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12 **GOVERNMENT LEGAL POLICY AND SOCIETY'S ROLE IN OVERCOMING THE PRACTICE OF COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN**

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**Abstract** - The practice of commercial sexual exploitation of children (CSEC) in several areas in South Sulawesi Province is a phenomenon that is very troubling to the community. The government has been faced with many problems that have damaged the future of children. This study aims to determine the form of CSEC and analyze government legal policies and the role of society in preventing the practice of CSEC. This is empirical legal research with data sources from government officials and the public. CSEC covers prostituted children, child pornography, trafficking of children for sexual purposes, child sex tourism, and child marriage in certain cases. Responding to the widespread practice of CSEC, the government and society have taken several legal steps to overcome the practice and prevent the consequences that arise through counseling and law enforcement, especially against the perpetrators.

**Keywords:** Government; Legal Policy; Society's Role; Commercial Sexual Exploitation of Children.

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**INTRODUCTION**

Violence and all forms of exploitation of children are a global problem today. No country or society is free from violence and no child is completely protected from violence. According to the results of a study by the International Labor Organization (ILO), nearly 2 million children are trafficked each year and around 1.2 million are sexually exploited for commercial purposes. Through these trade practices, the business industry generates nearly 12 billion dollars in profits annually. The largest number of trafficked children and women worldwide is in Asia. This figure is between 250,000 and 400,000 (30% of the global figure), and all countries are affected by this trade, whether domestic, cross-border, or

overseas and as countries of origin, transit, and receiving countries.<sup>1</sup> Criminal law enforcement policies for overcoming crimes of sexual violence against children have been regulated in various laws and regulations. Even though the punishment is quite severe, it has not provided a deterrent effect and has not been able to comprehensively prevent sexual violence against children. Every child is a human being who possesses the right to justice, freedom, and opportunity to develop regardless of nationality, race, religion, or skin complexion. These rights of children are guaranteed by the United Nations Universal Declaration of Human Rights.<sup>3</sup>

The Indonesian Child Protection Commission recorded an increase in cases of exploitation and trafficking of children from 2020 to 2021, previously in 2020 there were 149 cases but increased until April 2021 there were 234 cases of exploitation and trafficking of children occurring within the country. The total of these, 217 cases were related to prostitution. as many as 14 cases were exploitation, while three cases of child trafficking.

The Indonesian Child Protection Commission notes that there has been an increase in cases of exploitation and trafficking of children from 2020 to 2021, previously in 2020 there were 149 cases but increased until April 2021 when there were 234 cases of exploitation and trafficking of children occurring within the country. Of these, 217 cases were related to prostitution. as many as 14 cases were exploitation, while 3 were cases of child trafficking.<sup>4</sup>

No	Name	Value/Case
1.	Victims of Child Labor	26
2.	Victims of prostituted children	217
3.	Victims of child trafficking	16
4.	Victims of child commercial sex exploitation	14
5.	Victims of Illegal Adoption	9
6.	Child Pimps	4

Source: Katadata.co.id

Commercial Sexual Exploitation of Children (CSEC) is sexual harassment by adults in return for money or materials to children or third parties or other people. Children are treated as sexual objects and as commercial objects. The Stockholm Action Agenda in Brazil in 2000 defined CSEC as a gross violation of children's rights. Children are treated as sexual objects as well as commercial objects<sup>5</sup> International defines CSEC as a form of coercion and violence against children that leads to forced labor and modern slavery.<sup>6</sup>

<sup>1</sup> Trafficking, <http://www.unicef.org/indonesia/id/> . Diunduh 8 September 2021.

<sup>2</sup> Wahyuningsih Yulianti, S. (2022). Kebijakan Penegakan Hukum terhadap Kejahatan Kekerasan Seksual Kepada Anak dalam Sistem Peradilan Pidana di Indonesia. *Amnesti: Jurnal Hukum*, 4(1), 17. Retrieved from <https://doi.org/10.37729/amnesti.v4i1.1399>

<sup>3</sup> Rizky Irfano Aditya, L.B. Waddington. (2021). The Legal Protection Against Child Marriage in Indonesia. *Bestuur*, 9(2), 126. Retrieved from <https://dx.doi.org/10.20961/bestuur.v9i2.55144>

<sup>4</sup> Monavia Ayu Rizaty, (2021), Kasus Eksploitasi dan Perdagangan Anak Kembali Meningkatkan hingga April 2021, dapat diakses pada <https://databoks.katadata.co.id/datapublish/2021/07/21/kasus-eksploitasi-dan-perdagangan-anak-kembali-meningkat-hingga-april-2021>. See also in Jayani, D. H. (2021). 88 Kasus Eksploitasi Anak Terjadi saat Pandemi Covid-19. Diakses melalui: <https://databoks.katadata.co.id/datapublish/2021/04/09/88-kasus-eksploitasi-anak-terjadi-saat-pandemi-covid-19>

<sup>5</sup> *End Child Prostitution, Child Pornography, and Trafficking of Children for Sexual Purposes* (ECPAT) ialah sebuah organisasi global yang bekerja bersama-sama untuk menghapuskan pelacuran kanak-kanak, pornografi kanak-kanak dan pengedaran kanak-kanak untuk tujuan seks. Ia bertujuan untuk memastikan bahawa kanak-kanak di mana-mana menikmati hak-hak asasi mereka bebas dan selamat daripada segala bentuk eksploitasi seks komersil.

<sup>6</sup> *Memperkuat Hukum Penanganan Eksploitasi Seksual Anak*, ECPAT International, 2008.

Crime prevention is not only a matter of criminal law which is the duty and responsibility of law enforcement officials but the responsibility of all elements of the nation. Preventive efforts covering a very broad field to all sectors of social policy or national development need to be carried out to improve certain social conditions which indirectly have a preventive effect in preventing crime.

There is no specific prevention program for children at the district/city level. The programs carried out so far have only been related to Commercial Sex Workers (WCS), and even then the programs are still very limited to production health and training. There has been no specific response by the government regarding CSEC. The police are still concentrating on overcoming more general social problems related to the problem of prostitution which is considered contrary to religious values and cultural norms. Large-scale raids are common, however, until now there has been no evidence of the involvement of minors in the practice of prostitution.

The problem faced in resolving CSEC cases in almost all districts and cities in Indonesia is the unavailability of data on the number of children who have become victims of CSEC. Although there is data, it is only data from the Civil Service Police Unit regarding the number of prostitutes who are more based on prostitutes caught through raids conducted, without differentiating the age limit of children and adults. Thus, the existing data can be ascertained that the amount is very small and far from the actual reality. Raids are a common step in preventing the practice of prostitution outside the designated locations to address the rampant practice of prostitution.

The key to a rights-based approach in efforts to protect children is focus on children's right to be involved in decision-making and research - that affects their lives. The increase in cases of violations related to child protection in society is very concerning if these cases are not resolved properly. The government's inability to deal with the rampant violations has not only led to an increasing number of victims, but also a growing view in society that the government has lost its authority so that it is unable to guarantee protection and welfare to its citizens as a form of human rights.

Law enforcement is an attempt to realize legal ideas and concepts that people expect to become reality. Law enforcement is a process that involves many things. The government's positive response and activeness in providing better protection and services to children who are victims of CSEC have not been followed up more seriously and optimally by the government at the district and city levels down to the sub-district and village levels. This shows that the issue of CSEC has not been a concern and policies have been followed up with concrete handling steps.

In essence, criminal liability is a mechanism built by criminal law to react to violations of the 'agreement to refuse' a certain act. The community's rejection of an act is manifested in the form of a prohibition (and a threat of punishment) for the act.<sup>7</sup> In terms of criminal politics, the overall preventive action has a very strategic position. Because it occupies a key position that must be carried out intensively and sustainably. Failure to work on this strategic position will have fatal consequences for efforts to combat CSEC, especially in the form of prostitution, which has occurred a lot.

## 1. RESEARCH METHOD

This research is an empirical normative research with the primary data sources being the government and the community. While secondary data comes from relevant written data that is following the issue. A research approach is a legal approach and a case approach. Besides that, it also uses a qualitative approach to explore and understand the meaning that several individuals or groups of people derive from social or humanitarian issues. The sources of legal materials used are primary and secondary legal materials. The aims of the research were (1) to find out the forms of commercial sex exploitation of children, and (2) to analyze the role of the government and society in preventing the practice of commercial sex exploitation of children. Data were analyzed descriptively-qualitatively. The research

<sup>7</sup> Chumairo', M., Dewi Masyithoh, N., & Adila, A. H. (2021). Criminal Policy for Users of services Prostitution to Achieve Substantial Justice. *Walisongo Law Review (Walrev)*, 3(1), 111-134. Retrieved from <https://journal.walisongo.ac.id/index.php/walrev/article/view/9074>

location was conducted in South Sulawesi Province by taking as many as 22 respondents consisting of children who were involved in the practice of Child Commercial Sexual Exploitation.

## 2. RESULTS AND DISCUSSION

The increase in cases of CSEC has resulted in a growing view among the public that the government has lost its authority so that it is unable to guarantee protection and welfare to its citizens, as a form of human rights. As a consequence, people "don't want" to hand over their problems to the government, especially law enforcement officials, and choose to solve them on their own.

Poverty also leads to increasing children's risk of sexual abuse. To realize the protection of children, especially from CSEC practices, the police institution as one of the institutions responsible for law enforcement is required to play its role optimally. The function of the police is one of the functions of the state government in the field of maintaining public order and security, law enforcement, protection, protection, and service to the community. The emergence of various problems related to CSEC is caused by the not-yet-optimal role of law enforcement officials in dealing with various child problems.


The police as law enforcement officers are responsible for protecting children from CSEC practices. Efforts that have been made by the police include socializing legal instruments related to child protection and conducting legal counseling regarding CSEC and all its problems, including carrying out raids or arresting providers of facilities and perpetrators.

### 2.1 Respondent Profile

This study selected 22 respondents consisting of children who were involved in cases of CSEC to be interviewed and given codes V1 to V22 (V=victim). Respondents consisted of various family backgrounds, ages, education, and experience in CSEC practices as shown in Table 1.

Table 1. Respondent Background

Respondent code	Gender	Age	Status	Experience
V1	G	13	N	3
V2	G	14	N	1,6
V3	G	14	N	2
V4	G	14	N	3
V5	G	14	N	3
V6	G	14	N	3
V7	G	14	N	4
V8	G	14	N	4
V9	G	14	N	3
V10	G	14	N	3
V11	G	15	N	3
V12	G	15	N	3
V13	G	15	N	5
V14	G	15	N	4
V15	G	15	M	6



V16	G	15	M	2
V17	G	16	N	2
V18	G	16	N	3
V19	G	16	M	8
V20	G	16	M	7
V21	G	17	M	7
V22	G	17	M	8

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Information: V : Victim      G : Girl      M : Married      N : Not Married

Table 1 shows a total of 22 people who were respondents in this study, 16 people (73%) of whom were still children and as many as 6 people (27%) had been victims of CSEC since they were under 18 years old and were still working as prostitutes until the research this is done. The selection of 6 people who were no longer in the child age category as respondents to this study were based on the consideration that they had been victims of CSEC when they were still the lowest respondent aged 13 years and the highest age being a victim was 26 years old. The most troubling according to the data in table 4.1 is that the age of the respondent who was most involved in prostitution was 14 years old (41%).

Respondents did not give honest answers when asked about their age. There are different answers between those who work in prostitution sites and those who practice on the streets. Respondents who were in prostitution locations and were children or suspected to be under the age limit stated that they were over 20 years old. Meanwhile, respondents who are on the streets tend to lower their age to attract customers. The reason for the increase in the age of prostitution workers from their actual age is based more on security reasons because of the prohibition to work in official places for those who are still children (under 18 years).

### 2.2 Educational Status

Of the 22 people who were respondents to this study, there were 4 (18%) people claimed to be still students at the high school level, 1 (5%) were student, 1 (5%) had never attended school at all, and the remaining 16 ( 73%) people drop out of school for economic reasons.

The low level of response education, because the research is more focused on victims of CSEC who work in informal prostitution locations and those who are on the streets because they are easier to reach, does not mean that the education of those who are victims of CSEC as a whole is low. There are still many victims who are educated at the high school and university level, but efforts to find those who used to work in massage parlors, cafes, malls, or hidden networks are difficult to find.

Many factors influence the low level of education of respondents. Of the 16 respondents who dropped out of school, 14 people (64%) admitted that their families could not afford to pay for school so to maintain family survival, they were ordered to work to support family survival. Judging from the family background, it seems that the factor of economic inability is not the main factor that causes children to drop out of school but due to the lack of attention of parents towards the continuation of their children's education. Other reason is that they are lazy to study, pregnant, and other.

### 2.3 Cases of Child Commercial Sexual Exploitation in South Sulawesi Province

Commercial Sexual Exploitation of Children (CSEC) has been happening for a long time in South Sulawesi Province. It involves both urban and rural children. According to the Stockholm-Sweden Declaration, CSEC includes child prostitution, trafficking of children for sexual purposes, child pornography, child sex tourism, and child marriage (in certain cases).

Regarding the CSEC case, the Women's Empowerment and Child Protection Service recorded 283 cases of child abuse. This number is an accumulation of cases from January 2022 to October 4, 2022. There were 54 cases of physical violence, 27 of psychological violence, 46 of sexual violence, 23 cases of

trafficking, 10 cases of neglect, 3 cases of bullying/intolerance, 5 cases of theft, and 115 other cases. For Makassar City, CSEC cases from 2019 to 2021 have experienced a significant increase, so it is necessary to involve all parties to jointly find solutions. CSEC cases that have occurred in Makassar, South Sulawesi Province can be seen in the diagram below:

Table 2. Cases of Child Commercial Sexual Exploitation in South Sulawesi Province

Case Form	2019	2020	2021	Information
Prostituted child	21	24	37	Most occur in the city of Makassar
Child Pornography	-	5	3	-
Trafficking of children for sexual purposes	14	11	33	Began to identify
Child sex tourism	-	-	-	No case found yet
Early Childhood Marriage	14	23	22	The highest in Indonesia and generally occurs in rural areas
<b>Total</b>	<b>39</b>	<b>63</b>	<b>95</b>	

Source: Katadata.co.id

Referring to the data in Table 2, within three years there were 207 cases of CSEC. The most frequent cases were prostituted children, namely 82 cases. The data also shows a graph of the increase in CSEC crimes every year. Cases of child sex tourism are not found because tourist attractions do not prepare children for this need. Of all forms of CSEC, child prostitution, early marriage and children being trafficked for sexual purposes are the most common.

2.3.1 Prostituted Children.

According to data from the Child Protection Agency, children who have become victims of prostitution can be divided into three age categories, as shown in Table 3 below.

Table 3. Age of Prostituted Child

Age of Victims	Amount	Percentage %
Under 14 years	674	30 %
14 - 17 years	1,118	50 %
18 - 20 years	445	20 %
<b>Total</b>	<b>2, 237</b>	<b>100 %</b>

Referring to this age category, there are children (80 percent) of the total number of sex workers. An increase in the number of prostituted children who compete with adults is shown in research conducted by the International Program on the Elimination of Child Labor-International Labor Organization (IPEC-ILO) in South Sulawesi in 2009. This study found that 70% of all Workers' Commercial Sex (WCS) operating on the streets are still a child. Another place where many prostituted children are found is in cafes and massage parlors, which account for 50% of the total number of prostitutes.

Prostituted children are the most common form of CSEC. The existence of child prostitution in South Sulawesi Province is claimed to have a long history, unfortunately, there is no definite written data

regarding this matter. In the early 90s, the existence of prostituted children was seen especially around Jalan Syamratulangi Makassar, Studio Twenty-One Makassar, and Karebosi Field. Meanwhile, in other districts, most cases occur on the border of Pangkep and Barru Regencies and Parepare Municipality. Currently, almost all districts and cities in South Sulawesi Province have found CSEC practices, but not too many, and no definite written data has been found regarding this matter.

There is a special name for prostituted children, namely "lonte" which means street child. This title is given because generally children who are involved in prostitution are often found in dark alleys which are known by sex users who are generally uncles. This is related to the presence of children on the streets, especially in the Ratu Indah Mall area and at night entertainment venues (M-Club).

This study found that another factor that also contributed to the occurrence of prostitution was the severe economic crisis in which thousands of workers in the industrial sector were laid off. To meet the cost of living, especially for single mothers (widows), becoming a commercial sex worker is an alternative that can be done. Children living on the streets are in direct contact with pimps. In this process, street children fall into the practice of prostitution. Child prostitution in turn also influences other children to engage in the same prostitution.

The practice of illegal prostitution in brothels and the lack of control and provision of government services allow children to become victims of CSEC. The existence of child prostitution does not only occur on the streets, cafeterias, and malls, but also in salons, massage parlors, discotheques, hotels, billiards, and karaoke places. Prostitution of children is also present in hidden prostitution, namely, prostitution that is not carried out in a certain location, but deals directly with consumers, either alone or through pimps.

The induction of children into the practice of prostitution is carried out in more hidden places which can only be accessed by certain people. This must be immediately disclosed by the government to save children and carry out various preventive measures so that children do not become victims. This study found that prevention efforts had not been carried out optimally by the relevant agencies in South Sulawesi Province.

### 2.3.2 Trafficking of children for sexual purposes

At the end of May 2022, the South Sulawesi regional police uncovered several cases of child trafficking. The police succeeded in arresting four child trafficking networks for the purpose of prostitution in Makassar City and successfully rescued one child (16 years old) who was about to be trafficked. Victims are given wages ranging from IDR 500,000 to millions of rupiah.<sup>8</sup>

Cases of trafficking of children for sexual purposes are thought to have been going on for a long time. However, the issue of trafficking in children has only recently become an issue that has been widely discussed and received attention since the 2000s. In 2021, the Makassar City Women's Empowerment and Child Protection Service (WECPs) recorded an increase in the number of cases of sexual exploitation of children. There were 32 cases where 7 of whom were minors. This is due to economic factors owned by the perpetrators and victims.<sup>9</sup>

According to WECPs information from Makassar City, there has been a change in the mode and purpose of trafficking in children, such as to neighboring Malaysia, Thailand, Vietnam, and other countries in ASEAN. Trafficking of children for sexual purposes has reached quite large numbers. Each shipment ranges from 40 to 50 people. This shows that child trafficking is more planned, while the destination areas have expanded not only to the Batam area, but also to Jakarta, Bangka Belitung, Johor Bahru, Sulawesi, Kalimantan, and overseas such as Malaysia, Thailand, Vietnam, and several countries in ASEAN.

### 2.3.3 Child Pornography

So far, there is no in-depth data or information about child pornography in South Sulawesi. Extracting information from various sources and respondents in the research process further revealed the existence of sites that provide pornographic material in folders that are easily accessible to customers (including

<sup>8</sup> Muhammad Yunus, 2022, Polisi Membongkar Komplotan Perdagangan Anak di Kota Makassar, diakses pada <https://sulsel.suara.com/read/2022/05/30/115840/polisi-bongkar-komplotan-perdagangan-anak-di-kota-makassar-pelakunya-juga-anak-anak>, tanggal 16 Februari 2022

<sup>9</sup> Siti Aminah, 2022, Pemkot Makassar Ungkap Penyebab terjadinya Perdagangan Anak, diakses pada <https://makassar.tribunnews.com/2022/01/09/pemkot-makassar-ungkap-perdagangan-anak-kembali-marak-ini-ciri-ciri-pelakunya>, tanggal 16 Februari 2022

children). Cases of child pornography in South Sulawesi cannot be traced and cannot be proven because such cases have been carried out in a professional and hidden manner.

WECPs data shows that 4 (four) children claimed to have been victims of pornography. One of them only became a victim of pornography but was not a victim of sexual intercourse, while the other three victims, apart from being victims of pornography, were also victims of sexual violence. In addition, there are also street children who are photographed naked. The child was persuaded by his/her friends and invited to go home by taxi. After taking pictures, they were given Rp. 200,000 only. Technological developments allow pornographic film recordings to spread rapidly via mobile phones or even via the internet.

### 2.3.4 Early-Age Marriage

One of the provinces in Indonesia that has a fairly high percentage of early marriages in South Sulawesi. Central Bureau of Statistics & UNICEF data (2020) shows that the percentage of women aged 20-24 who were married before the age of 18 in South Sulawesi was 14.10 percent. The data shows that South Sulawesi Province is a province with a higher prevalence of early marriage by 2.99 percentage points than the national figure.<sup>10</sup>

Makassar City is an area that has a high rate of early marriage. Data from the Makassar City Population and Civil Registration Office for 2020 shows that there are 2,134 children (boys & girls) under 18 years old spread across several areas who are married.<sup>11</sup>

Research conducted by Stang & Mambaya<sup>12</sup> in South Sulawesi Province concluded that respondents who had a low knowledge score had more early marriages because they did not know about reproductive health and the negative impacts that arise in marriages under the age of 20.

Early marriage not only has an impact on maternal mortality during childbirth but is also vulnerable to HIV/AIDS transmission. South Sulawesi was once included in the "red" zone and was warned as a "lost generation" province. That is why all must try to anticipate the occurrence of early marriage. According to data from the Women's Empowerment Agency, of the 24 regencies and cities in South Sulawesi, Sidrap, Gowa, and Bone Regencies have the highest number of early marriages. Meanwhile, a concrete example of the impact of early marriage causing a "lost generation" occurred in Bulukumba Regency where there is a house that is now empty because an entire generation has passed away. This is caused by a lack of public knowledge about the dangers of early marriage.

Early marriage harms many things. Among them are vulnerable to divorce due to lack of responsibility, and the risk of death during childbirth is quite high. In addition, the psychological impact of being under 20 years old is mentally not ready to face the changes during pregnancy. Another issue is changing roles, namely not being ready to play the role of a mother and facing household problems that often plague newly married families. Young marriages also harm society, namely reducing family harmony. This is due to emotions that are still unstable, and an immature mindset.<sup>13</sup>

Early marriage in South Sulawesi Province reaches 45% with an age range of 10-15 years. The high rate of early marriage is the result of identification with women and children issues. According to the Head of the National Population and Family Planning Agency (BKKBN) of South Sulawesi Province Titin Sutarty, the cause of the high number of young marriages is culture and a shift in perception to save children from adultery and HIV/AIDS.

The high rate of early marriage is also closely related to the high rate of divorce and maternal and infant mortality in South Sulawesi Province. Parents usually want to get their children married quickly because they want to be free from economic responsibility. In addition, there are also cultural factors and concerns about promiscuity for their children. Several efforts have been made to prevent early marriage, namely conducting outreach to all corners of the village about the dangers of early marriage both medically, psychologically, and legally.

<sup>10</sup> BPS, & UNICEF, 2020, Pencegahan Perkawinan Anak: Percepatan yang tidak bisa ditunda (Issue Id). Jakarta: Badan Pusat Statistik

<sup>11</sup> Irvan Roberto, dkk., 2020, Kampanye Sosial Program Pendewasaan Usia Perkawinan Pada Remaja di Kota Makassar, *Jurnal Piikom* Volume 21 No. 1 Juni 2020, h. 54

<sup>12</sup> Stang dan Mambaya, E, 2011, Faktor yang Berhubungan dengan Pernikahan Dini di Kelurahan Pangli Kecamatan Sesean Kabupaten Toraja Utara. *Jurnal Kesehatan Masyarakat Indonesia*, 7(1), Hal 105-110

<sup>13</sup> <http://www.antaraneews.com/berita/406309/angka-perkahwinan-usia-dini-di-sulsel-tertinggi> (diunduh pada 20 Oktober 2022).

If we examine the occurrence of young marriages in the people of South Sulawesi, there is an unequal relationship between children and parents, namely placing children in a lower position and having to follow the wishes of parents. In this kind of relationship, children are forced to follow the will of their parents. If parents are not obeyed then the child is branded as a disobedient and sinful child. Conditions require children to show respect and devotion to their parents in any form and follow their parents' requests, including getting married at a young age.

The myth that many villagers (especially men) believe that having sex with young children will always make them look young and strong, is also one of the reasons for the high rate of marriage at a young age in South Sulawesi Province. Factors pregnant out of wedlock, also a cause of early marriage.

Child Protection Law Number 23 of 2002 in conjunction with Number 35 of 2014 stipulates that it is the duty and responsibility of parents to prevent early marriage. Parents should not argue that early marriage is the child's own will. Parents are considered to have more knowledge and experience, so they should consider postponing marriage until the child reaches physical maturity, especially mental reproduction, and the knowledge to manage the household.

### 3. Legal Policy for the Prevention of Commercial Sex Exploitation of Children

There are several types of legal policy to prevent CSEC such as:

- (1) *Pre-emptive Actions*; namely the initial effort to prevent crime through legal counseling by raising good awareness so that these values are internalized in a person. Even though there is an opportunity to commit a crime, if there is no intention to do so, it will not happen. This serves as a deterrent from the start so that the children are not influenced by the persuasion of the pimps (agents). Socialization is carried out to the community through formal and non-formal channels such as socialization of all laws related to child protection from all forms of CSEC.
- (2) *Preventive Measures*; namely carrying out strict supervision in other locations where CSEC is suspected to be practiced, for example monitoring the traffic of trafficking in persons such as seaports, airports, border gates with other countries, and water patrols to monitor ships carrying workers to prevent trade traffic people illegally from village to city or from one city to another, and from within the country to the destination country. So far, this preventive measure has been considered very effective in preventing the illegal trafficking of persons. Unfortunately, this effort is not followed by the same efforts to prevent prostitution where children are victims, as well as the occurrence of other forms of CSEC.
- (3) *Repressif Actions*; namely carrying out raids on women's and children's shelters, brothels, nightclubs, malls, and streets that are often places for prostitutes to hang out, as well as arresting the perpetrators and exposing their networks to be prosecuted according to applicable law. In addition, the police need to actively take action against activities that are suspected of leading to the occurrence of CSEC. Many children are victims of CSEC, so the authorities have started to take the initiative to take legal action against pimps (providers of prostitution) who are known to recruit children. As a result, pimps have begun to be careful or even avoid recruiting children to avoid the threat of legal action. However, of course, they can still connect clients with prostituted children. In addition, the widespread use of handphone communication tools is not just a means of telephone communication or sending short messages (SMS) but also has the facility to access the internet network, thereby fostering new communication between sex service users and the victim's children.
- (4) *Rehabilitation Action*; namely providing training, skills, health care, and welfare through the provision of employment opportunities to restore the victims' self-confidence. In addition, several Resort Police Offices have formed Service Centers for Women and Children (P3A), which are special rooms that are closed and safe to report cases and receive further treatment safely from Women Police who are empathetic, understanding, and professional. The support of personnel who have received various training related to CSEC issues, as well as the existence of P3A which is almost evenly distributed in every Resort Police Office, will help every child who has become a victim, both legal, mental, and medical assistance within certain limits. Even though P3A does not yet have police personnel who have special qualifications (such as doctors, psychiatrists, or psychologists) but with the close cooperation established by the police with various related institutions such as

hospitals, and NGOs that care about CSEC problems, these obstacles can be overcome, so that for cases where victims require more intensive treatment, P3A will usually refer to hospitals that have more adequate facilities and personnel.

A legal policy involving female police officers is very much needed in handling crimes like this, considering that victims usually really want privacy about the problems that happen to them. Particularly victims of sexual violence will usually experience stress and trauma, even depression, so victims will likely vent their attitudes and emotions on men. This situation is very unfavorable in the process of examination and investigation by the police if it is a male police officer conducts the examination. Therefore, an examination conducted by a female police officer is the right choice.

#### 4. The Government's Role in Preventing the Practice of Commercial Sexual Exploitation of Children

Most of the regency and city governments in South Sulawesi Province have not taken strategic steps to address the issue of CSEC. Policies that have been issued by the government at the central level have not been adopted into policies and programs by all district/city governments. This shows that the local government is still lacking attention to child protection, especially from the threat of CSEC. In several districts, many prostitution practices take place illegally and are not controlled by the local government. This causes children to be easily plunged into the practice of prostitution in brothels and hidden prostitution places.

The reporting history of Kenya, Nigeria and South Africa provide clear evidence of the impact of the Committee's Concluding Observations on the ways that these States provide redress for child victims of violence. It also provides evidence of some, but insufficient, progress in enabling access to justice and remedial mechanisms for those victims.<sup>14</sup>

Efforts to reduce the practice of prostitution through various raids have not been able to eliminate the existence of Commercial Sex Workers, some of whom are children. Likewise, the treatments applied to those who have been caught in raids do not differentiate between prostituted children and adults. The challenge of overcoming the problem of CSEC will be even more difficult considering that it is increasingly hidden and carried out by well-organized networks. For example, a prostituted child does not have a certain place as a base, but he is called upon when there is a request from a consumer. Another problem is the many practices of hidden prostitution under the guise of salons, massage parlors, and so on.

In the handling of prostitution, the government has formed a team involving various related ministries or institutions, such as the Ministry of Social Affairs, Civil Service Police Unit, Police, Army, and others. However, not every raid that is carried out involves this team, because raids are also usually carried out by just one institution based on their authority and function. On this issue, coordination is the most important keyword to avoid blaming each other between ministries or institutions. It is recognized that raids are not always effective. First, because the target could not be directed to all locations suspected of being a place of prostitution, it was only limited to places with subjects from the lower middle class. Second, after being caught, the prosecution does not have a deterrent effect because the sentences given are very light they are often not punished and then released. Third, even if efforts were made to carry out rehabilitation, this could only reach a few people.

Concerning prostituted children, the Ministry of Social Affairs and the Civil Service Police Unit stated that they had collaborated with non-governmental organizations working for child protection. If during the raid it is found that there are children, then the child will be referred/handed over to the NGO concerned to follow up on handling it which is more sensitive or from a child's (rights) perspective. In handling prostituted children, sex users have never been the target of arrest and are legally processed as perpetrators of sexual crimes. In fact, the law has regulated that the sexual exploitation of a child is a criminal act. Policies at the central level that have guaranteed protection for children must be followed

<sup>14</sup> Sahovic, N. V., & Eriamiatoe, P. (2020). Effectiveness of the convention on the rights of the child in realization of the right to remedy for child victims of violence in Africa. *Child Abuse & Neglect*, 110, 104307. <https://doi.org/10.1016/j.chiabu.2019.104307>

up with policies at the provincial, district, and city levels in concrete actions. These action programs must be designed and implemented by always coordinating or cooperating between government agencies/agencies and also with various civil society organizations because the problem of child victims of CSEC will not be able to be solved by one party alone.

At the district and city levels, regulations and policies regarding the protection of children from CSEC only focus on issues that are limited to victim rehabilitation and often ignore prevention aspects. The absence of a clear determination of authority for child protection services at the district and city levels has resulted in fragmented and poorly coordinated actions. Also, local governments do not allocate adequate budgets for child protection, and the capacity for implementation is generally weak.

Government oversight of the implementation of laws and regulations on child protection is also still weak, this is evidenced by the fact that there are still many hotel and lodging business operators who still accept underage children unaccompanied by their families. Even though in some rules it is very clear that there is a prohibition on receiving child guests without being accompanied by their family. This shows that the laws and regulations on child protection are not yet effective. In addition, efforts to protect children are almost untouched in various regions. The government's attention to child protection is very lacking (not to say nothing at all). Of the twelve categories of children who need special protection, no region has yet made a breakthrough for good examples, let alone create an integrated system for child protection. In general, regions are still focused on identifying and dealing with child protection cases that arise. The central and local governments have not yet built a child protection system that is integrated with all social services. This means that the government is still handling child cases only in its branches, not yet reaching the real root of the problem. Breakthroughs at the policy level, both instruments and implementation in the field have not been made in several regions. Based on Law Number 23 of 2002, the government has an obligation and responsibility to protect children. The obligations and responsibilities of the government include:

- a. Respect and guarantee the basic rights of every child regardless of ethnicity, religion, race, class, gender, ethnicity, culture and language, the legal status of the child, order of birth, and physical and/or mental condition;
- b. Provide support for facilities and infrastructure in the implementation of child protection. For example, schools, playing fields, sports fields, arts buildings, recreation areas, daycare centers, and special detention centers for children;
- c. Ensure the protection, maintenance, and welfare of children by taking into account the rights and obligations of parents or guardians or other people who are legally responsible for children; and
- d. Ensure that children use their rights to express opinions according to the age and level of intelligence of the child.

Based on the child's right to obtain this information, the government is obliged to facilitate so that the child's right to obtain information can be fulfilled. Article 56 paragraph (1) Law. Child Protection requires the government to strive for and assist children so that they can freely receive information both verbally and in writing by the stages of the child's age and development and not interfere with the child's development. To prevent children from all forms of exploitation and provide protection from cases of CSEC, the government, in this case, the Ministry of Social Affairs as the leading sector, needs to immediately concentrate on preparing an agenda and indicators of progress, with a series of objectives emphasizing six important aspects, namely:

First, the government (executive and legislature), police, and other related parties should give top priority to action against CSEC and allocate adequate resources. Promote stronger cooperation between government and all sectors of society to prevent children from entering the sex trade and strengthen the role of families in protecting children from commercial sexual exploitation.

Second, take action against perpetrators of commercial sexual exploitation of children and other forms of child sexual exploitation, punish all those involved in these violations, both local and foreign and ensure that children who are involved in the practice of CSEC are not punished because they are. have been victimized.

*Third*, mobilizing law enforcement, policies, and programs that protect children from the exploitation of commercial sex and strengthening communication and cooperation between law enforcement agencies, encouraging the implementation and dissemination of the Child Protection Act. Develop and implement gender-sensitive plans and programs to prevent commercial sexual exploitation of children, protect and assist victimized children and facilitate recovery as well as child reintegration programs into society.

*Fourth*, the government needs to immediately implement two additional protocols to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography and the Transnational Organized Crime Convention and its two protocols, namely the protocol on preventing and controlling trafficking in women and the protocol on people smuggling.

*Fifth*, the government needs to immediately create an educational climate and development activities to ensure that parents are responsible for fulfilling children's rights, obligations, and responsibilities to protect children from commercial sexual exploitation.

*Sixth*, mobilize the business sector, including the tourism industry, against the use of networks and their establishment for commercial sexual exploitation and encourage media professionals to develop strategies that strengthen the role of the media in providing quality, reliable information and ethical standards covering all aspects of commercial sexual exploitation.

## 5. The Role of Society in Overcoming the Practice of Commercial Sexual Exploitation of Children

Non-Governmental Organizations move and develop in the development process as a form of community participation in development which is realized through the establishment of several NGOs. Given the importance of the existence of an independent institution that can specifically provide protection for children who are victims of CSEC, several Child Protection Agencies were established in several regions throughout Indonesia that specifically provide protection and advocacy for children..

Child Protection Agencies This position is as a party that provides criticism of policies issued by the government and it is not uncommon for LPA to act as a party that explains these policies to the public. LPA positions itself as a bridge between the government and society. LPA has a certain field of study and is engaged in certain problem areas. One of the studies from LPA is regarding CSEC.

In its role as an NGO dealing with children's problems, LPA carries out activities aimed at preventing the practice of CSEC in the community. These activities were carried out before the occurrence of CSEC. Issue campaigns are carried out and addressed to the public and the government. This is intended to increase public awareness of CSEC practices and understanding to take action if they become aware of CSEC practices occurring in their environment.

To the government, issue campaigns are carried out so that the government is responsive in taking action regarding exploitation practices that are currently happening in society. The implementation of issue campaigns is comprehensive. This can be seen from the media used in the implementation. Not only the mass media and information technology media such as the internet which serves as a platform for issue campaigns but also through direct meetings with community organizations in the form of discussion forums and seminars.

Efforts to manage CPA's internal activities are also carried out by establishing activity units for children who are potentially/vulnerable to CSEC practices. In the program for implementing LPA's internal activities, informal education is taught in the form of skills training such as music, football, and so on. In addition to teaching informal education, LPA also provides formal education teaching such as reading and arithmetic. LPA makes an approach so that children are no longer victims of exploitation. Another method used by LPA in realizing child protection and welfare is by providing support for the implementation of laws and regulations that can guarantee the implementation of child protection and welfare.

In carrying out protection efforts, obstacles were found, both from the perpetrator and the child (victim). Often, threats become a factor so that victims are afraid to report the practice of CSEC that they experience. Therefore, in addition to efforts to approach victims, LPA also takes preventive action through advocacy, namely by seeking legal assistance to resolve cases that have befallen children and providing counseling to psychologically restore children who have become victims.

In terms of overseeing the treatment and protecting child victims of commercial sex exploitation, LPA does not experience serious obstacles. This is due to the existence of a Memorandum of Understanding (MoU) that has been made by LPA with other institutions such as the police, hospitals, safe houses, special rehabilitation homes for children, or other NGOs that also pay attention to children's problems, such as Aid Agencies. Apik Law (LBH), and others.

Even though many advocacy and counseling efforts have been carried out by LPA, there are still a large number of children who are victims of CSEC in various places, both in big cities, small towns, and villages, indicating that the protection that has been given to children has not been effective. This is partly due to the fact that there are still many people who still do not understand the importance of protecting children. Therefore, an approach and socialization are needed to all levels of society regarding legislation and the importance of providing protection for children's rights. Approaches and socialization need to be done especially for people who are at a low level of education and economy. Because in this community group, it is found that there is still a lot of commercial sexual exploitation of children caused by low levels of knowledge and economic pressure factors that make concern for the fate and future of children less.

In protecting child victims of CSEC, it is hoped that the community will be willing to report any problems involving children to institutions that can provide protection for children. Limited resources and funds have caused LPA and other non-governmental organizations working in the field of child protection as independent institutions to only act when there are complaints from the public. In cases like this, the child who is asked for protection usually has experienced sexual violence and a very heavy sense of trauma to the perpetrator, which is not uncommon from those close to him, even his parents.

Therefore, if there is a delay in complaints and requests for protection, it will result in the child's rights being increasingly impaired. In addition, victims who are late in getting protection will also find it more difficult to restore their mental condition it will create lasting trauma effects for children. society's neglect of children's rights and the belief that cases that befall children, let alone victims of sexual exploitation, are internal family matters and are taboo to discuss.


## CONCLUSION

The government has made efforts that are integral by involving various relevant agencies, namely the Police, the Civil Service Police Unit (Satpol PP), and the Ministry of Social Affairs. This integral concept of crime prevention policy implies that all rational efforts to tackle crime must form an integrated (integral) unit. This means that policies in the form of law enforcement (penal policy) must also be integrated with other policies or efforts outside the law (non-penal policy). This means that, if in the implementation of criminal politics efforts are not made that are integral to the two forms of policy (penal and non-penal), there will be excessive burden-bearing, especially by law enforcement officials, especially the police.

In protecting child victims of CSEC, the community is expected to take an active role, namely to be willing to report any problems involving children to institutions that can provide protection for children. Limited resources and funds, causing LPA and other non-governmental organizations working in the field of child protection as independent institutions, usually only act when there are complaints from the public.

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