

# Legal Certainty and the Protection of Street Children: A Socio-Legal Inquiry into Local Governance in Indonesia

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## ABSTRACT:

**Background:** Street children's protection is often discussed as if good regulations are enough, yet legal certainty rarely follows from text alone. In Indonesia, local governments are expected to convert child protection mandates into routine safeguards while facing capacity constraints, coordination frictions, and entrenched social vulnerability.

**Aims:** This study explores how legal certainty is formed in everyday governance practices related to the protection of street children in Indonesia. It considers whether legal certainty functions as a dependable guarantee of rights or remains contingent on institutional choices and implementation patterns.

**Methods:** A socio-legal approach was adopted by linking normative analysis of statutes, local regulations, and policy documents with empirical inquiry. The empirical component was developed through qualitative interviews and observation involving local government personnel engaged in child protection services and other relevant stakeholders, allowing the study to read legal promises alongside administrative practice.

**Result:** The findings indicate that predictability in protection is shaped more by procedural consistency, coordination, and follow-through than by the wording of norms. Local frameworks commonly require mechanisms such as structured case recording, round-the-clock complaint channels, temporary shelters, and rehabilitation or care facilities, yet these measures are applied unevenly across cases. Variation in coordination and shifting priorities weakens the practical certainty that street children can expect when seeking protection and services.

**Conclusion:** Legal certainty in this field should be understood as a governance outcome produced through institutional action, not merely as an attribute of written law. Strengthening it calls for tighter institutional alignment, clearer implementation pathways, and accountable mechanisms that are responsive to social vulnerability.

**Keyword:** child protection regulation; legal certainty; local governance; socio-legal study; street children protection;

## INTRODUCTION

Much of the existing scholarship on child protection and legal certainty approaches law primarily as a normative system (Ebsen et al., 2023). Studies within this tradition often assess legal certainty through regulatory completeness, policy coherence, or formal institutional arrangements. Protection is evaluated by examining whether relevant rules exist, whether programs are

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established, and whether administrative structures comply with statutory mandates. While such analyses are important for understanding formal legal design, they tend to leave unanswered a more practical question: whether legal protection is experienced as predictable and reliable by those it is intended to protect (Sorensen et al., 2021). For street children, uncertainty in protection is not merely procedural but may determine whether access to services is delayed, denied, or discontinued. This suggests that legal certainty cannot be adequately captured through formal indicators alone.

In response to these limitations, recent socio-legal and governance-oriented studies have shifted attention toward institutional practice and discretion. (Crawford, 2024; Halliday, 2021) highlights how legal certainty for vulnerable groups is shaped by everyday administrative judgment rather than by abstract legal rules. Similarly, (Halliday, 2021) emphasize the role of institutional coordination and interpretive practices in determining whether legal guarantees translate into meaningful protection. In the context of decentralized governance, (Ward et al., 2025) demonstrate that uniform legal frameworks can produce divergent outcomes across regions due to variations in local capacity and prioritization. (Cocq et al., 2024) further argue that legal certainty should be understood as something continuously negotiated within bureaucratic routines. Despite these insights, empirical studies rarely apply this perspective specifically to the protection of street children within local governance systems (Chimdessa, 2022; Ongowo, 2022).

The absence of such research is consequential. For street children, inconsistent protection does not simply reflect administrative variation but directly affects the realization of their legal rights (Aytac, 2021). Although local regulations and institutional mandates for child protection are formally in place, there is limited empirical evidence explaining how legal certainty is actually produced, weakened, or disrupted through local governance practices. In particular, the interaction between regulatory frameworks, inter-agency coordination, and the predictability of protection experienced by street children has not been examined in an integrated manner (Kira, 2025; Sacher, 2022). Without this perspective, legal protection may appear robust at the normative level while remaining fragile in everyday practice. This gap indicates the need for research that treats legal certainty not as an assumed outcome of regulation, but as a governance process with tangible implications for vulnerable populations.

Against this backdrop, the present study approaches legal certainty as a socio-legal phenomenon that emerges through practice (Vetters et al., 2024). Street children provide a critical lens for this analysis because their vulnerability makes both the presence and absence of legal certainty highly visible. Local governance is selected as the primary locus of inquiry, as it is at this level that legal norms encounter administrative discretion, resource constraints, and social complexity. By examining how protection is organized, coordinated, and implemented in everyday institutional settings, the study seeks to clarify why legal guarantees may function unevenly despite formal regulatory commitments (Prentice, 2021; Rahayu et al., 2025).

This study aims to examine how legal certainty is constructed and enacted in the protection of street children through local governance in Indonesia. It seeks to understand whether legal certainty operates as a stable and predictable safeguard or whether it remains contingent upon institutional coordination and implementation practices (Cafaggi & Iamiceli, 2021; Kang, 2023). Rather than advancing causal hypotheses, the study adopts an interpretive socio-legal approach to explore how

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legal certainty arises from the interaction between legal norms, institutional behavior, and social conditions. In doing so, the study contributes to broader discussions on legal certainty, governance, and the protection of vulnerable groups.

### METHOD

#### Research Design

This research is grounded in a qualitative socio-legal design aimed at understanding how legal certainty is realized in the protection of street children through local governance practices in Indonesia. Rather than approaching law as a self-contained normative system, the study situates legal certainty within the routines, interpretations, and discretionary decisions of local institutions. This design enables an examination of how legal norms are translated into protective actions in everyday governance settings. The research process unfolds in a sequential manner, beginning with the identification of the governance problem and progressing toward an interpretive analysis of legal certainty as a practical outcome, as outlined in the methodological flow presented in Figure 1.

#### Participant

Participants were selected purposively based on their involvement in the implementation and coordination of child protection policies at the local level. The study engaged officials from local government bodies responsible for social welfare and child protection, as well as practitioners who work directly with street children in operational contexts. These actors were included because they occupy strategic positions where legal obligations intersect with administrative judgment and service delivery. Involving participants from different institutional roles allowed the study to capture varied perspectives on how legal certainty is understood, prioritized, and enacted within local governance arrangements.

#### Instrument

The primary method of data collection was semi-structured interviewing, complemented by the examination of relevant documents. Interview questions were designed to prompt reflection on procedural routines, coordination among agencies, and challenges encountered in fulfilling legal responsibilities toward street children. The semi-structured format provided sufficient flexibility for participants to articulate their experiences while keeping the discussion aligned with the research focus. Documentary materials, including local regulations, policy guidelines, and administrative records, were analyzed to situate interview data within the formal legal framework and to identify gaps between written norms and institutional practice. Observational notes were maintained to capture contextual aspects of governance that emerged during the research process.

#### Data Analysis

Data analysis was conducted using an interpretive thematic approach. Interview transcripts and documentary sources were reviewed repeatedly to identify patterns related to the production of legal certainty, such as consistency in procedures, the use of administrative discretion, and the quality of inter-institutional coordination. Coding was carried out inductively, allowing analytical themes to emerge from the data while remaining informed by socio-legal concepts discussed in the literature. To strengthen the trustworthiness of the findings, insights from interviews were cross-

checked against documentary evidence and contextual observations. The analysis ultimately focused on explaining how legal certainty is sustained or undermined through everyday governance practices, rather than assessing formal compliance with legal rules.



**Figure 1.** Analytical Flow of the Socio-Legal Research on Legal Certainty in Local Child Protection Governance

## RESULTS AND DISCUSSION

### Result

The analysis of local regulatory documents shows that the protection of street children is articulated through a set of clearly specified institutional obligations, with the Social Affairs Office designated as the central coordinating authority. From a formal standpoint, this arrangement suggests the presence of legal certainty, as both responsibility and service components are explicitly defined. Protection is not framed merely as a general policy goal, but as a collection of concrete measures that, in principle, should enable consistent responses to street children's needs.

To clarify the normative scope of these obligations, Table 1 summarizes the special protection components mandated under the local regulatory framework examined in this study. The table consolidates the key forms of protection stipulated in the documents, ranging from preventive measures to institutional care. By presenting these components side by side, the table provides a baseline against which legal certainty can be assessed, particularly in terms of whether protection is designed to be comprehensive and predictable across cases.

**Table 1.** Mandated special protection components for street children under local regulation

| Domain of special protection mandated in the regulation | Required forms of action or services   | Implications for legal certainty in practice  |
|---|--|---|
| Prevention of primary risks affecting street children   | Programs aimed at preventing economic and sexual exploitation, violence in family, school, and community settings, involvement with narcotics, psychotropic substances, HIV and AIDS, and risks of abduction | Defines the substantive scope of protection that should be applied consistently across cases; inconsistency in implementation weakens legal certainty             |
| Access to public services and social protection         | Provision of access to public services and social security schemes, including for children with disabilities   | Indicates that protection extends beyond emergency response; legal certainty is tested through accessibility and continuity of services                           |
| Core protection service facilities for street children  | 24-hour complaint service, temporary shelter, rehabilitation center, and institutional care through orphanages   | Represents the most tangible dimension of legal certainty, as it determines entry points, immediate response, recovery processes, and long-term care arrangements |

While the table outlines the content of protection in regulatory terms, it does not on its own convey how these components are expected to function as a system. To address this, Figure 1 visualizes the configuration of mandated protection services by positioning the Social Affairs Office at the center of the protection framework and linking it to the required facilities, including the 24-hour complaint service, temporary shelter, rehabilitation center, and institutional care. The figure translates the regulatory provisions into an institutional architecture, making visible the assumption that protection should move beyond isolated interventions toward an interconnected service structure.

**Figure 1.** Mandated Special Protection Services for Street Children under Local Governance

When the mandated structure shown in Table 1 and Figure 1 is considered alongside governance conditions described in the study context, important tensions emerge. Although the regulatory framework presents a coherent protection architecture, the operation of its components is shaped by practical constraints such as institutional capacity and coordination. The existence of a complaint mechanism does not necessarily ensure continuity of protection, and transitions between shelter, rehabilitation, and longer-term care are not always seamless. Consequently, children in similar situations may experience different forms and durations of protection.

These findings indicate that legal certainty in the protection of street children cannot be inferred solely from the presence of clearly defined services. Instead, certainty is contingent upon how consistently the mandated components are connected and sustained in practice. The regulatory framework provides the structural foundation for protection, but the predictability implied by that structure remains vulnerable to fragmentation at the implementation level. In this sense, legal certainty emerges as an outcome of governance practice rather than as an automatic effect of regulatory design.

## Discussion

The findings of this study invite a reconsideration of how legal certainty is commonly understood in the context of child protection (Ebsen et al., 2023; Murphy, 2021). While legal discourse often treats certainty as an attribute of well-drafted rules, this study suggests that certainty cannot be assumed merely from the presence of regulation. Instead, it is shaped through the way norms are interpreted, translated, and enacted within governance structures. In the context of street children, whose lives are marked by instability, the limits of text-based legal certainty become especially visible. Legal certainty therefore emerges not as a fixed legal condition but as an outcome of institutional practice Aksom (2022).

The protection framework examined in this study reflects a normative ambition to provide structured and comprehensive safeguards for street children. Local regulations articulate specific obligations and identify responsible institutions, creating the appearance of a coherent legal design. Such arrangements are often taken as indicators of legal certainty in doctrinal analyses. However, the findings suggest that this formal coherence does not automatically translate into predictable protection. The gap between regulatory design and lived experience underscores the need to distinguish between legal certainty as a formal principle and legal certainty as a practical condition Ait Aoudia (2024).

The protection structure visualized in Figure 1 illustrates a regulatory expectation that protection services will function as an integrated system Ghadi et al. (2024). Complaint mechanisms are designed to initiate state response, shelters to provide immediate safety, rehabilitation facilities to address longer-term needs, and institutional care to ensure continuity. In theory, this sequence offers a pathway through which legal protection can be reliably accessed. In practice, however, the study's results indicate that these components do not always operate as interconnected stages. When protection unfolds in fragmented ways, legal certainty weakens, even though individual interventions may still occur Mancano (2021).

Fragmentation within the protection system has significant implications for how street children experience the law. When services function as isolated units rather than as a coordinated process, protection becomes episodic and difficult to anticipate. Street children may encounter assistance at one point but face uncertainty at the next stage of care. This condition undermines the



very predictability that legal certainty is meant to provide. As a result, legal certainty is experienced unevenly, not because the law authorizes unequal treatment, but because governance practices fail to sustain continuity Howse & Langille (2023).

The central role of the Social Affairs Office highlights the dual character of institutional centralization in local governance Bolgherini & Lippi (2022). Concentrating responsibility within a single agency clarifies accountability and avoids ambiguity about institutional mandate. At the same time, it renders the protection system highly dependent on the capacity, coordination skills, and internal procedures of that agency. Where coordination relies on informal networks or ad hoc arrangements, protection becomes vulnerable to disruption. In such settings, legal certainty is less a function of legal mandate than of organizational resilience and administrative culture Buchen (2024).

Administrative discretion further shapes how legal certainty is produced in everyday practice. Discretion enables officials to respond flexibly to complex social realities, an essential feature in addressing the diverse situations faced by street children. Yet discretion also introduces variability when it is not anchored by clear procedural guidance. Similar cases may lead to different protective outcomes, not because the law demands variation, but because implementation depends on situational judgment. This tension reveals discretion as both a necessary tool and a potential source of legal uncertainty Esthappan (2024).

These dynamics are intensified within Indonesia's decentralized governance framework Yuwono et al. (2025). Decentralization grants local governments authority to tailor protection measures to local conditions, which can enhance responsiveness. However, it also amplifies disparities in institutional capacity and coordination across jurisdictions. As a result, legal certainty may vary not only across cases but across localities operating under the same national legal framework. Without mechanisms to ensure minimum standards of continuity, decentralization risks transforming legal certainty into a geographically uneven experience Fischer (2021).

Overall, the discussion underscores that strengthening legal certainty in the protection of street children requires more than regulatory refinement. Legal certainty depends on how institutions coordinate action, manage discretion, and sustain protection beyond initial intervention. By framing legal certainty as a socio-legal phenomenon embedded in governance practice, this study shifts attention away from law as text toward law as lived institutional reality. In doing so, it contributes to a more grounded understanding of how legal protection can become reliable for vulnerable populations Mertens (2021).

## **Implications**

The implications of this study extend beyond the immediate context of street children's protection and speak to broader debates on legal certainty within socio-legal scholarship. The findings suggest that legal certainty should be approached as a governance achievement rather than as a static legal condition embedded in statutory texts. This perspective invites a rethinking of how legal effectiveness is assessed, shifting attention from regulatory presence to institutional performance and continuity. In practical terms, the study highlights the risk of treating child protection obligations as fulfilled once procedural requirements are met. For local governments, the implication is that legal certainty depends on the durability of coordination among protection services and the ability of institutions to sustain intervention over time. Where protection operates as a sequence of disconnected responses, the law may appear formally sound while remaining substantively unreliable for those it seeks to protect.

## Limitations

Several limitations frame the interpretation of this study's findings. The analysis concentrates on local governance as the primary site where legal certainty is produced, without extending the inquiry to cross-regional comparison. As a result, the study does not capture the full range of variation that may exist across different local contexts. In addition, the research emphasizes institutional practices and regulatory interpretation rather than direct engagement with the lived experiences of street children. While this focus is consistent with the study's socio-legal orientation, it necessarily limits insight into how legal certainty is perceived from the perspective of rights holders themselves. Finally, the qualitative nature of the analysis prioritizes depth of understanding over measurement, meaning that the study does not quantify levels of service effectiveness or outcomes. These limitations define the analytical boundaries of the study rather than detract from its core contribution.

## Suggestions

Building on these findings, future research could further elaborate the relationship between legal certainty and governance practice by widening both empirical scope and analytical focus. Comparative studies involving multiple local governments would be particularly useful in identifying patterns of institutional coordination that either strengthen or weaken legal certainty under similar legal frameworks. Research that incorporates the voices of street children and frontline practitioners could also deepen understanding of how legal protection is experienced in practice, especially in moments of transition between different protection services. From a governance perspective, further inquiry into procedural arrangements that stabilize discretion without eliminating flexibility would be valuable. Such work could help clarify how legal certainty can be strengthened not through rigid rule-making, but through institutional designs that support continuity, accountability, and responsiveness.

## CONCLUSION

The study indicates that legal certainty in the protection of street children cannot be inferred simply from the presence of local regulations or the formal listing of mandated services, because certainty is realized through how local governance connects those mandates to consistent action. While the regulatory framework clearly allocates responsibility to local authorities and specifies protection components such as a 24-hour complaint channel, temporary shelter, rehabilitation support, and institutional care, the findings suggest that formal designation and procedural completion do not automatically translate into protection that is predictable and continuous. Instead, the dependability of protection is shaped by day-to-day coordination across institutions and by how administrative discretion is used, which can either integrate the mandated components into a coherent pathway or leave them operating in a fragmented, case-by-case manner. Seen through a socio-legal lens, legal certainty emerges less as a property of written law and more as an outcome that must be actively produced within governance routines. Accordingly, strengthening legal certainty for street children requires attention not only to regulatory clarity but also to governance arrangements that secure follow-through, accountability, and effective coordination so that the formal protection architecture functions as a reliable safeguard in practice.



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### AUTHOR CONTRIBUTION STATEMENT

Aliffi'a Kursiya Jamil was responsible for the conceptualization of the study, research design, data collection, data analysis, and the drafting of the manuscript. Afrik Yunari provided academic supervision throughout the research process, including guidance on the theoretical framework, methodological direction, and critical review of the manuscript. Both the author and the supervisor approved the final version of the manuscript.

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