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## Legal Protection for Children as Victims of Economic Exploitation: Problems and Challenges in Three Major ASEAN Countries (Indonesia, Vietnam and Philippines)

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**Abstract** *This research critically examines the legal safeguards for children facing economic exploitation in three prominent ASEAN countries: Indonesia, Vietnam, and the Philippines. Despite the presence of protective legislation in these nations, the effective implementation of these laws encounters significant obstacles. In Indonesia, diverse regulations intended to shield children from economic exploitation coexist with the persistent issue*

*of child labor. The continued prevalence of child labor is attributed to inadequate enforcement of labor laws and a general lack of community awareness regarding children's rights. Vietnam, while boasting a relatively comprehensive legal framework against child labor, faces challenges in certain rural areas where instances persist due to entrenched issues like poverty, cultural traditions, and limited access to education. Moreover, in the Philippines, the government has implemented measures such as the Child Labor Law and the Anti-Child Trafficking Act to protect children from economic exploitation. However, the effectiveness of these initiatives is impeded by resource constraints, corruption, and limited community awareness. In conclusion, this study reveals that legal protection for children in Indonesia, Vietnam, and the Philippines is hindered by a range of challenges, including deficient enforcement mechanisms, enduring cultural traditions, widespread poverty, systemic corruption, and limited community awareness. Addressing these complex issues requires collaborative efforts from governments, civil society, and communities to ensure the robust protection of children's rights.*

**Keywords** *Exploitation of Children, Economic Exploitation, Crimes, Victim Protection, Legal Protection*

## **1. Introduction**

The dire situation of children living on the streets, often labeled as "street children," demands urgent attention. According to the Indonesian Ministry of Social Affairs, these are children immersed in daily activities on the streets. Shockingly, the data from the SIKS-NG Integrated Social Welfare Data Dashboard as of December 15, 2020, indicated a distressing count of 67,368 abandoned street children in

Indonesia.<sup>1</sup> This alarming figure has only escalated, with a substantial increase recorded in 2021, revealing that at least 9,113 more children have joined the ranks of street children in Indonesia. This stark surge underscores the critical need for immediate and intensified efforts from all sectors—government, civil society, and communities—to address the root causes and implement effective measures. The escalating numbers highlight the urgency of providing tangible solutions to safeguard the well-being and future prospects of these vulnerable children. Swift and decisive action is imperative to reverse this trend, ensuring that no more children fall victim to the perils of street life in Indonesia.<sup>2</sup>

In the further situation, child exploitation for economic purposes—as highlighted in this study—particularly concerning street children in Indonesia, constitutes a complex and urgent challenge. Street children, defined as those who spend a substantial amount of time engaging in daily activities on the streets, face multifaceted issues rooted in economic hardships, limited educational opportunities, urbanization, and cultural factors. Poverty acts as a powerful driver, compelling families to send their children to the streets to beg, work in informal jobs, or engage in illicit activities to contribute to familial income. The lack of access to education exacerbates vulnerability, trapping children in a cycle of poverty and exploitation. Rapid urbanization and rural-to-urban migration contribute to the increasing number of street children, as families struggle to secure stable housing and employment. Social and cultural

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<sup>1</sup> Puput Mutiara, “Penanganan Anak Terlantar Butuh Komitmen”, *Kemenko PMK*, December 17 (2020). Retrieved from <https://www.kemenkopmk.go.id/penanganan-anak-terlantar-butuh-komitmen>

<sup>2</sup> Christine Christine, “More than 9,000 abandoned street children who need help in education!”, *Central Indonesia*, (2022). Retrieved from <https://www.centralindonesia.co.id/blog/central-csr-program-2023/>

factors, coupled with issues like family breakdowns, abuse, or neglect, further propel children onto the streets as a means of survival. Despite existing legislation in Indonesia aimed at protecting children from economic exploitation, enforcement challenges persist due to legal gaps, corruption, and resource constraints. The dire situation exposes street children to various forms of abuse, including physical, emotional, and sexual exploitation. Effectively addressing this issue requires a comprehensive approach involving government initiatives, community awareness programs, educational reforms, poverty alleviation efforts, and collaboration with non-governmental organizations. By tackling the root causes and providing holistic support, there is a potential to create a safer and more promising future for these vulnerable children.<sup>3</sup>

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<sup>3</sup> See Catherine Panter-Brick, "Street children, human rights, and public health: A critique and future directions." *Annual Review of Anthropology* 31, no. 1 (2002): 147-171. In the bustling metropolises of Indonesia, the dire condition of street children raises critical questions about the very fabric of our society. What forces drive families to the heartbreaking decision of sending their children to the unforgiving streets in pursuit of survival? How can we reconcile the paradox of urban prosperity coexisting with the stark reality of children fending for themselves in the shadows of towering skyscrapers? In the face of rapid urbanization and economic growth, why are these cities failing to provide a haven for vulnerable youth? What societal breakdowns lead to family disintegration, forcing children into the perilous embrace of the streets? As these young lives navigate the harsh urban terrain, where is the social infrastructure that should shield them from exploitation and abuse? Is it not a collective moral responsibility to confront the gaps in our legal system, questioning why protective measures often remain ineffective? The glaring issue of street children demands more than just acknowledgment; it demands a reckoning with our societal values and a commitment to a comprehensive and urgent solution that ensures no child is left abandoned and vulnerable in the unforgiving streets of our cities. See also Allahdad Lashari, et al. "Causes Associated with the Growing Number of Street Children in Urban Cities of Indonesia." *Journal of Social Sciences Review* 3, no. 2 (2023): 382-392; Nunung Nurwati, Muhammad Fedryansyah, and Willya Achmad. "Social Policy in the Protection of Street Children in Indonesia." *Journal of Governance* 7, no. 3 (2022);

In recent years, the mass media reported on a distressing incident involving numerous children from Solo Raya who fell victim to human trafficking in East Kalimantan. The available information derived from these reports elucidates that the trafficked children were subjected to diverse forms of exploitation and violence. Among the documented cases, one child endured sexual violence and was engaged as a karaoke guide for a remuneration of merely Rp. 70,000 (seventy thousand rupiah). Notably, this nominal wage was further contingent upon the child's agreement to consume alcoholic beverages provided by the clientele, with the promise of additional compensation. The gravity of such exploitation underscores the urgent need for comprehensive intervention measures, encompassing legal, social, and educational frameworks, to safeguard the welfare of vulnerable populations, particularly children susceptible to human trafficking. This egregious incident prompts critical reflection on the systemic vulnerabilities that perpetuate such exploitative practices and calls for concerted efforts in policy formulation and enforcement to combat human trafficking and its associated manifestations.<sup>4</sup>

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Esa Arung Syuhada, "Legal Protection of Street Children for Exploitation in Criminal Law Perspectives." *IJCLS (Indonesian Journal of Criminal Law Studies)* 5, no. 1 (2020): 15-20; Silvy Amira Fadini, Sahuri Lasmadi, and Dessy Rakhmawati. "Tindak Pidana Penganiayaan yang Dilakukan oleh Anak Jalanan: Penanggulangan dan Permasalahannya." *PAMPAS: Journal of Criminal Law* 3, no. 1 (2022): 42-50; Aye Sudarto, Muhamad Bisri Mustofa, and Anas Malik. "Economic Exploitation of Children: Returning Child Labor to the World of Education Through Interpersonal Communication Towards Equal Education." *HUMANISMA: Journal of Gender Studies* 6, no. 2 (2022): 212-225.

<sup>4</sup> Ahmad Dzulviqor, and Khairina Khairini, "11 Orang Menjadi Korban Perdagangan Orang, Kebanyakan Melamar Kerja Lewat Medsos" *KOMPAS*, July 20 (2022). Retrieved from <https://regional.kompas.com/read/2022/07/20/215234978/11-orang-menjadi-korban-perdagangan-orang-kebanyakan-melamar-kerja-lewat?page=all>; Aditya Jaya Iswara, ""Indonesia Masuk "Tier" 2 Laporan Perdagangan Manusia", *KOMPAS*, July 3 (2023). Retrieved from <https://www.kompas.com/global/read/2023/07/03/130600570/indonesia->

The aforementioned news serves as but one instance amid a myriad of reports illuminating the pervasive issue of human trafficking victimizing children. Data procured from the Indonesian Child Protection Commission (KPAI) reveals a discernible surge in child trafficking cases from 2010 to 2012. The statistical trajectory reflects an escalation from 410 cases in 2010 to 480 cases in 2011, followed by a subsequent surge to 673 cases in 2012.<sup>5</sup> Moreover, the KPAI's monitoring results on the protection of children who are victims of sexual exploitation and child labor from January to April 2021 found that out of 35 cases monitored by the KPAI, 83% were prostitution cases, involving a total of 234 child victims.<sup>6</sup>

In response to the escalating trend of child trafficking, it becomes imperative for the government to demonstrate heightened commitment and seriousness in eradicating this criminal transgression. Such commitment necessitates a multifaceted approach, encompassing not only preventive, repressive, and

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masuk-tier-2-laporan-perdagangan-manusia?page=all; Ahmad Mufid Aryono, "Perdagangan Manusia: Polisi Solo Ungkap 19 Gadis Asal Soloraya Dijual di Kaltim", *SOLOPOS*, May 17 (2016). Retrieved from <https://soloraya.solopos.com/perdagangan-manusia-polisi-solo-ungkap-19-gadis-asal-soloraya-dijual-di-kaltim-720357/amp>

<sup>5</sup> Davit Setyawan, "Temuan dan Rekomendasi KPAI Tentang Perlindungan Anak di Bidang Perdagangan Anak (Trafficking) dan Eksploitasi Terhadap Anak", *KPAI*, June 6 (2014). Retrieved from <https://www.kpai.go.id/publikasi/artikel/temuan-dan-rekomendasi-kpai-tentang-perlindungan-anak-di-bidang-perdagangan-anak-trafficking-dan-eksploitasi-terhadap-anak>

<sup>6</sup> KPAI, "Hasil Pengawasan KPAI Tentang Perlindungan Anak Korban Eksploitasi Seksual dan Pekerja Anak Bulan Januari s.d. April: Dari 35 Kasus yang Dimonitor KPAI, 83% Kasus Prostitusi, Jumlah Korban Mencapai 234 Anak", *KPAI Press Release*, May 6 (2021). Retrieved from <https://www.kpai.go.id/publikasi/hasil-pengawasan-kpai-tentang-perlindungan-anak-korban-eksploitasi-seksual-dan-pekerja-anak-bulan-januari-s-d-april-dari-35-kasus-yang-dimonitor-kpai-83-kasus-prostitusi-jumlah-korban-mencapai-234>

responsive law enforcement but also measures directed at the recovery and protection of children who fall victim to trafficking post the completion of the criminal justice proceedings. The overarching objective is the restoration of these children's futures.<sup>7</sup>

Child protection, as construed in this context, encapsulates a comprehensive array of endeavors geared toward cultivating an environment wherein every child can exercise their rights and fulfill their obligations, facilitating their holistic development—physically, mentally, and socially. The urgency of this matter underscores the imperative for a concerted and strategic governmental response, one that addresses the root causes and repercussions of child trafficking, ultimately safeguarding the well-being and prospects of the nation's youth.<sup>8</sup>

It is imperative that children are afforded protection, affection, and guidance from their parents, along with appropriate education and care in accordance with their inherent rights. This holistic approach is essential to ensure that children undergo a healthy and unblemished growth period. However, the reality is starkly different, particularly in various regions of Indonesia, including Central Java, where numerous issues persist, notably the widespread problem of child exploitation. One manifestation of this exploitation is economic in nature, where children are subjected to circumstances that

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<sup>7</sup> Karen Albright, et al. "Systematic review of facilitators of, barriers to, and recommendations for healthcare services for child survivors of human trafficking globally." *Child Abuse & Neglect* 100 (2020): 104289; Hannabeth Franchino-Olsen, "Vulnerabilities relevant for commercial sexual exploitation of children/domestic minor sex trafficking: A systematic review of risk factors." *Trauma, Violence, & Abuse* 22, no. 1 (2021): 99-111.

<sup>8</sup> Kelly M. Whaling, et al. "Featured counter-trafficking program: resiliency interventions for sexual exploitation (RISE)." *Child Abuse & Neglect* 100 (2020): 104139; Kayus Kayowuan Lewoleba, and Beniharmoni Harefa. "Legal Protection for Child Victims of Human Trafficking." *International Journal of Multicultural and Multireligious Understanding* 7, no. 2 (2020): 111-116.

compromise their well-being and hinder their proper development. Addressing these challenges requires a comprehensive and concerted effort to safeguard the rights and welfare of children, promoting an environment where they can thrive free from exploitation during their formative years.<sup>9</sup>

In the prevailing circumstances, as per data released by the Central Statistics Agency (BPS), the year 2020 witnessed a workforce in Indonesia comprised of 1.17 million individuals aged 10-17, reflecting a notable increase of 320 thousand individuals compared to the preceding year. This numerical augmentation also translated into an elevated percentage of child workers, surging from 2.37% in 2019 to 3.25% in the subsequent year. Particularly noteworthy was the substantial escalation in the cohort of working children aged 10-12 years, ascending from 1.83 million individuals in 2019 to 3.6% in 2020. Concurrently, the percentage of child workers aged 13-14 years also underwent a significant increase, advancing from 2.07% in the prior year to 3.34%. This empirical evidence delineates a disconcerting trend characterized by a burgeoning child labor force, particularly in the younger age strata, thereby necessitating focused attention and

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<sup>9</sup> Indah Sri Utari, et al. "Social Controls and Trends Juvenile Delinquency: Criminology Study about Complexity Of Child Delinquency In Society." *1st International Conference on Education Social Sciences and Humanities (ICESSHum 2019)*. Atlantis Press, 2019; Joko Susanto, and Indah Sri Utari. "Children as victims of sexual violence committed by parents: a criminological perspective." *Journal of Law and Legal Reform* 1, no. 2 (2020): 353-363; Indah Sri Utari, and Benny Sumardiana. "Prevention of Violence Againsts Children During the Covid-19 Pandemic Perspective of Criminology." *Journal of Law and Legal Reform* 3, no. 1 (2022): 85-110; Indah Sri Utari, "Prevention of Child Delinquency with Social Control: Criminology Study of Deviant Child Behavior Trends in the Community." *KnE Social Sciences* (2019): 256-265; Indah Sri Utari, "Community of Children Inmates and Assistance System in The Penitentiary: The Impact of Child Social System to the Assistance Process at Kutoarjo Children Penitentiary." *IJCLS (Indonesian Journal of Criminal Law Studies)* 2, no. 2 (2017): 111-120.



targeted interventions to address the root causes and mitigate the adverse implications on the well-being of these young individuals.

The perturbing social reality of escalating child labor is particularly disconcerting, given that children represent the next generation essential for the nation's development and the perpetuation of its societal fabric. The Constitution of the Republic of Indonesia, Article 28B, paragraph (2), explicitly delineates the rights of every child, emphasizing their entitlement to survival, growth, development, as well as protection from violence and discrimination. This constitutional mandate is translated into law through Law Number 23 of 2002 concerning Child Protection, Article 23, paragraph (1), affirming that the state and government commit to ensuring the protection, care, and welfare of children while respecting the rights and obligations of parents, guardians, or other legally responsible entities.<sup>10</sup> In stark contrast, the increasing prevalence of street children subjected to economic exploitation highlights a concerning deviation from these constitutional and legal assurances. This divergence underscores the imperative for a more concerted effort to align societal practices with the constitutional and legal frameworks that safeguard the well-being and rights of children, thereby fostering an environment conducive to their holistic development and societal contributions.

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<sup>10</sup> See Zainurohmah Zainurohmah, et al. "Provision of Legal Aid as a Form of Protection of the Rights of Children Victims of Rape (Case Study in Banyumas Regency)." *The Digest: Journal of Jurisprudence and Legisprudence* 4, no. 1 (2023): 21-46; Ratri Novita Erdianti, and Sholahuddin Al-Fatih. "Fostering as an Alternative Sanction for Juveniles in the Perspective of Child Protection in Indonesia." *Journal of Indonesian Legal Studies* 4, no. 1 (2019): 119-128; Nadiyah Meyliana Putri, et al. "Juvenile Delinquency in Semarang City: Aspects of Protection and Law Enforcement in Socio-Legal Approach." *Unnes Law Journal* 8, no. 2 (2022): 263-278; Sigma Febby Annisa, "A Legal Protection of Children as Victims of Sexual Human Right Accidents." *Jurnal Scientia Indonesia* 5, no. 2 (2019): 134-148.

## 2. Method

The research employs a qualitative approach, specifically adopting the sociolegal research methodology. In accordance with this qualitative framework, the study relies predominantly on firsthand information or primary data obtained directly from the field. Secondary data, derived from statistical sources and documents, supplements the primary data and is subjected to analysis using the Child Exploitation Theory proposed by Terry E Lawson. Within the empirical study, variables pertinent to children's decisions to engage in labor are categorized into four groups: (1) characteristics of children encompassing sex, age, and birth order, (2) characteristics of households including income, parents' education, and number of children, (3) characteristics of schools involving distance from home to school and school quality, and (4) community characteristics comprising location, infrastructure, and environment.<sup>11</sup>

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<sup>11</sup> In his 1993 theory of exploitation, Terry E. Lawson asserts that the exploitation of children contributes significantly to the development of discriminatory attitudes and arbitrary treatment within families and society at large. This mistreatment materializes in various forms of child abuse. Emotional abuse occurs when parents, caregivers, or child protectors, upon recognizing a child's plea for attention, deliberately ignore or dismiss these emotional needs. Verbal abuse involves the use of insults and hurtful language, creating an environment where children are subjected to the damaging impact of verbal mistreatment. Physical abuse, on the other hand, entails violent actions such as beatings or aggressive behavior by parents or caregivers, resulting in physical harm to the child. Moreover, Lawson's theory encompasses the alarming dimension of sexual violence, where forced sexual relations transpire within the confines of household life, constituting a severe and exploitative form of abuse. This framework underscores the profound and negative consequences of child exploitation, emphasizing its role in shaping discriminatory behaviors and perpetuating unjust treatment of children across various aspects of their lives. Furthermore, Terry E. Lawson's comprehensive categorization of child abuse encompasses four distinct forms: emotional abuse, verbal abuse, physical abuse, and sexual abuse. Physical child abuse, characterized by acts of torture and beating, may involve the use of objects and can result in severe physical

Employing this methodology, six distinct neighborhoods/areas were selected, spanning two regencies/cities in Central Java, namely Magelang and Semarang, along with two Grobogan districts. A purposive sampling procedure was employed in the selection of each district/city, involving the choice of one district and two case villages/*kelurahan* from each. Primary data collection was conducted through interviews and seminars involving informants and respondents within the case villages, sub-districts, and districts. This engaged community leaders, government officials, religious leaders,

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injury or, in the most extreme cases, the tragic loss of a child's life. Psychological child abuse extends to actions such as sedation, the use of harsh language, and exposing children to inappropriate content like explicit books, images, and pornographic films. Sexual child abuse takes various forms, including social precontact interactions involving words, touch, and visual stimuli, as well as direct sexual contact such as incest, rape, and exploitation. Additionally, Lawson's framework acknowledges social child abuse, encompassing both child abuse and exploitation, highlighting the broader societal implications of these harmful practices. This systematic classification emphasizes the intricate nature of child abuse, addressing diverse dimensions that collectively underscore the urgent need for protective measures and intervention to safeguard the well-being of children. See Terry E. Lawson, *The Consequences of "not Good Enough" Parenting*. (Los Angeles CA: Spencer Publications, 1993). For further cases, also see Setyarini Nur Octaviana, "Child sexual abuse in indonesia: history and challenge in legal perspective." *IJCLS (Indonesian Journal of Criminal Law Studies)* 4, no. 1 (2019): 83-92; Dewa Gede Sudika Mangku, Ni Putu Rai Yuliartini, and I. Wayan Lasmawan. "Legal Protection for People with Disabilities in Indonesia in the Perspective of Justice Theory." *Unnes Law Journal* 8, no. 2 (2022): 245-262; Errika Putri Anggriani, "Policy on Reducing Child Labor as the Elimination of the Worst Forms of Child Labor." *Unnes Law Journal* 6, no. 1 (2020): 1-20; Sarno Setiawan, et al. "Community empowerment on establishment of friendly-village for women and children." *Indonesian Journal of Advocacy and Legal Services* 1, no. 1 (2019): 5-22; Firmansyah Wahyu Oetomo, and Ferdinan Dwi Setyonegoro. "Police as Perpetrators of Child Sexual Crimes: A Review of Victimology and Criminology (Case Study in Lubuklinggau, South Sumatra, Indonesia)." *Law Research Review Quarterly* 9, no. 1 (2023): 29-52; Angkasa Angkasa, et al. "Development of a Restitution Model in Optimizing Legal Protection for Victims of Human Trafficking in Indonesia." *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 93-128.

community members, and local police officers. These individuals were not merely treated as sources of information but were integral participants in the research process, contributing to data validation, analysis, and conclusion formulation. This collaborative approach, including (repeated) interviews and (group) seminars, facilitated corrections, and enhanced the generalizability of the research findings, ensuring their applicability at the village level.

### **3. Result & Discussion**

#### **A. Multifaceted Dynamics of Child Economic Exploitation: Unraveling Influences from Poverty to Policy Oversight**

The causes and driving factors of the problem of exploitation of children are the interaction of various factors at the micro to macro level, from economic, social, cultural to political issues. The intricate problem of child economic exploitation unfolds through a complex interplay of factors at micro and macro levels, spanning economic, social, cultural, and political dimensions.<sup>12</sup> Examining the results of the study reveals key drivers behind the issue:

##### **1) Poverty**

Dominantly, the economic struggles of families emerge as a critical factor pushing children into labor to contribute to household income. In addition, the economic struggles faced by families play a pivotal role in the perpetuation of child

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<sup>12</sup> Iwoeng Geovani, et al. "Juridical Analysis of Victims of The Economic Exploitation of Children Under The Age to Realize Legal Protection From Human Rights Aspects: Research Study At The Office of Social and Community Empowerment In Batam City." *International Journal of Educational Review, Law And Social Sciences (IJERLAS)* 1, no. 1 (2021): 45-52; Simone Van Der Hof, et al. "The child's right to protection against economic exploitation in the digital world." *The International Journal of Children's Rights* 28, no. 4 (2020): 833-859.

exploitation, particularly through child labor. Families experiencing financial difficulties often find themselves compelled to utilize all available resources to secure a basic livelihood. In such circumstances, children become vulnerable to exploitation as they are seen as potential contributors to household income.

The connection between economic struggles and child exploitation is deeply rooted in the need for families to cope with poverty. When a family faces economic hardship, the imperative to generate additional income becomes acute. Unfortunately, children, who are often perceived as a potential labor force within the family unit, may be subjected to engaging in work prematurely. This is driven by the perception that their contribution to economic activities can alleviate the financial burdens experienced by the family.<sup>13</sup>

In this context, child labor becomes a consequence of economic desperation, where families, in their struggle for survival, may resort to exploiting the labor of their children. This exploitation, while serving immediate economic needs, raises significant ethical and developmental concerns, as it deprives children of their right to a proper education, hinders their physical and emotional well-being, and perpetuates a cycle of poverty and exploitation across generations. Addressing child exploitation necessitates not only addressing the immediate economic struggles of families but also implementing comprehensive measures to break the cycle and protect the rights and well-being

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<sup>13</sup> Nadia Cavina Putri, and Nunung Nurwati. "Pengaruh Laju Pertumbuhan Penduduk Berdampak pada Tingginya Angka Kemiskinan yang Menyebabkan Banyak Eksploitasi Anak di Indonesia." *Jurnal Ilmu Kesejahteraan Sosial HUMANITAS* 3, no. 1 (2021): 1-15; Saiful Saleh, Muhammad Akhir, and B. Sisma. "Eksploitasi Pekerja Anak Pemulung." *Equilibrium: Jurnal Pendidikan* 6, no. 1 (2018): 10-20.

of children.<sup>14</sup>

## 2) *Urbanization*

The origin of employed children, often hailing from rural areas, intertwines with urbanization trends, creating a fertile ground for economic exploitation. The dynamic interplay between the origin of employed children, often stemming from rural areas, and the concurrent process of urbanization unveils a multifaceted relationship that significantly contributes to the issue of child economic exploitation. Rural-to-urban migration patterns, a common outcome of urbanization, draw families seeking improved economic prospects into urban centers. In this transition, children frequently accompany their families, becoming integral components of the urban workforce. However, the allure of urban opportunities may expose these children to exploitative labor practices, particularly within informal sectors where employment conditions are often less regulated.<sup>15</sup>

Moreover, the expansion of informal labor sectors, a hallmark of urbanization, becomes a magnet for children who, due to limited access to education and skills training, find themselves absorbed into low-skilled and potentially hazardous

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<sup>14</sup> Herdianty Ramlan, et al. "Hierarchy of Child Exploitation by Parents in Makassar City, Indonesia." *International Journal of Arts and Humanities Studies* 3, no. 4 (2023): 42-47; Asep Suryahadi, Agus Priyambada, and Sudarno Sumarto. "Poverty, school and work: Children during the economic crisis in Indonesia." *Development and Change* 36, no. 2 (2005): 351-373; Chris Manning, "The economic crisis and child labor in Indonesia." *ILO/IPEC Working Paper* 80 (2000); Siti Maymanatun Nisa, "Legal Protection Against The Exploitation of Child Labor in Indonesia." *Asian Journal of Law and Humanity* 1, no. 1 (2021): 87-106.

<sup>15</sup> Yahya Muhammed Bah, "Combating Child Abuse in Indonesia: Achievements and Challenges." *International Journal of Management (IJM)* 13, no. 3 (2022); Budy P. Resosudarmo, and Daniel Suryadarma. "The impact of childhood migration on educational attainment: Evidence from rural-urban migrants in Indonesia." *Asian Population Studies* 10, no. 3 (2014): 319-333.

occupations. The rapid pace of urbanization sometimes outpaces the development and implementation of robust regulatory frameworks, including those designed to protect children from labor exploitation. Consequently, children working in urban settings may encounter inadequate legal safeguards, leaving them vulnerable to exploitation and reinforcing the urgent need for comprehensive and enforced child labor laws.<sup>16</sup>

Economic disparities exacerbated by urbanization further compound the issue, creating sharp contrasts between affluent urban centers and impoverished neighborhoods. Families migrating from rural areas may struggle to adapt to urban living conditions, compelling children to contribute to the family income through various forms of labor. As urbanization progresses, addressing child economic exploitation necessitates holistic interventions that consider the broader socio-economic transformations associated with urban development. It is imperative to ensure that regulatory frameworks, educational opportunities, and social support systems are in place to protect the rights and well-being of children in evolving urban landscapes.<sup>17</sup>

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<sup>16</sup> Waleed S. Alzamil, "Evaluating urban status of informal settlements in Indonesia: A comparative analysis of three case studies in North Jakarta." *Journal of Sustainable Development* 11, no. 4 (2018): 148; Devanto Shasta Pratomo, Wildan Syafitri, and Clarissa Sekar Anindya. "Expanding Middle Class in Indonesia." *The Journal of Indonesia Sustainable Development Planning* 1, no. 3 (2020): 307-312; B. Setiawan, and Tri Mulyani Sunarharum. "Ensuring Sustainable Urban Transformation in Indonesia." *The Journal of Indonesia Sustainable Development Planning* 1, no. 2 (2020): 217-224.

<sup>17</sup> Anton Novenanto, "Transjawa, pertumbuhan ekonomi, dan urbanisasi." *BHUMI: Jurnal Agraria dan Pertanahan* 4, no. 2 (2018): 123-139; Agus Saputro, "Urban Crisis Produk Kegagalan Urbanisasi di Indonesia." *Sosiologi Reflektif* 15, no. 1 (2020): 173-194. See also Suzanne Duryea, and Mary Arends-Kuening. "School attendance, child labor and local labor market fluctuations in urban Brazil." *World Development* 31, no. 7 (2003): 1165-1178; June Kane,

### 3) *Socio-Cultural Influences*

Cultural perspectives, framing children as potential family contributors, contribute to the perpetuation of economic exploitation within societal norms. Furthermore, cultural perspectives play a crucial role in shaping societal attitudes toward the involvement of children in economic activities, contributing significantly to the perpetuation of economic exploitation within established norms. In many cultures, children are often viewed through the lens of potential family contributors, expected to fulfill familial duties and responsibilities from a young age. This perspective is deeply ingrained in social norms, where the economic well-being of the family takes precedence over the individual rights and developmental needs of the child. Consequently, the expectation that children should contribute to the family's financial stability becomes a normative aspect of cultural beliefs.<sup>18</sup>

This cultural framing often leads to the normalization of child labor, as societies may view children's economic engagement as a natural and necessary part of their upbringing. The idea that children should actively contribute to the economic

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"What the economic crisis means for child labour." *Global social policy* 9, no. 1\_suppl (2009): 175-196; Bayu Kharisma, Sutyastie Soemitro Remi, and Ferry Hadiyanto. "The Role of Household Income on Child Labor: A Lesson from the Indonesian Crisis." *Journal of Southwest Jiaotong University* 55, no. 3 (2020); Eric V. Edmonds, and Norbert Schady. "Poverty alleviation and child labor." *American Economic Journal: Economic Policy* 4, no. 4 (2012): 100-124.

<sup>18</sup> Alhassan Abdullah, et al. "Social norms and family child labor: a systematic literature review." *International Journal of Environmental Research and Public Health* 19, no. 7 (2022): 4082; Radhika Viruru, "Childhood Labor in India: issues and complexities." *Contemporary Issues in Early Childhood* 9, no. 3 (2008): 224-233; Alexander Krauss, "Understanding child labor beyond poverty: the structure of the economy, social norms, and no returns to rural basic education." *World Bank Policy Research Working Paper* 6513 (2013).



sustenance of their families can perpetuate a cycle of exploitation, as these expectations may override considerations for the child's education, well-being, and overall development. In some instances, cultural values emphasizing collectivism and familial cohesion further reinforce the notion that children should actively participate in economic activities to support the larger family unit.<sup>19</sup>

The influence of cultural perspectives on child economic exploitation extends beyond individual families to societal structures, where ingrained norms can shape broader policies and attitudes. Efforts to address this issue must involve a nuanced understanding of these cultural dynamics and work towards fostering a shift in societal norms that prioritize the holistic well-being of children over traditional expectations of economic contributions. This may entail educational initiatives, awareness campaigns, and policy interventions that challenge and reshape prevailing cultural beliefs regarding the role of children in economic activities.<sup>20</sup>

#### 4) *Education Gap*

The lack of educational opportunities stands out as a significant catalyst in propelling children into the precarious realm of economic exploitation. When children face limited access to quality education, they encounter obstacles that hinder their

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<sup>19</sup> Yenni Rosana, Richard Chauvel, and Siew Fang Law. "Socio-Cultural Influences on Child Labour Issue in Aceh Province Indonesia." *Professional: Jurnal Komunikasi dan Administrasi Publik* 6, no. 2 (2019): 43-58; Asri Wijayanti, "Framework of Child Laborers Legal Protection in Marginal Communities." *Man in India* 97, no. 24 (2017): 203-212.

<sup>20</sup> See also and compare with A. O. Ajayi, and D. O. Torimiro. "Perspectives on child abuse and labour: global ethical ideals versus African cultural realities." *Early Child Development and Care* 174, no. 2 (2004): 183-191; Helen Agathonos-Georgopoulou, "Cross-cultural perspectives in child abuse and neglect." *Child Abuse Review* 1, no. 2 (1992): 80-88.

intellectual, social, and emotional development. This educational deficit, in turn, becomes a compelling force driving them toward engaging in economic activities prematurely.

In situations where educational resources are scarce or inaccessible, children often find themselves with few alternatives for personal and intellectual growth. The absence of proper schooling infrastructure, qualified teachers, or financial means to support education leaves them without the essential tools to break the cycle of poverty. Consequently, families may view child labor as a pragmatic solution to immediate economic challenges, as the potential income generated by the child becomes a more tangible and pressing need than investing in their long-term education.<sup>21</sup>

Moreover, the lack of education amplifies the vulnerability of children to exploitation, as they may lack awareness of their rights, avenues for personal development, and the skills necessary to navigate the complexities of the job market. In the absence of education, children are often relegated to low-skilled and hazardous work environments, perpetuating a cycle where the absence of learning opportunities reinforces their susceptibility to economic exploitation.<sup>22</sup>

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<sup>21</sup> Asrol Asrol, and Hafsa Ahmad. "Analysis of factors that affect poverty in Indonesia." *Revista Espacios* 39, no. 45 (2018); Ade Marsinta Arsani, Bugi Ario, and Al Fitra Ramadhan. "Impact of education on poverty and health: Evidence from Indonesia." *Economics Development Analysis Journal* 9, no. 1 (2020): 87-96.

<sup>22</sup> Agus Priyambada, Asep Suryahadi, and Sudarno Sumarto. *What happened to child labor in Indonesia during the economic crisis: The trade-off between school and work*. (Jakarta: SMERU Research Institute, 2005); Robertus Raga Djone, and Anne Suryani. "Child Workers and Inclusive Education in Indonesia." *International Education Journal: Comparative Perspectives* 18, no. 1 (2019): 48-65; Sharon Bessell, "Child labor in Indonesia." In *The World of Child Labor*. (London: Routledge, 2014), pp. 898-903; Florentz Magdalena, Sukamdi Sukamdi, and Abdur Rofi. "The determinants of child labor participation in Indonesia: A multilevel approach." *Southeast Asian Journal of Economics* 9, no. 3 (2021): 75-108.

Addressing the root causes of child economic exploitation requires a comprehensive approach that prioritizes accessible and quality education. By investing in educational infrastructure, ensuring equitable access to learning opportunities, and promoting awareness about the importance of education, societies can break the cycle of exploitation and empower children to realize their full potential. Recognizing education as a fundamental right is integral to dismantling the structural barriers that contribute to the exploitation of vulnerable children.<sup>23</sup>

##### 5) *Technological Evolution*

Changes in the production landscape, influenced by rapid technological advancements, contribute to a shifting dynamic where companies are increasingly inclined to adopt sophisticated tools. While technological progress can bring about positive transformations in efficiency and productivity, there is a concerning aspect that revolves around the potential intensification of child labor practices.<sup>24</sup>

Technological advancements often lead to a restructuring of production processes, with companies seeking to enhance their competitiveness by incorporating automation and other advanced technologies. While these innovations can streamline operations and boost output, they may also inadvertently create conditions conducive to the exploitation of child labor. As companies adopt

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<sup>23</sup> Amaluddin Amaluddin. "The Nexus Between Poverty, Education and Economic Growth in Indonesia." *Economics Development Analysis Journal* 8, no. 4 (2019): 345-354; Hilda L. Masniarita, Pohan, and Jeffrey D. Vitale. "Overcoming the poverty trap through education: An intergenerational study on Indonesia." *Journal of Indonesian Applied Economics* 6, no. 1 (2016): 1-21.

<sup>24</sup> Meirina Nurlani, "Perlindungan Hukum bagi Pekerja Anak: Tinjauan Perspektif Keadilan dan Kesejahteraan Anak." *Jurnal Kajian Pembaruan Hukum* 1, no. 1 (2021): 107-132; Yunita Ajeng Fadila, "Tinjauan Yuridis Pelindungan Pekerja Anak di Indonesia dalam Perspektif Konvensi Hak Anak." *Yustitiabelen* 8, no. 2 (2022): 143-166.

more sophisticated tools, there may be a corresponding demand for a low-skilled workforce, where children may be disproportionately affected due to their vulnerability and lack of bargaining power.<sup>25</sup>

In some instances, the introduction of advanced technologies may lead to a displacement of adult workers, as companies favor cost-effective automated solutions. This displacement can create a void in the job market, making it easier for unscrupulous employers to exploit children who are willing to work for lower wages and under substandard conditions. The lack of regulatory mechanisms to address the intersection of technological change and child labor further exacerbates this issue, allowing companies to take advantage of the vulnerabilities presented by young and often unskilled workers.<sup>26</sup>

Efforts to address this challenge require a nuanced approach that acknowledges the impact of technological shifts on labor practices. Policymakers, industry leaders, and advocacy groups must collaborate to develop and enforce regulations that safeguard against the exploitation of children in the wake of technological advancements. Additionally, promoting ethical business practices and responsible supply chain management

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<sup>25</sup> See Sharmistha Self, and Richard Grabowski. "Agricultural technology and child labor: Evidence from India." *Agricultural Economics* 40, no. 1 (2009): 67-78; Diether Beuermann, "Telecommunications technologies, agricultural profitability, and child labor in rural Peru." *Central Bank of Peru, Working Paper Series* 2 (2011); Anggita Wulansari, Taufik Taufik, and Alif Oktavian. "Handling Child Labor Problems in Indonesia: Post PROMOTE-ILO Project." *Insignia Journal of International Relations* 10, no. 1 (2023): 94-116.

<sup>26</sup> Lisdiana Lisdiana, et al. "Collaboration of Actors in Handling Child Labor in Indonesia." *Public Administration and Regional Development* 14 (2021): 954-975; Andika Wahab, and Ramli Dollah. "Child labor and unfree labor: Evidence from the palm oil sector in Sabah (East Malaysia)." *Journal of Human Rights* 22, no. 3 (2023): 351-366.

becomes crucial in mitigating the unintended consequences of technological progress on vulnerable populations, particularly children engaged in labor.<sup>27</sup>

#### 6) *Inadequate Oversight and Rehabilitation Institutions*

Weak regulatory oversight and limited rehabilitation institutions fail to effectively address the protection of economically exploited children. Regulations intended for safeguarding children often fall short in implementation, leaving law enforcement officials with challenges in resolving issues faced by child workers. In addition, the inadequate protection of economically exploited children is often exacerbated by weak regulatory oversight and the limited availability of rehabilitation institutions. Regulatory oversight is essential in establishing and enforcing laws that protect the rights and well-being of children engaged in economic activities. However, in situations where regulatory mechanisms are weak or inconsistently applied, the legal framework intended to safeguard children becomes ineffective.<sup>28</sup>

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<sup>27</sup> See Kukuh Tejomurti, and Sukarmi Sukarmi. "The Critical Study of the Omnibus Bill on Job Creation Based on John Rawls View on Justice." *Unnes Law Journal* 6, no. 2 (2020): 187-204; Aye Sudarto, Muhamad Bisri Mustofa, and Anas Malik. "Economic Exploitation of Children: Returning Child Labor to the World of Education Through Interpersonal Communication Towards Equal Education." *HUMANISMA: Journal of Gender Studies* 6, no.2 (2022): 212-225; Ayon Diniyanto, and Heris Suhendar. "How Law Responds to Technological Development?." *Unnes Law Journal* 6, no. 2 (2020): 405-426; Asyaffa Ridzqi Amandha, et al. "The Mainstreaming of the Concept of Legal Protection for Child Labor in Indonesia based on ILO Conventions." *The Indonesian Journal of International Clinical Legal Education* 4, no. 3 (2022).

<sup>28</sup> Johannes Norpoth, Lukas Groß, and Rahima Aktar. *Child labour in Bangladesh-an analysis of gaps and weaknesses of the existing legal framework*. No. 204. IEE Working Papers, 2014. See also Janelle M. Diller, and David A. Levy. "Child labor, trade and investment: Toward the harmonization of international law." *American Journal of International Law* 91, no. 4 (1997): 663-696; Benjamin K. Sovacool, "When subterranean slavery supports sustainability transitions?"

Weak regulatory oversight implies a lack of comprehensive monitoring, enforcement, and accountability mechanisms. This can lead to loopholes in the legal system, allowing exploitative practices to persist without fear of repercussions. In many cases, regulations designed to prohibit child labor or ensure safe working conditions are not rigorously enforced, creating an environment where unscrupulous employers can exploit children with relative impunity.

Limited rehabilitation institutions further compound the issue. Even if cases of economic exploitation are identified, the absence of adequate institutions for rehabilitation means that children who have been victimized may not receive the necessary support and services to recover physically, mentally, and emotionally. The lack of rehabilitation resources perpetuates a cycle of vulnerability, as exploited children may continue to face challenges without proper intervention and assistance.<sup>29</sup>

Regulations aimed at protecting economically exploited children often fall short in implementation due to various factors, including corruption, resource constraints, and insufficient training of law enforcement officials. As a result, the legal

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Power, patriarchy, and child labor in artisanal Congolese cobalt mining." *The Extractive Industries and Society* 8, no. 1 (2021): 271-293.

<sup>29</sup> Sharon Bessell, "The politics of child labour in Indonesia: global trends and domestic policy." *Pacific Affairs* (1999): 353-371; Tri Sulistiyono, and Lowrenszya Siagian. "The Phenomenon of Child Labour: Causes, Consequences, and Protection under Indonesian Law." *2nd International Conference on Indonesian Legal Studies (ICILS 2019)*. Atlantis Press, 2019; Ridwan Arifin, Rodiyah Rodiyah, and Aprilia Putri Adiningsih. "Child Labor Protection Based on Indonesian Manpower Act and Human Rights Principle." *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 9, no. 2 (2020): 253-268; Yosefin Dika Tyas Wangi, "Policy of Development for Juvenile Delinquency in the Perspective of Indonesian Criminal Justice System Reform (Study on Institute for Special Development Children LPKA Kutoarjo, Central Java, Indonesia)." *Journal of Indonesian Legal Studies* 2, no. 2 (2017): 85-100.

framework designed to safeguard children becomes ineffective in addressing the root causes of exploitation and providing meaningful consequences for those responsible.

Addressing these shortcomings requires a multifaceted approach. Strengthening regulatory frameworks, enhancing enforcement mechanisms, and investing in rehabilitation infrastructure are essential steps. Additionally, raising awareness about child exploitation issues and building the capacity of law enforcement officials to effectively implement and enforce regulations are critical components of a comprehensive strategy to protect economically exploited children.

## **B. Modes and Manifestations of Exploitation: Unraveling the Victimization of Children in Human Trafficking**

In accordance with Law Number 21 of 2007, a child is legally defined as an individual below eighteen years old, encompassing even those in utero. This statutory provision is articulated within the context of Law Number 21 of 2007, specifically addressing the Eradication of the Criminal Act of Trafficking in Persons. The legislation meticulously outlines the modus operandi or operational methods employed by individuals or criminal groups in executing their illicit plans within the realm of human trafficking, particularly when children are victimized.<sup>30</sup> This legal framework serves as a

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<sup>30</sup> Ni Putu Rai Yuliantini, and Dewa Gede Sudika Mangku. "Legal protection for women victims of trafficking in Indonesia in an international human rights perspective." *International Journal of Criminology and Sociology* 9, no. 2 (2020): 1397; Benazir Bona Pratamawaty, Evie Ariadne Shinta Dewi, and Putri Limilia. "Human Trafficking Countermeasure Efforts of the Indonesian Government on Social Media." *Review of International Geographical Education Online* 11, no. 5 (2021).

crucial instrument for addressing and curbing the criminal activities associated with the trafficking of persons, with a particular focus on the protection of children who are especially vulnerable to such offenses.<sup>31</sup>

The operational strategies involved in the crime of trafficking in persons, particularly when children are victimized, are explicitly outlined in Article 5 and Article 6 of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons. These legal provisions delineate two distinct modus operandi for such criminal activities. The first involves adopting a child through promises or offerings with the intention of exploitation. The second encompasses the transportation of children across national borders, either legally or illegally, for the purpose of exploitation. This comprehensive legal framework, as detailed by Suryaningsih and Hendarsyah, provides a robust foundation for combating human trafficking, especially when it involves children.<sup>32</sup>

In the practical context, the evolving modus operandi for trafficking in persons, particularly victimizing children, continues to advance. Criminal entities in this realm deploy increasingly sophisticated and unpredictable methods, mirroring the tactics observed in other criminal enterprises such as narcotics crimes. Much like the ever-evolving strategies in narcotics crimes, those involved in trafficking in persons consistently innovate new methods to deceive

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<sup>31</sup> Evie Ariadne, Benazir Bona Pratamawaty, and Putri Limilia. "Human Trafficking in Indonesia, The Dialectic of Poverty and Corruption." *Sosiohumaniora* 23, no. 3 (2021): 356-363; Ni Putu Rai Yuliantini, et al. "Legal Protection for Women and Children as Victims of Human Trafficking in Indonesia." *Journal of Legal, Ethical and Regulatory Issues* 24 (2021): 1-9.

<sup>32</sup> Chatarina Suryaningsih, and Soleha Hendarsyah. "Pengalaman anak jalanan usia remaja dalam perilaku inhalasi lysergic acid diethylamide." *Jurnal Ilmu Keperawatan Anak* 2, no. 2 (2019): 40-49. See also Chatarina Suryaningsih, and Muhammad Fadli Nur. "Pengalaman hidup anak jalanan usia remaja." *Jurnal Keperawatan Silampari* 4, no. 1 (2020): 31-39.



law enforcement authorities. The dynamic nature of these criminal operations necessitates a vigilant and adaptable approach from law enforcers to effectively combat the exploitation of children in the context of human trafficking.<sup>33</sup>

Exploitation stands as the pivotal element within the realm of trafficking in persons, underscored by its significance in understanding and combating this criminal act. The definition of exploitation, as articulated in Article 1, number 7 of Law Number 21 of 2007 concerning the Crime of Trafficking in Persons, encompasses acts perpetrated with or without the victim's consent. These acts include, but are not limited to, prostitution, forced labor or services, slavery or practices akin to slavery, oppression, extortion, physical exploitation, sexual exploitation, exploitation of reproductive organs, or the unlawful removal or transplantation of organs and/or body tissues. Additionally, exploitation extends to the utilization of an individual's energy or abilities by others to gain either material or immaterial benefits.<sup>34</sup>

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<sup>33</sup> Ajailiu Niumai, "Current Trends in Human Trafficking, Modus Operandi, and Law in India." In *Gender, Law and Social Transformation in India*. (Singapore: Springer Nature Singapore, 2022), pp. 37-54. See also Syifa Amalia, Robby Syahputra, and Alfatih Jagad. "Analysis of The Crime of Human Trafficking in Indonesia (Case Study: Human Trafficking with Marriage Mode in West Kalimantan)." *Unram Law Review* 5, no. 2 (2021): 154-161; Atsil Syah Gibran, and M. Fadly Khusairy. "Analyzing the Role of Transnational Organized Crime in Trafficking in Persons in Indonesia: a Case Study on Middle East Illegal Migration Routes." *Journal of Law and Border Protection* 5, no. 1 (2023): 83-98; M. Kosandi, et al. "Glorification Trap in Combating Human Trafficking in Indonesia: An Application of Three-Dimensional Model of Anti-Trafficking Policy." *International Journal of Humanities and Social Sciences* 13, no. 5 (2019): 681-686.

<sup>34</sup> Nathalina Naibaho, "Victim Protection and The Dynamic Situation of Human Trafficking: Indonesia Experience." *Indonesian Journal of International Law* 20, no. 4 (2023): 697-718; Farhana Farhana. "Responsive legal approach to law of human trafficking in Indonesia." *Journal of Social Studies Education Research* 9, no. 1 (2018): 214-227; Nur Iman Subono, and Meidi Kosandi. "The Regionalism

In essence, the forms of exploitation outlined in Article 1, point 7, encapsulate a wide array of reprehensible acts. These include prostitution, coerced labor or services, slavery or similar practices, oppression, extortion, and various forms of physical and sexual exploitation. The comprehensive scope of this definition also addresses the unlawful transfer or transplantation of organs and/or body tissues, along with the exploitation of an individual's energy or abilities for the benefit of others. By explicating these forms of exploitation, the legal framework establishes a robust foundation for identifying and prosecuting the multifaceted aspects of trafficking in persons, emphasizing the imperative of protecting individuals from diverse forms of abuse and victimization.<sup>35</sup>

It is crucial to note that Article 1, point 7, does not confine itself to a specific enumeration of 10 types of exploitation. Law Number 21 of 2007, which addresses the Crime of Trafficking in Persons, deliberately regulates exploitation without predefined limitations. This intentional flexibility ensures that the legal framework remains adaptive and comprehensive, allowing for the recognition and prosecution of various forms of exploitation perpetrated by individuals involved in the crime of trafficking in persons. This is particularly pertinent in cases where children are victimized, as perpetrators may employ diverse and evolving methods of

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Paradox in the Fight against Human Trafficking: Indonesia and the Limits of Regional Cooperation in ASEAN." *Journal of Leadership, Accountability & Ethics* 16, no. 2 (2019): 89-98.

<sup>35</sup> Ruswan Surna Permana, and Teddy Lesmana. "Perlindungan Hukum terhadap Korban dari Tindak Perdagangan Anak di Indonesia." *Civilia: Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan* 1, no. 3 (2022); Yudhya Prasetya, "Perdagangan Perempuan dan Anak Sebagai Kejahatan Transnasional." *Yustitia* 7, no. 2 (2021): 185-195; Monika Dita Puspa Dewi, and Muhammad Iqbal Baiquni. "Tanggung Jawab Orang Tua Terhadap Anak Sebagai Korban Child Trafficking di Indonesia." *Journal of Indonesia Law* 2, no. 1 (2021): 81-105.

exploitation beyond those explicitly listed in the law.<sup>36</sup>

Law Number 21 of 2000, which endorses the ILO Convention No. 182 on the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, stands as a pivotal legal framework in Indonesia's efforts to combat trafficking in persons. This legislation plays a crucial role in regulating the definition and prevention of the worst forms of child labor, demonstrating a commitment to eradicate situations where children face both physical and economic exploitation.<sup>37</sup>

The definition of worst forms of child labor, as outlined in this law, encompasses a range of exploitative scenarios. Notably, it includes children engaged in prostitution, those involved in hazardous mining activities, young individuals working as pearl divers, and children laboring in the construction sector. Additionally, the law extends its protective provisions to children working on floating platforms (*jermals*), those participating in garbage scavenging activities, and those involved in activities using explosives.<sup>38</sup>

This legal instrument aligns with international standards set by the International Labour Organization (ILO) and outlines specific

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<sup>36</sup> Beta S. Iryani, and D. S. Priyarsono. "Eksplorasi terhadap anak yang bekerja di Indonesia." *Jurnal Ekonomi dan Pembangunan Indonesia* 13, no. 2 (2013): 177-195; Aysha Zalika Ardita Putri Andi, "Permasalahan Anak Jalanan di Surabaya (Studi Eksploratif Eksploitasi Anak Jalanan di Surabaya)." *Antroposen: Journal of Social Studies and Humaniora* 1, no. 1 (2022): 28-37; Friska Anggi Siregar, "Eksplorasi Anak Di Ruang Media; Sebuah Tinjauan Hukum." *Al-Qadha: Jurnal Hukum Islam dan Perundang-Undangan* 9, no. 1 (2022): 215-230.

<sup>37</sup> Hartana Hartana, Komang Mirah Angguning, and Ni Putu Rai Yuliantini. "Peran Organisasi Internasional Seperti UNICEF dalam Menangani Adanya Perdagangan Anak." *Jurnal Gender dan Hak Asasi Manusia* 1, no. 1 (2023): 1-9.

<sup>38</sup> Hamidah Siadari, "Upaya Perlindungan dan Keselamatan Kerja Pekerja Anak di Jermal." *Dharmasisya* 2, no. 1 (2021): 425-438; Devi Rahayu, "Penguatan Hukum Berbasis Community Based Organization Sebagai Upaya Pencegahan Eksploitasi Pekerja Anak." *Rechtidee* 10, no. 2 (2015): 142-161

forms of exploitation to safeguard the rights and well-being of children. By providing a comprehensive framework, Law Number 21 of 2000 ensures that the worst forms of child labor are not only identified but also addressed with immediate action. The law reflects Indonesia's dedication to upholding the rights of children and fostering an environment that protects them from the diverse challenges associated with trafficking in persons.<sup>39</sup>

The explicit enumeration of exploitative scenarios in this law serves as a proactive measure, acknowledging the diverse tactics employed by traffickers and ensuring that the legal framework remains adaptive to evolving methods. By encompassing a range of exploitative situations, including children working on the streets, as domestic helpers, and in home industries, the law emphasizes a comprehensive approach to combating trafficking in persons and addressing the root causes of child labor. It underscores Indonesia's commitment to international standards while addressing the multifaceted challenges faced by children subjected to exploitative practices.<sup>40</sup>

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<sup>39</sup> Kadriye Bakirci, "Human trafficking and forced labour: A criticism of the International Labour Organisation." *Journal of Financial Crime* 16, no. 2 (2009): 160-165.

<sup>40</sup> Robert Brian Smith, "Cybercrime in ASEAN: Anti-Child Pornography Legislation." *Journal of Indonesian Legal Studies* 5, no. 2 (2020): 277-294; Irfa Puspitasari, "Combating modern slavery: The strategy of Indonesian government to protect migrant workers." *Global Focus* 1, no. 1 (2021): 23-37. See also Gabriela Martinho, Mariana Goncalves, and Marlene Matos. "Child trafficking, comprehensive needs and professional practices: A systematic review." *Children and Youth Services Review* 119 (2020): 105674; Jonathan Todres, "Taking prevention seriously: developing a comprehensive response to child trafficking and sexual exploitation." *Vanderbilt Journal of Transnational Law* 43, no. 1 (2010): 1-56; Zehra F. Arat, "Analyzing Child Labor as a Human Rights Issue: Its Causes, Aggravating Policies, and Alternative Proposals." *Human Rights Quarterly* 24, no. 1 (2002): 177-204.

## C. Legal Protection for Children Victims of Economic Exploitation: Insight from Indonesia, The Philippines, and Vietnam

### 1) *Indonesia's Experience*

UNICEF, in its commitment to protecting children from exploitative labor practices, has meticulously defined criteria that serve as crucial indicators of such exploitation. Firstly, the organization identifies situations where children are subjected to full-time work at an age deemed too early for their comprehensive development. This criterion recognizes the significance of allowing children the time and space to engage in age-appropriate activities essential for their physical, mental, and emotional growth.<sup>41</sup>

Secondly, UNICEF acknowledges the detrimental impact of excessive working hours on children's overall well-being. By highlighting cases where children spend too much time on labor, the organization emphasizes the importance of safeguarding their right to a balanced and nurturing childhood. This criterion underscores the necessity of protecting children from undue physical strain and exhaustion, allowing them the opportunity to engage in recreational and educational activities essential for their holistic development.<sup>42</sup>

Additionally, UNICEF's criteria address the multifaceted dimensions of exploitation, extending beyond physical strains to

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<sup>41</sup> Fred Wulczyn, et al. *Adapting a systems approach to child protection: Key concepts and considerations*. (New York: UNICEF, 2010). See also Peter Lachman, et al. "Challenges facing child protection." *Child Abuse & Neglect* 26, no. 6-7 (2002): 587-617.

<sup>42</sup> Joel E. Oestreich, "UNICEF and the Implementation of the Convention on the Rights of the Child." *Global Governance* 4, no. 2 (1998): 183-198; Helen Clark, et al. "A future for the world's children? A WHO–UNICEF–Lancet Commission." *The Lancet* 395, no. 10224 (2020): 605-658; Neil Howard, and Samuel Okyere, eds. *International child protection: Towards politics and participation*. (London, UK: Palgrave Macmillan, 2022).

include social and psychological stresses. It recognizes instances where children face conditions that undermine their dignity and self-esteem, such as slavery, forced contractual work, and sexual exploitation. By delineating these criteria, UNICEF provides a comprehensive framework that not only identifies exploitative child labor but also lays the foundation for informed policy-making, advocacy efforts, and interventions aimed at protecting the rights and well-being of children globally.<sup>43</sup>

Child protection has been ingrained into national law, dispersed across the Civil Code, the Criminal Code, and various laws and regulations dedicated to safeguarding children. On the global stage, the Convention on the Rights of the Child (CRC), established in 1989, serves as a pivotal legal instrument adopted by the international community. The CRC meticulously delineates the rights of children, providing a comprehensive and progressive framework for their protection and well-being. The Convention positions children as distinct entities with inherent rights that must be supported in their interactions with adults.<sup>44</sup>

However, despite these legal safeguards, contemporary challenges persist in the mistreatment of children. Instances of child rape, domestic and public violence, psychological and mental abuse, and exploitation in media and advertising underscore the urgency of

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<sup>43</sup> Kresnawati Kresnawati, and Johanna Debora Imelda. "Perlindungan sosial bagi anak usia dini pada keluarga yang rentan sosial ekonomi." *Sosio Informa: Kajian Permasalahan Sosial dan Usaha Kesejahteraan Sosial* 6, no. 3 (2020): 223-238; Ramdani Ramdani. "Hak Anak Dalam Sistem Peradilan Pidana Anak di Indonesia." *Negara dan Keadilan* 9, no. 1 (2020): 91-97.

<sup>44</sup> Lucitania Rizky, Muhammad Ade Safri Salampessy, and Isna Achdyana. "The Effectiveness of The Convention on the Rights of the Child (CRC) Regime by UNICEF in Encouraging the Implementation of Child Protection in Southeast Asian Countries." *JASSP* 2, no. 1 (2022): 12-20; Liza Shahnaz, and Zainal Abidin Muhja. "The Rights of Children on the Move in Indonesia: Implementation and Challenges." *Malaysian Journal of Law & Society* 30, no. 1 (2022): 99-110.

reinforcing pro-child rights structures and systems. Regrettably, prevailing policies and laws often fall short of being truly pro-child, and even law enforcement officials, including judges, prosecutors, and police, may inadvertently contribute to a punitive approach rather than prioritizing the welfare of the child. This misalignment with the principles of criminal law, where punishment for children should be a last resort, necessitates a concerted effort to reform legal perspectives that may inadvertently perpetuate harm to children.<sup>45</sup>

To address these challenges, there is a pressing need for continuous and serious efforts in the socialization, promotion, and enforcement of children's rights. It is imperative to recognize that children's issues remain insufficiently prioritized in development agendas. Upholding children's rights demands a steadfast commitment from adults who wield power, capital, and other critical resources. This commitment is vital for dismantling exploitative and destructive legal theses and fostering a societal ethos that prioritizes the protection and well-being of children. Efforts in legal reform align with a broader commitment to building a more equitable and supportive environment for the youngest members of society.

Children's rights, as articulated in legal frameworks aimed at safeguarding their well-being, remain insufficiently effective in alleviating adverse conditions for children. Despite efforts detailed in

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<sup>45</sup> For some cases of child protection in the context of law reform, please *see also* Umi Mujiarti, "Advocacy and Combating Sexual Crimes in the Perspective of Child Protection Law". *Journal of Law and Legal Reform* 2, no. 2 (2021): 165-186; Dina Putri, "Sounding the Justice for Child: Does Restorative Justice Matters?". *Journal of Law and Legal Reform* 4, no. 3 (2023): 303-324; Evan Ferdiyan Rachmanto, "Legal Protection for Children As Victims of Violence". *Journal of Law and Legal Reform* 2, no. 4 (2021): 515-526; Natalia Sihotang, and Channarong Wiriyā. "Human Trafficking in Thailand in Perspective of Human Rights Law". *Journal of Law and Legal Reform* 2, no. 4 (2021): 505-514

legal documents<sup>46</sup>, the global landscape and the everyday lives of people continue to grapple with persistent challenges related to children. This predicament extends beyond the borders of Indonesia, impacting nearly every corner of the globe. The current state of children, as illuminated by contemporary realities, serves as an illustrative testament to the ongoing prevalence of issues affecting them amidst the rapid evolution of the global landscape. The complexities surrounding children's predicaments persist despite legal efforts, necessitating a critical examination of the existing legal frameworks. While these frameworks provide a foundation for protection, the gap between legal ideals and the actual lived experiences of children reveals a pressing need for more robust and effective implementation.<sup>47</sup> This challenge is not confined to a specific geographic location, highlighting the universality of the struggle to adequately address and remedy the multifaceted problems faced by children. The unfolding realities of children today thus underscore the urgency of reevaluating and fortifying strategies to ensure that legal protections genuinely translate into tangible improvements in their well-being, both in Indonesia and across the world.<sup>48</sup>

The outlined description emphasizes the imperative of enhancing global efforts in child protection and the realization of children's rights, echoing a sentiment echoed by Hurlock. It underscores that children, as vital members of society, possess both

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<sup>46</sup> Kristine Artello, et al. "What do we do with those kids? A critical review of current responses to juvenile delinquency and an alternative." *Aggression and Violent Behavior* 24 (2015): 1-8.

<sup>47</sup> Paul Rigby, "Separated and trafficked children: The challenges for child protection professionals." *Child Abuse Review* 20, no. 5 (2011): 324-340.

<sup>48</sup> Lindsay Stark, et al. "A qualitative study of community-based child protection mechanisms in Aceh, Indonesia." *Vulnerable Children and Youth Studies* 7, no. 3 (2012): 228-236; Patrick John O'Leary, et al. "Developing the social work role in the Indonesian child protection system." *International Social Work* 62, no. 2 (2019): 814-828.



rights and responsibilities integral to their well-being and development. These fundamental rights encompass the entitlement of every child to live, grow, and flourish in alignment with human dignity. Additionally, children have the right to be shielded from violence and discrimination, the right to a name that reflects their identity and citizenship, and the freedom to worship according to their chosen religion.<sup>49</sup>

Moreover, children are granted the right to think and express themselves in accordance with their level of intelligence and age, guided by parental influence. They have the privilege to articulate their opinions and have them acknowledged, seek and disseminate information conducive to their self-development, and do so with due regard to ethical and moral values. Foremost among these rights is the entitlement of every child, under the care of parents or guardians, to protection from discrimination, exploitation—both economically and sexually—neglect, cruelty, violence, persecution, injustice, and any other form of mistreatment.<sup>50</sup>

Drawing insights from the research conducted by the Child Labor Mitigation Network, a prominent factor contributing to children's vulnerability is poverty. The pervasive influence of economic hardship remains a dominant catalyst, compelling children to participate in income-generating activities to support themselves and their families. This critical perspective underscores the

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<sup>49</sup> Elizabeth B. Hurlock, *Adolescent Development*. (Tokyo: McGraw-Hill Kogakusha, 1973). See also Elizabeth B. Hurlock, *Perkembangan Anak*. (Jakarta: Erlangga, 2011); Elizabeth B. Hurlock, and E. R. Klein. "Adolescent" Crushes". *Child Development* 5, no. 1 (1934): 63-80.

<sup>50</sup> See William F. Arsenio, and Jason Gold. "The effects of social injustice and inequality on children's moral judgments and behavior: Towards a theoretical model." *Cognitive Development* 21, no. 4 (2006): 388-400; Michael D. Baumtrog, and Harmony Peach. "They can't be believed: children, intersectionality, and epistemic injustice." *Journal of Global Ethics* 15, no. 3 (2019): 213-232.

interconnectedness of socio-economic factors with the exploitation of children and emphasizes the urgency of addressing poverty as a fundamental step toward comprehensive child protection.<sup>51</sup>

Children often become an essential source of income, with child labor viewed as a survival mechanism to alleviate the weight of persistent poverty impacting their parents. Engaging in economic activities is often driven by various motivations, including the desire to assist parents, gain community respect, and experience the tangible outcomes of their efforts. However, the primary catalyst pushing children into work is the imperative demands placed on them by parents to contribute additional income to the family. Unfortunately, despite children's inherent need for protection and guidance, exploitation persists.

The enduring occurrence of child exploitation raises questions about why parents are imposing adult responsibilities on children who lack a comprehensive understanding of the complexities of the working world. Instead of prioritizing a proper education, children are compelled to undertake jobs simply to survive. Disturbingly, some parents even endorse improper means of earning money, such as theft, while others inadvertently expose children to negative influences depicted on television. This pervasive issue is exacerbated by a lack of responsible upbringing on the part of parents.

Numerous factors contribute to the prevalence of child exploitation in Indonesia, including challenges within the family environment. The role of parents as educators should involve instilling positive values in children, preparing them to become

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<sup>51</sup> Kaushik Basu, and Zafiris Tzannatos. "The global child labor problem: what do we know and what can we do?." *The World Bank Economic Review* 17, no. 2 (2003): 147-173; Elok Mulyoutami, Betha Lusiana, and Meine van Noordwijk. "Gendered migration and agroforestry in Indonesia: Livelihoods, labor, know-how, networks." *Land* 9, no. 12 (2020): 529.

exemplary contributors to the nation's future. The stark reality reveals that, over the past five years, hundreds of thousands of children have become casualties of conflicts in various regions of Indonesia, such as Poso, Aceh, Irian, Maluku, and others. Parents should exemplify qualities that inspire children to be valuable assets to the nation, but sadly, the ongoing conflicts and the absence of proper guidance contribute to a perpetuation of child exploitation.<sup>52</sup>

In addition, legal protection for child victims of economic exploitation in the Yogyakarta area is rigorously enforced through stringent legal actions against perpetrators. This approach involves active engagement from various sectors within the community, including individuals, child protection agencies, social organizations, non-governmental organizations (NGOs), educational institutions, religious entities, businesses, and mass media. The collaborative efforts of these stakeholders align with the provisions outlined in existing laws and regulations, ensuring a comprehensive and effective implementation of child protection measures in response to economic exploitation.<sup>53</sup>

The emphasis on strict legal actions underscores the commitment to holding perpetrators accountable for their actions, sending a clear message that economic exploitation of children will not be tolerated. Additionally, the active involvement of the community demonstrates

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<sup>52</sup> Nandi Nandi. "Pekerja anak dan permasalahannya." *Jurnal Geografi Gea* 6, no. 1 (2016); Setiamandani, Emei Dwinanarhati. "Perlindungan Hukum Bagi Pekerja Anak dan Upaya Penanggulangannya." *Reformasi* 2, no. 2 (2012): 74-81; Kayus Kayowuan Lewoleba, and Muhammad Helmi Fahrozi. "Studi Faktor-Faktor Terjadinya Tindak Kekerasan Seksual Pada Anak-Anak." *Jurnal Esensi Hukum* 2, no. 1 (2020): 27-48.

<sup>53</sup> Fatin Hamamah, "Analisis yuridis sosiologis terhadap perlindungan anak dalam kasus eksploitasi pekerja anak." *Jurnal Pembaharuan Hukum* 2, no. 3 (2015): 351-360; Wahyu Kurniawan, "Penyesuaian Sosial Pekerja Anak Sebagai Pelayan Rumah Makan di Yogyakarta." *Jurnal Riset Mahasiswa Bimbingan dan Konseling* 4, no. 10 (2018): 637-649.

a collective responsibility towards safeguarding the rights and well-being of children. This multifaceted approach acknowledges the diverse roles that various entities play in combating economic exploitation, promoting a coordinated and holistic response to address this pressing issue in the Yogyakarta area. By integrating legal measures with community participation, the strategy aims to create a protective environment that not only responds to instances of economic exploitation but also works preventively to eliminate the root causes of such abuses. This collaborative and legally informed approach reflects a commitment to ensuring that children in the Yogyakarta area are afforded the necessary protection and support to thrive free from economic exploitation.<sup>54</sup>

Children who find themselves subjected to economic and sexual exploitation receive specialized protection from concerted efforts led by both the government and society. This dedicated protection involves a multifaceted approach aimed at creating an environment where such forms of exploitation are eradicated. One crucial facet of this approach is the dissemination and communication of laws and regulations specifically designed to shield these vulnerable children. The dissemination efforts focus on raising awareness about legal provisions that are in place to safeguard the rights and well-being of children facing economic and/or sexual exploitation.

Additionally, the protective framework incorporates vigilant monitoring, reporting mechanisms, and the imposition of sanctions to swiftly address instances of exploitation. This ensures that any form of exploitation is promptly identified, reported, and met with

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<sup>54</sup> Vicki Dwi Purnomo, and Kelik Endro Suryono. "A Sociological Review of Law Against the Exploitation of Street Children by Parents in the City of Yogyakarta." *East Asian Journal of Multidisciplinary Research* 2, no. 2 (2023): 737-752. See also Mohamad Akbar Aziz, "Model Eksploitasi Pekerja Anak Jalanan di Yogyakarta dan Sleman". *Thesis* (Yogyakarta: Universitas Gadjah Mada, 2017).

appropriate legal consequences for the perpetrators. The active involvement of various entities is another cornerstone of this protective strategy. Government agencies, businesses, labor unions, and institutions collaboratively engage in efforts to combat both economic and sexual exploitation of children. This coordinated approach ensures a comprehensive response that spans different sectors of society.

Furthermore, the engagement of non-governmental organizations (NGOs) and the active participation of the community further fortify protective measures. NGOs contribute valuable resources, expertise, and advocacy, while community involvement provides grassroots support to initiatives focused on eradicating economic and sexual exploitation of children. In essence, the joint efforts of the government and society encompass both preventative and responsive measures, creating a protective shield that addresses the root causes of exploitation and actively works to prevent and combat such incidents. This collective commitment reflects a dedication to fostering an environment where children are shielded from the detrimental impacts of economic and sexual exploitation.

Child protection activities carry legal consequences, aligning with the constitutional mandate outlined in Article 28B, paragraph (2) of the 1945 Constitution of the Republic of Indonesia. These consequences encompass adherence to both written and unwritten laws, reflecting the commitment to upholding the rights and well-being of children within the legal framework of the country. The constitutional provision establishes a foundational commitment to safeguarding children and underscores the legal imperative to enforce and abide by child protection measures as outlined in Indonesia's legal system.

Moreover, the Indonesian labor market is witnessing the emergence of children engaged in employment and subjected to

economic exploitation. In response to these circumstances, recognizing the necessity for accurate data and information on the socio-economic characteristics of exploited children, the International Labor Organization (ILO) collaborated with the Central Bureau of Statistics (BPS) to release the "*Child Labor in Indonesia 2009*" report in February 2010. This report is derived from the Indonesian Child Labor Survey conducted in Jakarta, which forms a sub-sample integrated into the 2009 National Labor Force Survey (SAKERNAS). To ensure the reliability of the data, the survey selected 760 census blocks from 248 districts/cities using the same sampling technique employed in the 2008 SAKERNAS list.

This collaborative effort between the ILO and BPS not only addresses the growing concern of child labor but also underscores the significance of accurate information in formulating effective strategies and policies. By integrating the child labor survey into the broader national labor force survey, the report provides a comprehensive understanding of the socio-economic dynamics surrounding the exploitation of children in the Indonesian labor market. The meticulous sampling technique employed ensures that the findings are representative and reflective of the diverse conditions experienced by exploited children across various districts and cities in Indonesia.

Table 1 shows the term "*child labor*," as employed in this survey, encompasses all individuals who are children and engaged in work.

**TABLE 1.** Child Labor

<b>Age group</b>	<b>Working hours</b>
5-12 Years	Regardless of working hours
13 – 14 Years	Work more than 15 hours/week
5 – 12 Years	Working more than 40 hours/week

Source: BPS & ILO, 2009<sup>55</sup>

<sup>55</sup> BPS & ILO, *Data Pekerja Anak di Indonesia 2009*. (Jakarta: BPS & ILO, 2009).

Among the total number of children aged 5-17, approximately 58.8 million, 6.9 percent, or 4.05 million fall within the category of working children. Of these working children, 43.3 percent, equivalent to 1.76 million, are formally employed. Notably, 81.8 percent, or 48.1 million of the working children, attend school, while 41.2 percent (24.3 million) are involved in housework, and 11.4 percent (6.7 million) are categorized as "idle," indicating neither attendance at school, nor participation in household chores or employment. Approximately half of the employed children work at least 21 hours per week, with 25 percent putting in a minimum of 12 hours per week (Lestari, Sri. 2012). On average, children engage in work for 25.7 hours per week, whereas those classified as child laborers work an average of 35.1 hours weekly. Disturbingly, 20.7 percent of working children labor in hazardous conditions, working more than 40 hours per week. These working children are typically still attending school, working without monetary compensation as family members, and involved in agricultural, service, and manufacturing sectors.

The number and characteristics of working and employed children exhibit variations based on sex and age groups. In addition to the official data released by the ILO and BPS in 2009, the Indonesian Child Protection Commission (KPAI) reported as of 2013 that there were 4.7 million child workers. This data underscores the ongoing challenge of child labor and the imperative to address the multifaceted issues affecting children's well-being and education in Indonesia.

## ***2) The Philippine's Experience***

The phenomenon of child exploitation in the Philippines, particularly in the context of Online Sexual Exploitation of Children (OSEC), is a deeply concerning and complex issue. As highlighted by Steven Roche, the Philippines has gained notoriety as a global hotspot

for OSEC, according to various sources, including law enforcement agencies, non-governmental organizations (NGOs), and researchers.<sup>56</sup>

OSEC involves the sexual exploitation of children through online platforms, often facilitated by the use of technology and the internet. This form of exploitation encompasses activities such as the live streaming of sexual abuse, the production and distribution of explicit materials involving minors, and other forms of cyber-enabled sexual exploitation.<sup>57</sup>

Despite legislative efforts to combat child exploitation in the Philippines, including the enactment of laws such as the Anti-Trafficking in Persons Act, Cybercrime Prevention Act, and the Anti-Child Pornography Law, the problem persists and, in fact, continues to escalate. The alarming rise in the numbers of exploited children is a stark reality, emphasizing the need for a comprehensive and urgent response.

The reasons behind the persistence of OSEC in the Philippines are multifaceted. Factors such as poverty, limited resources for law enforcement, gaps in legal frameworks, and the global nature of the internet contribute to the challenges in effectively combating this form of exploitation. Additionally, the ever-evolving tactics employed by

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<sup>56</sup> Sarah Napier, Russell G. Smith, and Rick Brown. "Australians who view live streaming of child sexual abuse: An analysis of financial transactions." *Trends and Issues in Crime and Criminal Justice* 589 (2020): 1-16; Yohanes Benedictus Meninu Nalele, "The Role of End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) in Addressing the Child's Commercial Sexual Exploitation (ESKA) in Indonesia (2011–2015)." *Sociae Polites* 20, no. 1 (2019): 1-19; Eve S. Puffer, et al. "Parents make the difference: a randomized-controlled trial of a parenting intervention in Liberia." *Global Mental Health* 2 (2015): e15.

<sup>57</sup> Juliane A. Kloess, Anthony R. Beech, and Leigh Harkins. "Online child sexual exploitation: Prevalence, process, and offender characteristics." *Trauma, Violence, & Abuse* 15, no. 2 (2014): 126-139. See also Ethel Quayle, and Kurt M. Ribisl, eds. *Understanding and preventing online sexual exploitation of children*. (London: Routledge, 2013).



perpetrators in exploiting technology and the anonymity provided by the online environment further complicate efforts to address the issue.

Efforts to combat child exploitation in the Philippines require a coordinated approach involving government agencies, law enforcement, NGOs, international organizations, and the broader community. This approach should encompass prevention, intervention, victim support, and the strengthening of legal and technological measures to ensure the effective prosecution of perpetrators.<sup>58</sup>

The situation in the Philippines serves as a stark reminder of the urgent need for global cooperation and commitment to protecting children from the scourge of online sexual exploitation. It underscores the importance of continuous efforts to adapt strategies to the evolving nature of technology-facilitated crimes against children.

Despite the expansion of child protection efforts and social services, the rates and consequences of Online Sexual Exploitation of Children (OSEC) in the Philippines are on the rise, and challenges persist in adequately addressing the needs of survivors and their families. Presently, primary interventions against OSEC involve educational and public awareness campaigns, alongside law enforcement responses. However, the effectiveness of these measures remains unclear, and there is a notable absence of rehabilitative support.<sup>59</sup>

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<sup>58</sup> Steven Roche, et al. "Online sexual exploitation of children in the Philippines: A scoping review." *Children and Youth Services Review* (2023): 106861; Sandra Concepcion Layla S. Hernandez, et al. "Sexual exploitation and abuse of children online in the Philippines: A review of online news and articles." *Acta Medica Philippina* 52, no. 4 (2018); Nelia Sancho-Liao, "Child Labour in the Philippines: Exploitation in the Process of Globalization of the Economy." *Labour, Capital and Society/Travail, capital et société* (1994): 270-281.

<sup>59</sup> Michelle Ann Gill, "Exploratory Case Study of Child Welfare Worker Perceptions of Father Involvement in Permanency Planning for Children". *Thesis*. (Arizona: University of Arizona Global Campus, 2022); Martina Merten,

The overall landscape reveals a lack of evidence-based programs, as highlighted by Gill. Furthermore, the child protection system in the Philippines is frequently characterized by inconsistency and inadequate resourcing, as observed by the author, and a considerable number of children in the country endure serious forms of abuse and neglect.<sup>60</sup>

This situation underscores the need for more comprehensive and evidence-informed strategies to combat OSEC effectively. The existing challenges in the Philippines' child protection system necessitate urgent attention and resources to address the escalating rates of online exploitation. A holistic approach should encompass not only preventive measures but also interventions that focus on the rehabilitation and support of survivors, ensuring that the child protection system is robust, consistent, and adequately resourced to safeguard the well-being of children in the country.

### 3) *Vietnam's Experience*

In Vietnam, the protection of children is enshrined as a fundamental right, particularly concerning their safeguarding from any involvement in illegal activities related to narcotic substances. This includes ensuring that children are shielded from the harmful consequences of using, manufacturing, transporting, selling, purchasing, or storing narcotics. The legal and societal framework in Vietnam acknowledges the vulnerability of children and aims to provide a protective environment that preserves their well-being and prevents their engagement in activities that could jeopardize their

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"Tackling online child sexual abuse in the Philippines." *The Lancet* 396, no. 10253 (2020): 747-748.

<sup>60</sup> Laurie S. Ramiro, Bernadette J. Madrid, and David W. Brown. "Adverse childhood experiences (ACE) and health-risk behaviors among adults in a developing country setting." *Child Abuse & Neglect* 34, no. 11 (2010): 842-855.

health and safety. The emphasis on safeguarding children from the negative impacts of narcotics reflects a commitment to nurturing a secure and healthy environment for the country's younger generation.<sup>61</sup>

Article 30 emphasizes the right of children to protection throughout administrative violation proceedings and actions. Children have the entitlement to defend themselves or be defended, ensuring the protection of their lawful rights and interests. This right includes access to legal aid, the ability to express their opinions, and safeguarding against any unlawful deprivation of freedom. Moreover, children are protected from various abuses such as torture, forced deposition, corporal punishment, defamation of honor and dignity, violations of their physical integrity, psychological pressure, and other forms of misconduct. This provision underscores the commitment to ensuring a fair and protective environment for children within the legal and administrative processes.

Article 31 emphasizes the entitlement of children to special assistance and protection in the face of natural disasters, calamities, environmental pollution, and armed conflict. This right underscores the commitment to ensuring that children receive specific care and safeguarding measures during challenging circumstances. In addition, article 32 asserts the right to social security for Vietnamese citizen children, ensuring that they receive the benefits stipulated by the law. The implementation of these benefits is designed to align with the socio-economic conditions of the regions where the children reside and consider the capacity of their parent(s) or caregivers. This

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<sup>61</sup> See Eric V. Edmonds, and Carrie Turk. *Child labor in transition in Vietnam*. Vol. 2774. (Washington D.C.: World Bank Publications, 2002); Michele Binci, and Gianna Claudia Giannelli. "Internal versus international migration: Impacts of remittances on child labor and schooling in Vietnam." *International Migration Review* 52, no. 1 (2018): 43-65.

provision reflects the commitment to providing social security measures that are contextually relevant and supportive of the well-being of children in various living conditions.<sup>62</sup>

In Article 33, children are granted the right to access information and engage in social activities based on their age, maturity, demands, and capacity. This includes the retrieval of information in various forms as stipulated by the law.

Moving on to Article 34, the focus shifts to the right of children to express their opinions and participate in meetings, considering their age, maturity, and development levels. Moreover, the article emphasizes that their opinions and expectations should be acknowledged, considered, and responded to by a range of entities, including agencies, organizations, educational establishments, families, and individuals.

Article 35 delves into the specific rights of children with disabilities, highlighting that they not only enjoy all the rights accorded to children but also possess additional rights outlined in disability-related legislation. These children are entitled to special assistance, care, and education aimed at supporting their rehabilitation, fostering self-reliance, and ensuring social inclusion.

Lastly, Article 36 shifts the focus to the rights of stateless children and refugee children within Vietnam's territory. These children receive protection and humanitarian assistance, and they also have the right to search for their parents and families in accordance with both Vietnamese laws and international agreements to which the Socialist Republic of Vietnam is a signatory. This provision

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<sup>62</sup> Nguyen Thu Dung, and Hoang Kim Khuyen. "Child Labor and Poverty Reduction in Vietnam: Issues and Policy Implications." *Lentera Hukum* 8, no. 3 (2021): 471-502. *See also* Nguyen Thanh Huyen, "Impact of Economic Downturn on Child Labor in Vietnam." *Lentera Hukum* 8, no. 3 (2021): 447-470.

underscores the nation's commitment to providing legal and humanitarian support to vulnerable populations within its borders.

## **D. The Government's Role in Preventing Child Exploitation**

Child protection law is a relatively nascent area of study, notably absent from the mainstream legal education curriculum in Indonesia, as observed by Chakrawati.<sup>63</sup> Unlike some Western countries where this field has gained recognition through specialized writings, Indonesia is still navigating its integration into legal education. In countries like the Netherlands, codification efforts have been underway to refine laws affecting children's lives. In the context of Indonesia, legal scholars like Bismar Siregar, have delved into the legal aspects of child protection, with a distinct focus on the rights of children rather than legal obligations. According to juridical perspectives, children are not traditionally burdened with legal obligations, and this nuanced approach reflects in the evolving discourse on child protection law.<sup>64</sup>

Furthermore, it is highlighted that on the legal aspect of children, framing it as a comprehensive compilation of legal provisions encompassing protection, guidance, and justice for children and youth. This inclusive perspective incorporates elements from various legal domains, including civil procedural law, criminal code, criminal procedural law, and their implementing regulations. As Indonesia continues to navigate the terrain of child protection law, insights from

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<sup>63</sup> Fitria Chakrawati, *Bullying Siapa Takut*. (Solo: Tiga Ananda, 2015).

<sup>64</sup> Yanuar Farida Wismayanti, et al. "The problematization of child sexual abuse in policy and law: The Indonesian example." *Child Abuse & Neglect* 118 (2021): 105157.

both Western practices and local legal scholars contribute to shaping and refining this evolving legal discipline.<sup>65</sup>

To address the pervasive issue of child labor and prioritize the best interests of children, the State holds a pivotal role in ensuring the survival and prosperity of the Nation and State. This imperative involves the active engagement of legislative, executive, and judicial institutions, each contributing distinctively to guarantee the protection of Indonesian children's lives.

### 1) *Central Legislature*

The central legislature plays a critical role in addressing the issue of child labor by undertaking various responsibilities. Foremost among these is the formulation of comprehensive laws and regulations aimed at ensuring the robust protection of children. This involves a meticulous examination of existing legal frameworks, incorporating provisions that safeguard children's rights and well-being. In tandem with legislative efforts, the allocation of budgets specifically earmarked for advancing the best interests of children is crucial. By dedicating financial resources to programs and initiatives that directly benefit children, the central legislature demonstrates a commitment to fostering their welfare.

Furthermore, the central legislature is tasked with vigilant supervision of the executive branch to ensure the effective implementation of laws and policies pertaining to child protection. This oversight role is essential in guaranteeing that the intended objectives of child protection legislation are

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<sup>65</sup> Muhammad Fachri Said, "Perlindungan hukum terhadap anak dalam perspektif hak asasi manusia." *JCH (Jurnal Cendekia Hukum)* 4, no. 1 (2018): 141-152; Laurensius Arliman, "Reformasi Penegakan Hukum Kekerasan Seksual Terhadap Anak Sebagai Bentuk Perlindungan Anak Berkelanjutan." *Kanun Jurnal Ilmu Hukum* 19, no. 2 (2017): 305-326.

translated into tangible actions and outcomes. In cases of non-compliance or violations, the central legislature plays a pivotal role in formulating regulations that outline strict sanctions for those who breach child protection laws. This not only serves as a deterrent but also reinforces the gravity with which child protection is regarded within the legal framework.

In addition to these measures, the central legislature recognizes the importance of community engagement and awareness. Socialization efforts are undertaken to inform and involve constituents in the ongoing endeavors related to child protection. By fostering a collective understanding of the significance of safeguarding children's rights, these initiatives contribute to a societal ethos that actively supports and participates in the prevention of child labor and the promotion of a secure and nurturing environment for every child.

## 2) *Regional Legislature*

The regional legislature plays an important role in addressing the multifaceted challenges of child labor and ensuring the well-being of children in specific geographic areas. One primary responsibility is to strategically incorporate children's issues into the formulation of regional policies. By scheduling children's problems as a priority, the regional legislature acknowledges the importance of tailoring policies to the unique conditions faced by children and child workers within their jurisdictions.

In pursuit of effective child protection, the regional legislature formulates concrete regional regulations that consider the distinctive characteristics of the local environment. These regulations are designed to provide a robust framework for addressing child labor, with a focus on eradicating

exploitative practices. The legislative body also allocates regional budgets in a proportional manner, directing financial resources toward initiatives that uphold the best interests of children and combat child labor.

Additionally, the regional legislature assumes a supervisory role, overseeing the implementation of local government initiatives aligned with regional regulations on child labor eradication. This oversight ensures that policies are translated into actionable measures, contributing to the overall success of regional efforts against child labor. In cases of non-compliance or violations, the legislative body formulates and enforces sanctions against individuals who infringe upon children's rights and engage in exploitative child labor practices. This strict approach underscores the commitment to protecting children within the regional legal framework, creating an environment conducive to their well-being and development.

### 3) *Central Executive*

The central executive, as a key component of the state's machinery, shoulders crucial responsibilities in addressing and eradicating child labor. A primary mandate is the immediate initiation of efforts to eliminate the worst forms of child labor. This involves proactive measures and strategic interventions aimed at swiftly curbing and eradicating instances of severe exploitation faced by children.

In executing its duties, the central executive is tasked with the fair and responsible implementation of existing laws and regulations related to child labor. Ensuring that these legal frameworks are applied equitably and effectively contributes to creating an environment that protects children from exploitative practices and promotes their rights.



Dissemination of information plays a pivotal role in raising awareness and understanding of laws and regulations pertaining to children and child labor. The central executive takes on the responsibility of effectively communicating these legal provisions to the public, fostering a comprehensive understanding of the importance of child protection.

Additionally, the central executive assumes a supervisory role in overseeing and monitoring compliance with child protection laws. In cases where individuals violate children's rights or engage in exploitative child labor practices, the central executive is responsible for supervising investigations and facilitating the transfer of violators to relevant authorities for legal proceedings. This comprehensive approach underscores the commitment of the central executive to eliminate child labor, enforce child protection laws, and safeguard the rights and well-being of children across the nation.

#### 4) *Regional Executive*

The role of Regional Executives is pivotal in addressing the grave issue of child labor within their designated regions. Foremost, these executives are tasked with the crucial responsibility of identifying and recognizing the most severe instances of child labor prevalent in their respective areas. By actively pinpointing the worst forms of child labor, they lay the groundwork for targeted interventions and initiatives aimed at eradicating these harmful practices.

In addition to identification, Regional Executives play a key role in the formulation and implementation of regional regulations dedicated to the protection of children and the prevention of child labor. This involves the development of comprehensive policies and guidelines that create a protective

framework, ensuring the well-being and rights of children are safeguarded. By enacting and enforcing regional regulations, these executives contribute significantly to the broader goal of eliminating exploitative child labor practices.

Beyond regulatory efforts, Regional Executives are entrusted with the responsibility of conducting thorough monitoring and instigating legal proceedings against violators of child labor laws. This dual role involves not only enforcing existing regulations but also actively pursuing those who flout these laws, thereby acting as a deterrent and fostering a culture of compliance within their regions.

Lastly, transparency and accountability are integral components of the Regional Executive's mandate. Regular and periodic reporting on the status of child labor in their regions ensures that the public is kept informed about the progress made, challenges faced, and the overall state of child labor. By disseminating this information, Regional Executives contribute to public awareness and engagement, fostering collective efforts to combat child labor effectively.

##### 5) *Judiciary*

The judiciary plays a crucial role in upholding and enforcing laws pertaining to the prohibition of child employment, spanning from the central to regional levels. In the pursuit of establishing comprehensive child welfare in Indonesia, the contemporary landscape of national legal development necessitates special consideration for legal frameworks governing children. Recognizing the evolving nature of societal norms and the changing needs of children, it becomes imperative to accord special attention to legal rules

concerning children and harmonize them with the dynamic realities of children's lives.

In the era of national law development, the judiciary is tasked with ensuring that legal provisions related to child welfare align with the evolving circumstances and challenges faced by children. This involves a meticulous review and adjustment of existing legal frameworks to accommodate the contemporary needs and rights of children. By harmonizing these legal rules with the current realities of children's lives, the judiciary contributes to the creation of a legal environment that genuinely reflects and addresses the multifaceted aspects of child welfare in Indonesia.

Ultimately, the judiciary serves as a linchpin in the realization of effective legal mechanisms for safeguarding children. Through a thoughtful and responsive approach to legal development, the judiciary not only enforces existing laws but also paves the way for a legal landscape that is attuned to the well-being and evolving needs of the nation's children.

In a broader context, it is imperative to recognize that every child, regardless of their location, holds the inherent privilege of possessing a name as a fundamental aspect of their personal identity. However, the current pedagogical emphasis on child protection law within the Indonesian legal education system is confined to a singular facet of the comprehensive legal framework governing children. The limited attention accorded to child protection law within the curriculum of the Faculty of Law results in a deficit of knowledge among students, hindering their ability to effectively address and navigate the myriad cases involving children within society. This limitation stems from the constrained space allocated for teaching child protection law, making it challenging to anticipate that the

principles of child legal protection can be fully and practically implemented in Indonesia. Importantly, the true essence of child law transcends juvenile justice issues, encompassing a broader spectrum of considerations that extend beyond the narrow confines of current educational emphasis. To truly empower legal practitioners and advocates dealing with children's cases, there is a pressing need for an expanded and nuanced understanding of child law, acknowledging its multifaceted nature and its far-reaching implications in Indonesian society.

Law No. 23 of 2002 on child protection has significantly contributed to delineating the landscape of child law in Indonesia. It encompasses a wide spectrum, addressing not only the civil rights of children in aspects such as care, guardianship, and adoption but also extending to the critical concerns of child exploitation within economic, social, and sexual realms. The legislation further delves into the intricate matter of holding adults accountable for crimes committed against children, outlining punitive measures. Moreover, it outlines the shared responsibility of parents, society, and the state in ensuring the protection of children, thereby establishing a comprehensive framework<sup>66</sup>.

The expansive scope of child law becomes evident, dispelling the notion that it solely pertains to legal violations by children. Instead, it encompasses multifaceted dimensions, ranging from civil rights to safeguarding against exploitation, and imposes a collective responsibility on various stakeholders. However, despite the strides made by Law No. 23 of 2002, the legal landscape concerning child

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<sup>66</sup> Jeff Hearn, et al. "What is child protection? Historical and methodological issues in comparative research on lastensuojelu/child protection." *International Journal of Social Welfare* 13, no. 1 (2004): 28-41; Joe Duffy, Brian Taylor, and Susannah Mc Call. "Human rights and decision-making in child protection through explicit argumentation." *Child Care in Practice* 12, no. 2 (2006): 81-95.

issues in Indonesia remains fragmented, with pertinent laws dispersed across various legislations. This dispersion poses a challenge to a unified and cohesive legal framework, indicating a need for comprehensive consolidation to streamline the application and enforcement of child protection laws in the country.

#### **4. Conclusion**

Child exploitation in Indonesia, particularly in the realm of child labor, has garnered attention and is increasingly being addressed at the organizational level, even by the smallest entities. Recognizing the gravity of this issue, it is essential for the state, government, society, and parents to collectively extend protection to children against exploitation. The responsibility for upholding these human rights, as mandated by law, rests on parents, families, society, and the state. Additionally, in the pursuit of comprehensive child protection, the state and government play pivotal roles by ensuring the provision of facilities and accessible resources for children, fostering optimal and directed growth and development.

Highlighting key findings, the legal landscape in Indonesia demonstrates a concerted effort to prevent child exploitation, with various laws and regional regulations in place, including Law Number 23 of 2002 and Law Number 4 of 1979. Government intervention is instrumental, necessitating continuous improvement and supplementation of laws to align with evolving social realities. Legal socialization becomes crucial, particularly among potential victims like child workers, fostering awareness of rights and the dangers they may face. The multifaceted approach to legal protection includes dissemination of relevant laws, monitoring and reporting of violations, and collaboration among government agencies, companies, trade unions, NGOs, and the community to eliminate economic and sexual exploitation of children. These findings

underscore a comprehensive framework in place to combat child exploitation in Indonesia.

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