

# Legal Protection for Children as Victims of Criminal Acts of Exploitation as Beggars in Brebes Regency: A Criminology Perspective

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## ABSTRACT

**Purpose:** Study This made with motivated by concerns writer to the amount case about act criminal exploitation children, in particular child who is made as a victim of crime criminal exploitation as beggars in Kab. Brebes. Children are not is object behavior deviate or unlawful acts human from anyone, but in reality exploitation child has become complex problems. In fact, life as a victim of exploitation child is not a desired option.

**Method:** Methods used in study is approach qualitative type legal empirical with approach study criminology. Types of data in study in the form of primary data and secondary data with technique data retrieval through interviews and studies bibliography, and triangulation data validity sources and data analysis using method approach qualitative, namely discussion with blend between study field with study bibliography. The model used in the form of data collection, data reduction, data presentation, data extraction Conclusion and conclusions.

**Results and Conclusion:** Research results show that factor main cause of the act criminal exploitation child as beggars in Brebes Regency, namely factor economy low family, and form protection law to child as a victim of crime criminal exploitation as beggars in Brebes Regency, namely in the form of prevention, reduction risk vulnerability, and handling of victims of crime criminal exploitation child as beggars in Brebes Regency and runaway law protection children in Indonesia.

Conclusions and suggestions based on results research, namely the amount case exploitation children in Brebes Regency are caused by factors economy low-income families. It is hoped that the Regional Government can improve human resources, add budget, as well as facilities and infrastructure to be more maximum Again in do organization protection law to child as a victim of crime criminal exploitation as beggars in Brebes Regency.

**Keywords:** Child Exploitation, Beggars, Legal Protection for Children

## INTRODUCTION

The Republic of Indonesia has direction as well as clear goal regarding National Development, this matter the aiming use achievement fair conditions as well as prosperous for good Indonesian society spiritually or material based on the 1945 Constitution of the Republic of Indonesia and Pancasila. Human Rights Human Rights (HAM) and right on citizens in line with its position in law as well as government is highly respected tall at a time guaranteed by the Indonesian state. National development that is intended achieved by the State of Indonesia experienced obstacles, because Indonesia is a developing country that is very identical to poverty. Poverty There is throughout good areas in Indonesia it's inside a village or even in a city. This is can seen from Still the amount beggars, buskers, and child very clear streets show urban poor.

Based on the Central Statistics Agency (BPS) of Brebes Regency, presentation poor population in March 2021 (population with expenditure per capita per month below the poverty line) experienced improvement, namely from 17.03% in March 2020 to 17.43% in March 2021, it can be known in nominal amount increase as many as 6.17 thousand people, namely from 308.78 thousand people to 314.95 thousand people. The increase presentation poor people in Brebes Regency are one of the factor cause of the act criminal exploitation child as beggars. According to the Central Statistics Agency (BPS) of Central Java Province, data on beggars Problem Social Welfare (PMKS) in Brebes Regency from 2015 to 2016 experienced increase. In 2015, data on Street Children (AJ) in Brebes Regency amounted to 17 then experience improvement to 59 in 2016. Meanwhile based on results from the Ministry of Social Affairs data obtained from Integrated Data Dashboard Welfare (DTKS) SIKS-NG dated December 15, 2020, the number of child 67,368 people were displaced in Indonesia.

Nations around the world believe If child is the future a nation and the country that is obliged for fostered at a time guarded growth and development based on his dignity and honor as child. However, in reality Still there is Lots child with absence its power used by adults or even by their parents Alone made into as object exploitation (Iriani, 2017: 54-85). Exploitation is political utilization with method arbitrary or excessive on a object sheer exploitation aimed at the interests of economy with No considering the sense of justice, compliance and compensation welfare (Ramayana, 2020: 7-8).

biggest factor causes of exploitation child is background behind economy low family (poverty). With existence problem the this is what makes a number of people in various regions, especially in Brebes Regency, choose for take transfer profession become beggars. In ensuring certainty, justice as well as benefit law to citizens, the state is obliged give protection to anybody to problem What only those that are contrary to the law, especially problem about protection children (Paulus, 2016: 49-57).

Protection law to child is form all type protection to children to avoid from treatment bad, harassment sexual, violence, and murder from those in charge answer to care for, then to they the given weighting punishment, explanation the stated in Article 58 of Law No. 39 of 1999 concerning Rights Human Rights (HAM). Based on information in Article 58 of Law No. 39 of 1999 concerning Human Rights Human Rights (HAM) contains about explanation related to Indonesia is a country that highly respects tall towards the process of effort in do protection intended to right basic every child, protection the aiming use every child can protected at a time avoid from all type violence that results cause wound physical or psychological abuse of children by the perpetrator act crime including family.

The government in operate his role in do protection to child should more sensitive Again to condition about problem exploitation child, because however child is hope a the nation that will be will continue ideals at a time struggle For nation. Besides It has been should children freed from hands that are not responsible answer Because in fact age child productive should be on the bench school not on the edge road (Anharfi, 2018: 8-9).

Provision about exploitation child as the following actions are prohibited by the government party Who only those who have not quite enough answer as well as obligation the has regulated in Law No. 35 of 2014 concerning Amendments to Law no. 23 of 2002 concerning Child Protection (Syarifah, A. 2018: 9). Responsibility answer as well as obligations of the state and government to implementation protection child explained in detail in Articles 21 to 25 of the Child Protection Law. The problem exploitation child as beggar child is proof from act crime perpetrator exploitation child in a way economy.

Based on matter the so Writer interested For discuss and review about whether factor cause of the act criminal exploitation child as beggars in Brebes Regency and how protection law to child as a victim of crime criminal exploitation as beggars in Brebes Regency.

## RESEARCH METHOD

Legal Protection for Children as Victims of Crime Criminal Exploitation as Beggars in Brebes Regency: Perspective Criminology under review through approach criminology. Approach criminology can

implemented through method connection between crime and conditions according to statistics, methods a problem. The method used in study is approach qualitative type legal empirical. Types of data in study in the form of primary data and secondary data with technique data retrieval through interviews and studies bibliography. Interview done together with subject or informant key, namely informant main as well as informant base, including Mr. Moh. Teguh I, SH, Sub Coordinator. Child Handling, Continued Age and Victims of Narcotics, Psychotropics and Substances Addictive from the Social Service (Dinsos) of Brebes Regency, Ilham and Ridho as beggar children, Mrs. Many grandmothers from Ela as beggar children, and Anis ' brother from Lia as beggar child.

Validity of the data used that is triangulation sources, and data analysis using method approach qualitative, namely discussion with blend between study field with study bibliography. Research and data collection were conducted from January to February 2022 at the Brebes Regency Social Service, and in the area Brebes Regency is a place where exploitation occurs child as beggar taking place, including in the area Pakijangan Traffic Light, Pantura Brebes Highway, and Batang Market. The model used in the form of data collection, data reduction, data presentation, data extraction conclusion and summary.

## RESULTS AND DISCUSSION

### Factors Causing Crimes Criminal Child Exploitation as Beggars in Brebes Regency

Foundation the underlying law duties, functions and descriptions task regarding the Social Services (Dinsos) of Brebes Regency, namely listed in: Regulations Brebes Regent Regulation Number 78 of 2021 concerning Organization and Work Procedure Social Services Brebes Regency. Based on research that has been done personal data obtained subject research, as following:

No.	Name	Age	Education	Work	Address
1.	Ell	7th	TPQ	Beggar	Pakijangan
2.	Lia	9th	SD	Beggar	Pantura Highway in Brebes
3.	Inspiration	12th	SD	Beggar	Batang Market
4.	consent	10th	SD	Beggar	Batang Market

Based on the table above, the average age of child beggars in Brebes Regency is included in the underage age group. Although child beggars are still in school, due to the low economic background of the child beggar's family (poverty), they directly take to the streets to beg. According to informants that the author managed to take from the interview results, namely the parents or child beggars that the author met, they were deliberately made into child beggars to beg on the streets in order to meet the economic needs of their families.

Criminology as knowledge servant in law criminal offenses that provide deep understanding about phenomenon crime, cause he did crimes and possible efforts to overcome crime, which aims For press rate development crime. The act of employing child as beggar classified as a crime violence to child. Action violence experienced children can classified into 4 types, namely: acts violence physical, action violence psychological, action violence sexual, and acts violence economy (Unirsal , 2013: 13).

Action violence economy, namely No give appropriate education and maintenance for children, often No can avoided Because poverty of parents. However, the condition This still is crime violence to child in a way economical, because have influence for development child. One of the result is his run child from home and make child Street with big risk. Seeing definition about a number of type crime violence to child so action employ child as beggar can classified to in crime violence economy to child besides naturally action it can also be classified as a crime violence to psychological and physical child.

Domestic violence is very dangerous and has an impact on the child's psyche. The family is essentially a place for the formation of each family member, especially children. General child development includes emotional,

physical, intellectual, and social conditions. Five forms of violence against children, namely: physical violence, psychological violence, sexual violence, economic violence, and social violence (Utari, IS, & Sumardiana, B. 2022: 85-110). The problem of child exploitation as child beggars is evidence of the criminal acts of perpetrators of economic exploitation of children.

The main factor causing a child to be exploited as a beggar in Brebes Regency is due to the low economic factor of the family (poverty). Economic inability in the family causes some people to make begging a profession for them to earn a living to meet their daily needs. Parents who should protect, care for, and look after their children actually allow or even deliberately push their children to go down to the streets, they are forced to beg to meet the needs of the family.

The definition and purpose of holding efforts towards the child protection process simultaneously in the convention on the rights of the child and protection of Human Rights (HAM), namely that every child must obtain their rights to live, grow, develop, as well as the right to obtain all forms of protection against violence and discrimination. This definition is stated in Article 22 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia. From the results of interviews conducted by the author around the Brebes Regency area, there were several children that the author met who were deliberately exploited as beggars by their parents. The income obtained by the child beggars was entirely given to the family, and used to meet daily needs.

Average beggar children who are around area Brebes Regency is old Still under age, namely around 7 to 12 years old. A child is any person whose age is still under and/or has not reached 18 years, including children in the womb, the definition of a child is stated in Article 1 number 1 of Law No. 35 of 2014 concerning Child Protection. While in Article 45 of the Criminal Code explains the definition of a child is any person whose age is still under 16 years. The definition of a child is also explained in detail, namely any person whose age has not reached and/or is still under 18 years and has never been married, and also includes children in the womb if such is in the interests of the child, the definition is stated in Article 1 number 5 of Law No. 39 of 1999 concerning Human Rights (HAM).

Economic growth is a process of increasing output per capita continuously over a long period of time, and is one of the indicators of successful development, the higher the economic growth, the higher the welfare of the community (Ningrum, WJ 2020: 214). The rampant planning and development activities have not been able to fully improve the welfare of the nation and state. Poverty is one of the serious problems in the national development process. Development in various sectors has not been able to accommodate and meet the needs of the community. Based on data from the Central Statistics Agency (BPS) in 2012, many the poor population in Brebes is 3,649,000 people. Phenomenon the make Brebes Regency as area the largest poor population in Central Java Province.

### **Legal Protection for Children as Victims of Crime Criminal Exploitation as Beggars in Brebes Regency**

Protection child is action in ensure at a time protect every right on child, namely right for live, grow, develop, all at once participate optimally based on dignity as well as dignity humanity, along with action or effort in do protection to child from discrimination and violence. The above definition stipulated in Article 1 point 2 of Law No. 35 of 2014 in conjunction with Law No. 23 of 2002 concerning Child Protection.

Workers or laborers children and/or beggars child is every children who are employed and/or working a work done routinely designated to other people, parents, or to self yourself who needs long time, with or without accept rewards. Based on the Child Protection Act it explains about treatment exploitation, including acts committed in exploit, blackmail or take advantage of child use get profit for group, individual, or family.

Convention right child Then in 1989 classified became Presidential Decree No. 36 of 1990 stating There are 4 (four) rights base child, namely grow flower, continuity life, protection from various kinds threatening



activities health as well as continuity life every child in a way reasonable capable hinder grow its development, and participate in do taking decision.

Guarantee welfare Indonesian citizens at the same time protection a child who is essentially is form from Human Rights Human (HAM) which is form not quite enough answer at a time obligation from the state to the process of efforts related to its implementation. Definition of child according to Republic of Indonesia Law No. 35 of 2014 concerning Child Protection, namely child is the gift of God Almighty (YME) which is trust at a time obligatory gift for guarded his rights which are inherent in his dignity and status along with rights other as human being who is obliged for upheld high (Darmayasa, IWE et al. 2020: 105).

Complexity problem about problem child walk parallel along progress national development. Problems about child in fact No just speak about problem right child for to obtain guarantee to continuity live, will but also related to right participate in increase capacity, rights grow and develop, and rights to obtain protection on all form exploitation, abuse, and neglect (Haling, S. et al. 2018: 364). Regulations about children in Indonesia have published based on need Indonesian society, international world have role use do supervision so that cause fulfillment right child based on *Convention of the Rights of a Child* give positive effects to development protection children in Indonesia (Said, MF 2018: 142).

Form of protection children so as not to become a victim of exploitation for second the first time, namely with giving criminal for perpetrator exploitation children. In its enforcement, the regulations that become runway law the contained in Article 76I and Article 88 of the Child Protection Law, therein explain about understanding exploitation along with giving sanctions to perpetrator act criminal offenses the provisions in Article 76I and Article 88. Article 76I explains that everyone does not allowed place, let, do, order do, and participate join and/or get off direct do act criminal exploitation in a way economic or sexual to children. Furthermore, Article 88 explains that to anyone who violates provision as referred to in Article 76I, shall be punished with criminal imprisonment of up to 10 years and/or a maximum fine of Rp. Rp. 200,000,000.00 (two hundred million rupiah). Regulation the in a way firm use protect child from threat act criminal exploitation by the perpetrators exploitation child Good it's someone else or their parents Alone.

Product the underlying law protection children in Brebes Regency are included in Regional Regulation Brebes Regency No. 004 of 2014 concerning Implementation Child Protection. Brebes Regency is one of the Regencies in Indonesia that have have Regional Regulations that regulate about implementation protection child. It was determined Regional Regulations regarding organization protection child aiming for fulfil rights and forms embodiment from Brebes Regency Government's commitment to realize Child Friendly District (KLA). The determination Regional Regulation Implementation Child Protection is expected can implemented as well as can protect right children in Brebes Regency.

Definition of Child-Friendly District (KLA) according to Regulation of the Minister of State for Women's Empowerment and Child Protection of the Republic of Indonesia No. 12 of 2011 concerning Indicator Child-Friendly District /City is District /City with a development system based on rights on child with through resource society , government and integration commitment as well as the entire business world as well as planned at a time sustainable in activities , programs, and policies that can fulfil rights of children . From the understanding Child-Friendly District (KLA), then the regional policy in fulfil protection child use realize Child-Friendly District (KLA) in Brebes Regency is guidelines for the government and other elements in government Good from legislative, executive and judicial aspects, as well as society and the world that is done with sustainable in order to achieve objective social, namely fulfillment right child.

agencies also play a very important role in the process of implementation protection children in Brebes Regency, namely the Brebes Regency Social Service. The Social Service has a number of form its implementation among them there is several programs, namely field programs guarantee and rehabilitation social , home stop by, in do Handling to problem children of the Social Services Department of Brebes Regency carried out coaching with entrust children in institutions welfare social public with the aim is for children the fostered moreover formerly before child the returned to society , besides That in handle problem

child specifically exploited children as beggars in Brebes Regency, the Social Service is conducting giving help social. After that, there is plan act carry on with do coordination together with the Child Welfare Institution (LKSA) so that child the get rehabilitation social in family with give strengthening as well as motivation in family related parenting to exploited child victims as beggars in Brebes Regency.

Foundation law related protection for governing children problem about protection children in Indonesia are listed in regulation legislation, namely stated in: Republic of Indonesia Law No. 4 of 1979 concerning Child Welfare, Law no. 35 of 2014 concerning Amendments to Law no. 23 of 2002 concerning Child Protection, Law no. 39 of 1999 concerning Human Rights Human, Law No. 11 of 2012 concerning the Justice System Child Criminal Procedure, and the 1945 Constitution of the Republic of Indonesia.

It was determined a number of regulation legislation about protection children, including Regional Regulations Brebes Regency No. 004 of 2014 concerning Implementation Child Protection, along with role and the Brebes Regency Social Service is expected capable to overcome problem about children, in particular act criminal exploitation child who is made as beggars in Brebes Regency, with so welfare and rights children in Brebes Regency can fulfilled

## CONCLUSION

Based on research that has been done writer do, writer conclude a number of the thing that answers formulation problem related research, namely economy low income families (poverty) are factor cause of the act criminal exploitation child as beggars in Brebes Regency, and the form protection law to child as a victim of crime criminal exploitation as beggars in Brebes Regency in the form of organization protection child with do prevention, reduction risk vulnerability, and handling of victims of crime criminal exploitation child as beggars in Brebes Regency, as well as runway law about protection children in Indonesia. The Brebes Regency Social Service also plays a role important in the process of nurturing and protecting right children in Brebes Regency.

Implementation protection children to be able to implemented with well, the government must often stage socialization to public about protection child especially about act criminal exploitation child along with the dangers posed in do act criminal exploitation child who is made as beggars, besides can bother mental and psychological health can also inhibit grow flower child said. Then for the Social Service it would be better can increase Again source Power human, add budget, as well as facilities and infrastructure so that more maximum Again in do Handling about welfare child.

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