Child Protection in a Legal and Democratic State Through Child-Friendly General Elections

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Abstract

Children's rights are part of the human rights enshrined in the 1945 Constitution of the Republic of Indonesia. As a nation governed by the rule of law, Indonesia must protect human rights. However, as a democratic nation, Indonesia must implement the principle of democracy or people's sovereignty, namely guaranteeing the role of and citizens in the decision-making process. One effort to realize the principles of democracy is through general elections (Pemilu), in which political parties are among the participants. Problems begin to emerge when, in a state based on the rule of law and democracy, children's human rights are still not optimally protected in election practices, one of which is reflected in the misuse of children in political activities. Furthermore, in a democratic state, political education is necessary for every citizen, including children. Based on this, The practice of the rule of law and democracy must be implemented harmoniously. This can be achieved through the implementation of general elections that protect the rights of the people. right basic child that is election general Which friendly Children.

I. Introduction

Children are a trust and a gift from God Almighty, who always must We guard Because in himself attached dignity, dignity, And Human rights must be upheld. Children's rights are part of the human rights enshrined in the 1945 Constitution and the United Nations Convention on the Rights of the Child. From a national and state perspective, children are the future of the nation and the next generation. ideals nation, so that every child entitled on continuity life, grow and develop, participate and have the right to protection from acts of violence and discrimination as well as civil rights and freedoms (Nugraha, 2023). Even though Law Number 39 of 1999 concerning Human Rights has included children's rights, the implementation of the obligations and responsibilities of parents, families, communities, governments and the state to provide protection for children still requires a law concerning protection child as runway juridical for implementation obligations and responsibilities (Putri, 2023). Thus, the formation of this law is based on the consideration that child protection in all its aspects is part of national development activities, especially in advancing the life of the nation and state. 3 More detailed protection of children's rights has been stated in Law Number 23 of 2002 concerning Child Protection which more clearly states that a child is a person who is not yet 18 (eighteen) years old, including children who are still in the womb. 4 In Article 15 of Law Number 23 of 2002 concerning Child Protection, it is stated that one of the children's rights that must be protected is (Sidauruk, 2023):

a. abuse in political activities;
b. involvement in dispute armed;
c. involvement in unrest social;
d. involvement in incident Which contain element violence; And
e. involvement in war.

These children's rights are a form of certainty regarding Fulfillment of human rights protection in the concept of a state based on law 5 according to F. J. Stahl, this is an element of a state based on law. 6 When linked to children's rights, it is clear that one of the state's obligations is to protect children's rights which are included in the scope of Human Rights (Mailoor et al., 2025). Basic Man Which in matter This Indonesia as country law Which based on the principle of legality it has been guaranteed in Law Number 23 of 2002 concerning Child Protection (Fuadi, 2021).

The implementation of the concept of a state based on law adopted by Indonesia must be able to run harmoniously with the concept of a democratic state. 7 In the concept of Pancasila democracy, the state recognizes the voices of the people over the state itself. This is also clearly written in Article 28 E paragraph (3) of the 1945 Constitution of the Republic of Indonesia, where the state guarantees the sovereignty of the human rights of every citizen to express an opinion. In addition, in the Indonesian constitution, Article 22 E of the 1945 Constitution of the Republic of Indonesia, it has also been emphasized that general elections are a constitutional matter as a manifestation of a democratic state (Utari et al., 2024). In the implementation of elections, elections must be held by guaranteeing the principle of representation, which means that every Indonesian citizen is guaranteed to have a representative who sits in a representative institution who will voice the aspirations of the people at every level of government (Nabus, 2025). 8 As an implementer of the mandate of the 1945 Constitution, Law Number 18 of 2012 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council was issued (Razak, 2022). To support the implementation of the mandate of the 1945 Constitution, it is necessary to have political parties as implementers of democracy, which in this case can also play a role in the implementation of general elections (Santoso & Satria, 2023).

When linked between the concept of a rule of law and a democratic state protection of children's rights, it can be seen that in The principle of a state based on the rule of law states that every child has the right to protection from abuse in political activities. However, in a democratic state, everyone has the right to participate in government, which can be achieved through general elections. This does not rule out the possibility of abuse. child in implementation democracy through election general (Suryani & Nirwani, 2025). In various general elections, children are involved in the election stages General violations, especially during the campaign period, have begun to occur frequently (Wahab & Dollah, 2023). These incidents have raised concerns among child rights observers, including the Indonesian Child Protection Commission (KPAI), who are demanding firm action from election organizers. The General Elections Commission itself has not been firm in enforcing the law (Lature & Amsori, 2022). prohibition involvement child in stages organization elections, namely during the campaign phase. Based on

this, harmonization of laws and regulations is needed so that children's rights can be properly accommodated in the implementation of the concepts of a state based on law and a democratic state. Based on this, an alternative solution emerged in the form of implementing child-friendly general elections to create harmony and accommodate the concepts of a democratic state and a state based on law (Ornella Angelia, 2022). Based on description background behind in on so writer formulate the problem as follows:

1. What connection between draft country law And country democracy in protecting children's rights?
2. What form protection right children through election general friendly child ?

II. Research Method

This type of research is qualitative research with a descriptive (normative-juridical) type. 12 To answer the research problem, data collection was conducted through documentary research. The research conducted was to evaluate the practice of protecting human rights for children to identify the causal factors (Solichin et al., 2025). violation right child in implementation democracy that is through General elections (Prameswari et al., 2023). The research specification used in this study is analytical descriptive research, namely describing the applicable laws and regulations in relation to legal theories and the practice of implementing positive law concerning the formulated problems. This study does not use samples as research material but rather utilizes literature as a data source. Primary and secondary data are used as raw data, and expert opinions are added as supplementary data, thus processing the results into research findings. This research uses a qualitative analysis method, which is carried out by examining laws and regulations and library materials, which are then written descriptively. The data analysis conducted in this study is guided by the six basic principles of human rights and links the obligations and responsibilities of the state within the framework of a rights-based approach , namely: respect, protect, and fulfill (Sulistyoko et al., 2023).

III. Results and Discussion

1. The Relationship between the Rule of Law and a Democratic State in Protecting Children's Rights

Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that " the Indonesian state is a state based on law." The consequence of this provision is that every attitude, thought, behavior and policy of the state government and its citizens must be based on or in accordance with the law. The quality of its perfection can be verified through factors such as justice, welfare, concern for the people, and so on (Umam & Pratama, 2023). The main foundation of a state based on law is that law is the highest source for regulating and determining the mechanisms of legal relations between the state and society, or between members of society (Suryaningsi; Warman; Komariyah Widyatmike Gede; Hudiyono, Yusak; Thaba, Aziz, 2021). Meanwhile, Indonesia cannot be removed from its title as a democratic nation that upholds the sovereignty of its people (Ananda et al., 2023). The term "democracy" itself, according to its origin, means "people rule" or "government or rule by the people" (the Greek word demos means people, kratos / kratein means power / to have power). One of the proofs that this country is a democratic country is the freedom to express opinions. The opinion which is clearly stated in Article 28E paragraph (3) of the 1945 Constitution of the Republic of Indonesia is that "

Everyone has the right to freedom of association, assembly and expression of opinion." In this case draft country democracy load a number of element 13 Which Wrong the only one Universal elements of a democratic state: 1. The holder of power comes from the people; 2. Every office holder elected by the people must be accountable for the policies he intends to implement and has implemented; 3. Implemented directly or indirectly; 4. Rotation of power from one person or group to another person or group, in a democracy the opportunity for rotation of power must exist, and must be carried out in an orderly and peaceful manner; 5. The existence of process elections, in country democratic elections done in a way regular in is election general Which Also is implementation from Chapter 28E paragraph (3) The 1945 Constitution of the Republic of Indonesia (Daeng & Daeng Yusuf, 2021).Democracy and the rule of law are two concepts that are interrelated and cannot be separated, because on the one hand democracy provides a foundation and mechanism for power based on the principle of equality and human equity, on the other hand the rule of law provides The standard that governs a country is not humans, but the law. Based on this concept, it is

undeniable that Indonesia is also obliged to uphold the protection of human rights, including the protection of children's rights. 14 Universally, children have human rights that are protected by law, even from the time they are born, therefore children also have the right to receive legal protection. for all activities that lead to future growth and development.

One such right is children's involvement in political activities, which to this day remains uncertain about its fulfillment (Windari & Effendi, 2021).This ambiguity lies in Article 1 number 25 of the Law Number 8 of 2012 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council who are declared as voters are Indonesian citizens who have reached the age of 17 (seventeen) years or more or are/have been married, which means that a line can be drawn that some children according to the definition of Law Number 23 of 2002 concerning Child Protection are participants in political activities because children according to the child protection law are every person under the age of 18. The political activities referred to are at the vote-raising stage in the implementation of general elections (FITHRA, 2024).The reality of democratic practices in Indonesia is still at various stages. elections that is campaign Which Still can found that child is Wrong guaranteeing the political rights of the people to elect and be elected; and 6. The existence of freedom as human rights, enjoying basic rights, in a democracy every citizen can enjoy their basic rights in a way free, like right For state opinion, gather and union others. a supporting actor in the activity. In this case, it's not a child who is old enough to participate in the activity, but rather a child who is still far from being ready to participate in that stage. Political parties that use children as weapons to launch their vision and mission in winning votes sometimes no longer receive special attention from the government, even though it is remembered that the state has an obligation to protect children from involvement in political activities, including election campaigns that direct children towards practical political behavior and political tendencies (Rafsanjani, 2022).

Even more ironic is that Law Number 18 of 2012 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council does not include any prohibition on the participation of children in one of the stages of the general election, namely the election campaign. This allows political parties to freely make minors play a role in the campaign process even though the child protection law already contains sanctions in the form of a maximum of 5 (five)

years' imprisonment and/or a maximum fine of Rp. 100,000,000.00 (one hundred million rupiah). 15 Although the child protection law already regulates prohibitions and sanctions, the sanctions in question are only aimed at individuals and not political parties. shelter him. Weakness the Which make Chapter 15 juncto Chapter 87 Law Number 23 of 2002 concerning Child Protection does not can be effective and only be a weak clause in implementation. Based on this explanation, Indonesia, as a state governed by the rule of law and a democratic state, is also obligated to protect the rights of the nation's future generations, in this case children, through their involvement and inclusion in the Indonesian political process. This ensures that children's rights are protected, as human rights protection is a fundamental element of both the rule of law and democracy .

2. Protection of Children's Rights Through Child- Friendly General Elections

Based on Law Number 8 of 2012, general elections, hereinafter referred to as Elections, are a means of implementing the people's sovereignty which is carried out directly, generally, freely, secretly, honestly and fairly in the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia. In Article 22E paragraph 2 of the 1945 Constitution, Elections are held to elect members of the People's Representative Council, Regional Representative Council, President and Vice President and Regional People's Representative Council. Furthermore, in Article 22E paragraph 3, participants in general elections to elect members of the People's Representative Council and members of the Regional People's Representative Council. Regional People's Representatives are political parties (Malik et al., 2024). Law No. 8 of 2012 also stipulates that the implementation of general elections recognizes various stages of general elections, 16 one of which is the election campaign stage. Election campaigns are activities by election participants to convince voters by offering their vision, mission, and programs.17 Meanwhile, election participants themselves are political parties for the election of members of the DPR, provincial DPRD, and district/city DPRD and individuals for the election of members of the DPD.

The implementation of general elections, when viewed from the perspective of the election participants in the form of political parties, has the consequence that the implementation of general elections requires good supervision so that every citizen... No fall into on game power solely (Feronica et al., 2022). Beside

That existence 16 Chapter 5 paragraph 2 Constitution Number 8 Year 2012:

i. planning program and budget, as well as the preparation of regulations for implementing the election;
ii. updates data Voters And compilation list Voters;
iii. registration and verification Participant Election;
iv. determination Participant Election;
v. determination amount chair and determination area election;
vi. nomination member DPR, DPD, Regional People's Representative Council province, And Regional People's Representative Council district/city;
vii. time Campaign Election;
viii. Time Calm;
ix. collection and calculation voice;
x. determination results Elections; and
xi. pronunciation oath/promise member DPR, DPD, Regional People's Representative Council province, And Regional People's Representative Council district/city.

General elections must also be supported by all Indonesian citizens because this is a form of manifestation of a democratic state. 19 Based on this, general elections in a democratic state are an absolute necessity as a channel for the aspirations of every citizen. Indonesian citizens. As we all know, Indonesian citizens come in all ages. This has implications for the number of voters in general elections in Indonesia, as Article 1, number 25 of Law No. 8 of 2012 stipulates that voters are Indonesian citizens who are 17 (seventeen) years of age or older, or who are/have been married. Considering the age requirement for general elections, which is 17 years, strict supervision of voter participation in every election, including election campaigns, is essential. As explained in the previous discussion, a child is someone who is not yet 18 (eighteen) years old, including children who Still in content. Whereas if associated with provision The voting age in the general election law is anyone aged 17 years or older, this is one of the problems where there is confusion regarding the status of children aged between 17 and 18 years. On the other hand, children aged 17 years or older can participate in the implementation of elections that are closely related to political activities. However, children under 18 years old still have the right to protection from abuse in political activities (Magdalena et al., 2021). The participation of children in political activities of a party is This is a form of deviation from the practice of a democratic state because it constitutes the misuse of children in political activities

during the general election process. Children are a potential target for violations because they represent a significant number of potential voters. Besides being a tool for gaining votes in political campaigns, the involvement of children also serves as a form of political party recruitment of potential voters for general elections (Abraham, 2023).

The Indonesian Child Protection Commission then issued various kinds of Forms of child involvement in politics that are prohibited and officially reported to the KPU. These prohibitions include: 20

1. Manipulating data of children who are under 17 years old and not married in order to be registered as a voter
2. Use place play child, place care child, or children's educational facilities for open campaign activities
3. Mobilize mass child by party political or legislative candidate
4. Use child as advocate or interpreter campaign For choose a particular party or legislative candidate
5. Showing child as star main from something advertisement political
6. Showing child in on stage political party campaigns in forms of entertainment
7. Use child for install attributes party political
8. Use child for do payment to voters adults in the practice of money politics by political parties or legislative candidates
9. Arming a child or giving him or her certain objects that could harm him or others
10. Force, persuade or seduce child for do things prohibited during campaigning, voting, or vote counting
11. Bring child to arena open campaign Which endanger child
12. Committing acts of violence or what could be interpreted as acts of violence during campaigns, voting or vote counting (such as shaving a child's head, spraying/painting the body)
13. Carrying out exclusion, insults, intimidation or discriminatory actions against children whose parents or families have different or suspected political choices.
14. Provoking children to be hostile or hate certain legislative candidates or political parties
15. Involving child in dispute results calculation voice

The Indonesian Child Protection Commission (KPAI)'s (Indonesian Child Protection Commission) is issuing various prohibition criteria, reflecting the state

institution's concern over the proliferation of children's involvement in political activities during various elections. As the 2024 elections approached, the intensity of child rights violations also began to increase. However, this increase was not accompanied by an increase in the number of elections monitored (Yuliartini, 2021).

Child As Asset Time Front Nation Which The Amount Reach

82,000,000 people must be protected from abuse political activities. However, children must also receive political education good because of the large number of children, especially those aged between 15-17 years, which is child Which potential become voters on election general in the coming years, political protection and education for children are essential, especially within the framework of a state governed by the rule of law and a democracy.

Table 1. Indonesian Population Projection Table Aged 0-17 Years, 2020-2025 (in millions) 21

Age Group	Year					
	2020	2021	2022	2023	2024	2025
(1)	(2)	(3)	(4)	(5)	(6)	(7)
0-4	43,769	45,687	47,438	48,128	48,522	48,624
5-9	42,837	43,656	48,742	48,232	48,391	48,745
10-14	42,831	44,991	48,831	44,872	44,877	44,880
15-17	32,929	33,204	34,498	35,832	36,880	37,984
Amount						

Apart from that, there is a large number of prospective voters, namely prospective Voters who are currently still classified as children, these prospective voters also need a form of supervision so that children's rights to protection from abuse in political activities can be realized. As prospective voters, children need a good political education and do not need follow inclusions in stages organization elections general (Makkarumba & Naim, 2022).

namely, the campaign. Political education is considered important considering the large number of potential voters who are currently children. Law Number 8 of 2011 states that Political Education is the process of learning and understanding the rights, obligations, and responsibilities of every citizen in national and state life. 22

The importance of political education for prospective voters requires attention from various parties, including the General Elections Commission, the Indonesian Child Protection Commission, the Election Supervisory Agency, educational institutions, and other involved parties. For prospective voters who are still children, political education should not be left directly to political parties. This is because of the many vested interests within political parties in gaining power and the vulnerability to various dirty political practices that often arise in elections. democratic process (SAHFIRI, 2024). If political education If it is implemented directly by political parties, then child rights observers are worried that children will not receive political education but will instead be misused by political parties in their political activities (Syaifudin, 2024).The accumulation of these various factors leads to the need for a child-friendly general election model that can accommodate political education for children who will become potential voters but can also prevent children from abuse in political activities during the general election stage, namely during the campaign stage. Indirectly, the existence of this child-friendly general election is a concrete form of the practice of the rule of law and a democratic state in which there is protection for children's rights and also the existence of a democratic system that provides political education for every citizen to prepare voters for the general election.

In child-friendly elections, children can also be involved in the election process, but still under the supervision of educational institutions and election-related agencies where they are located. This form of child involvement is not carried out directly, but rather through only limited to involvement on improvement understanding about general election stages through observation and political education by agencies authorized. Following we serve chart about background behind necessary a child-friendly general election in Indonesia (Nellyati et al., 2021):

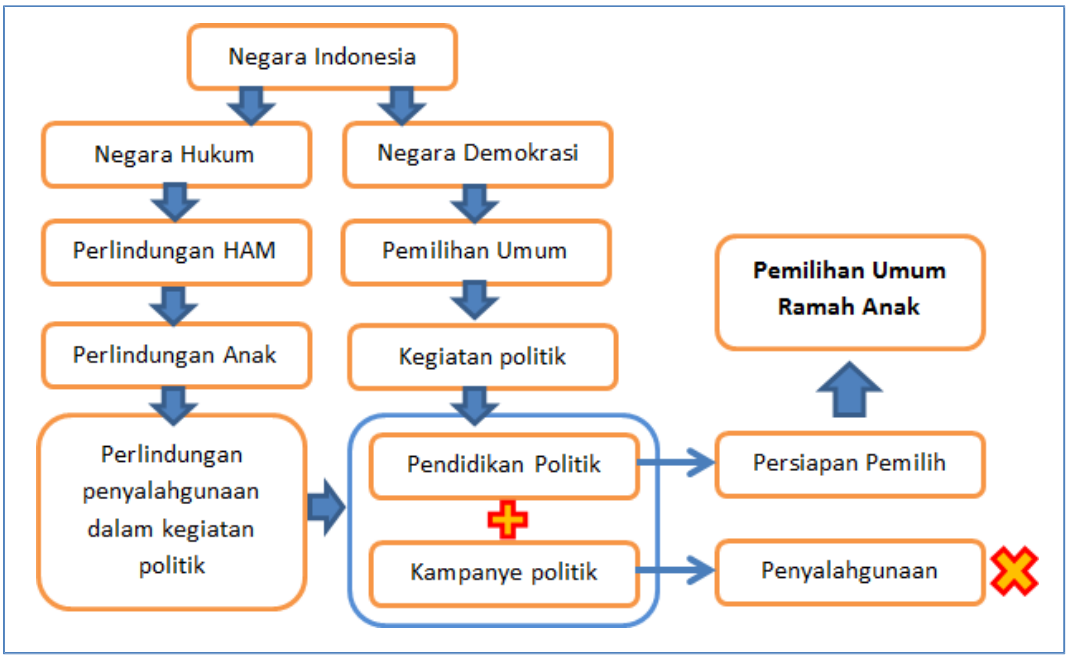


Figure 1. Chart the need for a train of thought child- friendly general elections

The chart shows that various state interests, namely realizing a democratic state and a state based on the rule of law, require harmonization (Prameitha et al., 2021). This harmonization can be achieved if there is a form of protection for human rights, namely children's rights, by accommodating democratic principles in protecting children's rights through protection against abuse in political activities and proper and responsible political education. Both of these can be accommodated in a child-friendly general election concept in Indonesia (Kasih & Triadi, 2024).

IV. Conclusion

As a nation governed by law and a democracy, Indonesia requires some form of child rights protection. The Child Protection Law states that children have the right to protection from abuse in political activities. This is a concern where currently there is a lot of child abuse in activities. political. However on the side other child as part from inhabitant country Indonesia and potential voters need political education to create a quality democratic nation now and in the future. To achieve harmony in a state governed by the rule of law In a democratic country, in relation to the protection of children's rights, a child-friendly general election mechanism is needed. This child-friendly general election is a manifestation of the state's responsibility to protect

children's rights and also fulfill the right of every citizen to participate in a quality democracy. Children, as citizens, should receive sound political education from various stakeholders, including the General Election Commission, the Election Supervisory Body, the Indonesian Child Protection Commission, and educational institutions. With synergy between institutions in protecting children's rights and providing political education to prospective voters, the practice of the rule of law and democracy will run harmoniously in Indonesia

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