

Legal Efforts to Protect Children from Economic Exploitation and Violence in Indonesia. Study in Medan City

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Abstract

This research aims to analyze legal efforts to protect children from economic exploitation and violence in Indonesia, with a case study in Medan City. The background to this research is the high rate of child exploitation in Medan City, which shows that there is a gap between existing legal regulations and their implementation in the field. Although Law Number 35 of 2014 concerning Child Protection and Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking have provided a strong legal framework, challenges in law enforcement are still significant. The research method used is normative juridical with a field observation approach. Data was collected through analysis of legal documents, interviews with stakeholders, and observations of the implementation of child protection policies in Medan City. The research results show that despite government efforts, such as the formation of the Child Protection Rapid Response Team (TRCPA) and public awareness campaigns, coordination between related institutions is still less than optimal. Cultural and social barriers, as well as low legal awareness in society, are also the main inhibiting factors.

The recommendations put forward include increasing coordination between institutions, stricter law enforcement against perpetrators of child exploitation, as well as more intensive public education regarding children's rights. The government is also advised to provide better rehabilitation and reintegration services for children victims of exploitation and violence. By increasing these efforts, it is hoped that legal protection for children in Medan City can be more effective, and children can grow up in a safe and protected environment.

Keywords: Child Protection, Economic Exploitation, Violence

INTRODUCTION

The city of Medan, as one of the economic and cultural centers in Indonesia, shows two contrasting sides of life. On the one hand, this city has grown as a symbol of progress with its tall buildings, luxury shopping centers and increasingly better infrastructure development. However, on the other hand, this city also displays quite worrying social phenomena, one of which is the presence of children involved in begging or begging on the streets. This phenomenon not only shows the existence of the problem of poverty, but more than that, it is a very worrying form of economic exploitation and violence against children (Ismail, 2019).

In busy areas such as shopping centers, stations and major road intersections, you often find children begging or selling goods with tired faces. They go from one car to another, or from one pedestrian to another, hoping to get some change or sell the goods they sell. This is not a new sight; In fact, according to several sources, this activity has existed for decades in various big cities in Indonesia, including Medan (Ismail, 2019).

However, behind this phenomenon there is a darker reality, namely that many children are economically exploited by adults, be they parents, relatives, or parties who take advantage of their condition. This exploitation not only deprives children of their right to education and a better future,

but also places them in dangerous situations that often involve physical and psychological violence (Harimurti, 2018).

This condition is exacerbated by low public awareness and a lack of effective law enforcement in protecting children from exploitation. Even though Indonesia has various regulations aimed at protecting children's rights, implementation in the field is often not optimal, especially in areas with high levels of poverty such as Medan. In this context, it is important to understand the extent to which existing legal efforts have been effective in protecting children from economic exploitation and violence, as well as what challenges still need to be overcome to improve their protection (Indrasari, 2016).

Research on legal efforts to protect children from economic exploitation and violence in Indonesia, with a case study focus in the city of Medan, is an important initiative that has emerged amidst current social and economic conditions. Children, as the nation's next generation, have the right to grow and develop in an environment that is safe, supportive, and free from all forms of exploitation and violence. However, the reality that occurs in many regions of Indonesia, including the city of Medan, is often far from ideal. Cases of economic exploitation and violence against children still frequently occur, which is not only detrimental from a physical and psychological perspective, but also hinders their potential to develop optimally.

In this context, this research becomes very relevant to conduct for several main reasons. First, this research can provide empirical data and analysis regarding the situation of economic exploitation and violence against children in Medan City. Through concrete case studies, this research seeks to reveal the extent to which children in this city are exposed to the risks and negative impacts of exploitation and violence. Second, by focusing on legal efforts, this research will evaluate the effectiveness of the existing legal and regulatory framework in protecting children from exploitation and violence. This research not only highlights successes and failures in the implementation of existing laws but also identifies gaps and challenges that need to be addressed to strengthen child protection.

Third, this research has the potential to increase public and policy makers' awareness of the importance of protecting children's rights. By publishing findings and recommendations, this research can encourage dialogue and concrete action from various parties, including the government, non-governmental organizations, communities and families, in preventing and overcoming economic exploitation and violence against children. Finally, it is hoped that this research can become the basis for developing more effective strategies and interventions in protecting children in Indonesia. With a deeper understanding of the local context and specific needs of children in Medan City, this research can help in formulating policies, programs and practices that are oriented towards children's needs and rights.

Departing from the background and urgency that has been described, there are two problem formulations that will be the focus of this research:

1. What are the legal rules for protecting children from economic exploitation and violence in Indonesia?
2. What are legal efforts to protect children from economic exploitation and violence in Indonesia with a case study in Medan City?

It is hoped that these two problem formulations can answer the need for comprehensive research on how legal efforts can more effectively protect children from economic exploitation and violence, especially in the city of Medan.

This research aims to understand in depth the legal framework designed to protect children from exploitation and violence, as well as to evaluate the effectiveness of the implementation of this legal framework at the local level. In the context of Indonesia, a country rich in cultural diversity and legal systems, this research is very important because it seeks to reveal the specific dynamics and challenges faced in protecting children from economic crime and violence.

The main objective of this research is to identify and analyze in detail the existing legal regulations in Indonesia regarding child protection, highlighting how these regulations are designed to prevent and handle cases of economic exploitation and violence against children. Apart from that, this research also aims to explore the implementation of child protection laws in Medan City, including the strategies used by various stakeholders such as local governments, non-governmental organizations and local communities in implementing these laws and policies. Special focus will be placed on identifying the challenges and obstacles faced in the implementation of these regulations, including issues such as limited resources, gaps in legal knowledge and awareness among the community, as well as challenges in coordination and collaboration between agencies involved in child protection.

METHOD

This research uses a normative juridical research method with a field observation approach, which aims to analyze the legal rules and policies in force regarding the protection of children from economic exploitation and violence in the city of Medan. A normative juridical approach is carried out through a study of various statutory regulations, legal doctrines, and relevant court decisions. On the other hand, a field observation approach is used to collect empirical data related to the implementation and effectiveness of the law in the field, including through interviews with stakeholders, such as law enforcement officials, non-governmental organizations and victims' families (Sudarsono, 2019).

By combining these two approaches, this research seeks to not only understand the existing legal framework, but also evaluate how the law is implemented in practice. This method allows researchers to identify gaps in law enforcement and formulate recommendations that are more effective in protecting children from economic exploitation and violence. Thus, it is hoped that this research can make a significant contribution to the development of legal policies that are more responsive to the protection of children's rights in Indonesia, especially in Medan City (Santoso, 2021).

RESULTS AND DISCUSSION

Legal Rules for Protecting Children from Economic Exploitation and Violence in Indonesia

Protection of children from economic exploitation and violence is a crucial issue that has been regulated in various legal instruments in Indonesia. Considering the importance of children's rights to grow and develop in a safe environment, the state through its laws and regulations seeks to provide maximum protection to children. Economic exploitation and violence against children in Indonesia is not only a serious social problem, but is also a major concern in law enforcement and public policy.

Legal protection for children in Indonesia has been regulated in several comprehensive laws and regulations, both at the national and international levels, which have been adopted by Indonesia. One of the most important legal foundations is Law Number 35 of 2014 concerning Child Protection, which is a revision of Law Number 23 of 2002. This Law firmly states that children have the right to protection from all forms of exploitation and violence, be it physical, mental or sexual (Law No. 35 of 2014).

Article 66 paragraph (1) of the Child Protection Law states that every child has the right to be protected from economic exploitation and dangerous work that could interfere with the child's education, health or welfare. This shows the country's commitment to protecting children from practices that could harm their future. In addition, Article 88 stipulates that the state is obliged to provide legal, psychological and social assistance to children who are victims of economic exploitation or violence. Law enforcement against perpetrators of child exploitation is also emphasized in Article 89 which regulates criminal threats for parties who exploit children (Law No. 35 of 2014).

Apart from the Child Protection Law, Indonesia has also ratified the Convention on the Rights of the Child through Presidential Decree Number 36 of 1990. This Convention provides a global framework regarding children's rights, including protection from economic exploitation and violence. Article 32 of the Convention states that participating countries are obliged to protect children from work that may threaten their health, education or development. With this ratification, Indonesia is bound to adapt its laws and regulations to the international standards set out in the convention (Presidential Decree No. 36 of 1990).

Economic exploitation of children in Indonesia usually occurs in the form of forcing children to work at an age when they should still be receiving education. According to research, many children work in the informal sector, such as domestic workers, factory workers, beggars, or even commercial sex workers. This condition is very vulnerable to various forms of violence, both physical and psychological, which is often carried out by people who have power over them, such as employers or even family members (Widodo, 2020).

Violence against children does not only occur in the context of economic exploitation. Other forms of violence that are also widespread are domestic violence, school violence and sexual violence. Children who are victims of violence usually experience deep trauma which can affect their mental and emotional development in the future (Handayani, 2019). In Indonesia, this phenomenon is exacerbated by low legal awareness among the public, as well as weak law enforcement against perpetrators of child abuse.

Even though Indonesia has a relatively strong legal framework to protect children from exploitation and violence, its implementation in the field often encounters various obstacles. One of the main challenges is the limited resources, both in terms of finance and human resources, owned by government agencies responsible for child protection. Apart from that, coordination between institutions is often not optimal, causing the handling of cases of exploitation and violence against children to be ineffective (Rahayu, 2021).

Law enforcement against perpetrators of child exploitation and abuse also still faces various obstacles. Many cases are not reported due to fear or ignorance of victims and their families regarding their rights. In some cases, the legal process does not run smoothly due to intervention from parties who have power or influence. This shows that there is still a gap between existing legal regulations and the reality on the ground, where children's rights are not fully protected (Wibowo, 2021).

To overcome this problem, a more comprehensive and collaborative approach is needed between government, society and non-governmental organizations. One step that can be taken is to increase public awareness about the importance of child protection through massive and sustainable education programs. Apart from that, strengthening the capacity of institutions tasked with protecting children must also be a priority, including by providing adequate budgets and training for law enforcement officers (Sumarno, 2020).

In line with its commitment to strengthening child protection, the Indonesian government has made various efforts, one of which is launching programs that focus on empowering and protecting children. For example, the "Child Friendly Schools" program initiated by the Ministry of Women's Empowerment and Child Protection, aims to create a school environment that is safe and free from violence (KemenPPPA, 2022).

Apart from that, the government has also formed special units in the police and prosecutor's office to handle cases of violence against children. This unit is tasked with ensuring that every reported case can be handled quickly and appropriately, as well as providing legal assistance to victims. On the other hand, the government is also promoting a national campaign to increase public awareness about children's rights and the dangers of exploitation and violence against them (KemenPPPA, 2022).

However, the success of these programs is highly dependent on the active participation of the community. Without support and cooperation from all elements of society, government efforts to protect children from exploitation and violence will be difficult to achieve optimal results. Therefore, it is important for the government to continue to encourage community participation in every child protection program, either through outreach activities, training, or public awareness campaigns (Supriyadi, 2022).

Based on the analysis above, there are several recommendations that can be put forward to increase the effectiveness of legal protection for children in Indonesia. First, there is a need to revise and strengthen existing laws and regulations, so that they are more in line with current conditions and able to answer existing challenges. For example, tightening sanctions against perpetrators of child exploitation and abuse, as well as ensuring that every child who is a victim receives appropriate compensation and adequate rehabilitation (Wahyudi, 2021).

Second, the government must increase the capacity of law enforcement, including by providing ongoing training regarding handling cases of violence and exploitation of children. Apart from that, there needs to be an effective monitoring and evaluation mechanism to ensure that the implementation of the law goes as expected. Third, education to the public about the importance of child protection must continue to be improved, so that the public can play an active role in preventing and reporting cases of violence and exploitation of children (Riyanto, 2020).

Fourth, it is important to build closer cooperation between the government, non-governmental organizations and local communities in dealing with the problem of exploitation and violence against children. This collaboration can take the form of community-based intervention programs, which aim to empower families and the environment around children to be more caring and able to protect children from various forms of violence and exploitation (Anwar, 2022).

Protecting children from economic exploitation and violence is a shared responsibility between the government, society and all parties who care about children's future. With strong legal regulations and effective implementation, it is hoped that children in Indonesia can grow and develop in an environment that is safe, protected and free from the threat of exploitation and violence. However, this effort requires a strong commitment from all parties to continue to increase awareness, capacity and cooperation in order to realize optimal protection for every child in Indonesia.

What are legal efforts to protect children from economic exploitation and violence in Indonesia with a case study in Medan City?

Economic exploitation and violence against children are two crucial issues faced by many developing countries, including Indonesia. In Indonesia, children are often victims of social and economic injustice, resulting in them being trapped in cycles of economic exploitation and violence. Medan City, as one of the big cities in Indonesia, is not free from this problem. In this context, legal protection for children becomes very important, both in terms of regulations and implementation. Legal efforts to protect children from exploitation and violence have been regulated in various laws and regulations, but challenges in enforcement remain significant.

One of the main legal foundations for child protection in Indonesia is Law Number 35 of 2014 concerning Child Protection, which is a revision of Law Number 23 of 2002. This Law emphasizes that children have the right to be protected from all forms of exploitation and violence, whether physical, mental or sexual. Article 59A of the Child Protection Law states that "The government, regional governments and other state institutions are obliged and responsible for providing special protection to children in emergency situations; children in conflict with the law; children from minority and isolated groups; and/or children who exploited economically and/or sexually" (Law No. 35 of 2014).

In cases of economic exploitation, Article 66 paragraph (1) of the Child Protection Law states that every child has the right to be protected from economic exploitation and dangerous work that could disrupt the child's education, health or welfare. Meanwhile, Article 88 regulates that the state is obliged to provide legal, psychological and social assistance to children who are victims of economic exploitation or violence (Law No. 35 of 2014). This provision emphasizes the state's obligation to protect children from situations that could damage their physical and mental development.

Apart from the Child Protection Law, Indonesia also regulates child protection through Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking. This law includes child exploitation as part of the crime of human trafficking, which often occurs in the form of economic and sexual exploitation. Article 2 of this Law explains that "The Crime of Human Trafficking is the act of recruiting, transporting, harboring, sending, transferring or receiving someone by threat of violence, use of violence, kidnapping, confinement, forgery, fraud, abuse of power or vulnerable position, debt bondage or providing payments or benefits, so as to obtain the consent of the person who has control over another person, whether carried out within a country or between countries, for the purpose of exploiting or causing people to be exploited" (Law No. 21 of 2007).

The city of Medan, as the economic center of North Sumatra, is one of the areas with quite high levels of economic exploitation and violence against children. Based on data from the Medan City Social Service, there are more than 500 children involved in begging activities or working in the informal sector, most of whom are underage and exploited by certain parties (Medan City Social Service, 2022). This phenomenon not only indicates a deep problem of poverty, but also a failure in the effective implementation of laws to protect children.

One of the striking cases in Medan City is a case of child exploitation involving a criminal syndicate that forces children to work as beggars. These children are often forced to work long hours under threat of physical or psychological violence, and a large part of their income is taken by exploiters. This case shows weaknesses in law enforcement at the local level, where government efforts to deal with child exploitation are still limited to reactive rather than preventive measures (Lubis, 2021).

Although the Child Protection Law and the Law on the Eradication of Criminal Acts of Trafficking in Persons have provided a strong legal basis for protecting children from exploitation and violence, their implementation in Medan City still faces various challenges. One of them is the lack of coordination between responsible government agencies, such as the Social Services, Police and judicial institutions. As a result, many cases of child exploitation are not handled properly or are not reported at all (Sari, 2020).

Apart from that, cultural and social factors also become obstacles in law enforcement. In many communities, children working is often considered normal and even necessary to help support the family economy. This attitude reduces the incentive to report cases of child exploitation, which should be a matter of legal concern (Suharto, 2019). This shows the need for a more holistic approach in child protection efforts, which does not only focus on law enforcement but also on social change and public education.

The Medan City Government has attempted to increase protection for children through various programs, such as the formation of the Child Protection Rapid Response Team (TRCPA), which is tasked with responding quickly and effectively to reports of violence and exploitation of children. This team collaborates with the police and non-governmental organizations to provide protection and assistance to children who are victims of exploitation (Medan City Social Services, 2022).

Apart from that, the government has also held a public awareness campaign regarding the importance of child protection through various media, including outreach in schools and local communities. This campaign aims to change people's perceptions about child exploitation and encourage them to report cases they encounter. However, the effectiveness of this campaign still needs to be improved, considering that there are still many cases of child exploitation that are not revealed (Pohan, 2022).

The Medan City Government has also collaborated with international institutions, such as UNICEF, to increase the capacity of law enforcement officers and provide special training regarding handling cases of violence and exploitation of children. It is hoped that this collaboration can strengthen child protection mechanisms in Medan City, both in terms of prevention and law enforcement (UNICEF, 2021).

From the analysis carried out, it appears that legal efforts to protect children from economic exploitation and violence in Medan City still face many challenges, both in terms of law enforcement, coordination between institutions, and public awareness. Therefore, several recommendations can be proposed to increase the effectiveness of legal protection for children in Medan City.

First, there needs to be increased coordination between institutions involved in child protection. This can be done through establishing a communication forum that involves all stakeholders, including local government, police, non-governmental organizations and local communities. This forum can function as a

forum for sharing information, developing joint strategies, and monitoring the implementation of child protection programs (Santoso, 2021).

Second, law enforcement against perpetrators of child exploitation must be strengthened. This includes training for law enforcement officers on how to handle child exploitation cases sensitively and effectively. Apart from that, sanctions against perpetrators of exploitation must be implemented firmly to provide a deterrent effect and prevent similar cases in the future (Wahyudi, 2021).

Third, education to the public regarding children's rights and the dangers of exploitation must continue to be improved. The Medan City Government needs to intensify public awareness campaigns through various communication channels, including social media, radio and local television. In addition, educational programs in schools must also cover child protection topics to ensure that the younger generation understands the importance of their rights and how to protect them (Pohan, 2022).

Fourth, it is important for the government to increase support for children who are victims of exploitation and violence. This includes the provision of adequate rehabilitation and social reintegration services, including psychological counselling, education, and skills training. Children who have become victims need to receive comprehensive protection and support to ensure they can return to living normal and productive lives (Lubis, 2021).

Protecting children from economic exploitation and violence is a responsibility that must be carried out by all parties, including the government, society and families. Even though various legal efforts have been made to protect children in Medan City, there are still many challenges that must be overcome to achieve optimal protection. More integrated and sustainable efforts are needed, both in law enforcement, increasing public awareness, and support for victims, to ensure that children in Medan City can grow and develop in a safe environment and free from threats of exploitation and violence.

CONCLUSION

The conclusion of this research is that although Indonesia has a strong legal framework to protect children from economic exploitation and violence, challenges in implementation in the field, especially in Medan City, are still significant. Lack of coordination between institutions, low legal awareness among the public, as well as cultural and social barriers are the main factors that hinder the effectiveness of existing legal efforts.

To improve legal protection for children in Medan City, increased coordination between institutions, stricter law enforcement, and more intensive and widespread public awareness campaigns are needed. In addition, the government needs to provide better support for children victims of exploitation and violence, including adequate rehabilitation and reintegration services.

With these steps, it is hoped that children in Medan City can live in a safe and protected environment, and free from the threat of exploitation and violence. Child protection is not only the responsibility of the government, but also all elements of society. Therefore, collaboration between the government, non-governmental organizations and society as a whole is the key to realizing more effective and sustainable protection for children in Indonesia.

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