

THE URGENCY OF CHILDREN'S EDUCATION AS VICTIMS OF ECONOMIC EXPLOITATION REVIEWED FROM THE CONVENTION OF THE RIGHTS OF THE CHILD

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ABSTRACT

Children as the next generation must realize the nation's ideals to ensure sustainable national development. The Republic of Indonesia's ideals are contained in the 4th paragraph of the Preamble of the 1945 Constitution of the Republic of Indonesia, one of which is to educate the nation. This is in line with achieving one of the Sustainable Development Goals, namely creating quality education by ensuring the implementation of education that is inclusive, of equal quality, and supports learning opportunities for all. However, the implementation of this goal is still a challenge for Indonesia, as shown by the data on the dropout rate from each level of education due to being a victim of economic exploitation. Therefore, the authors wish to examine and analyze the right to education for children who are victims of economic exploitation in terms of the Convention on the Rights of the Child. This research was conducted using normative juridical method through literature study by reviewing and analyzing secondary data including laws and regulations, previous research results, books, journals, and other references. The results illustrate that by reviewing the Convention on the Rights of the Child, three solutions are offered. First, optimizing education policies regarding the compulsory education program that has been announced in Indonesia. Second, it requires the establishment of government regulations regarding sanctions against parents or guardians who violate children's rights to education. Third, monitoring or evaluation of child protection and the fulfillment of children's rights carried out by independent institutions, non-governmental organizations, or social institutions engaged in the purpose of protecting children.

Keywords: education, children, victims of economic exploitation, convention on the rights of the child

1. PREFACE

Children, as the young generation who are the future of the nation, realize the nation's aspirations to ensure sustainable national development. The aspirations of Indonesia are embodied in the Preamble of the Constitution of the Republic of Indonesia Year 1945 (hereinafter referred to as "the 1945 Constitution"), including protecting all Indonesian citizens and their sacrifices, advancing public welfare, educating the nation, participating in maintaining world order based on independence, eternal peace, and social justice. In achieving the aspirations outlined, Indonesia has regulated various rights granted to citizens as stipulated in legislation. In educating the nation, Article 31 paragraph (1) and paragraph (2) of the 1945 Constitution also grant rights to every citizen to receive education and mandate the government to finance basic education for every citizen.

Indonesia is one of the countries with the most human resources in the world, with a population of 270 million people (Beng, 2023). Indonesia's aspirations in educating the nation resonate with one of the objectives of the Sustainable Development Goals (hereinafter referred to as "SDGs"), which is to create quality education by ensuring inclusive, equitable, and quality education and promoting learning opportunities for all (United Nations). The SDGs, as global goals and commitments in sustainable development, have been implemented by 193 countries worldwide. Indonesia, as one of the participants in implementing the SDGs, has regulated the implementation of achieving sustainable development goals in Presidential Regulation of the Republic of Indonesia Number 111 of 2022.

Education, literally, is a learning process with various methods and approaches aimed at expanding knowledge, skills, attitudes, and values (Rahman et al., 2023). Education, as a crucial indicator in national development, embodies idealistic aspirations (Suryana, 2020). Therefore, in realizing quality education, it requires human resources that are intelligent, skilled, and outstanding (Taufik, 2020). The quality of education in Indonesia is not yet at the level that would be expected (Beng, 2023). However, this remains a challenge for Indonesia in building quality education.

Table 1

Comparison of School Dropout Rates – Statistical Data from the Ministry of Education and Culture of Indonesia for the Year 2023/2024

	2022/2023	2023/2024
SD	40.623	45.047
SMP	708.934	715.506
SMA	348.077	355.255
SMK	337.276	339.721
Total	1.434.910	1.455.529

Based on the data from the Ministry of Education and Culture of Indonesia, there has been an increase in the school dropout rate from the year 2023/2024 compared to the year 2022/2023. The number of school dropouts represents the result of dropout rates at every level of education across the 39 provinces of Indonesia. The increase in the school dropout rate in the year 2023/2024 has the potential to hinder sustainable development efforts aimed at achieving quality education.

Education is a significant factor in determining the health and well-being of citizens, particularly in terms of citizen welfare (Boeren, 2019). One of the factors contributing to children dropping out of school is the limitation of family economic ability, which is influenced by low family welfare levels. This factor compels children to engage in labor to support their family's livelihood (Ariani, 2022). According to data reported by the Indonesian Child Protection Commission (hereinafter referred to as "KPAI"), in 2023, there were 55 cases of children becoming victims of economic exploitation (KPAI, 2023). Such incidents contravene children's rights to education and result in their victimization through economic exploitation.

The protection of children has emerged as a significant global concern. The Convention on the Rights of the Child, a document formulated in international agreements, applies universally and serves as a guideline for child protection and the fulfillment of children's rights. The Convention on the Rights of the Child (CRC) enumerates children's rights into four categories: the right to survival, protection, development, and participation. The classification of children's rights

encompasses all rights related to children's well-being. In light of the rising incidence of school dropout and the 55 documented cases of infringements upon children's rights as victims of economic exploitation, the realization of children's rights to quality education is jeopardized, impeding the advancement of sustainable development. In light of the aforementioned circumstances, it is imperative to examine the urgency of the right to education for children who are victims of economic exploitation, as defined by the Convention on the Rights of the Child.

2. RESEARCH METHOD

The research to be conducted will be legal research involving the search and analysis of legal norms, legal principles, and jurisprudence to address the legal issues under study. The research method to be used in this study is normative juridical with literature or secondary sources as the research material, consisting of primary, secondary, and tertiary legal materials (Muchtar, 2015). Primary materials refer to legislation or legal regulations applicable in Indonesia. Secondary materials used include legal publications such as books and journals. Tertiary legal materials include non-legal sources such as non-legal field journals and internet articles. The research approach employed is a legislative approach that examines the consistency between one legislation and another (Marzuki, 2021). Furthermore, the data collection technique applied in this research involves examining books, journals, legislation, and other references related to the legal issue of the urgency of education for children who are victims of economic exploitation.

3. RESULT AND DISCUSSION

Indonesia signed the Convention on the Rights of the Child on January 26, 1990, and ratified it into positive law in Indonesia through Presidential Decree Number 36 of 1990. According to the Convention on the Rights of the Child, a child is defined as every person under the age of 18, unless otherwise specified by the legal rules of a country. Children have rights that must be protected, such as the right to survival, growth and development, protection from violence and discrimination. Protection of children is also part of human rights as mandated in the 1945 Constitution of the Republic of Indonesia.

Children play a crucial role in sustainable national development. However, with children facing economic exploitation issues due to family economic factors, it deprives them of their right to receive proper education and poses risks to their psychological and physical growth. Article 2 of the Convention on the Rights of the Child asserts that children must be protected from all forms of discrimination perpetrated by their parents or other family members. This article implies that parents or family members do not have the right to compel a child to engage in actions detrimental to themselves, such as working. However, Article 32 of the Convention on the Rights of the Child also grants children the right to work provided that they are in a safe environment, receive fair wages, and are protected from any work that may harm their health and growth.

Based on data from 2010 to the present, it is found that 10.80% of school-age children work for 35 hours or more per week (Achir, 2022). An example of children who become victims of economic exploitation can be seen in the number of street children in Indonesia. According to the United Nations Children's Fund (UNICEF), street children are underage workers from low-income families who sustain their livelihoods by working. There is an assumption that the estimated number of street children in major cities in Indonesia, especially Java Island, reaches 72,000 children (Nurwati et al., 2022). Generally, the work done by street children includes street performances, selling food, tissues, newspapers, or items needed for daily necessities, and begging.

The research on street children in Yogyakarta, Central Java, shows that most of them are not attending school or have not completed primary education (Irawati, 2021). This research has depicted the impact of children as victims of economic exploitation, leading to an increase in the number of school dropouts. The regulation regarding children's right to education is stipulated in Article 28 of the Convention on the Rights of the Child, which states:

"Every child has the right to quality education. Primary education should be available for free, secondary education should be accessible, and children should be encouraged to pursue education to the highest level possible. Disciplinary measures applied in schools must always respect the rights and dignity of the child."

The right to education, as mandated in Article 31 paragraphs (1) and (2) of the 1945 Constitution of the Republic of Indonesia, is implemented through legislation governing the national education system, such as Law Number 20 of 2003 concerning the National Education System (hereinafter referred to as "the National Education System Law"). The National Education System Law has made compulsory education programs one of the focuses of implementing children's right to education. The implementation of the National Education System Law is realized through the Indonesian government's initiative to implement a 9-year compulsory education program covering primary and junior secondary education, as outlined in Government Regulation Number 47 of 2008 concerning Compulsory Education (hereinafter referred to as "the Compulsory Education Regulation"). According to Article 9 paragraph (1) of the Compulsory Education Regulation, the government and local governments must ensure the implementation of the 9-year compulsory education program without charging any fees.

The compulsory education program, as regulated by the government as an implementation of state laws and the constitution, clearly emphasizes that the provision of basic education is carried out without any charges. The Bureau of PKLN (Planning and Foreign Cooperation) of the Ministry of Education and Culture, which collaborates with UNICEF, has also set targets to achieve the Sustainable Development Goals (SDGs), including providing free and equitable primary and secondary education of high quality (Beng, 2023). However, the implementation of the compulsory education program remains a challenge for Indonesia, as indicated by data showing children dropping out of school due to family economic limitations, compelling them to work. Therefore, the author proposes three solutions for children who are victims of economic exploitation and have dropped out of school.

First, in accordance with the Convention on the Rights of the Child, optimizing education policies regarding the long-standing compulsory education program outlined in existing legislation is necessary to fulfill children's rights to education. The government's compulsory education program should be implemented free of charge, without imposing any fees whatsoever, to ensure the fulfillment of children's rights.

Second, the formation of government regulations regarding sanctions against parents or guardians who violate children's rights to education is necessary. The establishment of such regulations aims to uphold the implementation of legislation related to the protection of children's rights. Education is the right of every child, so there is a need for strict sanctions to ensure that every parent or guardian is aware of the importance of education for the sustainable development of the nation. Sanctions may include imprisonment, fines, and participation in

educational awareness programs to deter parents or guardians from violating children's rights to education.

Third, there is a need for further monitoring or evaluation by independent institutions, civil society organizations, or other social institutions dedicated to child protection. One of the independent institutions in Indonesia aimed at protecting children is the Indonesian Child Protection Commission (KPAI). It is hoped that KPAI can implement various continued policies regarding the protection of children's rights by collaborating with other international institutions, such as UNICEF, to assist in reducing the number of children who are victims of economic exploitation in Indonesia.

In addition, there is a pressing need to enhance the performance of civil society organizations (CSOs) by conducting public awareness campaigns to increase social sensitivity and raise awareness among the general public about the importance of education for the national sustainable development process. Moreover, it is necessary to engage various social institutions in efforts to assist children who are victims of economic exploitation, both materially and in ensuring their rights to livelihood. One example of such a social movement can be observed in a Korean television program called "Good Neighbors," in which two Korean singer-artists volunteered to assist Indonesian children in obtaining an education (Wardoyo, 2019). The television program serves as a model for attracting public attention and encouraging communities to support children in obtaining their rights.

4. CONCLUSIONS AND RECOMMENDATIONS

The protection and fulfillment of the rights to education for children who are victims of economic exploitation can be reviewed from the Convention on the Rights of the Child, which has been signed and ratified by Indonesia in the form of positive law. Article 28 of the Convention on the Rights of the Child enshrines the children's right to quality education with free primary education provided. Consequently, the government initiates compulsory education programs as outlined in Indonesian legislation. However, the implementation of these programs does not fully comply with the laws that have been formulated due to children who are victims of economic exploitation dropping out of school because of family economic limitations in education costs. This issue violates the rights mandated by the UN for the acquisition of education completely free of charge and constitutes a violation of the non-discrimination principle outlined in the Convention on the Rights of the Child. In light of the Convention on the Rights of the Child, it is evident that there is a pressing need to optimize education policies with regard to long-standing compulsory education programs. Furthermore, there is a necessity to establish government regulations regarding sanctions against parents or guardians who violate children's rights to education. Additionally, there is a requirement for the supervision or evaluation of child protection and fulfillment of children's rights to be carried out by independent institutions, civil society organizations, or social institutions dedicated to protecting children.

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