

Child Protection In Human Rights In The Era Of Globalization

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Abstract: *In the midst of the dynamics of the increasingly rapid era of globalization, issues surrounding human rights (HAM) are increasingly in the spotlight and demand deeper attention and more complex handling. This study aims to examine the status of human rights in children in the context of globalization using a qualitative research method in the form of a literature review, namely by analyzing scientific articles, mass media, and journals related to relevant human rights. This study explores the protection of children from activities that can interfere with their education, physical health, morals, social life, and spiritual mentality. Exploitation of children in Indonesia increases every year. This happens because the low level of economy and education is the (main) factor driving children to work and help their parents monetarily. Legally, Indonesia has regulations regarding child labor regulated by labor law. This effort is made to ensure that the government always pays attention to and maintains children's rights properly. The applicable regulations are often unable to adapt quickly to the changes and diversity of society that continue to develop to this day. As a result, existing regulations are no longer effective in regulating people's lives.*

Keywords : *Child protection, Child exploitation, Human rights ,parents, and economy.*

Abstrak: Di tengah dinamika era globalisasi yang kian pesat, isu seputar hak asasi manusia (HAM) semakin menjadi sorotan dan menuntut perhatian yang lebih dalam serta penanganan yang lebih rumit. Penelitian ini bertujuan untuk mengkaji status HAM pada anak dalam konteks globalisasi dengan menggunakan metode penelitian kualitatif berupa literature review, yaitu dengan menganalisis artikel ilmiah, media masa, dan jurnal-jurnal yang berkaitan dengan HAM yang relevan. Penelitian ini menelusuri tentang perlindungan anak dari kegiatan sehingga dapat mengganggu pendidikan, kesehatan fisik, moral, kehidupan sosial, dan mental spritual nya. Eksploitasi pada anak di Indonesia meningkat setiap tahun nya. Hal ini terjadi karena rendahnya tingkat ekonomi dan pendidikan yang menjadi faktor (utama) pendorong anak-anak untuk bekerja dan membantu orang tua mereka secara moneter. Yuridis, Indonesia punya peraturan mengenai pekerja anak yang diatur oleh hukum ketenagakerjaan. Upaya ini dilakukan demi memastikan bahwa pemerintah senantiasa memperhatikan dan menjaga hak-hak anak dengan baik. Peraturan yang berlaku sering kali tidak mampu menyesuaikan diri secara cepat dengan perubahan dan keragaman masyarakat yang terus berkembang hingga saat ini. Akibatnya, peraturan yang ada tidak lagi efektif dalam mengatur kehidupan masyarakat.

Kata kunci: perlindungan anak, eksploitasi anak, Hak asasi manusia, orang tua, dan ekonomi.

INTRODUCTION

National development is a process of modernization of a nation to realize a better life, which is characterized by the fulfillment of physical and spiritual needs, as well as the creation of a sense of security and peace. In addition, national development is also part of the nation's civilization process. The main goal of this development is to improve the welfare of society, where humans remain the center and main factor in the process, even though the technology used is increasingly advanced. However, ironically, in this development process, not a few humans actually become victims. Some are able to optimize their existence and abilities to obtain results from development, but many people only watch or even become victims of the process itself. Development is essentially a conscious effort to improve human welfare together in a large society called a state.

Development has a very important role, especially our nation is classified in the era of globalization, where we are required to be able to compete with other countries. Mutual relations and transactions between individuals and countries with different backgrounds will bring impacts in the political, social, and cultural fields, with varying levels and intensity. The globalization process currently faced by Indonesia is shown through various policies aimed at opening the domestic economy, so that integration with international markets can become wider and deeper.

Children have a very strategic role in national development as successors. Continuous development is very important to produce superior generations who are able to lead and maintain unity within the framework of the Unitary State of the Republic of Indonesia (NKRI) which was established based on Pancasila and the 1945 Constitution. This effort aims to help them grow and develop optimally physically, mentally, and socially and protect them from various dangers that can endanger their future and their country.

The Indonesian government provides protection guarantees to every child to avoid all forms of economic exploitation and potentially dangerous work, which can have a negative impact on their education, health, morals, as well as their social, mental, and spiritual development. However, the reality on the ground shows that these protection efforts have not been fully carried out in a structured and continuous manner. Children are viewed as extremely important assets that cannot be measured by anything. Sri Purnianti and Martini state that children play important roles in various perspectives of life, such as social, cultural, political, economic, and legal, and are able to be responsible for themselves. However, problems arise when children experience exploitation and are utilized inappropriately, so that the rights that belong to them as children are violated.

In such conditions, children should receive legal protection contained in laws to protect their rights and facilitate their growth and development in accordance with human dignity and worth. Child protection, article 1 of Law No. 23 of 2002 is "all steps aimed at providing protection and guarantees for Children

and their rights so that they can live, grow, develop, and participate optimally in accordance with human dignity and worth, and receive protection from violence and discrimination" it is stipulated that the minimum age for someone to be allowed to work is 15 years. The high number of child workers is mainly caused by poverty factors, where families from the lower middle economic class often encourage their children to work so they can help meet their living needs. Besides poverty, situations such as conflicts and disasters also contribute to the increase in child workers in Indonesia. Children involved in work activities are at risk of experiencing disruptions in their physical, psychological, mental, spiritual, moral, social and intellectual growth and development processes. To overcome this problem, education becomes the main step, because through education it can break the chain of child labor and encourage the creation of a more prosperous society in the future.

RESEARCH METHOD

Research methods are an essential part of every research activity. This approach becomes the main way to achieve maximum and accountable research results regarding a truth. Research itself is basically an activity designed scientifically, aimed at collecting the latest information to test the validity or invalidity of a phenomenon or hypothesis being studied.

In this analysis, qualitative methods are used, which are carried out by looking at texts and analyzing them. In addition, this research focuses on in-depth information about child protection in the era of globalization in terms of human rights.

RESULTS AND DISCUSSION

Child protection is a shared obligation that must be borne by the state, government, society, family, and parents in various aspects of life such as religion, education, health, and social (Indriati, 2014: 409). This is very natural because children are an important part of various fields of life that need to be maintained and protected properly (Astari, 2015: 2). Overall, children need to be kept away from various dangerous situations, emergency conditions, and actions that can harm them such as abuse of legal power, exploitation, violence, neglect, and discrimination. Therefore, the government must give special attention and invest seriously in the fields of health, education, and welfare of children, to ensure their optimal growth and development. In health aspects, children's growth and development greatly depend on health conditions and adequate nutritional intake, as well as the education and learning they receive.

It is very important to protect children because they are the ones who will continue the spirit and struggle of this country. When children mature, both physically, mentally, and socially, they will be ready to take on the role as successors to previous generations. The Indonesian Constitution clearly states that the state is

committed to protecting children's rights and fulfilling human rights. The constitution emphasizes the importance of ensuring the future of Indonesian children so that they can grow into a prosperous, quality, and protected generation (Sudrajat, 2011: 112-113).

A child is a unique individual with their own distinctive characteristics. Children's ability to learn and do various things is greatly influenced by the environment where they grow up. Therefore, the presence and guidance of parents, teachers, and other adults is very important to help shape children's character and behavior, so that they can achieve a brighter future.

Ensuring firm legal certainty to protect children's rights is one of the right ways to protect children. As expressed by Arif Gosita, legal certainty plays an important role as a tool to prevent children from being discriminated against which, if left unchecked, has a negative impact on the child's development and welfare (Gosita, 2004: 19). With legal certainty, children are expected to grow in an environment that is fair and protected from all forms of injustice.

Child protection becomes an important concern that should not be ignored, especially considering various problems that arise in society, such as prostitution practices that are often related to difficult economic conditions. In addition, children also often experience violence, both at home and at school, which is influenced by factors of poverty, social values, religion, and local cultural traditions. On the other hand, technological developments bring new challenges, where children become more vulnerable to forms of crime, including child trafficking and exploitation through child pornography.

Children who become victims of economic exploitation, especially in cases of human trafficking, have the right to receive special protection. Human trafficking itself occurs when someone is forced to work without consent for the benefit of the perpetrator. This practice can take various forms, but all are violations of human rights and clearly contrary to the laws in force in Indonesia. Essentially, human trafficking is an attempt to exploit victims for the benefit of other parties. Children trapped in prostitution practices, who have to work in mines, who become pearl divers, who scavenge for money as scavengers, children who seek livelihood on the streets, who work in household industries, and children who help in plantations are some examples of the worst jobs that often involve physical and economic exploitation of children. These conditions are very dangerous for children's development and their future.

Furthermore, Article 66 of the Child Protection Law Number 35 of 2014 emphasizes the importance of legal protection for children, including in cases of human trafficking. With this regulation, there is a strong legal basis to protect children from rights violations and exploitation. The law affirms that children who become victims of exploitation, both economically and sexually, have the right to receive special protection. This protection is realized through various steps, one of which is by disseminating information and educating the public about rules and

legal provisions related to child protection. Thus, the community and all related parties are expected to increasingly understand the importance of protecting children from all forms of exploitation. Efforts to protect children from economic and sexual exploitation practices are a shared responsibility that must be carried out seriously. This includes three main aspects: regular monitoring, reporting of violations, and enforcement of sanctions for perpetrators. In addition, it is very important to invite various parties such as companies, labor unions, community organizations, and all levels of society to work together to prevent and eliminate child exploitation.

This protection program has the main goal of supporting every child in Indonesia so they can develop into healthy and quality individuals, both physically and mentally. Therefore, the ideals of national development to create quality generations can be achieved optimally. All elements of society ranging from government, private sector, non-governmental organizations. So that everyone has the same opportunity and responsibility to help, and ensure the successful implementation of this child protection program.

In the legal context, the prohibition against all forms of child exploitation is explicitly regulated in several articles, namely Articles 76A, 76B, and 76I. For example, Article 76A emphasizes that there should be no party that treats children discriminatorily, both materially and morally harmful, because it can hinder their social growth and development. The prohibition of discrimination against children with disabilities is also emphasized in this article. Article 76B, on the other hand, prohibits adults from placing, allowing, or involving children in situations that lead to mistreatment and neglect. It is strictly prohibited by Article 76I to conduct economic and sexual exploitation of children.

For those who violate the provisions in Articles 76A and 76B, the law has established a maximum criminal sanction of five years in prison and/or a fine of up to one hundred million rupiah, as stated in Articles 77 and 77A. While violations of Article 76I will be subject to heavier sanctions, namely imprisonment of up to ten years and/or a maximum fine of two hundred million rupiah according to Article 88. Thus, all parties are expected to comply with the rules and help protect the future of Indonesian children.

Without implementing regulations that govern how the Child Protection Law (UUPA) is used in daily life, especially in terms of preventing economic exploitation of children, legislation on child protection will not be effective. In order to work well, the Child Protection Law must immediately be equipped with clear and organized regulations, just like the National Education System Law (UU Sisdiknas) and other regulations that are already supported by implementing regulations. With these implementing regulations, all provisions contained in the UUPA can be implemented effectively in the field. However, if these implementing regulations are not immediately drafted and enforced, then the contents of the UUPA will only become a collection of prohibitions and legal threats written on

paper. Without a strong implementation foundation, the child protection process will not be able to run realistically and optimally, so that the main goal of protecting children's rights becomes difficult to achieve.

One concrete evidence of the not yet optimal protection of children from economic exploitation is the unavailability of clear rules or guidelines, both technically and non-technically, regarding how to implement it in the field. This reality is reinforced by various direct observations showing that many children still go to the streets to work, such as selling, busking, or even begging even though both their parents are still alive and actually able to work. Ironically, some parents do not even realize that their actions have harmed children's rights. They argue that these activities are a form of expression of children's talents and skills, so children are often encouraged to perform expressively, elegantly, and intelligently in various media, both print and electronic, as public figures or child artists. In fact, conditions like this can actually be categorized as a form of economic exploitation of children.

However, whatever the reason, children who experience situations like this will ultimately lose the opportunity to enjoy their childhood properly. Children who have to work to help their families often lack attention, affection, and opportunities to undergo formal education. Every day, they are busy with various activities to meet the family's living needs, and often they have to bear the burden as the backbone of the family even though their age should still be for playing and learning. According to the explanation of the purpose of Marriage Law Number 1 of 1974, Article 1, namely the main formation of a family is to achieve shared happiness, including raising children in a harmonious and loving family environment. Parents have the right and obligation to care for and educate their children. Being a parent means bearing moral and legally legitimate responsibilities. Adults must ensure their children get food, shelter, education, and other basic needs. If this obligation is neglected, parents can be subject to sanctions according to applicable rules. More than that, parents also need to build strong emotional bonds with their children and guide them to grow into individuals who are useful to society.

Attention to children has actually been part of human culture and civilization for a long time, which continues to develop over time. Children are the successors of life, and they are also the hope for the future of the nation and state. Therefore, in order for them to develop optimally physically, mentally, and spiritually, they need appropriate support, guidance, and development. However, parents are often busy with various daily activities to meet their own and family needs. In fact, some of them have to bear heavy burdens as the backbone of the family, so the challenge of giving full attention to children becomes even greater.

CONCLUSION

Protection of children is a shared task that must be carried by the state, government, society, family, and every parent. The importance of this effort is based on the fact that children are the next generation who are very important for this nation and must be protected from various risks, such as emergency situations, legal injustice, exploitation, violence, neglect, and discrimination. Protection of children is not merely an ethical obligation, but also a mandate regulated in the constitution and legislation, one of which is Law Number 35 of 2014 on Child Protection.

The government and all levels of society are expected to continue to strive to increase investment in the fields of health, education, and child welfare. Thus, children have the opportunity to grow and develop optimally physically, mentally, and socially, so that they are able to become superior successors for this nation.

Threats to children in Indonesia are very diverse, ranging from economic exploitation (for example children working on the streets, mining, or prostituted), violence at home and school, to trafficking and child pornography due to technological advances. Therefore, special protection efforts are needed, including firm law enforcement against perpetrators of child rights violations. In addition to legal instruments, the active role of parents, teachers, and society is very important in guiding, developing, and protecting children so that they can develop maximally and become a quality generation. Legal certainty is also key to preventing discrimination and mistreatment of children.

However, challenges still exist in the implementation of child protection, especially related to technical implementation in the field. Many children are still exploited due to economic factors and lack of public awareness. Therefore, in addition to strengthening regulations, socialization, monitoring, and involvement of all parties are needed to ensure that children's rights are truly protected.

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