

## **EFFECTIVENESS OF CHILD PROTECTION IMPLEMENTATION IN HANDLING SEXUAL EXPLOITATION IN INDONESIA**

**Muhammad Nasir<sup>1\*</sup>, Appe Hutauruk<sup>2</sup>, Hotman Sinambela<sup>3</sup>, Fendi Maruba Parlindungan Hutahaean<sup>4</sup>**

<sup>1,2,3,4</sup>Program Studi Ilmu Hukum, Fakultas Hukum, Universitas Mpu Tantular, Jakarta, Indonesia

rindangalam2019@gmail.com<sup>1\*</sup>, appehturuk@gmail.com<sup>2</sup>, hotmanbertaok@gmail.com<sup>3</sup>, fendihutahaean@gmail.com<sup>4</sup>

### **Abstract**

Child sexual exploitation is a form of human rights violation that has serious impacts on children's physical, mental, and social development. Although the government has enacted Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection as the primary legal instrument for protecting children, the practice of child sexual exploitation continues to show alarming figures. This study uses a normative legal research method with a statute approach, a conceptual approach, and a case approach. The data used are primary legal materials, secondary legal materials, and tertiary legal materials obtained through literature studies. All legal materials are analyzed qualitatively using descriptive-analytical methods to obtain an overview of the conformity between legal provisions and their application in practice. The results of the study indicate that Law Number 35 of 2014 has regulated legal protection for child victims of sexual exploitation comprehensively through provisions regarding prevention, special protection, the imposition of criminal sanctions on perpetrators, and the restoration of victims' rights. However, its implementation has not been running optimally because there are still various obstacles, including limited coordination between agencies, low capacity of law enforcement officers, lack of courage among victims to report, and minimal rehabilitation facilities and psychosocial support.

**Keywords:** Child Sexual Exploitation, Legal Effectiveness, Law Enforcement, Child Protection

**INTRODUCTION**

Society is inextricably linked to economic factors in fulfilling daily needs. This serves as a benchmark for some people to engage in activities that can fulfill their needs (Hisan & Haniatunnisa, 2023). Inadequate employment opportunities and the inability of human resources to compete effectively lead some people to engage in illegal acts (Daeng et al., 2024). Children are an integral part of human survival and the survival of a nation and state (Afita & Setiawan, 2022). To be able to take responsibility for the sustainability of the nation and state, every child needs the broadest possible opportunity to grow and develop optimally, both physically, mentally, and socially. Therefore, protection efforts are necessary to ensure the welfare of children by guaranteeing the fulfillment of their rights without discriminatory treatment. The state upholds human rights, including the rights of children, as evidenced by the guarantee of protection and fulfillment of children's rights in the 1945 Constitution of the Republic of Indonesia and several provisions of both national and international laws and regulations. This guarantee is strengthened through the ratification of the international convention on the Rights of the Child, namely the ratification of the Convention on the Rights of the Child through Presidential Decree Number 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child (Convention on the Rights of the Child) (Failin, Yuserlina & Ibrahim, 2022). Sexual crimes are increasing not only against adults but also against children, whether they are traded or sold through social media (Juditha, 2022). The prostitution of minors, which is a form of child sexual exploitation that causes psychological impacts, requires the government to determine how to handle it. Child trafficking for domestic work, prostitution, begging, drug trafficking, and workplace exploitation in mining and plantations are all impacts of poverty in Indonesia (Fitriani, Dewi & Widyantara, 2023).

The development of regulations regarding human trafficking has been regulated internationally by the United Nations Convention Against Transnational Organized Crime (UNTOC), also known as the Palermo Convention. Protocol I is the Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children. Countries that have ratified this convention are obligated to take action against human trafficking. Article 3 (a) defines human trafficking as the recruitment, transportation, transfer, harboring, or receipt of persons by means of the threat or use of force, violence, coercion, abduction, fraud, deception, abuse of power, or the giving or receiving of payments or benefits for the purpose of exploitation (Boister, 2025).

Human trafficking is generally influenced by various factors such as uneven development, neglected rights to work, unequal gender politics, lack of food sovereignty among workers, weak law enforcement, and corrupt public services (Seftiniara, Hartono & Nurhaliza, 2025). Commercial sexual exploitation of children encompasses criminal practices that degrade and threaten the physical and psychosocial integrity of children (Harviani, 2025). The Declaration and Action Agenda against Commercial Sexual Exploitation of Children was the first instrument to identify commercial sexual exploitation of children as a fundamental violation of children's rights. This violation consists of sexual violence by an adult and the payment of compensation in cash or kind to the child, a third party, or other persons (Taufik, 2025). The child is treated as a sexual object and as a commercial object. Commercial sexual exploitation of children is a form of coercion and violence against children, and leads to forms of forced labor and modern slavery.

There is a discrepancy between the ideal legal normative framework and the empirical reality of law enforcement in the field (Fikri, Panjaitan & Anggraini, 2025). Although instruments for protecting children's rights and prohibiting human trafficking have been comprehensively regulated through both the 1945 Constitution and the ratification of international conventions such as the Convention on the Rights of the Child and the Palermo Protocol, the number of commercial sexual exploitation of children continues to increase

significantly (Zahra & Putri, 2025), particularly through modern media such as social media (Gusman, Pratama & Madjid, 2026). This gap indicates that the existence of international and national legal regulations is not directly proportional to the effectiveness of their implementation. There remains a gap in the literature and law enforcement practice regarding the identification of specific obstacles faced by authorities in responding to complex driving factors (such as the roots of poverty, development inequality, and digital modus operandi), as well as the extent to which current criminal law is truly capable of reducing these crimes. This study, entitled “The Effectiveness of Child Protection Implementation in Handling Sexual Exploitation in Indonesia,” uses a holistic analytical approach, measuring not only the effectiveness of the law from a retributive perspective (punishing perpetrators) but also from a restorative perspective (protecting and rehabilitating victims’ psychosocial well-being). This study provides a new contribution by specifically examining the intersection between the socio-economic determinants of society and the practical operational constraints of law enforcement officers in the digital era. By directly mapping these obstacles, this study is expected to formulate a comprehensive evaluation of the criminal justice system, where legal instruments function not only as a means of punishment, but effectively serve as a shield that protects and restores children from the clutches of modern slavery.

## **RESEARCH METHODS**

This research uses a juridical-normative legal method with a descriptive-analytical approach. Through this approach, the researcher attempts to uncover, describe, and analyze various legal phenomena by grouping and connecting them based on applicable theories and laws and regulations. This research is included in normative legal research, the final result of which is prescriptive-analytical. This means that this research not only provides a detailed description of a legal event but also provides theoretical direction and legal guidance for resolving the problem. In its implementation, this research relies entirely on the use of secondary data collected through data collection tools in the form of document studies or literature searches.

The collected data is then analyzed using qualitative analysis methods through a deductive mindset, namely drawing specific conclusions from general facts or legal premises in order to gain a deeper understanding of the issues raised. The data sources or legal materials analyzed in this study are classified into three types. Primary legal materials include binding regulations, including the 1945 Constitution, Law No. 21 of 2007 concerning the Eradication of Human Trafficking, Law No. 17 of 2016 concerning Child Protection, the Criminal Code, and the Criminal Procedure Code. Secondary legal materials include non-binding legal publications that provide explanations of primary materials, such as draft laws, books, journals, theses, and other research results. Meanwhile, tertiary legal materials such as dictionaries, encyclopedias, and newspaper articles are used as supporting materials to provide additional guidance and explanations to both primary and secondary legal materials.

## **RESULT AND DISCUSSION**

Indonesia is not experiencing a legal vacuum, but rather the low effectiveness of Law Number 35 of 2014. Although the law’s substance provides a comprehensive foundation for protection, its implementation in the field remains hampered by various factors. The transformation of crime modes from conventional to digital, such as online grooming and cross-border child trafficking, has not been fully matched by the capacity of law enforcement officials, both in terms of mastery of digital forensics and the application of a child-friendly justice approach (Hidayat, Nawi & Ahmad, 2026). Furthermore, victim protection is also suboptimal due to weak inter-agency coordination, limited recovery facilities, and a culture that still considers sexual violence a family disgrace. This results in a high number of unreported

crimes (dark number of crimes) and a law enforcement approach that remains too focused on punishing perpetrators rather than restoring victims' rights (Arsy & Yulianingsih, 2023). From a criminal perspective, the threat of severe sanctions, including imprisonment of up to 10 years and a maximum fine of IDR 200 million, has proven ineffective in reducing the number of child sexual exploitation crimes or providing an optimal deterrent effect. In theory, these severe sanctions are intended as a form of social defense to protect children's constitutional rights. However, empirically, the effectiveness of these sanctions has weakened due to increasingly complex cybercrime methods, the high economic profit motive of perpetrators, and low digital literacy among the public. Referring to Soerjono Soekanto's theory of legal effectiveness, the success of this law cannot be measured solely by the severity of the criminal penalties (Sholihah & Syakirin, 2024). The new law will be effective if supported by competent and adaptive authorities, adequate supporting facilities, and proactive public awareness in preventing and reporting all forms of child sexual exploitation.

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection was truly born as a manifestation of the state's strong commitment to carrying out its constitutional mandate to protect Indonesian children. Children, as a vulnerable group and a future asset for the nation, have the fundamental right to live, grow, and develop, and be free from all forms of violence and exploitation, including sexual exploitation. Normatively, this law has formulated a very comprehensive legal instrument. This regulation not only expands the definition and forms of violations of children's rights, but also emphasizes cross-sectoral obligations, from the state, central government, local governments, communities, down to the smallest unit, the family. This strengthening of the legal substance is in line with the universal principles set out in the Convention on the Rights of the Child, where the principle of the best interests of the child must be the primary foundation. Through a preventive, repressive, and rehabilitative approach, the law envisioned in this law has designed an ideal protection system to ward off various threats of sexual crimes against children.

However, an empirical examination of the realities of society reveals that the implementation of this ideal regulation is still plagued by significant paradoxes and structural obstacles. One of the greatest challenges preventing the effective implementation of this law is the rapid transformation of the crime itself, which far exceeds the adaptability of the legal system and its enforcement officers. In today's era of digital disruption, child sexual exploitation crimes are no longer limited to conventional physical interactions. Advances in information and communication technology have given rise to a highly complex spectrum of cybercrimes, such as online grooming (manipulative approaches in cyberspace), the distribution of child sexual abuse material, online prostitution, live streaming, and even transnational electronic child trafficking syndicates. This *modus operandi*, which exploits the anonymity of cyberspace, create a high barrier for law enforcement, particularly regarding jurisdiction, tracking digital footprints, and the collection of valid electronic evidence. This phenomenon demonstrates that the quality of legal texts alone will be ineffective without continuous institutional capacity renewal. This gap between normative expectations and empirical reality can be more clearly analyzed through the lens of legal protection theory proposed by Philipus M. Hadjon. According to Hadjon, legal protection instruments are divided into two main axes: preventive protection and repressive protection (Eswari, Pardede & Sanjaya, 2025). In the context of child sexual exploitation, preventive protection should be at the forefront because preventing victims is far more crucial than punishing perpetrators after the trauma has occurred. These preventive measures include massive public education, increasing digital literacy for children and parents, strengthening state oversight of electronic systems, and economic empowerment and family resilience. Ironically, in practice, these preventive interventions remain highly fragmented and sectoral. Outreach programs are often merely ceremonial without addressing the root causes of the problem at the grassroots level. Weak digital literacy makes

children highly vulnerable to the manipulation of online predators, while cyberspace surveillance by relevant authorities remains flawed and unable to detect exploitative content in real time. Failures in this preventive phase ultimately trigger an escalation in the number of cases, burdening the downstream criminal justice system. On the other hand, the repressive protection axis activated after a crime has occurred also faces a difficult road. The law enforcement process, from investigation to prosecution to trial, often does not fully adopt a child-friendly justice approach. Law enforcement officers in the field still struggle with infrastructure limitations, such as the lack of digital forensic laboratories in the regions, the lack of specialized child investigators with a trauma perspective, and the convoluted bureaucratic process of handling cases. Even more fatal, the handling of victims often triggers re-victimization or secondary victimization. Psychologically devastated children are forced to recount their traumatic events repeatedly to different parties without adequate psychological support. The lack of synergy between the police, prosecutors, the Ministry of Social Affairs, and child protection agencies (such as the Indonesian Child Protection Commission (KPAI) and the Witness and Victim Protection Agency (LPSK) have fragmented case handling.

Furthermore, the effectiveness of this law's implementation is severely tested in terms of victim recovery. Legal protection doesn't end when the judge's gavel is struck and the perpetrator is imprisoned. Child victims of sexual exploitation suffer long-term psychosocial scars that have the potential to permanently damage their future. Unfortunately, the availability of safe houses, access to psychiatrists or clinical psychologists, and social reintegration programs remains highly centralized and uneven across Indonesia. Budgetary and human resource limitations at the local government level are often used as an excuse for neglecting victims' rehabilitation rights. This overall analysis leads to one clear conclusion: the effectiveness of Law Number 35 of 2014 cannot be measured solely by the existence of prohibitive articles and criminal penalties. The law can only be considered effective if all its subsystems—from public literacy and the technological capacity of officials to institutional infrastructure and post-incident trauma services—work as a unified orchestration centered on a single goal: protecting children's rights and futures. The crime of sexual exploitation of children is universally recognized as an extraordinary crime (serious crime) that not only destroys the dignity and dignity of individual children, but also tears away human values and threatens the quality of a nation's future civilization. Departing from this emergency philosophy, lawmakers through Article 76I in conjunction with Article 88 of Law Number 35 of 2014 have formulated a very strict criminal policy. Perpetrators of sexual exploitation are threatened with a maximum prison sentence of 10 (ten) years and a maximum fine of Rp200,000,000.00 (two hundred million rupiah). This regulation was then enriched and strengthened by Law Number 12 of 2022 concerning Criminal Acts of Sexual Violence (UU TPKS), which brings a paradigm shift from justice that is solely oriented towards punishment of the perpetrator (offender-oriented justice) to justice that prioritizes the recovery of the victim (victim-oriented justice). A fundamental question that arises in criminal law discourse is: whether the threat of criminal sanctions, which appear severe on paper, is proven effective in preventing similar crimes.

To examine the effectiveness of these criminal sanctions, we must refer to the theoretical basis of punishment. From the perspective of absolute (retributive) theory, severe criminal sanctions against child predators are highly proportionate and have strong moral legitimacy. The physical, mental, and social suffering experienced by children due to exploitation is destructive and often irreversible; therefore, perpetrators deserve appropriate retribution to satisfy society's sense of justice. However, modern criminal law does not operate solely on the basis of revenge. The relative (deterrence) theory requires that punishment must have a deterrent effect, both on the perpetrator's part, preventing them from repeating their actions (special deterrence), and on the wider community, discouraging them from committing similar crimes (general deterrence). In fact, the escalating trend of child sexual exploitation cases in

Indonesia demonstrates an anomaly with this deterrence theory. The high threat of punishment on paper has not been directly proportional to the decline in crime rates on the ground. This proves the thesis that legal certainty and speed of action provide a far greater deterrent effect than simply the severity of the threat of punishment.

The ineffectiveness of criminal sanctions can be explained more comprehensively through Soerjono Soekanto's theory of legal effectiveness, which asserts that the operation of the law is influenced by five crucial, interconnected factors. First, the legal substance. Although the Child Protection Law contains quite severe sanctions, the lack of derivative regulations detailing operational standards for post-sentencing supervision makes this law less rigorous. Second, the law enforcement factor. Judicial practice is still often marred by disparities in sentencing, where cases of the same severity can be sentenced with vastly different sentences by different judges. This inconsistency in decisions psychologically undermines public morale and fear of the threat of criminal action. Furthermore, law enforcement's competence in uncovering the camouflage of sexual exploitation crimes on the dark web or encrypted applications still lags significantly behind the sophistication of the perpetrators. Third, the facilities and infrastructure factor. The state's inability to provide a comprehensive digital forensic infrastructure slows the evidentiary process, thus allowing perpetrators to destroy evidence or even flee.

Fourth, the cultural factor, and fifth, the societal factor. These two elements are the largest contributors to the high "dark crime rate." Patriarchal societal structures and a culture that views sexual violence as a disgrace or a family moral defect mean that the majority of these cases are buried in silence. Victims' families often choose "family resolutions," which ultimately sacrifice their children's futures and allow predators to roam free without criminal sanctions. When the law fails to be implemented because people are reluctant to report crimes, then no matter how strong the threat of criminal sanctions enshrined in the law, it becomes a paper tiger, losing its deterrent effect. A social environment that tends to negatively stigmatize victims rather than perpetrators further weakens the law's binding power within society.

Furthermore, an analysis of the effectiveness of criminal sanctions would be incomplete without addressing the dimensions of victim recovery and recidivism prevention. The effectiveness of criminal sanctions in sexual exploitation crimes does not end with the perpetrator's incarceration. In modern criminology, oriented toward social defense theory, crime prevention must include post-criminal interventions. The absence of a strict oversight mechanism for child sexual crime convicts who have been released on parole or completed their sentences creates a significant loophole for recidivism. Furthermore, the aspect of victim recovery through the fulfillment of restitution rights (compensation from the perpetrator to the victim) remains minimally realized. The confiscation of the perpetrator's assets to pay restitution is often stalled, leaving victims to bear the costs of their own medical and psychological recovery. In conclusion, severe criminal sanctions against perpetrators of child sexual exploitation crimes cannot be considered effective. Success in breaking the chain of this crime requires radical reform, which relies not only on harsh criminal provisions but also on the certainty of indiscriminate law enforcement, the deconstruction of the culture of silence in society, the strengthening of cyberspace literacy and oversight, and the full commitment of the state to ensuring that the best interests of children remain at the center of every criminal justice process.

## **CONCLUSIONS**

Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection has provided a more comprehensive legal basis for protecting children from the crime of sexual exploitation. This regulation is reflected in the recognition of children's rights as human rights, the prohibition of sexual exploitation as stipulated in Article

76I, and the imposition of criminal sanctions against perpetrators based on Article 88. In addition to regulating repressive aspects through the threat of criminal penalties, this law also places the state, local governments, families, communities, and child protection institutions as parties with shared responsibility for the prevention, protection, recovery, and rehabilitation of victims.

The implementation of Law Number 35 of 2014 has not been fully effective, especially in addressing the crime of child sexual exploitation. The normative framework is adequate, but its implementation faces various obstacles, such as low case reporting, limited capacity of law enforcement officers to handle cases from a child's perspective, suboptimal coordination between institutions, uneven distribution of rehabilitation services and psychosocial assistance for victims, and the influence of social, economic, cultural factors, and developments in information technology. As a result, the legal objectives of providing comprehensive protection for victims, ensuring victim recovery, and creating a deterrent effect for perpetrators have not been optimally achieved.

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