# Economic Exploitation of Children: Implementation of Legal Protection for the Fulfillment of the Rights of Victim Children in Central Java

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**Abstract.** Unfavourable situations are often accepted by children as experienced by children. Therefore, this study aims to obtain an in-depth description of the experience of exploitation of street children in Central Java. This descriptive research uses a qualitative approach with the child case study method. Data sources consist of various street children, parents of street children and community leaders selected by purposive sampling. Data were collected through in-depth interview techniques, non-participatory observation, and documentation studies. The technique for checking the validity of the data uses a credibility test, transferability test, dependability test, and confirmability test. Qualitative data analysis was done through data reduction, presentation, and conclusion. The results of this study indicate that street children experience forms of economic and physical exploitation by their parents and siblings. Poverty and ignorance of parents about children's rights cause this exploitation. This exploitation often causes children to become tired and sick, lazy to study and go to school, conflicts with families and frequent raids and chases by the authorities.

Keywords: Economic, Legal protection, Fulfillment of Children's Rights.

# **1** Introduction

One of the bad and life-threatening situations for children is being on the streets or what is commonly called street children. According to the Indonesian Ministry of Social Affairs (2005), Street children spend most of their time doing daily living activities on the streets. Ministry of Social data taken from the SIKS-NG Integrated Social Welfare Data Dashboard as of December 15, 2020, has of abandoned street children in Indonesia is 67,368.

Several years ago, there was news in the mass media about dozens of children from Solo Raya who were victims of human trafficking in East Kalimantan. Based on the news, further information was obtained that children who were victims of human trafficking received various forms of exploitation and violence.

One of them experienced sexual violence and was hired as a karaoke guide who was only paid a salary of Rp. 70,000, - (seventy thousand rupiah) and will be lured with additional money if the child wants to drink liquor the guest provides.

The news above is only one of many reports about the trafficking of people who make children their victims. Based on data findings obtained by the Indonesian Child Protection Commission (KPAI), cases of trafficking in children tended to increase from 2010 to 2012. In 2010, there were 410 cases, which then increased to 480 cases in 2011, and in 2012, it experienced another increase with the number of cases as many as 673 cases.

Observing the increasing number of child trafficking cases, the government needs to focus on being serious in efforts to eradicate this criminal act of trafficking in persons. These efforts are not only in the form of preventive, repressive or responsive law enforcement but also efforts related to the recovery or protection of children who are victims of trafficking in persons (child trafficking) after the completion of the criminal justice process, which aims to restore the future of children. Child protection is all efforts made to create conditions so every child can exercise his rights and obligations for the proper development and growth of children physically, mentally and socially.

Children should receive protection, affection and supervision from their parents and be educated and cared for properly according to their rights as children so that there are no deviations during their growth period. The fact is that currently, in several regions in Indonesia, including in Central Java, there are many problems regarding the exploitation of children, one form of which is economic exploitation.

Based on data from the Central Statistics Agency (BPS), 1.17 million people aged 10-17 years are working in the country in 2020, an increase of 320 thousand people compared to the previous year. The percentage also increased from 2.37% in 2019 to 3.25% last year. The highest increase came from working children aged 10-12 years. In 2019, the percentage was recorded at only 1.83 million people. Meanwhile, there are 3.6% of child workers aged 10-12 years in 2020. Child workers aged 13-14 also increased from 2.07% to 3.34%.

Seeing this social reality is very concerning because children are the nation's next generation, and it has an important meaning for national development in carrying out the life of the nation and state. The Constitution of the Republic of Indonesia Article 28B paragraph (2) explicitly regulates the right of every child to survival, growth and development, as well as the right to protection from violence and discrimination. The mandate of the constitution is embodied in Law Number 23 of 2002 concerning Child Protection Article 23 paragraph (1), which contains: "The state and government guarantee the protection, care and welfare of children by taking into account the rights and obligations of parents, guardians or others who are legally responsible for the child. The number of street children who economically exploit the family and other people's children is increasing.

# 2 Method

The approach used in this research is a qualitative approach with the type of sociolegal research. Due to the qualitative approach, this research relies on first-hand information (primary data) in the field. Secondary data (from statistics and documents) is used to complement data analysis from the field with the analysis knife of Child Exploitation Theory from Terry E Lawsen andTharmmapornphilas (2006), for that empirical study variable related to children's decision to work are divided into four groups; namely characteristics of children, which include sex, age, and birth order, characteristics of households, which include income, parents' education, and

number of children, characteristics of schools, which include distance from home to school and quality school, and community characteristics, which include location, infrastructure, and environment.

Using the above method, six diverse neighborhoods/areas were selected: two regencies/cities in Central Java, Magelang, Semarang, and 2 Grobogan districts. From each district/city, one district and two case villages/kelurahan were selected. The process of selecting the area sample was carried out through a purposive sampling procedure.

The data was collected first-hand (informants and respondents) in the case villages, sub-districts and districts (Stark, R. Deviant Places. 1987). This research involved community leaders, government officials, religious leaders, community members from the village, sub-district, district levels, and police officers from local community police institutions. They are not only treated as informants or case respondents. However, they are also involved in the entire cycle of research activities: information gathering, conclusion of temporary study results, confirmation/ validation of data, and determining conclusions. This means that through (repeated) interviews and (group) seminars, each has the opportunity to make corrections (on the results of the research team's findings) and is involved in analyzing and concluding research data so that an acceptable level of generalization can be obtained, applicable at the village level.

# **3** Research and Discussion

### 3.1 Factors Causing Economic Exploitation of Children

The causes and driving factors of the problem of exploitation of children are the interaction of various factors at the micro to macro level, from economic, social, and cultural to political issues. The factors that cause and drive the problem of child exploitation, according to the results of the study, are as follows:

- a. Poverty: The low-family economy is the dominant factor that causes children to be involved in earning a living.
- b. Urbanization: The area of origin of the employed children, who are mostly from rural areas, is also a factor in the emergence of economic exploitation of children.
- c. Socio-Cultural: The phenomenon of children being exploited economically cannot be separated from the reality that exists in society, which culturally views children as potential families who are obliged to serve their parents.
- d. Education: The main reason a child is economically exploited is because of their backwardness to be able to receive an education.
- e. Changes in the production process: The development of the era, which also demands technological sophistication, makes several companies use sophisticated tools in their production processes.
- f. Weak oversight and limited institutions for rehabilitation
- g. Regulations to protect children who are economically exploited are not matched by the implementation of these rules. So, many problems may arise in child workers that law enforcement officials cannot resolve.

## 3.2 Modus Operandi and Forms of Exploitation Performed Against Children Who Become Victims of Trafficking in Persons

A child in Law Number 21 of 2007 is defined as someone not yet eighteen years old, including children in the womb. Law Number 21 of 2007 concerning the Eradication of the Criminal Act of Trafficking in Persons regulates the modus operandi or method of operation of individuals or groups of criminals in carrying out their criminal plans in the criminal act of trafficking in persons, especially those involving children as victims (Alwi, M. (2019).

The modus operandi of the Crime of Trafficking in Persons where children are victims is regulated in Article 5 and Article 6 of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons, namely by adopting a child by promising something or giving something for exploitation and sending the child to abroad where children are exploited. Article 5 and Article 6 of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons explicitly state that there are 2 (two) modus operandi for the crime of trafficking in persons, namely through adoption by promising something or giving something with the intention of exploitation and delivery children into or out of the country legally/lawfully or illegally/illegally whose purpose is to exploit children. (Suryaningsih, C., & Hendarsyah, S. (2019).

Specifically in the field, the modus operandi for the crime of trafficking in persons, which makes children victims, will continue to develop by using increasingly sophisticated and unpredictable methods, such as the modus operandi for narcotics crimes, which are increasingly finding new modus operandi that can deceive the authorities. Law enforcer.

Exploitation in the crime of trafficking in persons is the most important element. One of the definitions of Exploitation can be found in Article 1 number 7 of Law Number 21 of 2007 concerning the Crime of Trafficking in Persons where the article reads: "Exploitation is an act with or without the consent of the victim which includes but is not limited to prostitution, forced labor or services. , slavery or practices similar to slavery, oppression, extortion, Exploitation of physical, sexual, and reproductive organs, or unlawfully removing or transplanting organs and body tissues or utilizing one's energy or ability by other parties to gain material or immaterial benefits.

It can be explained that the forms of exploitation regulated in Article 1 point 7 are prostitution, forced labor or services, slavery or practices similar to slavery, oppression, extortion, physical exploitation, sexual exploitation, reproductive organs, or unlawfully transferring or transplanting organs and body tissues, or utilizing a person's energy or ability by another party to gain material or immaterial benefits.

As an important note, Article 1 point 7 does not limit itself to 10 (10) types of exploitation; Law Number 21 of 2007 regulates exploitation without limitations. Thus, it is still possible to find other types of exploitation carried out by perpetrators of trafficking in persons, especially those who make children their victims.

Law Number 21 of 2000 concerning Ratification of the ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor as one of the legal instruments for trafficking in persons regulates the definition of worst child

labor, which includes children who are physically and economically exploited, including in the following forms:12 prostituted children, children - children who are mined, children who work as pearl divers, children who work in the construction sector, children who work on jermals, children who work as garbage scavengers, children who are involved in production and other activities using explosives, children working on the street, children working as domestic helpers, children working in home industries.

#### 3.3 Legal Protection for Children Victims of Economic Exploitation

UNICEF in this case has set several criteria for exploitative child labor, namely when it comes to:

- a. Full time work at too early an age;
- b. Too much time spent working;
- c. Work creates undue physical, social and psychological stress occur;
- d. Insufficient wages;
- e. Too many responsibilities;
- f. Jobs that impede access to education;
- g. Work that reduces the dignity and self-esteem of children, such as: slavery or forced contract work and sexual exploitation;
- h. Jobs that undermine full social and psychological development

Child protection has been integrated into national law, which is scattered in the Civil Code, the Criminal Code, and several laws and regulations on child protection. Internationally, since 1989, the world community has had a legal instrument, namely the Convention on the Rights of the Child (Un's Convention on the Rights of the Child). KHA describes children's rights in detail, comprehensively and progressively.( Dukungan, P. S. 2019).

Because CRC positions children as themselves and children's rights as a human segment that must be assisted in the struggle with adults. Practices of mistreatment of children, increasing cases of child rape, violence against children (domestic and in the public sector), psychological and mental violence and heavy burdens, exploitation and suppression of children in advertising media, television broadcasts, and policies and laws that are not pro-child rights. Even the treatment of law enforcement officials, be it judges, prosecutors, or police who, in practice, uphold children's law, tend to convict children. In fact, according to the principles of criminal law, punishment for children is the last option. Therefore, implementing children's rights strives to strengthen pro-child/child-rights structures, systems and structural constructions. This effort is in line with legal reform efforts, which erode the legal thesis that it is exploitative-destructive to children (Li, Qingyi Cheng, Tyrone C. 2017). Socialization, promotion and enforcement of children's rights must be carried out continuously and seriously, bearing in mind that children's problems have not become a major issue in development. Upholding children's rights requires a commitment to adults with power, capital, urgent power, and other supporting resources.

Children's rights, as referred to in legal documents regarding protecting children's rights, are still ineffective enough to eliminate bad conditions for children. (Artello, K.Hayes, H.Muschert, G.Spencer, J.

2015). The world order and the behavior of people's lives still have children's problems. Such a situation has hit Indonesia and almost the entire face of the earth. By developing the reality of

today's children, it is intended to illustrate how children's problems have not subsided in the rapid development of world development, including in Indonesia.

The description above shows that child protection and the implementation of children's rights still need to be maximized as a global movement that involves all the potential of the world's nations (Hurlock. 2011). Children also have rights and obligations as children, and these children's rights include that every child has the right to be able to live, grow, develop and inspire normally in accordance with human dignity and dignity, and to receive protection from violence and discrimination, every child has the right to a name as self-identity and citizenship status and children also have the right to worship according to their religion, think and express according to their level of intelligence and age, under parental guidance, children also have the right to express and have their opinions heard, receive, seek, and provide information according to intelligence and age for self-development in accordance with decency and decency values, most importantly, every child while in the care of parents, guardians, or any other party responsible for care has the right to protection from discrimination, exploitation, both economic and sexual exploitation, neglect, cruelty, violence, persecution, injustice and other mistreatment. The research of the Child Labor Mitigation Network is as follows: first, poverty. The low-family economy is the dominant factor that causes children to be involved in earning a living. Children are often a very important source of income. In many ways, Child labor is seen as a survival mechanism to eliminate the pressure of unfulfilled poverty from parents' work. The involvement of children in economic activities is also due to the encouragement to help ease the burden on parents, work to gain respect from the community, and the desire to enjoy the results of work, which are the motivational factors for child labor.

However, the biggest reason that encourages children to work is the demands of their parents to obtain additional income for the family. Children often cannot avoid being involved in work. However, why until now are forms of exploitation of children still occurring? Duties that parents should do to work for a living now it is imposed on children who do not understand and understand the world of work. Children should be taught to get a proper education to face the future as the nation's successor, but children are instead taught how to do a job that can generate money to survive. Some parents even teach their children to make money incorrectly, such as stealing. Some children imitate ways to get easy money through scenes shown on television. This happened due to a lack of upbringing from both parents. There are many driving factors that child exploitation often occurs in Indonesia, including Family and environmental factors. The task of parents as educators is to educate and teach children positive things so that children become the successors of the nation who can bring the nation into a nation that can set an example for other nations. Even parents should be a good example for their children to be children who are useful for the nation and the country. From the existing facts, in the last five years, hundreds of thousands of children have been trapped in various conflicts in the homeland, such as those that occurred in Poso, Aceh, Irian, Maluku, and other places both in Java and outside Java. Even parents should be a good example for their children to be children who are useful for the nation and the country. From the existing facts, in the last five years, hundreds of thousands of children have been trapped in various conflicts in the homeland, such as those that occurred in Poso, Aceh, Irian, Maluku, and other places both in Java and outside Java. Even parents should be a good example for their children to be children who are useful for the nation and the country. From the existing facts, in the last five years, hundreds of thousands of children have been trapped in various conflicts in the homeland, such as those that occurred in Poso, Aceh, Irian, Maluku, and other places both in Java and outside Java.

Any form of implementing legal protection for child victims of economic exploitation in the Yogyakarta area is carried out by taking strict legal action against the perpetrators. Community participation is also very much needed, whether from individuals, child protection agencies, social organizations, NGOs, educational institutions, religious institutions, business entities and the mass media whose implementation is adjusted to the provisions of the applicable laws and regulations. Children who are exploited economically and sexually receive special protection from the government and society. Regarding the special protection that is the responsibility of the government and the community, it is carried out through:

- a. Dissemination and dissemination of provisions of laws and regulations relating to protecting children who are exploited economically or sexually.
- b. Monitoring, reporting, and imposing sanctions.
- c. Involvement of various government agencies, companies, labor unions, institutions
- d. non-governmental organizations and the community in eliminating economic or sexual exploitation of children.

Child protection activities have legal consequences, both concerning written and unwritten laws. This is in line with the mandate of the Constitution of the Republic of Indonesia contained in Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia.

#### 3.4 The existence of children who are economically exploited

The Indonesian labor market is beginning to be characterized by the presence of children who are employed and economically exploited. Given these conditions, to meet the need for accurate estimates of data and information on the socio-economic characteristics of exploited children, the International Labor Organization (ILO) together with the Central Bureau of Statistics (BPS) have launched a report entitled " Child Labor in Indonesia 2009" in February 2010 which contains findings from the Indonesian Child Labor Survey in Jakarta. This survey is a sub-sample and integrated into the 2009 National Labor Force Survey (SAKERNAS). Against the background of the results from the 2008 Sakernas list, 760 census blocks were selected from 248 districts/cities using the same sampling technique.

No	)	Age group	Working hours				
1		5-12 Years	Regardless of working hours				
2	13 – 14 Years		Work more than 15 hours/week				
3		5 – 12 Years	Years Working more than 40 hours/week				

The term	child	lahor	used in	this	survey	includes	a11	child	workers	ie
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Of the total number of children aged 5-17 years which amounted to around 58.8 million, 6.9 percent or 4.05 million of them were included in the category of working children. Of the total number of working children, 1.76 million or 43.3 percent are employed. Of the total number of working children aged 5-17 years, 48.1 million or 81.8 percent attend school, 24.3 million or 41.2 percent are engaged in housework, and 6.7 million or 11.4 percent are classified as "idle". , ie not going to school, not helping at home and not working. About 50 percent of children are employed at least 21 hours/week and 25 percent at least 12 hours/week ( Lestari, Sri. 2012). On average, children work 25.7 hours/week, while those classified as child laborers work 35.1 hours/week. About 20.7 percent of working children work in hazardous conditions, for example more than 40 hours/week. Working children are generally still in school, work without pay as family members, and are involved in agricultural, service and manufacturing work. The number and characteristics of working and employed children are differentiated by sex and age group. In addition to the official data released by the ILO and BPS in 2009, as of 2013 the Indonesian Child Protection Commission (KPAI) stated that there were 4.7 million child workers.

#### 3.5 The Government's Role in Preventing Child Exploitation

Law regarding child protection as a relatively new study, it can even be said that it is still not widely known in the legal education curriculum in Indonesia (Chakrawati, F.2015). As a field of study, child protection law has been recognized in several western countries, through special writings on the matter. For countries that recognize codification, as an example in the Netherlands there are efforts to make adjustments in the field of law, by reviewing the articles contained in law books, both public and civil, articles that are detrimental to children's lives, such as those carried out by a committee under the leadership of Prof. Mr. Wiarda in 1965 -1971.9 Bismar Siregar S, H, mentioned the legal aspects of child protection, more focused on the rights of children regulated by law and not obligations, bearing in mind that according to juridical law, children have not been burdened with legal obligations. (Berliana, B., & Wardani, I. Y.2018).) Mr. H. De Bie formulates the legal aspect of children as a whole of legal provisions concerning protection, guidance and justice for children/youth as regulated by BW, civil procedural law, criminal code and criminal procedural law and their implementing regulations. The role that the State must play in the problem of child labor is to accommodate the best interests of the child to save the survival of the Nation and State, through guarantees for the protection of the lives of Indonesian children, both by the legislative, executive and judicial institutions, namely:

- a. Central Legislature : Formulation of laws and regulations on comprehensive child protection; Allocating budgets for the best interests of children Supervising executive performance in implementing laws and policies on child protection; Formulating regulations and imposing strict sanctions for law violators; Conduct socialization to the constituents represented about child protection efforts
- b. Regional Legislature : Schedule children's problems as a perspective for formulating regional policies; - Formulate more concrete regional regulations in accordance with the characteristics of the conditions of children and child workers in their respective regions; - Allocate proportional regional budgets for the best interests of children and child workers; - Supervise the implementation of local government on regional regulations on efforts to eliminate child labour; Formulate the

application of sanctions for violators of children's rights and child labour.

- c. Central Executive: Carry out immediately efforts to eliminate the worst forms of child labour; - Implement laws and regulations fairly and responsibly; - Dissemination of various laws and regulations regarding children and child labour; - Supervise and transfer children's rights violators and child workers;
- d. Regional Executive : To identify the worst forms of child labor in their respective regions; Implement regional regulations for the protection of children and child labour; Carry out monitoring and prosecution of violators; Periodically report the condition of child labor to the public.
- e. Judiciary The role of the judiciary at the Central to Regional levels is to enforce the law and all regulations relating to the prohibition of child employment. In an effort to create child welfare in Indonesia, it is necessary in the era of national law development that several legal rules govern children, receive special attention, and need to be harmonized with the lives of children in accordance with the times.

Wherever the child is located, a child has a privilege, the right to have a name as a personal identity. The child protection law being taught is only limited to one aspect of the law regulating child issues in Indonesia. The limited space given at the Faculty of Law for teaching child protection law results in a lack of knowledge that students acquire when they have to deal with cases of children faced in society because it is difficult to expect that the issue of child legal protection can really be enforced in Indonesia Actual child law has a meaning that is not limited to juvenile justice issues, but broader than that.

Law No. 23/2002 on child protection has helped provide an interpretation of what is part of child law in Indonesia, starting from the civil rights of children in the field of care, guardianship and adoption; also regulates the problem of exploitation of children in the economic, social and sexual fields.

Another issue that is regulated in child protection laws is how to punish adults who commit crimes against children and also the responsibility of parents, society and the state to protect children. Thus, the scope of child law is very broad and cannot be simplified only in the field of law violations committed by children. Laws (UU) that regulate child legal issues are still spreading in several legislations in Indonesia, it is very unfortunate.

## 4 Conclusion

The exploitation of children often occurs in Indonesia, starting to be seen and carried out by organizations, namely the smallest. Protection of children against exploitation Child workers must receive protection from the state, government, society and parents. So parents, family, society and the state are responsible for protecting and maintaining these human rights by the obligations imposed by law. Likewise, in implementing child protection, the state and government are responsible for providing facilities and accessibility for children, especially in ensuring optimal and directed growth and development.

There are many laws and other regional regulations made by the government to prevent child exploitation in the world of work in Indonesia. This has become the legal basis for child

protection, including Law Number 23 of 2002 and Law Number 4 of 1979. The role played by the government to protect child workers:

- a. Contextualization means that the law needs to be continuously improved and supplemented by developments in existing social realities.
- b. Legal socialization also needs to be increased by the community, especially those who might become potential victims of exploitation (in this case especially child workers), so that legal awareness is created, in the sense of knowing what their rights are and being aware of the dangers that lurk for them.
- c. The implementation of legal protection for children, especially those who are victims of economic exploitation, as the authors have described in the previous chapter, it can be concluded that Indonesia already has several laws and regulations that strictly regulate legal protection for children so they do not become victims of economic exploitation, namely among others Dissemination and dissemination of provisions of laws and regulations relating to protecting children who are exploited economically and sexually. Monitoring, reporting, and imposing sanctions on people who carry out economic exploitation activities against children. Involvement of various government agencies, companies, trade unions, non-governmental organizations and the community in eliminating economic and sexual exploitation of children.

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