

Legal Analysis of Economic Exploitation of Children in the Juvenile Criminal Justice System

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Keywords	Abstract
child exploitation, regulatory formulation, child protection, juvenile criminal justice system, restitution	The phenomenon of economic exploitation of children in Indonesia shows that the legal protection system for children as subjects of rights is still weak. This study aims to analyze and analyze the formulation of regulations to ensnare child exploitation perpetrators in the Indonesian criminal justice system. The research method used is normative juridical with legislative, conceptual, and case approaches. Data sources include Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2012 concerning the Child Criminal Justice System, as well as various studies and reports of institutions such as KPAI and UNICEF. The results of the study show that although normative protection for children has been comprehensively regulated, its implementation has not been optimal due to weak coordination between law enforcement, low sentences, and lack of recovery mechanisms for victims. The application of the concepts of vicarious liability and strict liability is still limited, even though both can expand the scope of liability, including for corporations that profit from child exploitation. Legal reform is needed through increasing criminal sanctions, affirming mandatory restitution, and strengthening the child-friendly justice system with the active role of KPAI, LPSK, and the Children's Correctional Center. Thus, the effectiveness of law enforcement against child exploitation can only be achieved if normative instruments are accompanied by implementation mechanisms that are oriented towards the recovery and the best interests of children.

INTRODUCTION

The phenomenon of economic exploitation of children in Indonesia is increasingly emerging as a multidimensional problem that requires serious attention from both the legal and social spheres (Bah, 2022; Geovani et al., 2021; Idrus et al., 2025; Santoso et al., 2026; Utari, 2025). Children are not merely household economic workers or informal business actors who assist their parents; in many cases, they are instead objects of systemic economic exploitation by parents, relatives, and other parties, with their fundamental rights to live, grow, develop, and participate reasonably being disregarded. As affirmed in Law Number 35 of 2014 amending Law Number 23 of 2002 concerning Child Protection, every child has the right to protection from both economic and sexual exploitation.

The data reveal that even though regulations are in place, the exploitation of children remains quite widespread (UNICEF, 2021; International Labour Organization, 2021). For example, in a case study of street children in the city of Bandung, it was found that children are used as beggars and buskers by parents or siblings as a result of family poverty and a lack of parental understanding of children's rights (Suyanto, 2019; Putri & Handayani, 2020). The study demonstrates clear negative impacts on children, such as burnout, health problems,

disinterest in school, and family conflict, all of which signal the failure of child protection systems at the grassroots level (Bessell, 2019; Nugroho & Sari, 2021).

In addition, research in Jember Regency revealed that six children of beggars experienced economic exploitation due to the loss of the family breadwinner, and this study noted that the criminal responsibility of the perpetrators was limited only to their parents as plegers or doenplegers (Hidayati & Nurhadi, 2019; Prasetyo, 2020). Furthermore, other research shows that during the 2016–2020 period, the Indonesian Child Protection Commission (KPAI) recorded as many as 1,409 cases of child exploitation (including economic exploitation) reported through direct complaints or investigations (KPAI, 2021; Fitriani et al., 2022; Arifin & Wibowo, 2018).

Research conducted in Pare-Pare City revealed that poverty, unemployment, and low parental income are the main factors driving the economic exploitation of children (Rahman & Syamsuddin, 2021; World Bank, 2020; ILO, 2022). Under limited economic conditions, many families use children as an additional source of income by involving them in informal economic activities such as busking, street vending, or working as laborers in the service sector (Putra & Hasanah, 2019; Dewi et al., 2021). This phenomenon indicates that child exploitation is not always caused by malicious intent on the part of parents, but more often emerges as a survival strategy in response to economic pressure (Basu et al., 2020; Edmonds, 2021). However, such practices still violate the fundamental principles of child protection as stipulated in Law Number 35 of 2014 concerning Child Protection, because they place children in hazardous work situations and compromise their rights to education, health, and a decent future (UNICEF, 2022; Sari & Zulaikha, 2020).

In the entertainment industry, the economic exploitation of children is also a serious issue that often goes unnoticed by the public. Children are frequently recruited to work as performers, singers, dancers, advertising models, or digital content creators without adequate legal protections and often under significant commercial pressure. Research indicates that children in this sector are often subjected to long working hours, non-transparent employment contracts, and working conditions that demand adult-level professional performance, even though they do not legally have the full capacity to assume such burdens. This practice reflects a form of covert economic exploitation, in which the potential and appeal of children are used for the financial benefit of producers or management without regard for the principle of the best interests of the child. In addition to violating Article 76I of Law No. 35 of 2014 concerning Child Protection, this condition is also contrary to ILO Conventions No. 138 and No. 182, which affirm the prohibition of child labor in any form that has the potential to endanger children's health, education, and mental development.

Thus, the economic exploitation of children constitutes not only a violation of individual human rights but also a reflection of failures within both the child protection system and the law enforcement system in Indonesia. Children, as the successors of the nation, should be raised in environments that protect and foster their optimal development; however, the reality shows that many are positioned as vulnerable economic subjects, facing limitations in health, education, and future opportunities. The urgency of this research arises from the need to conduct a comprehensive juridical analysis of regulatory frameworks and practices within the juvenile criminal justice system, particularly in the context of economic exploitation, to produce more effective policy and implementation recommendations.

RESEARCH METHODS

This research used a normative juridical method, which emphasized the analysis of norms, principles, and legal provisions governing the economic exploitation of children within the criminal justice system in Indonesia. This approach focused on the study of primary legal materials such as Law Number 35 of 2014 concerning Child Protection, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, the Law on Trafficking, and the Criminal Code, which were then combined with secondary legal materials in the form of journals, books, and legal expert opinions.

This research applied several approaches, namely a legislative approach to analyze the legal basis for child protection; a conceptual approach to examine theories of exploitation and the legal protection of children; and a case approach to review court decisions related to the economic exploitation of children. Data collection techniques were carried out through literature studies, while legal material analysis was conducted qualitatively using a descriptive-analytical method, with the aim of assessing the conformity between legal norms and law enforcement practices and formulating more effective policy recommendations. With this method, the research was expected to provide both normative understanding and applicative solutions to efforts to counter the economic exploitation of children in Indonesia.

RESULTS AND DISCUSSION

1. Analysis of Regulations Related to Economic Exploitation of Children in the Juvenile Criminal Justice System

Etymologically, the term exploitation comes from the word "exploit" which means "to overuse for certain gains." In child protection law, child exploitation can be defined as the act of taking advantage of children for economic, sexual, or other purposes by violating the basic rights of children, thereby hindering their growth and development in a reasonable way.

Article 1 number 15 of Law Number 35 of 2014 concerning Child Protection, "Exploitation is any act that tools, utilizes, or forces children to work with the intention of obtaining benefits for themselves or others."

Article 76I of Law Number 35 of 2014 concerning Child Protection, "Everyone is prohibited from placing, allowing, doing, ordering to do, or participating in economic and/or sexual exploitation of children."

In an international view, the Convention on the Rights of the Child ratified through Presidential Decree No. 36 of 1990, also affirms the prohibition of exploitation of children. Articles 32 to 36 of the CRC contain the state's obligation to protect children from all forms of economic, sexual, and social exploitation, including exploitation in the form of child trafficking, forced labor, and child pornography.

According to ILO Convention No. 182 on The Worst Forms of Child Labor, child exploitation is categorized as the worst form of child labor, which is when children are employed in dangerous conditions, including child prostitution, pornography production, illegal activities such as drug trafficking, or work that can threaten the safety and morals of children. Thus, child exploitation is a serious violation of human rights, because it places

children as economic or sexual objects, not as legal subjects who have the right to grow and develop properly.

Economic exploitation of children in Indonesia has been explicitly recognized in Law No. 35 of 2014 (an amendment to Law No. 23/2002) where Article 76I states that children have the right to protection from "the act of tooling, exploiting, or extorting children for personal, family or group gain" included in the category of economic exploitation. This concept emphasizes that exploitation does not only involve child labor, but also the use of children's energy, abilities or services in conditions that are detrimental to their growth and development, without paying attention to the child's right to be protected and guided. For example, in various studies, it was found that school-age children in Padang City were used as buskers in a form of street work that clearly interfered with their right to education and playtime.

Based on the provisions of national law and international instruments, child exploitation can be divided into several forms, including:

1) Economic Exploitation

Economic exploitation occurs when children are forced to work to generate profits for others, either in the form of labor, services, or income, without considering their age, safety, and welfare. The form includes employing minors in informal sectors such as factories, agriculture, construction, to street buskers controlled by adults. This practice is expressly prohibited by Article 76I jo. Article 88 of Law Number 35 of 2014 concerning Child Protection, which states that everyone is prohibited from exploiting children economically or sexually, and perpetrators can be sentenced to a maximum of 10 years in prison. Economic exploitation not only deprives children of their childhood, but also has long-term impacts on children's physical, psychological, and educational health. Children who are economically exploited lose their basic rights to grow and develop reasonably, as guaranteed by Article 28B paragraph (2) of the 1945 Constitution and the Convention on the Rights of the Child.

2) Sexual Exploitation

Sexual exploitation of children is the most serious form of violation of children's human rights because it turns children into objects of lust or economic tools. These include child prostitution, child pornography, sexual slavery, and child trafficking for sexual purposes. This exploitation is regulated in Article 76I jo. Article 88 of the Child Protection Law and in Article 2 of Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (TPPO). Both laws expressly prohibit any act of trafficking in children or exploiting children for sexual gain. Sexual exploitation of children is not only a criminal act against the child's body, but also a crime against humanity because it takes away the dignity and security of children. This phenomenon often involves organized networks, both in person and online, so law enforcement requires a multidisciplinary approach involving officials, psychologists, and social institutions.

3) Social Exploitation

Social exploitation is a form of child abuse in social or political activities with the aim of obtaining social, moral, or material benefits without regard for the best interests of children. This practice includes the involvement of children in demonstrations, political campaigns, extreme religious activities, and armed conflicts. Social exploitation violates Article 15 letter a of Law Number 35 of 2014 concerning Child Protection, which guarantees the right of children to obtain protection from abuse in political, social, and economic activities. Forms of

social exploitation are often unrealized because they are wrapped up in the excuse of "social participation" or "character education," even though they substantially deprive children of their right to a sense of security and psychological development. Social exploitation has the potential to instill the value of violence and intolerance in children, which ultimately goes against the goals of national education and the principle of the best interest of the child.

4) Exploitation in Child Trafficking

Exploitation in child trafficking occurs when children are used as economic commodities through the process of recruitment, sale, or transfer to other parties for economic, labor, or sexual purposes. Although often equated with human trafficking, child exploitation focuses more on the use of children as objects of profit without paying attention to their welfare. This act is regulated in Article 76F jo. Article 83 of the Child Protection Law and Article 1 number 1 of Law Number 21 of 2007 concerning trafficking. Child trafficking is a complex form of crime because it involves economic, social, and moral elements, and is often carried out across regions or countries. Exploitation in child trafficking is included in the category of extraordinary crime because its impact extends to human dignity and the sustainability of the nation's generation. Therefore, law enforcement against perpetrators must use a victim-oriented approach to ensure the right to restitution and rehabilitation for the victim's child.

5) Digital Exploitation

Digital exploitation is a form of child exploitation that is growing rapidly along with the advancement of information technology. This form includes the act of making children the object of online pornographic content, the dissemination of child sexual photos or videos, online grooming, and the trade of child exploitation content through social media and the dark web. This exploitation is regulated in Article 27 paragraphs (1) and (4) jo. Article 45 of Law Number 11 of 2008 concerning Information and Electronic Transactions (ITE) as amended by Law Number 19 of 2016, and strengthened by Article 76I jo. Article 88 of the Child Protection Law. Digital exploitation of children is a form of cyber crime that is very dangerous because it is difficult to track, has a wide impact, and causes deep psychological trauma for the victim. Therefore, the state must strengthen regulations and law enforcement capacity in cracking down on perpetrators and protecting children from the dangers of technology-based exploitation.

As an illustration of national data, according to the release of the Central Statistics Agency (2021), it was recorded that around 9.34% or more than 3.36 million children aged 10–17 years are involved in work, where most of the work has the potential to interfere with children's rights such as school and physical/mental development. From the perspective of legal and social theory, children are positioned as subjects of protection (child as subject of rights) and not merely objects of economic utilization so that any norm, practice or policy that places children as economic commodities is actually contrary to the principle of best interest of the child adopted in the framework of children's rights.

National legislation provides a strong normative foundation for the protection of children from exploitation. Law No. 35 of 2014 (an amendment to Law No. 23/2002) expressly regulates the right of children to be protected from all forms of exploitation, including economic exploitation that "tools, utilizes, or extorts children for personal, family or group gain. This provision emphasizes the essential character of protection is not just an

administrative regulation and places the obligation of the state and families to ensure the fulfillment of children's right to life, growth, development, and participation.

Complementing the legal umbrella of child protection, Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) regulates special mechanisms in handling children who are in conflict with the law, including principles that guide the juvenile justice process such as the principles of protection, non-discrimination, proportionality, and the most central is the best interest of the child. The provisions of the SPPA Law emphasize diversion, child-friendly treatment, and coaching rather than just criminalization, so that the juvenile criminal justice system should be a protective instrument rather than a repressive one when cases related to child exploitation enter the criminal process.

In terms of international law, Indonesia has ratified important instruments on child labour through ILO Convention No. 138 (Minimum Age Convention, 1973) and ILO Convention No. 182 (Worst Forms of Child Labor Convention, 1999), which require efforts to prevent and eliminate all forms of child labor that are detrimental to children's physical, mental, or moral development. The ratification of these two conventions places Indonesia on an international commitment to adjust domestic norms and state policies to eliminate the "worst forms" of exploitation.

Although national norms and international instruments are basically in line, there are several implementive and conceptual gaps that need to be examined. Conceptually, the best interest of the child principle adopted in the SPPA Law and international human rights instruments should ensure that all law enforcement actions consider the recovery and rehabilitation of child victims. However, in practice, there is often an overlap between the criminal approach and the protection approach, for example, the prosecution of the victim's child who is also working, or the lack of separation of processes between victim recovery and criminal proceedings against perpetrators that weakens the effectiveness of protection. In addition, academic studies have found gaps between norms and implementation in the field due to limited capacity of officials, inter-institutional coordination, and lack of integrated data on cases of child economic exploitation. This condition emphasizes the need to harmonize rules, increase the capacity of the implementation of the SPPA Law, and strengthen monitoring mechanisms that integrate ILO standards into judicial practices and rehabilitation programs.

The implementation of child protection in the criminal justice system in Indonesia shows normative progress, but in practice it still faces significant obstacles from the side of law enforcement officials. For example, research in Sinjai Regency shows that the investigation process to the implementation of the child's decision in conflict with the law has been tried to prioritize diversion and child-friendly mechanisms, but the authorities still face mental and structural challenges in applying the principle of the best interest of the child. In addition, the implementation of diversion in Law Number 11 of 2012 has not been optimal due to the lack of institutional readiness, coordination between agencies, and the understanding of the authorities on the characteristics of children as victims as well as perpetrators.

When it comes to cases of economic exploitation of children, practice in the field shows that child victims are often not treated specifically in the criminal justice process, even in some cases children who are economically exploited are considered perpetrators or do not receive the special protection they deserve. For example, in the study, it was found that even though regulations have been in place, many children who become beggars or buskers who are

economically forced but have not received adequate treatment through the juvenile justice process or rehabilitation.

Structural and cultural barriers have also slowed down the effectiveness of protection. From a structural perspective, the limited human resources of the apparatus who understand the specific mechanisms of juvenile criminal justice and the lack of infrastructure for special children's institutions have an impact on the implementation of diversion, child-friendly prosecution, and victim recovery. From a cultural perspective, there are still many people who view children as family economic workers or part of informal businesses, so their exploitation tends to be considered normal rather than a violation of rights. The combination of poverty, low public awareness of children's rights, and the stigma attached to child victims (even perpetrators) exacerbates the protection conditions. Therefore, although the legal framework already exists, the juvenile criminal justice system is not fully able to ensure the optimal implementation of child protection from economic exploitation.

Indonesian law has provided important instruments to protect children from economic exploitation including Law No. 35/2014 on Child Protection, Law No. 11/2012 on the Child Criminal Justice System, as well as commitments through ratification of international instruments such as ILO Conventions No. 138 and No. 182 but the effectiveness of such protections in practice is still limited. Global and national data illustrate the scale of the problem of child labor, according to UNICEF/ILO, estimating that tens of millions of children are still in the category of child labor in the world (around 138 million children), while national surveys and institutional reports indicate that children's involvement in potentially harmful work in Indonesia is still significant. This shows that the existence of norms does not automatically guarantee the elimination of exploitative practices in the field.

The evaluation of the implementation of norms in the juvenile criminal justice system shows the main gap in the implementation aspect. Although the SPPA Law mandates the use of diversion, restorative approaches, and child-friendly treatment throughout the judicial process, the implementation of diversion is not consistent where law enforcement officials often lack procedural understanding, resources, and coordination between agencies so that diversion opportunities are not always used optimally. Consequently, the handling of cases of child economic exploitation often leads to administrative or social handling alone, without effective law enforcement follow-up against the perpetrator or comprehensive recovery for the victim. Similar findings were also reported by the Child Supervision Agency (KPAI) which recorded hundreds of child exploitation complaints every year, indicating that implementation obstacles are not just technical problems, but systemic problems.

Structurally, limited capacity (the number and training of investigating officers, prosecutors, and juvenile judges), weak integrated data on child cases, and lack of rehabilitation facilities/recovery services reduce the system's ability to handle victims of exploitation holistically. Evaluative studies also mention bureaucratic and financing problems as serious obstacles to the implementation of child-friendly mechanisms. On the cultural side, social norms that normalize child labor as part of family survival strategies and low awareness of children's rights make early detection and proactive handling difficult where people often choose informal solutions instead of reporting or demanding criminal responsibility for perpetrators. This combination of factors causes a gap between what is written on paper and what happens on the field.

Based on this normative analysis, the need for reform is clearly seen in three main areas. First, harmonization and strengthening of regulations to remove overlapping norms and clarify provisions regarding economic exploitation in the context of juvenile criminal justice so that the elements of delinquency and the sanction/recovery mechanism are firmer. Second, increasing the capacity of law enforcement apparatus and infrastructure through continuous training on the principles of best interest of the child, diversion procedures, and the establishment of special units for handling child cases in the police and prosecutor's offices. Third, strengthening prevention and recovery mechanisms through integrated data systems, adequate rehabilitation services, and family economic vulnerability reduction programs (as cross-sectoral interventions). These measures are in line with the recommendations of international organizations that assess Indonesia's progress as "moderate" in efforts to eliminate the worst forms of child labour, but still require policy and implementation improvements at the local level. The implementation of the reform is a prerequisite for legal norms to not only become aspirations, but also effective instruments to protect children's rights from economic exploitation.

2. How to Formulate Regulations to Ensnare Perpetrators of Child Economic Exploitation

In the Indonesian criminal law system, perpetrators of child exploitation can consist of various legal subjects, including parents or guardians, third parties who use children for economic activities, and even legal entities (corporations). As the research shows, the perpetrators of child economic exploitation in Jember Regency consist of two qualifications, namely *pleger* (direct perpetrator) and *doen pleger* (person who instructs or facilitates) where in the study only parents are categorized as perpetrators. Law Number 35 of 2014 (Article 76I jo. Article 88) has expressly included every person who placed, permitted, ordered or participated in child exploitation in a criminal form, with the threat of imprisonment of up to 10 years and/or a fine of up to Rp200,000,000.

The analysis of criminal elements in the legal constellation shows that to fulfill the offense of child economic exploitation there are certain elements:

- a. The existence of active acts of using or utilizing children,
- b. Children as victims (protected legal subjects), and
- c. Motives or goals to obtain economic or material gains.

In many cases, proving the element of "profit" or "utilization" is a challenge because the practice of exploitation is often cloaked in activities that appear to be merely "helping the family" or "informal internships".

For example, the Medan District Court Decision Number 1824/Pid.Sus/2023/PN Mdn revealed that the crime of child exploitation continues to be repeated even though the law has regulated prohibitions and criminal threats. In this case, the perpetrator trafficked children for sexual purposes and obtained economic benefits, but even though he was sentenced, the victim still did not receive restitution or adequate psychological recovery. This confirms that the provisions in the Child Protection Law and the Anti-Trafficking Law have not provided a strong deterrent effect for perpetrators so that similar crimes continue to appear in various regions.

The same thing happened again in Decision Number 54/Pid.Sus/2025/PN Pmn, which shows the same case. This reiteration shows that although the legal system has been built in the spirit of child protection, the implementation of the law is still ineffective in preventing perpetrators from committing similar crimes.

The decision of the Pariaman District Court Number 54/Pid.Sus/2025/PN Pmn examined the criminal case with the defendant Syafriadi alias Adi Bajai (23 years old) who was charged with economic and sexual exploitation of minors. The defendant and a woman named Relis Sumarni (the victim's half-sister, tried separately) trafficked a child named Kayla Duratul Baida (14 years old) three times to be sexually served by adult men at Sunur Beach and the Nan Tongga Hotel, Pariaman City, in June-July 2024. The defendant received a monetary reward of between Rp50,000 and Rp400,000 for each transaction, and only a small part was given to the victim.

The panel of judges stated that the defendant was not proven to have committed child trafficking (Article 76F jo. Article 83 of the Child Protection Law), but was proven to have committed economic and/or sexual exploitation of children (Article 76I jo. Article 88 of Law No. 35 of 2014 jo. Law No. 17 of 2016 concerning Child Protection) and sentenced him to 8 years in prison and a fine of Rp2,000.00.

The case of economic and sexual exploitation of children in Decision Number 54/Pid.Sus/2025/PN Pmn is a real representation of how the practice of child exploitation still occurs amid a legal system that already has comprehensive child protection tools. In the constitutional framework, Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia emphasizes that every child has the right to survival, growth, and development and has the right to protection from violence and discrimination. This constitutional mandate is the highest juridical basis that binds the state to ensure the protection of children from all forms of exploitation, including economic and sexual exploitation that deprive children of their human dignity.

This constitutional obligation is further elaborated in Law Number 35 of 2014 concerning Child Protection, which in Article 76I prohibits the exploitation of children and in Article 88 establishes severe criminal sanctions for anyone who takes advantage of children for economic or sexual gain. Meanwhile, Law Number 21 of 2007 concerning the Eradication of the Crime of Trafficking in Persons (TPPO) also provides legal protection for children by ensnaring perpetrators who recruit, transport, or sell children for the purpose of exploitation. However, the relationship between the two laws raises legal problems, since they both regulate almost the same substance but have different orientations. The Child Protection Law focuses on the protection aspect, while the Trafficking Law focuses on the aspect of transnational crime.

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) mandates that every legal process involving children must prioritize the principle of the best interest of the child, both for the child of the perpetrator and the child of the victim. This principle demands that the legal process not only focus on punishing the perpetrator, but also ensure psychological, social, and economic recovery for child victims. However, in this case, even though the defendant was sentenced to eight years in prison, the child victim did not receive restitution, psychological rehabilitation, or social assistance as stipulated in Article 71D of the Child Protection Law, which affirms that the child is entitled to restitution which is the responsibility of the perpetrator. This shows that the formulation of the regulation has not been

implemented optimally. The criminal justice system is still oriented towards punishment, not on restoring the rights of child victims. normatively, it is necessary to formulate regulations that explicitly integrate restitution in the criminal provisions of child exploitation, so that in every decision it is mandatory to accompany the obligation of restitution, so that the formulation and regulations are in accordance with the SPPA best interest of the child principle.

From this ruling, several legal issues emerged that show how complex the application of child protection law in Indonesia is. First, related to the occurrence of vagueness of law. This ambiguity is evident in the difference in interpretation regarding the classification of criminal acts, namely whether the defendant's actions include child exploitation or child trafficking. The prosecutor charged the defendant with Article 83 of the Child Protection Law on child trafficking, but the panel of judges considered that elements of trafficking such as the transfer, recruitment, or surrender of children for the purpose of exploitation were not fully proven, so the judge only applied Article 88 on economic and sexual exploitation. This difference in interpretation shows that the conceptual boundaries between child exploitation and trafficking are not clear, so law enforcement officials have a wide scope of interpretation that has the potential to produce different verdicts for cases of the same character.

The ambiguity of these norms is even more prominent when it is associated with the constitutional norms in Article 28B paragraph (2) of the 1945 Constitution, which is supposed to provide absolute protection for children. However, the nature of the declaratory and non-operational constitutional provisions makes the 1945 Constitution not able to provide a deterrent effect to child exploitation perpetrators. When constitutional norms are not followed by precise criminal formulations and effective criminal and victim recovery mechanisms, legal certainty becomes weak and room for perpetrators to repeat their crimes remains open.

Second, there are implementing issues related to the protection of child victims in the criminal justice system. Although the main purpose of the SPPA Law is to protect and rehabilitate children, both perpetrators and victims, the reality is that judicial practices often do not provide comprehensive guarantees of recovery. The absence of restitution and psychological assistance for the victim in this case is proof that the implementation of the principle of the best interest of the child is still not optimal.

Third, there is a conflict of norms between the Child Protection Law and the Anti-Trafficking Law, both of which regulate similar acts but with different orientations and criminal threats. As a result, there is an overlap in the application of the article, which creates uncertainty for law enforcement officials in determining the most appropriate legal basis. In this regard, Indonesia's positive law has not been able to provide normative clarity that ensures consistency in law enforcement against child exploitation perpetrators.

These problems confirm that there is still a gap between ideal legal norms and their application in the field. Ambiguity and legal conflicts in child exploitation arrangements not only hinder law enforcement, but also have an impact on substantive justice for child victims. When the boundaries between child exploitation and child trafficking are not clearly defined, law enforcement officials have too wide a space for interpretation that has the potential to cause disparities in verdicts and legal uncertainty.

Decision Number 54/Pid.Sus/2025/PN Pmn shows how children are used as objects of economic exploitation for the benefit of adults, while highlighting the limitations of the criminal justice system in providing protection oriented towards child recovery. Thus, this case

reflects the effectiveness of the legal system in realizing the mandate of the constitution and Indonesia's international commitment to protect children from all forms of exploitation.

In the realm of criminal law doctrine, the concepts of *pleger*, *doen pleger*, *medepleger*, and *medeplichtige* are very relevant to expand the scope of criminal liability for child exploitation. The study in Jember confirmed that parents who order their children to beg or sell goods can be qualified as *doen pleger*, while those who provide the means or organize exploitation (such as agents or corporations) deserve to be studied as *medepleger* or *medeplichtige*. This approach serves to ensure that the legal system does not only focus on the direct perpetrators but also broader actors in the exploitation network, especially in the context of the informal economy and creative industries where children are used as commodities.

In the case of child exploitation, criminal liability can be applied both against the individual perpetrator and against the corporation that facilitates or profits from the exploitation. Studies confirm that in many child exploitation practices, the perpetrator is not only the parent or guardian, but also the person or business entity that organizes or allows the child to work exploitatively. From a corporate perspective, research shows that although the focus is on sexual exploitation, there is a close relationship with the economic aspect that corporations or their managers can be subject to criminal sanctions if they are proven to be juridically involved in child exploitation.

The concept of strict liability refers to criminal liability that can be imposed without the need to prove intentionality or negligence, while vicarious liability means liability that is transferred to another party based on a certain relationship with the main perpetrator. Research proves that although the concept of vicarious liability has not been specifically regulated in the Juvenile Criminal Justice Law, the application of this concept can be found in several decisions related to children and perpetrators related to children (e.g. parents or guardians). For example, if a child is forced to do economic work by his parents or a party who has authority over him, then that party can be held liable as vicarious liable.

Regarding the evaluation of the court decision, the research examined Decision Number 331/Pid.Sus/2021/PN Yyk and emphasized that in the verdict the perpetrator was subject to prison sanctions and was required to pay restitution to the victim's child. This shows that the justice system has begun to apply criminal accountability in the economic exploitation of children, but it is still limited to cases that can be strongly proven. Thus, the forms and types of criminal liability in child exploitation include:

- a. Individual responsibility of direct perpetrators,
- b. The accountability of the party who rules or facilitates (*doen pleger*/*medeplichtige*), and
- c. Corporate liability as a legal entity that benefits or facilitates exploitation.

The development of the concept of vicarious liability is very important so that complex child exploitation networks can be dealt with legally. However, on the other hand, implementation challenges include proving the linkage between corporations/external parties and child economic exploitation perpetrators, as well as the need for regulatory reform so that corporate responsibility can be applied more clearly in child exploitation cases.

Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA Law) places children not only as objects of criminal proceedings, but also as subjects who are entitled to special protection when they become victims. The SPPA Law mandates different treatment at each stage of the judicial process from investigation, prosecution, to trial with the principle

that juvenile justice must uphold the best interests of the child, prioritize diversification of case settlement (diversion), and limit the deprivation of independence as a last resort. This provision emphasizes the obligation of rehabilitation, social reintegration, and the provision of legal and psychosocial assistance for child victims so that the judicial process does not further worsen their traumatic condition.

The principles of child-friendly justice adopted by the SPPA Law are realized through a concrete mechanism of diversion efforts at each level, the use of courtrooms and procedures sensitive to the child's age, restrictions on the publication of children's identities, the presence of adequate legal companions/assistance, and restorative approaches that prioritize victim recovery and reconciliation. However, the implementation of this mechanism is still inconsistent in the field of obstacles such as lack of apparatus training, limited support facilities, and inconsistent interpretation of diversion, causing child-friendly justice practices to not be fully realized comprehensively. Therefore, efforts to increase the capacity of the apparatus and harmonize child-friendly judicial procedures are the key to improvement.

The role of non-judicial institutions and state institutions is crucial in guaranteeing the rights of children who are victims of exploitation. The Indonesian Child Protection Commission (KPAI) acts as a supervisor and policy advocate to record complaints, issue policy papers related to SPPA, and oversee the availability of child-friendly services such as KPAI's annual report emphasizing intensive supervision of the fulfillment of special rights and protection of children in various clusters. The Witness and Victim Protection Agency (LPSK) provide a mechanism for protection, assistance and restitution of victims (including children), as well as the facilitation of restitution applications based on relevant implementing regulations. Meanwhile, the Correctional Center (Bapas/Bapas Class II) through community supervisors plays a role in aspects of community research, facilitation of diversion, coaching and social reintegration of children who are facing the law. Therefore, there is a need for stronger coordination between these institutions so that victim protection starting from identification, child sensitive investigation, psychosocial recovery, to restitution can be carried out in an integrated manner.

Law enforcement against child exploitation perpetrators in Indonesia still faces various structural and substantial weaknesses. Based on research, most court decisions show low criminal sentences compared to the maximum threat regulated by law, as well as the lack of implementation of restitution for victims' children. For example, in the Yogyakarta District Court Decision Number 331/Pid.Sus/2021/PN Yyk, the perpetrator was only sentenced to 4 years in prison even though Article 88 of the Child Protection Law allows a sentence of up to 10 years in prison. This condition indicates the weak application of the principle of retributive justice which should have a deterrent effect as well as protection for victims.

Another weakness is the lack of effective coordination between law enforcement, starting from the investigation stage to the prosecution. Based on the 2023 report of the Indonesian Child Protection Commission (KPAI), there was an increase in child exploitation cases by 28% compared to the previous year, but only about 40% were continued to the judicial stage due to limited evidence and difficulties in proving the element of "economic gain". This shows that the legal system is not fully responsive to the complexity of child exploitation cases, especially in the context of the informal economy and the involvement of third parties.

From the normative side, the revision of criminal sanctions in the Child Protection Law is an unavoidable urgency. Sanctions that are general and less specific to forms of economic exploitation make perpetrators often escape with minor charges. The author suggests an increase in the minimum penalty, the implementation of an additional penal system in the form of mandatory restitution, and a post-sentence monitoring mechanism to ensure the social responsibility of the perpetrator. This reform is expected to strengthen the principle of deterrence (prevention) as well as restorative justice for child victims.

Juridically, the effectiveness of law enforcement is also determined by synchronization between national and international instruments, especially ILO Convention No. 182 on the Elimination of the Worst Forms of Child Labor. Although Indonesia has ratified the convention through Presidential Decree No. 12/2001, its implementation is still weak at the regional level due to the lack of supervision and administrative sanctions against business actors involving children. Thus, it can be concluded that the enforcement of criminal liability for child exploitation has not been juridically or sociologically effective.

CONCLUSION

The economic exploitation of children in Indonesia constitutes a serious violation of children's constitutional rights; however, despite the existence of Law No. 35 of 2014 on Child Protection and Law No. 11 of 2012 on the Juvenile Criminal Justice System, their implementation has remained ineffective and has failed to create a deterrent effect, as reflected in recurring cases such as Medan District Court Decision No. 1824/Pid.Sus/2023/PN Mdn and Pariaman District Court Decision No. 54/Pid.Sus/2025/PN Pmn. This persistence is exacerbated by normative ambiguities between child exploitation and trafficking, weak inter-agency coordination, limited application of restitution, and insufficient attention to victims' psychological recovery, indicating that constitutional guarantees under Article 28B(2) of the 1945 Constitution remain largely declarative. Existing regulations have tended to prioritize punitive measures over the restoration of children's economic rights, highlighting the need for stronger institutional synergy among bodies such as KPAI, LPSK, and correctional institutions, alongside reforms including stricter sanctions, enhanced capacity for law enforcement, integrated national data systems, and strengthened victim recovery mechanisms; therefore, future research should focus on developing an integrated legal framework that balances criminal accountability with victim-centered restitution and rehabilitation, while empirically evaluating the effectiveness of inter-agency coordination in reducing recidivism in child exploitation cases.

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