

Legal Protection for Victims of the Crime of Exploitation of Street Minors

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ABSTRAK

Children are invaluable assets of the nation and holders of fundamental human rights; however, they remain highly vulnerable to economic and sexual exploitation. Various exploitative practices, including deceptive job offers promising financial benefits, frequently trap street children in harmful conditions. This study examines the forms of legal protection available to victims, the underlying factors contributing to crimes of child exploitation, and the efforts of law enforcement authorities in addressing these offenses, along with the obstacles they face. The research employs a normative-empirical legal approach by analyzing relevant legislation and its implementation in societal legal practices. The findings indicate that legal action against child exploitation primarily refers to Law No. 35 of 2014, while prioritizing the protection of children's rights to prevent further victimization. Law enforcement measures include investigation, arrest, prosecution, victim protection, and preventive actions supported by public participation. Nevertheless, limited reporting, delayed disclosure by victims, and low public awareness hinder adequate protection and handling of exploitation cases.

Keywords: street children, exploitation, parents.

INTRODUCTION

Children are a trust and a gift from God Almighty and are regarded as the most valuable asset, surpassing material wealth. As a divine mandate, children must be nurtured and protected because they possess inherent dignity. This dignity and the associated human rights must be upheld. Children's rights constitute an integral part of human rights as enshrined in the 1945 Constitution of the Republic of Indonesia and the United Nations Convention on the Rights of the Child. From the perspective of social life, nationhood, and statehood, children are both the heirs and the reflection of a nation's future. Accordingly, every child has the right to survival, growth and development, participation, protection from violence and discrimination, and the enjoyment of civil rights and freedoms. Therefore, the establishment of the Child Protection Law must be grounded in the recognition that child protection, in all aspects, forms part of national development efforts, particularly in advancing the life of the nation and the state (Ahmad Kamil & Fauzan, 2008:8).

Discussions concerning children and their protection will never cease throughout human history, as children represent the next generation and the successors of national development. They are prepared to serve as the subjects of sustainable development and as future decision-makers of the nation, including in Indonesia. Child protection in Indonesia thus signifies the protection of human resource potential and the development of the Indonesian people in their entirety toward a just and prosperous society, both spiritually and materially, based on Pancasila and the 1945 Constitution of the Republic of Indonesia (Nashriana, 2014:1). As human beings and members of society, children are the seeds of the nation's young generation who will continue the ideals of the Indonesian nation in building a just and prosperous society. Therefore, it is only natural that they receive protection, both legally and in social welfare terms (Budiarto, 1985:5).

The position of children as the young generation who will carry forward the noble ideals of the nation, become future leaders, and serve as a source of hope for previous generations necessitates that they be afforded the broadest possible opportunities to grow and develop optimally, spiritually, physically, and socially. Child protection constitutes the collective effort and responsibility of all segments of society, across various roles and positions, who are conscious of the importance of children for the future of the nation and the state. Once children have matured through adequate physical, mental, and social development, they are expected to assume the role of succeeding the previous generation (Madin Gultom, 2010:33).

Parents, families, and communities bear responsibility for safeguarding children's human rights in accordance with legal obligations. Likewise, within the framework of child protection, the state and the government are responsible for providing facilities and accessibility for children, particularly to ensure optimal and well-directed growth and development. Child protection regulations emphasize that parents, families, communities, governments, and the state share responsibility for undertaking a series of continuous actions to protect children's rights. These actions must be sustainable and systematically directed toward ensuring children's growth and development.

Efforts to protect children must be implemented as early as possible, beginning from the fetal stage in the womb until the age of eighteen. This approach serves as the foundation for comprehensive, holistic child protection. Child protection laws must also impose clear obligations to protect children, grounded in the principles of non-discrimination, the best interests of the child, the right to life, survival and development, and respect for the views of the child. Legal issues frequently arise in relation to child protection, including child abuse, physical and sexual violence, and neglect, which give rise to various forms of crime against children, including economic exploitation driven by poverty and structural limitations.

Economic and sexual exploitation of children is often perpetrated by individuals known to the child, including close relatives or family members. When children become victims of such exploitation, they are frequently rejected or stigmatized by society, increasing their vulnerability to further abuse and making recovery and reintegration more difficult (Stephanie Delaney, 2016). Children lack the physical and emotional capacity to resist acts of exploitation and never consent to such crimes. They may become victims due to deception, coercion, or circumstances beyond their control, such as poverty, social pressure, or adverse societal conditions. In families with limited understanding of children's rights and parenting practices, in communities unfamiliar with child protection systems or complaint and referral mechanisms, and in contexts where the number of vulnerable children exceeds available social services, the risk of future crimes against children increases significantly.

Children are in urgent need of adult protection and responsibility to ensure their rights, particularly in unstable and chaotic situations where they are highly vulnerable to exploitation. This vulnerability is exacerbated when children are placed under inadequate care, come from broken homes, or are raised by single parents who, despite providing care, face significant economic challenges. Irresponsible individuals continue to exploit children, and the scope of such crimes is expanding daily. Advances in technology and information systems have further intensified and diversified forms of child exploitation, particularly those driven by economic hardship.

According to Abdussalam, there are three primary forms of commercial sexual exploitation of children: child prostitution, child pornography, and child trafficking for

sexual purposes. Mapping studies indicate that these forms of exploitation occur on a wide scale and with high intensity. It is estimated that children constitute approximately 30% of individuals involved in prostitution, amounting to between 40,000 and 70,000 children or more. The phenomenon of child exploitation is expected to continue increasing alongside the rapid flow of information and global technological development, including the widespread display of minors on internet platforms accessible to the public (Abdussalam, 2007:121).

Although various policies and legal frameworks have been enacted to protect children from economic and sexual exploitation, the nature and complexity of child-related problems have worsened over time. These conditions pose serious threats to children's physical, mental, moral, social, and intellectual development (Benedicta Desca Prita Octalina & St. Harum Pudjiarto). Furthermore, it cannot be denied that law enforcement officials often fail to adequately represent victims' interests, resulting in the neglect of protection obligations and the violation of victims' rights (Bambang Waluyo, 2014:8).

METHOD

This study employs a normative–empirical approach to legal behavior, focusing on the examination of legal norms and their implementation in concrete legal events within society. Normative legal theory, as developed within dogmatic legal science, encompasses the activities of describing legal norms, formulating legislation, and enforcing norms through judicial practice (Diantha, 2016). The legislative approach is applied by analyzing statutory regulations relevant to the legal issues under consideration, including assessing consistency between the Constitution and statutes, as well as among different laws. This approach requires careful attention to the hierarchical structure of legal norms, their general or special character, and their continuing validity or amendment. In addition, a conceptual approach is adopted where no specific legal rules govern the issue under study, requiring the researcher to construct legal concepts derived from legal doctrines and scholarly views to support legal reasoning and argumentation (Marzuki, 2014; Syamsudin, 2007).

Within the framework of normative–empirical legal research, this study utilizes secondary data supported by primary data. Secondary data are collected through literature studies, including statutes, legal documents, books, and institutional archives, while primary data are obtained through field research methods such as interviews and observations. According to Sugiyono (2017), primary data are collected directly from the research object and serve as firsthand evidence. In contrast, secondary data are derived from existing written sources and documents for further analysis. Both data types are systematically processed to ensure their relevance and reliability in addressing the research questions.

The research adopts a descriptive normative juridical method combined with a qualitative approach. Normative juridical analysis focuses on examining legal materials, including theories, principles, and regulations relevant to the study, an approach commonly associated with doctrinal or literature-based legal research (Sunggono, 2003). Qualitative methods are employed to describe and analyze social and legal phenomena, attitudes, and perceptions, with data analysis conducted iteratively before, during, and after fieldwork until data saturation is achieved (Syaodih, 2012; Sugiyono, 2017). Data collection techniques include structured interviews, direct observation, and documentation, enabling an in-depth and systematic understanding of the legal issues examined in this study.

RESULTS AND DISCUSSION

Child protection encompasses all activities aimed at guaranteeing and safeguarding children's rights so that they may live, grow, develop, and participate optimally in accordance with human dignity and worth, while also being protected from violence and discrimination. Conceptually, child protection has a broad scope, as it is not limited to safeguarding children's rights and interests necessary to ensure their spiritual, physical, and social development, but also extends to protecting the younger generation.

The economic and social problems currently faced by Indonesian children are reflected in the increasing number of cases involving child abuse, including financial and sexual exploitation, violence, discrimination, child trafficking, and neglect. A particularly alarming phenomenon observed in the City of Tangerang is the growing number of children who are compelled or forced to earn a living, thereby becoming victims of sexual exploitation by irresponsible individuals who take advantage of their vulnerable conditions. Although prohibitions against the sexual exploitation of children are explicitly regulated by law, in practice, many children continue to fall victim to exploitation perpetrated by parents, family members, confident individuals, or peers within their immediate environment. Such acts constitute forms of labor that cannot be tolerated and represent serious violations of human rights, as children possess inherent rights that must be respected and protected.

Based on observational findings, the primary causes of child exploitation in Tangerang City include high living costs and low household economic conditions. Many parents face significant difficulties meeting their family's monetary needs, leading to financial pressure and limited livelihood opportunities. These circumstances often lead parents or families, either deliberately or unconsciously, to involve children in income-generating activities to meet household needs. Under the conditions observed during the study, children who were victims of exploitation expressed strong support for the eradication of such crimes, which have deprived them of a normal childhood, and advocated for the imposition of the harshest possible sanctions on perpetrators.

These findings are consistent with the study conducted by Nasrul Fuad Erfansyah, Taseman, Safarudin, Abdul Malik Dachlan, Amirah Yasmin, Dinda Dwi Pangestu Ningrum, and Juhaeni (2021), which identified three forms of child exploitation: physical exploitation, social exploitation, and sexual exploitation. The study further revealed that factors contributing to the high incidence of child exploitation during the pandemic included low family income, low levels of parental education, domestic violence, family disintegration, environmental influences, and the impact of online learning. The lack of a deterrent effect for perpetrators was attributed to the government's insufficient responsiveness in formulating and enforcing regulations and sanctions capable of discouraging such crimes. Consequently, the study emphasized the importance of parental and community awareness, as well as effective law enforcement, in protecting minors from exploitation, which has become increasingly prevalent during the pandemic.

Indonesian law expressly regulates criminal sanctions for individuals involved in the economic exploitation of children through the Child Protection Law. Article 88 stipulates that "any person who economically or sexually exploits a child for the purpose of benefiting themselves or others shall be punished with imprisonment for a maximum of ten (10) years and/or a fine of up to IDR 200,000,000." Despite the existence of numerous legal provisions addressing child exploitation, the number of

reported cases continues to fluctuate. This phenomenon indicates that law enforcement alone is not an effective solution for minimizing child exploitation. The government must therefore also implement clear, comprehensive programs to eradicate social problems, particularly poverty, which remains widespread. Addressing child exploitation requires the active involvement of all segments of society, government institutions, and relevant stakeholders in a coordinated effort to protect the future generation.

As described above, the government and its agencies are expected to take concrete measures to address the issue of street children, whose social environments often expose them to immoral behavior and harmful activities affecting not only the children themselves but also their families, communities, and the nation as a whole. In response, government institutions, particularly social services and law enforcement agencies, have sought to implement various interventions, including the establishment of facilities for street children. These facilities encompass rehabilitation centers for children exhibiting deviant behavior, free healthcare services, recreational spaces, and programs designed to enhance children's creativity and skills.

However, practices of child exploitation continue to occur in various locations, including hotels, rented houses, boarding houses, cafés, and nightclubs. Observational data indicate that community participation and firm law enforcement actions against perpetrators are essential. Legal measures must be implemented in accordance with applicable laws, ensuring a deterrent effect while protecting children's rights, particularly their right to privacy, so they are not made into objects of public or media exposure that could negatively affect their growth and development. Legal protection efforts must aim to resolve cases in a manner that prevents recurrence and safeguards children's long-term well-being.

This approach is supported by the study conducted by Ermanita Permatasari, Diah Trismahwati, Muh. Fahimul Fuad, and Damanhuri (2016), which found that the handling of Commercial Sexual Exploitation of Children (CSEC) cases by the East Lampung Police had been carried out optimally, from the receipt of complaints and examination of victims to the protection of victim confidentiality, provision of assistance, and rehabilitation processes. Such case-handling practices were not only in accordance with Standard Operating Procedures but also aligned with the principles of Islamic law.

Law enforcement inevitably involves human actors and, consequently, human behavior. Law cannot enforce itself or fulfill the aspirations embodied in legal provisions without law enforcement officials, such as the police, who serve as intermediaries between legal norms and social reality. Without effective enforcement, legal rules remain mere normative formulations that offer little value to those seeking justice. Although sanctions for child exploitation are clearly stipulated in legislation, their implementation often encounters various obstacles.

Article 78 of the Child Protection Law provides that any person who knowingly and deliberately abandons a child in an emergency, a child in conflict with the law, a child from a minority group, a child who is economically or sexually exploited, a trafficked child, a child who is a victim of substance abuse, kidnapping, trafficking, or violence, as referred to in Article 59, despite the child's need for assistance, shall be subject to imprisonment for up to five (5) years and/or a fine of up to IDR 100,000,000. These provisions underscore the state's obligation to protect vulnerable children through effective legal mechanisms.

Based on field observations, several obstacles hinder adequate child protection, including underreporting of exploitation cases to authorities, delays by victims in reporting their experiences, and limited public knowledge and awareness regarding child protection. As a result, many cases that should receive legal attention remain unaddressed, leaving victims without adequate protection and increasing the risk of continued exploitation. To minimize these obstacles, systematic socialization and awareness-raising initiatives are necessary to educate parents and communities about child exploitation and to prevent practices that economically or behaviorally exploit children.

These conditions demonstrate that the challenges faced by law enforcement officials are complex and demanding. Law enforcers are required not only to be professional and competent in applying legal norms but also to engage directly with individuals and community groups suspected of committing crimes. This complexity is further illustrated by the study conducted by Dassy Rakhmawati, Nelly Herlina, and Evalina Alissa (2022), which identified key barriers to providing legal protection for child victims of economic exploitation. These barriers include limited understanding among parents, communities, and children regarding economic exploitation, a lack of public sensitivity in reporting exploitation to law enforcement, and the absence of specialized orphanages or safe houses to accommodate and rehabilitate child victims of economic exploitation.

CONCLUSION

Efforts to impose punitive measures against child exploitation in Indonesia are grounded in Law of the Republic of Indonesia Number 35 of 2014, which simultaneously emphasizes the protection of children's rights to ensure that their cases are not publicly exposed in ways that may further harm them. This law guarantees children's rights to survival, growth, development, and participation in all aspects of life without discrimination. These rights encompass protection from exploitation, violence, and discriminatory treatment.

Such legal measures are reinforced through counseling, guidance, and educational initiatives for the community of Tangerang City, particularly parents, to support children's development in line with their age. These initiatives also seek to discourage behaviors that may lead to child exploitation and to raise awareness of the harmful consequences of exploitation for children. The predominant factors underlying child exploitation in Tangerang City include high living costs, low socioeconomic conditions, and the economic difficulties faced by parents in supporting their families. Financial pressure and limited employment opportunities often compel parents or families, either deliberately or inadvertently, to involve children in income-generating activities to meet household needs.

Community participation and law enforcement involvement are essential in ensuring firm action against perpetrators of child exploitation. Legal sanctions must be imposed in accordance with statutory provisions, be proportionate, and capable of producing a deterrent effect, while safeguarding children's rights. In particular, children should not be exposed as objects of public or media consumption, as such exposure may adversely affect their growth and development. Legal protection mechanisms are therefore crucial to prevent the recurrence of exploitation and to ensure the holistic well-being of affected children.

Law enforcement efforts encompass investigation, arrest, and prosecution, as well as victim protection and preventive measures supported by public awareness.

However, these efforts are often hindered by underreporting of cases, delays by victims in reporting exploitation, and limited public knowledge and awareness regarding child protection. As a result, many cases that warrant legal intervention remain unaddressed, leaving victims without adequate protection and allowing exploitation to persist. Overall, the primary obstacles include limited resources, insufficient legal capacity and understanding, and fear of intimidation or retaliation.

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