



The Implementation of Legal Protection Against Economic Exploitation of Street Children in Yogyakarta City

Rendi Rizaldi Fauzy¹, Fuadi Isnawan²

¹Universitas Islam Indonesia, E-mail: 20410638@students.uui.ac.id

²Universitas Islam Indonesia, E-mail: fuadi.isnawan@uui.ac.id

Submitted: February 28, 2024; Reviewed: May 31, 2024; Accepted: July 30, 2024.

Article's Information	Abstract
Keywords: Economic Exploitation, Legal Protection, Street Children.	<i>This research investigated the initiatives undertaken by the Yogyakarta City government to legally protect street children from economic exploitation. It focused on the roles of key institutions such as the Department of Social Affairs, Labors, and Transmigration in the city of Yogyakarta along with the local Children Protection Commissioner. The research explored the challenges these bodies faced in executing their duties. Utilizing empirical methods, interviews were conducted with relevant stakeholders including the head of the rehabilitation section of the Department of Social Affairs, the chairperson of the Indonesian Children Protection Commissioner in the district of Yogyakarta, and their team members. The findings revealed that despite numerous programs and regulations implemented by the Yogyakarta city government to protect the rights of street children, economic exploitation persisted primarily due to poverty. This research highlighted the gap between policy implementation and its effectiveness, suggesting a need for a review of existing measures and potentially the development of new strategies to address the economic exploitation of street children in Yogyakarta.</i>
DOI : https://doi.org/10.25041/ip.v5i1.3381	

A. Introduction

Poverty is the basis for the creation of crime that causes. A person does not get a proper education so that the quality of life or human resources becomes low. Child exploitation is defined as one of the legal and social problems carried out by someone in utilizing the potential of children launched by people who have been considered close or strangers and urging children to carry out activities which influence the child's psychological and physical growth.¹ This child

¹ Friska Anggi Siregar and Muslem, 'Eksplorasi Anak Di Ruang Media; Sebuah Tinjauan Hukum', *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 9, no. 1 (2022): 217.



exploitation can be said to be an act that eliminates various rights that the child has held.² Child exploitation is a crime against children classified as a serious and serious problem that applies with the threat of criminal penalties for perpetrators who force minors to work.³ The government has established legislative guidelines that outline the mechanisms for safeguarding children who are victims of or subject to exploitation.⁴

That cases are happening are very common illustrates how an intolerant attitude or an attitude that does not care about the fate of the child.⁵ There are many types of fields that are classified as child exploitation. such as economic exploitation, social exploitation, and sexual exploitation. Economic exploitation, while not explicitly outlined in the UNCRC, ought to be interpreted as extending beyond the conventional notion of child labor.⁶ One of the many factors and aspects that led to the development of the legal problem of child exploitation was poverty.⁷ The family's primary and secondary needs that are not fulfilled properly make people darken their eyes to exploit minors.⁸ This internal factor is what drives parents who have no conscience to sacrifice the life and future of their children.⁹

Instances of economic exploitation of street children are prevalent in Indonesia, including notably within the city of Yogyakarta.¹⁰ Examples of the economic exploitation of street children are numerous and can be observed in various situations, such as beggars, buskers, and street vendors.¹¹ The exploitation of these children can be found in several locations in the city of Yogyakarta and mostly in locations that are visited by many tourists or other crowded places. Even if there is a chance, we can see children who are still forced to work even though their bodies are tired and unhealthy anymore and not a few street children are still working at night.

According to the Central Bureau of Statistics, there has been notable growth in the percentage of minors employed as street children. In 2018 there were 1.73% of children are victims of child exploitation in Yogyakarta. This figure increased in 2019 to 2.08%, which then decreased due to the Covid- 19 outbreak in 2020 to 1.91%. After the new normal policy in 2021 from the local government, the number of child exploitation cases increased again to 2.6%. There are 19 beggars in Yogyakarta City, 62 scavengers, 97 street children abandoned by their parents, children who are all almost scattered throughout the Kemantren.¹² The local government has also enacted several regulations governing the issue but there has been no

² Kamila Nur Cahyani, 'Faktor Ekonomi Penyebab Eksploitasi Anak Dalam Tinjauan Hak Asasi Manusia', *LEX et ORDO Jurnal Hukum Dan Kebijakan* 1, no. 1 (2023): 63.

³ Susan Baidawi, Rosemary Sheehan, and Catherine Flynn, 'Criminal Exploitation of Child Protection-Involved Youth', *Children and Youth Services Review* 118 (2020): 2.

⁴ Muh. Imron Abraham, Wulanmas A. P. G Frederick, and Syamsia Midu, 'Perlindungan Hukum Terhadap Eksploitasi Anak Di Bawah Umur Ditinjau Dari Undangundang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002tentang Perlindungan Anak', *Lex Privatum* XI, no. 4 (2023): 3.

⁵ Meivy R Tumengkol, 'Eksploitasi Anak Pada Keluarga Miskin Di Kelurahan Tona I Kecamatan Tahuna Timur Kabupaten Kepulauan Sangihe', *Jurnal Holistik* IX, no. 17 (2016): 3.

⁶ Simone van der Hof et al., 'The Child's Right To Protection Against Economic Exploitation', *The International Journal of Children's Rights* 28 (2020): 834.

⁷ Mara Silvia Pasian, Priscila Benitez, and Carl Lacharité, 'Child Neglect and Poverty: A Brazilian Study', *Children and Youth Services Review* 108 (2020): 2.

⁸ Rahmadany Septian Pratama, Mochamad Adam Fahreza Zein, and Ferrario Mahatamtama Harya, 'Eksploitasi Anak Yang Dijadikan Pengemis Oleh Orangtuanya Dikota Surabaya', *COURT REVIEW:Jurnal Penelitian Hukum* 1, no. 4 (2021): 27.

⁹ Sanja Stanic, 'Exploitation Of Children In The 21st Century – Socially Neglected Childhoods', *Teorija In Praksa* 60, no. 3 (2023): 518.

¹⁰ Vience Ratna Multi Wijaya, 'Tinjauan Yuridis Mengenai Pemberian Perlindungan Hukum Terhadap Anak Korban Eksploitasi Seksual(Kajian Daerah Surabaya Semarang Yogyakarta)', *Hukum Pidana Dan Pembangunan Hukum* 2, no. 2 (2020): 20.

¹¹ Andi Fajar Agusnawan, Hambali Thalib, and Nur Fadhilah Mappaselleng, 'Perlindungan Hukum Terhadap Anak Sebagai Korban Kejahatan Eksploitasi Secara Ekonomi', *Jurnal Lex Generalis* 4, no. 2 (2023): 219.

¹² Dinas Sosial Kota Yogyakarta, 'Data PPKS Dinas Sosial, Tenaga Kerja, Dan Transmigrasi Kota Yogyakarta', 2023.

significant change to the problem of child exploitation in Yogyakarta City. One of the local regulations that regulates the issue is the Yogyakarta Special Region Regulation in Article 21 2014.¹³

This study addresses two primary research questions. The first examines the extent of legal protections offered by the local government to street children in Yogyakarta City who are subjected to economic exploitation. This includes an analysis of the policies, regulations, and mechanisms that have been implemented to safeguard the rights of street children in cases of economic exploitation. Secondly, the study will explore the difficulties encountered by the local authorities in providing legal protection to street children who are victims of economic exploitation in Yogyakarta City. This includes evaluating both internal and external influences that impact the efficacy of policies and identifying practical obstacles that could impede the enforcement of legal protections for vulnerable street children. By examining these factors, the research aims to offer a more comprehensive understanding of the complexities surrounding child exploitation in Yogyakarta and to establish a solid foundation for developing more effective and inclusive policy recommendations.

The novelty of this research is that it provides an original contribution to the study of child exploitation, specifically focusing on the legal protection provided to economically exploited street children in Yogyakarta. While previous studies, such as those by Muhammad Andi Akbar (2020), Alichatus Syarifah (2017), and Isti Rochatun (2011), have also explored aspects of child exploitation among street children using empirical methods.

This research differs from Muhammad Andi Akbar's work, which takes a sociological legal approach, by focusing on the legal protections available to victims of economic exploitation through the lens of criminal law. While Alichatus Syarifah examines the legal protection of child beggars from an Islamic law standpoint, this research broadens its analysis to include various types of street children—such as beggars, street musicians, and vendors—within the criminal law framework.

Additionally, this research departs from Isti Rochatun's investigation into the causes and effects of child exploitation in designated areas for beggars or street children in a specific locale. Instead, it explores the broader issue of how local authorities in Yogyakarta City can effectively ensure legal protection against economic exploitation. The methodology of this thesis is primarily empirical, involving the direct research and investigation of social issues by consulting with and engaging relevant local authorities and communities. This qualitative approach incorporates interviews and discussions with key institutions and individuals, direct observations, and the use of documentation for data collection.

The focus of this research is the legal protection against the economic exploitation of street children in Yogyakarta, addressing the institutional responses and challenges in this area. The research subjects include street children who are economically exploited, as well as significant figures within institutions like the Indonesian Child Protection Commission (*KPAI*) and the Department of Social Affairs, Labor, and Transmigration in Yogyakarta City, who are involved in tackling child exploitation issues.

The legal research materials for this proposal were derived from both primary and secondary legal sources. Primary sources included authoritative laws such as Law No. 35 of 2014 on Child Protection, which provide the foundational legal framework. Secondary sources offered detailed explanations and interpretations of these primary documents, enhancing understanding and analysis.

This research was conducted at key child protection agencies in Yogyakarta City, including the Indonesian Child Protection Commission (*KPAI*) and the Department of Social Affairs,

¹³ Mufti Khakim and Egi Purnomo Ajib, 'Penegakkan Hukum Peraturan Daerah Nomor 01 Tahun 2014 Tentang Penanganan Gelandangan Dan Pengemis Daerah Istimewa Yogyakarta', *Jurnal Citizenship: Media Publikasi Pendidikan Pancasila Dan Kewarganegaraan* 4, no. 1 (2021): 33.

Labor, and Transmigration. Legal materials were gathered through literature reviews performed through visits to the Central Library of the Islamic University of Indonesia for in-depth reading and analysis of critical legal documents, as well as online searches for legal documents. Data collection also involved conducting interviews through question-and-answer sessions or discussions with respondents, and documentation of evidence from statements of research subjects in formats such as images or quotes.

B. Discussion

1. Legal Protection by Yogyakarta City Government Against Street Children Victims of Economic Exploitation

To provide for the legal protection of victims, it is necessary to consider the aspects of victimology to study the nature of victims, victimization, and the process of victimization¹⁴, which is highly pertinent to the study on legal safeguards for street children subjected to economic exploitation in Yogyakarta. By understanding victimization, we can gain in-depth insight into the elements contributing to the exploitation of children as victims. This knowledge is crucial for designing preventive and repressive measures that are more proportionate and comprehensive.¹⁵ Arief Gosita defines victims as individuals who experience physical and emotional harm due to the actions of others that violate human interests and rights. This study classifies street children who face economic exploitation as victims, in line with Gosita's definition.¹⁶ Victimology approaches that study the personality and behavior of victims in the mechanism of crime are highly relevant to this research. These studies highlight the role of the victim in the genesis of crime, the criminological relationship between the victim and the offender, as well as ways to compensate or mitigate the harm suffered by victims of criminal attacks.¹⁷

The victimology perspective is instrumental in evaluating the legal safeguards provided to street children who are victims of economic exploitation in Yogyakarta. In contrast to traditional criminal theory which assesses the defendant's responsibility based on the appropriateness of punishment, victimology emphasizes the importance of considering the actions and circumstances of the victim in determining appropriate and needed protection. The concept of 'protection eligibility' and 'protection needs' proposed by victimology helps to establish a two-dimensional perspective between the state, offender, and victim, which is important in assessing the effectiveness of the Yogyakarta City Government's policies in protecting street children from economic exploitation and ensuring their rights are respected. Victimology examines the relationship between perpetrators and victims in the causes of crime, as well as the impact that exploitation may have on victims. In the realm of legal safeguards for street children subjected to economic exploitation, a victimology approach is important to understand how the legal system can reduce the negative impact of the victim's condition.¹⁸ By focusing on the central role of victims in victimology, this research explores how existing legal protections can be effective in addressing and protecting victims from the impact of crime and ensuring their rights are recognized within the applicable legal framework.

¹⁴ Kanishka Choudhary, 'Victimology And Global Comparison: India, South Korea, And United States', *ILE LAW REPORTER* 1, no. 1 (2023): 26.

¹⁵ Ananda Kurniawan, 'Tinjauan Viktimologis Dan Yuridis Atas Eksploitasi Seksual Terhadap Anak', *DHARMASISYA* 2, no. 1 (2022): 317.

¹⁶ Rika Bherta, 'Perlindungan Anak Sebagai Korban Eksploitasi Seksual', *Jurnal Hukum Caraka Justitia* 1, no. 2 (2021): 85.

¹⁷ A. V. Mayorov, 'Victimology in Russia: Overviewing of the Stages of the Scientific Direction's Development', *Victimology* 8, no. 2 (2021): 110.

¹⁸ Shah Mohammad Omer Faruqe Jubaer et al., 'Victimless Crime and Victimology under Different National Legal System: A Global Approach', *European Scholar Journal (ESJ)*, 2021, 10.

The special protection of children, as stated in Government Regulation (PP) Number 78 of 2021, recognizes children's rights to use public streets as places for creative expression, albeit within the limits of existing laws.¹⁹ The core issue arises when children not only use the streets for activities but also view them as a permanent residence.²⁰ Engaging in economic activities which are unsuitable environments for their development. According to the Child Protection Law, children should grow and develop in environments conducive to their age and needs.²¹

Legal protection refers to efforts made by government or authorities to safeguard the rights of the community through the enforcement of existing laws.²² In Indonesia, child protection is a specific focus within these efforts, governed by the Child Protection Law. Article 1 point 2 of Law No. 35 of 2014 on Child Protection defines child protection as all actions taken to ensure and protect children and their rights to live, grow, develop, and participate fully with human dignity, and to be legally protected from any form of discrimination.²³

The Social, Labor, and Transmigration Office in Yogyakarta City affirms that while children have the right to utilize street facilities creatively, it is crucial that the government also provides appropriate and specialized facilities that ensure streets are not just thoroughfares reserved for motor vehicles or those who can afford to use them. However, acknowledging that streets are not ideal environments for children to grow up in, the government is implementing measures to prevent children from living on or resorting to becoming street children.²⁴ Yogyakarta city government has undertaken several initiatives aimed at providing legal protection for street children who are victims of economic exploitation. These measures include:

a. Vagrants and Beggars (*Gepeng*) in Regional Regulation

Regional Regulation No. 1 of 2014, known as *Perda Gepeng*, was enacted by the government of the Yogyakarta Special Region to address the issue of vagrants and beggars. This legislation aims to ensure the welfare of all Indonesian citizens and protect vulnerable groups, including beggars, who are often victims of economic exploitation. The regulation categorizes beggars, or "*Gepeng*," in Yogyakarta City into three types: Independent *Gepeng*, *Gepeng* organized by certain individuals, and *Gepeng* originating from rural areas. Street children, who are typically exploited economically, fall into the category of *Gepeng* organized by certain individuals, often linked to human trafficking or child exploitation.²⁵

Under the *Gepeng* Regional Regulation, the Yogyakarta Special Region Government has empowered the Social Service to rehabilitate these street children and other beggars through spiritual guidance and skill development. The implementation of this regulation

¹⁹ Syamsul Haling et al., 'Perlindungan Hak Asasi Anak Jalanan Dalam Bidang Pendidikan Menurut Hukum Nasional Dan Konvensi Internasional', *Jurnal Hukum Dan Pembangunan* 48, no. 2 (2018): 364.

²⁰ Ulya Kencana, Yuswalina, and Eza Triyandhy, 'Efektivitas Peraturan Daerah Yang Berkesejahteraan Sosial Di Kota Palembang: Studi Kasus Anak Jalanan, Gelandangan Dan Pengemis Di Masa Pandemi Covid-19', *Jurnal Simbur Cahaya* 27, no. 2 (2021): 75.

²¹ Hari, Anggota Komisi Perlindungan Anak Indonesia Kota Yogyakarta, Perlindungan Khusus Bagi Anak, Khususnya ANak Jalanan, 10 April 2023.

²² Rima Kurniasih and Fakhlur, 'Perlindungan Hukum Terhadap Anak Yang Berhadapan Dengan Hukum Ditinjau Dari Perspektif Hukum Positif', *Jurnal Pro Hukum : Jurnal Penelitian Bidang Hukum Universitas Gresik* 12, no. 1 (2023): 172.

²³ Burhayan, 'Perlindungan Hukum Terhadap Anak Di Bawah Umur Korban Persetubuhan Berdasarkan Undang-Undang Nomor 35 Tahun 2014 Atas Perubahan Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak', *Jurnal Tripantang* 7, no. 1 (2021): 58.

²⁴ Erva Wifata, Kepala Seksi Rehabilitasi Dinas Sosial, Tenaga Kerja dan and Transmigrasi Kota Yogyakarta, Hak - Hak Anak Jalanan, 10 June 2023.

²⁵ Bustanul Arifien Rusydi, 'Manusia Silver Dan Kebijakan Larangan "Pengemis Jalanan": Anomali Implementasi Peraturan Daerah DIY No. 1 Tahun 2014 Di Bantul, Yogyakarta', *IN RIGHT Jurnal Agama Dan Hak Azazi Manusia* 12, no. 1 (2023): 69.

includes four types of rehabilitation: preventive, coercive, rehabilitative, and reintegration, as specified in articles 8, 9, 10, and 13 of the regulation.²⁶

Furthermore, the regulation encourages public awareness by urging people not to give money to street children who are often engaged in begging, busking, or vending. This policy aims to prevent the children from becoming permanently entrenched in street life, whether by their own choice or due to coercion by others. In line with this, the Yogyakarta city government undertakes initiatives based on the constitutional framework provided by the DIY Regional Regulation. These include visiting street environments and collecting data on the number of street children affected by exploitation. Understanding the reasons behind their circumstances allows the government to support these children effectively through social programs and training, promoting a safer and more suitable environment for their growth and development according to their age.

b. Halfway House Program

Halfway houses, established in Yogyakarta City in 1998, serve as an essential initial stage in the city government's efforts to support street children.²⁷ These facilities aim to provide a safe, comfortable, attractive, and enjoyable environment that aligns with the welfare goals outlined in article 34 of the 1945 Constitution of the Republic of Indonesia. The primary mission of these halfway houses is to assist street children, who are often victims of economic exploitation, in addressing their challenges and securing their rights and needs.²⁸ At halfway houses, street children have access to a variety of resources including information about the job market, educational opportunities, and skills training. These facilities are staffed by social workers who adopt curative and rehabilitative approaches to enhance the social functions of the children, helping them to address and overcome the issues associated with life on the streets.²⁹

In terms of legal protection, halfway houses also play a critical role for children who are in conflict with the law. Legal protection for these children involves:³⁰

- 1) Treat children with respect, upholding their inherent dignity and fundamental human rights;
- 2) Provide a social worker as an officer who plays a special role in assisting children;
- 3) Ensure the provision of specialized facilities and infrastructure;
- 4) Regularly track the developmental progress and document of children involved in legal conflicts;
- 5) Provide guarantees to protect and maintain relationships with parents, family or close relatives who are often active or passive perpetrators;
- 6) Protect children in conflict with the law from having their identities reported in the mass media to avoid labeling.

Yogyakarta, a major city in Indonesia, is often targeted by child exploiters who employ children from various regions, many of whom are not originally from Yogyakarta. This diversity in origin complicates the government's efforts to provide legal protection and fulfill

²⁶ Ahmad Syafii Rahman and Amir Mu'allim, 'Local Regulation on Homelessness and Beggars in Yogyakarta: Human Rights and Maqasid of Sharia Perspectives', *Millah: Jurnal Studi Agama* 21, no. 1 (2021): 26.

²⁷ Ridwan Da'I Malarangeng Ruslan and Suryaningsi, 'Pemenuhan Hak Asasi Terhadap Permasalahan Sosial Oleh Pemerintah Daerah Dalam Konsep Rumah Singgah', *Nomos : Jurnal Penelitian Ilmu Hukum* 3, no. 2 (2023): 55.

²⁸ Fikriyandi Putra and Dessy Hasanah, 'Pemberdayaan Anak Jalanan Di Rumah Singgah', *Share Social Work Journal* 1, no. 5 (2015): 58.

²⁹ Rike Elande and Hasanul Mulkan, 'Kebijakan Hukum Pemenuhan Hak Konstitusional Warga Atas Pendidikan Dasar Anak Telantar', *Marwah Hukum* 1, no. 2 (2023): 3.

³⁰ Fransiska Novita Eleanora, Melanie Pita Lestari, and Zulkifli Ismail, 'Keberadaan Rumah Singgah Dalam Pemenuhan Hak-Hak Anak Jalanan', *Jatiswara* 35, no. 3 (2020): 237.

the educational rights of these children, as they are not registered as citizens of Yogyakarta. To address this issue, it is crucial to intensify collaboration between Yogyakarta and the children's home regions. In response, the Yogyakarta city government has established a network to protect street children, which includes the provision of halfway houses and partnerships with existing facilities. Additionally, the government has set up dedicated social institutions that offer longer-term accommodation and care for these neglected children.

c. Raid Program to Rehabilitate street children

The Yogyakarta city government has established clear legal frameworks to protect street children, incorporating specific local regulations and policies that safeguard their rights. As part of these protective measures, the government conducts raid programs aimed at identifying street children subjected to economic exploitation within the Yogyakarta Municipality. These operations involve the collaboration of the municipal police (Satpol PP) and social workers, working in conjunction with the Department of Social Affairs, Labor, and Transmigration.³¹

During these raids, street children are taken to rehabilitation centers where they receive assistance from social workers aimed at fulfilling their legal rights and providing necessary care. The approach to rehabilitation is tailored based on the origin of the children: those from Yogyakarta receive vocational training, while those from outside the city are repatriated to their home regions. Additionally, all street children who are identified as victims of economic exploitation receive social assistance interventions, which may include both financial support and educational resources.³²

Street children who are victims of criminal acts of economic exploitation are secured through the raid program and then given special protection through various efforts, namely:

- 1) Rehabilitation efforts through authorized institutions.
- 2) Maintaining identity of the victims of economic exploitation from the wider community.
- 3) Provide safety guarantees for victims, victim witnesses, and expert witnesses, both in physical and mental protection.

The raid program in Yogyakarta not only aims to provide legal protection and care for street children who are victims of economic exploitation but also targets the apprehension of offenders, enforcing their accountability under Indonesian criminal law.³³ Specifically, under article 76 I of Law Number 35 of 2014 on Child Protection, it is prohibited for anyone to engage in or facilitate the economic and sexual exploitation of children.³⁴ Violations of this law are met with severe repercussions, as detailed in article 88, which prescribes penalties including a maximum of ten years' imprisonment and/or a fine of up to Rp. 200,000,000.00 (two hundred million rupiah). These provisions underscore Indonesia's commitment to safeguarding children's rights and demonstrate the government's readiness to take stringent measures to combat the exploitation of vulnerable children.³⁵

³¹ Sylvi Dewajani, Ketua Komisi Perlindungan Anak Indonesia Kota Yogyakarta, 28 September 2023.

³² Erva Wifata, Kepala Seksi Rehabilitasi Dinas Sosial, Tenaga Kerja dan Transmigrasi Kota Yogyakarta, 10 June 2023.

³³ Zainudin Hasan et al., 'Eksplorasi Anak Jalanan Sebagai Manusia Silver Di Kota Bandar Lampung', *TATOHI Jurnal Ilmu Hukum* 3, no. 4 (2023): 358. Zainudin Hasan et al., 'Eksplorasi Anak Jalanan Sebagai Manusia Silver Di Kota Bandar Lampung', *TATOHI Jurnal Ilmu Hukum* 3, no. 4 (2023): 358.

³⁴ Ismail Sirait, 'Sanksi Hukum Eksploitasi Seksual Terhadap Anak Di Indonesia', *AL-QANUN: Jurnal Kajian Sosial Dan Hukum Islam* 2, no. 2 (2021): 176.

³⁵ Julastri Dwi Rizki and Devi Yulida, 'Penerapan Hukum Menggunakan Metode Ekstensif Konstruktif Hukum Kepada Pelaku Kejahatan Sextortion', *Al-Hakam Islamic Law & Contemporary Issues* 1, no. 1 (2020): 9.

d. Child-Friendly Village Program

The Yogyakarta government actively encourages its residents to report any activities that exploit street children to the authorities, aiming to safeguard these children hence they can grow up healthily and secure their rights to a decent life. In line with these efforts, the government has initiated Child Friendly Programs, including the development of child-friendly villages. This initiative is supported by legal frameworks outlined in Law Number 35 of 2014 concerning Child Protection. Article 59, paragraph (1) of this law mandates that the government, regional governments, authorized institutions, and the community are both authorized and obliged to provide legal protection to children. According to article 59 paragraph (2) of Law Number 35 of 2014 concerning Child Protection explains that legal protection for children as regulated in paragraph (1) is given to children who need legal assistance, such as:³⁶

- 1) Children in emergencies;
- 2) Children in conflict with the law;
- 3) Children who come from minority and isolated groups;
- 4) Children who are victims of economic and/or sexual exploitation;
- 5) Child who become victimized in abuse of narcotics, alcohol, and other addictive substances;
- 6) Child pornography offenses;
- 7) Children infected with the HIV AIDS virus;
- 8) Children who are victims of kidnapping, sale and or trafficking;
- 9) Children who are victims of physical and or sexual violence;
- 10) Children with disabilities;
- 11) Abandoned children, etc

A child-friendly village is a community-based initiative within the Rukun Warga that fosters a collective commitment to protect children's rights and shield them from exploitation, violence, and discrimination continuously.³⁷ These villages benefit from human resources prepared by the Yogyakarta city government, including the deployment of the *sigra* task force, which is tasked with identifying potential violations of children's rights and criminal acts targeting children. The implementation of the Child Friendly Village program is grounded in the mainstreaming of children's rights. It aims to motivate the community to create an environment conducive to children's growth and development and to encourage various stakeholders, both directly and indirectly involved, to take responsibility for fulfilling and safeguarding the rights of children.³⁸

e. Community-based Integrated Child Protection Program

The Yogyakarta city government has established a community-based integrated child protection program, which includes a diverse group of stakeholders such as babinsa (community military personnel), RT (neighborhood) heads, local environmental units, RW

³⁶ Tegar Sukma Wahyudi and Toto Kushartono, 'Perlindungan Hukum Terhadap Hak Anak Yang Menjadi Korban Perlakuan Tindak Kekerasan Dalam Rumah Tangga Dihubungkan Dengan Undang-Undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak', *Jurnal Dialektika Hukum* 2, no. 1 (2020): 79.

³⁷ Sugiyanto and Nyadi Kasmorojo, 'Faktor Pendorong Dan Pengahmbat Kampung Ramah Anak Di Kota Yogyakarta', *Journal of Society Bridge* 1, no. 2 (2023): 35.

³⁸ Agista Siskasari, Awang Darumurti, and Ane Permatasari, 'Sinergitas Pemerintah, Swasta Dan Civil Society Dalam Mewujudkan Kota Layak Anak Di Kota Yogyakarta', *Jurnal Pemerintahan Dan Kebijakan* 1, no. 3 (2020): 179.

(community association) heads, community and religious leaders, and education activists. This initiative aims to raise awareness and understanding among the community to ensure the best legal protection of children's rights, specifically prohibiting any form of child involvement in economic and/or sexual exploitation.

This program targets specific issues based on reports or complaints frequently received by the authorities regarding the economic exploitation of street children. Before implementation, these initiatives undergo thorough observation and evaluation to ensure their effectiveness. The program not only focuses on addressing current cases but also emphasizes preventive measures. This includes educating both families and children living on the streets to prevent the exploitation of children as laborers and protect them from being influenced by adults seeking to exploit them for personal gain.

Moreover, the government is committed to fulfilling various rights of children, including their right to education, leisure, recreation, and creativity. These efforts are directed towards ensuring that children's growth and development proceed in a healthy and conducive environment, free from the pressures and dangers of street labor. This comprehensive approach aims to remove children from harmful street environments and prevent them from undertaking work that is inappropriate for their age and detrimental to their well-being.³⁹

2. Challenges Encountered by the Yogyakarta City Government in Providing Legal Protection

In the effort to provide legal protection for street children who are victims of economic exploitation in Yogyakarta, several challenges have been identified by the community and relevant authorities. These obstacles can arise from the victims themselves, the perpetrators, and even law enforcement agencies. According to information from the Indonesian Child Protection Commission (*KPAI*) in Yogyakarta, the government faces specific difficulties in this area for several reasons:

a. High Mobility of Street Children

According to the Yogyakarta City branch of the Indonesian Child Protection Commission (*KPAI*), many street children in the city are victims of economic exploitation, engaging in activities such as busking, begging, scavenging, selling newspapers, vending on the streets, and performing as 'silver men' among other roles. *KPAI* also reports that many of these children are not native to Yogyakarta but are brought into the city by acquaintances or strangers to work on the streets—work that is inappropriate for their age. These children tend to live in the streets around the Yogyakarta Municipality area, frequently near tourist attractions and places frequented by both tourists and locals. Their high level of mobility makes it challenging for city officials to determine their origins, as some are not permanent residents but merely passing through Yogyakarta. Moreover, these children often move from one crowded area to another to maximize their earnings, lacking a fixed residence or official domicile.⁴⁰

This transient lifestyle poses a significant challenge for the Yogyakarta city government in protecting these children's rights and providing them with legal aid. The *KPAI* points out that the high mobility of these children complicates efforts to safeguard them against exploitation. Many street children are reluctant to stay in shelters or social facilities provided

³⁹ Khoirul Ummatin, 'Kebijakan Proteksi Anak Jalanan Di Kota Yogyakarta Menurut Perspektif Maqasid Syariah', *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 3, no. 1 (2019): 5.

⁴⁰ Hari, Anggota Komisi Perlindungan Anak Indonesia Kota Yogyakarta.

by the government, mistakenly believing that they are being detained as a punitive measure rather than being offered protection from exploitation.

b. Low Learning Interest of Street Children

According to data from the Social, Labor and Transmigration Office of Yogyakarta City, about 97 neglected street children in Yogyakarta work as scavengers (62 children), beggars (19 children), and in other street-related jobs. This number is expected to rise following the end of the COVID-19 pandemic, but exact figures are uncertain due to various internal and external factors. To address this issue, the Yogyakarta City government has enacted Regional Regulation Number 6 of 2011 on the Protection of Children Living on the Street.

Every child, including street children, has the right to an education that aligns with their interests and talents, enabling them to pursue their dreams and contribute to the nation.⁴¹ Financial constraints often force these children onto the streets, preventing them from continuing their education. In response, the Yogyakarta City Government has implemented various educational programs for street children, such as foundations, halfway houses, and child-friendly villages.

However, many street children resist and object to the facilities provided by the Yogyakarta government. They believe the government's efforts to protect their rights do not align with their desires. Most street children reject the government's attempts to provide proper education, which could lead to better job opportunities in the future. Their interest in learning has faded or nearly disappeared due to being exploited by those who profit from their labor. Consequently, when placed in halfway houses and managed by social workers, many street children request to return to their parents, who are often the ones exploiting them.

c. Low Level of Victim Awareness

Street children who are victims of economic exploitation often do not recognize that they are being exploited. As a result, in many cases, these children view the demands of the exploiters as acts of respect and obedience towards older individuals, who are often their closest relatives or family members. According to the author, this lack of awareness is partly due to the low educational levels among street children, which limits their general knowledge. Many of these children believe that fulfilling the orders of their exploiters is an obligation, leading to a situation where there is little to no resistance from the children themselves. This mindset encourages exploiters to persist in using the labor and abilities of street children for personal gain. The main obstacle in providing legal protection for these victims are mentioned as follows:⁴²

- 1) Lack awareness of their victimization;
- 2) Fear of not obeying the commands issued by their exploiters;
- 3) Low level of legal awareness on the part of the victim;
- 4) Materialistic thinking and lifestyle on the part of the victim

d. Regulations Do Not Keep Up with the Development of Society

Legal rules must evolve in line with the development of social phenomena and circumstances. A good law adapts to societal changes, addressing the needs and legal awareness of the people it serves. Laws should not conflict with existing social phenomena, which could create significant issues for the government. For example, Law No. 35 of 2014 defines economic exploitation as the misuse of children's labor for others' benefit, directing

⁴¹ Octafani Rempe et al., "Meninjau Tantangan Dan Hambatan Dalam Pendidikan Anak Jalanan: Studi Kasus Pada Anak-Anak Jalanan Di Kota Makassar," *Jurnal Pendidikan Indonesia* 4, no. 5 (2023): 451.

⁴² Erva Wifata, Kepala Seksi Rehabilitasi Dinas Sosial, Tenaga Kerja dan Transmigrasi Kota Yogyakarta.

them to work they should not be doing. As social conditions evolve, some children, pressured by others or driven by unmet needs, may engage in work voluntarily. Thus, laws must keep pace with these developments. According to *KPAI* Yogyakarta City, those who allow minors to work on the streets can be considered passive perpetrators of economic exploitation. Current local regulations do not address the issue of individuals or groups enabling street children's economic activities.

The existing regulations fail to reflect community concerns. Many witness the exploitation of street children by their parents but do not report it, often because parents claim the children are willingly helping. Regardless of the parents' claims, authorities should impose sanctions, as allowing street children to work constitutes a passive criminal act. Therefore, government laws and regulations need updating to address these issues. The government faces challenges in enforcing protections and penalties related to the economic exploitation of street children as follows:⁴³

- 1) Lack of law enforcement personnel;
- 2) The limited ability of law enforcers to deal with these issues;
- 3) Limited facilities and infrastructure used by law enforcement in dealing with these issues.
- 4) The existence of victims who are still minors;
- 5) Uncooperation from Criminal justice authorities;
- 6) A limited comprehension among law enforcement regarding the analysis and handling of child exploitation cases.

e. Low Level of Legal Awareness of Perpetrators

Another challenge the government faces in providing legal protection for street children who are victims of economic exploitation is the resistance from their parents or families. Many parents believe that when the government or authorities intervene to help the child, they fail to address the underlying economic difficulties faced by the family. This belief is often rooted in low educational levels, leading to a lack of understanding about the legal rights of street children. Parents who exploit their children argue that the government has no right to remove the child from the streets or place them in shelters because it does not offer a viable economic alternative, thereby failing to address the poverty that drives child exploitation. Several factors lead parents to employ their children, including economic hardship and lack of education. One notable case handled by *KPAI* Yogyakarta City involves children known as "silver men" or "silver children" because they cover themselves in silver paint. These children are typically minors, identifiable by their small stature and youthful appearance. Most of these silver children are either junior high school students or school dropouts. To address this issue, *KPAI* Yogyakarta City collaborates with the Yogyakarta City Social, Labor, and Transmigration Office. However, efforts are often thwarted when social workers encounter street children who claim that their work is organized by individuals or groups promising financial benefits, making them reluctant to leave. According to the Yogyakarta City Social, Labor, and Transmigration Office, these children can earn approximately 150,000 to 250,000 rupiah per day.⁴⁴

The obstacles arising from the perpetrator who is the subject or person who plays the main role in the case of the problem of economic exploitation of street children. There are several obstacles arising from the perpetrator in fulfilling legal protection for victims and law enforcement against perpetrators, which are as follows:

- 1) The perpetrator's lack of knowledge about the position of the child victim;

⁴³ Sylvi Dewajani, Ketua Komisi Perlindungan Anak Indonesia Kota Yogyakarta.

⁴⁴ Erva Wifata, Kepala Seksi Rehabilitasi Dinas Sosial, Tenaga Kerja dan Transmigrasi Kota Yogyakarta.

- 2) The low economic level of the perpetrator encourages him to become a perpetrator of child exploitation;
- 3) Materialistic thinking and lifestyle on the part of the perpetrator;
- 4) Low level of legal awareness on the part of the perpetrator.

C. Conclusion

The Yogyakarta City government has long upheld the rights of children through various initiatives designed to restore the dignity of street children who have fallen victim to economic exploitation. These initiatives include the establishment of a Halfway House aimed at providing these children with safe living conditions and rehabilitation for their violated rights. Additionally, a raid program has been implemented to ensure that street children are secured and receive proper care from social workers. Furthermore, the child-friendly village initiative has been introduced to create secure environments conducive to the healthy growth and development of children. In collaboration with the community, a community-based integrated child protection program educates both authorities and local people on the necessity of legal protections for minors, particularly those exploited in the streets. Supporting these initiatives, the Yogyakarta Provincial Regulation No. 1 of 2014 on Handling Vagrants and Beggars, commonly known as the *Gepeng* Regional Regulation, reinforces the city's commitment to these efforts. However, the local government faces several challenges in enforcing these protections, primarily due to both internal and external factors. Internally, issues such as the high mobility of street children, their disinterest in educational opportunities, a lack of legal awareness among perpetrators, and the children's own unawareness of their victim status complicate intervention efforts. Externally, the existing legal frameworks are often perceived as outdated and inadequate for addressing the current societal needs, which sometimes leads to misalignment between the law's application and the community's conditions.

D. Suggestion

The Yogyakarta City government and relevant authorities must intensify their efforts to address the economic exploitation of street children. It is imperative that they focus on individuals or groups who knowingly violate laws and societal norms by exploiting these vulnerable minors. The government and these institutions are duty-bound to educate the public on existing laws and regulations that prohibit such exploitation. Effective collaboration between various agencies is crucial to combat and reduce the incidence of this social issue. Furthermore, the implementation of stringent sanctions is necessary not only for those who directly employ street children for economic gain but also for individuals who perpetuate this cycle by financially encouraging these practices. To strengthen local child protection systems, the Yogyakarta city government must ensure that penalties reflect the severity of the offenses and uphold legal protections for the rights of children. A key strategy in preventing such exploitation is the creation of more job opportunities, thereby addressing the root cause: poverty. This approach will help divert adults from exploiting street children by providing them with legitimate means to earn a living. By addressing these fundamental issues, the Yogyakarta city government can make significant strides in safeguarding the welfare of its youngest citizens.

References

- A. V. Mayorov. 'Victimology in Russia: Overviewing of the Stages of the Scientific Direction's Development'. *Victimology* 8, no. 2 (2021).
- Agista Siskasari, Awang Darumurti, and Ane Permatasari. 'Sinergitas Pemerintah, Swasta Dan Civil Society Dalam Mewujudkan Kota Layak Anak Di Kota Yogyakarta'. *Jurnal Pemerintahan Dan Kebijakan* 1, no. 3 (2020).
- Ahmad Syafii Rahman and Amir Mu'allim. 'Local Regulation on Homelessness and Beggars in Yogyakarta: Human Rights and Maqasid of Sharia Perspectives'. *Millah: Jurnal Studi Agama* 21, no. 1 (2021).
- Ananda Kurniawan. 'Tinjauan Viktimologis Dan Yuridis Atas Eksploitasi Seksual Terhadap Anak'. *DHARMASISYA* 2, no. 1 (2022).
- Andi Fajar Agusnawan, Hambali Thalib, and Nur Fadhilah Mappaselleng. 'Perlindungan Hukum Terhadap Anak Sebagai Korban Kejahatan Eksploitasi Secara Ekonomi'. *Jurnal Lex Generalis* 4, no. 2 (2023).
- Burhayan. 'Perlindungan Hukum Terhadap Anak Di Bawah Umur Korban Persetubuhan Berdasarkan Undang-Undang Nomor 35 Tahun 2014 Atas Perubahan Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak'. *Jurnal Tripantang* 7, no. 1 (2021).
- Bustanul Arifien Rusydi. 'Manusia Silver Dan Kebijakan Larangan "Pengemis Jalanan": Anomali Implementasi Peraturan Daerah DIY No. 1 Tahun 2014 Di Bantul, Yogyakarta'. *IN RIGHT Jurnal Agama Dan Hak Azazi Manusia* 12, no. 1 (2023).
- Fikriyandi Putra and Dessy Hasanah. 'Pemberdayaan Anak Jalanan Di Rumah Singgah'. *Share Social Work Journal* 1, no. 5 (2015).
- Fransiska Novita Eleanora, Melanie Pita Lestari, and Zulkifli Ismail. 'Keberadaan Rumah Singgah Dalam Pemenuhan Hak-Hak Anak Jalanan'. *Jatiswara* 35, no. 3 (2020).
- Friska Anggi Siregar and Muslem. 'Eksploitasi Anak Di Ruang Media; Sebuah Tinjauan Hukum'. *Al-Qadha: Jurnal Hukum Islam Dan Perundang-Undangan* 9, no. 1 (2022).
- Ismail Sirait. 'Sanksi Hukum Eksploitasi Seksual Terhadap Anak Di Indonesia'. *AL-QANUN: Jurnal Kajian Sosial Dan Hukum Islam* 2, no. 2 (2021).
- Jubaer, Shah Mohammad Omer Faruqe, Lipa Hoque, Fayzur Rahman, Aditi Moumi, and Bishal Deb. 'Victimless Crime and Victimology under Different National Legal System: A Global Approach'. *European Scholar Journal (ESJ)*, 2021.
- Julastri Dwi Rizki and Devi Yulida. 'Penerapan Hukum Menggunakan Metode Ekstensif Konstruktif Hukum Kepada Pelaku Kejahatan Sextortion'. *Al-Hakam Islamic Law & Contemporary Issues* 1, no. 1 (2020).
- Kamila Nur Cahyani. 'Faktor Ekonomi Penyebab Eksploitasi Anak Dalam Tinjauan Hak Asasi Manusia'. *LEX et ORDO Jurnal Hukum Dan Kebijakan* 1, no. 1 (2023).
- Kanishka Choudhary. 'Victimology And Global Comparison: India, South Korea, And United States'. *ILE LAW REPORTER* 1, no. 1 (2023).
- Khoirul Ummatin. 'Kebijakan Proteksi Anak Jalanan Di Kota Yogyakarta Menurut Perspektif Maqasid Syariah'. *Ulul Albab: Jurnal Studi Dan Penelitian Hukum Islam* 3, no. 1 (2019).
- Mara Silvia Pasian, Priscila Benitez, and Carl Lacharité. 'Child Neglect and Poverty: A Brazilian Study'. *Children and Youth Services Review* 108 (2020).

- Meivy R Tumengkol. 'Eksplorasi Anak Pada Keluarga Miskin Di Kelurahan Tona I Kecamatan Tahuna Timur Kabupaten Kepulauan Sangihe'. *Jurnal Holistik* IX, no. 17 (2016).
- Mufti Khakim and Egi Purnomo Ajib. 'Penegakkan Hukum Peraturan Daerah Nomor 01 Tahun 2014 Tentang Penanganan Gelandangan Dan Pengemis Daerah Istimewa Yogyakarta'. *Jurnal Citizenship: Media Publikasi Pendidikan Pancasila Dan Kewarganegaraan* 4, no. 1 (2021).
- Muh. Imron Abraham, Wulanmas A. P. G Frederick, and Syamsia Midu. 'Perlindungan Hukum Terhadap Eksploitasi Anak Di Bawah Umur Ditinjau Dari Undang-undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002tentang Perlindungan Anak'. *Lex Privatum* XI, no. 4 (2023).
- Octafani Rempe, Muh. Yusril Ilyas, Ahmad Fajri Shafwan, Muhammad Syukur, and Ibrahim Arifin. 'Meninjau Tantangan Dan Hambatan Dalam Pendidikan Anak Jalanan: Studi Kasus Pada Anak-Anak Jalanan Di Kota Makassar'. *Jurnal Pendidikan Indonesia* 4, no. 5 (2023).
- Rahmadany Septian Pratama, Mochamad Adam Fahreza Zein, and Ferrario Mahatamtama Harya. 'Eksplorasi Anak Yang Dijadikan Pengemis Oleh Orangtuanya Dikota Surabaya'. *COURT REVIEW:Jurnal Penelitian Hukum* 1, no. 4 (2021).
- Ridwan Da'I Malarangeng Ruslan and Suryaningi. 'Pemenuhan Hak Asasi Terhadap Permasalahan Sosial Oleh Pemerintah Daerah Dalam Konsep Rumah Singgah'. *Nomos : Jurnal Penelitian Ilmu Hukum* 3, no. 2 (2023).
- Rika Bherta. 'Perlindungan Anak Sebagai Korban Eksploitasi Seksual'. *Jurnal Hukum Caraka Justitia* 1, no. 2 (2021).
- Rike Elande and Hasanul Mulkan. 'Kebijakan Hukum Pemenuhan Hak Konstitusional Warga Atas Pendidikan Dasar Anak Telantar'. *Marwah Hukum* 1, no. 2 (2023).
- Rima Kurniasih and Fakhlur. 'Perlindungan Hukum Terhadap Anak Yang Berhadapan Dengan Hukum Ditinjau Dari Perspektif Hukum Positif'. *Jurnal Pro Hukum : Jurnal Penelitian Bidang Hukum Universitas Gresik* 12, no. 1 (2023).
- Sanja Stanic. 'Exploitation Of Children In The 21st Century – Socially Neglected Childhoods'. *Teorija In Praksa* 60, no. 3 (2023).
- Simone van der Hof, E. Lievens, I. Milkaite, V. Verdoodt, T. Hannema, and T. Liefwaard. 'The Child's Right To Protection Against Economic Exploitation'. *The International Journal of Children's Rights* 28 (2020).
- Sugiyanto and Nyadi Kasmorojo. 'Faktor Pendorong Dan Penghambat Kampung Ramah Anak Di Kota Yogyakarta'. *Journal of Society Bridge* 1, no. 2 (2023).
- Susan Baidawi, Rosemary Sheehan, and Catherine Flynn. 'Criminal Exploitation of Child Protection-Involved Youth'. *Children and Youth Services Review* 118 (2020).
- Syamsul Haling, Paisal Halim, Syamsiah Badruddin, and Hardianto Djanggih. 'Perlindungan Hak Asasi Anak Jalanan Dalam Bidang Pendidikan Menurut Hukum Nasional Dan Konvensi Internasional'. *Jurnal Hukum Dan Pembangunan* 48, no. 2 (2018).
- Tegar Sukma Wahyudi and Toto Kushartono. 'Perlindungan Hukum Terhadap Hak Anak Yang Menjadi Korban Perlakuan Tindak Kekerasan Dalam Rumah Tangga Dihubungkan Dengan Undang-Undang Nomor 35 Tahun 2014 Tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 Tentang Perlindungan Anak'. *Jurnal Dialektika Hukum* 2, no. 1 (2020).
- Ulya Kencana, Yuswalina, and Eza Triyandhy. 'Efektivitas Peraturan Daerah Yang Berkesejahteraan Sosial Di Kota Palembang: Studi Kasus Anak Jalanan, Gelandangan Dan Pengemis Di Masa Pandemi Covid-19'. *Jurnal Simbur Cahaya* 27, no. 2 (2021).

Vience Ratna Multi Wijaya. 'Tinjauan Yuridis Mengenai Pemberian Perlindungan Hukum Terhadap Anak Korban Eksploitasi Seksual(Kajian Daerah Surabaya Semarang Yogyakarta)'. *Hukum Pidana Dan Pembangunan Hukum* 2, no. 2 (2020).

