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A LEGAL EXPLOSION OF RIGHTS FOR CHILDREN WHO ARE TOO YOUNG TO REALISE THEIR OWN PROTECTION (A STUDY CONDUCTED BY THE BATAM CITY OFFICE OF SOCIAL AND COMMUNITY EMPOWERMENT)

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ABSTRACK

The research study at the Office of Social Affairs and Community Empowerment, which aims to provide victims of economic exploitation of minors with legal protection from a human rights perspective, has been conducted in compliance with Law Number 35 of 2014, which amends Law Number 23 of 2002, which pertains to child protection (Supplementary Gazette of the State Gazette of 2014 Number 5606). For the purpose of analysing some of the issues raised by the articles published in this journal, the authors draw from a variety of theoretical frameworks, including normative legal writing, sociological/empirical legal writing, Jeremy Bentham's middle theory, and Soerjono Soekanto's application/applied theory. Legal protections for children who have been victims of economic exploitation have not been successful, according to the field research. The problem of child abuse and economic exploitation is complex, and there are many factors working against its full implementation. One of these is the role of law enforcement in controlling children, which does little to address the underlying causes of the problem and provides only temporary relief. Because of this, many are hoping that the government and law enforcement would focus more on the issue of economic exploitation of children living on the streets and take strong measures to address it, including providing advice and imposing legal penalties on those responsible.

Key Words: *Victims, Economic Exploitation of Children, Legal Protection, Human Rights.*

1. INTRODUCTION

Everywhere you look, from the Declaration of the Rights of the Child by the United Nations General Assembly to domestic statutes, the fundamental reality of children's protection has been acknowledged and assured. In essence, children are entitled to certain safeguards. in order to ensure the appropriate growth and development of the youngster. The fulfilment of children's rights and the provision of protection are crucial factors to consider, since children are young individuals who are "vulnerable, dependent, innocent, and have special needs" (M.Ghufron, 2015). Exploitation is one kind of child abuse that violates children's rights. The political practice of engaging in the arbitrary or disproportionate exploitation of a person for economic gain at the expense of their dignity, fairness, and well-being is known as exploitation (English: exploitation). Using another person for one's personal gain, taking advantage of them, or extorting them is described as exploitation in the

Big Indonesian Dictionary. Specifically, in accordance with Child Welfare Law No. 4 of 1979 (Amiruddin & Zaenal Asikin, 2014).

The current legal framework forbids the practice of abusing minors for financial gain in any way. It is unnecessary to worry about or contribute to a family's financial situation children should just have fun and develop normally at their own pace. Exploitation encompasses any endeavour that seeks to tap into an object's potential, whether it its natural resources or anything else, in order to meet the requirements of a group or many individuals. Here are a few examples: exploitation of forests, children, animals, and so on. A person is considered a kid for the purposes of Article 1 of Law No. 35 of 2014 if they are not yet eighteen years old; this definition includes unborn children (Legality Team, 2017). Some people take advantage of children for their own financial gain, and there are plenty of examples to show it. Indeed, there are still several issues related to child abuse, particularly economic exploitation, in various parts of our nation, including Batam City. Further, studies and surveys broken down by gender reveal that more males than girls have paid employment. It is believed that parents' perceptions of boys' inherent strength, economic responsibilities, and the nature of labour contribute to the gender wage gap (Prof Dr Aris Ananta, 2015). The term "economically exploited" refers to any situation in which a child is used for financial gain, whether the child gives their consent or not. This includes but is not limited to actions such as prostitution, forced labour or services, slavery or practices that are similar to slavery, oppression, extortion, use of physical, sexual, or reproductive organs, or the unlawful transfer or transplantation of organs or tissues from a child. Anyone found guilty of engaging in the economic and/or sexual exploitation of minors faces a maximum penalty of Rp. 200 million in fines and/or ten years in jail. Meanwhile, there is a maximum penalty of 5 years in jail and/or a fine of Rp. 100 million for those who knowingly and wilfully permit the economic and/or sexual exploitation of minors despite the fact that the kid requires assistance and must be supported. It is evident from the laws and regulations that children have equal rights to be protected, maintained, developed, and allowed to grow up without discrimination. This is particularly true when it comes to laws and regulations that address legal protection for child victims. financial abuse.

2. PROBLEM FORMULATION

1. How is the legal arrangement for fraud based on online buying and selling? How is the legal arrangement for victims of economic exploitation of minors to realize legal protection from the aspect of human rights (research study at the Batam City Social and Community Empowerment Office)?
2. How are the implementation, constraints and solutions for victims of economic exploitation of minors to realize legal protection from the aspect of human rights (research study at the Batam City Office of Social and Community Empowerment)?

3. METHODOLOGY

3.1 Research Approach

This research is empirical research, that is, researchers obtain direct data in terms of their nature at the Batam City Social and Community Empowerment Service, so this research includes descriptive research, namely research that provides a complete and clear picture of the situation. And normative research is a writing method that uses legal norms that are explanatory by researching and discussing applicable legal regulations. This study uses a normative juridical approach and empirical juridical approach. In research or study of

normative legal science, activities to explain the law do not require data support or social facts, because normative legal science does not recognize social data or facts, only legal materials are known. So to explain the law or to find meaning and give value to the law, only legal concepts are used and the steps taken are normative steps.

3.2 Data Sources and Data Collection Tools

Sources of data in this study are primary data and secondary data. The primary data was interviewed at the Batam City Social and Community Empowerment Service. Collecting data by compiling a list of interview questions as a means of collecting data on the selected sample. Secondary data collection is carried out through library research by reviewing books, journals, research results, conventions and laws and regulations as well as through internet media regarding matters related to research problems.

3.3 Data Analysist

The data that has been obtained, both primary data from field research, and secondary data obtained from library research are generalized and then analyzed qualitatively. This data analysis is an effort to find and organize data systematically to increase the researcher's understanding of the problem under study and present it as a research finding. For secondary data collection, document studies are also carried out by collecting data through data searches on internet sites (Idham, 2010).

4. RESULTS AND DISCUSSION

The purpose of issue analysis is to identify the rules governing a problem and to provide potential solutions or avenues for resolving the situation at hand. One way to teach someone to solve a case is to have them practise problem analysis until they become proficient in addressing the issues at hand. Opinions and proposed solutions to the issues under discussion may be included in the analysis. A conclusion will emerge from this study, and from these proposals will be derived valuable recommendations for preventing the recurrence of the current difficulties.

A paradigmatic method in legal theory based on the good and terrible outcomes created by the law's application is necessary to quantify the law's good and bad in the grand theory, which makes use of Jeremy Bentham's theory of welfare. In the intermediate hypothesis, Satjipto Rahardjo's theory is used. Because legal protection is what safeguards legal objects via relevant rules and regulations and their sanctioned execution, it is an important part of legal theory. Because law enforcement is an endeavour to actualise concepts and ideas, the author's applied theory also makes use of Soerjon Soekanto's Law Enforcement Theory. idea that the public has for a legal framework and hopes will materialise.

In compliance with the rule of law, legal subjects are afforded protection, which may take the shape of either preventative measures or compulsion, both written and unwritten, to ensure compliance with legal laws. When children are exploited economically, it is because someone has no regard for their sense of appropriateness, fairness, or recompense for their well-being and has used them excessively and arbitrarily for financial gain. Respect for human dignity (sometimes shortened to A legal and normative notion known as HAM (human rights; French: droits de l'homme) asserts that people have inherent rights only by virtue of being human. In other words, human rights are applicable at all times and to all people, regardless of location. Fundamental human rights cannot be taken away. Additionally, human rights are not only interrelated, but also indivisible.

4.1. Legal Regulations Against Victims of Exploitation of Minors to Realize Legal Protection from Aspects of Human Rights.

Children who have been victims of wrongdoing, such as sexual and economic exploitation, abuse, prejudice, child trafficking, neglect, or other forms of maltreatment, are a hallmark of the social and economic issues that Indonesian children confront today. One major issue in the Batam area nowadays is the increasing number of children who are forced to work for a living. This puts children in a vulnerable position, as they are taken advantage of by irresponsible individuals who exploit their labour (Shofiyul Fuad Hakiki, 2015). In order to ensure the recognition and protection of children's rights in Indonesia, the government enacted Law No. 35 of 2014, which amends Law No. 23 of 2002 on child protection (Rika Saraswati, 2015). When it comes to positive legislation in Indonesia, there is a lack of regulation regarding the treatment of adolescents who are aware when they commit an illegal conduct, as well as the custody and investigative systems that are assigned to them. Article 1, paragraph 1 of Law Number 23 of 2002, which deals with the protection of children, states that the term "child" include not only the born but also the unborn, often known as a foetus. Even when they are still within the mother's body, the rights of the unborn child are recognised. Nevertheless, its applicability is still restricted to a universe where it does not yet exist. Among the numerous causes of children in Indonesia going through the process of early maturation or not in time, Article 330 BW (Burgerlijk Wetboek) regulates the following: "Minors are those who have not reached the age of two" plus twenty-one years and no prior marriage. Many factors contribute to this, including unhappy family dynamics that cause children to grow up in a dysfunctional environment, low wages that force many to work, the aftermath of violent crimes, and many more. The third example shows how they may impact children's conditions, leading them to mature beyond their chronological age (Sholeh Soeady, 2019). The number of reported incidents of child exploitation is rising rather than decreasing, despite the fact that several laws and regulations aim to penalise those responsible for this crime. Based on these findings, it is clear that relying only on law enforcement to reduce child exploitation offences is not successful. Additionally, the government in question needs a well-defined plan to address the community's pervasive poverty. Because child exploitation offences stem from impoverished lifestyles, fighting poverty is a practical way to reduce this crime. Tragically, some parents utilise the birth of their children as a means to enhance their own financial status, sometimes forcing their children into harmful professions like prostitution, begging, or busking (Baaging Suyanto, 2016).

4.2. Implementation, Constraints and Solutions to the Social Service and Community Empowerment of Batam City Against Victims of Exploitation of Minors to Realize Legal Protection from Aspects of Human Rights.

There are several factors that cause Indonesia to become the target of economic exploitation, the first is the weak law in Indonesia. Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection regarding the prohibition for any party, including parents, to exploit children, both economically and/or sexually. Sanctions against parents or anyone who exploits children, both economically and/or sexually are:/ regulated in Article 88 of Law 35 of 2014 concerning Child Protection. The article reads: Anyone who violates the provisions as referred to in Article 76l, shall be sentenced to a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah).

The second factor, poverty is considered as the main driver of children to work.

Economic poverty has created a lot of child labor. Parents are “forced” to mobilize their children as workers to help the family economy. At this point the emergence of vulnerability, because children can change roles from "just helping" to being the main breadwinner. Child labor is not only caused by poverty, but also causes "impoverishment", meaning that children who work and do not receive education will continue to live in conditions of poverty in the future. As a further consequence, the next generation will remain poor and uneducated (Wiryani, 2014).

Third, urbanization. The area of origin of child laborers, which are mostly rural, is also a factor in the emergence of child labor. Rural areas are considered unable to provide guarantees for economic improvement, so many people try their luck in big cities in the hope of earning a higher income, without exception, parents who are shackled by economic problems invite their children to work, from beggars to factory workers. . Third, socio-cultural. The phenomenon of child labor is inseparable from the reality that exists in society, which culturally views children as children who are devoted and can elevate the dignity of their parents. With a culture like this, the position of children who actually have rights and must be protected is neglected (Laily Akbariah, 2014). Fourth, education. The main reason for a child to become a worker is because of their backwardness to get an education. One thing the next government can do the most is to implement low-cost education programs and accommodate the specific skill needs of children. This is because children have been "forced" to work because of the economic demands of the family. Child wages are one of the sources of family income. With cheap education and the provision of practical skills, they are expected to no longer think that schools do not provide any benefits and instead make family conditions worse (Susanto, 2014).

Fifth, changes in the production process. The development of the era which also demands the sophistication of technology makes several companies in carrying out the production process using sophisticated technological tools. So that a lot of work that should be done by experts can be completed more quickly with only a very short time being done by a tool. What is left is menial and odd jobs where many children are taken to be employed, of course with low wages and minimal job protection guarantees, because they are still considered as children who do not know anything and are required to always obey the rules made by the company where they work. work.

Sixth, weak supervision and limited institutions for rehabilitation. The existence of regulations to protect child labor is not balanced with the implementation of these rules. So it is very possible that there are many problems that arise in child labor that cannot be resolved by law enforcement officials. As it is known, that the problems related to child labor are cross-sectoral problems, which include economic aspects (working children are one of the factors that affect the productivity of a family), culture (working children are a 'must' of certain community culture which is a Javanese doctrine ('many children are a lot of fortune'), politics (with working children, it can be expected to perpetuate the dominance of the breed/power), law (working children also include affirmation of the status and position of children as subjects who have rights and obligations that must be guaranteed by law), social (working children can elevate the dignity of a family in the eyes of society / unemployed children are despised in the community).

5. CONCLUSION

The following are the findings drawn from the problem formulation and debate presented earlier in this thesis:

a. On the other hand, as mentioned in the previous chapter, there are already a number of laws and regulations in Indonesia that govern the implementation of legal protection for

children, particularly those who are victims of economic exploitation. This means that children in Indonesia are not protected. suffer economic exploitation, namely as outlined in Law Number 35 of 2014, which amends Law Number 23 of 2002, which protects children (Supplementary Gazette of the State Gazette of 2014 Number 5606), and Law Number 39 of 1999, which addresses human rights (State Gazette Number 165 of 1999).
b. In light of this, the following are the reasons that the Batam City Social and Community Empowerment Service has identified as obstacles to and remedies for the purpose of providing legal protection to children who are victims of economic exploitation:
1) According to a study conducted by the Department of Social Affairs and Community Empowerment, social factors like poverty, urbanisation, socio-culture, education, changes in production processes, weak supervision, and a lack of rehabilitation institutions are obstacles to providing legal protection for minors who have been victims of economic exploitation. Unfortunately, most children work because their families are poor or because they have no other choice, and victims of child labour frequently do not realise they are victims.
2) The Family Hope Program, which is run by the Ministry of Social Affairs, conducts raids on all main routes in Batam City. This is done by the Batam City Social and Community Empowerment Service as a solution to deal with the economic exploitation of street children in the city. Batam and gather data, if found, will decide whether to accept them for coaching or return them to their parents; this is done to teach street children and generate a deterrence effect so that they don't end up back on the streets. Every single one of the street kids that the Batam City Social and Community Empowerment Service had taken in were trained.

6. SUGGESTION

The author offers the following recommendations based on the conversation's outcomes:
a. We expect that the government and law enforcement would prioritise the issue of economic exploitation of street children and crack down hard on those who do it, providing advice and ensuring that those responsible face legal consequences.
b. It is believed that the government will work to improve the economy for the benefit of the people, lowering the poverty rate. It is also believed that the government will continue to address the issues of street children, who are vulnerable to economic exploitation and other crimes, by consistently offering them direction, education, and training to equip them with skills. to ensure their future well-being, particularly in the areas of general and religious science.

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