

LEGAL ANALYSIS OF CHILD EXPLOITATION IN PROSTITUTION PRACTICES: HUMAN RIGHTS PERSPECTIVE AND ITS IMPLICATIONS IN THE INDONESIAN LEGAL SYSTEM

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Abstrak:

Exploitation of children in prostitution is not only a serious human rights violation, but also a reflection of systemic failure to create effective social and legal protection. This phenomenon continues to grow amid economic pressures, patriarchal norms, and weak law enforcement. Although the government has ratified the Convention on the Rights of the Child and passed the Child Protection Law, cases of child exploitation in prostitution are still rampant due to the weak integration between regulation and implementation. This study aims to evaluate the extent to which the Indonesian legal system is able to respond to the challenges of child exploitation in prostitution through a human rights perspective. Using normative legal methods and a critical approach, this study analyzes various legal policies, secondary data, and literature that discuss the root causes of child exploitation. This study also evaluates the role of state institutions and non-state actors in creating a comprehensive child protection system. The results of the study indicate that child exploitation in prostitution is not only influenced by weak legal institutions, but also by systemic socio-economic inequality. Minimal law enforcement, a culture of impunity, and stigmatization of victims worsen the situation. Furthermore, the absence of a structured rehabilitation program indicates that child protection in Indonesia has not been directed at restoring the basic rights of victims. This article recommends comprehensive reforms, including economic empowerment for vulnerable families, community education to eliminate stigma, and strengthening law enforcement and regulatory oversight institutions.

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INTRODUCTION

In essence, a legal rule is made to provide protection and a sense of Justice for the entire community. This is explained in the 1945 Constitution. Therefore, the Indonesian state is required to be able to resolve a legal problem that occurs so that it can create a sense of Justice and security for the community. In the criminal law system, if a crime occurs that harms the interests of others, the legal consequences for the perpetrator will not only be the rights of the victim of the crime. However, they will expand to the interests of the family, society and also the state. Legal events that occur in Indonesia are currently developing rapidly, starting from the types of crimes committed and also the perpetrators of crimes that are not limited in terms of age or class. One of the divisions of law used as a basis for upholding Justice in Indonesia is criminal law.

Restorative Justice, in its function, provides a different approach to the process of understanding and handling a crime. Restorative Justice provides the same meaning of a crime, but in the process of resolving it presents a different process from that regulated in the mechanism through the court by involving the parties directly. In this case, it aims to provide a faster and more efficient solution to resolving criminal cases and uphold a sense of Justice for both parties and efforts



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to avoid negative stigma for the parties. The concept of restorative Justice is another way in criminal Justice that is used to resolve a criminal case. Restorative Justice prioritizes the integration of the perpetrator and victim or society as a whole to be able to find solutions and return to a good relationship between the perpetrator and victim.

The exploitation of children in prostitution is a worrying phenomenon and still occurs significantly in Indonesia. Data from the National Commission for Child Protection (Komnas PA) shows that in 2022, more than 100,000 children in Indonesia were involved in commercial sexual exploitation practices, either as victims of human trafficking or other sexual exploitation. This figure is even more worrying because the majority of victims come from low-income families, especially in urban areas with high poverty rates and lack of access to adequate education and social services (Komnas PA, 2022).

One of the main factors causing vulnerability is the government's inability to implement and supervise child protection effectively. Although Indonesia has ratified the Convention on the Rights of the Child through Presidential Decree Number 36 of 1990 and has various regulations to protect children from sexual exploitation, the implementation of these regulations is often hampered by various obstacles. For example, Law Number 35 of 2014 concerning Child Protection which regulates children's rights to be protected from violence and exploitation, and Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking which states sanctions for perpetrators of child trafficking for sexual exploitation, have not been able to significantly reduce the number of child exploitation (Setiawan, 2020).

The main problem in implementing this policy is the weak capacity of law enforcement and the lack of coordination between authorized institutions. For example, in the Komnas PA report (2022), it was found that although there was an increase in the number of reported cases of child exploitation, only around 35% were successfully processed legally. The rest are often not followed up due to a lack of strong evidence, corruption, and low awareness of law enforcement in handling these cases. In addition, victims are often treated as perpetrators, which hinders their rehabilitation and worsens their psychological condition (Nasution, 2021).

This phenomenon reflects the deep structural inequality between the social, economic, and legal sectors in Indonesia. Poverty, low levels of education, and cultural norms that allow the sexual exploitation of children contribute to the worsening situation. A 2020 report from the International Labour Organization (ILO) stated that most children who become victims of sexual exploitation come from low-income families, and many are trapped in a cycle of poverty that makes it difficult for them to access education and social protection. In fact, many of them come from marginalized communities, such as street children and children working in the informal sector, who do not have access to basic social services or adequate education.

The approach used in this study is the theory of social Justice put forward by John Rawls. Rawls emphasized the need to create a system that protects the most vulnerable individuals in society, including children. The principle of the "veil of ignorance" in Rawls' theory states that policies implemented must be designed without bias towards the social or economic status of individuals so that all children have the same right to be protected from sexual exploitation regardless of their social and economic background (Rawls, 1971). In the Indonesian context, this means the need for a system that not only punishes perpetrators but also pays attention to prevention, rehabilitation of victims, and economic empowerment of families to reduce their vulnerability to exploitation.

In addition, this study also uses a human rights approach as a conceptual framework, referring to Article 34 of the Convention on the Rights of the Child which requires states to take

legislative, administrative, social, and educational measures to prevent sexual exploitation of children. Effective policies must include three main components: prevention, prosecution, and rehabilitation (Setiawan, 2020).

This study aims to evaluate the effectiveness of the Indonesian legal system in dealing with child exploitation in prostitution practices and to identify inhibiting factors in the implementation of child protection policies. Furthermore, this study will provide policy recommendations to improve the mechanism for protecting children from commercial sexual exploitation in Indonesia. This paper will examine this issue through three main perspectives: analysis of the Indonesian legal system, identification of inhibiting factors in policy implementation, and recommendations for policy improvement. In each analysis, the social, economic, and cultural contexts that influence the situation of child exploitation in Indonesia will be considered.

METHODS

Research Type. This research is normative legal research. In normative legal research, law is conceptualized as what is written in laws and regulations (law in books) or law is associated as conceptualized as rules or norms that are benchmarks for behavior. In normative research, the data sources used are only secondary data, consisting of primary legal materials, secondary legal materials or tertiary legal materials.

Research Approach. The approaches used in this study are the Statute Approach and the Conceptual Approach. A normative study must certainly use a statutory approach, because what will be studied are various legal regulations that are the focus and central theme. The statutory approach is carried out by examining all laws and regulations related to the legal issue being handled. The conceptual approach is a study of legal concepts such as sources of law, functions of law, legal institutions, and so on. This approach is based on views and doctrines that develop in legal science. This approach is important because understanding the doctrines that develop in legal science can be a basis for building legal arguments when resolving legal issues. Views/doctrines will clarify ideas by providing legal definitions, legal concepts, and legal principles that are relevant to the problem.

This study uses a qualitative approach with a descriptive research type to describe and analyze the phenomenon of child exploitation in prostitution practices in Indonesia, as well as to evaluate the effectiveness of the existing legal system in dealing with this problem. This study does not only rely on quantitative data but also focuses on an in-depth understanding of the experiences of victims, the views of law enforcement, and the public's perception of child exploitation and its protection.

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The approaches applied in this study are normative and socio-legal approaches. The normative approach is used to evaluate and analyze laws and regulations relevant to the protection of children from sexual exploitation. The socio-legal approach is used to understand the social dynamics that influence the occurrence of child exploitation and to identify obstacles in the implementation of child protection policies. This study aims to provide a more comprehensive understanding of the social, cultural, economic, and legal factors that play a role in this phenomenon.



RESULT AND DISCUSSION

Effectiveness of the Indonesian Legal System in Addressing Child Exploitation in Prostitution Child exploitation in prostitution is a very serious social problem. Indonesia, and highlights the failure of the country's legal system to provide adequate protection for children, especially those from low-income families. This phenomenon reflects not only the weaknesses of the legal system but also complex social and economic challenges. Although Indonesia has various regulations aimed at protecting children from sexual exploitation, the implementation of these laws is often ineffective. This is due to various factors, both structural in the legal system and social factors, that influence their vulnerability.

Indonesia has enacted a number of regulations aimed at protecting children from sexual exploitation. Law Number 35 of 2014 concerning Child Protection is one of the legal instruments that affirms that children have the right to be protected from all forms of violence and sexual exploitation. This law regulates children's basic rights to live, grow, develop, and participate in community life, as well as the right to be protected from exploitation in any form. In addition, Law Number 21 of 2007 concerning the Eradication of the Crime of Human Trafficking (UU TPPO) specifically addresses human trafficking, including children, for sexual exploitation. This law provides strict criminal sanctions for perpetrators involved in the practice of child trafficking for prostitution or other sexual exploitation purposes.

In addition to national regulations, Indonesia has also ratified the Convention on the Rights of the Child through Presidential Decree Number 36 of 1990, which requires the state to take legislative, administrative, social, and educational measures to protect children from sexual exploitation. This Convention emphasizes the right of children to be free from violence and exploitation in any form, including prostitution.

Although various regulations should protect children, the facts on the ground show that the implementation of the law against child sexual exploitation is still far from adequate. One of the main reasons why the Indonesian legal system is ineffective in dealing with child exploitation in prostitution is the lack of capacity of law enforcement to handle these cases. Law enforcers, especially the police and prosecutors, often do not have special training in handling cases of child exploitation, which leads to an insensitive attitude or even blaming the victim. In many cases, children who are victims of sexual exploitation are treated as perpetrators so that instead of receiving protection, they are subject to punishment or further stigmatization.

This is exacerbated by the weak coordination between institutions involved in child protection. Government institutions that handle child protection, such as the Ministry of Social Affairs, the Ministry of Women's Empowerment and Child Protection, and law enforcement officers, often do not work together well. Overlapping tasks and authorities and the lack of effective communication channels between these institutions lead to ineffectiveness in handling cases of child sexual exploitation. Without solid cooperation between institutions, victims do not receive maximum protection, and perpetrators of exploitation can escape the clutches of the law.

In addition, the lack of public awareness and understanding of the importance of child protection is also a significant inhibiting factor. Many people still consider the problem of sexual exploitation of children as a common or personal matter, not as a violation of human rights that must be handled seriously. This attitude exacerbates the difficulty in detecting and reporting cases of exploitation and prevents victims from reporting for fear of social stigma. This lack of awareness also causes weak public advocacy for child protection, both at the local and national levels.

One of the major problems often found in handling child exploitation in Indonesia is the culture of impunity among perpetrators of the crime. In many cases, perpetrators of child sexual

exploitation who have power or certain connections can easily avoid punishment or receive very light sentences. This phenomenon often occurs in areas with high levels of corruption, where law enforcement or other government officials can be influenced by money or power.

For example, cases of child exploitation in prostitution involving authorities or community leaders often do not go to court or end with light sentences. Many victims are afraid to report or do not receive adequate protection due to threats from for example, cases of child exploitation in prostitution involving authorities or community leaders often do not go to court or end with light sentences. Many victims are afraid to report or do not receive adequate protection due to threats from the perpetrators or the inability of law enforcement to protect them. This culture of impunity exacerbates injustice and allows the practice of child sexual exploitation to continue unhindered.

Inhibiting Factors in the Implementation of Child Protection Policies in Indonesia.

Indonesia has enacted various policies and regulations aimed at protecting children from various forms of violence and exploitation, including sexual exploitation. Although there is a commitment in the form of laws prohibiting child exploitation, enforcement is often ineffective. One of the main factors inhibiting the implementation of child protection policies in Indonesia is the lack of capacity of law enforcement. Although Indonesia has fairly strict regulations regarding child exploitation, enforcement is often ineffective. Many law enforcement officers, such as police and judges, do not have an adequate understanding of children's rights or do not have the skills to handle cases of sexual violence against children sensitively. This often results in victims of child exploitation not getting the protection they need and are often treated as perpetrators of crimes.

Lack of training for law enforcement officers is a major problem. Police, for example, are often not trained to handle cases of sexual violence against children with a recovery and protection-based approach. Instead, they may treat children as suspects in the case rather than providing the necessary support and protection. Similarly, judges handling cases of violence against children may not be adequately trained to understand the dynamics of sexual violence against children, which often makes their decisions inadequate in protecting children's rights. It is therefore important to provide better training for law enforcement to handle cases of sexual violence against children in a more sensitive and rights-based manner.

Poor inter-agency coordination is a major obstacle to child protection efforts in Indonesia. Child protection is not only the responsibility of one agency or institution but involves various parties, including government institutions, non-governmental organizations (NGOs), and international organizations. However, these institutions often work without good coordination, so the results are not optimal. There is often duplication of efforts or even conflicting policies, which ultimately harm children who need protection.

For example, in some cases, government agencies and NGOs may have different priorities in handling child cases. While the government may focus more on law enforcement, non-governmental organizations may focus more on psychosocial recovery for victims. This misalignment causes child protection efforts to be fragmented and less integrated. Therefore, it is very important to improve coordination between related agencies so that child protection efforts can be carried out in a more focused and synergistic manner.

Another factor that hinders the implementation of child protection policies is the lack of public awareness of the importance of child protection. Many people in Indonesia still view child sexual exploitation as a minor issue or as a phenomenon that only occurs to a handful of people. The public's reluctance to acknowledge this issue as a major social problem has resulted in a lack of support for existing child protection policies.

In addition, education about children's rights and the importance of protecting children in society is still very limited. This lack of understanding causes the community to be less sensitive to cases of sexual exploitation that occur around them, and they often do not report these incidents to the authorities. Without a good understanding of the impact of sexual exploitation on children, the community does not put enough pressure on the government to immediately respond to and follow up on these cases. Therefore, more intensive education and socialization campaigns regarding child protection need to be carried out to increase public awareness.

Another significant obstacle in the implementation of child protection policies is limited resources, both in the form of funds and personnel. Institutions that handle child protection, both government and non-governmental organizations (NGOs), often face significant funding constraints. The large number of cases of child sexual exploitation that occur makes the burden on these institutions even heavier. Without sufficient funds, these institutions have difficulty providing the rehabilitation services needed by victims and implementing effective prevention programs.

In addition, the lack of trained workers in the field of child protection is also a major problem. Many child protection institutions lack trained and experienced staff to handle cases of child exploitation. This causes the case-handling process to be slow and inefficient. Therefore, it is important to increase the budget and involve more experts in the field of child protection so that these institutions can be more effective in handling the problem of child sexual exploitation. Efforts to improve policies to improve child protection from commercial sexual exploitation are a crucial step that requires the involvement of various parties, including the government, community institutions, and the community itself. Although various efforts have been made, the fact that child sexual exploitation still occurs shows that there are still gaps in the existing protection system. Therefore, comprehensive, integrated, and sustainable policy improvements are needed.

One of the factors that influences the effectiveness of child protection is the ability of law enforcement officers to handle cases of child sexual exploitation. Therefore, intensive training for law enforcement officers is needed so that they can handle cases of sexual violence against children more sensitively and in accordance with human rights protection standards.

This training should cover a range of aspects, from understanding children's rights and interview techniques that do not further traumatize victims to how to collect relevant evidence and identify perpetrators of exploitation more effectively. In addition, law enforcers should also be given a deeper understanding of the various forms of child sexual exploitation that may occur, both directly and through digital media. Updating this knowledge and skills will ensure that law enforcement can be carried out professionally and with the best interests of the child in mind.

Child protection from sexual exploitation cannot be done by one institution alone. Better coordination between institutions is essential to ensure that protection measures can be implemented quickly and effectively. The government needs to ensure that institutions involved in child protection, such as the police, social protection institutions, and educational institutions, can work together more efficiently.

One way to improve coordination is to establish a forum or network that allows for the exchange of information between institutions, both at the national and regional levels. This network can facilitate communication, coordination, and collaboration between stakeholders in handling cases of child exploitation. With this forum, information related to cases that arise can be followed up immediately, and related institutions can share resources and knowledge to provide better protection.

In addition, it is also important to establish integrated service centers for victims of child sexual exploitation involving various parties. These centers can be a place where children who are victims



of exploitation can obtain medical, psychological, and legal assistance in one place. With integrated services, the victim recovery process can be carried out more holistically and efficiently.

A society that is aware of and understands the dangers of child sexual exploitation has a very important role in prevention efforts. Therefore, awareness campaigns to increase public understanding of the dangers of child sexual exploitation must continue to be intensified. This campaign not only aims to inform the public about the existence of child sexual exploitation but also to provide an understanding of how to protect children from potential exploitation.

Schools and educational institutions have a strategic role in this effort. Through human rights-based education, schools can teach children about their rights and how to protect themselves from various forms of violence, including sexual exploitation. In addition, teachers must also be given special training so that they can detect signs of potential sexual exploitation in their students and provide appropriate intervention.

On the other hand, parents should also be involved in the process of educating and preventing child sexual exploitation. Training programs for parents on how to keep their children safe from potential exploitation are essential. This could include information on safe internet use, how to talk to children about sexuality and the dangers of exploitation, and how to recognize the signs that their children are becoming victims of sexual exploitation.

One of the obstacles often faced in child protection efforts is limited resources. Child protection programs require adequate funding to run effectively. Therefore, the government needs to allocate sufficient funds to support child protection programs, including training programs for law enforcement, public awareness campaigns, and the provision of integrated services for victims of child exploitation.

In addition to government funding, non-governmental organizations that play a role in combating child sexual exploitation also need to be given incentives so that they can continue to carry out their duties optimally. Cooperation between the government and the private sector in terms of funding can also strengthen child protection efforts.

To ensure that the policies implemented are effective in protecting children from sexual exploitation, continuous monitoring and evaluation are essential. Every policy implemented must always be evaluated periodically to assess whether the policy is running in accordance with the objectives that have been set. If there are obstacles or barriers found during the implementation of the policy, then corrective measures must be taken immediately. Supervision can also be carried out by monitoring cases of child exploitation that occur in the community. The government and related institutions need to ensure that every case is handled seriously and in accordance with existing procedures. Strict supervision will ensure that there are no loopholes for perpetrators of exploitation to escape the legal process.

The development of technology and the increasingly widespread use of the internet bring new challenges to child protection, especially related to the online sexual exploitation of children. Therefore, child protection policies must include aspects of protection in cyberspace. The government needs to collaborate with technology companies to develop systems that can detect and prevent online sexual exploitation of children. In addition, education and training for children on safe internet use are very important. Children must be given an understanding of how to maintain their privacy in cyberspace and how to recognize potential dangers that can arise from online interactions.

Improving child protection from commercial sexual exploitation requires solid cooperation between the government, related institutions, and the community. By increasing the capacity of law enforcement, improving coordination between institutions, increasing public awareness, and

providing sufficient funding, it is hoped that child protection efforts can be more effective. In addition, continuous monitoring and evaluation of policies are also key to ensuring that the policies implemented truly provide maximum protection for children. Success in overcoming child sexual exploitation will be achieved if every element of society has a high level of awareness and is committed to protecting children from all forms of violence.

CONCLUSION

The exploitation of children in prostitution in Indonesia remains a serious problem that reflects a systemic failure to protect children's rights despite efforts to protect them through various regulations and ratification of international conventions. Data shows that more than 100,000 children in Indonesia are involved in commercial sexual exploitation, and this figure mostly comes from low-income families and areas with high poverty rates. This indicates deep structural inequalities that exacerbate their vulnerability to sexual exploitation.

Based on the results of this study, several major problems faced in protecting children from sexual exploitation are the weak capacity of law enforcement, lack of coordination between related institutions, and stigma and misconceptions about victims. Although Indonesia has ratified various international conventions and has laws that protect children, the implementation of these policies is still hampered by many factors, including the lack of supervision and strict law enforcement.

In addition, the social and economic inequalities faced by vulnerable families also play a major role in increasing their vulnerability to exploitation. Therefore, child protection policies must not only focus on taking action against perpetrators but also on prevention, rehabilitation of victims, and economic empowerment of vulnerable families so that they do not get trapped in conditions that worsen their vulnerability.

Through the social justice approach proposed by John Rawls, as well as the human rights approach, this study recommends a more comprehensive policy based on the principle of equal rights. The government needs to strengthen the capacity of law enforcement, improve coordination between related institutions, and provide effective rehabilitation programs for victims of sexual exploitation. In addition, economic and educational empowerment of the community, especially vulnerable families, also needs to be considered to prevent the existence of social inequality, which is the root of the problem.

With more effective and social justice-based policy implementation, Indonesia can better protect children from commercial sexual exploitation and ensure that every child has the opportunity to grow and develop in a safe, healthy and prosperous environment.

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