

INCREASING UNDERSTANDING OF LEGAL PROTECTION OF CHILDREN'S RIGHTS IN THE PERSPECTIVE OF INDONESIAN POSITIVE LAW

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ABSTRACT The purpose of community service activities is to provide education about the legal protection of children, especially children's rights in Indonesia to migrant workers who leave children in Indonesia or give birth to children in the workplace. Increased understanding of Indonesian Migrant Workers about child protection, especially the protection of children's rights, is expected to increase awareness of protecting children to reduce child neglect in the Indonesian Migrant Worker environment and children's rights are not neglected. This community service activity in the form of socialization is aimed at Indonesian Migrant Workers. The regulation socialization was held on Sunday 26 May 2024. The method used is socialization by providing material on the Legal Protection of Children's Rights in the Perspective of Indonesian Positive Law. The activity examines the protective provisions regarding the implementation of children's rights in the implementation of Indonesian law and acts prohibited by law. This is an effort to prevent child neglect, ensuring that children's rights are not neglected. Knowing and understanding child protection and children's rights among Indonesian migrant workers is important for migrant workers as parents and future parents. Support can improve Indonesian Migrant Workers' understanding of child protection to prevent children's rights from being neglected. The problem of Indonesian Migrant Workers is the protection of children, both children left in Indonesia and born in Malaysia. Legal protection of children is needed. Educating migrant workers about child protection is very important, preventing child neglect and violations of children's rights, especially the rights of Indonesian Migrant Worker children. Through regulation socialization, increasing migrant workers' understanding of the protection of children's rights can increase awareness of the protection of children's rights, reducing child neglect in the environment of migrant workers. This is a preventive effort so that children's rights are not neglected.

Keywords: *Children's Rights; Indonesian Migrant Workers; Legal Protection.*

1. INTRODUCTION

Working abroad as an Indonesian Migrant Worker is an option to fulfill the economic needs of the family. The lack of jobs in the country has resulted in people choosing to work abroad as migrant workers, this has consequences for the children left behind when the migrant workers are married and the children born in the migrant workers' placements. In the last two years, the number of Indonesian Migrant Worker placements has tended to increase, with 6,860 Indonesian Migrant Worker placements in 2021, and 25,495 PMI placements in 2022. From 2021 to 2022 there was an increase of 271%. In 2023 the number of PMI placements decreased by 31%, namely 17,454 PMI placements consisting of 9,529 (55%) women and 7,925 men (45%). Most migrant workers are married, totaling 8,394, 7,198 unmarried, and 1,862 divorced. The highest destination countries for migrant workers are Taiwan (6,102 migrant workers), Malaysia (3,630 migrant workers), and Hong Kong (2,178 migrant workers) (Badan Perlindungan Pekerja Migran Indonesia, 2023).

Malaysia is the second largest placement country destination. Many children of migrant workers in Malaysia do not have birth certificates and passports due to the status of their parents, most migrant workers did not have documents when working in Malaysia (illegal migrant workers), and Malaysian immigration regulations state that non-professional workers are prohibited from marrying fellow workers. If married only religiously with residents and the labor regulation in Sarawak (Section 119 of Sarawak Labour Ordinance) states that foreign workers under PLKS (Pas Lawatan Kerja Sementara) are not allowed to bring dependents (Handoyo & Triarda, 2020) some migrant workers bring children from Indonesia, there are children born in Malaysia, there are children born in Malaysia and then left by their foreign fathers. There are 53,000 illegal Indonesian children in Peninsular Malaysia (Dewi, 2018). This raises problems in the protection of children's rights. The reasons for illegal Indonesian children in Malaysia, especially in Klang, are 1) entering Malaysia illegally with their parents; 2) being born to parents who do not have complete documents; 3) being born from religious marriages that are not legally recognized or have problems with marriage certificates (Udhwalalita & Hakim, 2023).

There are several studies on migrant workers' children who are left behind in Indonesia and Malaysia called Children Left Behind, conducted by Wulan et al (2022), the research shows the problems faced by Indonesian Migrant Worker children, among others, children do not have birth certificates and passports so that access to education and health becomes difficult. Problems of Indonesian Migrant Worker children who are left behind include child neglect due to household breakdowns that lead to divorce and child development and parenting, (Suryadi et al., 2022).

According to Dian Cahyaningrum (2021), the problems of migrant worker children left by their parents experience a lack of care and affection and stigmatization if their birth is unwanted. The complex problems of migrant workers in Malaysia have implications for the non-fulfillment of children's rights. Judging from some of the research above, the problems of Indonesian Migrant Worker children are related to the neglect of children's rights.

The legal protection is to protect human rights that are harmed by others and the protection is given to the community so that they can enjoy all the rights granted by law (Rahardjo, 2014). Referring to this opinion, legal protection for Indonesian Migrant Worker children is an effort to protect children to carry out their rights and obligations. Efforts to realize the protection of children's rights are based on consideration because children are still dependent on adults and are a group that is vulnerable to the environment in addition some children have obstacles in growth and development. Legal protection is carried out by forming legal instruments that guarantee and protect the rights of Indonesian Migrant Worker children through Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection.

The purpose of this community service activity is to provide education about the legal protection of children, especially children's rights in Indonesia to migrant workers who leave children in Indonesia or give birth to children in the workplace. Increased understanding of an Indonesian Migrant Worker about child protection, especially the protection of children's rights, is expected to increase awareness of protecting children to reduce child neglect in the Indonesian Migrant Worker environment and ensure children's rights are not neglected.

2. METHOD

This community service activity in the form of socialization is aimed at an Indonesian Migrant Worker. The socialization was held on Sunday 26 May 2024. The method used is in the form of counselling by providing counselling material on Legal Protection of Children's Rights in the Perspective of Indonesian Positive Law. This activity was carried out through the stages of activity preparation, implementation, and report preparation. The preparation stage is by preparing the material, analyzing the situation of the extension participants, and preparing the facilities. The implementation of community service activities uses a hybrid system that combines online and offline systems tailored to the needs, conditions, and locations where this activity is carried out. The report stage is by collecting material materials submitted and secondary data used in activities and others, then compiling them to become a community service report. Participants who took part in

this activity were Indonesian Migrant Workers who faced challenges in the countries where they worked, consisting of 106 Migrant Workers and 7 Foreign Migrant Workers.

3. RESULT AND DISCUSSION

Community service activities were carried out in collaboration with Sharing NGOs (Indonesia Academic Community) and International Institutions in Malaysia (Special Branch of Nadhiatul Ulama Malaysia, Indonesian Student Association), Sultan Idris University of Education, Embassy of the Republic of Indonesia Kuala Lumpur and Indonesian School Kuala Lumpur, with the theme Empowering Migrant Workers in Malaysia: A Multidisciplinary Capacity Building Approach and Medical Examination. The topic presented as material is Child Protection based on Indonesian Law.



Figure 1. Community Service Material Cover

Community service activities in the form of socialization went well and smoothly. This activity was held at Sekolah Indonesia Kuala Lumpur (SIKL) This activity obtained a review of provisions that provide protection for the fulfillment of children's rights, namely child protection in the perception of Indonesian law relating to protected children's rights and prohibited acts against children under the law. There were 113 participants, both migrant workers and women migrant workers.



Figure 2. Activity Flyer

This socialization adds insight and understanding of child protection and children's rights for participants. This is an effort to prevent child neglect and children's rights from being neglected. The role of parents is very important in the development and growth of children. Child protection and providing rights to children is the responsibility of parents, but there are still many parents who do not understand and have low awareness of their responsibilities. Many factors influence parents in carrying out their roles and responsibilities.

Many migrant workers who are married and have children are forced to work abroad and leave their children behind. Some are born in Malaysia but cannot be brought back to Indonesia due to incomplete or missing documents. The children of these migrant workers have the same rights as children in general. Therefore, children need to be protected through legal instruments that protect children, including Indonesian Migrant Worker children. Legal protection is an effort to protect people whose human rights are harmed and who can enjoy all the rights granted by law (Rahardjo, 2014). One of the legal instruments that protect children's rights is Law No. 23 of 2002 concerning Child Protection and amended to Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection.

Indonesian Migrant Worker's knowledge and understanding of child protection of children's rights is an important factor, as a parent or will be a parent. This socialization can increase an Indonesian Migrant Worker's understanding of child protection to prevent children's rights from being neglected.

4. CONCLUSION

There are many problems faced by Indonesian Migrant Workers, one of which is the protection of children, both children left in Indonesia and those born in Malaysia. To protect children's rights, legal protection is necessary. Educating migrant workers about child protection is very important to prevent child neglect and violations of children's rights, especially the rights of migrant workers' children.

Through socialization, increasing the understanding of an Indonesian Migrant Worker about child protection, especially the protection of children's rights, increases awareness of the protection of children's rights to reduce the unprotected rights of children, especially against child neglect in the Indonesian Migrant Worker environment. This is a preventive effort so that the protection of children's rights is not neglected.

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