

## Implementation of Legal and Social Assistance for Street Children Victims of Sexual Exploitation in Padang City from the Perspective of Legal Sociology

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**Abstract:** Street children in Indonesia are among the most vulnerable social groups, particularly exposed to various forms of exploitation, including sexual abuse. Despite the existence of regulatory frameworks such as Law No. 35 of 2014 on Child Protection and local regulations in Padang City, the implementation of protective measures for these children remains inconsistent and fragmented. This study aims to investigate the implementation of assistance programs for street children who are victims of sexual exploitation, with a focus on the role played by the Padang City Social Service Office. The research also explores the legal and institutional challenges that hinder the effectiveness of such interventions. This research uses a juridical sociological approach with a qualitative method. Data was collected through in-depth interviews with government officials, social services, and other parties related to the research topic. Secondary data in the form of documents were obtained from literature studies of legal documents, policy reports, and academic literature. The findings indicate that while a framework for holistic support comprising legal aid, psychological counseling, education, and basic needs assistance has been established, its implementation suffers from several key constraints. These include limited government budgets, weak inter-agency coordination due to sectoral egotism, and a lack of public awareness regarding the rights and protection of child victims. Furthermore, social stigma often prevents effective community involvement. This study concludes that without strengthening social and institutional structures and increasing cross-sectoral synergies, child protection will not be effective. Strengthening policy implementation, public education, and integration of Islamic legal values such as the protection of the soul (*hifz al-nafs*) and descendants (*hifz al-nasl*) can be a strong normative basis in creating a fair and sustainable child protection system.

**Keywords:** Implementation, Street Children, Sexual Victims, Padang City Social Services.

**Abstrak:** Anak jalanan di Indonesia merupakan kelompok sosial yang sangat rentan, khususnya terhadap berbagai bentuk eksploitasi, termasuk kekerasan seksual. Meskipun telah tersedia berbagai regulasi seperti Undang-Undang No. 35 Tahun 2014 tentang Perlindungan Anak serta Peraturan Daerah di Kota Padang, pelaksanaan upaya perlindungan terhadap anak-anak ini masih belum berjalan secara optimal dan terkoordinasi. Penelitian ini bertujuan untuk mengkaji implementasi program pendampingan terhadap anak jalanan korban eksploitasi seksual oleh Dinas Sosial Kota Padang, serta mengidentifikasi tantangan hukum dan kelembagaan yang menghambat efektivitas intervensi tersebut. Penelitian ini menggunakan pendekatan sosiologi yuridis dengan metode kualitatif. Data dikumpulkan melalui wawancara mendalam dengan pejabat pemerintah, dinas sosial, dan serta pihak lain yang terkait dengan topik penelitian. Data sekunder berupa dokumen yang diperoleh dari studi pustaka terhadap dokumen hukum, kebijakan, dan literatur akademik. Hasil penelitian menunjukkan bahwa meskipun telah dirancang kerangka pendampingan holistik meliputi bantuan hukum,

*konseling psikologis, pendidikan, dan pemenuhan kebutuhan dasar pelaksanaannya masih menghadapi berbagai hambatan. Hambatan utama meliputi keterbatasan anggaran, lemahnya koordinasi antarinstansi karena ego sektoral, dan rendahnya kesadaran masyarakat terhadap hak-hak anak korban kekerasan. Selain itu, stigma sosial terhadap anak jalanan juga memperburuk efektivitas perlindungan. Penelitian ini menyimpulkan bahwa tanpa penguatan struktur sosial dan kelembagaan serta peningkatan sinergi lintas sektor, perlindungan anak tidak akan efektif. Penguatan implementasi kebijakan, edukasi masyarakat, dan integrasi nilai-nilai hukum Islam seperti perlindungan jiwa (hifz al-nafs) dan keturunan (hifz al-nasl) dapat menjadi dasar normatif yang kuat dalam menciptakan sistem perlindungan anak yang adil dan berkelanjutan.*

**Kata Kunci:** *Implementasi, Anak Jalanan, Korban Seksual, Dinas Sosial Kota Padang.*

## Intruduction

The issue of child welfare is one of the important issues that has never been discussed in Indonesia until now.<sup>1</sup> Despite the fact that children have a strategic position in determining the sustainability of life, policies related to the protection and welfare of children are still considered not optimal.<sup>2</sup> The public perception of street children themselves, people often assume that street children with high crime rates, red hair, untidy clothes, dull skin color, hesitant nature, calm, loud and high mobility.<sup>3</sup> The existence of street children is still considered part of a social fact that must be eliminated.<sup>4</sup> The existence of street children is still considered a social fact that must be eliminated.<sup>5</sup> The existence of street children is still considered a social fact that must be eliminated.<sup>5</sup>

Along with the development of the times and the rapid growth of globalization.<sup>6</sup> Indonesia still faces various obstacles/problems, one of which is the unstable economic conditions and laws that still do not show justice.<sup>7</sup> This unstable situation is compounded by the problem of uneven urbanization in Indonesia.<sup>8</sup> Street children are very vulnerable to exploitation, whether from their parents or other parties, such as foremen and business

<sup>1</sup> Selvianti Joenoes and Desy Kuncahyati, "Perlindungan Hukum Terhadap Tenaga Kerja Borongan Bangunan," *Jurnal Ilmiah Raad Kertha* 4, no. 1 (2021): 55–70, <https://doi.org/10.47532/jirk.v4i1.260>.

<sup>2</sup> Ratna Ayuningtiyas, "Relasi Kuasa Dalam Novel Anak Rantau Karya Ahmad Fuadi : Kajian Teori Michel Foucault," *Sarasvati* 1, no. 1 (2019): 73–86, <https://doi.org/10.30742/sv.v1i1.657>.

<sup>3</sup> Adhila Ayu Puruhita, Suyahmo, and Hamdan Tri Atmaja, "Journal of Educational Social Studies Perilaku Sosial Anak-Anak Jalanan Di Kota Semarang," *Journal of Educational Social Studies* 5, no. 2 (2016): 104–12, <http://journal.unnes.ac.id/sju/index.php/jess>.

<sup>4</sup> Fahrudin Fahrudin, Ansari Ansari, and Ahmad Shofiyuddin Ichsan, "Pembelajaran Konvensional Dan Kritis Kreatif Dalam Perspektif Pendidikan Islam," *Hikmah* 18, no. 1 (2021): 64–80, <https://doi.org/10.53802/hikmah.v18i1.101>.

<sup>5</sup> Inayanti, Eli, Zahroh Shaluhiah, and Bagoes Widjanarko. "Karakteristik Anak yang Rawan Terjerat Eksploitasi Seksual Komersial: Studi Kasus di Surabaya Bekerjasama dengan LSM Abdi Asih Surabaya." *Jurnal Promosi Kesehatan Indonesia*, Vol. 10, No. 1, (2015): 47-62.

<sup>6</sup> Agus Susilo and Sarkowi Sarkowi, "Peran Guru Sejarah Abad 21 Dalam Menghadapi Tantangan Arus Globalisasi," *Historia: Jurnal Pendidik Dan Peneliti Sejarah* 2, no. 1 (2018): 43, <https://doi.org/10.17509/historia.v2i1.11206>.

<sup>7</sup> Puteri Chintami Oktavianti, "Hambatan Regulasi Dan Teknis Terkait Implementasi Cyber Notary Di Indonesia" 6 (2024).

<sup>8</sup> Assyifa Mahend Zaradiva and Wenny Megawati, "Perlindungan Hukum Terhadap Eksploitasi Anak Jalanan (Studi Kasus Di Dinas Sosial Kota Semarang)," *Unes Journal of Swara Justisia* 7, no. 3 (2023): 854–67, <https://doi.org/10.31933/ujsj.v7i3.384>.

owners who house street children (parties who use street children as a field for their business and enterprise.<sup>9</sup> Child exploitation generally occurs in toddlers and street children, carried out by night people. Children who should be resting are instead made victims of sexual exploitation by lecherous men.<sup>10</sup> This problem has become a daily sight on many public roads, traffic lights, city bus shelters, train stations, traditional markets, adult shopping centers by inviting them to become beggars from morning to evening.<sup>11</sup>

Based on Article 20 of Law Number 35 of 2014 amending Law Number 23 of 2002 concerning Child Protection: the state, government, regional government, organizations, communities, families and parents have a role in providing protection and ensuring that children's human rights are fulfilled in accordance with their duties and responsibilities.<sup>12</sup> Therefore, children must be looked after and protected in order to achieve children's rights.<sup>13</sup> According to John Locke, a child is a person who is still clean and sensitive to stimuli from the environment.<sup>14</sup> Augustinus, who is seen as the founder of the beginning of child psychology. Its development is also directly proportional to the development of the modern era of humans. With the birth of Law Number 35 of 2014, an amendment to Law Number 23 of 2002 concerning Child Protection, it has substantially provided special protection for child victims of sexual violence. Cases of sexual exploitation of children often cause difficulties in resolving them both at the investigation, prosecution, and verdict stages. In addition to the difficulties in the limitations above, there are also difficulties in proving, for example, rape or indecent acts which are generally carried out without the presence of other people.<sup>15</sup>

The implementation of the mentoring program will certainly clash with social and legal values that are accustomed to customary law and religious influences, so it can be said that the obstacles that influence the course of social change and the establishment of law are the excessive strength of citizens. In various cases of children in conflict with the law, the role of social workers is needed for individuals, groups and communities so that they have accessibility to legal services in order to achieve a level of welfare and protect the rights of justice and an adequate quality of life.<sup>16</sup> Children are the generation of the

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<sup>9</sup> Andi Aysha Zalika Ardita Putri, "Permasalahan Anak Jalanan Di Surabaya (Studi Eksploratif Eksploitasi Anak Jalanan Di Surabaya)," *Antroposen : Journal of Social Studies and Humaniora* 1, no. 1 (2022): 28–37, <https://doi.org/10.33830/antroposen.v>.

<sup>10</sup> Dana Budiman and Hesri Mintawati, "Human Trafficking : Praktik Jual Beli Organ," *Seniman Transactions* 2, no. 1 (2020): 1–29.

<sup>11</sup> Eka Aulia Novianti, Ida Budhiati, and Diana Fitriani, "Perlindungan Hukum Terhadap Anak Jalanan Sebagai Korban Eksploitasi Ekonomi," *Journal of Law and Nation (JOLN)* 3, no. 1 (2024): 155–64, <https://kbbi.kemdikbud.go.id>.

<sup>12</sup> Alan M. Dunn et al., "Cloaking Malware with the Trusted Platform Module," *Proceedings of the 20th USENIX Security Symposium*, 2011.

<sup>13</sup> Puruhita, Suyahmo, and Atmaja, "Journal of Educational Social Studies Perilaku Sosial Anak-Anak Jalanan Di Kota Semarang."

<sup>14</sup> Masfi Sya'fiatul Ummah, "ANAK SEBAGAI KORBAN KEJAHATAN HUMAN TRAFFICKING (Kajian Hukum Pidana Dan Hak Asasi Manusia)," *Sustainability (Switzerland)* 11, no. 1 (2019): 1–14, [http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484\\_SISTEM\\_PEMBETUNGAN\\_TERPUSAT\\_STRATEGI\\_MELESTARI](http://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://www.researchgate.net/publication/305320484_SISTEM_PEMBETUNGAN_TERPUSAT_STRATEGI_MELESTARI).

<sup>15</sup> Salam Amrullah, "Perlindungan Hukum Terhadap Korban Tindak Pidana Pemerkosaan," *Jurnal Andi Djema, Jurnal Pendidikan* 3, no. 1 (2020): 59–65.

<sup>16</sup> Hamyana Hamyana and Ugik Romadi, "PEMBANGUNAN DAN KONFLIK SOSIAL (Studi Etnografi Implementasi Program Upaya Khusus Peningkatan Produksi Padi, Jagung, Dan Kedelai Di

nation that deserves to be given services and the right to life. In carrying out their duties, social workers need cooperation from all parties so that legal justice is achieved as expected.<sup>17</sup>

Phenomena in Padang City tends to increase which is specifically marked by the emergence of various social phenomena such as street children, vagrants, and beggars, as well as the existence of perpetrators of exploitation is a burden as well as a challenge for the Padang City Government. To handle this, systematic, coordinated, and integrated handling steps are needed, so that in its implementation. Moral offenses from sexual harassment are two forms of moral violations that are not only a national legal problem of a country, but are already a legal problem of countries in the world or are global problems because most children are threatened with their rights.<sup>18</sup> In this position, children have the basic right to get the opportunity to grow and develop optimally towards adulthood. However, children are often defined as humans who are in the transformative phase, so they are not yet said to be complete individuals. Age limits certainly affect mentality and activities, children do not have the choice to sort out between good and bad things.

Ministerial Regulation Number 26 of 2019 states that there is assistance carried out by the Social Service, as its function and duty, also contained in Padang City Regional Regulation Number. 1 of 2012 states that "assistance and guidance of street children, The portrait of sexual exploitation of children today does indeed create a picture that cannot be tolerated by the progress of civilization.

One of the duties of the Social Services Department is to provide assistance to children as victims, one of which is child victims of sexual exploitation.<sup>19</sup> The reality is that assistance for child victims of sexual exploitation is still minimal. Many cases have not received assistance from the Social Service as the agency appointed by the government to assist the victims. The concept of complete, comprehensive and comprehensive child protection. The state, government and society. are obliged to provide protection to children based on the principles: Non-discrimination, best interests Cases facing legal problems, street children in Padang City show an increase every year. Data on Social Welfare Service Needs (PPK) 2018-2023 Padang City Social and Legal Service. Abandoned Toddlers, Children in Conflict with the Law, street children, Children Victims of Violence, Children in Need of Special Protection.

A number of previous studies have made important contributions to understanding child protection issues, particularly regarding sexual and economic exploitation in Indonesia, from various perspectives. To strengthen the theoretical foundation and establish a clear position for this research, it is important to review relevant previous works. The first study by Siti Sarah, titled "Systematic Literature Review: Research on child sexual abuse in Indonesia" reviewed a comprehensive review of 37 articles on child sexual abuse during 2020-2022. Through the SLR method, Siti Sarah concluded the

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Kabupaten Bondowoso-Jawa Timur)," *Agriekonomika* 6, no. 2 (2017): 108, <https://doi.org/10.21107/agriekonomika.v6i2.1959>.

<sup>17</sup> Ralph Adolph, *PEMENUHAN HAK REHABILITASI TERHADAP ANAK KORBAN KEKERASAN SEKSUAL MENURUT UU NOMOR 35 TAHUN 2014 TENTANG PERLINDUNGAN ANAK (Studi Kasus Pusat Pelayanan Terpadu Pemberdayaan Perempuan Dan Anak Pada (P2TP2A) Kota Banda Aceh)*, 2016.

<sup>18</sup> Rheina Saputri, Elsa Harliana, and Syihabuddin, "Perbuatan Kekerasan/Pelecehan Seksual Terhadap Perempuan," *KEADILAN: Jurnal Penelitian Hukum Dan Peradilan* 2, no. 1 (2024): 53–62, <https://doi.org/10.62565/keadilan.v2i1.39>.

<sup>19</sup> Irma Wati Ningsih and Wiwie Heryani, "Al-Mizan" 20, no. 1 (2024): 117–36.

problem of sexual abuse in children in three groups. They are preventive, curative efforts, and case analysis. As a result, preventive means are the most studied, and case analysis broadly is the lowest.<sup>20</sup> In contrast to our research, which in addition to reviewing the preventive dimension also includes institutional implementation and legal sociology analysis, as well as integrating Islamic legal values (*hifz al-nafs and hifz al-nasl*). This literature supports the methodological and thematic aspects of our study, especially in the empirical and community-based prevention sections.

The second study by Rendi Rizaldi Fauzy & Fuadi Isnawan, titled “The Implementation of Legal Protection Against Economic Exploitation of Street Children in Yogyakarta City” examines the implementation of legal protection against street children from economic exploitation in Yogyakarta.<sup>21</sup> Although using empirical and local approaches, the difference is the focus on economic exploitation, not sexual, and without the integration of legal sociology theory or religious principles as is done in this study.

The third article by Ni Luh Tasya Prathisthita Tanaya & Ni Made Martini Puteri, with the title “Child Sexual Abuse and Exploitation through Livestreaming in Indonesia: Unequal Power Relations at the Root of Child Victimization” analyzes online CSA through livestreaming with Foucault's perspective of power.<sup>22</sup> The similarity is the attention to new forms of child exploitation in Indonesia, but the focus is on digital threats and power relations, not the social implementation of local institutions as in this study.

The fourth study by Munawaroh and colleagues, entitled “Religiosity and Child Sexual Abuse: Systematic Literature Review Using Big Data with VOS Viewer Visualization.” This study used a big data-based systematic review to examine the relationship between religiosity and child sexual abuse in Indonesia. They found that high levels of religiosity correlated with decreased abuse behavior and could be a recovery factor for victims.<sup>23</sup> This dearth of literature with a religious approach provides additional theoretical support for this research. However, their research is global and does not focus on street children and local institutional interventions.

The fifth study by Yan Kahnovich and Annissa Rezki, titled “Implementation of Legal Protection for Economic Exploitation of Children” used a descriptive qualitative method to explore the gap between the child legal protection framework of Law No. 23 of 2002 and its implementation against economic exploitation of children, particularly in the domestic and institutional contexts.<sup>24</sup> They found a “legal void”, where formal regulations have not been matched by effective enforcement actions or institutional support, a problem similar to the findings of this research in Padang. Significant differences lie in the focus of exploitation (economic versus sexual), as well as in the fact this research integrates local institutional analysis, sociology of law theory and religious legal values, making its normative contribution more complex and contextualized.

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<sup>20</sup> Siti Sarah, “Systematic Literature Review: Riset pelecehan seksual pada anak di Indonesia,” *Yinyang: Jurnal Studi Islam Gender dan Anak*, vol. 18, no. 2, (2023): 327–344.

<sup>21</sup> Rendi Rizaldi Fauzy and Fuadi Isnawan, “The Implementation of Legal Protection Against Economic Exploitation of Street Children in Yogyakarta City”, *Ius Poenale*, Vol. 5, No. 1, (2024):15-30. <https://doi.org/10.25041/ip.v5i1.3381>.

<sup>22</sup> Ni Luh Tasya Prathisthita Tanaya and Ni Made Martini Puteri, “Child Sexual Abuse and Exploitation through Livestreaming in Indonesia: Unequal Power Relations at the Root of Child Victimization,” *Journal of International Women's Studies*, vol. 25, no. 3, (2023).

<sup>23</sup> Munawaroh, dkk, “Religiosity And Child Sexual Abuse: Systematic Literature Review Using Big Data with VOS Viewer Visualization”, *Bulletin of Counseling and Psychotherapy*, vol. 6, no. 2, (2024).

<sup>24</sup> Yan Kahnovich and Annisa Rezki, “Implementation of Legal Protection for Economic Exploitation of Children,” *Jurnal Kepastian Hukum dan Keadilan*, vol. 4, no. 2, (2022): 75–92.

This research is critical in broadening academic horizons from mere prevalence or formal law to critical analysis of institutional practices and integration of culture and religion as the basis for a more effective and sustainable child protection system. The research focus in this article examines the implementation of a mentoring program for street children who are victims of sexual exploitation by the Padang City Social Service, and identifies legal and institutional challenges that hinder the effectiveness of the intervention.

## Method

Legal research is a scientific activity that relies on specific methods, systematics, and reasoning to examine one or multiple legal phenomena. This process involves analyzing and conducting an in-depth assessment of legal facts that arise in connection with the subject being studied. Based on this foundation, the authors employ a juridical sociological approach, which integrates legal principles with the realities observed in society. The research aims to provide a descriptive analysis, presenting a comprehensive and systematic overview of the implementation of assistance for child victims of sexual exploitation by the Social Service in Padang. This analysis evaluates whether such assistance aligns with existing legal regulations, referencing relevant literature sources.

The study utilizes both primary and secondary data. Primary data is gathered directly from the field through interactions with key stakeholders related to the research topic, including interviews with representatives from the Social Service and other involved parties. Secondary data is sourced from library materials, providing additional context and authoritative references. These legal sources are categorized into primary legal materials, including foundational legal documents such as the 1945 Constitution, Law Number 35 of 2014 amending Law Number 23 of 2002, and Law Number 12 of 2022 concerning sexual violence crimes. Secondary legal materials comprise legal literature, journals, expert opinions, and other supporting resources that explain and interpret primary legal texts.

The data processing and analysis were conducted through systematic stages. The first stage involved editing, where researchers thoroughly examined the collected data to verify completeness and clarity of information. This editing process included checking field note completeness, clarity of response meanings, consistency between respondents' answers, and identifying data relevant to the research focus. Subsequently, data from in-depth interviews and document studies were classified and systematically organized to facilitate analysis. The analysis employed a descriptive qualitative method, where data was not processed statistically but rather through meaning interpretation and comprehensive description of the phenomenon regarding the implementation of assistance for child victims of sexual exploitation by the Social Service Office of Padang City. The analytical results were then presented in the form of detailed narrative descriptions to provide a comprehensive understanding of field assistance practices.<sup>25</sup>

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<sup>25</sup> John W. Creswell, *Research Design: Qualitative, Quantitative and Mixed Methods Approaches*, (California : Sage Publications, 2014).

## Discussion

In every research study, the presence of theory serves as a fundamental foundation for analyzing and understanding a phenomenon. Theory functions as a framework of thought that helps researchers interpret data and formulate conclusions based on the facts found. Without theory, research would lack direction and clarity in establishing relationships between various variables being studied. Therefore, selecting the right theory is crucial to ensure that the research results are not only descriptive but also contribute to the development of scientific knowledge. Below is a review of the role of theory in research, as explained by several experts.

M. Solly Lubis argues that a theoretical framework is a framework of thought or grains of opinion, theory, regarding a case or problem that becomes a comparison or theoretical guide in research.<sup>26</sup> Burhan Ashofa revealed that a theory is a series of assumptions, concepts, definitions, and propositions to explain a social phenomenon systematically by formulating between concepts.<sup>27</sup> Theory according to Snel becker is: as a syntactically integrated set of propositions that follow certain observable rules and functions as a vehicle for predicting and explaining To dissect the problem, an analysis knife is needed, namely theory.<sup>28</sup> In this research a fundamental theory is needed, M. Solly Lubis argues: "The function of theory in research is to systematize research findings, make predictions or predictions or the basis of discovery and present explanations in this case to answer statements. This means that theory is a rational explanation that corresponds to the object described and must be supported by empirical facts to be declared true ". A theory that can be used is a hypothesis that is used for argument or investigation.<sup>29</sup> A theory can be used to dissect and analyze the problems contained in this study, as follows:

### A. John Rawls' Theory of Justice

Indonesia as a state of law as stated in Article 1 paragraph 3 of the 1945 Constitution which was born with the hope that the creation of legal justice for each community in accordance with the ideals of state law which boils down to a justice for every element of society in the life of the nation and state which in this case becomes the main pillar for power holders to be realized in order to carry out the mandate of the Law. Rawls' assumption is that society is a collection of individuals who on the one hand want to unite because of a relationship to fulfill common interests, but on the other hand, each of these individuals has different characteristics and rights. According to Rawls, justice here is fairness. In order for social relations in society to run in a just manner as stated, it must be regulated or run in accordance with two formulated principles. First, equal

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<sup>26</sup> Toto Tohir Suriaatmadja, "Minimalisasi Sengketa Medik Pasien Dan Tenaga Kesehatan Dihubung Kan Dengan Undang - Undang Perlindungan Konsumen," *Litigasi* 16, no. 2 (2016): 443–56, <https://doi.org/10.23969/litigasi.v16i2.45>.

<sup>27</sup> Rafif Fadhlur Rahman, "Pelaksanaan Rapat Anggota Tahunan Pusat Koperasi Pusat Karyawan Riau Berdasarkan Undang Undang Nomor 25 Tahun 1992 Tentang Koperasi," 2022, <https://repository.unilak.ac.id/id/eprint/3698>.

<sup>28</sup> CHRISTIAN DEDI CHANDRA PANGGABEAN, "ANALISIS YURIDIS PERANAN PENYIDIK TERHADAP TINDAK PIDANA PENIPUAN PEMBIAYAAN PEKERJAAN PROYEK PEMBANGUNAN DRAINASE DITINJAU DARI KUHAP (Studi Putusan Nomor 1193/Pid.B/2020/PN.Kisaran)," *Hukum*, 2016, 1–32.

<sup>29</sup> Muhammad Judrah, "Generalisasi Empirik; Proposisi, Postulat, Aksioma Dan Teori," *Jurnal Al-Qalam: Jurnal Kajian Islam & Pendidikan* 7, no. 1 (2020): 117–22, <https://doi.org/10.47435/al-qalam.v7i1.186>.

freedom, this principle shows that everyone has the freedom of basic equality. This basic equality freedom includes personal freedom, freedom to own wealth, freedom from arbitrary action, freedom of thought and political freedom. The principle of inequality where this principle shows that it must be regulated in such a way that inequality in the social and economic fields that exist in humans, so that it can be regulated.

This affirmation is important to avoid any misunderstanding of the concept of utilitarian justice because this concept is a form of fair activity and the greatest activity because it is able to produce socio-economic benefits for as many people as possible. This means that justice according to Rawls here can be understood as synonymous with the goal of increasing socio-economic benefits, so that the space for the struggle for everyone's self-interest becomes. Law cannot be separated from justice and neither can justice be separated from the discussion of law, so it is not uncommon for justice to be equated with law. The principles of social justice govern the choice of political constitutions and are central elements in social and economic systems. Regarding this study, children from poor and educationally disadvantaged families usually have less prospects for educational development because the basic structure of society has a strong influence on progressive phenomena. That is why Rawls said that the most important area in a society is justice.

## B. Legal Protection Theory

The theory used to analyze the problem of implementing legal protection for children as victims of sexual exploitation is the theory of legal protection. The theory of legal protection is used to see how the implementation of assistance for street children victims of sexual exploitation has provided legal protection to victims, as mandated by the Child Protection Law.<sup>30</sup> The term legal protection theory comes from English, namely, legal protection theory, while in Dutch, it is called *theorie van de wettelijke bescherming*, and in German it is called *theorie der rechtliche schutz*.<sup>31</sup>

This theory stems from the theory of natural law pioneered by Plato, Aristotle, and Zeno. Sunaryati Hartono's opinion, says that law is needed for those who are weak and not yet strong legally, socially, economically and politically to obtain social justice.<sup>32</sup> In relation to this research, children who are victims of sexual exploitation in legal cases in this case come from families who do not know their children are street children.<sup>33</sup> The weakness of the child's position is exploited by irresponsible people who have power over the child's family members.<sup>34</sup> The law should provide guarantees to the child to obtain justice in the form of appropriate punishment against the person who has wronged the child through a trial.<sup>35</sup> From the explanation of responsive legal theory above, for responsive legal order, law is a social institution. Therefore, the law is not only seen as more than just a system of rules, but also from how the law carries out social functions in

<sup>30</sup> Ralph Adolph, "Harta Dan Anak-Anak Adalah Perhiasan Dunia," 2016, 1–23.

<sup>31</sup> Jonathan Elkana Soritua Aruan, "Perlindungan Data Pribadi Ditinjau Dari Teori Perlindungan Hukum Dan Teori Perlindungan Hak Atas Privasi," *Jurnal Globalisasi Hukum* 1, no. 1 (2024): 1–22, <https://doi.org/10.25105/jgh.v1i1.19499>.

<sup>32</sup> Dunn et al., "Cloaking Malware with the Trusted Platform Module."

<sup>33</sup> Dunn et al.

<sup>34</sup> Alit Kurniasari, "Faktor Risiko Anak Menjadi Korban Eksploitasi Seksual (Kasus Di Kota Surabaya)," *Sosio Konsepsia* 5, no. 3 (2016): 113–34, <https://doi.org/10.33007/ska.v5i3.251>.

<sup>35</sup> Kurniasih Evi Satispi, "Interpretasi Psikologi Hukum Terhadap Perlindungan Anak Dalam Pembaharuan Hukum Pidana Di Indonesia," *Journal of Lex Generalis (JLS)* 3, no. 3 (2019): IV.



and for its society. Seeing law as a social institution means seeing the law in a broad framework, which involves various processes and forces in society.

In line with Sudikno Mertokusumo's opinion, to achieve the goal of legal protection of children who are victims of sexual exploitation of underage street children, it must be pursued by dividing between the authority to provide child protection, the authority to solve the problem of sexual exploitation of street children, and the authority to maintain legal certainty in the event of a similar case in the future. Related to the party authorized to conduct child protection in accordance with the law is the state and society, which is realized in one Indonesian Child Protection Commission (KPAI). The authority to solve the problem of sexual exploitation of children related to this research is the DP3AP2KB agency,. The authority to maintain legal certainty in this case is held by law enforcement officials, which include the police, prosecutors, courts, and legal aid institutions.

### C. Theory of Victimology

Victimology studies the nature of victims, victimization and the victimization process. By studying victimization, an understanding of criminal etiology will be obtained, especially with regard to victimization. This will be very helpful in efforts to take preventive and repressive actions against crimes that are State your conclusions cleararl more proportional and comprehensive. Considering and understanding the activities that can lead street children to become victims of sexual exploitation is actually inseparable from several factors that cause a child to fall into sexual exploitation activities.<sup>36</sup> This factor makes the point that can be a criminal offense that occurs and how to take preventive action in this criminal offense.

Implementation of Assistance for Street Children Victims of Exploitation. In this context, the assistance of street children who are victims of sexual exploitation by the Social Service is one of the important efforts in providing protection and recovery for them. However, the implementation of this assistance faces various challenges that need to be studied more deeply, especially from a criminal law perspective. The role of the Social Service is already visible at the beginning of the case, because the Social Service is the first liaison between the victim and the police and connects the victim to psychologists, safe houses, hospitals and sources of services needed by the victim. advocator, Advocacy is a form of activity provided by the social service that aims to reach and assist victims of sexual violence to get the sources (services) to which they are entitled. As a spokesperson (advocacy) for victims, Social Services must be able to argue, defend, and be able to describe the problems of victims and be able to guarantee the achievement of the services needed by victims motivator. Motivation is an effort to direct, mobilize and influence someone so that they are encouraged to do something to achieve certain goals. The Social Service as a motivator plays a role in providing motivation and support to victims so that victims can keep their spirits up and their confidence can rise in order to continue.

### D. The concept of *ḥifẓ al-nafs* and *ḥifẓ al-nasl*

The protection of the soul (*ḥifẓ al-nafs*) is one of the main objectives in *maqāṣid al-syarī'ah* that emphasizes the importance of maintaining the right to life and human

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<sup>36</sup> Ananda Kurniawan, "Tinjauan Viktimologis Dan Yuridis Atas Eksploitasi Seksual Terhadap Anak (Victimological and Juridical Review of Commercial Exploitation Against Children)," *Jurnal Program Magister Hukum Fakultas Hukum Universitas Indonesia* 2, no. 1 (2022): 310.

safety. In Islam, the soul is considered a gift that must be protected from all forms of harm, including murder, suicide, and actions that can threaten survival.<sup>37</sup> This protection includes basic needs that are essential for survival such as food, security, and health, as well as controlling lust so that the soul is maintained morally and spiritually. Meanwhile, the protection of offspring (*hifz al-nasl*) is related to maintaining the continuity and honor of the bloodline through legal marriage and recognition of true lineage. Islam prohibits extramarital relations because they can damage the family structure and honor of offspring, and emphasizes the importance of keeping the family tree clean and maintaining its quality. Thus, *hifz al-nafs* and *hifz al-nasl* are interrelated in building a harmonious society, where human souls are protected and offspring are maintained legally and with dignity according to Islamic teachings.

#### **E. The Implementation of Assistance for Street Children Victims of Sexual Exploitation by the Social Services Department in Padang City**

The Social Services Department of Padang City plays a vital role in providing comprehensive protection, rehabilitation, and recovery for street children who are victims of sexual exploitation. This approach is crucial given these children's extreme vulnerability to various forms of violence and rights violations. Assistance is carried out by professional social workers through structured psychosocial services, including assessment, planning, intervention, evaluation, and termination. During this process, social workers strive to identify the root causes of the victims' problems, ensure their rights are met (including access to legal aid), act as friends and mediators for both the victims and their families, and provide empowerment through skills training and psychological, mental, and social guidance. The ultimate goal is to boost the victims' self-confidence and help them overcome their trauma.

Social workers at the Padang City Social Services Department, such as the certified Bapak FH and Bapak YH, perform several key roles. They act as brokers, connecting victims with essential resources and services (e.g., population and civil registration offices for identity documents, education departments for schooling, as well as police, psychologists, safe houses, and hospitals). Additionally, they serve as advocates to defend the victims' rights and ensure they receive necessary services. Another crucial role is that of motivator, offering support and encouragement to help victims recover from trauma and regain their self-confidence. The assistance provided encompasses legal assistance (from investigations to court proceedings), psychological assistance (support and reinforcement), and social assistance (restoring social functioning).<sup>38</sup>

Interviews with various parties paint a bleak picture of the escalating sexual exploitation of children in Padang City. The majority of victims are underage children who are neglected or economically disadvantaged, making this a significant negative consequence of social change. Raids conducted by the Padang City Civil Service Police Unit show a sharp increase in child commercial sex worker (CSW) cases in 2022 compared to 2024, with figures rising by over 50% by October 2024. These CSWs are

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<sup>37</sup> Aay Siti Raohatul Hayat, "Impelementasi Pemeliharaan Jiwa (Hifz Al-Nafs) Pada Pengasuhan Anak Berbasis Keluarga," *Fokus: Jurnal Kajian Keislaman dan Kemasyarakatan*, Vol. 5, No. 2, (2020): 151-170.

<sup>38</sup> Interview with FH and YH as Social Workers, Social Service Department of Padang City, April 2024.

found in various locations, including massage parlors, beauty salons, budget hotels, nightlife venues, social media platforms, and on the streets.<sup>39</sup>

Economic factors as the main reason for sexual exploitation in Padang city. Many teenagers admit to being forced into CSW due to an inability to support themselves, lacking parental figures, being neglected since childhood, or falling into promiscuous peer groups. The stories of Susi, who resorted to sex work after her family was imprisoned and she ran out of money,<sup>40</sup> and Aliyah, who operates in an empty stall at Pasar Raya offering cheap services to manual laborers, illustrate the desperation of their situations.<sup>41</sup> Child workers in beauty salons are also found offering additional services outside their workplaces, traumatized after previous raids. They are often taken in without proper identification and desperately need money for daily survival. The fact that there are prostitutes around Pasar Raya, from our observations, can be seen in the billiard area behind the sports shop in front of Imam Bonjol Park. At the entrance to the alley, we meet unstable children who hang out near the pool tables. Every time a man passes by, the girls call out and offer themselves. Some pretend to ask for a cigarette to start a conversation.

The Role of Pimps and Modus Operandi is one of the supporters of sexual exploitation in the city of Padang. Modus operandi varies widely among pimps, as they employ different tactics to control and manipulate individuals involved in sex work. Often, they use psychological manipulation, intimidation, and violence to maintain dominance and ensure compliance from those they exploit. The presence of pimps, such as "Mami Tata", who monitors CSWs in billiard areas and karaoke venues, is prominent. Mami Tata even offered her "girls" for interviews for a substantial fee, indicating the organized nature of this exploitation. Locations like budget hotels, karaoke spots, and salons are central hubs for such activities. The phenomenon also includes high school students and female university students wearing hijabs who work as karaoke hostesses due to insufficient funds from their parents for living and tuition. They remove their hijabs and dress freely while working, highlighting economic pressure as a key underlying factor.<sup>42</sup>

The Social Services Department faces difficulties in directly proving who the perpetrators and victims are. Victims are often reluctant to disclose or report due to their powerlessness and lack of knowledge on how to report to authorities. Nevertheless, Bapak Ferdi Subagja, S.Sos, one of the assistance officers, and his colleagues continue to support victims who silently suffer from the exploitative treatment by their pimps. Temporarily, children suffering from mental and psychological distress post-exploitation undergo rehabilitation at DP3AP2KB and the Integrated Children's Foundation House in the Jati area, which focuses on mental, spiritual, and psychological recovery.<sup>43</sup>

## **F. Constraints in the Implementation of Assistance for Street Children Victims of Sexual Exploitation by the Social Service in Padang City**

The Social Service Office of Padang City faces significant challenges in implementing effective assistance programs for street children who are victims of sexual exploitation. These constraints stem from interrelated factors that hinder comprehensive

<sup>39</sup> Interview with Sarman as Secretary of Satpol PP of Padang City, September 2024.

<sup>40</sup> Interview with Susi as commercial sex worker in Padang City, Oktober 2024.

<sup>41</sup> Interview with Aliyah as commercial sex worker in Padang City, Oktober 2024.

<sup>42</sup> Interview with Mami Tata as pimps in Padang City, Oktober 2024.

<sup>43</sup> Interview with Ferdi Subagja as Assistance Officer from the Social Service Department of Padang City, Januari 2025.

protection and rehabilitation efforts. The complex nature of sexual exploitation cases, combined with systemic barriers in budget allocation, legal implementation, and institutional coordination, creates a challenging environment for service delivery. Vulnerable children who have experienced trauma require specialized, multidisciplinary support, yet various limitations prevent the Social Service from providing optimal assistance. These constraints not only delay recovery processes but also perpetuate cycles of victimization among this marginalized group.

#### 1. Material Constraints

**Budget and Sectoral Ego** One of the main challenges faced by the Social Service Office of Padang City is budget limitations and sectoral ego among institutions. Limited funds hinder the fulfillment of basic needs for victims, such as healthcare services, psychological rehabilitation, and other supporting facilities. As stated by the Head of the Social Rehabilitation Division, Mr. AM, inadequate funding causes the assistance process to be slow and suboptimal. Additionally, coordination among institutions, such as the police, education department, and health department, is often hampered because each entity tends to work sectorally without proper integration. For example, the police hesitate to share victim data due to procedural concerns, while the Social Service Office struggles to meet victims' needs without complete information. As a result, victims do not receive holistic services, making the rehabilitation process ineffective.<sup>44</sup>

#### 2. Legal Constraints

**Weak Regulatory Implementation** Although Indonesia has strong regulations, such as Law Number 35 of 2014 on Child Protection and the Criminal Code, their implementation in the field remains weak. Perpetrators of sexual exploitation are often not prosecuted strictly due to a lack of evidence or the victims' unwillingness to report due to trauma or fear. As illustrated in an interview with Mr. Ferdi Subagja, victims are often reluctant to speak out due to pressure from perpetrators or a lack of awareness of their rights. Additionally, legal assistance mechanisms for victims remain limited. Child victims of exploitation often do not receive adequate legal assistance during judicial proceedings, making them vulnerable to re-victimization. This highlights the gap between regulations and actual practice.<sup>45</sup>

#### 3. Institutional Constraints

**Capacity and Coordination** The Social Service Office of Padang City also faces internal challenges regarding human resource capacity and coordination. The number of certified social workers is still minimal, while cases of sexual exploitation continue to rise. As stated in documents, only two social workers (Mr. FH and Mr. YH) handle these cases, even though the demand for assistance is very high. Furthermore, a lack of synergy between the Social Service Office, police, and other institutions results in fragmented case management. For example, psychological and legal assistance often do not occur simultaneously

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<sup>44</sup> Interview with AM as Head of Social Rehabilitation Division, Social Service Department of Padang City, September 2024.

<sup>45</sup> Interview with Ferdi Subagja as Assistance Officer from the Social Service Department of Padang City, Januari 2025.

due to poor communication between agencies. Consequently, victim recovery efforts become disjointed and unsustainable.<sup>46</sup>

#### 4. Social Challenges

Stigma and Victim Openness Street children who are victims of sexual exploitation often face social stigma, making it difficult for them to open up during the assistance process. As noted by a Social Service Office companion, victims tend to be closed off and reluctant to share their experiences, complicating assessment and intervention processes. Moreover, many victims come from economically disadvantaged families or broken homes, meaning they lack strong support systems for recovery. Without adequate social support, rehabilitation efforts become less effective.

**Recommendations for Strengthening Interventions** To address these challenges, strategic steps are necessary. The government needs to allocate specific funding for handling child sexual exploitation cases, including funding for rehabilitation and social reintegration. Establishing a permanent coordination forum between the Social Service Office, police, education department, and LSM is essential to ensure integrated case management. Additionally, enhancing the capacity of social workers through specialized training on assisting victims of sexual exploitation and trauma healing is a crucial step. Awareness campaigns on victims' rights and safe reporting mechanisms should also be strengthened to help victims feel more comfortable accessing legal aid. A holistic approach that combines legal, psychological, and social aspects in every intervention will ensure more comprehensive recovery.

The legal and institutional challenges faced by the Social Service Office of Padang City in handling street children who are victims of sexual exploitation are multidimensional, covering aspects of budgeting, regulations, coordination, and social issues. Without systemic improvements, assistance efforts will continue to face obstacles. Therefore, collaboration among stakeholders and strong political commitment from the local government are key to enhancing intervention effectiveness and victim protection.

### **G. Dinas Sosial Padang's Efforts to Overcome Challenges in Assisting Street Children Victims of Sexual Exploitation**

The Social Services Department of Padang City is actively working to restore the psychological well-being of street children who are victims of sexual exploitation through various assistance methods. The primary approach is the individual method, designed to build closeness between the assistant and the victim, often involving directive, collective, and group counseling. Street children are generally defined as individuals under 16 who live transiently on the streets, with or without family ties, and are vulnerable to exploitation. UNICEF categorizes them into three groups: children at high risk (vulnerable to becoming street children due to family poverty), children on the street (working on the streets to support their families), and children of the street (spending most of their time on the streets, often homeless, and highly susceptible to abuse).<sup>47</sup>

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<sup>46</sup> Interview with FH and YH as Social Workers, Social Service Department of Padang City, April 2024.

<sup>47</sup> UNICEF East Asia and the Pacific Regional Office and the Global Social Service Workforce Alliance, *The Social Service Workforce in the East Asia and Pacific Region: Multi-Country Review*, (Bangkok: UNICEF, 2019).

In their daily operations, the Social Services Department performs several routine activities. First, they focus on fulfilling basic needs such as food, clothing, shelter, and healthcare services. This is an implementation of the principle of humanity, which guarantees the fundamental human right to a decent and dignified life. Second, they ensure the equitable distribution of rights to all victims, making sure all children receive fair and proportional treatment in services, regardless of age, skin color, or gender. This aligns with the principle of justice, emphasizing equality and non-discrimination.

However, the implementation of legal protection for street children still faces significant obstacles, including a lack of understanding among the public and law enforcement regarding the importance of protecting street children, a culture of impunity for perpetrators of child sexual exploitation, and limited facilities and resources within the Social Services Department. Law enforcement officials often lack the specialized skills needed to handle cases involving severely traumatized children. To overcome these challenges, a strengthening of policy implementation and widespread public education are crucial.

Furthermore, the integration of Islamic legal values such as the preservation of life (*hifz al-nafs*) and the preservation of progeny (*hifz al-nasl*) can provide a robust normative foundation for establishing a just and sustainable child protection system. The concept of *hifz al-nafs* fundamentally asserts that every individual, including children, has an inherent right to live safely and be protected from all forms of physical and psychological harm that threaten their existence. Sexual exploitation directly violates this principle by damaging a child's physical, mental, and future well-being. Meanwhile, *hifz al-nasl* underscores the importance of safeguarding honor, lineage, and the continuation of future generations. Child sexual exploitation severely undermines this aspect by stripping children of their innocence, their right to healthy development, and their potential to become productive members of society. By grounding child protection efforts in these two principles, a strong moral and legal basis will be established, fostering more proactive steps in prevention, prosecution, and recovery.

Therefore, this approach must involve an interdisciplinary framework that integrates social, psychological, and legal aspects, facilitated by cooperation among the Social Services Department, the police, and non-governmental organizations. There is also a need for strengthened policies and comprehensive assistance programs, improved regulations, expanded education and training for officials, and increased active participation from the community in reporting and monitoring their surroundings to protect children from exploitation. The adoption of the fundamental values of *hifz al-nafs* and *hifz al-nasl* will bolster the commitment to comprehensive protection for street children who are victims of sexual exploitation, ensuring they receive justice and opportunities to thrive in Padang City.

Using a sociological perspective of law, this study interprets the state's role in protecting children not merely as a matter of statutory obligation but as a reflection of societal values and institutional capacity. Law is not autonomous; it operates within a framework of cultural norms, economic structures, and bureaucratic practices. The failure to implement child protection measures effectively despite clear legal mandates reveals the limits of normative frameworks when social institutions lack synergy.

From the lens of Rawls' theory, the unequal access to protection services among street children violates the principle of equal liberty. The "sectoral egoism" and lack of cooperation among institutions show structural injustice, where institutional behavior favors administrative convenience over equitable distribution of justice. Legal protection

theory emphasizes the state's obligation to safeguard vulnerable groups. However, in practice, the Padang case shows that legal protection is symbolic unless operational mechanisms budgets, training, community engagement are concretely in place.

Victimology helps identify that these children are not only victims of exploitation but also victims of systemic neglect. The child's marginalized position is exacerbated by social stigma, which diminishes the empathy and responsiveness of society and institutions. The law, to be effective, must address both the legal status of the child and the sociological realities they live in.

## Conclusion

This research has demonstrated that the Padang City Social Service plays a critical role in responding to the sexual exploitation of street children, primarily through legal advocacy, psychosocial support, and facilitating access to essential services. However, the implementation is hindered by multiple structural and institutional barriers, including limited funding, poor coordination among stakeholders, and persistent social stigma against victims. From a social legal perspective, the current framework does not fully guarantee justice or effective rehabilitation for child victims, especially those from marginalized backgrounds. There is a pressing need for a more integrated and child-centered approach grounded in legal protection principles, including the theory of justice and victimology. To ensure the rights and dignity of victims are upheld, policy reform must prioritize cross-sector collaboration, consistent budgeting, and public education. Additionally, incorporating Islamic legal principles, such as the protection of life (*hifz al-nafs*) and lineage (*hifz al-nasl*), may offer culturally resonant justifications for enhancing protection measures in Indonesia's legal landscape.

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