

## Unraveling The Countermeasures by The Social Service of Gorontalo Province Against The Exploitation of Children with Disabilities

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### ABSTRACT

This study is intended to (1) find out the role of the Gorontalo Provincial Social Service in overcoming the exploitation of children with disabilities as beggars in Gorontalo Province; (2) to find out what are the inhibiting factors for the role of the Gorontalo Provincial Social Service in overcoming the exploitation of children with disabilities in Gorontalo Province. This study uses empirical legal research methods, which use field facts as the main data in the research being conducted. The data sources used are primary data sources as the main data, and secondary data sources as supporting data consisting of documents and scientific works related to the problems being discussed. The sample used in this research is employees at the the Gorontalo Provincial Social Service, children with disabilities, and parents of children with disabilities. The results show first, the role of the Gorontalo Provincial Social Service is to provide legal protection to children with disabilities who are victims of exploitation as beggars with preventive legal measures consisting of socialization, strengthening of the companion team, and providing social assistance; and repressive legal efforts consisting of coaching and legal assistance. The second, the role of the Provincial Social Service to children with disabilities who are victims of exploitation also experiences obstacles such as the stubbornness shown by children with disabilities and their parents, the lack of competence of disability assistants, and the absence of regional regulations on disability in Gorontalo Province

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## 1. Introduction

Children, especially children with disabilities, have the right to guarantees and protection to live in a comfortable, safe, and participatory manner for the sake of optimizing their growth and development by following per under the dignity of the child, as well as receiving protection from violence and discrimination, and acts of exploitation. On the other hand, parents also have the responsibility and obligation to guarantee and protect children's rights as legal subjects regulated in the legislation.

According to data compiled from the Indonesian Ministry of Social Affairs, children with disabilities in Indonesia account for 26.7% of the total population of the disability group. In addition, the data also shows that as many as 18.3% of children with disabilities live below the poverty line. The conditions of poverty experienced by children with disabilities will indirectly affect the growth and development of children with disabilities. Poverty (economic factor) is also considered to be the thing that influences why children with disabilities are often exploited by the surrounding environment.

Children with disabilities need to be pursued for the fulfillment, guarantee, and protection of their rights which have been accommodated in various conventions and similar rules. Protection and guarantee are manifestations in the context of seeking harmony in the life of the nation and state without having to arise differences in ethnicity, race, religion, and between groups, especially for children with disabilities.

As a form of Indonesia's commitment to fulfilling the rights of children with disabilities, Indonesia ratified the convention on the rights of persons with disabilities through Law no. 19 of 2011 concerning Ratification of the Convention On The Rights of Persons With Disabilities. Philosophically, the existence of this law is to fulfill, guarantee, and protect the rights of persons with disabilities. The ratification of the rights of persons with disabilities in the law is also an effort by the Indonesian government to respect and accommodate the human rights inherent in every human being without exception for children with disabilities, as well as the implementation of the values of Pancasila (social justice for all Indonesian people) which are not only at the level of normalization only but formulated in life.

In addition to ratifying Law no. No. 19 of 2011 in recognizing and guaranteeing the rights of children with disabilities, the government also passed Law no. 8 of 2016 concerning Persons with Disabilities ((hereinafter abbreviated as Law on Disabilities) as a concrete manifestation of the government is seeking to fulfill, protect and guarantee the rights of children with disabilities in Indonesia. The presence of the Law on Disability is progress for persons with disabilities, especially for children with disabilities, considering that this Law is a form of acknowledgment of the existence of disability groups, and the

government's commitment to protecting and guaranteeing the rights of disabled groups, especially children with disabilities.

The birth of the Disability Law was initiated by the demands of an increasingly complex era in respecting every human being. The government's commitment to guarantee and protect human rights, equality before the law, and that all citizens without exception, is a mandate given by God Almighty. In addition, groups with disabilities who are vulnerable to all actions that can hinder activities, are backward, poor, and so on are also the forerunner to the birth of the Disability Law.

According to article 5 paragraph (3) of the Disability Law, children with disabilities have the right to:

- a. The right to protection from actions that can harm children such as discrimination, harassment, neglect, exploitation, crime, and violence;
- b. The right to care and care;
- c. The right to protect the interests of children;
- d. The right to humane treatment;
- e. The right to social equality with children in general; and
- f. Right to assistance.

The rights as above clearly give rights to persons with disabilities, in particular the right to be protected from acts of exploitation of persons with disabilities. Although the presence of the Disability Law has provided a new direction for persons with disabilities, sociological facts still place persons with disabilities, especially children with disabilities, from receiving unfair treatment from the people around them. The unfair treatment in question is discriminatory, bullying, and the most common around is by exploiting children with disabilities. The neglect of the rights and life guarantees of children with disabilities is a step back towards injustice for children with disabilities themselves.

According to the Central Statistics Agency (BPS) of Gorontalo Province, the number of persons with disabilities in the category of children in Gorontalo Province is 34.6%, and there are quite several children with disabilities living below the poverty line, namely 68.5% of the total population of children with disabilities in Gorontalo Province. The total number of persons with disabilities in Gorontalo Province is as follows:

Table 1.1 Number of PwDs in Gorontalo . Province

County/City	Amount by Age		Amount
	Adult Age	Child Age	
Regency. Gorontalo	2003	305	2308
Gorontalo City	467	184	651

Regency. Boalemo	396	169	565
Regency. Pohuwato	1150	124	1274
Regency. Bone Bolango	981	232	1213
Regency. North Gorontalo	639	14	653
Total number			6664

Source: Ismet Hadi (in research entitled: The Urgency of Accessibility with Disabilities in Gorontalo District Government Agencies in 2020)

The number of children with disabilities who become beggars in Gorontalo Province are as follows:

Table 1.2 the number of child beggars in Gorontalo Province by category

No	Beggar Group	Year		Average age
		2019	2020	
1	Disability	2 (two)	2 (two)	15-18 years old

Source: Gorontalo Provincial Social Service in 2021

The table above shows that there are 2 (two) children with disabilities in Gorontalo Province who are victims of exploitation by begging in the 2019-2020 period. This condition certainly requires protection for children with disabilities in Gorontalo Province. The Gorontalo Provincial Government, in particular the Gorontalo Provincial Social Service, has an obligation as mandated by laws and regulations, particularly the Disability Law to provide protection and fulfillment of rights to persons with disabilities.

The perpetrators of exploitation must get legal treatment as a result of the actions they have committed. The perpetrators of exploitation, whether parents, family, or people around them, must be held accountable for their actions as regulated in Article 76 of Law 35 of 2014 concerning Amendments to Law 23 of 2002 concerning Child Protection. Regarding criminal provisions against perpetrators, including parents who exploit children with disabilities, it is also regulated in Article 145 of the Disability Law which states that everyone is prohibited from taking actions that can harm people with disabilities. This is in line with what was stated by Lon L. Fuller, that This form of prohibition is the purpose of the law as a tool to regulate life.

Based on the description of the problem above, the formulation of the problem is first, how is the role of the Gorontalo Provincial Social Service in overcoming the exploitation of children with disabilities as beggars in Gorontalo Province; second, what are the inhibiting factors for the role of the Gorontalo Provincial Social Service in overcoming the exploitation of children with disabilities in Gorontalo Province.

## 2. Method

This type of research is empirical legal research, which includes research on legal identification (unwritten) and research on legal effectiveness. The data sources used are primary data which includes the results of interviews and observations in the field, and secondary data consisting of legal products, scientific articles, and other data sources deemed relevant to the research being conducted.

## 3. Play the role of the Gorontalo Province Social Service in tackling the exploitation of children with disabilities as beggars in Gorontalo Province

Children with disabilities need comprehensive protection because they are a vulnerable group. It was even then that initiated the birth of the Disability Law as a legal framework to guarantee and fulfill and respect/recognize persons with disabilities as an inseparable part of the Unitary State of the Republic of Indonesia. The Disability Law has accommodated the rights of every person with a disability, especially children with disabilities who are vulnerable to discriminatory treatment and acts of exploitation, both sexually and economically.

Theoretically, the concept of legal protection for legal subjects is divided into 2 (two) types, namely preventive legal protection and repressive legal protection. Preventive legal protection is a legal remedy provided by the government or legal entity by preventing a violation before the occurrence of a violation. In practice, preventive legal remedies have been determined in a legal product (laws and regulations) that regulates and contains the rights and obligations of every citizen, and other legal subjects.

Meanwhile, repressive legal remedies are a type of legal protection for legal subjects by giving fines, sanctions, and penalties to someone who has committed a violation or crime. Repressive legal remedies are the last legal remedy because they contain legal consequences that will be imposed on a person or legal entity who commits a violation or crime.

Legal protection efforts, both preventive and repressive for children, aim to ensure the fulfillment of children's rights, especially for children with disabilities who are victims of economic exploitation about a ton in concerning normal and non-discriminatory child growth and development. This is because children with disabilities are people with conditions who cannot carry out their roles perfectly, such as social, economic roles, and so on. In addition, efforts to protect children, especially children with disabilities, will have legal consequences by following the provisions of applicable norms and laws, and regulations.

Children with disability categories as mandated by the Disability Law need to be given

their rights which aim to ensure legal certainty, respect, and legal protection for people with disabilities, especially with the status of children with disabilities. In addition, the Disability Law also reaffirms Article 5 paragraph (3) of the Disability Law that children with disabilities must receive legal protection from acts of exploitation that can harm the child with a disability.

Legal protection for children with disabilities can be provided in various ways and by an agency that is given the mandate and task to carry out legal protection. One of the bodies tasked with providing legal protection to children with disabilities is the Gorontalo Provincial Social Service. This service carries out the task of empowering persons with disabilities using utilizing employing through rehabilitation and other guidance as a form of legal protection for children with disabilities. especially those exploited economically by irresponsible people. Children with disability categories as mandated by the Disability Law need to be given their rights which aim to ensure legal certainty, respect and legal protection for people with disabilities, especially with the status of children with disabilities.<sup>1</sup> In addition, the Disability Law also reaffirms Article 5 paragraph (3) of the Disability Law that children with disabilities must receive legal protection from acts of exploitation that can harm the child with disability.

Judging from the procedure for fulfilling the rights of persons with disabilities who are victims of economic exploitation (begging), the Gorontalo Provincial Social Service uses a preventive and repressive legal protection pattern, which will be described as follows:

### **3.1. Preventive Legal Protection Efforts**

The Gorontalo Provincial Social Service carries out preventive legal protection efforts for children with disabilities who are economically exploited as a form of prevention so that exploitation practices do not occur to children, including children with disabilities in various ways such as outreach to the community and parents of children with disabilities, and other efforts. such as strengthening disability assistants at the Gorontalo Provincial Social Service.

This preventive legal effort, according to the Gorontalo Provincial Social Service represented by Mr. Helmi Mahmud (as a disability assistant) is the right step to provide legal protection to children with disabilities regarding their rights that have been guaranteed and determined standardly through the birth of the Disability Law. At the same time, he also stated the following:

"In providing efforts to protect children with disabilities who are victims of exploitation in Gorontalo Province, we do have limited duties and authority with the Regency/City

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<sup>1</sup>Article 3 of the Law on Disabilities



Social Service in Gorontalo Province. However, we as an institution mandated by laws and regulations to carry out legal protection efforts for people with disabilities, we still carry out certain stages.”

On the same occasion during an interview with disability assistant staff at the Gorontalo Provincial Social Service, he explained that the steps taken by the Gorontalo Provincial Social Service to protect children with disabilities who were victims of exploitation by begging, especially in the Gorontalo City area, were given by how to disseminate information to the community, especially to parents of children with disabilities, strengthen disability assistants, and provide assistance in certain forms, which will be described as follows:

### **3.1.1 Socialization to the Community and Parents**

The socialization stage to the community, especially parents with disabilities related to the rights of children with disabilities and the obligations of parents, is carried out by the Gorontalo Provincial Social Service. In the socialization process, the Gorontalo Provincial Social Service dispatched teams down to the village level as an overall equalization effort to protect people with disabilities, especially those who are still status as children who are very vulnerable to treatment that can harm the child with a disability. In addition, the socialization by the Gorontalo Provincial Social Service sent a team that was indeed competent, as stated by Mr. Helmi Mahmud as follows:

“The team sent by the Gorontalo Provincial Social Service for socialization is targeting remote villages due to lack of information as a reinforcement to the local community and parents that people with disabilities, especially children with disabilities, have rights. Activities are also carried out by competent people. But not all.”

Socialization about the rights of persons with disabilities, especially children with disabilities, is one of the early prevention efforts so that children with disabilities are free from negative stigma from the surrounding environment, exploitation by parents, or other irresponsible people. Apart from fulfilling obligations to persons with disabilities, socialization is also the right step to protect the rights of children with disabilities which have been standardly determined in laws and regulations, especially the Law on Disabilities.

In an interview with Mr. Helmi Mahmud, he stated that the socialization was not only focused on parents of children with disabilities but also targeted local community members to shape the public's perspective on persons with disabilities. Socialization also not only conveys what are the rights of persons with disabilities, especially children with disabilities, but also about what actions are prohibited to be done to persons with

disabilities.

### **3.1.2 Strengthening the Disability Assistance Team**

Social Service is to strengthen the disability assistance staff, who are responsible elements and have direct access to persons with disabilities. Because, with the presence of assistants who have the competence according to their needs, it will certainly make it easier and solve the problems of people with disabilities.

The strengthening of disability assistants is one of the efforts to maximize the role of the Gorontalo Provincial Social Service for people with disabilities in Gorontalo Province. The role of a disability assistant is very much needed considering the high number of people with disabilities in Indonesia, especially in Gorontalo Province. Ani Mardiyati, in his research, suggests that a disability assistant has a very central role in seeking convenience for people with disabilities. Furthermore, he stated that the disability assistance team is the spearhead in providing services to people with disabilities spread throughout the country.

The disability assistance team at the Gorontalo Provincial Social Service has been trained and has received a briefing from trainers provided by the central government. This is as stated by Mr. Helmi Mahmud, as follows:

“Disability assistants (social workers) at the Social Service of Gorontalo Province are trained and provided with briefings by the central government (Ministry of Social Affairs) to create and produce mentoring teams who understand what people with disabilities need in Gorontalo.”

With sufficient knowledge of the disability assistance team related to expertise and competence in the field of disability empowerment, it will certainly be an added value for the Gorontalo Provincial Social Service in its efforts to cater for people with disabilities in Gorontalo Province. In addition, the debriefing also aims as early protection regarding the needs of persons with disabilities, to minimize deviations committed by persons with disabilities, especially those who are still children, who sometimes become beggars.

The concept of debriefing and strengthening disability assistants can be interpreted as an early protection effort for persons with disabilities who are still children. This was also explained by Mr. Helmi Mahmud as follows:

"If the mentoring team understands what a disability is, and understands very well what are the obstacles and obstacles for a child with a disability, of course, we will act to seek and follow the wishes of a child with a disability who has become a beggar, especially in rural areas. Gorontalo City. We will try to do our best so that the disabled child will no



longer be a beggar.”

With sufficient knowledge by the assistants, it will certainly have a significant positive impact on the process of preventing (preventive) legal protection for persons with disabilities, especially those who are still children. This is in line with the results of research from Arif Gani, et al. which emphasized that people with disabilities need more attention from the agency or agency that was given the mandate to understand what the needs of people with disabilities are in Gorontalo Province. He also emphasized that if human resources (knowledge) become one of the indicators in the success of preventive protection efforts, including for persons with disabilities.

### **3.1.3 Providing Assistance in Certain Forms**

In addition to legal efforts by socializing and strengthening the companion team for children with disabilities, other preventive legal protection efforts are carried out by assisting in the form of materials. This is as the result of an interview with Mr. Helmi Mahmud, who stated the following:

"Assisting is one of our ways at the Gorontalo Provincial Social Service to prevent early economic exploitation practices (begging) for children with disabilities in Gorontalo Province"

Furthermore, Mr. Helmi Mahmud explained that the provision of assistance in the form of cash and other assistance such as nine basic commodities was routinely given as a form of preventive effort in preventing economic exploitation by parents or families of children with disabilities. Because, according to the results of observations and observations in the field, one of the factors why children with disabilities are exploited is poverty that ensnares the families of children with disabilities.

The provision of assistance by the Gorontalo Provincial Social Service has been programmed in an annual program so that it has been routinely given at a predetermined time. In addition, this was also confirmed by Mr. Helmi Mahmud, who stated the following:

“We routinely assist persons with disabilities with a predetermined amount and are given at a certain time, with the aim and hope that the assistance provided can ease the family's economy so that there is no longer any practice of economic exploitation of children, which recently happened in Gorontalo City. ”

According to the results of research conducted by Adi Suhendra, assisting in the form of material and non-material to persons with disabilities, such as budgeting

for the empowerment and fulfillment of the rights of persons with disabilities will greatly impact the awareness pattern of non-disabled people. Therefore, it is important to budget funds for the benefit of empowerment as a form of fulfilling the rights of persons with disabilities, especially children with disabilities.

The socialization, strengthening of the escort team, and the provision of assistance to persons with disabilities, especially those who are still children, carried out by the Gorontalo Provincial Social Service are not only interpreted as preventive legal measures but have become an obligation attached to the Gorontalo Provincial Social Service. . This has also been determined standardly in the legislation, in particular the Disability Law which mandates the government and local governments to carry out the fulfillment and protection of the rights of persons with disabilities. There are even provisions for criminal sanctions that are shown for anyone who takes actions that can increase, decrease, or lose the rights of persons with disabilities.

The provisions of laws and regulations, in particular the Law on Disabilities, have mandated the state through local governments to participate in fulfilling the rights of persons with disabilities, especially children with disabilities who are vulnerable to discriminatory treatment, and exploitation which can cause the loss of rights of children with disabilities. In addition, according to the provisions of Article 126 of the Disability Law, local governments are required to protect the rights of women and children with persons with disabilities who are considered vulnerable.

Apart from being regulated and standardized in the Disability Law, the prohibition on the economic exploitation of children with disabilities has also been regulated in Law no. 35 of 2014 concerning Child Protection, that everyone is prohibited from doing, allowing, and or participating in the practice of exploitation of children. The provisions as referred to of course also apply to children with disabilities.

### **3.2. Repressive Legal Effort**

In addition to preventive legal protection efforts for children with disabilities, other legal remedies have been carried out by the authorities (Gorontalo Provincial Social Service), namely legal protection efforts by repressive means. Legal efforts in this way were carried out after the exploitation of children with disabilities who became beggars in Gorontalo Province, especially Gorontalo City. The number of children with disabilities who were exploited economically (become beggars) in Gorontalo Province was 2 (two) children with disabilities in 2020. Therefore, it is important to see how the repressive polarization of legal protection is carried out by the Gorontalo Provincial Government through the Gorontalo Provincial Social Service.

Broadly speaking, the repressive legal protection efforts carried out by the Gorontalo Provincial Social Service are by guiding parents who exploit children with disabilities and implementing partnerships with various parties to bring order to disabled beggars, especially those who are still children. The following will describe how the repressive legal protection by the Social Service of Gorontalo Province is for children with disabilities who become beggars:

### 3.2.1 Coaching

Coaching is one of the efforts to protect children with disabilities who become beggars in Gorontalo Province. This was stated by Mr. Helmi Mahmud, In the interview he conducted, he also stated that the coaching was carried out after it was found that there were children with disabilities who became beggars in Gorontalo Province, especially in Gorontalo City. He also wanted to emphasize that guidance is not only for children who are victims or perpetrators of economic exploitation of children but also for parents of children with disabilities.

In the same interview, Mr. Helmi Mahmud explained that coaching involves disability assistants (disabled workers) and other fields at the Gorontalo Provincial Social Service for the efficiency and effectiveness of the coaching efforts carried out. furthermore, he stated in the interview as follows:

"The coaching process that we carry out is of course after it is found that there are actions taken by parents to children. For example, what happened in Gorontalo City, we visited children with disabilities and their parents. We have come to train accompanied by a companion to carry out the coaching."

The involvement of assistants during the coaching process is intended to explore the causes of economic exploitation of children with disabilities and provide appropriate solutions, to eliminate and form a new mindset so that such actions do not happen again. The team that goes to the field will explain that children with disabilities should not get exploitation treatment economically, and for the sake of upholding the rights of children with disabilities as regulated in the Disability Law.

The team assigned to guide by exploring the reasons that make children with disabilities become beggars found that one of the factors was the economic condition of the families of the children with disabilities. This was confirmed by an interview conducted with Mr. Vonny Abdul (women and children staff) at the Gorontalo Provincial Social Service:

"When we were in the field, we asked parents and children with disabilities what prompted the children to beg, the answer was yes because we need money to eat.

If we don't beg, who will give us money? We have assisted in the form of money or necessities, but we are still begging.”

Economic factors are indeed the cause of children with disabilities begging. However, encouragement from the family, especially parents, is the main reason why children become beggars. In fact, according to observations and confessions from several staff who visited, when a child with a disability was begging, the parents or family of the child was behind him (supervising).

Research conducted by Sri Risky Ayu found that one of the factors why children with disabilities became beggars was encouragement from the environment and parents. Therefore, it is important to guide parents and the community around where children with disabilities live. This is to protect the rights of children with disabilities and to minimize the existence of criminal acts of exploitation of children with disabilities.

Guidance to the community, especially to parents of children with disabilities, is important to ensure and guarantee legal certainty (legal protection) for all children, especially children with disabilities who are victims of economic exploitation. The efforts of the Gorontalo Provincial Social Service in this matter have been fostered as a form of repressive legal protection for children with disabilities and their parents. Therefore, it is necessary to take appropriate steps in the intended coaching, such as conducting rehabilitation as part of the coaching process.

Rehabilitation as part of coaching is carried out to seek recovery for children with disabilities by involving a team that has the competence to solve the problems they are facing. In an interview with the respondent, namely Mr. Helmi Mahmud, he explained that the team involved did not only focus on what causes children with disabilities to become beggars but also find solutions for children with disabilities or parents who are perpetrators of exploiting children with disabilities.

### **3.2.2 Legal Assistance**

In addition to legal efforts by providing guidance, the Gorontalo Provincial Social Service also provides legal assistance to children with disabilities who are victims of economic exploitation. According to Mr. Helmi Mahmud, legal assistance is a repressive measure given to children with disabilities who are forcibly exploited by their parents or families in the surrounding environment. In addition, in the interview also Mr. Helmi Mahmud explained as follows:

“Sometimes we take action on cases such as child exploitation by providing legal assistance to children with disabilities who become victims if the child is forced by

their parents or family. We do this by involving other parties, such as law enforcement agencies.”

Furthermore, Mr. Helmi Mahmud emphasized that there had been cases of exploitation of children with disabilities by their parents, and legal assistance had been provided to these children with disabilities. to protect and fulfill their rights as children and persons with disabilities. Legal assistance also involves the police as the agency authorized to follow up on cases of exploitation of children with disabilities.

Legal assistance is also always adjusted to the degree of the case being faced and handled by the advisory team. It aims to handle cases to stick to the principles of handling given to children with disabilities. Mr. Helmi Mahmud, stated in an interview as follows:

“When dealing with cases of children with disabilities, we first see whether the cases we are facing require serious handling and must involve other teams such as the authorities or not. So we have to be careful before we act.”

Legal assistance will also involve other teams such as from the children's field at the Gorontalo Provincial Social Service so that the handling efforts are appropriate and effective and efficient so that the objectives of fostering and assisting children with disabilities who are economically exploited can be fulfilled to protect the rights of children with disabilities who have been exploited. accommodated and guaranteed in various laws and regulations, especially the Disability Law.

Of all legal efforts, both preventive and repressive as a method in dealing with children with disabilities who are victims of exploitation, they should be able to give birth to a solution that can have a positive impact on the rights of children with disabilities. This is because children with disabilities are different from people with disabilities who are old enough (adults) in terms of legal handling patterns. In addition, in the Disability Act, Children with disabilities are given rights that are not available to adults with disabilities.

The Law on Disabilities mandates the state through the government and local governments to carry out special protections, which include the protection of children with disabilities from discrimination, neglect, harassment, exploitation, and sexual violence and crime. Therefore, the Gorontalo Provincial Social Service as an institution has the authority, in carrying out its obligations in protecting the rights of children with disabilities who are victims of economic exploitation, they must carry out by following the principle of protecting children with disabilities.

Fulfillment and legal protection for children with disabilities must be in line with what has been mandated by the Disability Law, especially in terms of protecting and protecting children with disabilities from economic exploitation practices, which make these children as beggars on the streets or other places. Therefore, legal protection efforts carried out by the Gorontalo Provincial Social Service must depart from the principles of protection and fulfillment which include the principle of respect for the dignity of persons with disabilities, and special treatment, and more protection.

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#### **4. Obstacle Factor The Role of the Gorontalo Provincial Social Service in Combating the Exploitation of Children with Disabilities as Beggars in Gorontalo Province**

In the process of protecting children with disabilities who are victims of exploitation, of course, there are obstacles experienced by the Social Service of Gorontalo Province. This is as stated and by the respondents in the interviews that have been conducted. In the interviews that have been conducted, several inhibiting factors consist of the lack of human resource competence (HR) owned by the Provincial Social Service which is assigned to provide comprehensive protection for children with disabilities; and the absence of local regulations in Gorontalo province that can serve as a legal framework for the fulfillment of rights for persons with disabilities, especially children with disabilities.

The following will describe the inhibiting factors experienced by the Gorontalo Provincial Social Service in providing legal protection to children with disabilities both preventively and repressively:

##### **4.1. Stubbornness**

The main factor of the obstacles experienced by the Gorontalo Provincial Social Service in its efforts to provide legal protection to persons with disabilities is stubbornness. This factor is quite serious considering that the stubbornness of persons with disabilities does not only come from children with disabilities themselves but also stubbornness from parents of children with disabilities, as explained by Mr. Vonny Abdul. In interviews conducted, respondents in the study stated the following:



"We have tried our best to carry out legal protection efforts, by going directly to the field (repressive legal efforts), but the stubbornness of the disabled child who became a beggar hindered us. This also applies to parents who stubbornly continue to let their children become beggars."

Legal protection in a repressive way, namely by providing guidance and assistance to children with disabilities, continues to be carried out even though there are obstacles faced, especially the stubbornness shown by children with disabilities and parents of children with disabilities. Both preventive and repressive legal efforts will be effective if there is cooperation between legal protection providers and those who are protected (children with disabilities).

According to Mr. Helmi Mahmud, explained that children with disabilities and their parents always come from economic factors that make children with disabilities continue to be exploited economically. In addition, he also stated the following:

"They (parents of children with disabilities) say: if we don't beg for money, who will feed us? We have assisted them in the form of necessities and money."

The above interview shows the stubborn attitude of children with disabilities and their parents which should be overcome by the Social Service of the Province of Gorontalo by sending a team that is indeed an expert, or by conveying that the attitude of parents who let their children become beggars is a crime as regulated in the Disability Law.

Stubbornness in children with disabilities and parents should be overcome in certain ways. For example, by showing a more assertive attitude to children with disabilities and their parents to overcome the stubbornness of people and children with disabilities. The Gorontalo Provincial Social Service can invite other parties to take a persuasive approach to children with disabilities and their parents so that they no longer hinder the process of providing legal protection both preventively and repressively.

#### **4.2. Competence Of Facilitator**

One of the factors that can be measured from the success of a program is the presence of competent human resources in their respective fields, specifically in the field of protecting children with disabilities who are victims of exploitation of children with disabilities. This was also justified by Mr. Helmi Mahmud, who stated as follows:

"The competence of human resources (HR) is one of the factors that becomes a benchmark for the success of protecting and fulfilling the rights of persons with disabilities. We are very dependent on the competence of the assistants and other teams so that everything can run according to expectations and goals."

It cannot be denied that the presence of adequate human resources by following the required competencies is one of the reasons for the effective protection of persons with disabilities, including children with disabilities whose rights have been guaranteed and carried out by the Gorontalo Provincial Social Service. According to Mr. Helmi Mahmud's confession, the Gorontalo Provincial Social Service still has shortcomings with the limited competence of social workers (assistant staff).

In an interview that was conducted with Mr. Helmi Mahmud, he explained that the presence of assistant staff was limited to the scientific field possessed by the assistant staff. In addition, he also stated that the competence of the assistant staff can be obtained during training or debriefing that is carried out by the agency. Mr. Helmi Mahmud, in the interview also explained as follows:

"We are from the Social Service of Gorontalo Province, every time we recruit assistants, we always pay attention to their competencies. However, in the end, disability assistants sometimes do not match the required scientific fields. For example, assistants who are recruited with Bachelor of Social Sciences, whereas what we need is a bachelor or graduate from psychology."

The disability assistants who are sometimes not by following per under the competencies have become quite a serious obstacle. This certainly needs to be reconsidered so that every legal protection process for persons with disabilities, especially children with disabilities, can be effective and efficient so that it can have a positive impact on all persons with disabilities in Gorontalo Province.

The recruitment of disability assistants must be adjusted to the needs of the Gorontalo Provincial Social Service. It aims to fulfill legal protection in the field. Adjustments must be made so that they are right on target, especially in the case of children with disabilities who are victims of economic exploitation who do require special handling by the companion team with criteria for graduates of psychology, or other sciences deemed relevant to the case at hand.

#### **4.3 There are no Regional Law Products (Regional Regulations)**

Legislation is a legal framework that can be a reference for the government in implementing the fulfillment of rights for persons with disabilities, especially children with disabilities. However, in Gorontalo Province, there is no local regulation that explicitly regulates the rights and obligations of persons with disabilities. The existence of regional regulations is needed to accommodate, guarantee, and fulfill the rights of persons with disabilities in Gorontalo Province.

Perda on disability can be used as a framework and basis for implementing the fulfillment

of the rights of persons with disabilities in Gorontalo Province. Therefore, Mr. Helmi Mahmud, stated in his interview as follows:

“One of the serious obstacles is that in Gorontalo there is no local regulation that specifically regulates the rights of persons with disabilities. And this is an obstacle for us to act more. Even though other rules regulate it (the Disability Law), a disability regulation is still needed so that we can act optimally.”

The Disability Act regulates in several articles and states that the government and local governments are required to fulfill the rights of persons with disabilities. For example, Article 126 of the Disability Law, which requires local governments to provide legal protection for women and children with disabilities by following the provisions of the legislation. This means that there are obligations that are normatively attached to the government as regional agencies to carry out government functions and empower the community, especially people with disabilities.

The Gorontalo Provincial Government needs to develop a legal product to accommodate the rights of persons with disabilities as mandated by the Disability Law. In addition, many regions in Indonesia have made special regulations for persons with disabilities. For example, the Provincial Regulations. NTB No. 4 of 2019 concerning the Protection and Fulfillment of the Rights of Persons with Disabilities, which was made by the Provincial People's Representative Council (DPRD). NTB together with the Governor to provides what has become the rights of persons with disabilities in the area.

Regional regulations are in a very strategic position, considering their nature as implementing legal products from higher regulations (laws). In addition, local regulations can also be classified as legal products that specifically regulate regions and all entities in them. Therefore, it is important to issue a regional regulation that specifically regulates and accommodates the rights of persons with disabilities to fulfill and protect the rights of persons with disabilities in Gorontalo Province.

## 5. Conclusion

From the results of the discussion that has been described, it is concluded as follows:

1. The Social Service of Gorontalo Province uses 2 (two) methods used in tackling the exploitation of children with disabilities, namely first, preventive legal efforts by way of socialization, strengthening the companion team, and providing economic assistance. While the second, repressive legal efforts by way of coaching and mentoring children with disabilities.
2. The inhibiting factors experienced by the Gorontalo Provincial Social Service in assisting in tackling the exploitation of children with disabilities are the stubborn

attitude of disabled children and their parents, the lack of competence of disability assistants, and the absence of local regulation on disability in Gorontalo Province.

## 6. Suggestions

1. The recruitment of the companion team at the Gorontalo Provincial Social Service must be adjusted to the existing needs, for example by recruiting psychology graduates or the like to explore what is needed by children with disabilities. In addition, the Gorontalo Provincial Social Service needs to organize direct briefing and strengthening of the mentoring team so that the competence of the mentoring team can have a positive impact in its efforts to provide legal protection to children with disabilities in Gorontalo Province.
2. The local government of Gorontalo Province should make a regional regulation on disability as a legal framework to fulfill and protect the rights of persons with disabilities in Gorontalo Province.

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