

Evaluating The Effectiveness : A Legal Protection for Child Victims of Economic Exploitation in Informal Street Labor in Indonesia

*¹Dzikrina Aulia, ²Rahaditya

^{1,2}Faculty of Law, Tarumanagara University Jakarta, Indonesia

E-mail:

*dzkrna10@gmail.com , rahaditya@gmail.com

Abstract

Purpose – This study evaluates the effectiveness of legal protection for children who are victims of economic exploitation in street environments based on Law Number 35 of 2014 concerning Child Protection. The research addresses the ongoing gap between legal norms and their implementation, which results in insufficient protection for street children.

Method – A socio-legal approach was employed by integrating literature review, semi-structured interviews, and field observations. Data were analyzed qualitatively using Philipus M. Hadjon's theory of legal protection and Soerjono Soekanto's theory of legal effectiveness to examine how legal instruments operate in practice and how institutional coordination influences child protection efforts.

Result – The findings show that although child protection regulations in Indonesia are normatively strong, their implementation remains ineffective. Weak inter-agency coordination, a shortage of social workers, and low public awareness significantly hinder efforts to prevent and address economic exploitation in street environments. These limitations prevent the realization of the best interest of the child.

Implication – The study emphasizes the need to strengthen institutional capacity, improve coordination among agencies, expand the number of professional social workers, and enhance public awareness regarding child protection. It also highlights the importance of integrating restorative justice approaches to ensure holistic recovery for child victims. This study makes a practical contribution by recommending the strengthening of inter-agency coordination, increasing the number of professional social workers, and integrating restorative justice approaches to ensure holistic recovery for child victims.

Keywords :

Child Protection,
Economic Exploitation,
Legal Effectiveness,
Restorative Justice,
Socio-Legal Method



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¹Dzikrina Aulia

²Rahaditya

INTRODUCTION

The phenomenon of economic exploitation of children remains a critical concern for child-rights protection in Indonesia. According to the Ministry of Social Affairs, as many as 16,920 children were recorded living on the streets in 2017.¹ Among these, many children engage in street-based economic activities such as busking, begging, or selling small goods at traffic lights, which represent a tangible form of child labor rather than harmless street presence. Studies further show that children working in informal street labor often miss out on basic services: access to education, healthcare, and opportunities for healthy development are severely limited. This reality exposes a gap between existing legal protection frameworks and the lived experiences of children underscoring that the implementation of protections against exploitation remains weak and insufficient.

Economic exploitation of children is explicitly prohibited under Article 76I of Law No. 35 of 2014 on Child Protection. However, a philosophical examination reveals why evaluating the effectiveness of this legal framework is essential. First, there is normative ambiguity regarding what constitutes “economic exploitation” and which forms of informal street labor fall within this definition, leading to inconsistent interpretation across regions. Second, several norms regulating child protection, labor, and social welfare overlap and occasionally conflict for instance, the Child Protection Law, the Manpower Law, and local regulations assign different thresholds and responsibilities regarding child labor in public spaces. Third, institutional responsibility remains unclear, as child protection efforts involve multiple actors such as the Ministry of Social Affairs, local governments, law-enforcement bodies, and child-protection agencies yet coordination mechanisms are weak.

These philosophical and structural issues help explain why, despite existing regulations, reports from the Indonesian Child Protection Commission (KPAI) show that cases of economic and social exploitation remained high in 2024 in major cities such as Jakarta, Medan, and Surabaya. The Ministry of Social Affairs similarly reports that thousands of children continue to work in informal urban sectors without adequate protection. This gap between normative ideals and practical implementation demonstrates the urgent need to evaluate both the coherence of the legal framework and the effectiveness of state agencies in carrying out their mandates.

Previous studies have highlighted similar problems.(Oktoriny et al., 2023) state that legal protection for children who are victims of economic

¹ <https://www.jawapos.com/berita-sekitar-anda/01125800/data-kemensos-masih-ada-16920-anak-jalanan/>

exploitation often overlooks aspects of social and psychological recovery because law enforcement tends to focus more on repressive measures. (Andreas Nainggolan & Rahmayanti Rahmayanti, 2025a) identify weak institutional coordination and lack of effective supervision of street children as major obstacles in the implementation of child protection laws. Another study by (Andreas Nainggolan & Rahmayanti Rahmayanti, 2025b) explains that family economic pressure is a major driver of child exploitation, yet current policies have not succeeded in addressing these structural socio-economic factors.

Additionally, (Alivia Zahra Harahap et al., 2025) show through judicial decisions that although sanctions are imposed on perpetrators, victims still do not receive optimal protection due to the absence of standardized and integrated recovery procedures. (Haque & Chakrabarty, 2023) emphasize the need to strengthen restorative justice approaches so that child victims receive (Simanjuntak & Hanifah, 2023) holistic rehabilitation. These studies indicate that previous literature has mainly focused on repressive legal aspects, with limited discussion on evaluating the effectiveness of the implementation of child protection regulations.

Law of the Republic of Indonesia Number 35 of 2014 on Child Protection (Kemensesneg, 2014) provides a strong legal foundation for child protection. Article 21 paragraphs (2) and (3) mandate the state to fulfill, protect, and respect children's rights and to ensure that child protection policies are properly formulated and implemented. However, in practice, the implementation of these policies tends to be inconsistent and reactive. Programs carried out by local authorities often respond only after exploitation has occurred, rather than focusing on preventive measures such as increasing public awareness, improving family welfare, and strengthening surveillance in public spaces where children are vulnerable to exploitation.

This gap between legal norms and social reality underscores the importance of evaluating the effectiveness of the current regulatory framework in protecting children from economic exploitation. Data from the Indonesian Child Protection Commission (KPAI) (Wibawa Putra & Rusmini Gorda, 2024) in 2024 recorded hundreds of reported cases of child economic and social exploitation in major urban centers, while the Ministry of Social Affairs estimates that thousands of children continue to work in informal street-based activities despite existing legal prohibitions.

These empirical findings indicate that the effectiveness of the Child Protection Law is questionable, as the law has not significantly reduced the presence of children in exploitative street labor. Therefore, any assessment of

effectiveness must be grounded in these actual conditions, examining whether legal instruments function as intended or merely serve as symbolic norms with limited impact.

Evaluating effectiveness is also crucial to determine whether law enforcement agencies implement child protection in accordance with restorative justice principles and whether recovery and rehabilitation mechanisms meaningfully support the best interests of the child. The persistence of street-working children who are often trapped in cycles of structural poverty shows that legal protection alone is insufficient without strong socio-economic support systems. This reflects the need for synergy between legal provisions, institutional capacity, and social policy interventions.

Based on this context, this study analyzes the forms and mechanisms of legal protection available to child victims of economic exploitation in street-based environments and evaluates the effectiveness of their implementation under Law No. 35 of 2014 on Child Protection. The study also aims to provide theoretical contributions to the development of child protection law in Indonesia and to generate practical, evidence-based recommendations for improving the consistency and effectiveness of legal implementation in safeguarding the best interests of the child. In light of these challenges, this study not only evaluates the effectiveness of child protection laws but also makes a practical contribution: strengthening inter-agency coordination, increasing the number of social workers, (Turner et al., 2025) and integrating restorative justice into child protection practices.

METHOD

This research employs a socio-legal approach that integrates normative and empirical dimensions, consistent with the methodological framework of socio-legal studies in Indonesia (Purwanda & Wulandari, 2023). This approach is appropriate because the issue of legal protection for children who become victims of economic exploitation must be examined not only through the validity and coherence of legal norms, but also through how these norms are implemented within social realities.

At the normative level, this study analyzes primary legal materials such as Law No. 35 of 2014 on Child Protection (Kemensesneg, 2014), related government regulations, ministerial decrees, and local regulations and secondary materials, including academic literature, jurisprudence, and policy documents. At the empirical level, the research draws upon official reports from the Indonesian Child Protection Commission (KPAI) (Wibawa Putra & Rusmini Gorda, 2024), the Ministry of Social Affairs, BPS statistics, and

relevant NGO publications. These sources constitute empirical data that reflect the actual conditions of children involved in street-based economic activities and the performance of institutions responsible for their protection.

The research specification is evaluative and descriptive-analytical. The evaluative component assesses the effectiveness of the implementation of legal protection mechanisms, guided by criteria of effectiveness commonly used in socio-legal analysis (Design, 2019), including clarity of norms, institutional performance, and the availability of enforcement and recovery mechanisms.

The descriptive-analytical component systematically examines the structure of legal norms governing child protection, particularly the mechanisms set out in Law No. 35 of 2014. Data analysis was carried out through qualitative techniques, including content analysis of legal documents and thematic analysis of empirical data, to identify patterns, gaps, and inconsistencies between legal norms and their implementation. This methodological integration enables a comprehensive evaluation of how the child protection framework functions in practice and whether it aligns with the best interests of the child.

The population in this study consists of stakeholders involved in child protection, particularly street-based child victims of economic exploitation and institutions mandated to handle such cases. The research sample was determined purposively and involved eight informants, consisting of three representatives from the Ministry of Social Affairs, two representatives from the Indonesian Child Protection Commission (KPAI), and three legal scholars with expertise in child protection law. In addition, three informal conversations were conducted with street-based children aged 10–16, although not recorded as formal interviews, to better understand factual field conditions. The selection of informants followed criteria such as institutional authority, experience in handling child protection cases, and direct involvement in street-child interventions.

Data collection techniques used in this study include literature study, semi-structured interviews, and non-participatory field observation. The literature study compiled secondary data sourced from legislation, books, academic journals, and institutional reports.(Setia et al., 2023) Semi-structured interviews were conducted over a period of two months, with each interview lasting 45–60 minutes.

Field observations were carried out in three high-risk zones in Jakarta Kemayoran, Senen, and Pasar Minggu identified by the Ministry of Social Affairs as locations with concentrated street-child activity. These observations enabled the researcher to capture factual conditions related to exploitation patterns, enforcement challenges, and institutional responses. To ensure

reliability and validity, method triangulation and source triangulation were applied (Thurmond, 2001; Flick, 2019)

The data analysis technique employed in this study is qualitative analysis through both normative and empirical stages. The normative analysis uses a statute approach and conceptual approach consistent with doctrinal and non-doctrinal legal research frameworks (Disemadi et al., 2022). Meanwhile, the empirical analysis interprets the data from interviews and observations to evaluate the effectiveness of law enforcement related to child protection. All data were reduced, categorized thematically, and interpreted using Philipus M. Hadjon's (Antonius et al., 2024) theory of legal protection and Soerjono Soekanto's (Adiyanta, 2019) theory of law enforcement. The integration of both analytical processes enables a comprehensive evaluation of the extent to which legal norms align with actual practices in protecting children from economic exploitation in street environments.

RESULT AND DISCUSSION

Forms and Mechanisms of Legal Protection for Children Victims of Economic Exploitation in Street Environments

Research Results

The research findings show that it is important to distinguish between the concept of legal protection and the legal provisions that constitute such protection. Conceptually, legal protection refers to the state's obligation to guarantee the fulfillment of children's rights and to prevent any form of harm, exploitation, or deprivation. In this sense, legal protection embodies both preventive measures, which aim to stop violations before they occur, and repressive measures, which provide remedies, sanctions, and recovery when violations take place. In terms of its legal construction, Indonesia's framework for child protection is normatively well-established. Article 28B(2) of the 1945 Constitution guarantees every child's right to survival, growth, development, and protection from violence and discrimination (Mada, 1945). This constitutional principle forms the basis of the state's obligation to ensure legal protection for children.

The mandate is further translated into concrete legal provisions through Law No. 35 of 2014 on Child Protection, which outlines the forms of special protection, sets prohibitions against economic exploitation, and establishes sanctions for violators. (Utari et al., 2023; Van Der Hof et al., 2020) By distinguishing between the philosophical meaning of legal protection and the normative instruments that constitute it, the analysis allows clearer identification of how Indonesia's child protection framework is intended to

operate in protecting children from economic exploitation in street-based environments.

Field data obtained through interviews conducted by the author with representatives of the Ministry of Social Affairs and the Indonesian Child Protection Commission (KPAI) indicate that preventive legal protection is carried out through several mechanisms. These include the formulation of national and regional child-protection policies, the strengthening of legal instruments prohibiting economic exploitation, public awareness campaigns targeting parents and communities, and coordination with social assistance programs such as PKH, KIP, and basic welfare schemes. According to the interviewees, these measures are intended to reduce household vulnerability and prevent children from entering street-based economic activities.

Empirical findings also reveal repressive mechanisms carried out by law enforcement and social institutions. KPAI (2024) recorded 912 cases of child exploitation in 2024, 68% of which occurred in street environments. However, only a small percentage proceed to prosecution due to barriers such as evidentiary limitations, informal exploitative arrangements within families, and victims' reluctance to report due to coercion or emotional. Rehabilitation efforts are implemented through the Social Work Service Unit (Sakti Peksos), though implementation remains uneven because of the limited number of professional social workers (Pengabdian et al., 2025)

The research also finds persistent obstacles in enforcement and program continuity, including weak inter-institutional coordination, underreporting, cultural normalization of child labor, and insufficient long-term reintegration efforts. Data from the Ministry of Social Affairs (Indonesia, 2025) show that more than 16,000 street children were identified in major cities, with 62% involved in economic activities.

Discussion

The discussion demonstrates that although Indonesia has a strong normative framework for preventing and addressing child exploitation, practical implementation remains inadequate. Using Philipus M. Hadjon's framework, legal protection must include both preventive and repressive dimensions. Preventive protections such as regulations, awareness campaigns, and social assistance are present but fragmented and inconsistently applied. (Antonius et al., 2024) (Disemadi et al., 2022) Repressive protections, including law enforcement and rehabilitation, prioritize offender punishment rather than holistic restoration of victims' well-being

The research results also align with Soekanto's theory of legal effectiveness, which emphasizes structural, cultural, and substance factors. Although legal substance is strong supported by Articles 76I, 88, and 59 paragraph (2)(d) of the Child Protection Law structural limitations such as insufficient human resources and weak coordination significantly hinder enforcement (Fitrianto et al., 2025). Cultural factors, including societal acceptance of child labor as family contribution, further obstruct implementation. (Abdullah et al., 2022; Romich et al., 2017)

The gap between normative protection and practical implementation reinforces the conclusion that Indonesia's child protection system remains largely formalistic strong in law but weak in execution. Rehabilitation programs lack sustainability, with many children returning to street environments due to unresolved structural issues such as poverty and unstable family conditions (Pengabdian et al., 2025)

Restorative justice, as a theoretical framework, emphasizes repairing harm, restoring social relationships, and prioritizing the best interests of the child. Although this concept aligns with Indonesia's child-centered protection paradigm, its application in cases of economic exploitation remains limited.

Existing studies indicate that the absence of clear technical guidelines and the lack of institutional capacity hinder its operationalization in practice (Tókey & Somody, 2024). However, based on the evaluative findings of this research, the limited use of restorative justice is not merely a technical problem, but reflects a deeper structural issue: economic exploitation cases are still treated primarily as social-welfare problems rather than violations of children's rights requiring structured legal remedies.

This analytical perspective is important because it shows that the failure to implement restorative mechanisms stems from normative ambiguity and fragmented institutional mandates, as identified in the socio-legal methodology of this study. As the researcher, I argue that restorative justice actually holds significant potential to strengthen protection for child victims particularly in facilitating psychological recovery, reintegration into education, and family empowerment.

With clear guidelines, trained facilitators, and effective inter-agency coordination, restorative justice can provide a more holistic alternative to punitive measures. Thus, child protection reform should mandate its integration in addressing economic exploitation, consistent with this study's evaluative criteria. Overall, the discussion confirms that achieving effective protection requires integrating normative legal improvements with empirical, socio-structural reforms—enhancing coordination, strengthening social work

capacity, improving monitoring mechanisms, and expanding restorative justice frameworks consistent with the best interest of the child principle.

The Effectiveness of Legal Protection for Children Who Are Victims of Economic Exploitation in Street Environments

Research Results

Empirical findings show that the effectiveness of legal protection for children who are victims of economic exploitation remains limited. Data from the Ministry of Social Affairs (2024) recorded more than 16,000 street children in ten major cities across Indonesia, with 62% of them involved in income-generating activities such as busking, scavenging, vending, or informal labor.² KPAI's annual report for 2024 further indicates that out of 912 cases of child exploitation handled nationwide, only 41% progressed to rehabilitation services, while the rest stalled during police investigations due to insufficient evidence or discontinued community reporting.³

Field findings also show major constraints in institutional performance. Law enforcement agencies frequently face difficulties in identifying perpetrators, especially in cases involving informal arrangements between children and family members or non-formal controllers (Nainggolan & Rahmayanti, 2025). The shortage of specialized child social workers likewise reduces the effectiveness of case handling, with Indonesia's current ratio of one social worker per 10,000 children falling significantly short of UNICEF's recommended standard of 1:3,000 (Fawwaz et al., 2023).

Social and cultural factors additionally hinder implementation. Many parents perceive children's street-based economic activities as necessary contributions to household income rather than as forms of exploitation, resulting in chronic underreporting (Kurniawan et al., 2024). The effectiveness of social protection programs is also limited; Bappenas (2024) reported that only 27% of PKH beneficiary households had children involved in street activities, indicating misalignment between vulnerability and program targeting. Legal aid institutions provide minimal support, with LBH Jakarta (2024) documenting that only 4% of its assisted cases involved child protection issues.

² <https://www.thejakartapost.com/news/2018/11/29/over-16000-indonesian-children-live-on-streets.html>

³ <https://www.kpai.go.id/publikasi/laporan-tahunan-kpai-jalan-terjal-perlindungan-anak-ancaman-serius-generasi-emas-indonesia>

Discussion

The findings demonstrate that the effectiveness of legal protection for child victims of economic exploitation remains moderate to low, thereby reaffirming Soekanto's theoretical proposition that legal norms alone are insufficient without the aligned functioning of law enforcement structures, supportive facilities, societal behavior, and cultural values (Soekanto, 2022).

Normatively, Indonesia possesses a comprehensive legal framework, including Law No. 35 of 2014, Government Regulation No. 78 of 2021, and various ministerial regulations, all of which collectively prohibit economic exploitation and mandate preventive as well as restorative protection mechanisms. (Philona & Awaludin, 2025) However, this normative robustness does not translate into practical effectiveness when the structural and cultural pillars supporting enforcement remain weak.

From a structural perspective, the implementation of child protection continues to face fragmented coordination among key institutions. The Ministry of Social Affairs, the Ministry of Women's Empowerment and Child Protection, and KPAI operate within overlapping mandates but with limited integration, resulting in inconsistent rescue procedures, delayed investigation processes, and uneven access to rehabilitation services. This fragmentation indicates that institutional design has not yet achieved the level of inter-agency coherence required to effectively respond to exploitation cases.

Culturally, enforcement practices still reflect a punitive orientation, prioritizing the prosecution of offenders over the holistic restoration of the child's rights. This approach contradicts the principle of the best interest of the child as mandated in Article 2 of the Child Protection Law. It also illustrates a deeper cultural challenge: children continue to be viewed predominantly as victims within a criminal framework instead of rights holders whose recovery, reintegration, and long-term development must be prioritized. Taken together, these findings confirm the central argument of this research that strengthening legal protection for child victims requires not only strong legislation, but also systemic reforms. These reforms include integrated institutional coordination, capacity building for frontline officers, operational guidelines that mandate restorative approaches, and broader cultural shifts toward child-centered protection. Only through the alignment of normative, structural, and cultural components can the legal framework achieve its intended protective function.

Culturally, societal acceptance of children's involvement in economic activities undermines legal enforcement. The normalization of child labor particularly in economically vulnerable households reduces community reporting and weakens preventive detection mechanisms. This aligns with Soekanto's cultural effectiveness indicator (Nugraha et al., 2023), which

stresses that legal norms cannot function optimally when societal values are inconsistent with the intended legal behavior.

From a policy standpoint, the misalignment of social assistance programs with the actual profiles of vulnerable children limits preventive effectiveness. Although programs such as Program Keluarga Harapan (Conditional Cash Transfer (CCT))(Millán et al., 2019), Program Kartu Indonesia Pintar (*Education Subsidy Program*.) (Khonsa et al., 2025), and health insurance aim to reduce structural poverty, they are not tailored specifically to families whose children are exploited in street environments (Bappenas, 2024). Likewise, the minimal role of legal aid institutions further widens the gap between children's rights and their actual access to justice (LBH Jakarta, 2024).

Restorative justice, despite being recognized for its potential to prioritize child rehabilitation and strengthen family support systems, remains underutilized in cases of economic exploitation. Current practices remain predominantly punitive, leaving child victims without sustained reintegration mechanisms. This contradicts global child-rights approaches and weakens the long-term impact of protection interventions.

Overall, the research findings confirm that Indonesia's child protection system is normatively strong but structurally and culturally weak. Improving legal effectiveness requires integrated reforms, including strengthening preventive policies, enhancing human resource capacity, expanding restorative justice frameworks, and aligning social assistance programs with actual vulnerability patterns. Only through such multi-layered improvements can the legal protection system substantively reduce the exploitation of children in street environments.

CLOSING

This study's conclusions highlight enduring structural and cultural deficiencies that weaken Indonesia's legal framework for protecting children from economic exploitation, especially in street-based activities. Despite the presence of strong preventive and repressive instruments, implementation remains fragmented and poorly integrated. Preventive measures—such as awareness campaigns, social assistance, and family support—function separately from enforcement, producing a fragile protective system unable to address the complex vulnerabilities of street-involved children.

The study emphasizes practical contribution to future reforms, namely strengthening inter-agency coordination, expanding the number of social workers, and integrating restorative justice mechanisms to ensure that child protection efforts align with the best interests of the child. The study also

exposes systemic deficiencies in inter agency coordination, where governmental bodies and child protection institutions function under overlapping yet poorly synchronized mandates.

These structural challenges are compounded by the limited availability of trained social workers and child protection officers, which restricts meaningful field level intervention. Culturally, the persistent social acceptance of children's involvement in economic activities further erodes the effectiveness of legal protections, allowing child protection norms to become procedural rather than substantive. Consequently, implementation often falls short of the child-centered approach required by the best interests of the child principle.

Findings reinforce that the effectiveness of legal protection remains low across normative, structural, and cultural dimensions. Despite Indonesia's comprehensive legal norms, implementation is hindered by limited institutional capacity, difficulties in evidentiary processes for informal forms of exploitation, insufficient support facilities, and low community awareness of children's rights. Enforcement continues to be predominantly reactive and punitive, offering minimal long-term rehabilitation and increasing the risk of re victimization. Persistently high numbers of street-involved children illustrate that these legal protections have yet to produce measurable, sustainable improvements.

In light of these issues, several strategic measures are recommended. Practically, the government must reinforce preventive social policies through family economic empowerment, universal access to education, and targeted poverty alleviation programs for households involving exploited children. Institutionally, Indonesia must expand the quantity and strengthen the capacity of social workers, child investigators, and rehabilitation facilities, supported by standardized technical guidelines for law enforcement agencies. Culturally, intensive public legal awareness programs are needed to reduce societal tolerance toward child labor and encourage community participation in prevention efforts. Additionally, the broader adoption of restorative justice mechanisms is essential to ensure holistic recovery for child victims. Future research should examine longitudinal impacts of integrated child protection models and explore community based interventions capable of mitigating economic exploitation at the local level.

Structural limitations, including the shortage of trained social workers and child protection officers, constrain effective field interventions. Culturally, the normalization of children's economic participation undermines legal safeguards, reducing protection norms to procedural formality rather than

substantive practice. As a result, implementation often fails to uphold the child-centered principle of the best interests of the child.

Overall findings indicate that legal protection remains weak across normative, structural, and cultural dimensions. Despite Indonesia's comprehensive legal framework, enforcement is hampered by limited institutional capacity, evidentiary challenges in informal exploitation, inadequate facilities, and low public awareness. Current responses remain reactive and punitive, offering minimal rehabilitation and heightening risks of re-victimization, as reflected in persistently high numbers of street-involved children.

Strategic reforms should prioritize preventive social policies through family empowerment, universal education, and targeted poverty alleviation. Institutionally, expanding and strengthening social work capacity, investigative mechanisms, and rehabilitation services is essential, supported by standardized enforcement guidelines. Culturally, intensive public awareness campaigns are needed to reduce tolerance of child labor and foster community participation. Finally, broader adoption of restorative justice can ensure holistic recovery, while future research should assess the long-term impacts of integrated and community-based child protection models.

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Source of Article

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