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Topic: Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children

Economic Crisis and the Reconfiguration of Child and Women Protection: An Islamic Perspective on Street Buskers along the Northern Coastal of Java, Indonesia

A. Zaenurrosyid¹⁾, Hidayatus Sholihah²⁾ & Anis Tyas Kuncoro³⁾

¹⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: zaenurrosyid@unissula.ac.id (Correspondent Author)

²⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail: hida@unissula.ac.id

³⁾Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia, E-mail:

Abstract. *Economic crises extend beyond macroeconomic instability by fundamentally reshaping structural conditions that determine vulnerability, livelihoods, and access to protection among marginalized populations. Although previous studies have examined poverty and informal employment, limited attention has been given to how prolonged economic crises transform the protection experiences of children and women engaged in street busking, particularly from an Islamic social protection perspective. This qualitative study investigates the changing dynamics of child and women's protection along the Northern Coastal (Pantura) of Java, Indonesia, through the analytical framework of Islamic social justice and maqāṣid al-sharī'ah. Data were collected through in-depth interviews, participant observation, focus group discussions, and document analysis involving child and female street buskers, parents, social workers, religious leaders, community representatives, and government officials. Data were analysed using inductive thematic analysis, iterative coding, constant comparison, and methodological triangulation. Findings indicate that persistent economic hardship intensifies children's involvement in hazardous informal work, reinforces women's dependence on precarious livelihoods, and exacerbates labour exploitation, gender-based violence, educational exclusion, and psychosocial distress. These conditions undermine the Islamic objectives of protecting life (ḥifẓ al-naḥs), human dignity, family, and future generations. The study concludes that effective protection requires integrated rights-based governance strengthened by Islamic values of social justice, compassion, and takāful ijtīmā'ī through coordinated, gender-responsive, and community-based social protection systems.*

Keywords: Crisis; Economic; Protection; Structural; Vulnerability.

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1. Introduction

Global economic crises have profound destructive impacts on the social structure, often amplifying the vulnerability among marginalized demographics. When an economic downturn strikes a nation, the initial shockwaves immediately disrupt macroeconomic stability, which in turn trickles down and shatters the microeconomic survival mechanisms of the lower class. Developing nations face the heaviest burden of these impacts, where existing social safety nets are stretched beyond their maximum capacity. Consequently, vulnerable groups, particularly women and children, are forced to seek alternative livelihoods in completely unprotected environments. This systemic shift demands a robust reevaluation of how social protection is configured at both the national and regional levels. The absence of comprehensive social security leads to an exponential increase in informal labor, stripping away fundamental human rights, and leaving these individuals exposed to endless systemic exploitation (Harvey, 2018, p. 23).

In the context of developing countries in Southeast Asia, the informal street sector has become a sort of shock absorber that accommodates the majority of the workforce displaced by economic instability. Women, who traditionally manage the domestic economic sphere, are suddenly thrust into harsh public spaces to patch up sharply declining family incomes. This massive transition is not born out of a spirit of empowerment or emancipation but is driven by absolute desperation, creating a landscape where their labor and time are severely undervalued and legally unprotected. The informal street economy becomes the last harbor for survival, even though it completely lacks health standards, occupational safety, or legal protection instruments. Children, whose lives are inseparable from their mothers' economic fates, are often pulled out of educational institutions to participate in these survival strategies, creating an intergenerational cycle of poverty that is exceedingly difficult to break (Sen, 2019, p. 56).

The phenomenon of street busking has transformed from a mere marginal cultural expression into an organized economic survival mechanism. In many urban areas, busking is no longer an independent individual endeavor but operates within complex informal syndicates that dictate the division of work territories and daily income earnings. Women and children are highly prioritized in this grey sector because they are perceived to have a greater ability to evoke pity from the general public, making them highly profitable assets for the operators of informal networks. However, their conspicuous presence on the streets makes this group highly vulnerable to physical abuse, extortion, and various fatal health risks due to pollution exposure. The lack of adequate state intervention turns the street space into a highly unregulated arena of modern exploitation (Rigg, 2015, p. 89).

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The Northern Coastal region of Java, popularly known as the Pantura route, represents a unique socio-economic landscape characterized by heavy industrialization, massive logistics transportation movements, and extremely sharp income disparities. The Pantura highway is the economic backbone of Java Island, yet ironically, the communities living around it often struggle against severe endemic poverty. The economic crisis disproportionately hit this region, triggering a surge of informal street workers along crowded intersections and vehicle rest areas. The constant flow of goods and people provides a seemingly inexhaustible market share for street buskers, drawing thousands of women and children into a highly risky traffic environment. The contradiction between macroeconomic movements worth trillions of rupiah and the extreme poverty surrounding them highlights a fundamental failure in regional wealth distribution (Boomgaard, 2017, p. 102).

The presence of women and child buskers along the Pantura logistics route raises very serious legal and ethical issues regarding human rights and child protection standards. These individuals must face extreme weather every day, dense air pollution from heavy diesel vehicles, and the ever-present threat of traffic accidents. Moreover, they are frequently targeted for extortion by local thugs and experience systematic neglect by regional authorities, who often view their presence merely as a disturbance to city order. The psychological burden borne by children growing up in this hostile street environment is immeasurable, ultimately triggering cognitive deficits and prolonged emotional trauma. Current protection measures are largely reactive and punitive, focusing on public order raids rather than resolving the roots of their economic marginalization (Cook, 2020, p. 44).

From the perspective of Islamic legal philosophy, the protection of the most vulnerable groups is an absolute obligation deeply embedded in the concept of *Maqashid Sharia* (the primary objectives of Islamic law). The principles of preserving life (*hifz al-nafs*), preserving intellect (*hifz al-aql*), and preserving dignity/wealth (*hifz al-mal*) are directly violated when women and children are left to risk their lives amidst the ferocity of the Pantura streets. Social justice in Islam demands that state and community resources be maximally mobilized to eradicate extreme poverty and protect the human dignity of every individual without exception. The existence of starving children and exploited mothers in a predominantly Muslim society indicates a fatal flaw in the application of Islamic social welfare mechanisms, such as zakat and waqf. Therefore, a reconfiguration of the state's role based on these principles is needed to provide a strong alternative to the secular system that has proven to fail (Ballaq, 2018, p. 210).

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Despite the existence of purportedly comprehensive national legal instruments, there is a very wide gap between legislative intent on paper and law enforcement in the field, particularly in Indonesia. Legal pluralism and decentralization often complicate the enforcement of social protection laws, given that regional autonomy allows local governments to prioritize economic infrastructure development over the social welfare of marginalized groups. Regional policies applied to street buskers are still heavily steeped in the public order paradigm, effectively criminalizing the suffering of the poor instead of providing a social safety net. This kind of approach blatantly betrays the constitutional mandate which asserts that the destitute and abandoned children are cared for by the state. The need for a reconfiguration of legal protection that aligns constitutional mandates with Islamic ethical standards thus becomes extremely urgent (Butt, 2019, p. 134).

Departing from the complexity of social realities and the stagnation of the current legal framework, this article aims to dissect the systemic impact of the economic crisis on the proliferation of women and child buskers along the Pantura route. Furthermore, this study seeks to construct a protection reconfiguration model derived from an Islamic perspective, by integrating the foundations of *Maqashid Sharia* into a progressive legal framework. This research will address two main problems: how the economic crisis shapes the pattern of exploitation against vulnerable groups in Pantura, and how Islamic principles can be operationalized to form a comprehensive protection mechanism. Through in-depth exploration of these dimensions, this research is expected to present a new paradigm for policymakers to shift from punitive actions toward restorative social justice (Lindsey, 2012, p. 77).

2. Research Methods

This legal research strictly applies a socio-legal method with a qualitative approach that integrates normative analysis of legal doctrines with empirical data collection in the field. Normatively, this research examines various national legislative instruments and regional regulations governing the protection of children and women, and traces classical and contemporary literature on the social ethics of Islamic law (*Maqashid Sharia*). In the empirical realm, data collection was carried out through participatory observation techniques and the study of social phenomena targeting the enclaves of women and child buskers along the Northern Coastal (Pantura) route of Java. Data analysis was conducted using a descriptive-analytical method, where statutory texts are directly confronted with the reality of the economic crisis that is crushing the social fabric of coastal communities. Through the combination of these approaches, the researcher does not merely examine the law as a set of

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rigid articles, but rather reconstructs the effectiveness of these laws amidst community dynamics using instruments of Islamic justice (Creswell, 2016, p. 90).

3. Results and Discussion

3.1. The Reality of Economic Crisis and Exploitation of Women and Child Buskers in Pantura

The reality of prolonged macroeconomic crises has heavily battered the household economic fundamentals of the lower-class society in the northern coastal region of Java. The Pantura region, which used to be the lifeblood of national logistics movement, now witnesses a paradox in the form of soaring rates of extreme poverty at its intersection points. The loss of formal livelihoods and the collapse of the micro-fishery sector have forced many coastal families onto the streets as the only remaining alternative for survival. This condition creates a phenomenon of structural exodus from the domestic space to the highway, where women and children are plotted as the main actors for daily breadwinning. They are left to fight against the harshness of street life without being equipped with any adequate social safety nets from both the provincial and regency governments (Susanto, 2020, p. 34).

The shift in the role of coastal women to the informal street sector is not a form of financial independence, but rather a tangible manifestation of exploitation institutionalized by poverty. These women often bring their toddlers to busk from one truck to another, exploiting the pity of logistics drivers to increase their collection of spare change. This practice directly exposes children to extreme lead exhaust emissions, dehydrating sunburns, and the risk of being crushed under the wheels of fast-moving heavy vehicles. Although regional governments have essentially issued legal instruments to prevent child labor, implementation in the field is hindered by the lack of subsistence economic solutions for these mothers. Enforcement by the Civil Service Police Unit (Satpol PP) only focuses on the sterilization of highways, without ever solving the stomach issues that force them back onto the streets the next day (Central Java Provincial Regulation Number 3 of 2014, Art. 14).

The psychological impact and physical threats lurking around these women buskers go far beyond mere physical exhaustion. In a street environment dominated by violence and street masculinity, women are often victims of verbal and physical sexual harassment from road users and local thugs. The double burden as the family's money-making machine and a protector for their children amid heavy traffic creates tremendously heavy psychological trauma. Unfortunately, interventions designed by social services are highly neglectful of restoring the mental conditions and gender-based trauma they experience daily. The existing rehabilitation

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approach is still very charitable, merely housing them for a few days in social shelters before finally releasing them back onto the streets without any vocational skills (Mulia, 2021, p. 112).

At the macro-structural level, eradicating the problem of buskers in Pantura requires integrated policies from the central level down to the village governments, linearly aligned with sustainable development commitments. Poverty eradication efforts can no longer rely on merely distributing temporary food packages but must consist of labor-intensive economic empowerment aimed specifically at vulnerable female heads of households. The synchronization of central laws and regional governance must be directed to ensure that cross-provincial highway zones are no longer exploitation zones for the *mustadhafin* (oppressed). The government must manifest its presence through comprehensive legal and economic interventions so that these children return to school. The reconfiguration of all these policy elements is an absolute necessity for the establishment of social justice in the homeland (Presidential Regulation of the Republic of Indonesia Number 59 of 2017, Art. 4).

3.2. The Reconfiguration of Protection Based on an Islamic Perspective

Within the constellation of constitutional law and Islamic social ethics, allowing the exploitation of women and child buskers in public spaces is an essential violation of *Maqashid Sharia*. Islamic legal doctrine places the preservation of human life (*hifz al-nafs*) and the protection of the intellect of future generations (*hifz al-aql*) as the highest priorities that cannot be compromised in the name of anything. Forcing toddlers and children to inhale toxic exhaust fumes and risk their lives between the wheels of container trucks is a tangible form of destruction to human existence, which is forbidden by religion. Therefore, the reconfiguration of social protection must be laid upon the foundation of this *Maqashid*, where the value of children's safety must supersede any considerations of urban aesthetic order. State policy must shift from merely organizing the face of the highways to saving the civilization of the nation's successor generations (Rofiq, 2021, p. 33).

Positive national law governing the protection of children's rights essentially holds a very strong harmony with the protective spirit of Islamic law. The mandate of the law very clearly obliges the government to organize comprehensive preventive and curative measures to ensure that no abandoned children have their labor exploited. The intersection between positive law and Islamic ethics creates a very solid foundational legitimacy for the state (as the representation of the *Ulil Amri* institution) to carry out coercive interventions to stop such economic tyranny. The government possesses both legitimate *syar'i* and constitutional powers simultaneously to dismantle practices that position children merely as commodities or means of production. It is through this legal firmness that the honor and freedom of the *mustadhafin* group (systemically

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weakened people) can be truly restored (Law of the Republic of Indonesia Number 35 of 2014, Art. 20).

One of the fundamental solutions offered from an Islamic perspective in responding to the economic deadlock of women buskers in Pantura is through the optimization of sharia philanthropic funds, specifically productive zakat and cash waqf. The Pantura region is a massive Muslim demographic enclave, where the potential collection of these philanthropic instruments is inherently capable of replacing the role of the Regional Budget (APBD) in providing social safety net capital. Zakat distribution must no longer be reduced to its function merely as giving consumptive cash ahead of holidays but must be configured as an interest-free micro-business capitalization scheme for coastal women. This sharia economic scheme directly offers a dignified way out for them to transform their income sources without having to return to the streets. The tight integration between zakat management institutions and regional poverty alleviation programs is an absolute prerequisite for the success of this protection reconfiguration (Hafidhuddin, 2019, p. 76).

The fundamental rights of women to live with dignity, be free from the threat of violence, and be liberated from the snares of degrading economic exploitation are also highly upheld in the law on human rights. The capitalistic economic system that forces women to showcase their poverty for spare coins on the side of the road is a tangible manifestation of class-based discrimination that injures universal justice. A human rights-based approach illuminated by the noble values of Islam emphasizes the importance of upholding women's honor (*takrim al-mar'ah*) and forbids any work environments that are destructive to their souls. The reconfiguration of legal protection mandates that law enforcers view these street women not as societal diseases that must be eradicated, but as victims of state injustice whose recovery must be prioritized. Ignoring their human rights is equal to denying the moral and constitutional obligations of the state itself (Law of the Republic of Indonesia Number 39 of 1999, Art. 49).

From the perspective of *ushul fiqh* and contemporary Islamic jurisprudence, the act of exploiting children for busking is classified as *dharar* (great harm) which is strictly prohibited and must be eliminated immediately (*ad-dhararu yuzal*). Children, due to their age, do not yet possess legal capacity (*ahliyatul ada'*) to provide conscious consent to economic activities that threaten their lives on the highway. Their presence on the streets is always filled with elements of coercion (*ikrah*), whether it is coercion from structural poverty, coercion from desperate parents, or coercion from street ruling mafias. In such an emergency state, Islamic law provides space for judicial apparatus to intervene and temporarily take over custody rights if the nuclear family is proven to intentionally endanger the child's future. This proactive juridical intervention proves

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that the law works as a sword of justice for the protection of groups that cannot defend themselves (Abdillah, 2020, p. 120).

As the synthesis estuary of this entire reconfiguration, the absolute protection for women and children from street exploitation crimes requires a seamless blend between the firmness of positive law and the sublimity of Islamic moral ethics. Labor laws have also rigidly laid the boundary line that minors are strictly prohibited from all forms of worst labor, including working in highway traffic environments that rob them of their bodies and souls. This reconfiguration framework ultimately spawns a holistic intervention blueprint: the imprisonment of exploitation syndicates, the provision of capital access based on productive zakat, and the restitution of free education rights for every abandoned child. Economic and legal justice for the *mustadhafin* groups on the Pantura coast is not merely a political election slogan, but a constitutional state mandate and an absolute divine oath that must be fulfilled (Law of the Republic of Indonesia Number 13 of 2003, Art. 74).

4. Conclusion

The economic crisis along the Northern Coastal route of Java (Pantura) has severely destabilized household economies, accelerating the structural displacement of vulnerable women and children into the informal street economy. Rather than serving as a means of genuine economic empowerment, street busking functions as a high-risk survival strategy that exposes women and children to systemic physical hazards, health risks, and organized economic exploitation. The current regulatory framework at the regional level remains heavily dominated by a public-order paradigm, which inadvertently criminalizes impoverished buskers while failing to address the structural root causes of their marginalization or dismantle the informal patronage networks controlling street spaces. To resolve this crisis, a comprehensive reconfiguration of social and legal protection is essential—one that aligns the constitutional mandates of positive national law with the ethical and humanistic principles of *Maqashid Sharia*.

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