



LEGAL ANALYSIS OF LEGAL PROTECTION OF CHILDREN FROM ECONOMIC EXPLOITATION AND VIOLENCE IN INDONESIA STUDY IN MEDAN CITY

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Article Info	Abstract
<p>Article History Received : 2024-08-26 Revised: 2024-08-29 Published: 2024-09-10</p> <p>Keywords: <i>Child protection, economic exploitation, legal policy</i></p>	<p>This study analyzes the legal effectiveness of the implementation of Law No. 35 of 2014 concerning Child Protection in overcoming economic exploitation and violence against children in Medan City. Economic exploitation of children and violence are still serious problems that require effective legal intervention. Through a mix method approach, this study evaluates the role of social institutions and law enforcement officers in handling cases of child exploitation, with a focus on challenges in the implementation of child protection policies. The results of the study indicate that although child protection regulations already exist, their effectiveness is still hampered by weak supervision, minimal resources, and low awareness of the community and law enforcement officers. Weak coordination between social institutions and law enforcement is also a major obstacle. This study recommends increasing the capacity of law enforcement officers, strengthening proactive social programs, and revising policies to ensure more optimal protection for children in Medan City. Close cooperation is needed between the government, community, and law enforcement to minimize economic exploitation of children and violence in a wider scope.</p>

I. INTRODUCTION

Economic exploitation and violence against children are serious violations of children's basic rights protected by various international and national legal instruments. In Indonesia, the issue of economic exploitation of children and violence against children is still a complex problem and continues to develop along with the dynamics of society's social, economic, and cultural life. Medan City as one of the big cities in Indonesia is not free from this phenomenon, where children are still often found working in the informal sector, becoming victims of physical and mental violence, and being trapped in situations that endanger their physical, mental, and emotional development. This study aims to legally analyze how legal efforts are implemented to protect children from economic exploitation and violence in Medan City, as well as to evaluate the effectiveness of existing legal policies. (Risawati et al., 2022)

From an international legal perspective, children's rights are firmly protected through the Convention on the Rights of the Child (CRC) which has been ratified by Indonesia through Presidential Decree No. 36 of 1990. This convention requires state parties to provide full protection for children's rights, including the right to be free from economic exploitation, violence,

and all forms of treatment that are detrimental to the child's development. In addition to the CRC, there are also various other relevant conventions, such as ILO Convention No. 182 on the Elimination of the Worst Forms of Child Labor, which requires states to take immediate and effective action to eradicate all forms of work that are detrimental to children. (JFS Purba & Zarzani, 2023)

In the context of national law, child protection from economic exploitation and violence is regulated in various laws, including Law No. 23 of 2002 concerning Child Protection which has been updated through Law No. 35 of 2014. This law states that every child has the right to receive protection from physical and psychological violence, neglect, mistreatment, and all forms of exploitation. In the realm of economic exploitation, Article 76I of the Child Protection Law prohibits anyone from employing and exploiting minors for the purpose of gaining economic or other benefits.

However, the reality on the ground shows that the law is often ineffective. Many children are still victims of economic exploitation, especially in informal sectors such as street musicians, street vendors, and in some cases there is exploitation of children for criminal purposes. On the other hand, the number of cases of violence against children is

still high, both in the household, school, and workplace environments, which are often not reported or not handled properly by law enforcement officers. (Sitompul, 2015)

Medan City, as one of the metropolitan cities in Indonesia, has complex socio-economic dynamics. Many children are trapped in street work as buskers, street vendors, or even workers in other informal sectors. This condition is further exacerbated by weak supervision from the authorities and the lack of public awareness of the importance of child protection. In many cases, children who work on the streets are often victims of exploitation by certain individuals who use them for economic gain. They are forced to work under inhumane conditions, without access to proper education, health, and social protection.

In addition to economic exploitation, violence against children is still a serious problem in Medan City. Data from the Regional Child Protection Commission (KPAD) shows that physical, psychological, and sexual violence against children is still quite high. This violence occurs both in the family, school, and community environments. Domestic violence (KDRT) involving children as victims often goes undisclosed because of the culture of society that tends to cover up internal family problems. On the other hand, the juvenile criminal justice system in Indonesia, especially in Medan City, has not fully adopted the principles of restorative justice that focus more on rehabilitation than punishment, so that many children become victims of a repressive justice system.

From a legal perspective, legal efforts to protect children from economic exploitation and violence in Indonesia still face various challenges. First, in terms of legal substance, although there are various laws regulating child protection, their implementation in the field is still far from expectations. This is due to the weak supervision and law enforcement system. For example, in terms of economic exploitation of children, there is no effective mechanism to monitor and prevent children from working in the informal sector. Existing laws focus more on prohibitions without being followed by firm sanctions and strict supervision.

Second, in terms of law enforcement officers, awareness and understanding of the importance of child protection are often still low. Many cases of economic exploitation of children are not followed up by law enforcement officers due to minimal evidence or lack of reports from the public. In fact, child protection should be a shared

responsibility between the government, society, and families. Weak collaboration between related agencies is also an obstacle in efforts to protect children from exploitation and violence. (Aulia et al., 2024)

Third, in terms of existing regulations, there is still overlap between laws governing child protection. For example, in terms of child protection in the employment sector, there is a difference between the age limits of children regulated in the Child Protection Law and the Employment Law. This difference is often confusing in practice in the field, especially for law enforcers in determining the right action against violators of the law.

This research is relevant to be conducted because there is still a lack of in-depth studies on effective legal efforts to protect children from economic exploitation and violence at the regional level, especially in Medan City. In addition, this research is also important to evaluate the effectiveness of existing legal policies, as well as provide recommendations for improvements based on critical analysis of regulations and implementation of child protection in Indonesia.

In the context of Medan City, this study is expected to provide real contributions to the development of more proactive local policies in protecting children from economic exploitation and violence. This study can also be a reference for law enforcement officers, government agencies, and community organizations in strengthening efforts to protect children, especially in improving monitoring and law enforcement mechanisms in the field.

Protecting children from economic exploitation and violence is a shared responsibility that must be implemented effectively through comprehensive legal policies. Medan City, as one of the big cities in Indonesia, faces major challenges in protecting children from these threats. This study is expected to provide a contribution in the form of in-depth and critical legal analysis, as well as offer policy recommendations that can strengthen legal efforts in protecting children's rights from economic exploitation and violence.

II. RESEARCH METHODS

The research method used in this research is a mix method approach, (Indra Utama Tanjung, 2024) which combines qualitative and quantitative methods to provide a more comprehensive analysis of legal protection of children from economic exploitation and violence

in Medan City. The qualitative approach is carried out through the study of legal documents such as laws, regional regulations, and related cases, as well as in-depth interviews with law enforcement officers, community leaders, and child protection institutions. Meanwhile, the quantitative approach is used to analyze statistical data on the number of cases of exploitation and violence against children from related agencies, as well as surveys to the community regarding the understanding and effectiveness of existing legal protection. The combination of these two methods is expected to produce a more critical and in-depth analysis, as well as provide an accurate picture of the implementation of the law in the field.

III. RESULTS AND DISCUSSION

A. Effectiveness of Implementation of Child Protection Law in Addressing Economic Exploitation and Violence in Medan City: Legal and Practical Review

Child protection is one of the main obligations of the state as mandated by the 1945 Constitution and is strengthened through various laws that specifically regulate children's rights. One of the most important legal instruments that serves as an umbrella for the protection of children's rights in Indonesia is Law No. 23 of 2002 concerning Child Protection, which was later updated through Law No. 35 of 2014. This law not only guarantees protection for children, but also includes various obligations of the government and society to protect children from all forms of violence, discrimination, exploitation, and neglect.

However, although this legal framework is quite comprehensive on paper, its implementation in the field, especially in Medan City, still faces various challenges. A critical review of the effectiveness of the implementation of this law is essential, especially to understand whether existing policies are able to protect children from economic exploitation and violence, or whether there are still legal gaps and shortcomings in monitoring and enforcement mechanisms.(Perdana et al., 2018)

Legally, the Child Protection Law provides legal guarantees for every child to be free from

all forms of exploitation, be it economic exploitation or sexual exploitation. Article 76I of Law No. 35 of 2014 states that everyone is prohibited from employing, ordering, involving, allowing children to do work that has an impact on economic exploitation or endangers children. In addition, Article 76C also states that everyone is prohibited from committing violence against children, either physical or psychological violence.

This provision is in line with various international legal instruments that have been ratified by Indonesia, such as the Convention on the Rights of the Child (CRC) and ILO Convention No. 182 on the Elimination of the Worst Forms of Child Labor. The CRC, for example, emphasizes that every child has the right to be protected from work that is detrimental to their welfare, health, and development. In this regard, Indonesian national law already provides quite good protection in terms of substance.

However, the biggest problem lies in the implementation of the policy. Based on various reports, including data from the Indonesian Child Protection Commission (KPAI) and local institutions in Medan City, many children are still involved in exploitative informal work. For example, many children are found working as street musicians, street vendors, or even as laborers in sectors that should not be accessible to children. This phenomenon shows a wide gap between the policies stipulated in the law and the reality on the ground.(Judge, 2023)

Medan City, as one of the big cities in Indonesia, faces various socio-economic problems that also affect the level of child exploitation. Although there are clear laws prohibiting child exploitation, economic factors are often the main reason why many families continue to employ their children in the informal sector. In this context, many poor families are forced to involve their children to help earn additional income. This situation is exacerbated by weak supervision from the government and law enforcement.

One of the fundamental problems is the lack of capacity and resources of local governments to supervise child labor, especially in the informal sector. So far, there has been no effective monitoring mechanism implemented by the Medan City government to ensure that children do not work under exploitative conditions. Weak coordination between local governments, social services, and law enforcement officers is also a major obstacle in enforcing child protection laws in the city.

Law enforcement officers, such as the police and prosecutors, have an important role in enforcing child protection laws. However, in many cases, law enforcement officers' understanding of child protection is still minimal. Many cases of child exploitation are not handled seriously by law enforcement officers, especially because of the assumption that work done by children in the informal sector is part of a social phenomenon that is difficult to eradicate. In fact, the law expressly prohibits all forms of economic exploitation of children.

In addition, the lack of reporting from the community regarding economic exploitation and violence against children is also a factor that hinders law enforcement. In many cases, the community tends to be reluctant to report exploitation of children because they feel that it is a family matter or part of the family's economic needs. On the other hand, child victims often do not have the courage or opportunity to report the violence they experience, especially in cases of violence that occurs in the family environment. (Fitrianto et al., 2021)

In addition to law enforcement issues, existing social policies have not been able to effectively prevent economic exploitation and violence against children. For example, programs that should focus on empowering poor families economically and educating children have not been well integrated in Medan City. Many children drop out of school because they have to work, and existing social programs have not been able to provide long-

term solutions for poor families to keep their children in school.

Here, it is important to evaluate the effectiveness of existing social programs, including social assistance programs and economic empowerment programs. One solution that can be proposed is strengthening educational programs for children in poor families and providing targeted assistance to families so that their children do not have to work in the informal sector. Emphasis should also be placed on protecting children from domestic violence, considering that many cases of violence against children occur within the family itself.

Based on the analysis above, several recommendations for improvement in the implementation of the Child Protection Law in Medan City can be proposed. First, there needs to be increased capacity and coordination between law enforcement officers, social services, and child protection institutions at the local level. The Medan City Government must be more active in supervising the informal sector, ensuring that no children work under exploitative conditions. (Judge, 2023)

Second, local governments must strengthen social programs aimed at preventing child exploitation. For example, by providing free quality education, scholarship programs for children from poor families, and economic empowerment programs for families so that they do not have to rely on children to earn a living. Increasing public awareness of the importance of child protection must also be a top priority, through campaigns involving community leaders, schools, and civil society organizations.

Third, training is needed for law enforcement officers to improve their understanding of child exploitation and violence issues. Firm and consistent law enforcement against perpetrators of economic exploitation and violence against children must be improved. This is important to provide a deterrent effect for violators and to ensure

that child protection laws are implemented properly.

The implementation of the Child Protection Law in addressing economic exploitation and violence in Medan City still faces various challenges, both in terms of law enforcement and social policy. Although the existing law is quite comprehensive in providing legal protection for children, implementation in the field is still ineffective. Improvements are needed in the monitoring mechanism, law enforcement, and more proactive social programs to protect children from economic exploitation and violence in Medan City.

B. The Role of Social Institutions and Law Enforcement in Preventing and Handling Cases of Child Economic Exploitation in Medan City

Child economic exploitation is a complex and multidimensional social problem. On the one hand, this problem is often triggered by the poor economic conditions of families, while on the other hand, the existence of laws prohibiting child economic exploitation is often not optimally implemented. The role of social institutions and law enforcement officers is very important in preventing and handling cases of child economic exploitation in Medan City, where this problem still often occurs. This article critically analyzes the role of social institutions and law enforcement in overcoming the phenomenon of child economic exploitation, both in terms of legal policy and practice in the field. (Tarigan et al., 2019)

Social institutions, both those formed by the government and non-governmental organizations, have a key role in preventing economic exploitation of children. In Medan City, institutions such as the Social Service, the Indonesian Child Protection Commission (KPAI), and non-governmental institutions working in the field of child protection have the task of ensuring that children are not trapped in exploitative work conditions. Based on Article 20 of Law No. 23 of 2002 concerning Child Protection, the government is responsible for ensuring the protection of

children's rights, including from economic exploitation.

However, in practice, the effectiveness of the role of social institutions in preventing economic exploitation of children is still often hampered by various obstacles. One of the biggest obstacles is the lack of human and financial resources owned by these institutions. For example, the Social Service in Medan City often lacks supervisors and field officers tasked with monitoring potential child exploitation in informal sectors such as street work. In addition, programs designed to prevent children from working in the informal sector are often not well integrated. (Tanjung & Annisa, 2024)

Social institutions also face challenges in terms of increasing public awareness of the dangers of economic exploitation of children. Many parents still view the work done by children as part of an effort to help the family, without realizing the long-term impact of such work on the physical, mental, and social health of children. Therefore, social institutions need to increase outreach programs to the community about the importance of protecting children from economic exploitation.

In addition to social institutions, law enforcement officers such as the police, prosecutors, and courts have a crucial role in handling cases of economic exploitation of children. In the Indonesian legal system, child exploitation is a criminal act regulated in Article 76I of Law No. 35 of 2014 concerning Child Protection, which states that everyone is prohibited from employing, ordering, involving, or allowing children to do work that has elements of economic exploitation. Violations of this article can be subject to criminal sanctions as regulated in Article 88 of the same law, with a maximum prison sentence of 10 years and a maximum fine of 200 million rupiah. (JEM Purba & Tanjung, 2022)

However, even though the legal provisions are clear, their implementation in the field is often not optimal. In Medan City, many cases of economic exploitation of children are not processed legally for various reasons. One of

the main reasons is weak supervision and minimal reporting from the community. Many families involved in economic exploitation of children are reluctant to report these cases to the authorities, either because they are unaware of children's rights or because they feel economically dependent on the work done by their children.

Law enforcement officers also often have difficulty in gathering sufficient evidence to convict perpetrators of child economic exploitation. In cases involving children working in the informal sector, it is often difficult to prove that the work done by the child actually fulfills the elements of economic exploitation as regulated by law. In addition, there is a tendency among law enforcement officers to assume that informal work done by children is a social phenomenon that is difficult to avoid, so it is not considered a priority in handling criminal acts.

One of the biggest obstacles in law enforcement against cases of economic exploitation of children in Medan City is the lack of uniformity of understanding among law enforcement officers about the importance of child protection. Many officers still consider that work done by children, especially in the informal sector such as being buskers or street vendors, is a form of social adaptation for poor families. In fact, the law strictly prohibits all forms of exploitation of children, regardless of the family's socio-economic background.

In addition, law enforcement against cases of economic exploitation of children is also often hampered by cultural factors. In many communities in Medan City, there are social norms that assume that children must help their families earn a living, especially in difficult economic conditions. These norms often become obstacles for law enforcement officers in intervening to protect children from exploitative work.

Law enforcers are also often faced with coordination problems between various related institutions. For example, in cases of economic exploitation of children that occur in the family environment, the police need to

coordinate with social services and child protection agencies to determine the right steps. However, coordination between these institutions often does not run smoothly, especially due to differences in priorities and limited resources.

To improve the effectiveness of handling cases of economic exploitation of children in Medan City, there needs to be concrete efforts from various parties. First, training and capacity building are needed for law enforcement officers on the importance of child protection and how to handle cases of child exploitation professionally. This training should include an understanding of children's rights as regulated by law, as well as effective evidence collection strategies in cases involving children.

Second, there is a need to improve cooperation between social institutions and law enforcement in preventing and handling cases of economic exploitation of children. One way to improve this cooperation is to form an integrated team involving the police, social services, child protection institutions, and civil society organizations that focus on children's issues. This integrated team can act as a supervisor in the field as well as a law enforcement mechanism that is more responsive to cases of economic exploitation of children. (Mighty & Pakpahan, 2023)

Third, the Medan City government needs to strengthen social programs aimed at preventing economic exploitation of children. Programs such as free education, scholarships, and economic empowerment for poor families should be prioritized and focused on efforts to keep children in school and not working in the informal sector. In addition, outreach programs to the community must also be carried out more intensively to raise awareness of the importance of child protection.

Fourth, there is a need for policy revisions that better support the law enforcement process, including stricter sanctions against perpetrators of child exploitation and incentives for law enforcement officers to be

more proactive in handling these cases. In addition, the government also needs to allocate more resources to support the work of social institutions and law enforcement officers in handling the problem of child exploitation.

The role of social institutions and law enforcement is very important in preventing and handling cases of economic exploitation of children in Medan City. Although there are already legal provisions prohibiting child exploitation, their implementation is still far from optimal. This is due to various factors, including lack of resources, lack of understanding among law enforcement officers, and cultural and social barriers. Therefore, concrete efforts are needed, both in terms of policy and law enforcement, to ensure that children in Medan City are protected from all forms of economic exploitation.

IV. CONCLUSIONS AND RECOMMENDATIONS

Based on the legal analysis of the role of social institutions and law enforcement in preventing and handling the economic exploitation of children in Medan City, it can be concluded that although the legal framework is quite clear through Law No. 35 of 2014 concerning Child Protection, implementation in the field is still far from effective. Weak supervision, limited resources of social institutions, and lack of understanding among law enforcement are the main obstacles in enforcing child protection laws. Therefore, the main recommendation is to increase the capacity and coordination between social institutions and law enforcement officers through special training, the formation of integrated teams, and strengthening social programs that support child protection. In addition, there needs to be a revision of more assertive policies and adequate budget support to ensure more optimal protection for children from economic exploitation and violence.

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