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Legal Protection for the Rights of Children Exploited as Beggars

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ABSTRACT

Exploitation of children who are used as beggars is an action that is contrary to one of the rights of children that has been regulated in the constitution or law. The basic rules that serve as guidelines for protecting children's rights are the 1945 Constitution article 28B paragraph (2), the Law on Child Welfare, and the Law on Child Protection. This research was taken from the problems of children who become beggars in Pekalongan Regency. By using empirical juridical research with a statutory approach, conceptual approach and qualitative approach. The results of this research is that legal protection efforts carried out by the Regional Government of Pekalongan Regency only take the form of handling. There are no basic regulations regarding the protection of children who are used as beggars so no legal action has been provided. So there is a need for regional regulations regarding legal protection for children, especially protection for children who are exploited as beggars, so that it becomes the basis for the government in taking policies to provide legal protection for children who are the victims of exploitation.

Keywords : Children's Rights ; Child Exploitation ; Legal Protection ;

ABSTRACT

Exploitation of children who are used as beggars is an action that is contrary to one of the rights of children that has been regulated in the constitution or law. The basic rules that serve as guidelines for protecting children's rights are the 1945 Constitution, Article 28B paragraph (2), the Law on Child Welfare, and the Law on Child Protection. This study discusses about underlying factors, Protection law, and implications law to exploitation child as beggar. Method study is an empirical juridical with a legislative approach, a conceptual approach, and a qualitative approach. The results of the study indicate that in the legal protection efforts carried out by the Pekalongan Regency Regional Government, it is only in the form of handling. There are no basic rules regarding the protection of children who are used as beggars so that no legal efforts have been given. So that the need for regulation area about protection law to child specifically protection to exploited children as beggar, to become base government in take policy For give protection law to children who are victims of exploitation

Keywords: *Child Exploitation ; Children 's Rights ; Legal Protection*

Introduction

In Indonesia, the practice of child exploitation as beggars remains a serious problem affecting a number of children. Children involved in this practice often come from communities living in extreme poverty , and they see begging as the only way to meet their basic needs. This exploitation practice clearly violates children's rights as guaranteed by the Indonesian constitution and the UN Convention on the Rights of the Child, which recognizes the right of children to live in a safe environment, receive an adequate education, and be protected from exploitation. Although a legal framework is in place, its implementation is often hampered by a number of factors, including the inability of children to access the justice system, a lack of awareness of children's rights, and challenges in identifying and addressing cases of child exploitation as beggars. In addition, the problem is not evenly distributed across Indonesia, with poorer areas tending to have higher rates of child exploitation as beggars. The Indonesian government has attempted to address this problem through the development of policies, training programs, and collaboration with NGOs and international agencies, but challenges in implementing and monitoring policies remain. Therefore, this study aims to analyze the existing legal framework in Indonesia in protecting the rights of children exploited as beggars, identify obstacles in law enforcement, and analyze efforts that can be improved to provide better protection for children at risk of this exploitation practice.

In Indonesia itself, children's rights are protected by the legal system. This issue has been set out in a number of public and universal regulations and the protection of children's rights. In the UN Convention or "*Convention on the Right of the child* " which deals with issues related to children's rights worldwide, was then enacted in the Presidential Decree (KEPPRES) 1990. The convention is expected to protect and uphold children's rights in various parts of the world.

In the Indonesian constitution, namely the 1945 Constitution, it is stated in Chapter XA in Article 28B paragraph (2) that "every child has the right to live, grow and develop properly, and be free from acts of violence and discrimination ". So it can be said that child exploitation is an act that violates children's rights because this act is an act of violence and discrimination that can interfere with the normal growth and development of children (Waluyudi , 2009. p. 4).

At this time the phenomenon of children being exploited as beggars is no longer a strange thing, including in Pekalongan Regency itself, children are often found to be beggars with their parents. This phenomenon is usually often found in crowded places in Pekalongan Regency such as markets, Alun-alun, along the *street food* .

It seems that the provision of legal protection for children's rights has not been implemented properly in Pekalongan Regency, seeing that there are still children who are exploited as beggars by their parents . The child's growth period is a process that should be protected from all kinds of actions that can interfere with the child's

development, therefore, children's rights must be protected such as: getting an education, playing, and health care, etc. (Pratama, 2020, p. 24). However, the economic situation of their parents causes the loss of some of the children's rights. One example of a violation of children's rights is when parents use their children as beggars.

Providing protection for children's rights is the obligation of all parties. As regulated in Law Number 30 of 2014 concerning Child Protection which states in article 23 that: "The State, Government, and Regional Government are obliged and responsible for providing protection for children". So this requires awareness from all parties involved that child protection is part of their obligations .

The problem of protecting children exploited as beggars is a fairly complex problem, and can result in ongoing problems. Therefore, this problem needs to be resolved together. In order to realize children's rights and a child protection system that is still ignored. This situation is a complex problem for the government at this time, especially for the Pekalongan Regency Government because children who are beggars by their parents are still often found who need government attention.

Method

This research is an empirical legal research or field research. There are 3 (three) research approaches used, namely: the statute approach . *approach*), conceptual approach (*conceptual approach*), and qualitative approach. By using data collection techniques in the form of observation, interviews, and documentation . Data obtained from results interview from informant namely Social Services and Beggars staff along with children . After finding the information and data sought, qualitative data analysis will be carried out using the interactive model from Miles and Huberman , including : Data reduction, Data presentation, and Conclusions and Withdrawal or Verification (Miles and Huberman, 2014, p. 14). Qualitative analysis techniques with this interactive model aim to obtain a picture of legal protection for the rights of children exploited as beggars by their parents in Pekalongan Regency and its implications for the fulfillment of children's constitutional rights.

Discussion

1. Factors Behind the Exploitation of Children as Beggars

The phenomenon of child exploitation by being made into beggars by their own parents is often encountered by the author in Pekalongan Regency. Such as in crowded places on the streets. food , town square, market, etc. Then to find out more about the background and factors of child exploitation in Pekalongan Regency, the author managed to interview one of the beggars and his child, Mr. Rokhim and Savira. From the informant's statement, it was conveyed that the informant included his child in begging due to low economic factors so that the child was expected to help his parents to earn money. This was conveyed by Mr. Rokhim when interviewed: " *I actually feel sorry for my own child if he joins begging walking far and hot , but what else can I do, this is my job, otherwise I can't support my family. The most important thing is that I still support my child and send him to school*". This is one example that

the role of the family or parents greatly influences a child's personality, even though a child's intention is to help their parents .

Factors that influence the exploitation of children as beggars include :

a. Poverty factor

The low economic status of parents causes many shortcomings so they have to work whatever they can. For poor families, the income from begging with their children is enough to meet their daily needs. Usually Mr. R and his son S beg to adjust when S comes home from school, then they work, in working as beggars the income they get is uncertain every day. As explained by Savira as follows:

"If I beg for work, I want to help my father, I feel sorry for him so there will be someone to help me, I want to help my younger siblings too."

Meanwhile, according to information from Mr. R, he did not receive any social assistance from the sub-district or the government. This is a problem related to the uneven distribution of social assistance provided by the government.

According to data, the number of poor people in Pekalongan Regency in 2021 was 95.26 people, and in 2022 it reached 87.53 people. ¹This causes problems with economic factors that can cause children to have to work to help their parents. Poverty will have a negative impact on the growth and development of children, one of which is working by begging to help their family survive.

b. factors and low parental income

Unemployment problems often occur because of the limited number of jobs available, even if there are, they must have special abilities or skills. However, the problem is that these parents do not have these skills. This is because on average, these parents are poorly educated so they do not have the abilities/skills that meet the qualifications for the job. So these parents are forced to work odd jobs or whatever work is in accordance with their abilities.

Children who become beggars in Pekalongan Regency themselves have been poor families since they were born. So that poverty makes children pushed to go down to the streets and look for money by begging. The income of parents is sometimes uncertain which is not enough to meet the needs of their families. As explained by informant Mr. R:

"I beg every day from 11.00 - 15.00 WIB , sometimes I can get 80,000 to 100,000, then at night I beg again from 19.30 - 21.00, sometimes I can get around 50,000 ."

Based on this confession, it seems that the author can understand that the work of beggars with their children provides sufficient income to meet family needs compared to other jobs, which is why this work is carried out continuously with their children.

c. Low parental education factor

¹Social Service, "Number of Poor People in Pekalongan Regency in 2021 and 2022", <https://data.jatengprov.go.id/dataset/jumlah-penduduk-miskin-di-kabupaten-pekalongan> , (Accessed on July 17, 2023) .

Low parental education results in a lack of understanding regarding the importance of education for a child. Their lack of understanding of the meaning of education causes parents to exploit their children as beggars.

This low level of parental education results in children having to give up or sacrifice time for their education to be neglected . These parents do not seem to know the importance of education for their children's future. Children go to school in the morning and then after that they work begging until night. Parents do not seem to think about the importance of children's study time, children's play time, and children's rest time.

Most parents in Pekalongan Regency who exploit their children as beggars do not know and understand the regulations related to child exploitation. This was conveyed by Mr. R when interviewed:

"I don't know much about the legal regulations, especially regarding children who are not allowed to work to help their parents . These regulations can only regulate but cannot help," said Mr. Rokhim.

In general, child exploitation is carried out by the closest people, namely their own parents. Therefore, it is necessary to carry out guidance, development, and protection for children. It is expected that the community, as well as religious institutions, non-governmental organizations, social organizations, educational institutions, and local governments will play a role in this action.

Here is the data from Dinas Social regarding the number of children exploited as beggars in Regency Pekalongan :

Number	Year	Man	Woman	Amount
1.	2019	5	4	9
2.	2020	3	4	7
3.	2021	3	3	6
4.	2022	3	1	4

Table 2.1 Number of Child Beggar Data in Pekalongan Regency

From the data, it is child beggars that the Social Service has handled, the rest may still be some that have not been recorded and handled by the Social Service, but the Regional Government will continue to make maximum efforts to handle the exploitation of child beggars in Pekalongan Regency.

Considering that childhood is a growth process both physically and psychologically, children must be free from various behaviors/actions that interfere with their growth and development. So that children's rights must be fulfilled and guaranteed. But in fact, social, economic, and cultural conditions make them lose their rights . Like the state of the data table above, not a few children lose their rights who are exploited as beggars. Seeing conditions like this is very concerning. But on the one hand, conditions like this may be coercion or circumstances that must be done for people who have low welfare.

2. Forms of Protection Provided by the Pekalongan Regency Social Service Against the Exploitation of Children as Beggars

Regarding protection against exploitation of children as beggars in Pekalongan Regency, it is carried out due to the low level of family welfare and low level of parental education. So that the Regional Government coordinates and cooperates with several related parties, one of which is the Pekalongan Regency Social Service. In handling this case, the form of protection provided by the Social Service is to strive for the welfare of the family of children exploited as beggars and provide guidance.

Efforts made by the Pekalongan Regency Social Service to protect children who become beggars by their parents are guided by the SOP (Standard Operating Procedure) in handling child beggars. This was conveyed directly by Mr. Reza Kurniawan as a staff of the Social Rehabilitation Division.

The following forms of treatment provided can be explained as follows: 1) Control/Data Collection of children who become beggars, in this case the Social Service coordinates with Satpol PP to control children who become beggars; 2) Rehabilitation at the "Wisma Sejahtera" Shelter owned by the Pekalongan Regency Social Service. Here the children who become beggars and their parents given temporary housing to be given rehabilitation /guidance/coaching so that parents and children are able to carry out their roles according to their functions; 3) Initial Assessment, here the parents who make their children beggars are brought together to be given further assistance/protection; 4) Guidance and Coaching, the Social Service has the responsibility to provide guidance and coaching to children and their parents who become beggars, the guidance is carried out by social worker guidance which will provide counseling, motivation, mental spirituality, and parenting knowledge for children that is correct, and for parents are given work skills and expertise according to the interests and talents of the parents; 5) The provision of Social Assistance or Social Security is intended so that after leaving the halfway house, parents do not carry out child begging again. The assistance provided by the Minister of Social Affairs is in the form of PKH (Family Hope Program), BST (Cash Social Assistance), YAPI Assistance (Orphanage Social Assistance), to less prosperous families; 6) Evaluation or Monitoring, after the social assistance is given, whether the recipients of the assistance are treated appropriately or not.

Based on the description above, efforts to handle the exploitation of children as beggars by parents have been carried out in accordance with the SOP of the Pekalongan Regency Social Service regarding the handling of child beggars which is based on several national legal regulations. However, usually the provision of protection and handling efforts for the exploitation of children as beggars is only temporary. Because parents do not use social assistance and job training skills properly. Then after that they continue to do begging work by involving their children again. So according to researchers, this kind of mindset is difficult to change by parents who exploit their children as beggars because there is no firmness in this action. Therefore, strict legal protection is needed for children who are exploited as beggars as well as strict legal consequences for parents who exploit their children as beggars.

3. Legal Protection Against Exploitation of Children as Beggars in Pekalongan Regency

Legal protection for children is one of the manifestations /implementations of justice in society, so child protection is attempted/tried in various aspects of national and community life. Acts of protection for children have legal consequences, both in relation to written and unwritten laws. So that what guarantees protection for children is the law (Gultom, 2014, p. 35).

Basically, everyone has the right to a legal relationship that is definitely protected, the form or effort of legal protection can be interpreted as protecting or guarding against something that is weak and dangerous (Hadjon , 1987, p. 25). Thus, the law is interpreted as providing protection for the rights of every person that are not fulfilled. Then Satjipto Rahardjo explains that legal protection is a form of protection/protection against human rights that are violated by other parties and this protection is given to the community so that they can feel their rights granted by law (Rahardjo, 2000, p. 53). So it can be concluded that the government's efforts/forms in carrying out its obligations are by guaranteeing legal certainty to fulfill the rights of every citizen in accordance with applicable regulations.

The Pekalongan Regency Government in implementing legal protection for exploited children is required to be guided by the universal Law on Child Protection, including Presidential Decree (KEPPRES) Number 36 of 1990 which was ratified by the United Nations (UN) Convention on the Rights of the Child, then Law Number 30 of 2014 Amendment to Law Number 23 of 2002 concerning Child Protection, and Law Number 4 of 1979 concerning Child Welfare.

In Pekalongan Regency itself, there is no specific policy that regulates the protection of children, especially children who are exploited as beggars. However, there are several regional regulations which in it discusses children with social problems and violence against children which touches on the prohibition of child exploitation. Among them are:

a. Pekalongan Regency Regional Regulation Number 4 of 2014 Concerning the Implementation of Protection for Victims of Gender-Based Violence and Children.

In Chapter IV Regarding the forms of violence contained in Article 5 paragraph (2) letter c, one form of violence is mentioned as " exploitation ". Then explained in Article 10, what is meant by exploitation is *"acts that exploit the economy or sexual for the benefit of oneself or others, actions with/without the consent of the victim in the form of but not limited to prostitution, forced labor or service, slavery, or similar practices, physical, sexual exploitation, or exploiting someone's energy or ability in order to gain material/ immaterial benefits "*.

In this Regional Regulation, the Regional Government seeks to provide protection for children, as stated in Article 4 paragraphs (1), (2), and (3) which explain that: Paragraph (1) *"provides data and information about gender and children in accordance with statutory regulations, provides education about anti-gender-based violence and violence against children values, carries out outreach*

related to the implementation of protection against gender-based violence and violence against children" .

It can be said that in the PERDA, the efforts provided are only in the form of providing data information and providing socialization. There have been no firm legal protection efforts regarding acts of exploitation of children as beggars in the regulation. So that it is necessary to explain the legal protection efforts in accordance with the law. In order to make it easier for law enforcers to take the basis of policy.

b. Pekalongan Regency Regional Regulation Number 5 of 2017 concerning the Implementation of Social Welfare.

In the seventh part regarding the Implementation Social Welfare for Children with Problems is contained in Article 25 points (1) and (2) which states that *"Everyone is prohibited from neglecting, committing acts of violence and/or exploitation against children" and "Everyone is prohibited from employing children under age for work as regulated in the provisions of laws and regulations"*.

In addition, the Regional Government's efforts to provide legal protection for children are also contained in Article 27 paragraph (1), the implementation of which is in the form of: *care and foster care; health services and nutritional improvement; education and recreation services; psychosocial therapy; provision of safe houses; social rehabilitation ; social assistance; population administration and civil registration services; legal aid services; etc.*

However, according to researchers, these efforts have not been explained in detail. Protection in the form of care and nurturing is only carried out when the child is in a halfway house and it is only temporary. Furthermore, the provision of safe houses for children has not been realized in Pekalongan Regency. So these efforts can be said to be less than optimal. There is a need for guarantees of care and nurturing as well as safe homes for children who are exploited as beggars so that they can live according to decent standards. With this, it becomes the responsibility of the Pekalongan Regency Government to realize this.

Universal child protection that regulates the forms of child exploitation, efforts made, and sanctions given. Among them are:

a. Law Number 4 of 1979 Concerning Child Welfare

In Article 2 paragraph (3) and (4) which explains that: *"children have the right to care and protection, both while still in the womb and after birth" . And "children have the right to protection against the environment that can endanger or inhibit normal growth"*. So that these regulations can be used as a basis for thinking in efforts to provide protection and justice regarding child welfare.

It can be said in this law that children have the right to protection from an environment that can endanger them and disrupt their growth and development. So it can be concluded that exploitation of children who are made beggars by their parents is an action that must be protected as early as possible, because this action is a job that can endanger children that can disrupt the child's psyche and mentality which can hinder the child's growth and development properly.

b. Law Number 35 of 2014 Amendment to Law Number 23 of 2002 Concerning Child Protection

Article 76 I states that *"Everyone is prohibited from placing, allowing, carrying out, ordering or participating in economic or sexual exploitation of children."*

The article also mentions that the prohibition against parties/people who involve children to carry out exploitation, either economically or sexually. So it can be said that this is a prohibition against people who exploit children even though the person is their own parent.

However, if after the protection efforts for the child have been carried out. However, the parents still do not have the awareness to continue exploiting their children, then the local government seeks the last protection, namely criminalizing the parents or with compensation given to the party exploiting the child as stated in article 88 stating that *"Any person who violates the provisions as referred to in article 76I, shall be punished with imprisonment for a maximum of 10 (ten) years or a maximum fine of Rp200,000,000; (two hundred million rupiah).*

The article explains the sanctions/criminals for anyone who exploits children. However, in Pekalongan Regency itself, the regulation has not been implemented firmly. This was conveyed directly by Mr. Reza: *"Regarding sanctions or criminal penalties, we have not implemented them because there are no regional regulations that serve as a basis for explaining the sanctions and criminal penalties. We are only trying to make efforts in handling the child so that he can live and carry out his social function."*

So it can be concluded that in this case, acts of exploitation against children, especially children who are exploited as beggars by their parents in Pekalongan Regency, legal protection efforts have not yet reached the realm of law enforcement such as the police and courts.

c. Law Number 39 of 1999 concerning Human Rights

Legal protection for children is also regulated in the law on human rights. Because child exploitation is an act that violates children's rights, which are also regulated in the rules. In article 64, it states that *"Every child has the right to receive protection from economic exploitation activities and any work that endangers him, so that it can interfere with his education, physical health, morals, social life, and mental spirituality."*

If, in the implementation of legal protection, various forms of measures have been provided as explained above, but parents still exploit their children, a solution will be taken, namely the child will be taken over by the state or the child may be cared for and adopted by someone else.

This is in accordance with Law Number 39 of 1999 concerning Human Rights, which is contained in Article 56 number (2) which states that: *"In this case, the child's parents are unable to raise and care for their child properly and in accordance with this law. Then the child may be cared for or adopted as someone else's child in accordance with statutory regulations . "*

However, according to Mrs. Reni Social Rehabilitation staff of the Pekalongan Regency Social Service stated that the effort was quite difficult because the parents felt entitled to their children because the children were their own children who had to help their parents with economic needs, so that criminalization of parents or compensation/sanctions or taking over the children were often denied by the parents who made their children beggars. This made the Pekalongan Regency government have difficulty in handling the case.

Thus, according to the researcher, there is a need for legal certainty to be given to acts of exploitation of children who are used as beggars. The Regional Government needs to create a Regional Regulation on Child Protection where It regulates the handling of exploited children, the efforts made, and the sanctions given. So that the PERDA is in line with the law and can be used as a legal basis for taking action.

4. Implications in Fulfilling Children's Constitutional Rights

Every human being is given by God, namely Human Rights, these rights are obtained because of their dignity as human beings. The concept of human rights is stated in The 1945 Constitution contained in several articles 28A-28J in Chapter XA on Human Rights regarding constitutional guarantees for all citizens, This understanding is intended to be able to provide limitations on the government on one side so as not to exercise power arbitrarily and provide guarantees of rights for all citizens. Various basic rights regulated by the constitution such as the right to live, grow, and develop, the right to freedom , the right to equality in life. So that these rights can be stated as constitutional rights that should be obtained by every citizen (Krisnawaty , 2012, p. 25).

The constitutional rights of children are granted by the Pekalongan Regency Government through the Pekalongan Regency Social Service which is tasked with carrying out its authority in the social sector. Thus, the constitutional rights of children who become beggars are granted as a form of realizing protection for the constitutional rights of children as explained in the 1945 Constitution.

According to Mr. Reza, the fulfillment of children's rights in Pekalongan Regency is still less than perfect. This is due to the low level of parenting knowledge. low parents do not know about children's rights and the level of parental welfare is also low. So that it results in children's rights not being fulfilled. One of them is committing violence against children, and exploiting children. There are 4 (four) children's rights that must be fulfilled by the Pekalongan Regency Social Service, namely: the Right to Life, the Right to Protection, the Right to Love, and the Right to Participate (Reza, Social Rehabilitation Staff).

Pekalongan Regency Government Policy as implementing regulations under the law in implementing statutory provisions. One example is about social policy,

where the legal regulations made by the Regent to the Pekalongan Regency Government regarding the constitutional rights of children are in Pekalongan Regency Regulation Number 5 of 2017 concerning the Implementation of Social Welfare. Where the constitutional rights of children that must be provided by the regional government are: Care and foster care, Health services and nutritional improvement, Education and recreation services, Psychosocial therapy, Provision of safe houses, Religious, mental and social guidance, Social rehabilitation, Social assistance, Family reunification, Population administration and civil registration services, Legal aid services, Maintenance of social welfare levels, Provision of child care facilities in the workplace Other special social protection.

Of the several guarantees of rights mentioned above , there are several rights granted by the Pekalongan Regency government in preventive efforts carried out for children with problems, one of which is children who are exploited as beggars :

a. The right to receive care and maintenance

Children who have problems, one of which is children who are exploited as beggars, have the right to receive care and upbringing in accordance with applicable regulations. During the rehabilitation process at the halfway house, the child is cared for and cared for as well as possible. Starting from fulfilling their needs such as eating, drinking, snacks, counseling, religious, moral and social guidance. This is intended so that children feel comfortable and get a decent life like others so that children do not have a psyche or mentality that feels that they have many problems in their lives .

However, the granting of rights to care and custody is only temporary when the child is rehabilitated in a halfway house. After leaving, the child will usually live a normal life again. The lack of HR (Human Resources) in handling this case, so that the Social Service is only able to provide limited care and custody.

b. Health services and nutritional improvement

In carrying out its obligations related to health service facilities, the regional government and several related institutions that have the same authority in matters related to social welfare are required to provide and guarantee access/health services, namely by having a health assistance program, namely KIS (Healthy Indonesia Card) which is applied to PPKS such as children who are used as beggars, which is a form of service facility provided by the government in collaboration with BPJS Kesehatan.

c. Education and Recreation Services

The problem of high education costs that make it difficult for parents on social welfare, whose children also help earn money to meet their needs. So with this, the Pekalongan Regency government coordinates with the Social Service to help provide convenience so that children, especially children with social problems such as children who become beggars, can go to school and get a decent education. Usually the local government records less prosperous/poor families who are recorded in the DTKS (Integrated Social Welfare Data) which will later be given to children in the form of scholarships/free education until they graduate from high school.

The local government of Pekalongan Regency has set a minimum compulsory education rule of 12 years in the Pekalongan Regency Regent Regulation Number 48 of 2019 concerning Compulsory Education of 12 (Twelve Years). It is hoped that every child, especially children with welfare problems, can pursue education up to high school. The government has provided assistance in the form of free educational facilities in the form of KIP (Smart Indonesia Card) which is given to high-achieving children and for children with problems such as children who are employed as beggars by their parents . So that children as beggars can get their rights in educational services in order to provide a way out for these children in the future.

d. Maintaining the level of social welfare

In providing maintenance of social welfare levels for children with child problems, the Pekalongan Regency Social Service strives to provide several types of protection and continuous services. In this, to ensure the level of social welfare of children, several forms of assistance can be provided. It is hoped that with the provision of such assistance, children can realize and enjoy a reasonable standard of living.

However, in fact in Pekalongan Regency there are still children who have problems who have not been given the right to social welfare maintenance. According to Mr. Reza, staff of the Social Rehabilitation Division of the Pekalongan Regency Social Service, explained that this is because there are many children who have social problems such as children as beggars, while the parties who help are not comparable to the number of children who must be given assistance and human resources (HR) and/or minimal funding sources provided by the government. So that not all children who have problems such as beggars have their social welfare maintenance rights fulfilled. However, the Pekalongan Regency government always strives to fulfill the right to social welfare maintenance for children in stages.

e. Other Social Protection

Social protection is a right that must be fulfilled by the government or related parties who have responsibility for children. The government strives to provide social protection for children with these problems so that children can be free from acts that tend to be discriminatory that interfere with their normal growth and development, or other mistreatment such as forms of exploitation of children so that children lose access to develop themselves physically, mentally, and intellectually . In this case, social protection is a child's right that must be carried out as early as possible, which also involves the support or role of social-community institutions (Suyanto, journal, Airlangga University).

The granting of rights to social protection for children must be fulfilled by the government or related parties. Social protection for children can be in the form of protection from children with problems such as children who have less economic welfare, abandoned children, children with disabilities , children who are victims of violence, children who are exploited both physically and sexually. Efforts to provide fulfillment of the right to social protection for children can be in the form of social assistance/social benefits, providing rehabilitation for children with problems.

Several efforts have been made by the Indonesian government to reduce problems with the protection and fulfillment of children's rights, for example, efforts to reduce the level of child labor/child exploitation in Indonesia. The government has continuously updated programs that can prevent child exploitation both economically and sexually. From the past until now, efforts have been made to eradicate this problem by improving the quality of education.

The following are some efforts made by the government to provide protection and fulfillment of children's rights, including:

- 1) Programs created by the government include :
Issuing free birth certificates for children, Education on how to raise/ parent without violence to parents and teachers, Health services for children, Provision of increased education budget and Free basic education costs.
- 2) The legislative institution, namely the DPR/DPRD, has the authority to make laws. and Regional Regulations to protect children's rights so that children are protected from acts of violence and exploitation, which threaten the perpetrators with the threat of punishment that can have a deterrent effect.
- 3) Law enforcers such as police, prosecutors, and justice enforcers (judges) must process any violations of children's rights firmly and provide sanctions commensurate with the violations committed.

Fulfillment of children's rights is actually the most basic obligation for the Indonesian state, and also several related parties so that they are aware and know the importance of children's rights. Fulfillment of children's constitutional rights has actually been regulated in the Indonesian constitution, namely the 1945 Constitution, which is contained in article 28 B paragraph (2) which states that "Every child has the right to survival, growth, and development and a file for protection from violence and discrimination". From the existence of these provisions, it can be strongly interpreted that children have the right to live, grow and develop, and have the right to receive protection from violence, exploitation, and discrimination (Sudrajat, 2011: 54).

According to the Convention on the Rights of the Child (CRC) ratified in Presidential Decree Number 36 of 1997, there are basic rights that must be fulfilled and given to children from pregnancy to the age of 18. These rights are given whether the child has intact parents or does not have parents. The rights that must be fulfilled include : The right to happiness, the right to education, the right to protection, the right to a name, the right to nationality, the right to food, the right to health, the right to recreation, the right to equality, the right to role and development.

Fulfillment of children's rights can be measured at the level of family welfare and economic factors. So that the government continues to strive to encourage economic growth in areas of regional economic growth that have high levels of child problems due to high poverty rates or disparities in the area.

Apart from the efforts made by the government and related parties in fulfilling children's rights, the closest parties such as the community, family, in particular... Parents must also be responsible for fulfilling children's rights. Families, especially

parents has the most important role in fulfilling children's basic rights, such as the right to love, the right to grow and develop, the right to be creative, the right to nutritious food, the right to have an identity, etc.

Thus, the author believes that the government has made efforts to fulfill the constitutional rights of children, especially the right to education and the right to health. However, according to the author, the government is still less than optimal in fulfilling children's rights in the welfare of underprivileged children, such as the right to grow and develop properly and the right to receive protection from violence, discrimination, exploitation, and other mistreatment. Although the government has made various regulations to guarantee child welfare and child protection, there are still shortcomings in guaranteeing children's rights. This may be due to the many cases of violations of the fulfillment of children's rights that make it difficult for the government and several related parties to carry out their responsibilities and the lack of government assistance provided to fulfill the rights of children with low economies.

Conclusion

Legal protection against exploitation of children as beggars The Pekalongan Regency Social Service is based on universal regulations, namely the 1945 Constitution, the Child Protection Law, and the Child Welfare Law. The Social Service in providing treatment for children as beggars has been in accordance with the standardization of the SOP in the field of social rehabilitation regarding the handling of child beggars. So far, the SOP has only handled the problem of children who become beggars and their parents. However, it does not provide legal protection for children who are exploited as beggars. So that the SOP can be said to have been successfully implemented, but it is only the law that has not succeeded in providing protection for children. The need for harmonization in the SOP is related to child protection, not just the handling of child beggars.

For the provision and fulfillment of constitutional rights of children themselves, the Pekalongan Regency Government has made a regulation, namely Pekalongan Regency Regulation No. 5 of 2017 concerning the Implementation of Social Welfare, where in article 27 there is the implementation of welfare for children. Among them are: care and fostering, health services and nutritional improvement, education and recreation services, maintenance of social welfare levels, other social protection.

The Pekalongan Regency Government has attempted to fulfill children's rights, especially the right to education and the right to health. However, the PERDA does not provide social protection for children. So the PERDA does not discuss strict sanctions where it is a factor in providing social protection to people who violate children's rights legally.

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