

## LEGAL PROTECTION CONCERNING CHILDREN FACING ECONOMIC EXPLOITATION IN BATAM CITY

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### Abstrak

Eksplorasi ekonomi anak secara sewenang-wenang oleh orang tua dan pihak berkepentingan lainnya memerlukan perhatian segera. Kota Batam, yang terletak di Kepulauan Riau, dikenal karena inovasi dan tingkat kejahatannya yang rendah, terutama berkat fokusnya pada hubungan luar negeri. Namun, di balik aspek positif ini, eksploitasi ekonomi terhadap anak masih menjadi masalah serius, di mana faktor ekonomi memegang peranan penting. Penulis bertujuan untuk meneliti perlindungan hukum terhadap anak sebagai korban eksploitasi ekonomi di Kota Batam dengan menggunakan metode penelitian hukum empiris. Metode ini melibatkan analisis dan pemeriksaan kinerja hukum dalam masyarakat, menggunakan sumber data primer dan sekunder. Tujuan penelitian ini adalah untuk menganalisis perlindungan hukum bagi anak sebagai korban eksploitasi ekonomi dari perspektif keadilan, kegunaan, dan kepastian hukum. Hasil penelitian menegaskan bahwa peraturan hukum tentang perlindungan anak sebagai korban eksploitasi ekonomi telah diatur dengan jelas dalam undang-undang. Berbagai langkah perlindungan hukum tersedia bagi anak yang menjadi korban eksploitasi. Namun, peningkatan kesadaran orang tua sangat diperlukan untuk memastikan perhatian yang konsisten terhadap hak dan kewajiban yang dimiliki anak.

**Kata Kunci:** Perlindungan Hukum, Eksploitasi Ekonomi Anak, Tindakan Hukum.

### Abstract

*The arbitrary economic exploitation of children by parents and other interested parties requires immediate attention. Batam City, located in the Riau Archipelago, is known for its innovation and low crime rates, primarily due to its focus on foreign relations. However, despite these positive aspects, the economic exploitation of children remains a significant issue, with economic factors playing a crucial role. This study aims to investigate the legal protection of children as victims of economic exploitation in Batam City using an empirical legal research method. This approach involves analyzing and examining the functioning of law within society, utilizing both primary and secondary data sources. The objective is to analyze legal protection for children as victims of economic exploitation from the perspectives of justice, utility, and legal certainty. The findings confirm that legal regulations concerning the protection of children from economic exploitation are clearly stipulated in the law. Various legal protection measures are available for children who fall victim to exploitation. However, enhancing parental awareness is essential to ensure consistent attention to the rights and obligations owed to their children.*

**Keywords:** Legal Protection, Economic Exploitation of Children, Legal Actions.

## INTRODUCTION

Children are a trust and gift from Almighty God, embodying inherent dignity and humanity in their entirety. They represent the future, serving as the nation's successors, possessing a strategic role with distinctive qualities that ensure the continuity of the nation and the state.<sup>1</sup> To prepare them for this responsibility, comprehensive

<sup>1</sup> Ike Indra Agus S, "Anak Sebagai Korban Eksploitasi Ekonomi Orangtua (Ibu) Dalam Perspektif Perlindungan Anak" (Universitas Airlangga, 2015), <https://repository.unair.ac.id/12745/>.

opportunities for optimal physical, mental, social, and moral growth are essential.<sup>2</sup> An individual under 18, including during prenatal development, is termed a child. This aligns with Article 2 of the Civil Code, stating that a child in utero is considered born when their interest requires, but if born deceased, they are regarded as never having existed.<sup>3</sup>

Article 15 of Law No. 30 of 2014 emphasizes comprehensive child protection, covering both direct and indirect measures to shield them from physical and psychological harm. Initiating child protection efforts early is crucial to ensure their optimal engagement in national development. The Constitution of the Republic of Indonesia in Article 28B(2) explicitly outlines each child's right to survival, growth, development, and protection from violence and discrimination.<sup>4</sup> In Indonesia, numerous children experience premature maturation due to diverse factors such as discordant family situations leading to broken homes, economic hardships compelling them to work, or exposure to criminal activities, among others.<sup>5</sup> These instances can adversely impact a child's well-being, causing untimely maturation inconsistent with their age. Child protection is inherently integrated into national law, encompassing the Civil Code, Criminal Code, and various regulations on child protection.<sup>6</sup> Globally, since 1989, the international community has had a pivotal legal instrument—the Convention on the Rights of the Child. This convention comprehensively outlines and promotes the rights of children.<sup>7</sup>

The protracted economic crisis in Indonesia has significantly impacted the nation, leading to a pervasive issue of child labor. Exploited children, as per the General Indonesian Language Dictionary, are those compelled to work against their will for personal gain.<sup>8</sup> The predominant cause of children entering the workforce is linked to poverty, as economic hardships push families to have their children work, easing the financial burden on parents. Additionally, the aspiration for self-sufficiency further

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<sup>2</sup> M R Hertianto, "Tinjauan Yuridis Terhadap Perlindungan Anak Dalam Ruang Siber Di Indonesia," *Jurnal Hukum & Pembangunan* 51, no. 3 (2021): 560, <http://www.jhp.ui.ac.id/index.php/home/article/view/3123>.

<sup>3</sup> Megalia Tifani Piri, "Perlindungan Hukum Terhadap Tindakan Eksploitasi Anak (Kajian Undang-Undang Nomor 23 Tahun 2002)," *Jurnal Lex Administratum* 1, no. 2 (2013): 25-41, <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/3013/2558>.

<sup>4</sup> Rulianda Shafira Pratiwi, "Perlindungan Hukum Terhadap Eksploitasi Anak (Studi Kasus Eksploitasi Anak 'Joki Kuda' Di Kabupaten Dompu)" (Universitas Mataram, 2021).

<sup>5</sup> S, "Anak Sebagai Korban Eksploitasi Ekonomi Orangtua (Ibu) Dalam Perspektif Perlindungan Anak."

<sup>6</sup> Arfah Azhari, Romi Asmara, and Eny Damera, "Perlindungan Hukum Terhadap Anak Dalam Tindak Pidana Eksploitasi Pekerja Anak Ditinjau Dari Undang-Undang Perlindungan Anak," *Jurnal Ilmiah Mahasiswa Fakultas Hukum (JIM FH)* 5, no. 2 (2022): 187-95, <https://doi.org/10.29103/jimfh.v5i2.6878>.

<sup>7</sup> Piri, "Perlindungan Hukum Terhadap Tindakan Eksploitasi Anak (Kajian Undang-Undang Nomor 23 Tahun 2002)."

<sup>8</sup> Pratiwi, "Perlindungan Hukum Terhadap Eksploitasi Anak (Studi Kasus Eksploitasi Anak 'Joki Kuda' Di Kabupaten Dompu)."

motivates children to seek employment independently. Regrettably, many underprivileged children continue to endure exploitation, facing economic exploitation as child laborers and sexual exploitation as victims of child prostitution. The notable surge in child labor resulting from the economic crisis raises immediate and genuine concerns, especially for those children lacking adequate protection of their rights. The inconsistency in enforcing children's rights, particularly for child laborers, intensifies the urgency of addressing this critical issue.<sup>9</sup>

Batam City, located in the Riau Archipelago, is recognized as an innovative urban center with a commendable record of low crime rates, attributed to its focus on international engagement. However, challenges persist concerning the economic exploitation of children, such as their involvement in selling tissues and newspapers at traffic lights or being coerced into begging. It is crucial to proactively address and minimize these issues to prevent their recurrence, particularly in light of existing legislation overseeing child protection. Children, being individuals yet to attain maturity, must not have their rights violated, as they inherently possess inalienable Human Rights (HR) that demand preservation.<sup>10</sup> Human Rights constitute fundamental entitlements inherent in every individual, enduring as long as a person is alive and cannot be revoked by any entity.<sup>11</sup>

Children universally have inherent human rights protected by law, a safeguard that starts before birth. They are entitled to legal protection for all activities contributing to their future growth and development.<sup>12</sup> In Islam, it is emphasized that the religion preserves the lineage, ensuring that it is not neglected, deceived, or falsified. Islam dictates that the determination of lineage is a right of the child, providing a means for the child to counter humiliation or the potential adversity of being abandoned.<sup>13</sup> Consequently, it is appropriate for children to have continuous human rights protection throughout their lives.

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<sup>9</sup> Ellien Marlienna and Kuswardani, "Analisis Yuridis Tindak Pidana Eksploitasi Anak Yang Dilakukan Oleh Orang Tua" (Universitas Muhammadiyah Surakarta, 2017).

<sup>10</sup> Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, *Buku Panduan Terminologi Perlindungan Anak Dari Eksploitasi* (Jakarta: Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2019), <https://www.kemenpppa.go.id/lib/uploads/list/f3ae0-buku-terminologi-2019.pdf>.

<sup>11</sup> Winsherly Tan, "Pemenuhan Hak Pendidikan Anak Jalanan Di Kota Batam: Tantangan Dalam Mewujudkan Sustainable Development Goals (SDGs)," *Jurnal Supremasi Hukum* 29, no. 20 (2020): 46-59, <https://doi.org/10.33369/jsh.29.1.46-59>.

<sup>12</sup> Rikardo Horas Uli Tua Simanjuntak and Ida Hanifah, "Perlindungan Hukum Terhadap Anak Sebagai Korban Eksploitasi Ekonomi Di Kota Batam," *Jurnal Doktrin Review* 2, no. 1 (2023): 101-11, <https://jurnal.umsu.ac.id/index.php/DOKTRIN/article/view/16108/9877>.

<sup>13</sup> Syaifullah Yophi Ardianto, "Perlindungan Hukum Terhadap Anak Sebagai Korban Dari Tindak Pidana Perdagangan Orang Di Kota Pekanbaru," *Jurnal Ilmu Hukum* 3, no. 1 (2012), <https://www.neliti.com/id/publications/9143/perlindungan-hukum-terhadap-anak-sebagai-korban-dari-tindak-pidana-perdagangan-o>.

Several previous studies have explored various aspects related to legal protection for children, such as examining legal protection for children exploited as artists,<sup>14</sup> legal protection against acts of child exploitation (a study of Law Number 23 of 2002)<sup>15</sup> and legal protection for children who are victims of sexual exploitation.<sup>16</sup> These prior research endeavors have provided relevant insights. However, this study innovatively focuses on cases of children undergoing economic exploitation in Batam City and investigates legal protection strategies applicable to children facing economic exploitation in this locale. The theoretical contribution of this research lies in advancing legal theories, enhancing comprehension of child protection issues, and establishing a framework for subsequent related studies. On a practical level, this research is beneficial in efforts to protect children as victims of economic exploitation in Batam City, with direct implications for policies, law enforcement, and the well-being of the involved children.

### **Statement of Problem**

Building upon the aforementioned background, this study seeks to enhance comprehension of child protection issues within the realm of economic exploitation and promote tangible initiatives to safeguard the rights of children in Batam City. The research will address the following inquiries:

1. How is the legal framework concerning children as victims of economic exploitation?
2. How is the legal protection implemented concerning children as victims of economic exploitation in Batam city?

### **RESEARCH METHODS**

This research employs the empirical legal research method, a form of legal research that analyzes and assesses the functioning of the law within society. Empirical legal research investigates the law as conceived in actual behavior,<sup>17</sup> Hence it is also referred to as sociological legal research.<sup>18</sup> This research utilizes three main approaches: legislative approach, conceptual approach, and sociological approach. The types of data utilized include primary data and secondary data. Primary data, obtained directly from the main sources,<sup>19</sup> are collected through direct interviews with the respondents.<sup>20</sup> In contrast,

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<sup>14</sup> Syarifuddin Hidayat and Ahmad Mahyani, "Perlindungan Hukum Bagi Anak Korban Eksploitasi Sebagai Artis," *Mimbar Keadilan Jurnal Ilmu Hukum*, 2017, 133-45, <https://doi.org/10.30996/mk.v0i0.2189>.

<sup>15</sup> Piri, "Perlindungan Hukum Terhadap Tindakan Eksploitasi Anak (Kajian Undang-Undang Nomor 23 Tahun 2002)."

<sup>16</sup> Triastuti Andayani, Ruben Achmad, and Suci Flambonita, "Perlindungan Hukum Terhadap Anak Korban Eksploitasi Seksual," *Lex Lata: Jurnal Ilmiah Ilmu Hukum* 3, no. 1 (2021): 104-21, <https://doi.org/10.28946/lexl.v3i1.868>.

<sup>17</sup> Hari Sutra Disemadi, "Lensa Penelitian Hukum: Esai Deskriptif Tentang Metodologi Penelitian Hukum," *Journal of Judicial Review (JJR)* 24, no. 2 (2022): 289-304, <https://doi.org/10.37253/jjr.v24i2.7280>.

<sup>18</sup> Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

<sup>19</sup> Suteki and Galang Taufani, *Metodologi Penelitian Hukum: (Filsafat, Teori Dan Praktik)* (Depok: Rajawali Pers, 2018).

secondary data in this research are obtained through a thorough examination of legal materials in existing literature studies.<sup>21</sup>

## RESULTS & DISCUSSION

### A. Legal Framework and Pertinent Cases Concerning Children Affected by Economic Exploitation in Batam City

Child protection encompasses all efforts aimed at creating conditions where each child can exercise their rights and fulfill responsibilities for appropriate physical, mental, and social development.<sup>22</sup> When addressing child protection, there are at least two aspects involved. The first aspect relates to the policies and legislation governing child protection, while the second focuses on the implementation and enforcement of these laws and policies.<sup>23</sup> Although legal provisions for safeguarding children exist in Indonesia, deficiencies persist in both the substance of the governing articles and the application of the law. This creates opportunities for interested parties, such as parents exploiting the pretext of fostering their child's talents, to take advantage of loopholes. Such actions run counter to the principles set forth in Law Number 23 of 2002 on Child Protection, as amended by Law Number 35 of 2014. It is crucial to note that, during this developmental stage, children still necessitate parental guidance in both recreational activities and educational pursuits. Moreover, the phenomenon of children entering the entertainment industry must be considered from a psychological standpoint. At this stage, children are still undergoing the process of self-discovery and the formation of their attitudes. The participation of children in the entertainment industry should not compromise their fundamental rights, as stipulated in the aforementioned laws. Recognition of the fact that children, during this phase of development, require guidance from parents for both recreational and educational endeavors is of utmost importance.<sup>24</sup>

In the context of Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection, Article 13 outlines the rights of children. According to this article, every child under the care of parents, guardians, or any responsible caregiving party is entitled to protection and safeguarding against: 1) Discrimination; 2) Economic and sexual exploitation; 3) Neglect; 4) Cruelty, violence, and persecution; 5) Injustice; and 6)

<sup>20</sup> David Tan, "Metode Penelitian Hukum: Mengupas Dan Mengulas Metodologi Dalam Menyelenggarakan Penelitian Hukum," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, no. 8 (2021): 2463-78, <https://doi.org/10.31604/jips.v8i8.2021.2463-2478>.

<sup>21</sup> Disemadi, "Lensa Penelitian Hukum: Esai Deskriptif Tentang Metodologi Penelitian Hukum."

<sup>22</sup> Maidin Gultom, *Perlindungan Hukum Terhadap Anak Dalam Sistem Pidana Anak Di Indonesia* (Bandung: PT. Refika Aditama, 2014).

<sup>23</sup> Devi Seftia Rini, "Perlindungan Hukum Hak Anak Sebagai Korban Eksploitasi Ekonomi Dalam Perspektif Hukum Pidana Di Indonesia Dikaitkan Dengan Hukum Islam," *Jurnal Online Mahasiswa Fakultas Hukum Universitas Riau* 3, no. 2 (2016): 1-15, <https://www.neliti.com/id/publications/187006/perlindungan-hukum-hak-anak-sebagai-korban-eksploitasi-ekonomi-dalam-perspektif>.

<sup>24</sup> Hidayat and Mahyani, "Perlindungan Hukum Bagi Anak Korban Eksploitasi Sebagai Artis."

Other forms of improper treatment.<sup>25</sup> The protection of children is the responsibility of parents, families, communities, the government, and the state, involving a continuous series of activities aimed at safeguarding the rights of children. Extra scrutiny of children, both at a personal level and as integral members of the community, is imperative. This scrutiny aims to secure the rights of children and prevent the infiltration of adverse external influences that could hinder their overall growth and development.<sup>26</sup>

From a legal standpoint, Indonesia has an extensive framework of regulations designed to ensure the rights of children and alleviate the impact of child labor. These regulations encompass: 1) The 1945 Constitution of the Republic of Indonesia, 2) Enactment of ILO Convention No. 138 as Law No. 20 of 1999, specifying the Minimum Age for Employment, 3) Enactment of ILO Convention No. 182 as Law No. 1 of 2000, addressing the Worst Forms of Child Labor and necessitating immediate action for their elimination, 4) Law Number 23 of 2002 on Child Protection, amended by Law Number 35 of 2014; 5) Law Number 13 of 2003 on Manpower, and 6) Presidential Decree Number 59 of 2002 on the National Action Plan for the Elimination of the Worst Forms of Child Labor.<sup>27</sup> Nevertheless, the protection of children should not be confined solely to political and legislative realms (state obligations). Safeguarding the well-being of children is also a responsibility of parents and a concern for society. Without community participation, a formal legal approach alone proves insufficient in protecting children. Local communities play a crucial role in shaping policies and action plans for child protection.<sup>28</sup>

Economic exploitation refers to the unjust and excessive use of children for purely economic gains, neglecting considerations of appropriateness, justice, and the well-being compensation for the child.<sup>29</sup> It is viewed as a form of modern slavery where victims are compelled to work under the control of highly organized criminals engaged in various activities.<sup>30</sup> The manifestations of exploitation vary, spanning from engaging children in criminal endeavors like theft, forced begging, scavenging, and financial exploitation to involvement in drug-related activities. Children are frequently instrumentalized to generate advantages for specific parties, whether in financial terms

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<sup>25</sup> Rini, "Perlindungan Hukum Hak Anak Sebagai Korban Eksploitasi Ekonomi Dalam Perspektif Hukum Pidana Di Indonesia Dikaitkan Dengan Hukum Islam."

<sup>26</sup> Made Fiorentina Yana Putri and Diah Ratna Sari Hariyanto, "Perlindungan Hukum Anak Sebagai Korban Eksploitasi Seksual Berdasarkan UU No 35 Tahun 2014 Tentang Perlindungan Anak," *Jurnal Interpretasi Hukum* 4, no. 1 (2023): 100-107, <https://doi.org/10.55637/juinhum.4.1.6546.100-107>.

<sup>27</sup> Hidayat and Mahyani, "Perlindungan Hukum Bagi Anak Korban Eksploitasi Sebagai Artis."

<sup>28</sup> Edi Suharto, *Sebuah Pengantar Dalam Buku Kekerasan Terhadap Anak* (Bandung: Nuansa, 2006).

<sup>29</sup> Benedhicta Desca Prita Octalina, "Perlindungan Hukum Terhadap Anak Korban Eksploitasi Ekonomi" (Universitas Atma Jaya, 2014), <https://e-journal.uajy.ac.id/7178/1/JURNAL.pdf>.

<sup>30</sup> Andi Irma Ariani, Andi Saiful Alimsyah, and Andi Ikramullah, "Eksploitasi Anak Di Kota Makassar: Studi Kasus Anak Dipekerjakan Paksa Orang Tua," in *Indonesian Annual Conference Series*, 2022, 122-26, <https://www.ojs.literacyinstitute.org/index.php/iacseries/article/view/645>.

or equivalent gains. Consequently, children are abandoned, directed, coerced, and subjected to punishment if they fail to meet profit targets. As a result, children are left abandoned, with their needs inadequately met in a reasonable manner, encompassing physical, mental, spiritual, and social aspects.<sup>31</sup> The societal construct that allows parents the "right" to undertake any action concerning their children, even unintentionally causing harm, contributes to widespread violations of children's rights. Cases of children working in the informal sector, justified by parents as tradition, become commonplace when parents "employ" their children without considering their education.<sup>32</sup>

The Indonesian labor market is increasingly marked by the employment and economic exploitation of children. Examining the types of work performed by children and the potential risks they face, certain occupations can be categorized as dangerously exploiting children, reaching a point that is no longer tolerable.<sup>33</sup> The causes and drivers behind child exploitation issues involve complex interplay of factors at both micro and macro levels, including economic, social, cultural, and political dimensions.<sup>34</sup> A primary factor driving child exploitation is the low economic status of families, forcing children into income-generating activities. These actions stem from the urgent necessity to fulfill daily needs.<sup>35</sup>

Reviewing cases of child exploitation in Indonesia has shown a decreasing trend from 2017 to 2020, followed by an upturn in 2021. According to data from the Indonesian Child Protection Commission (KPAI), there were 347 cases of child exploitation and trafficking in 2017. The numbers decreased to 149 cases in 2020. However, cases of child exploitation and trafficking increased in 2021. By April 2021 alone, there were already 234 cases. Throughout 2021, these cases escalated to 147 instances of criminal exploitation against children. This encompasses victims of child labor exploitation, economic exploitation, children engaged in child labor, those victimized by prostitution networks, and children exploited in prostitution without networks.<sup>36</sup>

This research focuses on cases of economic exploitation against children in the city of Batam and the protective measures that can be implemented. Within the realm of

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<sup>31</sup> Andi Fajar Agusnawan, Hambali Thalib, and Nur Fadhilah Mappaselleng, "Perlindungan Hukum Terhadap Anak Sebagai Korban Kejahatan Eksploitasi Secara Ekonomi," *Journal of Lex Generalis* 4, no. 2 (2023): 218-34, <https://mail.pasca-umi.ac.id/index.php/jlg/article/view/1309/1500>.

<sup>32</sup> Octalina, "Perlindungan Hukum Terhadap Anak Korban Eksploitasi Ekonomi."

<sup>33</sup> Muhammad Joni, Zulchaina Z, and Tanamas, *Aspek Hukum Perlindungan Anak Dalam Perspektif Konvensi Hak Anak* (Bandung: Citra Aditya Bakti, 1997).

<sup>34</sup> Octalina, "Perlindungan Hukum Terhadap Anak Korban Eksploitasi Ekonomi."

<sup>35</sup> Tri Astuti Andayani, Ruben Achmad, and Suci Flambonita, "Perlindungan Hukum Terhadap Anak Korban Eksploitasi Seksual," *Lex Lata: Jurnal Ilmiah Ilmu Hukum* 3, no. 1 (2021): 104-21, <https://doi.org/10.28946/lexl.v3i1.868>.

<sup>36</sup> Agusnawan, Thalib, and Mappaselleng, "Perlindungan Hukum Terhadap Anak Sebagai Korban Kejahatan Eksploitasi Secara Ekonomi."

criminal law, the police serve as law enforcement officers who regularly engage with the public in the enforcement of legal regulations.<sup>37</sup> They are also responsible for making legal decisions on the ground. As an integral component of the structural system, the police play a pivotal role in determining the proper execution of the law, particularly in providing legal protection to children.<sup>38</sup>

Through observations conducted at the Criminal Investigation Division (Ditreskrim) and the Regional Police (Polres) of the Kepulauan Riau Regional Police, data was gathered regarding cases related to the economic exploitation of children in Batam in the year 2023. Notably, one case involved a report filed by the victim with the initials S N on September 23, 2023. Information from the VI Unit of the Criminal Investigation Division of the Barelang City Police revealed that one of the pubs in Batam had employed a minor. The perpetrator was subsequently prosecuted and sanctioned. Additionally, there were reports of cases where children were employed as music guides or companions for guests in drinking establishments. Besides the cases reported to the Kepri Regional Police, we frequently encounter young children on the streets of Batam, engaging in activities such as selling tissues, begging, and other forms of work.

Given the above considerations, it is important to understand that:

Child protection involves all efforts aimed at creating conditions where every child can exercise their rights and fulfill their responsibilities for proper physical, mental, and social development. When discussing child protection, at least two aspects are involved. The first aspect relates to the policies and legislation governing child protection, while the second focuses on the implementation and enforcement of these laws and policies.

Although legal provisions for safeguarding children exist in Indonesia, deficiencies persist in both the substance of the governing articles and the application of the law. This creates opportunities for certain parties, including parents who exploit loopholes under the guise of nurturing their children's talents. Such actions run counter to the principles set forth in Law Number 23 of 2002 on Child Protection, as amended by Law Number 35 of 2014.

In the context of Batam City, cases of economic exploitation of children often occur in the informal sector, such as the employment of children as music guides or companions for guests in entertainment venues. Additionally, reports have been made of children working on the streets, selling tissues, begging, and engaging in other forms of labor.

#### 1. Legal Basis for Economic Exploitation of Children and Related Cases in Batam City

<sup>37</sup> Agusnawan, Thalib, and Mappaselleng.

<sup>38</sup> Ni Luh Putu Yosi Pratiwi, Anak Agung Sagung Laksmi Dewi, and Ni Made Sukaryati Karma, "Pelaksanaan Perlindungan Terhadap Pekerja Anak Pada Usaha Asongan Di Pasar Senggol Tabanan," *Jurnal Preferensi Hukum* 3, no. 1 (2022): 84–89, <https://doi.org/10.22225/jph.3.1.4659.84-89>.



Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection, outlines in Article 13 the rights of children. According to this article, every child under the care of parents, guardians, or any responsible party is entitled to protection from: 1) Discrimination; 2) Economic and sexual exploitation; 3) Neglect; 4) Cruelty, violence, and abuse; 5) Injustice; and 6) Other forms of improper treatment.

Economic exploitation refers to the unfair and excessive use of children for purely economic gains, without consideration for the appropriateness, justice, or well-being of the child. In such cases, children are used to generate profits for certain parties, whether in financial terms or equivalent benefits. Children are forced to work under the control of exploiters, often without adequate legal protection.<sup>39</sup>

According to data obtained from the Regional Police of the Riau Islands, there have been several cases related to the economic exploitation of children in Batam City in 2023. One such case involved a report by a victim with the initials S N on September 23, 2023, where a child was employed at a pub in Batam. The perpetrator in this case was prosecuted and sanctioned.

## 2. Relationship with Employment Law and Legal Implications

In the context of employment law, the exploitation of children constitutes a serious violation of children's rights. Law Number 13 of 2003 on Manpower stipulates that children under the age of 18 are prohibited from being employed, except under certain conditions and with strict requirements. The employment relationship between a child and an employer that violates this provision can be declared null and void or voidable. Legal implications for employers who employ underage children include criminal and civil sanctions, while parents involved in the exploitation of their children may also face legal penalties.<sup>40</sup>

Additionally, existing legal provisions provide protection for children from economic exploitation. If a case of economic exploitation of a child is discovered, legal action must be taken to protect the rights of that child. Employers found guilty of exploiting children may face criminal penalties, while parents who neglect or are involved in the exploitation of their children may also be subject to sanctions under applicable laws.<sup>41</sup>

With these various regulations in place, it is hoped that the protection of children from economic exploitation can be ensured, particularly in vulnerable areas

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<sup>39</sup> Anik Iftitah, ed., *Perkembangan Hukum Pidana Di Indonesia* (Sada Kurnia Pustaka, 2023), <https://sadapenerbit.com/2023/10/23/perkembangan-hukum-pidana-di-indonesia/>.

<sup>40</sup> & Kunarso Kunarso. Anik Iftitah, Nanda Romei Puspitasari, Niken Yulianti, Mukhammad Taufan Perdana Putra, "Kesetaraan Gender Dalam Hukum Ketenagakerjaan," *Eksekusi : Jurnal Ilmu Hukum Dan Administrasi Negara* 1, no. 2 (2023), <https://doi.org/https://doi.org/10.55606/eksekusi.v1i2.471>.

<sup>41</sup> Anik Iftitah, "Peranan Jaminan Sosial Tenaga Kerja Dalam Perwujudan Cita Pembangunan Hukum Tenaga Kerja Di Indonesia," *Jurnal Supremasi* 7, no. 2 (2018): 1, <https://doi.org/10.35457/supremasi.v7i2.377>.

such as Batam City. Community participation is also a crucial factor in child protection efforts, as society is expected to help monitor and report any violations involving the exploitation of children.

## **B. Legal Protection Implemented Concerning Children as Victims of Economic Exploitation in Batam City**

Legal protection represents the operationalization of the legal system to achieve specific legal objectives, including justice, utility, and legal certainty. It serves as a safeguard for legal entities, in accordance with established legal principles in both preventive (prevention) and repressive (enforcement) capacities, whether articulated in written or unwritten form, to ensure compliance with legal regulations.<sup>42</sup> According to Hadjon, legal protection for the individuals involves two key elements:<sup>43</sup> a) Preventive Legal Protection, which is a form of legal protection where people are given the opportunity to express their objections or opinions before a government decision takes on a definitive form. b) Repressive Legal Protection, focusing on resolving disputes. In a conceptual sense, the legal protection extended to the people of Indonesia reflects the application of principles rooted in Pancasila, emphasizing the recognition and safeguarding of human dignity and rights within the framework of a legal state based on Pancasila.<sup>44</sup>

One aspect of the state's protection for children is legal protection. Legal protection, also known as "*rechtsbescherming*" in Dutch, involves safeguarding specific interests through legal means.<sup>45</sup> As articulated by Harjono, legal protection is the utilization of legal mechanisms or safeguards established by the law to recognize and protect specific interests as legal rights.<sup>46</sup> For children, legal protection involves ensuring their fundamental rights and freedoms, along with various interests related to their overall well-being. The comprehensive scope of legal protection for children includes: 1) Safeguarding children's freedoms; 2) Ensuring the fundamental rights of children; and 3) Providing legal protection for all interests connected to the well-being of children.<sup>47</sup>

Legal protection for children encompasses a broad spectrum, as evidenced in various international documents and meetings. The necessity for legal safeguards for children encompasses diverse dimensions: 1) Ensuring the fundamental rights and freedoms of children, 2) Providing legal support for children in judicial proceedings, 3) Securing the well-being of children in family, educational, and social contexts, 4) Safeguarding children in matters of detention and deprivation of liberty, 5) Shielding children from all forms of exploitation (such as slavery, child trafficking, prostitution,

<sup>42</sup> Octalina, "Perlindungan Hukum Terhadap Anak Korban Eksploitasi Ekonomi."

<sup>43</sup> Philipus M. Hadjon, *Perlindungan Hukum Bagi Rakyat Indonesia* (Surabaya: Bina Ilmu, 1897).

<sup>44</sup> Octalina, "Perlindungan Hukum Terhadap Anak Korban Eksploitasi Ekonomi."

<sup>45</sup> Hidayat and Mahyani, "Perlindungan Hukum Bagi Anak Korban Eksploitasi Sebagai Artis."

<sup>46</sup> Harjono, *Konstitusi Sebagai Rumah Bangsa : Pemikiran Hukum* (Jakarta: Konstitusi Press, 2008).

<sup>47</sup> Waluyadi, *Hukum Perlindungan Anak* (Bandung: CV. Mandar Maju, 2009).

pornography, drug trafficking/abuse, and involving children in criminal activities), 6) Ensuring the protection of street children, 7) Mitigating the impact of war/armed conflict on children, 8) Safeguarding children from acts of violence.<sup>48</sup> The primary focus of legal protection is the well-being of children, generally defined as a way of life and sustenance that promotes their growth and development in spiritual, physical, and social dimensions.<sup>49</sup>

According to the interview conducted by the author with Iptu Yanti Harefa, S.H., serving as Iptu Subdit IV Renakta Ditreskrim Polda Kepri, the protection of children constitutes an endeavor to ensure and preserve their rights to live, develop, and participate optimally in alignment with human dignity. This also involves shielding them from violence and discrimination. Preventive measures encompass the dissemination of information about children's rights, extending from the community to educational institutions. Socialization serves to elucidate these rights and delineate acceptable conduct toward children. Law enforcement has consistently undertaken awareness campaigns in both community and educational settings.<sup>50</sup> Preventive legal protection is an initial effort by the police to prevent crimes. This includes instilling positive values and norms, internalizing them in individuals. Even when opportunities for criminal acts arise, the absence of intent precludes their occurrence.<sup>51</sup>

However, there are challenges encountered in the efforts to prevent economic exploitation, with factors such as a lack of awareness and economic conditions serving as a primary reason why many children fall victim to economic exploitation. Additionally, parents display a lack of cooperation in engaging with awareness campaigns, and there is insufficient coordination among relevant agencies addressing these issues collectively, as highlighted by the interviewee during the interview session.

In the unfortunate event that a child becomes a victim of economic exploitation, legal protection is extended to the victim. The process initiates with the victim filing a report with the authorities, followed by subsequent legal proceedings. Subsequently, the victim undergoes examination and is provided with necessary support during this process. Following the release of examination results, the victim receives assistance for trauma recovery or treatment for physical injuries, if required. Efforts are then undertaken to identify the individuals responsible for directing the child into becoming a victim of economic exploitation. In cases where a child falls victim to human trafficking for economic exploitation, the child is repatriated to their place of origin. Within the city of Batam, institutions addressing cases of child exploitation include

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<sup>48</sup> Barda Nawawi Arief, *Beberapa Aspek Kebijakan Penegakan Dan Pengembangan Hukum Pidana* (Bandung: Citra Aditya Bakti, 1998).

<sup>49</sup> Hidayat and Mahyani, "Perlindungan Hukum Bagi Anak Korban Eksploitasi Sebagai Artis."

<sup>50</sup> Yanti Harefa, "Bagaimana Upaya Pencegahan Agar Tidak Terjadi Eksploitasi Pada Anak?," Wawancara Pribadi (Subdit IV Renakta Ditreskrim Polda Kepri, 2023).

<sup>51</sup> Agusnawan, Thalib, and Mappaselleng, "Perlindungan Hukum Terhadap Anak Sebagai Korban Kejahatan Eksploitasi Secara Ekonomi."

Subdit IV Renakta (adolescents, children, and women) and UPTD PPA Kepri. Moreover, there is an institution in Batam specifically dedicated to the recovery of credit victims, known as Safe House FE.<sup>52</sup>

Moreover, there are repressive legal protection measures activated post-crime, with the goal of confronting and imposing sanctions on offenders in alignment with the committed infractions. This encompasses all actions undertaken by law enforcement subsequent to the occurrence of a criminal act.<sup>53</sup> In this context, repressive protection aims to deal with individuals engaged in criminal activities based on their conduct. These initiatives encompass investigative processes, apprehension, and prosecution, ultimately leading to a legal judgment delivered by a judge. Repressive measures serve as a last resort after various preventive protection strategies have been explored.<sup>54</sup>

## CONCLUSION

The factors underlying child exploitation involve an interaction of various elements at both micro and macro levels, encompassing economic, social, cultural, and political factors. The prevailing factor driving children into income-generating activities is the economic vulnerability of their families. In Batam City, exploitation of children in the economic sector persists. It is not uncommon to encounter children selling tissues or working as street performers. Despite these activities, there are parents or stakeholders overseeing them. However, it is essential to acknowledge that children have rights that should be upheld by their parents. The legal protection provided by the law to children as victims of economic exploitation has not been optimally implemented. This is due to a lack of coordinated cooperation to prevent imbalances in overall child protection activities. The legal protection initiatives carried out by the Criminal Investigation Division (Ditreskrim) of the Kepri Regional Police against children affected by economic exploitation encompass both preventive and punitive measures.

The legal framework safeguarding children as victims of economic exploitation should incorporate precise provisions outlining the execution of children's rights as victims and offer explicit definitions of the diverse manifestations of economic exploitation. Additionally, there is a requirement to augment the competency of human resources prepared to address crimes associated with the economic exploitation of children.

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<sup>52</sup> Harefa, "Bagaimana Upaya Pencegahan Agar Tidak Terjadi Eksploitasi Pada Anak?"

<sup>53</sup> Amsori Amsori Sulung Bayu Saputra, "Upaya Preventif Dan Represif Terhadap Tindak Pidana Terorisme Di Indonesia," *Jurnal Ilmiah Publika* 10, no. 2 (2022): 249-61, <https://doi.org/10.33603/publika.v10i2.7528>.

<sup>54</sup> Tedi Mulyadi, Hanna Fitri Raziah, and Caesar Almunir Putra Semedi, "Penegakan Hukum Terhadap Tindak Pidana Penghinaan Dalam Sosial Media Platform Tiktok," *Jurnal Rechten: Riset Hukum Dan Hak Asasi Manusia* 4, no. 1 (2022): 21-26, <https://doi.org/10.52005/rechten.v4i1.74>.

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