

Indonesia must protect children's rights

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July 23 is National Children's Day in Indonesia, set up to remind people that children's rights must be respected, protected and fulfilled, or the future generation is likely to be blighted. Sadly, many Indonesians were shocked this month by the prosecution of children in what has come to be known as the case of the ten shoe-shiners.

Ten boys who work as shoe-shiners at the international airport in Jakarta are now facing a long and exhausting court hearing. It began on 29 May 2009 when they were arrested for allegedly gambling in the airport area. The youngest is 11-years-old and the oldest 15. They are all from impoverished families living near the airport and work daily as shoe-shiners to earn a living.

Unfortunately, on that day there was a security operation at the airport that forced them to hide in the bus park. According to the boys, while waiting for the operation to be over, they spent their time spinning a coin and guessing whether it would land on heads or tails. To make the game more interesting, they placed bets of 1,000 rupiah (about 10 US cents) per child.

The children were interrogated without legal assistance and then transferred to the Children's Prison in Tangerang, where they were detained for a month before finally being released on June 26, due to considerable public pressure. Unfortunately, the police transferred the case to the Tangerang District Prosecutor and the boys are now facing trial.

Apart from their traumatic experience as a consequence of their one month detention, the boys missed their national exams and failed to be promoted to the next grade. During the investigation they had little support from their parents, who were too poor to travel easily to the police station, which was far from their homes.

According to Indonesian law, juvenile cases should be tried before the Juvenile Court. The law calls for special consideration and treatment when dealing with crimes involving underage children. Under the law, juvenile cases should place the best interest of the child as the utmost priority.

For juveniles facing criminal charges and the legal system for the first time, the police play a significant role in the initial stages. Police officers essentially determine whether the juvenile should be released without charge or face the next stage of prosecution. If an arrest is deemed necessary, the public prosecutor then decides whether the offender should be released or face juvenile court.

In this case, one month's detention was of course disproportionate punishment. The police should have known that these children were students and the national exams were coming. Detaining them would surely bring them more harm than good. Shockingly, when their parents requested bail, the police refused to release them and decided to extend the detention.

This case reflects two serious problems in Indonesia, apart from the technical legal issues. First is the poverty that surrounds these children. Their parents' income is only around 5,000 rupiahs, (about 50 US cents) per day, which forced these children to gain extra income for the family by being shoe-shiners after school.

Neither they nor their parents are to blame for their decision to do this work. For children from underprivileged families, playing around after school would be deemed a waste of time. Pressure from the social environment leaves them no option other than earn money to meet their families' needs.

This poignant situation is common in poor families as parents encourage their children to work. Of course they cannot work in the formal sector. Thus shoe-shining in the airport, which is close to their homes, is preferable.

Second is the problem of the police who want to create a good image for themselves by sending more people to prison. This suggests to the public and their superiors that they have succeeded at their jobs. By sending these ten “gamblers” to prison, the local police give an impression that they are putting a stop to criminal acts and creating a clean and comfortable airport.

But was the police action in investigating and detaining these children a wise option? Creating a nice image at Indonesia’s main international airport should not take precedence over children’s rights. A case like this should be handled with extra attention as it involves vulnerable youngsters. If they are stamped with the status of suspects, defendants and prisoners, this will only bring negative effects and blacklist them as adults.

Considering the conditions in Indonesia’s penitentiaries, detention is a particularly serious threat to a child’s interests. Children’s prisons, like adult facilities, are overcrowded and poorly equipped at best. Moreover, many children are forced to remain in adult prisons while they await trials and verdicts. In adult prisons children are vulnerable to physical, sexual and mental abuse.

Indeed, there should be institutions other than prisons to reform children’s behavior if it is deemed criminal. Ultimately, to protect children’s rights in relation to criminal issues, Indonesia should tackle the problem of poverty, as well as reform its penal and juvenile systems.

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