



Law Enforcement of Perpetrators of Human Trafficking Against Children as Victims of Commercial Sex Workers

Kurnia Dewi Anggraeny^{1*}, Diah Ayu Ningtias²

^{1,2} Faculty of Law, Universitas Ahmad Dahlan, Yogyakarta, Indonesia

kurniadewi@law.uad.ac.id

Abstract. *Human trafficking is always a crime with grave repercussions for the victims, their family, community, and nation. various national circumstances, such as those in which human trafficking occurs as a source, transit, or destination country—all of which apply to Indonesia. Children are the easiest and most vulnerable victims. In order to prevent juvenile victims of human trafficking crimes and to give them with extra protection and support, law enforcement officials and governmental institutions should work together and step up coordinated efforts. The purpose of this research is to understand the law enforcement, obstacles, and efforts in implementing law enforcement against perpetrators of human trafficking towards children as victims of commercial sexual exploitation. This research is empirical normative using primary and secondary data. Primary data sources in this study were obtained by conducting interviews with informants, namely Investigators of Sub Directorate IV of General Crime Investigation (Ditreskrim) of the Yogyakarta Special Region Police and the NGO Rifka Annisa. The results of the research show that in the investigation and prosecution stages, children engaged in commercial sexual exploitation as victims of human trafficking at the Police receive special treatment such as confidentiality of the victim's identity and family, providing a sense of security, assistance, and restitution. human trafficking is a crime that can be transnational, so the Police face challenges in gathering evidence, identifying perpetrators, and ensuring the safety of victims. Children engaged in commercial sexual exploitation as victims of human trafficking are also often afraid to report to the Police because they will receive negative stigma from society. Preventive measures are carried out through Integrated Services in cooperation with relevant agencies, routine patrols, undercover operations in the community, and legal counseling. Meanwhile, repressive efforts are carried out through investigation and prosecution by the Police.*

Keywords: *Integrated Services, Child, Commercial Sex Workers*

1. Introduction

The nation's future is its children (Ardianto: 2020, 20). The state of the country and its state in the future are reflected in their lives. A happy childhood is a reflection of the state guaranteeing each child's development in line with their potential. To guarantee proper growth and development, physical, mental, and social children require protection and direction. It is the duty of parents, families, and the community at large to safeguard children so they can live, grow, develop, and socialize properly.

In order to support a child's natural development and growth, physical, mental, and social child protection efforts aim to establish the environment necessary for each child to fulfill their rights and responsibilities (Kusuma: 2015, 64). Arif Gosita contends that safeguarding children needs to be a top priority in order to keep them safe from harm caused by the activities of specific people or groups, whether they be members of the government or private sector. Children who suffer losses, be they psychological, physical, or social, as a result of acts taken directly or indirectly, either actively or passively, by other individuals or groups are referred to as victims (Gosita: 2004, 13).

Adults frequently use children for sexual, financial, and other purposes. Parents in large cities frequently use their kids as props to turn them into scavengers, beggars, and even commercial sex workers (CSWs). Since children are viewed as being extremely weak and defenseless, adults frequently treat them harshly and inappropriately (Syaffat: 2020, 34). One of the numerous crimes against minors that still occur today is becoming a victim of human trafficking.

The problem of human trafficking has existed for a very long period of human history. It is indisputable that most people in society believe that human trafficking is a type of contemporary slavery. One of the most horrible types of crime that is spreading the fastest around the globe is human trafficking. Human trafficking is a crime that is committed by treating people inhumanely, even as slaves, therefore destroying human dignity (Darmayanti: 2022, p. 37). Since it affects not just the economy but also the political, cultural, and humanitarian spheres, human trafficking is currently one of the top five crimes in the world that requires attention (Pramono: 2011, 91).

It was discovered that the increase in human trafficking can be attributed to three distinct variables, which are as follows: 1) One of the main causes of human trafficking is poverty. Low-income individuals are more susceptible to being persuaded to buy into the idea of better employment (Syaffat: 2020, 21). The country's vast population and the difficulty in getting employment, particularly for women, aggravate this concern. In addition to the pressures imposed by a patriarchal culture, women are also susceptible to human trafficking in their surroundings. 2) Women and children who lack legal protection become objects in human trafficking cases. 3) As communication, information, and technology have advanced, human trafficking has become a more sophisticated operation. For those looking to obtain a business edge, this new mode is popular. The phenomenon of "mail order brides" over the internet is one instance in which the provider agent's only objective is to turn a profit.

The act of recruiting, transporting, housing, sending, transferring, or receiving a person under threat of violence, actual use of violence, kidnapping, or detention is classified as human trafficking under Law No. 21 of 2007. An act of prostitution, forced labor or service, slavery or practices similar to slavery, oppression, extortion, physical or sexual abuse, unlawful removal or transplantation of organs and/or body tissue, or the use of a person's energy or ability by another party to obtain profit, material or immaterial, all fall under the definition of exploitation, which can occur with or without the victim's consent.

Law No. 17 of 2016 in combination with Law No. 35 of 2014 in conjunction with Law No. 23 of 2002 is the law that particularly governs child protection. According to Law No. 23 of 2002, Article 13, children have the right to be protected from discriminatory treatment, including economic or sexual exploitation, neglect, violence, cruelty, injustice, and other forms of abuse, as long as they are under the care of their parents, guardians, or other responsible parties (Bawole: 2013, 97). According to Article 76 F of Law No. 35 of 2014, which amends Law No. 23 of 2002 regulating child protection, engaging in activities such as placing, permitting, carrying out, ordering, or being complicit in the kidnapping, selling, or trafficking of minors is also considered human trafficking.

Law No. 35 of 2014, which amends Law No. 23 of 2002 regulating child protection, contains regulations prohibiting the commercial sexual exploitation of minors. Specifically, Article 76 J of the law governs this restriction. As per the regulation, it is strictly forbidden for anybody to place, enable, carry out, command, carry out, or take part in the economic and/or sexual exploitation of children. Law No. 21 of 2007 for the Eradication of the Crime of Human Trafficking regulates sexual exploitation. According to Article 1 number (8), sexual exploitation encompasses all forms of exploitation, including but not limited to prostitution and molestation, of the victim's sexual organs or other organs for financial benefit. According to Law No. 21 of 2007 for the Eradication of the Crime of Human Trafficking, human trafficking is not restricted to a specific age group or gender.

It is important to think about providing victims with legal protection, particularly youngsters who are the victims of human trafficking. The provision of restitution and

compensation, counseling services, medical attention or physical and mental health recovery (rehabilitation), legal aid and assistance efforts, information sharing, and reintegration (reintegration into the family or community) are just a few of the legal protection measures for victims of human trafficking.

The cases of young victims of human trafficking are becoming more varied in their tactics, which suggests that there are more victims overall. The current rules aimed at combating human trafficking and child exploitation mostly target adult offenders, giving scant consideration to preventive measures and the realization of children's rights. The protection model based on Law No. 21 of 2007 does not distinguish between adults and children; nonetheless, as children are victims of human trafficking, they require specific attention.

The management of human trafficking cases is a significant function of the criminal justice system. Empowering law enforcement officials along with formal and material legal tools are employed to achieve integrated law enforcement against human trafficking. The criminal justice system must work together, which is accomplished by a number of structural, substantive, and cultural factors. It is necessary to view law enforcement from the perspectives of the police, the prosecutor's office, the courts, and the correctional facilities.

2. Methodology

An empirical legal or normative research methodology is employed in this study. A research methodology that blends normative and empirical components is called the empirical normative research technique. Community legal conduct is used as an empirical legal case study in the empirical normative research technique. The primary focus of the research is law, which is understood as actual conduct that is experienced by all people in social connections as an unwritten social phenomena (Mamudji: 2003, p. 13). This study employs a sociological juridical methodology. The two methods of data gathering used in this study are fieldwork and literature review. Secondly, the approach is employed to gather pertinent data for this study's analysis. Because qualitative data analysis is pertinent to the information the author acquired, it is the method of data analysis used in this study. Descriptive data from interviews, field notes, and other sources make up qualitative research data.

3. Discussion And Findings

a. Data Recapitulation And Situation Of Child Victims Of Commercial Sex Workers In Human Trafficking Cases

There were 150 incidents of child abuse, 33 cases of child rape, 34 cases of child sexual abuse, 19 cases of child sex, and 13 cases of child victims involved in human trafficking in 2020. In 2020, there were 249 instances of crimes against children overall. Then, to 189 cases in 2021, this number dropped. There were 109 cases of violence against children, 8 cases of child rape, 35 cases of child sexual abuse, 29 cases of child sexual encounters, and 8 cases of child trafficking. The number of crimes against children decreased to 186 in 2022, however the number of offenses involving human trafficking against minors rose to 14. There have been 84 cases of violence against children, 27 cases of child rape, 36 cases of child sexual abuse, 25 cases of child sexual encounters, and 14 cases of human trafficking against minors. After that, there were 169 crimes against children in 2023, and there were 21 occurrences of crimes against children resulting from human trafficking. 21 cases of human trafficking against minors, 71 cases of violence against children, 14 cases of child rape, 32 cases of child sexual abuse, 31 cases of child intercourse (Source: Sub Directorate IV of the Yogyakarta Regional Police). Based on an interview with Nurul Kurniati The timeline of the human trafficking case that involved ten (10) victims in the Yogyakarta area in 2020 was provided by a counselor from the non-governmental organization Rifka Annisa, which also works with child victims of human trafficking.

The Yogyakarta area continues to see a high number of cases of human trafficking with children as victims, according to the case data. The strategies employed by offenders to entice minors to participate as commercial sex workers also differ; these strategies include debt traps, threats of violence and coercion, fraud accompanied by promises of employment after joining the pimp, and more.

Through a number of preventive and law enforcement initiatives, the Yogyakarta Police have endeavored to enforce the law in their capacity as law enforcement officers in the processing and prevention of offenses involving human trafficking. The implementation of preventive measures involves the establishment of an Integrated Service in conjunction with multiple pertinent stakeholders to engage in the provision of legal counseling, victim aid, and socialization. Respecting children's rights throughout the examination process is a crucial aspect of law enforcement's investigation and inquiry process. The police also assist in ensuring that children of commercial sex workers who are victims of human trafficking offenses receive compensation and support as they undergo evaluations and heal from their trauma.

The Yogyakarta Police has maximized the protection it offers to children of commercial sex workers who are victims of human trafficking offenses by collaborating with other authorized agencies. In accordance with their roles and responsibilities, the police cooperate with the Social Service, Social Pediatrics, Manpower Service, DP3AP2, Rekso Dyah Utami Integrated Service Center for Women and Children, Rifka Anisa NGO, and LPSK to establish law enforcement against children of commercial sex workers as victims of human trafficking crimes.

b. Factors Leading To Children Falling Prey To Human Trafficking's Commercial Sex Workers

Based on an interview with Nanang Kencoko, an investigator with the Yogyakarta Regional Police's Directorate of Criminal Investigation, he said that a number of factors contributed to the occurrence of human trafficking crimes in the Special Region of Yogyakarta that involved child commercial sex workers as victims.

1. Economic Factors

One of the primary causes of the numerous instances of minors in the Yogyakarta area becoming commercial sex workers is economic factors. Children who face difficulties providing for their families are compelled to decide to work as commercial sex workers in order to alleviate their financial circumstances. Children with this syndrome are frequently readily swayed or convinced to cooperate by careless others. The criminals typically utilize the promise of a high pay and respectable profession as a lure. In actuality, minors are hired as commercial sex workers both inside and outside of the Yogyakarta region, and they never receive a high income or respectable work. It is said that the desire to live an opulent lifestyle is the primary element that leads youngsters to participate in the practice of commercial sexual exploitation of minors. Children from disadvantaged backgrounds can be influenced by their surroundings and social circles to aspire to behave like their wealthier peers. Their desire to live a lavish lifestyle is what drives them to pursue their goals improperly, which leads them to become commercial sex workers.

2. Social Factors

The social milieu in which children are raised also plays a role in the incidence of crimes related to human trafficking in which young victims are forced into the workforce as commercial sex workers. Playgrounds, families, and friends can provide this social setting. Since the family is the setting in which kids are watched over during their formative years, a lack of parental or family supervision leaves kids vulnerable to negative influences from the outside world. Playgrounds and friends also have an impact on children; their daily routines and perspective are significantly impacted by

the people they choose to hang out with and the individuals they choose to be friends with who are older than they are.

3. Education Factors

The ability of a child to discriminate between right and wrong is strongly correlated with their level of education. Because they receive little information and instruction from parents and instructors, children with low levels of education are more susceptible to negative influences. Young people with poor levels of education who choose to drop out of school also frequently urge others to engage in shameless commercial sex work. This is a result of students not receiving a moral education in schools.

4. Technology and Information Factors

Due to the quick advancement of information and technology, children are frequently sexually exploited. This is due to the fact that pimps can engage in human trafficking activities by using minors as commercial sex workers on their own without assistance the more information there is about the practice. A variety of media are also used, including Facebook, Instagram, Twitter, Michat, and so on. Kids who typically use social media to make lots of friends are then lured in, invited to meet, and tempted to follow accounts they don't know, which ultimately leads them to become victims of human trafficking crimes. They are typically encouraged to do the same thing and utilize information technology to access and view pornographic videos, which can lead to addiction.

c. Challenges And Attempts To Apply Law Enforcement For Offenders Of Human Trafficking Offenses Against Minors As Commercial Sexual Workers

According to an interview with Hajar Wahyudi, the Head of the Trafficking Unit at the Yogyakarta Regional Police's Directorate of General Criminal Investigation, there are a number of barriers to enforcing the law against those who commit crimes related to human trafficking, particularly those who target minors as victims of commercial sex workers.

1. Human trafficking is a crime that has the potential to be international, making it difficult for law enforcement to gather evidence, find the offenders, and guarantee the safety of the victims. If there is an international instance of child crime at this point, the investigation procedure may take longer and require specialized knowledge.
2. Because they fear disgrace from the community, children of commercial sex workers who are victims of human trafficking frequently hesitate to report their abuse to the authorities. This is due to the fact that, despite their status as victims, they will still be stigmatized by society as bad kids as they are commercial sex workers. Sometimes-closet victims can also be a hindrance to the case investigation procedure. To build children's confidence in their companions' ability to honestly disclose the timeline of their cases, a unique strategy is required.
3. A large number of cases of human trafficking involving children as victims have been brought about by a lack of public understanding of the crime of human trafficking, its methods, and preventative initiatives. The public's inability to identify the warning signs of human trafficking may result in reports to the police being filed after the fact. In the end, this makes it more difficult for the police to investigate or uncover cases of human trafficking, particularly those in which minors are the victims.
4. The community is not offered any unique legal counseling programs. Since legal counseling on human trafficking is only provided through partnerships and social media, not all parts of Yogyakarta have benefited from this kind of service.

The Yogyakarta Regional Police conducts two phases of law enforcement action against those who traffic in children as victims of commercial sex work: preventive and repressive.

1. Preventive Measures

The following actions have been done by Yogyakarta Regional Police investigators to stop human trafficking crimes that include minors employed as commercial sex workers as victims:

a. Integrated services working together with related agencies in the task force to address and prevent crimes associated with human trafficking

By forming Integrated Services in cooperation with related agencies like the Social Service, Social Pediatrics, Integrated Service Center for Women and Children Rekso Dyah Utami, Women's Empowerment, Child Protection and Population Control Service (DP3AP2), Manpower Service, NGO Rifka Anisa, and the Witness and Victim Protection Agency (LPSK) related to legal and psychological assistance, the police are attempting to enforce the law against those who commit crimes related to human trafficking against minors who are victims of commercial sex workers. All parties involved collaborate in line with their responsibilities and roles, based on the Integrated Services, to prevent and uphold the law against underage sex workers who are victims of human trafficking offenses.

In law enforcement, the police can act as a mediator or assist in submitting a request for compensation or restitution. Victims may be referred by investigators to establishments or groups that can assist them in submitting a claim for reimbursement. Information regarding the victim's losses and the offender's willingness to pay damages should be gathered by investigators.

To be eligible to claim for compensation, investigators must include information in the Investigation Report (BAP) about the victim's losses, both material and immaterial. In addition, affiliated organizations like the Rifka Anisa NGO, the LPSK, the Social Service (Dinsos), Social Pediatrics (Pedsos), the Rekso Dyah Utami Integrated Service Center for Women and Children, the Manpower Service, the Women's Empowerment, Child Protection and Population Control Service (DP3AP2), and the LPSK contribute to the legal support and psychological healing of trauma victims.

b. Giving legal advice

In partnership with legal assistance organizations, legal counseling is provided with the community as its primary focus. This is due to the fact that a large number of individuals still do not comprehend the nature of human trafficking, how it operates, how to report a case if you come across one, or how to protect victims. This endeavor also aims to educate the community on the crime of human trafficking, the methods frequently employed by those who do it, and the effects and repercussions that stem from this sexual exploitation of children.

During school orientation sessions, legal counseling is also provided in schools through collaboration or resource person requests. Teachers are also subjected to this in addition to students. In order to reach a wider audience, the police also use social media campaigns on websites, TikTok, and Instagram reels to spread awareness.

c. Performing typical patrols

Patrols are typically conducted in locations like karaoke bars, salons, hotels, and other establishments that are known to be used for prostitution activities. This is one of the steps taken in an attempt to lower the number of crimes related to human trafficking in which children of commercial sex workers are the victims. If there is evidence of child trafficking, it will be dealt with right away, with the youngster being sent back to his parents and the pimps being questioned in order to establish their guilt.

d. Stealthily navigating society

Using this approach, the police are stationed in the neighborhood but are not required to wear uniforms. This attempts to get unfiltered information from the public regarding the existence of crimes involving human trafficking.

2. Repressive Measures

Based on an interview with Berti Kurniawati, Investigator of Sub Directorate IV, Directorate of Criminal Investigation, Yogyakarta Regional Police, the procedural model and the service model are the two approach models used by the Police in its repressive attempts to handle human trafficking crimes including juvenile sex workers as victims of such crimes. Through the steps of inquiry and investigation, the procedural model is implemented. At this point, cases found in police reports will be investigated further through trial. The victim will then receive age-appropriate special protection because they are a child. For example, when taking the Police investigation report (BAP), they must be accompanied by parents or other relevant agencies to help regulate the child's mood. The examination can also be done at the LSM Rifka Annisa or Safe House, rather than at the Police station.

In addition, the service model is implemented by transferring minors who are victims of human trafficking and are employed as commercial sex workers to LPSK in order to receive support and compensation. The police serve as a conduit for children to receive support during their examination and trauma recovery.

The community's involvement is crucial to bolstering legal initiatives against crimes including human trafficking, as it aids in victim and offender coaching and supervision. This attempts to stop human trafficking incidents from occurring in the future, particularly those that involve minors as victims. Law enforcement against those who commit crimes related to child sex trafficking can be effectively carried out through coaching, supervision, protection, prevention, assistance, and rehabilitation provided by the Yogyakarta Regional Police in partnership with related agencies.

4. Conclusion

A number of factors contributed to the occurrence of human trafficking crimes in the Special Region of Yogyakarta that involved child commercial sex workers as victims that is economic, social, education and technology and information factors. Empowering law enforcement officials along with formal and material legal tools are employed to achieve integrated law enforcement against human trafficking. The model of procedural rights highlights the active involvement of victims in the criminal justice system. The protection model, which is implemented by offering compensation in the form of restitution, compensation, and efforts to repair the condition of victims who experience trauma, fear, and stress due to crime, is more in line with the service model for juvenile victims of trafficking crimes. An effective and ongoing monitoring system that encompasses administrative and

service stage monitoring is: administrative monitoring delineates the administrative undertakings aimed at aiding in the bodily and psychological recuperation of children who have been subjected to human trafficking, keeping an eye on the service phases in an attempt to improve the victim's condition, regularly visiting victims' homes to assess their status.

5. Acknowledgement

I would like to thank the Chancellor of Ahmad Dahlan University for the permission given to the author and also thank the Dean of the Faculty of Law and the Head of the Law Study Program at Ahmad Dahlan University for their trust in the author so that he could be given funding for the international conference organized by Asperhupiki in the ASEAN Conference.

References

- [1] Ardianto, 2020, *Perlindungan Hukum Terhadap Anak Sebagai Korban Dari Tindak Pidana Perdagangan Orang Di Kota Pekanbaru*, Jurnal Ilmu Hukum, hal. 1-31.
- [2] Bawole, Herlyanty & Yuliana Angraeny, 2013, *Implementasi Hukum Hak Asasi Manusia Dalam Pengaturan Pencegahan Tindak Pidana Perdagangan Orang di Indonesia*, Jurnal Lex Crimen, vol. II, hal. 97-111.
- [3] Darmayanti, Kadek Novi, dkk., 2022, *Tindak Pidana Perdagangan Orang (Human Trafficking) Sebagai Transnational Crime*, Ganesha Law Review, Vol. 4, No. 2, hal. 37.
- [4] Gosita, Arif, 1999, *Aspek Hukum Perlindungan Anak dan Konvensi Hak-hak Anak*, Jurnal Era Hukum, Vol. 5, No. 4, hal. 264-265.
- [5] Gosita, Arif, 2004, *Masalah Perlindungan Anak*, Akademik Pressindo: Jakarta
- [6] Indriati, Noer, 2014, *Pengembangan Model Perlindungan Hukum Terhadap Anak Sebagai Korban Perdagangan Di Indonesia*, Jurnal Dinamika Hukum, Vol. 14, No. 3, hal. 416.
- [7] Kusuma, Ayu Amalia, 2015, *Efektivitas Undang-Undang Perlindungan Anak Dalam Hubungan Dengan Perlindungan Hukum Terhadap Anak Korban Perdagangan Orang Di Indonesia*, Jurnal Lex Et Societatis, hal. 64-71.
- [8] Muladi dan Barda Nawawi Arief, 1992, *Bunga Rampai Hukum Pidana*, Alumni: Bandung.
- [9] Pramono, Mahrus Ali & Bayu Aji, 2011, *Perdagangan Orang : Dimensi, Instrumen Internasional dan Pengaturannya di Indonesia*, Citra Aditya Bakti: Bandung.
- [10] Soekanto, Soerjono & Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, Raja Grafindo Persada: Jakarta, hal. 13.
- [11] Syaffat, Rachmad, 2020, *Perdagangan Manusia, Kajian Trafficking Terhadap Perempuan dan Anak di Jawa Timur*, Lappera Pustaka Utama: Yogyakarta.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution-NonCommercial 4.0 International License (<http://creativecommons.org/licenses/by-nc/4.0/>), which permits any noncommercial use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.

