Islam Dan Implikasinya." *TADBIRUNA* 5 (Agustus 2025): 1–8. <https://doi.org/10.51192/jurnalmanajemenpendidikanislam.v5i1.2153>.
- Arzam, Arzam, dan Kusnadi Kusnadi. "Maqasid Al-Shari'ah and Ecotheology: A Philosophical Analysis of the Normative Foundations of Islamic Law in Ecological Issues." *Jurnal Mediasas: Media Ilmu Syari'ah Dan Ahwal Al-Syakhsyiyah* 8, no. 4 (2025): 902–16. <https://doi.org/10.58824/mediasas.v8i4.473>.
- Asshiddiqie, Jimly. *Konstitusi dan Konstitusionalisme Indonesia*. Jakarta: Sinar Grafika, 2021.
- Bahri, Robi Assadul, dan Yane Mayasari. "Urgensitas Penyelenggaraan Kabupaten Layak Anak Di Kabupaten Bandung Barat Dalam Rangka Menjamin Pemenuhan Dan Perlindungan Hak Anak." *Jurnal Pendidikan Dan Konseling (JPDK)* 4 (Januari 2022): 10157–69.
- Basyar, Achmad. "Perlindungan Nasab Dalam Teori Maqashid Syariah: Achmad Beadie Busyroel Basyar." *Maqashid* 3 (Mei 2020): 1–16. <https://doi.org/10.35897/maqashid.v3i1.286>.
- Cahyani, Kamila Nur. "Faktor Ekonomi Penyebab Eksploitasi Anak Dalam Tinjauan Hak Asasi Manusia." *LEX et ORDO Jurnal Hukum Dan Kebijakan* 1, no. 1 (2023): 61–67.
- Damayanti, Almiyah, dan Ichsan Iqbal. "Integrasi Nilai Maqashid Syariah Dalam Pengelolaan Pendapatan Nasional: Studi Ekonomi Islam." *Jurnal Riset Dan Pengetahuan Nusantara* 6, no. 3 (2025). <https://ejournals.com/ojs/index.php/jrpn/article/view/3119>.
- Dini, Intan Rahma. "Studi Analisis Terhadap Implementasi Pasal 34 Ayat (1) UUD 1945 Tentang Fakir Miskin Dan Anak Terlantar Dipelihara Oleh Negara Perspektif Hukum Islam." Tesis, Universitas Islam Indonesia, 2024. <https://dspace.uui.ac.id/handle/123456789/52634>.
- DKP UMY. "Pakar UMY Ungkap Akar Lemahnya Sistem Perlindungan Anak: Fragmentasi Dan Respons Yang Terlalu Lambat." *UMY*, 4 Desember 2025. <https://www.umi.ac.id/pakar-umi-ungkapakar-lemahnya-sistem-perlindungan-anak-fragmentasi-dan-respons-yang-terlalu-lambat/>.
- Elazhari, Elazhari, dan Barham Siregar. "Reformasi Birokrasi Dan Tantangan Tata Kelola Pemerintahan
- Yang Baik Di Tingkat Lokal: Analisis Kritis Terhadap Implementasi Sistem Merit." *All Fields of Science Journal Liaison Academia and Society* 5 (Agustus 2025): 138–49. <https://doi.org/10.58939/afosj-las.v5i2.798>.
- Faizah, Isniyatin, et al. "Implementasi Kaidah Dar'ul Mafasid Muqaddamun 'Ala Jalbil Mashalih Terhadap Pencatatan Perkawinan Di Indonesia." *As-Sakinah Journal of Islamic Family Law* 2 (Maret 2024): 1–11. <https://doi.org/10.55210/jhki.v1i2.333>.

- Farisi, Muhamad Salman, dan R. Eriska Ginalita Dwi Putri. "Perlindungan Hukum Terhadap Penelantaran Anak Secara Ekonomi di Kabupaten Sukabumi." *Majelis: Jurnal Hukum Indonesia* 2, no. 1 (2025): 49–73. <https://doi.org/10.62383/majelis.v2i1.504>.
- Hakim, Moch Agung Lukmanul, et al. "Menyingkap Kebekuan Advocacy Coalition Framework Dari
- Institusi Kepemudaan Di Kabupaten Cianjur Dalam Membangun Skema Eksklusivitas Pelayanan." *Jurnal Education and Development* 11, no. 1 (2023): 366–83. <https://doi.org/10.37081/ed.v11i1.4545>.
- Irawan, Feri, et al. "Tinjauan Siyasah Dusturiyah Terhadap Pelaksanaan Asas Keseimbangan dan Profesionalitas Pelayanan Publik di Kecamatan Naringgul Berdasarkan Pasal 4 Perda Kabupaten Cianjur Nomor 6 Tahun 2013 Tentang Pelayanan Publik." *UNES Law Review* 6, no. 3 (2024): 8165–73. <https://doi.org/10.31933/unesrev.v6i3.1705>.
- Kementerian Koordinator Bidang Pembangunan Manusia Dan Kebudayaan. "Pengaturan Tenaga Pendamping Sosial Perlu Kajian Kesiapan Daerah Lebih Lanjut." Diakses 30 Mei 2026. <https://www.kemenkopmk.go.id/pengaturan-tenaga-pendamping-sosial-perlu-kajian-kesiapan-daerahlebih-lanjut>.
- KPU Kabupaten Tolikara. "Kedaulatan Rakyat: Pengertian, Prinsip Dan Penerapannya Di Indonesia." KPU KAB-TOLIKARA, 30 Oktober 2025. https://kab-tolikara.kpu.go.id/blog/read/7955_kedaulatan-rakyat-pengertian-prinsip-dan-penerapannya-di-indonesia.
- Mubarrak, Husni. "Peran Fatwa Mui Dalam Perubahan Sosial: Fatwa Majelis Ulama Indonesia Dalam Pandangan Akademisi." Sekretariat Komisi Fatwa Majelis Ulama Indonesia, 1 September 2021.
- Nuraeni, Yuyun. Wawancara oleh penulis. Dinas Sosial Purwakarta, 28 Februari 2025.
- Nurdiannisa, Alifa. *Law in Action Vs. Law in Books Penerapan Sociological Jurisprudence Pada Proses Peradilan Kasus Korupsi Timah Oleh Harvey Moeis*. 9 Desember 2025.
- Purwakarta. "PERDA Kab. Purwakarta No. 2 Tahun 2021." Database Peraturan | JDIH BPK. Diakses 30 Mei 2026. <http://peraturan.bpk.go.id/Details/165729/perda-kab-purwakarta-no-2-tahun-2021>.
- Putri, Ranti, et al. "Pengaruh Lingkungan Sosial Terhadap Perkembangan Psikologis Anak Sekolah Dasar." *Cognoscere: Jurnal Komunikasi Dan Media Pendidikan*, (9 Juni 2025), ahead of print. <https://doi.org/10.61292/cognoscere.273>.
- Redaksi. "Purwakarta dalam Angka Tak Seindah Purwakarta di Dunia Maya." *gugah.co*, 26 Mei 2026. <https://gugah.co/3570/purwakarta-dalam-angka-tak-seindah-purwakarta-di-dunia-maya/>.
- Riswanto, Ari, et al. *Scientific Research Methodology (A Practical Guide to Quality Research)*. 2023.

- Ruangguru Tech Team. "Fenomena anak jalanan menjadi salah satu permasalahan..." Roboguru Ruangguru. Diakses 30 Mei 2026. [https://roboguru.ruangguru.com/forum/fenomena-anak-jalanan-menjadisalah-satu-permasalahan-sosial-yang-cukup-kompleks-bagi FRM-WRFQKRL7](https://roboguru.ruangguru.com/forum/fenomena-anak-jalanan-menjadisalah-satu-permasalahan-sosial-yang-cukup-kompleks-bagi-FRM-WRFQKRL7).
- Sabila, Nada, et al. "Menggunakan Penelitian Hukum Berbasis Masyarakat (Socio-Legal-Approach)." 29 April 2026.
- Sari, Nurdina, et al. "Analisis Undang-Undang Nomor 17 Tahun 2017 Tentang Perlindungan Anak Korban Kekerasan Seksual Perspektif Fikih Siyasah Dusturiyah." *Journal of Sharia and Legal Science* 2, no. 1 (April 2024): 107–30. <https://doi.org/10.61994/jsls.v2i1.414>.
- Setiawan, Hari. "Mencegah Menjadi Anak Jalanan Dan Mengembalikannya Kepada Keluarga Melalui Model Community Based." 7 Februari 2019.
- Soekanto, Soerjono. *Sosiologi: suatu pengantar*. Jakarta: Rajawali, 1982.
- Subaki, Alwan, dan Khafid Khafid. "Reinterpretasi Ḥifẓ An-Nasl Menurut At-Ṭāhir Bin 'Āsyūr Dan Relevansinya Terhadap Konsep Ketahanan Keluarga: Reinterpretation of Ḥifẓ an-Nasl According to At-Ṭāhir Bin 'Āsyūr and Its Relevance to the Concept of Family Resilience." *QISTHOSIA: Jurnal Syariah Dan Hukum* 6 (Juni 2025): 12–24. <https://doi.org/10.46870/jhki.v6i1.1489>.
- Susilowati, Ellya. "Praktik Perlindungan Anak Terlantar di Lembaga Kesejahteraan Sosial Anak." *Sosio Informa* 8, no. 1 (2022). <https://doi.org/10.31595/inf.v8i1.2981>.
- Syam, Reza Harminata. "Implementasi Kebijakan Perlindungan Anak Terlantar Pada Dinas Sosial Kota Bekasi Tahun 2023-2024." *PRESIDENSI: Jurnal Politik Dan Pemerintahan* 1, no. 1 (2024): 49–61. <https://doi.org/10.64019/presidensi.v1i1.27>.
- Wahyudin, M. Yahya. "Akuntabilitas Komisi Penyiaran Indonesia Sebagai Lembaga Negara Penunjang dalam Sistem Demokrasi Indonesia: Tinjauan dan Tantangan." *Jurnal Media Akademik (JMA)* 4, no. 2 (2026). <https://doi.org/10.62281/nq6shq09>.
- Winarsih, Laras, et al. "Efektivitas Penegakan Hukum Pidana Anak Jalanan Dalam Sistem Peradilan Pidana Anak Perspektif Humanis Restoratif." *NOLAN - Noblesse Oblige Law Journal* 2, no. 1 (2025): 213–27.
- Zulfaidah, Rena, dan Utang Rosidin. "Pengujian Konstitusionalitas Hak Atas Lingkungan Hidup Yang Baik Dalam Kasus Pencemaran Lintas Batas: Telaah Terhadap Prinsip Kedaulatan Negara." *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora* 4, no. 1 (2026): 213–26. <https://doi.org/10.59246/aladalah.v4i1.1748>.