

CHAPTER I

INTRODUCTION

A. Background

Children are a mandate and a gift from Allah SWT that must be guarded and guided because they have inherent dignity as human rights that must be fulfilled following the mandate of the opening of the 1945 Constitution (*UUD 1945*), which is to protect the entire Indonesian nation and the entire Indonesian blood spill.¹ The family is the first environment recognised by the child to grow and develop into a person who determines the future for the child, so that every child has the right to grow and develop, so parents are prohibited from neglecting their child. The Government of Indonesia (GoI) also should ensure that every child has the best opportunity to grow up healthy, access to proper education, and protection from harm to become productive citizens in the future.²

Children should be raised under the care of their parents, protected from cruelty and any form of oppression, and should not be exploited, and children should not be forced to work for any reason.³ However, parents often exploit child to earn a living for various reasons related to their livelihood factors. The consequences of the exploitation of child can jeopardise the future of the child. Other negative impacts such as family economic problems can trigger excessive

¹ Burhanuddin, "Pemenuhan Hak-Hak Dasar Anak dalam Perspektif Islam", *Jurnal Adliya*, Vol. 8, No. 1, 2014, p. 285.

² Mada Apriandi Zuhir, "Kewajiban Internasional dan Diplomasi Indonesia di Bidang Hak Asasi Manusia", *Jurnal Simbur Cahaya*, Vol. XV, No. 41, 2021, p. 481.

³ Nursshobah, Silvia Fatmah. "Konvensi Hak Anak dan Implementasinya di Indonesia". *Jurnal Ilmiah Kebijakan dan Pelayanan Pekerjaan Sosial (Biyana)*, Vol. 1, No. 2, 2019, p. 122.

stress and emotions in parents, making children an outlet.⁴ In this condition, the children is in a state of vulnerability to violence, while the children cannot resist.⁵ Data from the Office of Women's Empowerment, Child Protection and Population Control of the Special Region of Yogyakarta (*DP3AP2 DIY*) shows a total of 1,235 cases of violence against children from 2020 to 2022 in DIY, with 173 cases of male victims and 1,062 cases of female victims.⁶

The details of cases and the number of victims of Child Criminal Violence (*KTPA*) and Domestic Violence (*KDRT*) handled by service agencies by the Special Region of Yogyakarta Regional Government are as follows: ⁷ physical violence totalled 366 cases, with 16 cases in Kulon Progo Regency, 52 cases in Bantul Regency, 23 cases in Gunungkidul Regency, 127 cases in Sleman Regency, and 148 cases in Yogyakarta City. Psychological violence totalled 477 cases, with 14 cases in Kulon Progo Regency, 53 cases in Bantul Regency, 33 cases in Gunungkidul Regency, 102 cases in Sleman Regency, and 275 cases in Yogyakarta City. Sexual violence totalled 346 cases, with 45 cases in Kulon Progo Regency, 38 cases in Bantul Regency, 19 cases in Gunungkidul Regency, 98 cases in Sleman Regency, and 146 cases in Yogyakarta city.

⁴ Jose Segitya Hutabarat, Gerawati Krismonika, and Ester Lofa, "Perempuan di Tengah Konflik dan Upaya Membangun Perdamaian Yang Berkelanjutan di Masa Pandemi Covid-19", *Jurnal Lemhannas RI*, Vol. 8, No. 3, 2020, p. 350.

⁵ Dinar Wahyuni, "Pencegahan Kekerasan Terhadap Anak Pada Masa Pandemi Covid-19", *Pusat Penelitian Badan Keahlian DPR RI*, 2020, p. 15.

⁶ Dinas Pemberdayaan Perempuan, Perlindungan Anak dan Pengendalian Penduduk Daerah Istimewa Yogyakarta, 2021, *Data Gender dan Anak Daerah Istimewa Yogyakarta Tahun 2021*, Yogyakarta, p. 32.

⁷ Interview with Ika Puji Widjayanti as a representative for the Office of Women's Empowerment, Child Protection and Population Control of the Special Region of Yogyakarta, in Yogyakarta, June 12, 2023.

Neglect totalled 72 cases with details: Kulon Progo Regency 0 cases, Bantul Regency 15 cases, Gunungkidul Regency 8 cases, Sleman Regency 29 cases, and Yogyakarta City 20 cases. Exploitation totalled 20 cases, with Kulon Progo Regency 0 cases, Bantul Regency 1 case, Gunungkidul Regency 0 cases, Sleman Regency 0 cases, and Yogyakarta City 19 cases. Human trafficking occurred in 1 case in Yogyakarta City.⁸

Based on the case data, there is one alarming case, namely cases of exploitation of children, so further research is needed regarding the effectiveness of law enforcement by *DP3AP2 DIY*. The case has alarmed the Special Region of Yogyakarta Regional Government (*Pemda DIY*), so based on Law Number 35 of 2014 concerning the Amendment to Law Number 23/of 2002 concerning Child Protection, the Pemda DIY established a regulation that aims to prevent violence against women and child, provide services to victims, and empower women victims of violence. The regulation is Regional Regulation of the Special Region of Yogyakarta Province Number 3 of 2012 concerning the Protection of Women and Child Victims of Violence. The regulation defines forms of violence as physical violence, psychological violence, sexual violence, neglect, exploitation, and other violence.⁹

Every child victim of exploitation gets their rights, namely: the right to be respected for their dignity as human beings; the right to health and psychological recovery from the suffering experienced by the victim; the right to determine

⁸ *Ibid.*

⁹ Article 5 Regional Regulation of the Special Region of Yogyakarta Province Number 3 of 2012 concerning the Protection of Women and Children Victims of Violence.

their own decision; the right to obtain information; the right to the confidentiality of their identity; the right to compensation; the right to social rehabilitation; the right to handling complaints; the right to obtain convenience in the judicial process; and/or the right to assistance.¹⁰ Regional Regulation of the Special Region of Yogyakarta Province Number 3 of 2012 concerning the Protection of Women and Child Victims of Violence, which was passed in 2012, has regulated in full acts of violence against children however, researchers feel that the effectiveness of this regulation is still lacking. This is because cases of violence against child in DIY, especially related to exploitation, have not been resolved. In addition, the form of regulation of exploitation of child employed underage is still incompletely regulated, where Article 10 letter b of Regional Regulation of the Special Region of Yogyakarta Province Number 3 of 2012 concerning the Protection of Women and Child Victims of Violence only regulates the prohibition of utilising a person's energy or ability by other parties to obtain both material and immaterial benefits.

Article 68 to Article 75 of Law Number 13 of 2003 concerning Manpower has regulated the prohibition of underage child labour, where Article 68 states that employers are prohibited from employing a child. However, this provision can be excluded for a child who is between 13 (thirteen) years old and 15 (fifteen) years old to do light work as long as it does not interfere with development, physical, mental and social health.¹¹

¹⁰ Article 12 Regional Regulation of the Special Region of Yogyakarta Province Number 3 of 2012 concerning the Protection of Women and Children Victims of Violence.

¹¹ Article 69 of Law Number 13 of 2003 concerning Manpower.

Legal issues arise because the Law Number 13 of 2003 concerning Manpower and Regional Regulation of the Special Region of Yogyakarta Province Number 3 of 2012 concerning the Protection of Women and Child Victims of Violence do not regulate the age limit for work that endangers the health, safety or morals of young people. This is one of the important urgencies because many children are currently employed in dangerous jobs such as prostitution to heavy work such as construction.¹² If this is not regulated, then automatically in Indonesia a child who is between 13 (thirteen) years old and 15 (fifteen) years old can be employed in work that endangers the health, safety, or morals of young people.

Thus, it is necessary to conduct research on the effectiveness of the regulation of underage workers in Indonesia, especially in the Yogyakarta city based on Law Number 13 of 2003 concerning Manpower and Regional Regulation of the Special Region of Yogyakarta Province Number 3 of 2012 concerning the Protection of Women and Child Victims of Violence. Based on the background description that the researcher has explained above, the researcher is interested in conducting a study entitled, **“EFFECTIVENESS PROTECTION of UNDERAGE CHILD LABORS by THE WOMEN'S EMPOWERMENT, CHILD PROTECTION, and POPULATION CONTROL OFFICE OF THE SPECIAL REGION OF YOGYAKARTA”**.

¹² Septi Purfitasari, “Prostitusi Keling (Konstruksi Sosial Masyarakat dan Stigmatisasi)”, *Journal of Educational Social Studies*, Vol. 3, No. 2, 2014, p. 47.

B. Problem Formulation

Based on the background of the above problems, the researcher focuses on the main problem, namely the effectiveness of the regulation of underage workers in Law Number 13 of 2003 concerning Manpower in the DIY area and the role of the *DP3AP2 DIY* in the protection of underage child labors in DIY. To reinforce the direction of the main problem described, the researcher describes this paper through the details of the problem formulation in the form of questions:

1. What is the role of the DIY Office of Women's Empowerment, Child Protection and Population Control in the protection of underage child labor?
2. How effective is the protection of underage child labor in the DIY region?

C. Research Objectives

1. To determine and analyze the role of the DIY Office of Women's Empowerment, Child Protection, and Population Control in the protection of underage child labor.
2. To determine and analyze the effectiveness of the protection of underage child labor in the DIY region.

D. Research Benefits

1. Theoretical Benefits
 - a. This research is expected to contribute to the development of legal science in general and can provide information about the development of legal protection, especially related to the issue of legal protection of underage child labor.

- b. The results of this study are expected to provide new references and input for further research.

2. Practical Benefits

- a. Can contribute to legal practitioners in handling cases of child exploitation in the world of work.
- b. For the GoI, this research is expected to contribute to the handling of child labor cases committed by business actors in Indonesia, especially in the Yogyakarta city.