

## EVALUATION OF COMMUNITY COMMUNITY SERVICES AND MEDIATION SERVICES INFRINGEMENT OF CHILDREN'S RIGHTS IN THE COMMISSION OF INDONESIAN CHILD PROTECTION

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### **Abstract**

*This study aimed to evaluate the service programs of public complaints and mediation of dispute child rights violations in the Indonesian child protection commission (KPAI) . Evaluation model used was Discrepancy Evaluation Model (DEM). This study used a qualitative approach. Data collected through observation, interviews, focus groups and internal supporting data. The results showed that the sub-focus research on the Desain of the program resulted in a Skor value of three, it's means lower inequality. This illustrates that the Desain of the program has been good. Sub focus of the program installation Skord eight, it's means inequality are quite low and illustrates quite well the installation program. Sub focus on the process of implementing the program generates a Skor value of ten, it's means that inequality is high enough and illustrates that the process of program implementation should be improved both from the aspect of organization, management of human resources and services. Sub focus of product produces a value of ten, it's means that high inequality. This illustrates that the product of service complaints and dispute mediation and child rights violations in KPAI, in need of repair and upgrading. This study found some substantial weaknesses in the implementation of the program by KPAI. Limited human resources, organizational structure ineffective, limited information service system, the absence of a quality management system in service and availability of facilities, infrastructure and facilities that have not been friendly for users of the service. This is a major problem that must be corrected to improve the quality of public complaints service program of and mediation of dispute child rights violations in KPAI.*

**Keywords:** *Evaluation, Program, Service, Complaint, Mediation, Dispute, Violation of Childs Right*

Consolidation of democracy in its development does not only rely on the concept of trias politica. The legislative, executive and judicial powers are deemed inadequate to run the wheel of democracy, so that new independent organs of power are created in the form of the State Commission. One of the State Commission is the Indonesian Child Protection Commission (KPAI).

The establishment of KPAI as a non-structural state institution is based on the important consideration and urgency of the state's presence in ensuring the protection and fulfillment of children's rights. This is part of the Government of Indonesia's commitment after ratifying the Convention on the Rights of the Child through Presidential Decree No. 36/1990. The government then gave birth to Law No. 23 of 2002, which was then revised into Law No. 35 of 2014 on Child Protection, which became the foundation of the Indonesian Child Protection Commission, with the aim of streamlining the fulfillment of children's rights, with the task of receiving and conducting Reviewing public complaints about child rights violations and mediating disputes over child rights violations.

Given the duty of the KPAI is to make effective the implementation of child protection, wherein the provision of child protection is the government, local government, ministries and institutions. Then the KPAI organization needs to apply the principles of clean government and good government. Secondary data from result of evaluation of Ombudsman RI about compliance of public service standard in 2014, result of KPAI get value 645 with yellow compliance zone meaning that KPAI public service standard is low. So program evaluation need to be done to know the quality of program implementation of public complaint service and mediation of dispute on child rights violation Organized by KPAI.

The results of this study are: 1) Zaherawati Zakaria, et al (2011), under the title Key Performance Indicators (KPIs) in the Public Sector: A Study in Malaysia. This study aims to look at public sector service programs in the Malaysian government especially registration department National (civil record) .2) Jorge F. Del Vallea, et al (2013), under the title Child Protection in Italy and Spain: Influence of the Family Supported Society. The study was conducted in Spain and Italy with the analysis unit being parents in the family. The results explain that child protection policy in Spain and Italy emphasizes strengthening family functions, as a preventive measure to avoid the occurrence of forms of violation of the rights of children. 3). Roxana Anghela, Maria Herczogh and Gabriela Dimac (2013), entitled The Challenge of Reforming Child Protection in Eastern Europe: The Cases of Hungary and Romania. This study used a qualitative approach with a focus on research on the reform of child protection system initiated by Eastern European countries especially Hungary and Romania. The results explain that the reform of child protection systems in transition countries such as Hungary and Romania requires political commitment, inter-sectoral coordination, long-term planning, sustainable programs and competent human resources.

Based on the above issues, the focus of this research is the evaluation of the public complaints service program and the mediation of the dispute on child rights violation in the Indonesian Child Protection Commission (KPAI). The sub-focus of the research is (1) the design of the public complaints service program and the mediation of disputes on child rights violations in the Indonesian Child Protection Commission (2) Installation of community complaints service programs and mediation of rights abuses disputes in the Indonesian Child Protection Commission. (3) The process of implementing the public complaints service program and mediating the dispute on child rights violation in the Indonesian Child Protection Commission. (4) Product of public complaints service program and mediation of rights violation disputes at Child Protection Commission of Indonesia.

## **METHODS**

This research uses program evaluation method with qualitative approach. Evaluation model used is Discrepancy Evaluation Model Malcom Provus. Model Discrepancy is consist of four stages namely design, installation, process and product. Data collection is done through interview method, observation, focus group discussion and document analysis. The process of data analysis of the results of this study was conducted simultaneously with the data collection process. Data analysis includes developing field notes, categorizing data, entering data into analytical formats, developing questions to collect data. The conclusions are drawn by comparing data that has been analyzed by the evaluation criteria.

Reasons for selecting DEMs to evaluate community service complaints programs and mediating disputes over child rights violations in the Indonesian Child Protection Commission (KPAI) by considering the following: (1) the effectiveness and efficiency of the organization in achieving the objectives desperately requires ongoing monitoring, (2) By individuals bound in the work unit, individual work success, group work into program success, (3) Success of activities evaluated at the end of implementation, (4) DEM aims to evaluate the implementation process to determine improvement in achieving goals.

The data sources of this research are KPAI's complaint division employees, including commissioners, managers and staff of complaints service. Selection criteria informants emphasized on aspects of understanding of job duties and responsibilities (job description), work experience and positions and formal positions.

## **RESULT AND DISCUSSION**

The results of this study are based on the evaluation of the Discrepancy Evaluation Model (DEM) model conducted on each sub focus of the research so that it can be known the level of discrepancy of the public complaints service and the mediation of the rights violation dispute on the KPAI complaint division. The result summary can be explained as follows:

**Table1. Summary of Results of DEM Analysis of Community Complaints Service Program and Mediation of Child Rights Violations Dispute in KPAI.**

Stages	Aspects Evaluated	Category						Score	Discrepancy						
		1	2	3	4	5	6		SR	R	CR	CT	T	ST	
Design	Legal basis	1						3		√					
	Rencana Strategis		2												
Installation	Service Organization		2					8			√				
	Governance			3											
	HR Service			3											
Process	Service Organization				4			10				√			
	Governance				4										
	HR Service		2												
Product	Achievement of objectives					5		11					√		
	Impact					6									

**Information**

Design and Product (highest score 12)

Total categories 11-12 = Discrepancy is very high, which means 1% -16% of the criteria are met

Total category 9-10 = Discrepancy is high, meaning 17% -33% criteria are met

Total categories 7-8 = Discrepancy is quite high, which means 34% -52% of criteria are met

Total categories 5-6 = Discrepancy is quite low, which means 53% -68% of criteria are met

Total categories 3-4 = Discrepancy is low, meaning 69% -83% criteria are met

Total category 0-2 = Discrepancy is very low, which means 84% -100% criteria are met

Installation and Process (top score 18)

Total category 16-18 = Discrepancy is very high, which means 1% -16% of the criteria are met

Total category 13-15 = Discrepancy is high, which means 17% -33% of criteria are met

Total categories 10-12 = Discrepancy is quite high, which means 34% -52% criteria are met

Total categories 7-9 = Discrepancy is quite low, which means 53% -68% of criteria are met

Total categories 4-6 = Discrepancy is low, meaning 69% -83% criteria are met

Total category 0-3 = Discrepancy is very low, which means 84% -100% criteria are met

**Design of Community Complaints Service and Mediation Dispute Program Violation of Child Rights in KPAI.**

Evaluation at the design stage is measured from two aspects, namely the legal basis and the strategic plan of the public complaints service program and the mediation of the infringement on child rights violation in KPAI. The results of evaluation at the design stage can be seen in the following table2:

**Table2. Results of DEM Analysis At Design Stage Complaints Service Program and Mediation of Child Rights Violations in KPAI**

Stages	Aspects Evaluated	Category						Score	Discrepancy					
		1	2	3	4	5	6		SR	R	CR	CT	T	ST
Design	Legal basis	1						3		√				
	The strategic plan		2											

In table 2 it can be seen that the value at the design stage is 3 (three). This result is obtained from the accumulation of the basic legal aspect value with category 1 (one) and the strategic plan

aspect value with category 2 (two). This means that the design of complaints service program and mediation of rights violation disputes in KPAI have low discrepancy.

In the basic aspect of the law, the four elements of the standard are met very well namely the ratification of the Convention on the Rights of the Child (CRC) to guide the implementation of the program, available rules and laws that become the legal umbrella in acceptance of all forms of complaints of violation of the rights of the child, the availability of Presidential Decree and Ministerial Regulation In the implementation of the program, KPAI regulations serve as technical guidelines for program implementation.

Aspects of the strategic plan have four standard elements that are met well enough that the formulation of the objectives of the implementation of the program, the formulation of the strategic objectives of the program implementation, the formulation of program performance indicators and the existence of the formulation of program success targets. In the aspect of the strategic plan the element that has not been met well is the target of program success.

Based on the KPAI strategic plan of 2015-2019, the target of public complaints service in KPAI is 10% of community complaints followed by 2015, 12% in 2016, 18% in 2017, 22% in 2018 and 28% in 2019. Percentage of target The success of the program is set low enough, this has a negative impact on the achievement of the objectives and targets of the program that is increasing the number of citizens who use the service complaints and increasing the percentage of community complaints are followed through the system and procedures of complaints services prime.

The setting of low program success targets impacts on the low level of community satisfaction of service users. In terms of Ihsanudin (2014) in essence the purpose of public service that leads to improving the welfare of society and improving the quality of service received by the community.

### **Installation of Community Complaints Service Program and Mediation of Child Rights Violation Dispute.**

Installation stage is a step to test the accuracy and suitability of program design to be implemented. DEM analysis results in the installation phase can be briefly seen in table 3 follows:

**Table 3. DEM Analysis Results In Installation Stage Complaints Service Program and Mediation of Child Rights Violations in KPAI**

Stages	Aspects Evaluated	Category						Score	Discrepancy					
		1	2	3	4	5	6		SR	R	CR	CT	T	ST
Installation	Service Organization		2					8			√			
	Governance			3										
	HR Service			3										

In table 3 it can be seen that the score on the installation stage is 8 (eight). This result is obtained from the accumulated value of service organization aspect with category 2 (two), service management with category 3 (three) and service human resources with category 3 (three). This means that the installation of community complaints service programs and mediation of rights violation disputes in KPAI have low discrepancies.

In the aspect of service organization, the four standard elements are fulfilled well enough, namely the implementation of organizational structure of complaints service, the clarity of the division of labor and duties in the service of complaints, the implementation of internal and external coordination in the service of complaints and employee relations service complaints harmoniously.

The service management aspect has 5 (five) standard elements ie the availability of vision, mission, motto and notification of complaint service, standard operating procedure, time standard and standard of complaint service cost is clear and measurable, complaint and mediation service is

equipped with quality management system and ISO certificate 9001: 2008, a digital-based complaint information service system and the availability of facilities, infrastructure and service facilities for people with special needs. However, the research finds that in this aspect only met 4 (four) standard elements very well.

Based on the results of the study, KPAI's complaint division has no standard time in completing the complaint. According to Law Number 25 Year 2009 on Public Services it is explained that one component in the public service standard is the settlement period. Holle (2011) argues that the lack of certainty of time in public service will lead to mall administration of public services, resulting in public services provided have a high degree of uncertainty.

Aspects of Service Human Resources have 4 (four) standard elements namely formal employee education related to the work of complaints services, employees obtain education and training programs in complaints services, built employee discipline control system and the ratio of the number of employees with balanced workload. Based on the results of research on this aspect met 3 (three) elements of the standard very well. An unmet element is the ratio of the number of employees with unbalanced workload.

**Process of Community Complaint Service and Mediation of Dispute Rights Violation of Child.**

Phase of the process is the stages to find data and information related to the successful implementation of the program. DEM analysis results in the process phase can be summarized in the following table 4:

**Table 4. Results of DEM Analysis At Process Stage Complaints Service Program and Mediation of Child Rights Violations in KPAI**

Stages	Aspects Evaluated	Category						Score	Discrepancy					
		1	2	3	4	5	6		SR	R	CR	CT	T	ST
Process	Service Organization				4			10				√		
	Governance				4									
	HR Service		2											

In table 4 it can be seen that the score on the process stage is 10 (ten). This result is obtained from the accumulated value of service organization aspect with category 4 (four), service management with category 4 (four) and service human resources with category 2 (two). This means that the process of public complaints service program and mediation of rights violation disputes in KPAI have high discrepancies.

In the aspect of service organization is measured by 4 (four) standard elements namely organizational structure structuring speed up service process, job of complaint service done with full responsibility, internal and external coordination accelerate reporter receive response to complaint report submitted and establishment of team cooperation in service process of complaint. However, the results of the study found that only 3 (three) standard elements were met well enough. Unmet elements are structural arrangement not yet able to accelerate service process.

Based on the results of research KPAI has done structuring the organizational structure, where the structure is available division-based and field-based, but in practice the organizational structure KPAI not established in accelerating the service process, because different structures are occupied by the same people. In terms of Riswandi (2009), organizations need to create structural stability in order to achieve organizational goals effectively, in the sense that the processed input will produce the expected output, in accordance with the cost, personnel and time planned.

The aspect of service administration has 5 (five) standard elements namely vision, mission, motto and notification of complaint service able to be applied in service process of complaint, implementation of complaint service in accordance with operational standard procedure, standard

time and standard cost which have been determined, In accordance with the quality management system and ISO 9001: 2008 certificate, complaint service information is published through information technology based media and appropriate complaint services for the community with special needs. The results of this study found only three (3) standard elements were met.

Elements that have not been fulfilled in this aspect is the unavailability of vision, mission, motto and notification service complaints. Based on the result of vision research and mission of complaint service currently only based on KPAI vision in general that is to realize child friendly Indonesia. According to Sinamo and Santoso (2012) vision is a future portrait of a realistic, convincing and attractive organization. Vision becomes the articulation of the intended direction, a future that is inherently better, more powerful, and more compelling than the present.

The complaint service program does not yet have a quality assurance system. In terms of Qolbi (2008) organizations need to maintain the ensured good quality of service for customers. This is one of them can be done through the implementation of ISO 9001: 2008 quality management system. Furthermore, the element that has not been fulfilled is the creation of a friendly and appropriate complaint service for people with special needs. According to Priscyllia (2016) public services are the basic rights of citizens and the state's responsibility to fulfill them in the framework of human rights including in the form of public service facilities accessible to persons with disabilities and the state shall ensure.

Human Resource Aspects Service has 4 (four) standard element that is service employee have good knowledge related to protection and fulfillment of child right, employee complaint service have skill in service process of complaint, employee complaint service have integrity in service process of complaint and employee complaint service finish job Well and comfortable. The research finds that in this aspect, 4 (four) standard elements are met well enough.

The result of research find one important factor in realizing the quality of KPAI complaint service is human resource factor of service apparatus. This is in line with the opinion of Irianto (2011) that human resources (HR) is one important instrument for the organization in achieving its various objectives. For the public sector, the great responsibility of the bureaucracy in providing services to the public should be supported by the human resources (HR) of a professional and competent apparatus.

**Product of Community Complaints Service Program and Mediation of Child Rights Violation Dispute.**

Evaluation at the product stage is measured from two aspects, namely the achievement of objectives and the impact of the existence of the program. DEM analysis results at the product stage can be seen in table 5 as follows:

**Table 5. Results of DEM Analysis At Product Stage Complaints Service Program and Mediation of Child Rights Violations in KPAI**

Stages	Aspects Evaluated	Category						Score	Discrepancy						
		1	2	3	4	5	6		SR	R	CR	CT	T	ST	
Product	Achievement of objectives					5		11						√	
	Impact						6								

In table 5 it can be seen that the score on the product stage is 11 (eleven). This result is obtained from the accumulated value of aspect achievement aspect with category 5 (five) and impact aspect value with category 6 (six). This means that the product of complaints service program and mediation of rights violation disputes in KPAI have high discrepancies.

On the aspect of the achievement of *tujun* is measured by 4 (four) standard elements, namely the increasing number of users and accessibility of complaint service, the increasing of settlement of child rights violation case through mediation process, the increasing of settlement of child rights violation case through referral process and increasing number of partner case partner institutions with cooperation agreement (MOU). Based on the research result in this aspect only fulfilled 2 (two) standard element that is escalation of settlement of case through process of mediation and referral.

The impact aspect is measured by 4 (four) standard elements namely the increasing of capacity and accountability of service performance of complaint with indicator of value of LAKIP result of Kemenpan & RB assessment, realization of improvement of service quality complaint with indicator of result of Ombudsman's appraisal, increasing of public satisfaction of complaint service user with indicator of low complaint Of the service user community and the availability of child rights violation data. Based on the results of research on this aspect only fulfilled 1 (one) standard element that is the availability of data violation of child rights fulfillment.

### **CONCLUSION**

Based on the discussion of the results of the evaluation of the public complaints service program and the mediation of disputes on child rights violations in the Indonesian Child Protection Commission (KPAI), using the Discrepancy Evaluation Medel (DEM) analysis. The results explain that the design stage obtained low discrepancy level, the installation stage has a low level of discrepancy. While the next two stages of the stages of the process and the product shows the level of discrepancy is quite high and very tinggi. Artinya design and installation of the program is good while the stages of the process and products need improvement and improvement.

Specifically the results of the evaluation can be concluded based on sub focus of research as follows:

The design of community complaints service programs and mediation of violations of child rights violations in KPAI is good. This is reflected in the low discrepancy rate. The legal basis and the strategic plan in the execution of the program are available, but the program success targets set in the settlement of complaints have a low percentage, thereby impacting the low quality and level of customer satisfaction. Installation of community complaints service program and mediation of rights violation disputes in KPAI is good. This is reflected in the low discrepancy rate. Aspects of organization, governance and human resources services are running as it should. However, in the management of the service there needs to be improvement efforts through the availability of vision, mission, motto and maklumat service, as well as the quality management system and ISO 9001: 2008 certificate. In addition, it is necessary to improve the quality of service through the balance of the ratio of the number of employees with the workload of complaints services. The process of implementing the community complaints service program and mediating the dispute over child rights violations in KPAI has not been good. This is reflected from the high level of discrepancy. The availability of KPAI organizational structures is not effective in improving the quality of services, the execution of tasks and functions in the structure does not work well, one of them as a result of placing the same people on different organizational structures simultaneously and service facilities for people with special needs are also not yet available properly. The product of the implementation of the public complaints service program and the mediation of the infringement on child rights violations in KPAI is not good. This is reflected from the very high level of discrepancy. Ease of access to complaints services has not been realized and the quantity of service users continues to decline. Accountability and compliance in public services need to be significantly improved and improved.

## REFERENCES

- Anghela Roxana, Herczogh Maria dan Dimac Gabriela. (2013). The Challenge of Reforming Child Protection in Eastern Europe: The Cases of Hungary and Rumania, *Journal Elsevier Psychosocial Intervention*, 22.
- Holle, S, Erick. (2011). Pelayanan Publik Melalui Electronic Government, Upaya Meminimalkan Praktek Maladministrasi Dalam Meningkatkan Publik Service. *Jurnal Sasi* Vol. 17 No. 3.
- Ihsanuddin. (2014). Kualitas Pelayanan Publik Pada Badan Perizinan Penanaman Modal dan Promosi Daerah (BP2MPD) Kabupaten Indragiri Hilir, *Jurnal Administrasi Publik dan Birokrasi*, Vol. 1, No. 2.
- Irianto, Jusuf. (2014). Manajemen Sumber Daya Manusia Sektor Publik di Indonesia, Pengantar Pengembangan Model MSDM Sektor Publik, <http://journal.unair.ac.id>.
- Priscyllia, Fanny. (2016). Kajian Hukum Terhadap Fasilitas Pelayanan Publik Bagi Penyandang Disabilitas, *Jurnal Lex Crimen* Vol. V/No. 3.
- Qolbi, Yahdi. (2014). Sistem Manajemen Mutu ISO 9001:2008 dalam Peningkatan Mutu Pelayanan dan Kepuasan Pelanggan di Dinas Kesehatan Kota Tarakan. *Jurnal Ilmu Pemerintahan*, 2 (4).
- Riswandi. (2009). *Ilmu Komunikasi*. Jakarta: Graha Ilmu.
- Sinamo, Jansen dan Santoso, Agus. (2012). *Pemimpin Kredibel Pemimpin Visioner*. Jakarta: Institut Darma Mahardika.
- Undang-undang Nomor 25 Tahun 2009 tentang Pelayanan Publik (Lembaran Negara RI Tahun 2009 Nomor 112, Tambahan Lembaran Negara RI Nomor 5038).
- Undang-undang Nomor 35 Tahun 2014 tentang perubahan atas Undang-undang Nomor 23 tahun 2002 tentang Perlindungan Anak (Lembaran Negara RI Tahun 2002 Nomor 109, Tambahan Lembaran Negara RI Nomor 4235).
- Vallea Del F. Jorge, et, al. (2013). Child Protection in Italy and Spain: Influence of the Family Supported Society, *Journal Elsevier Psychosocial Intervention*, 22.
- Zakaria Zaherawati, et, all. (2011). Key Performance Indicators (KPIs) in the Public Sector: A Study in Malaysia, *Journal Asian Social Science*, Vol. 7, No. 7.