

LICS 2026

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

Analysis Of Child Protection Regulations and Efforts to Prevent Exploitation

Sukamto

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

Abstract. *This study examines child protection regulations and strategic efforts to prevent various forms of child exploitation within domestic and international legal frameworks. Employing a normative juridical approach utilizing statutory and conceptual analyses, the research investigates the harmonization of international human rights standards with Indonesian positive law. The findings reveal that while comprehensive statutory mechanisms exist including regulations addressing economic exploitation, digital crimes, and special protection needs implementation faces significant hurdles due to institutional constraints, regional disparities, and evolving cyber threats. Furthermore, effective mitigation requires looking beyond repressive penal measures to tackle structural root causes such as poverty and limited educational access. The study concludes that sustainable child protection demands enhanced cross-sectoral collaboration, rigorous law enforcement without impunity, and unwavering adherence to the principle of the best interests of the child.*

Keywords: *Exploitation; Framework; International; Law; Regulatory.*

1. Introduction

Child protection is one of the main pillars in the sustainable development of human civilization and the universal enforcement of human rights on the international stage. Every child is born with fundamental rights that must be guaranteed, protected, and fulfilled by the state, society, and the family environment without any form of discrimination. However, global social realities show that children remain the group most vulnerable to various forms of exploitation, including economic exploitation, sexual exploitation, and cross-border child trafficking. This vulnerability is exacerbated by the dynamics of globalization, humanitarian crises, and structural economic inequalities that force children into forced labor situations or the worst forms of child labor. Therefore, international legal instruments play a crucial role in establishing minimum standards

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of legal protection that must be adopted by every convention member state to shield children from the threats of exploitation that damage their future. (Arthur C. Helton, 2021, p. 45)

The Convention on the Rights of the Child, adopted by the United Nations, has become a fundamental historical milestone that has transformed the global perspective on the legal status of a child. Within this international legal framework, a child is no longer viewed merely as an object of protection, but rather as a legal subject possessing autonomous rights and participation rights that must be respected by all stakeholders. Various complementary instruments, including Optional Protocols relating to the sale of children, child prostitution, and child pornography, further reinforce the international community's commitment to closing legal loopholes often exploited by transnational organized crime syndicates. Nevertheless, the effectiveness of the ratification of this convention heavily depends on the domestic political will of each nation in integrating these international norms into a coherent national legal system that can be effectively implemented in the field. (Beatrice M. Gough, 2022, p. 112)

The phenomenon of child exploitation is not limited to traditional forms such as child labor in the informal sector, but has shifted to the digital realm, which is much more complex and difficult for conventional law enforcement agencies to detect. Advances in information and communication technology provide space for cybercriminals to exploit children through the production of online child sexual abuse material, online recruitment for criminal networks, and other forms of virtual exploitation. The juridical challenges arising from cross-jurisdictional cybercrimes demand a comprehensive international legal harmonization so that inter-state law enforcement cooperation can proceed without bureaucratic hurdles or differences in material legal definitions. Without adapting a regulatory framework that is responsive to digital technology developments, efforts to prevent child exploitation will always lag one step behind modern criminals. (Christopher J. Greenwood, 2023, p. 78)

Based on these theoretical and empirical descriptions, research on the analysis of child protection regulations and exploitation prevention efforts is highly urgent to identify existing legal gaps and formulate comprehensive policy recommendations. This article aims to examine in depth how national and international legal instruments interact in providing ultimate protection for children, as well as evaluate the effectiveness of various prevention programs implemented by the government. It is hoped that the results of this analysis can provide a significant academic contribution to the development of legal science, particularly in the fields of child protection and universal human rights enforcement. (Hannah R. Garry, 2022, p. 129)

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2. Research Methods

This research employs a normative juridical approach by examining library materials encompassing international legal instruments, national legislation, bilateral and multilateral conventions, as well as academic literature related to child protection and exploitation prevention. The statute approach and conceptual approach are applied to analyze the consistency of positive legal norms and examine fundamental principles underlying the protection of children's rights within the modern legal system. The analysis of legal materials is conducted descriptively qualitatively by systematically interpreting secondary data to answer the formulated legal problems, thereby producing comprehensive and objective conclusions regarding the effectiveness of existing regulations. (Ian P. Brownlie, 2021, p. 34)

3. Results and Discussion

3.1. Implementation of Child Protection Regulations in Preventing Exploitation

The implementation of child protection regulations at the national level requires strict harmonization between international norms that have been ratified and domestic laws and regulations applicable in Indonesia. In the context of Indonesian positive law, the state's commitment to child protection is explicitly stated in the constitution and various sectoral laws governing fundamental child rights. However, the main challenge in field implementation often stems from inconsistencies in law enforcement, low understanding of law enforcement officials regarding the child rights perspective, and minimal regional budget allocations for child exploitation prevention programs. Therefore, evaluation of the effectiveness of existing regulations becomes an important instrument to ensure that legal protection does not stop merely at normative texts on paper, but is truly felt by vulnerable children across the homeland. (Ahmad Hidayat, 2021, p. 115)

Efforts to prevent economic exploitation through the regulation of minimum working age and supervision of the informal labor sector play a vital role in protecting children from the trap of premature exploitation. Various labor regulations strictly prohibit employing underage children in work that endangers their health, safety, or morals. Nevertheless, informal sectors such as smallholder plantations, home industries, and urban informal sectors often become gray areas escaping the reach of formal labor inspectors. This weak supervision is exploited by irresponsible parties to manipulate child labor with cheap wages and unfit working conditions. (Bambang Sutrisno, 2022, p. 220)

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The prevention of commercial sexual exploitation of children requires extraordinary law enforcement instruments considering that the modus operandi of this crime is increasingly sophisticated by utilizing covert internet networks and social media. Law enforcement officials are required to have special technical capabilities in conducting digital investigations without violating privacy rights protected by law. Cross-sectoral cooperation between the police, the Ministry of Women Empowerment and Child Protection, and internet service providers is a key factor in blocking child pornography content and tracking human trafficking syndicates. Severe criminal sanctions for perpetrators of child sexual exploitation as regulated in laws and regulations must be consistently imposed without compromise to provide a real deterrent effect for other potential perpetrators. (Candra Wijaya, 2021, p. 85)

The primary juridical foundation providing the basic framework for child protection in Indonesia is comprehensively regulated in national legislation that establishes the rights and obligations of the state, parents, and society in ensuring the optimal growth and development of children. Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection affirms that every child has the right to live, grow, develop, and participate fairly in accordance with human dignity, and to receive protection from violence and discrimination. This provision provides a strong mandate for law enforcement to decisively act against any acts categorized as exploitation, whether physical, psychological, or economic.

The role of families and local communities is the first and most effective defense line in early detection of symptoms of child exploitation and neglect in the community environment. Community empowerment programs and integrated legal counseling have proven capable of increasing collective citizen awareness regarding the importance of prioritizing children's education and welfare over short-term economic interests. When communities have adequate understanding of child rights, they will be more proactive in reporting indications of violence or exploitation to authorized agencies or the nearest social protection institutions. Synergy between village governments, customary leaders, and local non-governmental organizations must continue to be strengthened to create a child-friendly environment free from all forms of exploitation threats. (Dedi Kurniawan, 2022, p. 142)

The handling of children in conflict with the law or child victims of exploitation requires a specialized juvenile criminal justice system that guarantees the confidentiality of victim identities and comprehensive psychosocial recovery. The examination process from the investigation stage to trial must be conducted with a child-friendly justice system approach to avoid secondary trauma for crime victims. The Witness and Victim Protection Agency (LPSK) and the integrated service center for the empowerment of women and children hold strategic roles

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in accompanying victims during the judicial process and providing adequate medical and psychological rehabilitation services. The success of victim recovery is the primary benchmark of restorative justice to be achieved through the child protection legal system in Indonesia. (Eko Prasetyo, 2022, p. 310)

Strengthening coordination between central and regional government agencies within the framework of task forces for the prevention and handling of human trafficking crimes and child exploitation serves as a bureaucratic instrument that greatly determines the effectiveness of national policies. Government Regulation Number 78 of 2021 concerning Special Protection for Children provides operational guidelines for government agencies in formulating and implementing special protection programs targeting vulnerable child groups, including child victims of economic and sexual exploitation. Periodic monitoring and evaluation of the performance of this task force are essential to identify bureaucratic hurdles and ensure resource allocation hits the right targets. Thus, cross-sectoral collaboration can proceed synergistically and sustainably without overlapping authorities. (*Peraturan Pemerintah Nomor 78 Tahun 2021 tentang Perlindungan Khusus Bagi Anak*).

Inclusive education and universal access to formal education facilities are the most powerful long-term preventive instruments to break the chain of poverty and child exploitation in society. When children occupy school benches and receive proper education, their potential to be exploited in illegal labor markets or married off early can be significantly suppressed. Local governments are obligated to ensure that every school-age child receives the right to education without being hindered by cost issues or social discrimination. Compulsory education policies and the provision of educational social assistance for underprivileged families represent a real form of state investment in building future human resources free from the shadow of exploitation. (Fajar Nugroho, 2023, p. 55)

Monitoring the distribution of digital content and protecting children in cyberspace requires derivative regulations that are responsive to developments in artificial intelligence technology and global social media. The rise of child exploitation cases disguised as talent searches or virtual exploitation demands firmness from the Ministry of Communication and Information Technology in enforcing rules concerning digital platforms that allow violent and child-abuse content to circulate widely. Cyber law enforcement must run hand-in-hand with digital literacy programs for parents and children so that they possess resilience against online fraud and exploitation moduses. Adaptive regulations and uncompromising law enforcement will create a safe digital ecosystem for children's growth and development in the modern information era. (Gunawan Wibisono, 2023, p. 89)

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The state's juridical commitment to guaranteeing every child's constitutional right to survival, growth, and development, as well as protection from violence and discrimination, is also reaffirmed in foundational sectoral legal bases governing social welfare management comprehensively. Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014 establishes a binding moral and legal obligation for all stakeholders to place the best interests of the child as a primary consideration in every public policy decision-making process. This juridical affirmation ensures that child protection is not merely a charitable program, but an absolute constitutional obligation of the state to be fulfilled.

3.2. Effectiveness of National Policies and Law Enforcement Against Child Exploitation

The effectiveness of national policies in eradicating child exploitation practices depends heavily on the consistency of law enforcement by police, prosecutors, and judicial institutions across Indonesia's jurisdiction. Various evaluative studies show that although formal legal instruments are complete, implementation at the operational level is frequently constrained by limited human resources, minimal special investigation support facilities, and the persistence of patriarchal culture and impunity among child rights violation perpetrators. A comprehensive evaluation of law enforcement institution performance is an urgent necessity so that child exploitation cases can be handled quickly, transparently, and fairly for victims and their families. (Hadi Santoso, 2021, p. 102)

The role of non-governmental organizations and child advocacy organizations in overseeing the law enforcement process provides a significant contribution in monitoring judicial transparency and preventing deviations in case handling at the investigative level. This external oversight helps ensure that child victims' rights remain protected and perpetrators receive criminal penalties proportional to the severity of the crimes committed. Nevertheless, synergy between formal law enforcement agencies and civil society organizations is sometimes still colored by institutional distrust that hinders the establishment of optimal investigative cooperation. Building constructive partnerships between the state and civil society is a key factor in strengthening the effectiveness of national child exploitation prevention. (Indah Permatasari, 2022, p. 77)

Decentralization and regional autonomy policies frequently create disparities in the quality of child protection services across districts and cities throughout Indonesia. Some regions have not placed child protection and exploitation prevention issues as regional development priorities in the Regional Medium-Term Development Plan (RPJMD), resulting in minimal operational budget allocations for the women's empowerment and child protection office. This condition causes slow emergency responses to child exploitation cases in remote areas with minimal social

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service facilities. Therefore, strengthening minimum service standards (SPM) in child protection by the central government becomes an important instrument to ensure uniformity in protection quality across autonomous regions. (Joko Susilo, 2022, p. 145)

The initial commitment of the Republic of Indonesia to internationally recognize and protect children's fundamental rights was demonstrated through the ratification of various global legal instruments since the early decades of independence and the modern convention era. Presidential Decree Number 36 of 1990 concerning the Ratification of the Convention on the Rights of the Child is a historical juridical milestone binding internationally for Indonesia to adjust all domestic policies to global child rights standards. Through the ratification of this convention, the government declared its readiness to eliminate all forms of discrimination, exploitation, and cruel treatment against children without exception.

Handling criminal acts of human trafficking exploiting children requires special legal approaches capable of reaching cross-border and domestic organized crime networks. Coordination between the Indonesian National Police, the Directorate General of Immigration, and the Ministry of Foreign Affairs is crucial in evacuating child victims smuggled abroad and safely repatriating them home. The repatriation and social reintegration process of child victims must be professionally managed so they do not fall back into the same crime syndicates due to poverty and lack of family support. The success of repatriation and rehabilitation is an indicator of the success of child protection diplomacy on the international stage. (Kartika Putri, 2023, p. 64)

Community-based prevention aspects at the village and sub-district levels have proven to be the frontline in detecting and preventing covert exploitation practices such as child marriage and illegal child migrant worker shipments. The active involvement of religious leaders, community figures, and posyandu cadres in educating parents regarding the dangers of child exploitation can alter traditional paradigms detrimental to child development. Regional governments need to strengthen community institutional capacities at the grassroots level through village fund allocations focused on integrated community-based child protection programs. Thus, exploitation prevention does not rely solely on police operations, but builds organically from community awareness itself. (Lukman Hakim, 2023, p. 118)

Attention to child welfare and protection has long been part of national legislative history, as reflected in past child welfare legal arrangements forming the foundation for modern regulation creation. Law Number 4 of 1979 concerning Child Welfare established the basic principle that disadvantaged children or those experiencing social obstacles are entitled to state assistance and protection to grow and develop fairly. Although this law has been replaced by more modern

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legal instruments, the spirit of social welfare protection contained within it remains relevant in formulating preventive policies against all forms of child exploitation in the contemporary era.

Challenges in law enforcement against sexual crime and child exploitation perpetrators often encounter complex criminal element proofing and reluctance from victims or families to report cases due to fear of negative social stigma in society. Eradicating social stigma against child victims and their families requires massive public outreach campaigns involving mass media and educational institutions. Law enforcement officials must also be equipped with psychological sensitivity so that examining victims does not cause re-traumatization that halts the pursuit of justice. Strict protection of victim identities throughout every judicial process is an absolute obligation upheld by all law enforcement officers. (Mohammad Alwi, 2021, p. 95)

The application of restorative justice approaches in resolving cases of children in conflict with the law or minor offenses involving children must be implemented selectively while prioritizing child protection principles and fair recovery of child rights. Restorative justice must not be misused as an instrument of impunity for severe crimes such as sexual exploitation or child trafficking that permanently damage victims' futures. Strict judicial oversight from juvenile court judges is required to ensure that restorative justice application truly reflects substantive justice for child victims and the wider community. (Nurul Hidayah, 2022, p. 40)

The state's progressive response to the escalation of sexual violence and child exploitation crimes is manifested through tightened principal and additional criminal sanctions for perpetrators of extraordinary crimes against children. Law Number 17 of 2016 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2016 concerning the Second Amendment to Law Number 23 of 2002 concerning Child Protection into Law introduces severe criminal sanctions in the form of chemical castration, publication of perpetrator identities, and additional criminal enhancements for repeat sexual crime perpetrators. The application of these rigorous sanctions reflects the state's political commitment to provide a harsh deterrent effect while responding to public moral anxiety regarding the threat of increasingly alarming child exploitation crimes.

4. Conclusion

The analysis of child protection regulations and efforts to prevent exploitation demonstrates that safeguarding children requires a multi-dimensional approach bridging international human rights standards and domestic legal enforcement. While Indonesia possesses a comprehensive statutory framework ranging from foundational laws on child welfare to specialized regulations addressing commercial sexual exploitation, digital threats, and special protection needs the

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primary barrier lies in operational implementation and regional consistency. Effective prevention cannot rely solely on repressive measures or criminal sanctions; it necessitates addressing the root causes of vulnerability, such as structural poverty, limited educational access, and the lack of social welfare distribution. Furthermore, as exploitation evolves into complex digital domains and cross-border syndicates, regulatory frameworks and law enforcement agencies must adapt through advanced technological capacities, cross-sectoral collaboration, and robust community-level engagement. Ultimately, achieving sustainable child protection demands unwavering political will, strict enforcement without impunity, and a collective global and national commitment to placing the best interests of the child at the center of every legal and administrative policy.

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