

JURIDICAL ANALYSIS OF VICTIMS OF THE ECONOMIC EXPLOITATION OF CHILDREN UNDER THE AGE TO REALIZE LEGAL PROTECTION FROM HUMAN RIGHTS ASPECTS (RESEARCH STUDY AT THE OFFICE OF SOCIAL AND COMMUNITY EMPOWERMENT IN BATAM CITY)

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ABSTRACT

Juridical Analysis of Victims of Economic Exploitation of Minors to Realize Legal Protection from the Aspect of Human Rights (Research Study at the Office of Social Affairs and Community Empowerment), has been carried out as it should, in accordance with Law Number 35 of 2014 concerning Amendments to the Law Number 23 of 2002 concerning Child Protection (Supplementary Gazette of the State Gazette of 2014 Number 5606). The qualification/type of writing in this journal uses normative legal writing, and subsequently integrates it with sociological/empirical legal writing, and to analyze some of the problems in this journal, Satjipto Rahardjo's big theory of legal protection, Jeremy Bentham's middle theory, while Soerjono Soekanto's application/applied theory. The results of the field analysis show that legal protection for children as victims of economic exploitation has not been effective. This means that there are obstacles/obstacles in its implementation, including the obstacles faced in dealing with the problem of violence and economic exploitation of children, namely law enforcement in controlling children, not solving the root problem, only taking curative action, not preventing it. For this reason, it is hoped that the government together with law enforcers will pay more attention and take firm action regarding the problem of economic exploitation of street children, both in terms of guidance and legal sanctions for perpetrators of economic exploitation.

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

1. INTRODUCTION

Protection of children has basically been recognized and guaranteed existence, both in the provisions of national law and in the provisions of International, such as the Declaration of the Rights of the Child by the United Nations General Assembly. Basically, children have the right to special protection. so that the child's growth and development can be maintained properly. care for children, in terms of fulfilling rights and providing protection is an important factor, because children are young human beings who are "vulnerable, dependent, innocent, and have special needs (M.Ghufron, 2015).

One example of violations of children's rights is exploitation. Exploitation (English: exploitation) which means the politics of arbitrarily or excessively exploiting a subject for exploitation only for economic purposes without considering the sense of propriety, justice and welfare compensation. In the Big Indonesian Dictionary, the definition of exploitation is

the use for one's own benefit, exploitation, extortion of others which is an act that is not commendable. According to Law Number 4 of 1979 concerning Child Welfare (Amiruddin & Zaenal Asikin, 2014).

The activity of exploiting children in any form for economic purposes is something that is not allowed by the existing laws and regulations. Children according to their age level should enjoy their childhood happily, and there is no need to think about the economic condition of their family let alone help their family's economy. Exploitation is all forms of efforts or activities carried out to explore the potential contained in an object, whether in the form of natural resources or others for the sake of (fulfilling the needs) of a group/many people. Examples: forest exploitation, child exploitation, animal exploitation and so on. In Law No. 35 of 2014 article 1, what is meant by a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb (Legality Team, 2017).

Several cases that occur prove that it is a fact that children are victims of exploitation by some elements to gain economic benefits. Currently, in fact, in several areas in this country, including in Batam City, there are still many problems regarding the exploitation of children, one of which is economic exploitation. In addition, as research or survey that has been conducted, by gender, shows that the proportion of boys who work is greater than that of girls. More male workers than female workers are thought to be related to the parents' view that boys are physically stronger, share economic responsibility for the family and work is a man's job (Prof Dr Aris Ananta, 2015).

What is meant by "economically exploited" is an act with or without the consent of a child who is a victim which includes but is not limited to prostitution, forced labor or services, slavery or practices similar to slavery, oppression, extortion, physical, sexual, reproductive organ use, or unlawfully transfers or transplants organs and/or body tissues or utilizes the child's power or ability by other parties to obtain material benefits". Anyone who places, allows, commits, orders to do, or participates in economic and/or sexual exploitation of children will be sentenced to a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 200 million. Meanwhile, people who know and intentionally allow children to be economically and/or sexually exploited even though the child needs help and must be assisted, will be sentenced to a maximum imprisonment of 5 (five) years and/or a maximum fine of Rp. 100 million. Thus, the laws and regulations have clearly explained the existence of equal rights for children to get protection, maintenance, development and growth in carrying out their lives without discrimination, especially in the context of implementing laws and regulations concerning legal protection specifically for child victims. economic exploitation.

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 Analyst

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

Problem analysis is an activity carried out to find a solution or a way out of a problem under study and explain the rules for a problem. Problem analysis is used to train someone in solving a case so that solutions and solutions are obtained regarding the problems to be discussed. In the analysis the author can present opinions and solutions to the problems to be discussed. Against this analysis, a conclusion will arise which from these conclusions will be obtained suggestions that will later be useful so that existing problems do not occur again.

In the grand theory, the author uses Jeremy Bentham's theory of welfare which explains the good and bad of the law which must be measured through a paradigmatic approach in legal theory from the good and bad consequences produced by the application of the law itself. In the middle theory, the author uses the theory of Satjipto Rahardjo. Legal Protection Theory because legal protection is something that protects legal subjects through applicable laws and regulations and its implementation with a sanction. Furthermore, the author's applied theory uses Law Enforcement Theory by Soerjon Soekanto because law enforcement is an attempt to realize ideas and concepts. the legal concept that the people expect to become a reality.

Legal protection is a protection given to legal subjects in accordance with the rule of law, whether it is preventive (prevention) or in the form of repression (coercion), both written and unwritten in order to enforce legal regulations. Economic exploitation is the arbitrary and excessive use of other people for economic purposes without considering the sense of propriety, justice and compensation for the welfare of children. Human rights (abbreviated as

HAM, English: human rights, French: droits de l'homme) is a legal and normative concept which states that humans have inherent rights because they are human beings. Human rights apply anytime, anywhere, and to anyone, so they are universal. Human rights in principle cannot be revoked. Human rights are also indivisible, interconnected, and interdependent.

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

The economic and social problems faced by Indonesian children today are marked by the discovery of children who have experienced wrong treatment such as exploitation both economically and sexually, acts of violence, discrimination, trafficked children and neglect. The real impact that is increasingly concerning today in the Batam area is the growing number of children who are forced and forced to earn a living which makes children as victims of economic exploitation by irresponsible elements with the aim of taking advantage of their workers (Shofiyul Fuad Hakiki, 2015) .

These principles are also contained in the provisions of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection which was established by the government so that children's rights can be implemented in Indonesia (Rika Saraswati, 2015). In positive law in Indonesia, the problem of minors who recognize when they commit an unlawful act is not so strictly regulated, what should be treated for them, and how the detention system and investigation system given to them is also not yet regulated in law. In article 1 paragraph 1 of Law Number 23 of 2002 concerning child protection, the definition of children is not only those who have born into the world but also includes the unborn which we usually refer to as fetus. The fetus or child that is still in the womb indirectly already have rights. However, it is still limited to its existence, which is not yet exist in the world. The definition of children is also regulated in Article 330 BW (Burgerlijk Wetboek) "Minors are those who have not reached the age of two" twenty-one years, and have not been married before." Not a few conditions of children in Indonesia who experience the process of early maturation or not in time, many factors that cause this. Among them are due to family conditions that are not harmonious so that children experience a broken home, difficult economic conditions so they have to work, the condition of those who experience incidents due to criminal acts and many more. Example 3 (three) of these can affect the condition of children so that they experience maturity that is not according to their age (Sholeh Soeady, 2019). Although there are many laws and regulations that punish child exploiters, the number of cases of exploitation is not decreasing, but increasing every year. This phenomenon indicates that law enforcement is not an effective formula to minimize the occurrence of exploitation crimes against children. The government in this case must also have a clear program to eradicate social ills, namely poverty that is rampant in the community. Poverty alleviation is a concrete step to minimize the crime of exploitation of children, because indeed these crimes originate from poor lives. The birth of children is used as a tool to increase their parents' income by making them buskers, beggars, and even prostitution which is very detrimental to children and their future (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

From the description of the problem formulation and the description of the discussion above, the conclusions in this thesis are described as follows:

- a. Whereas, legal arrangements in 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 in Indonesia already has several laws and regulations that explicitly regulate legal protection for children so that they are not protected. become victims of economic exploitation, namely Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection (Supplementary Gazette of the State Gazette of 2014 Number 5606) and Law Number 39 of 1999 concerning Human Rights (State Gazette Number 165 of 1999).
- b. Whereas, the implementation of the obstacle factors and solutions of the Batam City Social and Community Empowerment Service towards the legal protection of minors as victims of economic exploitation are:
 - 1) Obstacle factors in legal protection for minors as victims of economic exploitation (research study at the Department of Social Affairs and Community Empowerment) are social factors such as poverty, urbanization, socio-culture, education, changes in production processes and weak supervision and lack of institutions for rehabilitation. However, in reality, the majority of children's involvement in work is driven by poverty or economic factors and children who are victims of exploitation often do not understand their position as victims.
 - 2) The solution carried out by the Batam City Social and Community Empowerment Service in anticipating and dealing with the economic exploitation of street children in Batam City is to run a program from the Ministry of Social Affairs called the Family Hope Program, conducting raids on all main routes in the City. Batam and collect data, if identified, will be selected whether they are accepted for coaching or returned to their parents, this is done to create a deterrent effect for street children so as not to return to the streets and conduct trainings for street children. The training was carried out to all street children who had been netted by the Batam City Social and Community Empowerment Service.

6. SUGGESTION

Based on the results of the discussion, the suggestions that the author gives are as follows:

- a. It is hoped that the Government and law enforcement officers will pay more attention and take firm action regarding the problem of economic exploitation of street children, both in terms of guidance and legal sanctions for perpetrators of economic exploitation of street children.
- b. It is hoped that the government will improve the economy for the welfare of the people so that the poverty rate is reduced and always maintain the achievements that have been achieved by continuing to concentrate on the problems of street children who are prone to economic exploitation and other crimes by always providing guidance, direction, education and training so that they have skills. and skills, especially science, both general and religious, for the provision of their lives in the future.

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