

# CRIMINAL LAW ENFORCEMENT IN ECONOMIC EXPLOITATION OF CHILDREN IN A LEGAL PERSPECTIVE

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## Abstract

Economic exploitation of children is one form of trafficking in persons where it is unethical to force children to do work without regard for children's rights. One of the contributing factors is that law enforcement is still weak so that perpetrators feel free to carry out acts of exploitation. The research method used is a qualitative approach using a type of sociological juridical research. This research focuses on criminal law enforcement in economic exploitation of minors. This research produced the following findings: *First*, economic exploitation of children in a legal perspective, namely Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons and Law Number 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, *Second* factor causing economic exploitation of children, *Third* effectiveness of law enforcement in economic exploitation of children, and *Fourth*, efforts to overcome economic exploitation of children.

## KEYWORDS

Law Enforcement, Economic Exploitation, Children



## Introduction

The social phenomenon of underage child labor is currently very concerning, including in Indonesia. According to the Central Statistics Agency (BPS), in 2022 around 1.01 million children will become underage workers.<sup>1</sup> From this number, it proves the increasing number of children as victims of exploitation. This is because the economic income of the Indonesian people is quite low, children are forced to work or exploited for jobs that should not be done by children their age such as slavery, prostitution, pornography, involvement in the drug world, and others).<sup>2</sup>

Children are basically precious and priceless divine gifts that must always be guarded, educated, and protected by all parties, including the state, because they will be the next generation in the future.

Law Number 23 of 2002 concerning Child Protection Article 1 Number 1 confirms the definition of child which reads as follows:

"Child means someone who is not yet 18 (eighteen) years old, including children who are still in the womb"

By "child" we mean individuals who are underage, meaning they are not mature enough emotionally, rationally, socially, and morally as adults.

The child is part of the citizenry who has the same rights as other citizens. These rights must be respected and protected because in the child is attached a human right that has been ingrained since birth.<sup>3</sup>

Every country, including Indonesia, has an obligation to provide adequate attention and protection to children's rights. This protection aims to ensure children can grow and develop properly and avoid various forms of crime and threats that may arise from their environment.

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<sup>1</sup> DataIndonesia.id, "Number of Child Workers in Indonesia Drops to 1.01 Million by 2022" <https://dataindonesia.id/tenaga-kerja/detail/jumlah-pekerja-anak-di-indonesia-turun-jadi-101-juta-pada-2022> (accessed February 24, 2024);

<sup>2</sup> Yuningsi. Y, "Social Protection of Child Labour". Yogyakarta: Pandiva Buku, 2017, p. 2;

<sup>3</sup> Joko Susanto and Indah Sri Utari, "Children As Victims Of Sexual Violence Committed By Parents: A Criminological Perspective", Journal of Law and Legal Reform, Vol.1(2), 2020, p. 354, <https://doi.org/10.15294/jllr.v1i2.35406>;

Indonesia has ratified the Convention on the Rights of the Child since 1990 through Presidential Decree Number 36 of 1990. This decree affirms that children require special protection and care and guarantees their rights without discrimination throughout the territory of the Republic of Indonesia. The rights of these children are contained in the 1945 Constitution and Law of the Republic of Indonesia No. 23 of 2002 concerning Child Protection which later amended several provisions into Law Number 35 of 2014 concerning amendments to Law Number 23 of 2002 concerning Child Protection.<sup>4</sup>

Economic exploitation of children, which means unethical acts that force children to do work without regard for their rights, is discriminatory, and uses or blackmails children for personal gain, often carried out by society, families or a certain group.<sup>5</sup>

This phenomenon is the result of changing dynamics that are increasingly neglected over time. Despite efforts to protect children from all forms of exploitation, the reality is that there are still many challenges faced. This is affirmed in Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection, especially in Article 76I and Article 88. From the statement, it can be concluded that the use of children in work is not justified under any circumstances, especially if it leads to exploitation of children, in accordance with the provisions of Law No. 35 of 2014 concerning child protection, Article 76 I which reads as follows:<sup>6</sup>

"Everyone is prohibited from placing, allowing, committing, ordering to commit, or participating in the economic and/or sexual exploitation of children"

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<sup>4</sup> Vita Biljana, et al, "Review of Legal Psychology in Child Protection". Yogyakarta: Deepublish, 2018, p. 6;

<sup>5</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 education Review, Law and Social Science, Vol.1(1), 2021, p. 45, <https://doi.org/10.54443/ijerlas>;

<sup>6</sup> Ariyadi, "*The Criminal Act of Perpetrators of Sexual Exploitation of Children Reviewed from Positive Law*" Journal of Hadratul Madaniyah, Vol. 5(2), 2018, p. 74, <https://doi.org/10.33084/jhm.v5i2>

Followed by the sound of Article 88 states

"Any person who violates the provisions as referred to in article 76I shall be punished with a maximum penalty of 10 (ten) years and/or a maximum fine of Rp200,000,000.00 (two hundred million rupiah)".

Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons in Article 1 number 7 states that the definition of exploitation is as follows:

"Exploitation is an act with or without the consent of the victim which includes but is not limited to prostitution, forced labor or service, slavery or slavery-like practices, oppression, extortion, physical, sexual, reproductive organ use, or unlawfully..."

Criminal law becomes one of the moral indicators of a nation, with each of its rules affirming prohibitions and obligations in society or the state, thus reflecting the civilization of the nation. In addition, the urgency of criminal law in society is to prevent people from committing crimes both in general (*generale preventive*) and against certain individuals who have committed crimes, so as not to repeat their actions in the future.

Child exploitation is one of the criminal acts regulated in criminal law in Indonesia. Child exploitation involves the unethical use of children by employing them forcibly for personal gain. This act is a form of deprivation of the child's future, where children at that age should play and learn, but are forced to work. Indonesia as a state of law clearly opposes such acts as stated in Article 28 B of the 1945 Constitution "Every child has the right to survival, growth, and development and the right to protection from violence and discrimination"

Law enforcement, eradication, and combating child exploitation should be carried out through the cooperation of various parties at the regional, national and international levels. At the regional level, for example, police can cooperate with city governments such as the Office of Women's Empowerment and Child Protection, the National Commission for the Protection of Women and Children, and others.

Child exploitation activities in any form for economic purposes are not allowed by existing laws and regulations, because the crime of exploitation of children results in ongoing suffering for children, such as children experiencing physical, psychological, social, and trauma that interferes with their development.

Children of their age level should enjoy their childhood happily, without the need to think about or help the family's economic condition. They must be protected from all forms of persecution, cruelty, and oppression and must not be subjected to trade.

Therefore, it is hoped that the government will be able to carry out criminal law enforcement for perpetrators of child exploitation.

Based on the description above, the author is interested in conducting research entitled "CRIMINAL LAW ENFORCEMENT IN ECONOMIC EXPLOITATION OF CHILDREN IN A LEGAL PERSPECTIVE".

## Methods

In this study, the author analyzes the data using a type of sociological juridical research which in other words is a type of empirical legal research and can be mentioned by field research, by examining legal provisions that apply in people's lives (Fajar, M., & Achmad, Y., 2015: 34).

Sociological juridical research can be used to find out how the law is implemented including the law enforcement process. Because this research can reveal the problems behind the implementation and enforcement of the law.

In this study, the juridical Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection and Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons. While sociological or empirical is in children who are exploited economically as karaoke guides.

Here what must be examined is primary data that is in the field and in

the community. In this study, the author uses sociological juridical research because he wants to analyze related to criminal law enforcement in economic exploitation of children employed as karaoke guides.

In this study, researchers used a qualitative approach method. Lexy J. Moleong explained that qualitative research is research that uses a natural setting with the intention of interpreting social phenomena that occur and is carried out with various natural methods that exist, including interviews, observations, and the use of documents.

Therefore, the data or material obtained from the results of this study will be compiled by the author systematically to form a conclusion regarding the problem studied, in this case, namely Criminal Law Enforcement in Economic Exploitation of Children in a Legal Perspective

## **Result and Discussion**

Criminal law is part of the overall law in force in a country, which regulates the relationship between the state and individuals or regulates the public interest. From its substance, material criminal law consists of:

- a. Criminal acts
- b. Criminal liability
- c. Criminal Sanctions

Any act that harms / violates the law must be sanctioned, and the application of sanctions is determined based on applicable law. In the application of mandatory criminal law based on the principle of legality, namely "nullum delictum nulla poena sine praevia lege poenali" which means no act can be punished except for criminal rules.

Judging from its substance, criminal law consists of general criminal laws regulated in the Criminal Code (KUHP) and special criminal laws regulated outside the Criminal Code, such as Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons and Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. In addition, criminal law also includes formal criminal law

regulated in the Code of Criminal Procedure (KUHP).

## **1. Economic exploitation of children in a legal perspective**

### **a. Economic Exploitation of Children in Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons**

One form of human rights violations that is rife today is the slavery of children and women. Usually, those who are often victims of slavery are children and women. As is the case in Indonesia, many minors who wander day and night are forced to work prematurely in various jobs that are not feasible, such as karaoke guides, masseurs, sex workers, beggars, newspaper sellers on the streets, buskers, and scavengers in garbage dumps.<sup>7</sup>

This phenomenon reflects the alarming economic exploitation of children. The exploitation of children in these forms of labor not only violates children's basic rights, but also threatens their safety, health, and future. Children should receive protection, education, and opportunities to develop according to their age, not be forced to work in unfit and dangerous conditions.

Before explaining the definition of exploitation, the author first explains human trafficking. Trafficking in persons according to Article 2 Paragraph (1) of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons is:

*"Any person who recruits, transports, shelters, sends, transfers, or receives any person by threat of force, use of force, kidnapping, captivity, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving payment or benefit, so as to obtain the consent of the person in control of such other person, whether*

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<sup>7</sup> Henny Nuraeny, "Trafficking in Persons, Criminal Law Policy and Prevention" Jakarta: Sinar Grafika, 2011, p. 85

*committed within the state or between countries, for the purpose of exploitation or resulting in exploited people".*

Based on the above definition, it can be identified that trafficking in persons includes elements that have been formulated in the law, with consequences in the form of exploitation. These forms of exploitation include minimal exploitation through prostitution, other economic exploitation, forced labor, slavery, illegal adoption, or organ harvesting.

Economic exploitation of children in trafficking offenses is generally carried out in violation of children's rights. These violations include cruel acts that degrade the dignity and dignity of children, even resembling slavery. Victims are often in a state of helplessness, trapped in an organized network of perpetrators.

Traffickers work very neatly and organized. They usually seek out victims in various ways, including promising high-paying jobs to lure potential victims. Traffickers' methods of working varied in persons, both working alone and in organized networks. They use a variety of tactics, from persuading, deceiving, exploiting the weaknesses of potential victims and their parents, to using violence and advanced technology such as advertising and communication over the phone, to using the internet. As explained by Bripka Eko Santoso, Sub-Directorate IV Unit I Investigator in an interview conducted by the author on May 16, 2024 that:

The modus operandi or method carried out by the perpetrators of the crime of economic exploitation of children is by inviting or persuading innocent children to work in karaoke places, in companies with the lure of large salaries

Child and women traffickers can be classified into three categories:

- a. parties who provide or sell trafficked persons;



- b. the party receiving or buying the trafficked person;
- c. Those who detain victims are forcibly employed, as well as benefit from the work.

Child exploitation as stipulated in Article 1 point 7 of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons states the purpose of "exploited" is

*"acts with or without the consent of the victimized child which include but are not limited to prostitution, forced labor or service, slavery or slavery-like practices, oppression, extortion, physical, sexual, reproductive organ use, or unlawfully removing or transplanting organs and/or body tissues or utilizing the child's power or ability by others for material gain".*

The problem of children in this case economic exploitation employed as karaoke guides can be related to the term human trafficking when child victims are forced to do something against their will by the perpetrator. A person is categorized as a victim of human trafficking if they experience physical, psychological, and sexual harm, this is as stated in Article 1 of Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons.

To prove a person committed a trafficking offense, several elements must be met and proven in court. Based on applicable laws and regulations in Indonesia, particularly Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons, elements that must be proven include:

a. Perpetrator Element

"Any person who is understood under this Act to be a natural person or corporation who commits the offence of trafficking in persons". (Article 1, number 4 of the anti-trafficking law).

Each person in question is a person who commits an act of economic exploitation of children.

b. Process Elements

The naturally occurring or designed chain of events includes: "the recruitment, transport, shelter, delivery, transfer, or reception of a person". By "recruitment, transport, shelter, delivery, transfer, or reception of a person" we mean recruiting by persuading child victims by promising them a job or a large salary.

c. Elements of Ways

Certain acts taken to ensure the process can be carried out, which include: "threats, violence, use of force, kidnapping, arrest, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving payment or benefits so as to obtain the consent of the person in control of the other person". Based on the sound of the article above, the act of moving or persuading girls with the promise of jobs or large salaries to be employed as sex workers in entertainment venues is included in deception or lies. Such actions may be subject to criminal sanctions.

d. Elements of Purpose

Something that will later be achieved and/or realized as a result of the actions of trafficking offenders which includes exploitation of persons or results in exploitation of persons under Article 1 point 1 and Article 2 paragraph (1) of the Trafficking in Persons Act.

By "exploitation of persons or resulting in exploitation" we mean sexual exploitation, forced labor, slavery, and organ harvesting.

**b. Economic Exploitation of Children in Law No. 35 of 2014 concerning Amendments to Law No. 23 of 2002 concerning Child Protection**

Provisions regarding the prohibition of economic exploitation of children are also regulated in Law No. 35 of 2014 concerning

Amendments to Law No. 23 of 2002 concerning child protection. This law is a regulation that regulates more specifically (lex specialis) everything related to child protection. The provisions regarding the crime are regulated in Article 76 I which states that:

*"Everyone is prohibited from placing, allowing, committing, ordering to commit, or participating in the economic and/or sexual exploitation of children"*

Article 88 states that:

*"Any person who violates the provisions as referred to in article 76I shall be punished with a maximum penalty of 10 (ten) years and/or a maximum fine of Rp200,000,000.00 (two hundred million rupiah)"*

Regarding economic exploitation of children, based on the results of an interview with Mrs. Raudhlatul Mauna, the Technical Implementation Unit of the Women and Children Protection Area of Semarang City on May 13, 2024 in the UPTD PPA room in Semarang City, provides a definition

If the literal or general sense is meant economic exploitation of children, minors are forced to work. So if we talk about exploitation, these children are minors who are not yet time to work but are forced to work with because of the circumstances that make them to work like that.

The statement delivered by Mrs. Raudhlatul Mauna was then reinforced by the results of an interview on May 16, 2024 in the PPA Unit room of the Central Java Police Ditreskrimum with BRIPKA Eko Santoso, S.H.

Economic exploitation of children is different from sexual exploitation of children, which is discussed here is economic exploitation of children, economic exploitation of children means the use of children by families or other parties by employing them at

their age who are not supposed to work for personal gain, such as being beggars, karaoke guides, footmen, and others.

To prove someone committed a criminal act of economic exploitation of children, there are several elements that must be met and proven in court. Based on the prevailing laws and regulations in Indonesia, especially Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection Article 76 I, the elements that must be proven include:

a. Elements of the Legal Subject (Everyone)

The subject of law in this article is "any person," which means that this Article applies to anyone without exception, both Indonesian citizens and foreign nationals residing in Indonesian jurisdiction. Any person who engages in the economic exploitation of a child, including individuals, parents, guardians, caregivers, employers, or other parties involved, will be subject to legal sanctions.

b. Elements of Prohibited Acts

Acts prohibited in article 76 I such as placing, allowing, doing, ordering to do, or participating. What is meant by "placing, allowing, doing, ordering to do, or participating" is that these perpetrators of economic exploitation commit acts as mentioned above by recruiting underage victims to work with the lure of a large salary.

c. Elements of Exploitation

The existence of economic and/or sexual exploitation of children. What is meant by "economic exploitation" is an act that places children by employing them only for economic purposes without consideration of humanity.

**c. Criminal Sanctions for Economic Exploitation of Children**

Economic exploitation of children is an act that places children by employing them only for economic purposes without consideration of humanity. This act violates children's rights and contravenes various legal provisions in many countries, including Indonesia.

Indonesia has regulated laws related to economic exploitation of children, namely contained in Article 76I and Article 88 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. These articles regulate the economic exploitation of children and stipulate criminal sanctions for perpetrators.

Article 76I

*"Everyone is prohibited from placing, allowing, committing, ordering to commit, or participating in the economic and/or sexual exploitation of children".*

Article 88

*"Any person who violates these provisions shall be sentenced to imprisonment for a maximum of 10 years and/or a maximum fine of Rp. 200,000,000.00".*

If studied using the theory of punishment, this action can provide guidance in effective and fair law enforcement. According to De Vergelding Theory, punishment should reflect the seriousness of the crime committed by the perpetrator. In the context of economic exploitation of children, this means that perpetrators must receive punishment commensurate with the suffering and harm experienced by these children. Severe punishment aims to have a deterrent effect and show that society does not tolerate acts that undermine children's rights and futures.

According to the theory of punishment De Relative Theory or relative theory emphasizes that punishment must have a preventive purpose, both in general and specifically. In the case of economic

exploitation of children, this means punishment must not only prevent the same offender from repeating his or her deeds, but must also prevent others from committing similar acts in the future.

On the other hand, the combined theory of this theory includes both of the above theories. According to this theory, punishment is based on retaliation and the criminal purpose itself. Therefore, there must be a balance between retaliation and the aim of convicting someone who committed a crime, in order to achieve justice and community satisfaction, where punishment includes elements of retaliation and prevention, as well as rehabilitation programs for perpetrators. Rehabilitation aims to change the behavior of perpetrators so as not to repeat crimes, thus providing long-term protection for children from economic exploitation.

#### **d. Factors Causing Economic Exploitation of Children**

The problem of economic exploitation of children continues to increase. Minors are often used as objects of trade commodities and sexual objects of adults, so many children lose their future and childhood. Countermeasures from law enforcement officials are not only sufficient to provide criminal sanctions for the perpetrators, but must know the factors that cause economic exploitation of children.

The author will explain the results of the research that the author has done with direct research into the field. The author conducted research at the Ditreskrimum Polda Central Java and UPTD PPA Semarang City. From the data obtained, the author can find out the factors that cause economic exploitation in children, the following authors will describe in this study, which are as follows:<sup>8</sup>

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<sup>8</sup> Musaddiq and Nur Wahid, *"Review of Criminology of Child Sexual Exploitation"* Bilancia: Journal of Sharia and Legal Studies Studies, Vol. 13(2), 2019, pp. 309-312, <https://doi.org/10.24239/blc>

## 1. Family Factors

The family has a very important role in the growth and development of children. In the family environment, the education of a child must be done as well as possible.

Based on an interview with Mrs. Raudhlatul Mauna UPTD PPA Semarang City on May 13, 2024 in the UPTD PPA Semarang City room

The first factor that causes children to be exploited is the family, as I know that the family environment is the environment that is first known by children, because the growth and development of children is the responsibility of the family. But when the family environment has a problem, they will indirectly look for a circle of friends to lean on.

The statement that had been conveyed by Mrs. Raudhlatul Mauna UPTD PPA was then reinforced by the results of an interview with Bripka Eko Santoso on November 16, 2024 who said

In my opinion, the family factor is the main cause of economic exploitation of children because there are several reasons. First, if the family is poor, children are often forced to work to help make a living. This happens because parents have difficulty meeting their daily needs. They think that if children join work, the family economy can be more stable. Secondly, because of the very difficult financial situation it triggers damage between the mother and father of the child which will result in a broken home mba, if the child whose family experiences a broken home it automatically the child does not get enough attention, so the child will seek his attention in other environments such as a bad friendship environment.

Based on the results of the interview above, the author can conclude that children who experience family rifts usually lack affection from their parents so that the child acts and behaves as he

wants. This makes the child run away from home and persuaded to accept job offers in entertainment establishments, masseurs, and places that endanger the child.

## **2. Individual Factors**

Based on an interview with Bripka Eko Santoso on November 16, 2024, it was stated that

If we talk about children, they must be underage, where children cannot think long and are still innocent. So in my opinion, the factors causing children's economic exploitation also come from their own children. Like there are children who may not feel at home because the atmosphere is uncomfortable or there are often problems in the family, so they prefer to work quietly without the knowledge of their parents. There are also those who are motivated by their friends who have worked first, so they want to join so that they can have their own money and not depend on their parents.

It can be concluded that the fall of children into the world of work in nightlife is not a child's choice alone, but because children have very innocent and innocent minds so they do not understand how to make a decision, they use their emotions more so that children are easily trapped by the persuasion of adults to enter the night work circle.

## **3. Economic Factors**

Economic pressures and lack of job opportunities make some children forced and forced to work when they themselves are not ready either physically or mentally. Like working in nightspots, begging at red lights, working at masseurs. This has led to increased economic exploitation of children.



#### **4. Law Enforcement Factors**

Cases of economic exploitation of children are increasingly alarming. This makes law enforcement factors can also be the cause of economic exploitation of children because if the law is not enforced properly, perpetrators feel free to carry out exploitative actions. For example, if perpetrators are not afraid of being arrested or punished, they will continue to use children for their benefit. In addition, if cases of exploitation are not taken seriously, victims and their families are hesitant to report because they do not believe the case will be processed fairly.

The rule of law in Indonesia is still too weak in addressing this problem of women and children, because the regulation is general and does not specifically regulate the exploitation of women and children. As a result, many cases stop at the investigation stage or are not resolved legally.

## **2. Effectiveness of Criminal Law Enforcement Against Perpetrators of Economic Exploitation of Children in the Ditreskrimum Polda Central Java**

The effectiveness of law enforcement in uncovering criminal acts is an important measure that determines the extent to which established goals can be achieved. According to Soerjono Soekanto as quoted by Orlando (2002: 52) said that the effectiveness of law as a rule is a benchmark regarding attitudes, actions and behavior through legal efforts so that the community complies with legal rules by applying sanctions for those who violate the law.

The effectiveness of law enforcement depends not only on policing, but also on good coordination between various law enforcement agencies in the justice system. The effectiveness of law enforcement is a means to realize the effectiveness of the law, where law enforcement officials act as indicators in implementing sanctions,

so that legal objectives can be achieved effectively. The effectiveness in question is the effectiveness of criminal law enforcement in the economic exploitation of children in the Ditreskrimum Polda Central Java.

Based on handling data from 2020 to 2023 that the author obtained from Investigators and Sub-Directorate IV Investigators of the Central Java Police Ditreskrimum has handled several cases, namely:

**TABLE 1.**

No	Types of Criminal Acts	Alleged Article	Year							
			2020		2021		2022		2023	
			CT	CC	CT	CC	CT	CC	CT	CC
1	Economic and/or Sexual Exploitation of Children	Article 88 of the UUPA	4	2	14	8	5	1	7	6
2	Culik, Sell, Trade Children	Article 83 of the UUPA	0	0	0	0	1	1	0	0

Source : Subdit IV Unit I Ditreskrimum Polda Central Java (2020-2023)

Based on the data on handling Child Exploitation of the Central Java Police Ditreskrimum above, the author will explain the following data analysis, namely in 2020, there were 4 cases of child exploitation reported. Of these, 2 cases were successfully resolved by police

investigators from the Central Java Police Ditreskrimum. This year's case completion rate is 50%, indicating that half of the reported cases have been contained.

In 2021 it showed a significant increase in the number of reported cases, reaching 14 cases. Of these, 8 cases were successfully resolved, resulting in a completion rate of 57.1%. Despite the increase in the total number of cases, law enforcement efforts also appear to be more effective compared to the previous year.

But in 2022, the number of reported cases dropped dramatically to 5 cases. However, only 1 case was successfully resolved, indicating a low completion rate of 20%. This decline may be a challenge in law enforcement, especially police investigators, to work harder in solving this case. 2023 shows a slight increase in the number of reported cases, with a total of 7 cases. Of these, 6 cases were successfully resolved, resulting in a very high completion rate of 85.7%. This shows a significant improvement in law enforcement, especially police investigators.

The police in carrying out their duties as investigators related to the criminal act of economic exploitation of minors use methods based on and refer to the Criminal Code (KUHP), Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Law Number 21 of 2007 concerning the Eradication of Trafficking in Persons as the basis of its material criminal law and Law Number 2 of 2002 concerning The National Police of the Republic of Indonesia, Police Regulation of the Republic of Indonesia Number 6 of 2019 concerning Criminal Investigation, and the Code of Criminal Procedure (KUHAP) as the basis for its formal criminal law.

Based on the theory of legal effectiveness that the author uses in this study, according to Soerjono Soekanto as quoted by Orlando, the

effectiveness or failure of a law enforcement is determined by 5 (five) factors, including:<sup>9</sup>

1. Its Own Legal Factors or Laws

Refers to the sentence of its own legal factors or laws that have the purpose of justice, certainty and expediency. Law No. 35/2014 on Amendments to Law No. 23/2002 on Child Protection and Law No. 21/2007 on the Eradication of Trafficking in Persons, theoretically, have provided a strong legal basis to protect children from economic exploitation and trafficking. These two laws clearly regulate various forms of protection and sanctions for violators, covering aspects of prevention, enforcement, and recovery for victims.

However, in field practice, enforcement of this law is still less effective because many law enforcers do not have a deep understanding of the details of the law. The lack of special training on handling cases of economic exploitation of children causes law enforcement to be less competent in identifying and taking appropriate action against perpetrators.

2. Law Enforcement Factors

The second factor that determines the effectiveness or failure of a law is from the law enforcement factor. Although the laws and regulations have been running well, the parties responsible for enforcing the law are still weak and unprofessional, it can cause disruption in the legal system itself.

To create professional law enforcers in increasing effectiveness, law enforcement officers must be managed properly through the education process of law enforcers, such as:<sup>10</sup>

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<sup>9</sup> Galih Orlando, "*Legal Effectiveness and Legal Functions in Indonesia*", Journal of Education, Religion, and Science, Vol. 6(1), 2022 pp. 55-57, <https://www.ejurnal.stita.ac.id/index.php/TBQ/article/download/77/70>;

<sup>10</sup> Maidin Gultom, "*Legal Protection of Children and Women*", Bandung: PT Refika Aditama, 2022, pp. 90-91;

1. Increase Intelligence Level

Law enforcers come from special education qualifications organized by relevant agencies such as police academies, prosecutors, and judicial education institutions. This means that they already have very mature knowledge in uncovering a case. But in reality, many law enforcers take wrong actions and are not based on the principle of justice. Even people view that the law in this country favors the ruler rather than the poor. The view from the community comes from law enforcement officials who are less able to predict the possibilities that can occur for the actions they take.

2. Able to Control Emotions

The ability to control emotions is something that must be possessed by law enforcement officials. In carrying out their duties, law enforcement officials are often faced with stressful and challenging situations, such as dealing with law violators, handling conflicts, and resolving complex cases. Emotional resilience and the ability to remain calm under pressure are not only important for maintaining professionalism, but also for ensuring that decisions are objective and based on applicable law, rather than driven by momentary emotional reactions.

3. Practicing Religious Values

Religious values often contain high ethical and moral principles, such as honesty, justice, compassion, and integrity. Law enforcers must seriously practice these values, otherwise they will be easily tempted by power such as acts of corruption and abuse of authority, discrimination and injustice in handling cases, thus harming individuals who seek justice.

3. Factors of Law Enforcement Support Facilities or Facilities

The factors of facilities or facilities that support law enforcement in this case are adequate human resources and equipment. Law enforcers cannot work properly, if they are not equipped with adequate equipment and lack of personnel. Therefore, facilities or facilities have a very important role in law enforcement. Without these facilities or facilities, law enforcers cannot maximize their role to the maximum.

#### 4. Community Awareness Factors

Community legal awareness is the level of understanding, recognition, and compliance of the community with applicable laws. It includes how people view the law, understand the content and purpose of the law, as well as the extent to which they perceive the law as something to be obeyed and followed. The existence of community legal compliance is one indicator of the functioning of the law concerned.

#### 5. Cultural Factors

Cultural factors refer to people's attitudes, values, and behavior towards the law. Factors that determine how existing laws can be interconnected with culture so that it works well. A positive and good legal culture means the community respects and supports law enforcement. Conversely, if the legal culture of the community is negative and indifferent, for example society tends to ignore or oppose the law, then the law will not be effective.

Efforts to overcome economic exploitation of children include the following:<sup>11</sup>

##### a. Preventive Measures

What is meant by prevention is an effort to prevent problems from arising by addressing the root cause before the danger occurs. Here the author will describe preemptive actions, including the following:

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<sup>11</sup> Novita, Endas Trisniwati, Yeyet Saputra, "Law Enforcement Against Child Exploitation", *Morality : Journal of Legal Sciences*, Vol. 8(2), 2022, pp. 214-215. <http://dx.doi.org/10.52947/morality.v8i2>

### (1) Family

The role of parents and family is very important in determining children's behavior as well as children's growth and development. In the family environment, child parenting guidance must be as good as possible. As revealed in an interview with Mrs. Raudhlatul Mauna who said that learning about parenting must be applied to children, such as:

- a. Educating children about behaving politely both to others and to oneself;
- b. Take the time to talk to children by listening to their problems, and providing necessary emotional support.;
- c. Enhanced child supervision, parents should supervise their children's activities, especially in environments outside the home by ensuring that children do not engage in potentially dangerous activities or exploitation.

### (2) Police

Regarding countermeasures in preventive actions, Bripka Eko Santoso said that preventive actions from the police include:

- a. Police can hold outreach sessions in schools, communities and communities to provide information about the negative impacts of child exploitation, children's rights, and how to protect them;
- b. Coordinating with relevant agencies that focus on child protection such as the Social Service, Women's Empowerment and Child Protection Office, Indonesian Child Protection Commission.
- c. Conduct patrol activities or visit entertainment venues to ensure that the entertainment venues do not have minors;

### (3) Community

- a. Conduct regular counseling sessions in the community about children's rights, the dangers of child exploitation, and how

to protect them. This can be done through social gatherings, RT/RW meetings, or religious activities;

- b. Report suspicious activities involving children. Environmental patrol or patrol systems can be helpful in identifying potential exploitations.

#### b. Repressive Measures

Repressive action is an action that aims to bring justice by enforcing the law against law violators in Indonesia. The following author will describe repressive actions based on the results of an interview with Bripka Eko Santoso, among others as follows:

##### (1) Police

Repressive measures taken by the police include:

- a. Police conduct intensive investigations and investigations into reports or indications of child exploitation.
- b. Collect evidence such as witness statements, documents, CCTV recordings, and other evidence at the time of the crime;
- c. Once enough evidence was gathered, they made an arrest of the suspect
- d. Conduct questioning of suspects and, if necessary, detain them to ensure there is no interference with the investigation process.
- e. Coordinate with relevant agencies such as Social Services and Child Protection Agencies for victim handling.

##### (2) Prosecutors

The repressive actions of the procuratorate include:

- a. The public prosecutor prepares an indictment based on evidence collected by the police and takes the case to court;
- b. Conduct further detention of suspects during court proceedings if necessary;



- c. Present evidence in court and present witnesses to substantiate charges;
- d. Demand punishment commensurate with the severity of the crime committed by the suspect, in accordance with applicable law.

### (3) Court

Repressive measures of the courts include:

- a. Hold hearings open to the public where prosecutors and defense attorneys present their cases;
- b. The judge assesses all evidence and listens to testimony from both sides;
- c. Issue verdicts and impose appropriate criminal penalties on perpetrators so that perpetrators and potential perpetrators of child economic exploitation crimes get a deterrent effect.

### (4) Prison

Repressive measures in prisons include:

- a. Penitentiaries are responsible for supervising and nurturing inmates so that they do not repeat crimes upon release from prison;
- b. Provide rehabilitation and education programs to inmates to help them return to society as better individuals;
- c. Evaluate and monitor the behavior of prisoners during the prison period to prevent the possibility of repetition of crimes.

## Conclusion

Economic exploitation of children is an act that places children by employing them only for economic purposes without consideration of humanity. Perpetrators of child economic exploitation often use gimmicks to trap victims with the promise of high-paying jobs. They can work alone or in an organized network. Law No. 35 of 2014 on Child Protection, as lex

specialis, prohibits economic and sexual exploitation of children (Article 76 I) and stipulates imprisonment of up to 10 years and/or fines of up to Rp 200,000,000.00 for violators (Article 88).

The effectiveness or failure of a law enforcement is determined by 5 (five) factors, including, *First* the factor of the law itself, *the second* factor of law enforcement, *the third* factor of law enforcement supporting facilities or facilities, *the fourth* factor of public awareness, *fifth* cultural factors. Meanwhile, efforts to overcome child economic exploitation to prevent cases of child economic exploitation include preventive and repressive measures.

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## **LAWS AND REGULATIONS**

Criminal Code (KUHP).

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

Law No. 21/2007 on the Eradication of Trafficking in Persons.

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