



Legal Protection of the Rights of Children Whose Parents Left Away to Work in Farming

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ABSTRACT

This study focuses on legal protection of the rights of children left behind by parents who migrate economically for farming, with case studies in Soki Village, Ncera Village, and Diha Village, Bima Regency. In this context, children often experience indirect care that has the potential to ignore the fulfillment of their basic rights, such as the right to education, protection, and affection. This study uses a normative legal approach with legislative and case approach techniques, and is analyzed in a juridical-qualitative manner. Data were obtained through literature studies and documentation of national regulations, international conventions, and relevant scientific literature. The results of the study indicate that there is a gap between applicable legal norms and their implementation in the field. Legal protection for children in this situation has not been effective, especially due to the absence of a monitoring mechanism that is adaptive to seasonal migration patterns. The implications of this study emphasize the urgency of establishing a community-based protection system and regional policies that are responsive to indirect care patterns in agrarian areas. In addition, there needs to be cross-sector integration between village governments, educational institutions, and child protection institutions to ensure the fulfillment of children's rights in a sustainable manner.

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1. INTRODUCTION

The global struggle to ensure the fulfillment and protection of children's rights is a historical response to the humanitarian tragedy after World War I, which has left a multidimensional crisis in the form of mass neglect, loss of caregivers, and systemic vulnerability to millions of children (Sidauruk, 2023). Collective awareness of the urgency of child protection began to crystallize in the form of a transnational philanthropic movement, one of whose central figures is Eglantyne Jebb, founder of Save the Children (Pulungan, 2024). Through dedication and progressive advocacy, Jebb formulated ten fundamental principles regarding children's rights which later became the conceptual basis in the Declaration of the Rights of the Child, ratified by the League of Nations through the Geneva Declaration in 1924.

The normative journey of child protection continues to be strengthened through other international legal instruments, such as the Universal Declaration of Human Rights (1948) and more comprehensively in the Convention on the Rights of the Child (CRC) in 1989 (Wendra & Sutrisno, 2024). The Convention affirms key principles in child protection, namely the principle of non-discrimination, the principle of the best interests of

the child, and the right to live, survive, and develop fully and optimally. This global consensus paradigmatically positions children as autonomous legal subjects, not just objects of protection, with a strategic position within the framework of human development and the advancement of civilization.

Although the international legal architecture regarding the protection of children's rights has been formulated systematically and comprehensively, substantive implementation at the local level often presents a paradoxical reality (Christie et al., 2024). This phenomenon is evident in rural agrarian areas such as Soki, Ncera, and Diha Villages, where more than 90% of the productive age population is involved in seasonal migration across regions, even between districts, in order to earn a living as farmers and horticultural farm laborers, especially in the shallot cultivation sector. This migration cycle, which lasts eight to ten months each year, results in fragmented and dysfunctional patterns of care, with children left in the care of grandparents or elderly relatives whose physical and psycho-educational capacities tend to be limited.

This constellation not only disrupts the continuity of children's access to education and essential health services, but also has a systemic impact on children's psychosocial balance. In the long term, this situation has the potential to increase vulnerability to various forms of child rights violations, such as exploitation, domestic violence, and involvement in deviant behavior as a form of maladaptive expression of structural neglect. This reality reflects a serious gap between universal norms and empirical practices, which requires contextual and socially just policy interventions.

This phenomenon indicates a structural crisis of care in rural communities that depend on economic migration. General Comment No. 7 (2005) issued by the UN Committee on the Rights of the Child explicitly emphasizes that the state has an obligation to provide alternative forms of quality care when parents are unable to carry out their roles (Livingstone et al., 2024). Research conducted by Hasnawati, (2022) shows that weak state intervention in the context of transitional care has a direct impact on reducing the fulfillment of the basic rights of children from migrant worker families. This is reinforced by Ismail's study, (2024) in *Childhood: A Global Journal of Child Research* which found a significant correlation between emotional disconnection between children and migrant parents and increased affective and cognitive dysfunction in children. Meanwhile, Parreñas, (2021) in the *Journal of Migration and Development* reflects criticism of the weak capacity of developing countries in formulating social policies that are responsive to the protective needs of domestic migrant children. However, the academic landscape related to this issue is still dominated by studies that focus on cross-border migration and the formal labor sector. This creates a bias in scientific attention that does not fully represent the dynamics of internal migration, especially those involving seasonal farmers in rural areas of Indonesia. In fact, this social context has its own complexities that have not been adequately accommodated in the policy framework or mainstream academic discourse.

Thus, it can be identified that there is a conceptual gap (theoretical gap) and an empirical gap (empirical gap) in the discourse on child protection which until now has not been fully answered by conventional studies. The phenomenon of seasonal domestic migration in the agricultural sector does not merely cause disruption in parenting patterns in the private family sphere, but also raises structural challenges that require a systemic response from the state as the main actor in social protection. The cyclical, informal nature of migration, driven by the subsistence needs of horticultural farming families, creates a configuration of care that is non-linear and tends to be marginalized in the design of child protection policies at the national level.

Based on empirical conditions that show structural inequalities in child care patterns due to seasonal domestic migration, this study is designed to address the scientific gap through an interdisciplinary and local context-based approach. The main focus is directed at a critical analysis of child protection policies in the scope of horticultural farmer families who migrate seasonally, in order to examine the extent to which the state is present and plays a role in guaranteeing the rights of children who are in vulnerable care conditions due to economic limitations and asymmetric social mobility.

The academic novelty offered in this study lies in the effort to deconstruct the dominant paradigm in child protection studies, by presenting an alternative perspective that departs from the reality of domestic migration in the agricultural sector. Different from previous studies that generally focus on children of international migrant workers, this study specifically explores the dynamics of care in horticultural farmer families who experience seasonal mobility between regions within the country. Furthermore, this study also seeks to formulate an alternative care policy model based on the community and local cultural values as a contextual response to the

care crisis in agrarian areas. The normative approach in this study is strengthened by the integration of the principles of the Convention on the Rights of the Child (CRC) and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas (UNDROP, 2018), as a conceptual basis for building a responsive and equitable regulatory framework.

Substantively, this study aims to analyze the implementation of legal protection for children left behind by their parents due to seasonal migration as horticultural farm laborers, and to assess the consistency and alignment of national policies with the principles of international protection as stated in the CRC and UNDROP. In addition, this study also attempts to design an alternative community-based care policy model that is adaptive to the characteristics of agrarian migration.

The results of this study are expected to provide strategic contributions in the development of inclusive, empirically evidence-based, and contextual child protection policies. These findings are also intended as cross-regional policy recommendations for local governments in designing regulations that guarantee the sustainability of the fulfillment of children's rights amidst the inevitable reality of economic migration.

Thus, it can be emphasized that child protection is not merely an individual moral responsibility in the family realm, but is a constitutional mandate of the state and a collective responsibility of society. The state is not enough to just produce normative regulations, but must ensure a real presence in guaranteeing the continuity of caregiving relationships, affection, and emotional protection as an essential foundation for the complete psychosocial growth and development of children.

2. RESEARCH METHODS

This study uses a normative legal approach as the main analytical basis, focusing on the review of legal materials as an authoritative source in understanding the construction of child rights protection norms (Sastrani, 2025). The normative approach was chosen because the topic being studied is inherently related to the normative framework regulated in the national legal system and international law. In this case, the study combines two complementary approach techniques, namely the statute approach and the case approach. The statutory approach is used to examine the substantive content of relevant laws and regulations, such as Law Number 35 of 2014 concerning Child Protection and the 1989 Convention on the Rights of the Child (CRC). Meanwhile, the case approach is used to understand the concrete implementation of legal norms in the social context of children who experience indirect care due to parental economic migration.

The determination of the research location was carried out purposively, considering the social significance and empirical relevance to the phenomenon being studied. The three villages that were the research locations, namely Soki Village, Ncera Village, and Diha Village in Bima Regency, West Nusa Tenggara Province, were chosen because they have uniform demographic characteristics, namely the majority of the population works as farmers and seasonal shallot farm laborers who migrate outside the region. This phenomenon creates complex social conditions, where children grow up in fragmented care situations, without the direct presence of parental figures as primary protectors. In such a context, the potential for violations of children's rights as regulated in positive law becomes an urgent issue to be studied in depth. Therefore, the three villages are strategic loci for analyzing the effectiveness of legal protection for children in dealing with the structural impacts of economic migration of farming families.

Data collection techniques were carried out through comprehensive literature studies, by accessing various primary legal materials, such as national laws and regulations, international instruments, and related jurisprudence (Sujasmin, 2025). In addition, secondary legal materials were also used in the form of scientific journals, reference books, previous research results, and official documents from relevant state institutions and international organizations Observation. The selection of library materials is done selectively by considering the relevance, authority, and recency of the sources. The data obtained are then analyzed using a juridical-qualitative method, which aims to interpret legal norms and assess the suitability of the normative substance to the empirical reality that occurs in the field.

The juridical-qualitative approach in this study not only functions as a descriptive instrument, but also as a critical analysis tool to evaluate the disparity between the ideality of legal norms and the social practices that occur. Through a systematic interpretation of applicable legal regulations, this study explores the construction of legal protection for children in the context of migration and foster care relations. In other words, the analysis does not solely rely on legal texts, but also pays attention to the sociological context that forms the dynamics of structural

injustice experienced by migrant farmer children. This interpretation is carried out by considering the principles of *lex specialis derogat legi generali* and the best interest of the child as fundamental principles in child protection.

Methodologically, this study positions children as vulnerable legal subjects, whose existence is often overlooked in the discourse of domestic migration and village development. In this case, literature studies not only act as data sources, but also as conceptual fields to criticize dominant assumptions in the formulation of legal policies. By placing the issue of care in the context of an agrarian village experiencing an exodus of seasonal workers, this study seeks to present a critical reading of the absence of alternative care schemes guaranteed by the state. Therefore, the integration of normative and contextual approaches becomes an essential methodological choice to explain regulatory inequality while developing alternative legal solutions that are inclusive and equitable.

Overall, this methodology is designed to answer the main research question, namely the extent to which the Indonesian positive legal system is able to guarantee the protection of children in indirect care situations due to the economic migration of farming families. The results of this analysis are expected to provide scientific contributions to the development of regulations that are responsive to rural social realities and strengthen academic arguments and policy advocacy in order to guarantee children's rights substantially and sustainably.

3. RESULT AND ANALYSIS

Form of legal protection for the rights of children left behind by their parents to farm

The phenomenon of economic migration, especially in the agricultural sector, has reconstructed the social configuration of families in rural areas such as Soki, Ncera, and Diha Villages. The absence of parents due to work demands outside the area creates significant disruption in childcare patterns. Children left behind in this situation often experience affective emptiness and the loss of authoritative figures who serve as emotional and moral references in their daily lives. Ahmad Sujuno One of them said that since his parents left behind, he was raised by his grandmother and often felt lonely and disoriented when facing life's problems.

This empirical statement strengthens the understanding that the consequences of parental migration are not only limited to the physical and economic dimensions, but also have profound psychosocial impacts on children, especially in the process of forming their identity and emotional balance. Observational data in the field consistently show that most children left behind in seasonal migration patterns experience attention deficits and weak daily supervision systems, which cumulatively hinder the optimization of their holistic development, both cognitively, emotionally, and socially.

This condition reflects the urgency to reformulate childcare policies, especially in the context of seasonal migrant farming families. These policies need to be adjusted to the ever-changing local social dynamics, in order to accommodate the specific needs of children growing up in an agrarian migration landscape and unconventional care. A more contextual and responsive policy approach is essential to guaranteeing children's rights substantively and sustainably.

Although Law Number 35 of 2014 concerning Child Protection has expressly guaranteed children's rights, its implementation at the village level is still not optimal (Oryta et al., 2025). Mulyadi, one of the village heads, said that his party had never received training or socialization on the implementation of the regulation. The imbalance between national policies and their implementation at the local level is a serious obstacle to child protection. Lack of coordination between institutions, minimal public understanding, and the absence of technical policies at the grassroots level further widen the gap in child protection in the context of parental migration.

In the context of increasingly intensive economic mobility escalation, educational institutions appear as strategic entities that have a crucial role in ensuring the fulfillment of children's basic rights. The significance of this role is increasingly prominent when children are in indirect care situations as a consequence of parental migration to work outside their domicile, both nationally and internationally. Within this framework, educational institutions not only function as a vehicle for the transmission of knowledge, but also carry out a social mandate as agents of protection and strengthening children's character so that they are able to adapt resiliently to the complexity of life's dynamics.

Although the role of education is expected to be a fortress of protection for children in the context of parental migration, literature evidence actually reveals an imbalance between conceptual ideals and factual conditions in the field. The UNESCO report (2021) highlights that in various regions with significant levels of migration, the ability of educational institutions to accommodate the needs of children left behind by their parents is still inadequate (Amanda et al., 2025). Factors such as limited numbers and capacities of educators, minimal training in handling psychosocial aspects, and lack of supporting facilities and infrastructure are crucial challenges in realizing the role of schools as transformative and responsive protection spaces for children's vulnerabilities.

In an in-depth interview, an educator at the elementary school level, especially SDN Soki Dusun Tugu, RT 02 RW 01, revealed that although there has been a growing pedagogical awareness regarding the urgency of providing special attention to students who experience parental absence due to migration, the implementation of the interventions carried out still faces various obstacles. The limited number of proportional educators and the lack of supporting facilities are determining factors that hinder the effectiveness of child protection programs in the school environment. This statement intersects with the Bappenas report (2018) which noted that only around 35% of elementary schools in rural areas of Indonesia have special assistance mechanisms for children in vulnerable social situations, indicating a structural gap in the provision of responsive and inclusive education services (Warda et al., 2024).

Conceptually, schools as formal educational institutions have strategic potential in internalizing the fundamental values of child protection in a structured and sustainable manner. The function of education is not only oriented towards cognitive development, but also plays a role as a medium for character formation, strengthening psychosocial resilience, and facilitator of children's social integration in their communities. In the context of parental migration, especially mothers, the absence of direct caregiving roles not only creates an affective void but also has an impact on reducing children's participation in the formal education process. Cortes' (2015) findings show a significant negative correlation between maternal migration and children's educational continuity, which is influenced by the weakening of emotional support and economic instability in the family structure left behind (Kinasih, 2024).

The results of a study presented by Jones et al. (2004) indicate that children who are left behind by their parents due to the necessity of work migration tend to experience adaptation barriers both in the academic and social realms, especially when there is no substitute figure who is able to carry out the role of caregiving optimally (Naungmapia et al., 2023). This finding is reinforced by the empirical data of this study, where one of the students said that he was often absent from school because he had to help his grandmother with domestic work. This statement confirms that the absence of parents not only creates an emotional void but also has a direct impact on the continuity of children's involvement in the formal learning process.

The results of participatory observations in the field revealed that the frequency of attendance of children who are cared for by relatives or single parents due to parental migration tends to be lower compared to children who receive direct care from both parents. This condition is an indicator that the institutional support currently available is not fully able to accommodate the special needs of children affected by the dynamics of economic migration.

Therefore, a holistic policy approach based on empirical evidence is needed to formulate a comprehensive support scheme based on school institutions. This approach includes integrated psychosocial interventions, active community participation, and strengthening the capacity of educators as the spearhead in child protection. In line with the principles mandated in the Convention on the Rights of the Child (UNCRC, 1989), both the state and society have a collective responsibility to ensure that every child, including those affected by parental migration, has the right to quality, safe, and inclusive education (Harefa et al., 2024).

Table 1. Impact of Parental Migration on Children

Aspect	Impact of Parental Migration	Source
Caregiving	Lack of attention and guidance	Field observations, Interviews with children and community leaders
Education	Decreased school participation and attendance	
Health	Decline in physical and mental well-being	
Legal Protection	Suboptimal implementation of regulations	

Optimal child protection should not only be the responsibility of the nuclear family, but must also be actively supported by the surrounding community. However, research results in the villages that were the study locations showed that community participation in child protection efforts is still very limited. A community leader said that although there is a strong intention to help children who have been abandoned by their parents, there is still uncertainty about the concrete steps that must be taken. This condition emphasizes the urgency of implementing training, socialization, and the formation of child care groups to encourage effective community involvement in ensuring the safety and welfare of children in the environment. In addition, the migration phenomenon causes changes in family structures, where the role of care is often transferred to extended family members, such as maternal grandmothers, which has new implications for the dynamics of child development.

Based on the findings that have been described, it can be concluded that legal protection of children's rights in the context of parental migration to work in the agricultural sector still faces various quite complex challenges. Therefore, the researcher recommends the need for intensive socialization and training for village officials and the community related to the implementation of the Child Protection Law. In addition, educational institutions

require optimal support from local governments, both in terms of increasing human resources and providing adequate facilities and infrastructure. Community empowerment through the formation of child care groups is also proposed as an effective collective strategy in creating a safe and conducive environment for child development. Without harmonious synergy between stakeholders, children left behind by parents who migrate will continue to experience vulnerabilities that can threaten the quality of their future.

Legal Impact on the Rights of Children Left Behind by Parents Who Migrate to Farm

The phenomenon of parental migration from Soki, Ncera, and Diha Villages to other agrarian areas, especially to work as farm laborers for horticultural commodities such as shallots, can no longer be viewed as an incidental or temporary event. This mobility has become a structural reality that is inherent in the socio-economic dynamics of rural communities. On the one hand, this migration functions as an adaptive strategy that reflects a response to economic pressures and income instability in farming households. However, on the other hand, the migration process has negative consequences in the form of disintegration in the childcare system, placing the early age group in a position that is vulnerable to neglect and violations of their rights as legal subjects.

Mulyadi, a community leader in Soki Village, said that the role of care that was previously attached to the nuclear family has now shifted to secondary parties who do not have adequate legal legitimacy or affective competence. He explained that many parents go to Bima, Dompu, even outside the island, and stay for long periods of time. Children also live with their grandmothers or aunts, but the supervision and attention they need cannot be completely replaced. This statement indicates a disarticulation in parenting relations, where the family structure experiences role fragmentation. This fragmentation describes the separation of parenting tasks that should be within the scope of the nuclear family, but are forced to be transferred to substitute figures who do not have adequate parenting authority, both in terms of psycho-emotional and legal aspects.

The results of ethnographic observations in Woro Hamlet, Ncera Village, revealed that children at elementary and junior high school levels tend to spend most of their time in public spaces without adult supervision. The elderly as the main occupants of the house do not have adequate digital literacy, understanding of children's psychosocial development, or basic pedagogical skills. Irregularities in the arrangement of study time, excessive consumption of digital content through online games, and the absence of authoritative figures in daily life reflect the phenomenon of neglected parenting, a form of structural neglect that is not visible to the naked eye, but has a significant impact on child development.

Table 2. Field Observation Results

Observation Aspect	Findings in Woro Hamlet, Ncera Village	Impact / Implication
Activities of Elementary and Junior High School Children	Spend most of their time in public spaces without adult supervision	Lack of guidance and supervision, potentially leading to social risks and suboptimal development
Digital Literacy of the Elderly	Elderly, as the main household members, lack adequate digital literacy	Unable to assist children in using technology, increasing the risk of digital content misuse
Psychosocial and Pedagogical Understanding of the Elderly	Elderly do not understand children's psychosocial development or basic pedagogical skills	Absence of appropriate emotional and educational support for children
Children's Study Time Management	Irregular	Children struggle to establish effective learning routines
Children's Digital Content Consumption	Excessive, especially through online games	Potential for addiction, concentration issues, and impaired mental development
Presence of Authoritative Figures in Children's Lives	No consistent authoritative figure present	Neglected parenting phenomenon: invisible structural neglect affecting child development

This phenomenon is directly related to UNICEF's findings (2019) which emphasize that children who experience a lack of direct care or care deficit face a high risk of affective dysfunction, deviant behavior, and social alienation. Normatively, this condition is a form of violation of children's rights as regulated in Article 14 of Law Number 35 of 2014 concerning Child Protection, which emphasizes the right of every child to receive care, guidance, and care from their biological parents. (Bawole et al., 2025).

From an economic perspective, the assumption that migration will automatically increase welfare has not been fully proven. Data from the Central Statistics Agency (2020) indicates that households with heads of families who migrate actually face high income fluctuations and are vulnerable to transient poverty. In many situations, children are forced to take over the productive role of their parents at home or even engage in economic activities, which has the potential to lead to child exploitation practices. This condition clearly contradicts the provisions of Article 76I of the Child Protection Law, which expressly prohibits all forms of child involvement in work that can hinder their growth and development process (Sasongko et al., 2025).

Based on the ecological framework of child development proposed by Bronfenbrenner (1979), the nuclear family plays a fundamental role as a microsystem in the formation of children's identity, affection, and morality (El Zaatari & Maalouf, 2022). The absence of parents in this microsystem environment causes relational disorders that hinder the continuity of children's overall development. The absence of reinforcement at the microsystem level results in children's psychosocial conditions becoming vulnerable and lacking adequate emotional attachment.

From a legal perspective, migration is not only seen as a phenomenon of economic mobility, but also a serious challenge in child protection policies. Susilowati, (2022) emphasized that the state has an obligation to carry out protective interventions if the family structure is unable to guarantee the safety and welfare of children. Therefore, the government's approach in dealing with this issue cannot be *laissez-faire*, but must be proactive through the formulation of policies that are responsive to community needs (community-responsive child policy).

Table 3. Legal Aspects Affected by the Phenomenon of Parental Migration

Regulation	Provision	Impact of Violation
Law No. 35 of 2014 on Child Protection	Article 14: Children's right to be cared for by their parents	Children left without direct parental care
Article 76I of the Child Protection Law	Prohibition of economic exploitation of children	Children take over the productive roles of their parents
Convention on the Rights of the Child (CRC), Articles 3 and 18	The best interests of the child as a primary consideration	Dysfunctional caregiving is not treated as a primary concern
1945 Constitution, Article 28B Paragraph (2)	Every child's right to survival, growth, and development	Children experience stagnation in psychosocial development

Child Rights Governance (CRG) is a governance mechanism that prioritizes the fulfillment of children's rights as the main basis for formulating public policies, including in the context of migration and family irregularities (Firinci Orman, 2022). This is in line with UNICEF's findings (2022) which emphasize the importance of comprehensive protection for children affected by migration, including psychosocial support and strong legal protection. In addition, research by Junaidi & Khikmah, (2024) shows that community-based interventions and the involvement of various stakeholders have proven effective in reducing the risk of neglect and developmental disorders in migrant children. Therefore, collaboration between the village government, the Women's Empowerment and Child Protection Service (DP3A), and community organizations is very important in designing alternative care systems, organizing training for substitute guardians, and developing cross-sectoral monitoring mechanisms that can minimize the impact of child neglect.

Furthermore, the implementation of affirmative policies through regional regulations is an urgent strategic step to be realized. Local governments need to design and ratify Regional Regulations (Perda) that specifically regulate the protection of children's rights from migrant families, including dimensions of education, health, and psychosocial support. These regulations are expected to be a bridge to overcome the limitations of the implementation of Law Number 23 of 2002, which so far lacks adequate executive power at the local level (Abraham, 2023). Without concrete regulatory intervention, the migration phenomenon will continue to deepen structural inequalities and leave behind systemic and hidden impacts of child rights violations.

4. CONCLUSION

This study confirms that the phenomenon of parental migration to work in the agricultural sector has created a multidimensional impact on children's rights, especially in terms of care, education, and legal protection. The absence of parents for a long period of time has an impact on the formation of neglected parenting patterns, which is a form of neglect that is invisible but has serious implications for the child's psychosocial balance. This finding strengthens the insight that child protection is not sufficiently guaranteed legally through the Law, but requires an adaptive care system and adequate institutional support at the local level. An important lesson that

can be learned is that in the context of agrarian migration, the approach to child protection must be contextual, integrated, and involve all social elements of the family, school, and community to ensure that children's growth and development takes place in an integrated and sustainable manner.

The main strength of this study lies in the in-depth qualitative approach that focuses on the local context, which allows for a more comprehensive understanding of the relationship between economic migration and the vulnerability of children's rights. This study makes a significant contribution to the scientific realm by introducing the neglected parenting variable as a structural consequence of seasonal agrarian migration, which has not been widely highlighted in previous literature. In addition, this research encourages the importance of reformulating school-based policies as a protective institution for children in indirect care situations. However, the limitations of this study lie in the scope that is limited to three villages in Bima Regency and has not accommodated variations in factors such as gender, age, and broader cultural backgrounds. Therefore, further research is needed, both with a quantitative approach and cross-regional comparative studies, to obtain a more holistic picture that can be used as a basis for formulating responsive and evidence-based public policies.

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