

VICTIMOLOGY REVIEW IN ECONOMIC EXPLOITATION OF CHILDREN

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ABSTRAK

Munculnya eksploitasi terhadap anak baik oleh orang tua maupun pihak lain sebagai pengemis merupakan kejahatan atau tindak pidana karena bertentangan dengan Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak hal ini menimbulkan kekhawatiran yang mendalam karena kasusnya semakin banyak. Adanya viktimasi anak dimana anak menjadi korban sehingga mengalami penderitaan fisik, mental dan/atau kerugian ekonomi yang disebabkan oleh tindak pidana.

Penelitian ini mengkaji anak sebagai objek viktimologi dengan memposisikan anak sebagai korban kejahatan, bentuk-bentuk viktimisasi, akibat dan pengaruhnya di dalam masyarakat dengan tujuan memberikan pengetahuan bagi anak sebagai korban kejahatan di ruang lingkup eksploitasi secara ekonomi sebagai pengemis. Metode yang digunakan dalam penelitian ini adalah dilakukan dengan pendekatan Yuridis Normatif dan pendekatan Yuridis empiris.

Hasil penelitian dan pembahasan menunjukkan bahwa Akibat Eksploitasi anak dan pengaruhnya terhadap korban akibat dari adanya tindak eksploitasi kepada anak-anak sebagai pengemis dan pengamen, akan menyebabkan trauma dan menimbulkan efek kesehatan karena selama anak dieksploitasi sebagai pengemis anak dibius agar anak selalu tidur sehingga menimbulkan efek kesehatan dan perkembangan otak anak menurun, lebih jauh dari adanya trauma dan efek kejahatan itu juga menyebabkan terhambatnya generasi bangsa. Kenyataan di dalam masyarakat masih sering anak. Faktor penyebab adanya viktimasi terhadap anak dengan cara eksploitasi adalah karena kondisi ekonomi orang tua yang kurang, dipengaruhi lingkungan yang juga melakukan eksploitasi anak, adanya paksaan keluarga, kurangnya kesadaran hukum masyarakat khususnya orangtua pengemis dan pengamen, Program Pemerintah yang kurang menyentuh.

Kata Kunci : Viktimologi, Eksploitasi Anak, Ekonomi

ABSTRACT

The emergence of exploitation of children both by parents and other parties as beggars is a crime or a criminal offense because it is contrary to Law No. 35 of 2014 concerning Child Protection, this causes deep concern because there are more and more cases. There is victim victimization where the child becomes a victim so that they suffer physical, mental and/or economic losses caused by criminal acts.

This study examines children as objects of victimization by positioning children as victims of crime, forms of victimization, effects and effects in society with the aim of providing knowledge for children as victims of crime within the scope of economic exploitation as beggars. The method used in this research is carried out with the Normative Juridical approach and the Empirical Juridical approach.

The results of research and discussion show that the Effects of Exploitation of children and their effects on victims resulting from acts of exploitation to children as beggars and buskers, will cause trauma and cause health effects because as long as children are exploited as beggars children are anesthetized so that children always sleep so that children always cause health effects and the brain development of children decreases,

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further from the trauma and the effects of crime also cause obstruction of the nation's generation. The reality in society is still often children. Factors causing the victimization of children by exploitation are due to the economic condition of parents who are lacking, influenced by the environment which also exploits children, the existence of family coercion, lack of legal awareness of the community especially parents of beggars and pengamem, less touching Government Programs.

Keywords: Victimology, Child Exploitation, Economy

A. INTRODUCTION

A modest family life in a high degree of surrender seems to be no longer appropriate in an increasingly complex life with a series of demands that must be met. The complexity of life does not only apply in urban areas but also in rural areas with a number of similarities and differences. The burden of life that is too heavy can lead to emotional imbalance that triggers acts of exploitation of children. Therefore, all members in a household according to their abilities must make efforts that can strengthen the foundation and economic structure of their family.

Every child must have the opportunity to grow, develop, and participate appropriately in accordance with human dignity and protection and receive protection from violence and discrimination, if the family is unable to care for and care for the child, the stakeholders must make efforts to find out the cause and maintain the integrity of the family . If the child lives without parents or caregivers, the stakeholders

must be able to take action to bring the child and family together. But that is not the best for the child, the family/place must be found the best for the child to be able to grow and develop, both physically and mentally.

Children who are victims or witnesses of acts of violence, often keep silent because of fear, shame or stigma. Some children who are victims often resign themselves to receiving violence as part of their lives, while the perpetrators are unknown people or closest people to victims who are trusted to provide protection to them. Perpetrators can be parents, family, caregivers, male friends and female friends, school friends, teachers, religious leaders and employers.² All girls and boys can be victims of violence, where boys are usually more likely to bear the risk of physical and weapons violence while girls are at risk. The community needs to be aware of the prevention of violence against children, mismanagement and harmful actions and the community needs to develop

² Wagiaty Soetedjo. *Hukum Pidana Anak*. Refika Aditama. Bandung 2013. hlm 27.

activities to prevent violence against children.³

B. THE METHODE of the RESEARCH

This study examines children as objects of victimization by positioning children as victims of crime, forms of victimization, effects and effects in society with the aim of providing knowledge for children as victims of crime within the scope of economic exploitation as beggars. The method used in this research is carried out with the Normative Juridical approach and the Empirical Juridical approach.

C. DISCUSSION

1. Child Exploitation Economically

Exploitation is an act with or without the victim's consent that includes similar practices of slavery, oppression, extortion, physical, sexual, reproductive organs use, or unlawfully transferring or transplanting organs and/or body tissues or utilizing one's power or ability by another party to obtain both material and immaterial benefits.⁴ Law No. 35 of 2014 concerning Protection of Children, children are the trust and the gift of God Almighty, which we must always guard because inherent

dignity, dignity, and rights as human beings must be upheld and aim to ensure the fulfillment of rights children's rights to be able to live, grow, develop, and participate optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination.⁵

Several articles regulating the economic exploitation of children in Law Number 35 of 2014 concerning Child Protection, are as follows:

Article 13

- (1) Every child in the care of a parent, guardian or any other party responsible for care is entitled to protection from the treatment of:
 - a. Discrimination;
 - b. Exploitation, both economic and sexual;
 - c. Abandonment;
 - d. Cruelty, violence, and persecution;
 - e. Injustice; and
 - f. Other wrong treatment.
- (2) In the case of a parent, guardian or guardian of a child carrying out all forms of treatment as referred to in paragraph (1), the offender is liable to a penalty.

Article 59

The government and other state institutions have the obligation and responsibility to provide special protection to children in emergency situations, children in conflict with the law, children from minority and isolated groups, children who are

³ Guse Prayudi. *Tindak Pidana Kekerasan Dalam Rumah Tangga*. Merkid Press. Yogyakarta, 2008. hlm 20

⁴ Rena Yulia, *Viktimologi: Perlindungan Hukum Terhadap Korban Kejahatan*, Graha Ilmu, Yogyakarta, 2010, hlm 75

⁵ *Ibid*, 76

economically and / or sexually exploited, children who are trafficked, children who are victims of abuse narcotics, alcohol, psychotropic substances, and other addictive substances (drugs), children who are abducted, sold and trafficked, children who are victims of physical and/or mental violence, children who have disabilities, and children who are victims of mistreatment and neglect.

Article 66

(1) Special protection for children who are exploited economically and / or sexually as referred to in Article 59 is an obligation and responsibility of the government and society.

(2) Special protection for children who are exploited as referred to in paragraph

(1) is carried out through:

- a. Dissemination and / or dissemination of statutory provisions relating to the protection of children who are exploited economically and / or sexually;
- b. Monitoring, reporting, and giving sanctions; and
- c. Involvement of various government agencies, companies, trade unions, non-governmental organizations, and the community in the elimination of economic and / or sexual exploitation of children.

(3) Every person is prohibited from placing, letting, doing, ordering to do, or participating in exploitation of children as referred to in paragraph (1).

Article 69

(1) Special protection for child victims of violence as referred

to in Article 59 covers physical, psychological and sexual violence through efforts to:

a. Dissemination and dissemination of statutory provisions protecting children victims of violence; and

b. Monitoring, reporting, and giving sanctions.

(2) Every person is prohibited from placing, allowing, committing, committing, or participating in violence as referred to in paragraph (1).

Article 78

Everyone who knows and deliberately leaves children in an emergency situation as referred to in Article 60, children who are in conflict with the law, children from minority and isolated groups, children who are exploited economically and/or sexually, children who are trafficked, children who are victims of narcotics abuse , alcohol, psychotropic substances, and other addictive substances (narcotics), abducted children, child victims of trafficking, or child victims of violence as referred to in Article 59, even though the child requires assistance and must be assisted, sentenced to a maximum of 5 (five) years imprisonment and / or a maximum fine of Rp 100,000,000.00 (one hundred million rupiah).

Article 88

Every person who exploits the economy or sexually of a child with the intention to benefit himself and others, is sentenced to a maximum imprisonment of 10 (ten) years and/or a maximum fine of Rp. 200,000,000.00 (two hundred million rupiah).

Forcing children to do something in the economic interest without regard to the rights to get

protection in accordance with their physical, psychological or social status development directly violates Law Number 35 of 2014 concerning Child Protection.

2. Overview of Viktology in Economic Child Exploitation

Victims can have a role in the occurrence of a crime, either in a conscious or unconscious state, directly or indirectly. The role in question is the attitude and state of a person who will become a potential victim or the attitude and circumstances that can trigger someone to commit a crime. The problem then, the question arises.

why victims who have clearly suffered losses both physically, mentally and socially, in fact must also be considered as a party that has a role and can trigger crime, even victims are also required to take responsibility for acts committed by perpetrators of crime.

It can be stressed that if we want to observe the problem of crime according to the actual proportions of various dimensions (dimensionally) then inevitably we must take into account the role of the victim (victim) in the emergence of a crime. In reality, it is not easy to distinguish

every role played by the victim, because the victim as the main participant in playing various roles is limited by certain situations and conditions. The victim can play a role in a conscious or indirect state, directly or indirectly, alone or together, responsible or not, passively or actively, with positive or negative motivation. Everything depends on the situation and conditions at the time the incident took place.

The victim in certain situations and conditions can also invite the perpetrators to commit crimes against themselves due to their attitudes and actions. In this case there is no prior relationship between the victim and the perpetrator (unnecessary). For example the victim behaves and acts negligently towards her property so that it gives an opportunity for others to take it without permission. It could also be due to the attitude and behavior of the victim, causing hatred, disgust and actions that are detrimental to the victim. It could also be because the victim is in a vulnerable area or has a duty in the security sector. The victim allows, making it easier for him to be the target of evil deeds.⁶

⁶ Ibid

Most victims who are in the group weak mentally, physically, socio- economically, who can not or do not dare to fight as retaliation is often used at will by the offender who feels he is stronger and more powerful than the victim. According to Mendelsohn, based on the degree of guilt the victims were divided into five types, namely:⁷

1. Who is completely innocent;
2. Those who become victims because of their mistakes
3. Which is just as wrong as the perpetrator;
4. Who is more guilty than the perpetrator;
5. The victim is the only guilty (in this case the perpetrator is released)

Hentig thinks that the victim's role in causing crime is:⁸

1. The crime is indeed desired by the victim to occur.
2. Losses due to crime may be used by the victim to obtain greater benefits.
3. An adverse effect on the victim may be cooperation between the offender and the victim.
4. Losses due to crime do not actually occur if there is no provocation from the victim.

The role of victims of crime includes the following matters:⁹

1. What did the victim do;
2. When something is done;
3. Where it is done.

In Indonesia, the problem of exploitation of children is always there. The emergence of child exploitation is not a new phenomenon, but has existed since time immemorial. Although the number of exploitation of children increases when the intensity of development is higher, but their existence is not only a by-product of the development process. The condition of poverty in Indonesia which always increases from year to year, is also one of the triggers for the emergence of child exploitation. The implications of the economic inability borne by the family encourage the family to set certain priorities in scale live this life. Children's education which should be the main priority shifts to a lower priority. In their thinking children are one of the reliable alternatives to be the backbone of the family economy.

Exploitation of children economically both by parents and other parties as beggars is a crime or a crime because it is contrary to Law No. 35 of 2014 concerning Child Protection, this causes deep concern because there are more and more cases.

There is victim victimization where the child becomes a victim so that they suffer physical, mental and / or economic losses caused by criminal acts. This study examines children as

⁷ Ibid

⁸ Ibid

⁸ Ibid

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The main cause of this exploitation is poverty. Parents allow children to work so that they can contribute 20-25 percent of family income. Some of the factors that cause children to be exploited as beggars are as follows:¹⁰

1. Factors of the Economic Conditions of Parents who lack

Economic factors become the main factor causing a child to become a beggar. The economic inability in the family caused some of them to not even have time to get an education bench. Parents who have the obligation to look after, protect and care for their children often let or even push their children down on the streets to beg for the sake of meeting their family's needs.

2. Environmental factors which also exploit Children

Society is sometimes indifferent to cases like this, not even a few of our people look cynically at a child who becomes a beggar, so that later these children feel excluded in

social life and the surrounding environment that makes the child more difficult to get out of these difficult conditions . In fact, to eliminate cases where children are employed as beggars, we need special attention from our community, at least in terms of supervision and knowledge about the poor work they experience and the impact on themselves and the environment.

3. Family coercion factors

Some of the children who become beggars can not be separated from the coercion factor of the child's parents. In addition to coercion for children to work sometimes parents do not know what things are being done by their own children so that it seems that parents do omission of their children, including in the case of children to beg. The coercive factor of these parents can also be exploited by persons who are not responsible for exploiting these children economically or sexually.

4. Factors of lack of legal awareness of society, especially parents

In the case of a child being made a beggar is inseparable from the lack of legal awareness for the parties that employ the child and the legal

¹⁰ Usman, Hardius dan Nachrowi, *Pekerja Anak Di Indonesia (Kondisi Determinan dan Eksploitasi)*, Gramedia, Jakarta, 2004. hlm 72

protection of the child itself, in our country there is Law Number 35 of 2014 concerning Child Protection and that can be imposed on perpetrators or persons- person who deliberately organizes children on the street to beg.

5. *Government programs that are less touching.*

Dissemination of all elements of society regarding Law Number 35 of 2014 concerning Child Protection to the community must be intensively carried out by the government and law enforcement officials so that the public can know that all forms of violence against children include.

Employing children as beggars can be classified as acts of economic exploitation of children and can be subject to severe sanctions for those who commit violent crimes against children. As well as employing children as beggars can be classified in the crime of trafficking in persons and have very strict criminal sanctions.

Children in vittimology studies are also often used as victims whose nature is someone who suffers suffering as a result of the actions of others in fulfilling their interests that

*conflict with human rights of the object of crime because of the child's favorable position, both physically and mentally to be used as tools and victims crime specifically the crime of child exploitation. An insane environmental condition is a place for Evil Resides in an imperfect environment. " So the prostitution environment is an environment that is very supportive of the process of imitating children to do what their peers and older people do both deviant acts. Sutherland in his book *Principle of Criminology*¹¹ that crime occurs due to three factors that affect each other, namely the opportunity provided by work.*

In association with children, within the scope of the beggar family or child buskers are forced to carry out activities that he considers to be a work that must be done because of the orders of parents or closest people, and just follow-up alias influence of association. Such cases are very relevant to the causa theories of crime. This Economic Factor as a result of research is a dominant factor which is the cause of the emergence of the crime of child exploitation. In an economic situation

¹¹ Edwin H. Sutherland, *Criminology*, Tenth Ed, J.B. Lippincot Company 1978, hlm. 80-82
vide pula: Stuart H. Trauband Craig B. Little, *Theories of Deviance*, Third Edition, USA, F.E.Peacock Publishers Inc., 1985, hlm 179-181, Frank E. Hagan, *Introduction to*

Criminology Theories, Methodes, and Criminal Behavior, Nelson Hall, Chicago, 1989, hlm. 443-444, Frank P. William III dan Marilyn McShane, *Criminological ...*, Op. Cit., hlm. 52 dan Freda Adler dkk, *Criminology : The Shorter Version*, Second Edition, Mc Graw Hill Inc, USA, 1995, hlm. 124.

like this, where the level of competition in all fields is very strong, the economy must become one goal what everyone wants to achieve, especially among women. In an effort to achieve these goals sometimes in a good and honest way, but not a few also take shortcuts, and many cases of child exploitation are proof of this. This fact is actually in line with various theories of causa crime. According to the Socialist School, that crime arises because of economic pressures. Someone becomes evil because of economic problems, such as poverty, unemployment or being laid off. So that children are used as an outlet for victims and as a tool for economic exploitation.

D. Conclusion

The cause of the exploitation of children where in this case the victims are children who are the next generation of the nation, then the parents and closest people should be more caring than the existence of the next generation of this nation. As a result of child exploitation and its effects on victims as a result of acts of exploitation to children as beggars and buskers, will cause trauma and cause health effects because as long as children are exploited as beggars children are sedated so that children always sleep so as to cause health effects and decrease

children's brain development, Furthermore, the trauma and the effects of crime also hampered generation of the nation. The reality in society is still often children. The factors causing victimization of children by exploitation are due to the economic condition of parents who are lacking, influenced by the environment which also exploits children, the existence of family coercion, lack of legal awareness of the community especially parents of beggars and pengamen, Government Programs that are less touching.

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