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### Criminological Review of the Crime of Exploitation of Children as Workers

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#### Abstract

Article 88 of Law No. 35 of 2014 concerning Child Protection explains that anyone who permits, places, carries out and orders to carry out or participates in economic exploitation of children, is punished with imprisonment for a maximum of 10 years and/or a maximum fine of Rp. 200,000.00,- However, in reality, in the Municipality of Banda Aceh, there are still children who are economically

exploited. Therefore, the aim of this research is to analyze criminologically the implementation of legal protection for the criminal act of exploiting children as workers, the factors causing a child to be exploited as a worker, and efforts to overcome the occurrence of criminal acts of exploiting children as workers.

**Keywords:** Criminological Review, Exploitation of Children, Children as Workers

#### Introduction

Exploitation is a dishonorable act, namely using it to gain one's own profit, extortion and exploitation of others.<sup>1</sup> Exploitation also includes all efforts or activities carried out to explore the potential that exists in an object, whether in the form of natural resources or others for the benefit (fulfillment of needs) of a group or many people, one example is the exploitation of children. Child exploitation is arbitrary action and discriminatory treatment of children carried out by the community, family or other adults with the aim of ordering or forcing the child to do something without paying attention to the child's right to do something without paying attention to the child's rights such as physical development and his mentality.

In society, exploiting children economically is very common. Adults, whether family or not, take advantage of children's energy in the form of using their physical abilities to work for the benefit of the people who exploit them. Using children as money-making objects that can fulfill their needs, for example employing children to sell on the streets, this work deprives children of their rights such as playing and learning, and then the profits from selling will be used for the perpetrator's personal interests.

Article 13 (1) letter b of the Child Protection Law states that basically every child while in the care of parents, guardians, or any other party responsible for care, has the right to receive protection from abuse, one of which is protection from exploitation, both economic and sexual.

Children are a blessing in the family. Children must be protected and their rights must be respected. In this case, the State, Government and Regional Governments are obliged and responsible to guarantee and protect children's rights, including children's civil, social, political, cultural and economic rights.<sup>2</sup>

Universally, children have human rights that are protected by law, even valid from the time they are in the womb, so that children also have the right to receive legal protection for all activities that lead to growth and development in the future. In order for everything to run according to children's universal rights, all parties need to be together, especially as the Child

<sup>1</sup> Kamus Besar Bahasa Indonesia (KBBI) online, <https://kbbi.web.id/eksploitasi>, diakses pada tanggal 03 Mei 2024.

<sup>2</sup> Usman, Hardius dan Nachrowi, *Pekerja Anak di Indonesia (Kondisi Determinan dan Eksploitasi)*, Gramedia: Jakarta, 2004, hlm.173.

Protection Law emphasizes that the state, government, society, family and parents have the responsibility to care for and protect children.<sup>3</sup> Article 68 Law no. 13 of 2003 concerning Employment (Employment Law) prohibits minors from being employed. Based on the minimum age limit for workers in Indonesia is 18 years. Entrepreneurs or companies that still employ children under 18 years of age may be subject to criminal sanctions. Criminal sanctions are listed in article 185 paragraph 1 and article 187 paragraph 1 of the Manpower Law, namely imprisonment for a minimum of one year and a maximum of four years or a minimum fine of IDR 100 million and a maximum of IDR 400 million.<sup>4</sup>

To avoid crimes of exploitation of children, there are several exceptions to child labor with several conditions regulated in Article 69-70 of the Manpower Law, namely that children aged 3-15 years are allowed to do light work as long as it does not interfere with their physical and mental development and health., and social, then work to meet the needs of the educational curriculum aimed at children at least 14 years old, and work to develop talents and interests. The crime of exploiting children as workers generally occurs in almost all regions of Indonesia, including in the city of Banda Aceh where many people still do this. Many children can be seen on the streets, on bridges and also in coffee shops selling their wares, the most frequently encountered are children offering fruit until late at night, so it will give rise to feelings of pity in anyone who sees them. In Article 43 of Qanun Aceh No. 7 of 2014 concerning Employment (Qanun of Employment) it is also emphasized that "Every person is prohibited from employing and/or involving children in the worst jobs, both within the employment relationship and outside the employment relationship."<sup>5</sup>

The phenomenon of children as workers in the Banda Aceh Municipal area shows that children are a vulnerable group who are exploited economically by being forced or abandoned. By working, children are deprived of their right to learn and grow naturally. It is appropriate for all of us, especially parents and adults, to realize that earning a living is not a suitable and safe activity for children, the world that is suitable for them is learning and playing.

**Table 1:** Children exploited as sellers of cut fruit in Banda Aceh Municipality

S. No	Child's Name	Age	Year	Perpetrator's Name	Perpetrator's Age
1	Erlangga Syahputra	10	2023	Safrizal	27
2	Muhammad Azmal	12	2023	Safrizal	27
3	Syhifa Asyura	9	2023	Safrizal	27
4	Amira Handayani	7	2023	Safrizal	27

**Source:** Banda Aceh Municipal Social Service, 2023

<sup>3</sup> Syaifullah Yophie Ardianto, "Perlindungan Hukum Terhadap Anak Sebagai Korban dari Tindak Pidana Perdagangan Orang di Kota Pekanbaru". *Jurnal Ilmu Hukum, Fakultas Hukum, Universitas Riau*, Vol. III, No. 1. 2013, hlm. 2.

<sup>4</sup> Undang-Undang Nomor 13 Tahun 2003 tentang Ketenagakerjaan.

<sup>5</sup> Qanun Aceh Nomor 7 Tahun 2014 tentang Ketenagakerjaan.

Safrizal was arrested by the Women and Children Protection (PPA) unit of the Banda Aceh Police Criminal Investigation Unit on Monday, July 26 2023 after receiving reports from the public regarding allegations of economic exploitation of these children.<sup>6</sup>

To carry out his action, the perpetrator targeted minor children who were his neighbors by looking at the economic factors of the victim's poor family. Knowing that the victim's parents had no income, the perpetrator then took the initiative to use them to sell food in the form of cut fruit. Every day, from February 2023 to June 26 2023, from approximately 17.00 WIB to 22.00 WIB or 23.00 WIB. The perpetrators gain profits from these activities per day on average of approximately IDR 960,000 (nine hundred and sixty thousand rupiah). It is known that the four victim children have generally dropped out of school, so the perpetrators have more freedom to exploit their energy and make them lose their right to play, study and receive an education.<sup>7</sup>

Employing children to profit from their labor in a way that eliminates childhood is a form of economic exploitation. In the Convention on the Rights of the Child which was ratified by the Indonesian Government, it is stated and acknowledged that children essentially have the right to receive a decent education and that they should not be involved in economic activities at an early age.<sup>8</sup> The perpetrator's actions constitute a criminal act of economic exploitation of children, which is punishable and regulated as a crime in Article 88 in conjunction with Article 76 I of the Child Protection Law.

Apart from these cases, there are also several similar incidents which are not exposed to the media, and are often encountered by the Women's Empowerment and Child Protection Service or authorities such as the Social Service and Civil Service Police Unit in Banda Aceh, many of these cases are discovered based on reports. from society. The background of each of these phenomena is very different, for example there are children who become workers because of demands from parents who are unable to earn a living due to illness, there are children who volunteer to help their parents, and there are also children who are employed by adults with various kinds of inducements such as being given a cellphone and then the children having to deposit their wages. From various different backgrounds, the steps taken by the authorities are also different, some are simply educated, returned to parents or the community, and some are processed further.<sup>9</sup>

Even though there are many reports from the public to the Women's Empowerment and Child Protection Service

<sup>6</sup> *Eksplorasi Anak Jual Buah Potong di Seputaran Banda Aceh, Pelaku Raup Untung Hingga Rp 1 Juta/Hari* <https://aceh.tribunnews.com>, diakses pada tanggal 03 juni 2024.

<sup>7</sup> Fadillah Aditya Pratama, Kasat Reskrim Polresta Banda Aceh, *Polisi Tangkap Pelaku Eksploitasi Anak Untuk Jual Buah Potong di Lampu Merah dan Keramaian* <https://prohaba.tribunnews.com/2023/07/06/>, diakses tanggal 05 Mei 2024.

<sup>8</sup> Bagong Suyanto, *Masalah Sosial Anak*, Kencana: Jakarta, 2010, hlm. 121.

<sup>9</sup> Amrina Habibi, Kepala Bidang Pemenuhan Hak Anak DP3A Aceh, data penelitian awal, wawancara pada tanggal 13 Mei 2024.

(DP3A) and other agencies regarding the phenomenon of child exploitation, there are still many people who ignore this matter, for example when DP3A carries out outreach, there are still people who think that children who earning money is a normal and good thing because it can lighten the burden on parents.<sup>10</sup>

The crimes recorded are only a sample of all crimes that occurred. Meanwhile, the number of crimes that occurred is never known. This unknown part of crime is called "dark numbers" (hidden criminality or dark numbers/dark figures).<sup>11</sup>

Based on the description above, it is necessary to carry out criminological research to find out more about the factors that cause a child to be exploited, how to deal with it, and also how to enforce the law. Therefore, this research takes the title "Criminological Review of the Criminal Act of Exploitation of Children as Workers".

### Research Methods

The approach method in this research is juridical-empirical. The approach method is carried out in a way where samples are taken based on capabilities regarding time, place and cost. The research sample taken and the part of the population which is estimated to represent the entire population consists of respondents and informants.<sup>12</sup> To obtain data for this research, namely from primary data or data obtained directly from the community.<sup>13</sup>

The type of research used is qualitative research, which is a method of analyzing research results that produces analytical descriptive data, namely data expressed by respondents in writing or orally as well as real behavior, which is researched and studied as a whole. In this case, what is important is the quality of the data, meaning that the researcher carries out analysis of only quality data or legal materials, and does not merely aim to reveal the truth, but also to understand the truth.<sup>14</sup>

Data collection in this thesis research used qualitative data collection techniques, namely interviews, literature, field notes and document recording. Apart from that, to complete the library data, interviews were also conducted with informants who were deemed to understand the problem. The technique used was to visit the research object directly.<sup>15</sup>

Using this technique, research will be carried out by directly interviewing parties related to this research.

a. Respondent:

- 1) Head of the Banda Aceh Municipality Social Service
- 2) Head of the Women and Children Protection Unit of the Banda Aceh Police Criminal Investigation Unit.
- 3) Banda Aceh Municipality Civil Service Police Unit 1 person.
- 4) The perpetrators were 2 people
- 5) 2 children exploited

<sup>10</sup>*Ibid.*

<sup>11</sup> Ainal Hadi, *Suatu Pengantar Kriminologi*, Bandar Publishing: Banda Aceh, 2022, hlm. 63.

<sup>12</sup> Mukti Fajar ND, *Dualisme Penelitian Hukum Normatif dan Empiris*, Pustaka Belajar: Yogyakarta, 2019, hlm. 153.

<sup>13</sup>*Ibid.*

<sup>14</sup>*Ibid.*, hlm. 192.

<sup>15</sup>*Ibid.*, hlm. 192.

b. Informant: Head of the Division for Determining Children's Rights at the Women's Empowerment and Child Protection Service.

As an implementer of policy formulation for fulfilling childrens rights, it is hoped that they can provide data about policies for fulfilling childrens rights in the fields of family and alternative care, education, use of free time, etc. All data is used to answer the problem, namely what are the factor's that causee children to be exploited as workers, what are the efforts to overcome the crime of exploiting children as workers, then how to enforce the law against perpetrators of criminal acts of exploiting children as workers. Next, a discussion (analysis) is carried out by comparing the data against theories, as well as provisions regarding childrens rights and child protection.

### Results and Discussion

#### 1. Implementation of legal protection for the crime of exploiting children as workers

The phenomenon of children as workers in the Banda Aceh municipal area shows that childrens are a vulnerabel group who are exploited economically by being forced or abandoned. In fact, the constitutional mandate of children must receive protection,<sup>16</sup> because children, as a gift from God, are a nation's asset.<sup>17</sup> By working, children are deprived of their right to learn and grow naturally. It is appropriate for all of us, especially parents and adults, to realize that earning a living is not a suitable and safe activity for children, the world that is suitable for them is learning and playing.

**Table 2:** Data on Child Exploitation Crimes in the Legal Area of the Banda Aceh Police for 2022-2024

S. No	Number of Cases	Year	Number of Perpetrators	Number of Victim	Age of Victim	Verdict
1	-	-	-	-	-	-
2	1	2023	1	4	10, 12, 9, 7	P19
3	1	2024	2	2	2,3	P19

**Source:** Banda Aceh Municipality Police Satreskim 2024

Article 76I of the Child Protection Law states that it is prohibited for anyone to allow, place, carry out and order to carry out or participate in the economic and/or sexual exploitation of children.

Article 88 of the Child Protection Law, violation of the provisions of Article 76I, is punishable by imprisonment for a maximum of 10 years and/or a fine of a maximum of Rp. 200,000,000.00.

In an effort to maximize the efficiency of legal protection mechanisms for children who are victims of economic exploitation or as workers, the Banda Aceh resort police, the Women and Child Protection Unit (PPA) collaborate with

<sup>16</sup> Syarwani, Mohd. Din, Suhaimi. (2013). Mekanisme Pengawasan Terhadap Penerapan Pidana Pengembalian Anak Kepada Orang Tua Dalam Sistem Peradilan Pidana Di Indonesia. *Jurnal Ilmu Hukum*, Volume 1 (3), p.46–55. <https://jurnal.usk.ac.id/MIH/article/view/4556>.

<sup>17</sup>Zulyani Mahmud, Zahratul Idami, Suhaimi, Pemenuhan Hak Rekreasional Terhadap Narapidana Anak di Lembaga Pembinaan Khusus Anak Banda Aceh, *Media Iuris*, Vol. 4 No. 2, Juni 2021, p.265-288.

several agencies, namely the Social Service and also psychologists.<sup>18</sup>

The treatment give to children who are victim of criminal acts of exploitation requires psychological treatment, related to supervision, care which cannot be separated from behavior or actions that are more attentive, responsible, responsive to the child's situation, which as a whole is an effort or action from the child's side. supervision, care to restore the child's self-confidence.<sup>19</sup> During the process of investigating the case against the perpetrator of the crime of exploiting children as workers, the Social Service and the Banda Aceh Municipality Police PPA Unit collaborated to provide protection for child victims, where the children will be placed in a safe house, namely the Service's Technical Implementation Unit. (UPTD) Rumoeh Seujahtera Aneuk Nanggroe (RSAN) Aceh Social Service.<sup>20</sup>

**Table 3:** Data on Child Victims of Economic Exploitation Crimes at UPTD RSAN

S. No	Place and date of birth	Victim	Perpetrator
1	Aceh Utara, 18 Mei 2013	ES	SF
2	Langsa, 17 September 2010	MA	SF
3	Langsa, 13 November 2013	SA	SF
4	Langsa, 25 Oktober 2015	AH	SF
5	Aceh Besar, 13 September 2010	SA	Closest People
6	Banda Aceh, 15 Januari 2007	S	Closest People
7	Banda Aceh, 17 Agustus 2009	NS	Closest People
8	Aceh Besar, 5 Februari 2020	S	Parent
9	Aceh Besar, 19 Januari 2022	J	Parent

**Source:** Banda Aceh Municipal Social Service 2023-2024

Before the judge's decision was made, these children were under the auspices of the State, which in this case is the Social Service. The Social Service said these children were kept in a halfway house for a maximum of 1 week, because they also needed to go to school. Then these children were entrusted to the orphanage, namely UPTD Rumoeh Seujahtera Aneuk Nanggroe (RSAN) Aceh Social Service. At RSAN these children can go to school, recite the Koran, and also have foster parents provided per room, so that these children can receive guidance.<sup>21</sup>

## 2. Factors that cause a child to be exploited as a worker

Etymologically, in the Big Indonesian Dictionary, exploitation of children states that exploitation is utilization; exploitation; for one's own benefit; suction; extortion (labor).<sup>22</sup> Or in other words, exploitation is any form of abuse and neglect of children, which is an attitude or action that does not or does not support the protection of children

rights so that physically, spiritually and socially children cannot grow and develop naturally.<sup>23</sup>

Child workers in general are children who do routine work for their parents, for other people, or for themselves which requires a large amount of time, whether they receive compensation or not.<sup>24</sup>

What is meant by exploitation of children by parents or other parties, namely placing, allowing, carrying out, ordering, or participating in economic and sexual exploitation of children as stated in Article 76I of the Child Protection Law.

Exploitation of children is a crime, because this activity robs children of their rights. Children will lack time to rest, play and learn, so this will cause the child's growth and development process to not be optimal and disrupted. Disruption of children will also have a long-lasting impact on the future of children who are less able to differentiate between right and wrong due to the low level of education of exploited children.<sup>25</sup>

The factors causing children to be exploited as workers in Banda Aceh City are the interaction of various factors. As for the final research results, there are factors that cause and drive this problem, namely the economy, community environment, education and parents' profession. The following describes several main factors causing criminal acts of child exploitation in the city of Banda Aceh, including:

### a. Economic Factors

Economic factors are the main factors causing economic exploitation of children. In the theory put forward by Mannheim, it is explained that economic life is what determines all affairs in this structure. Economic conditions and changes have a major influence on the occurrence of crime.<sup>26</sup>

This economic factor itself can have a big influence on exploitation because the prices of basic commodities are increasingly expensive, high levels of needs and increasing expenses require children to step in to help meet their basic needs. These cases of child labor occur in lower middle class (poor) families.<sup>27</sup>

According to the National Central Statistics Agency (BPS), Aceh province is one of the poorest provinces in Indonesia with a poor population reaching 804,530 people or a percentage of 14.23 percent, while for the Banda Aceh Municipality area the percentage of poor people is 19.93 percent.

### b. Community environmental factors

The environmental conditions of the surrounding community are also a driving factor in the occurrence of criminal activities involving the exploitation of children as

<sup>18</sup>Jamil, Kasubnit 2 unit PPA Polresta Kota Banda Aceh, *Wawancara*, 12 Agustus 2024.

<sup>19</sup>Jamil, Kasubnit 2 unit PPA Polresta Kota Banda Aceh, *Wawancara*, 12 Agustus 2024.

<sup>20</sup>Kemalahayati, Kasi Rehabilitasi Anak, Lanjut Usia dan Penyandang Disabilitas Dinas sosial Kota Banda Aceh, *Wawancara*, 09 Agustus 2024.

<sup>21</sup>Kemalahayati, Kasi Rehabilitasi Anak, Lanjut Usia dan Penyandang Disabilitas Dinas sosial Kota Banda Aceh, *Wawancara*, 09 Agustus 2024.

<sup>22</sup> Kamus Besar Bahasa Indonesia (KBBI) online, <https://kbbi.web.id/eksploitasi>, diakses pada tanggal 10 Agustus 2024.

<sup>23</sup>Ikawati, *Profil Eksploitasi Anak Di Wilayah Perkotaan: Pengkajian Strategis Pola Pencegahan Hilangnya Masa Perkembangan Anak*, Depsos RI: Yogyakarta, 2002, hlm. 20.

<sup>24</sup> Bagong Suyanto, *Masalah Sosial Anak*, Kencana Prenada Media Group: Jakarta, 2010, hlm.113.

<sup>25</sup> Amrina Habibi, Kepala Bidang Pemenuhan Hak Anak DP3A Aceh, *Wawancara*, 13 Mei 2024.

<sup>26</sup> Susanto, *Kriminologi*, Genta Publishing: Yogyakarta, 2011, hlm. 87.

<sup>27</sup>Kemalahayati, Kasi Rehabilitasi Anak, Lanjut Usia dan Penyandang Disabilitas Dinas sosial Kota Banda Aceh, *Wawancara*, 09 Agustus 2024.

workers in the Municipality of Banda Aceh. In social control theory, it is also stated that individuals in society have the same tendency to be "good" or "bad". Whether a person is good or bad depends entirely on his or her society. It becomes good when society makes it so.

The more complex something in society, the more difficult it is for us and the more failures we will encounter. The more laws and sanctions there are, the more crimes there are.<sup>28</sup>

In the case of exploiting children as workers, the perpetrators of the exploitation are people who live in an environment where employing minors is normal, and even the community around where the activity is carried out does not consider this to be wrong. For example, when there are children selling, many people buy and even give many times the amount of money. Of course, this will make children and exploiters feel happy and want to continue doing this and can also encourage potential perpetrators to do the same.<sup>29</sup>

#### c. Lack of expertise factor

Villagers who come to the city do not have special skills so they do inappropriate work, such as busking, begging, scavenging, etc. because their skills are inadequate or have no skills at all, so they do the same work. absolutely no skills required in the field. Because when they lived in the village they were not trained to carry out a proper profession.

Based on several cases of children detained by Banda Aceh Municipality Satpol PP, such as children begging, selling, busking and clowning, they are not native residents of Banda Aceh Municipality but rather come from surrounding districts such as Aceh Besar.<sup>30</sup>

Apart from Aceh Besar, there are also families from the cities of Langsa and Pidie, they move to Banda Aceh and then rent cheap and uninhabitable houses at low prices to live in, bringing their children, then these children will be employed in Banda Aceh.<sup>31</sup>

#### d. Cultural factors

Cultural factors are also one of the factors causing criminal acts of child exploitation in the city of Banda Aceh. The culture referred to here is the role of children in the family. In our culture, children are required to be filial to their parents, one of which is by helping to lighten the economic burden that should be the parents' obligation.

Based on research results found in the field, there are several reasons why child victims of exploitation want to do work (selling), namely:

- 1) Parent's orders<sup>32</sup>
- 2) Can earn money<sup>33</sup>
- 3) To meet your own needs.

<sup>28</sup> Simanjuntak B, *Pengantar Kriminologi dan Pantologi Sosial*, Sinar Baru: Bandung, 2004, hlm. 65.

<sup>29</sup> Kemalabayati, Kasi Rehabilitasi Anak, Lanjut Usia dan Penyandang Disabilitas Dinas sosial Kota Banda Aceh, *Wawancara*, 09 Agustus 2024.

<sup>30</sup> Zakwan, Bidang Ketertiban Umum dan Kententruman Masyarakat, *Wawancara*, 8 Agustus 2024.

<sup>31</sup> Kemalabayati, Kasi Rehabilitasi Anak, Lanjut Usia dan Penyandang Disabilitas Dinas sosial Kota Banda Aceh, *Wawancara*, 09 Agustus 2024.

<sup>32</sup> MR, Anak Penjual Buah Potong, *Wawancara*, 02 Agustus 2024.

<sup>33</sup> P, Anak Penjual Buah Potong, *Wawancara*, 02 Agustus 2024.

The reasons why perpetrators exploit children as workers are:

- 1) To earn extra money

The perpetrator of the exploitation is a person with a low income, so to meet his needs the perpetrator looks for a side business by employing underage children.<sup>34</sup>

- 2) It's easier to employ children

By employing children to sell, it will be easier to sell than selling yourself or employing other adults. Because if they are children, they will invite pity and pity from the people who see them.<sup>35</sup>

### 3. Efforts to overcome the occurrence of criminal acts of exploitation of children as workers

Criminology is a science that studies crime. Etymologically, criminology comes from the words "Crime" which means crime and "logos" which means knowledge or science, so that criminology is the science of crime or criminals. The term criminology itself was first used by an anthropologist from France, namely Sthepen Hurwitz.<sup>36</sup>

Studying criminology includes studying the problem of crime prevention efforts. Herman Manheim himself firmly stated that although the problem of society's reaction to crime is included in the field of study of the Sociology of Criminal Law, there is no harm in being studied by Criminologists. This is also in line with experts (such as W.A Bonger and Sutherland) who are of the view that criminology in a broad sense includes discussing the problem of crime prevention efforts.<sup>37</sup>

Based on the statement above, crime prevention efforts are broadly divided into three things, namely initial efforts (pre-emptive), non-penal efforts (preventive), and penal efforts (repressive).

The Social Service, Satpol PP and also the Banda Aceh Municipal Police PPA unit collaborate in carrying out countermeasures against criminal acts of exploitation of children as workers, namely:

#### a. Initial Effort (pre-emptive)

- 1) Socialization

Several outreach activities are often carried out by the Dinsos of Banda Aceh Municipal and also the DP3A, such as:

- a) Socialization on the Prevention of Violence Against Children carried out by DP3A Aceh to several high school/vocational schools in the Municipality of Banda Aceh, the socialization is held every Monday morning.
- b) Socialization on Improving Family Quality. In 2024, socialization will be carried out in districts surrounding Banda Aceh Municipality, such as Aceh Jaya and Aceh Besar districts, which aims to increase community knowledge and understanding in order to improve family quality and also strengthen regional commitment

<sup>34</sup> Kemalabayati, Kasi Rehabilitasi Anak, Lanjut Usia dan Penyandang Disabilitas Dinas sosial Kota Banda Aceh, *Wawancara*, 09 Agustus 2024.

<sup>35</sup> S, Orang Tua Anak Penjual Buah, *Wawancara*, 27 Juli 2024.

<sup>36</sup> Sthepen Hurwitz, *Kriminologi*, diterjemahkan Oleh Ny. L. Moeljatno, Bina Aksara: Jakarta, 1982, hlm. 9.

<sup>37</sup> Nanang Sambas, *Kriminologi Perspektif Hukum Pidana*, Sinar Grafika: Jakarta, 2021, Hlm. 121

to initiate the formation of Women-Friendly Villages and Care for Children (DRPPA).<sup>38</sup>

- c) Socialization by the Banda Aceh Municipal Social Service together with the Social Worker community (Peksos) which is carried out informally, namely socialization of a family nature, such as between community members and social groups within the Banda Aceh Municipal community.

Apart from carrying out direct outreach regarding social issues, especially regarding children, the Social Service also intensively carries out outreach through social media, electronic media and print media. The social media managed by the Banda Aceh Municipal Social Service are Instagram with the account @dinsos\_bna, the website [dinsos.bandacehkota.go.id](https://dinsos.bandacehkota.go.id), then also through electronic media such as RRI radio, and also print media such as Banda Aceh Journals, Kabar Awak Aceh, The News Of Aceh Bithe, etc.

The fundamental aim of socialization is to develop cooperative relationships with various members of society and institutions that are directly related to the exploitation of children as workers, so that it is hoped that institutions and society will collaborate closely in making efforts to prevent this.<sup>39</sup>

#### 2) Collaboration between government agencies

Cooperation between government agencies is very important to implement because the perpetrators and also the children who are exploited come not only from within but also from outside the Municipality of Banda Aceh.

Several collaborative activities carried out by the Banda Aceh Municipal Social Service, namely:<sup>40</sup>

- a) Coordination meeting of the child-friendly city task force and cross-sector collaboration for handling children who need special protection (AMPK) which will be held on July 30 2024 and August 6 2024.
- b) Collaborate with the Women and Children Protection unit of the Banda Aceh Municipal Police regarding child protection.

#### 3) Distribution of aid to disaster victims

Natural disasters and social disasters can be a factor causing poverty, and poverty is very vulnerable to criminal acts of child exploitation, therefore the Banda Aceh Municipal Social Service also routinely carries out activities to provide aid to disaster victims, such as:

- a) The Banda Aceh Municipality Social Service together with the Banda Aceh Municipal Government (Pemkot) always routinely distribute aid to victims of natural disasters such as floods and earthquakes that have occurred in recent years.
- b) Distribution of aid during panic to victims affected by social disasters (fires) whose addresses are Gampong Lampaseh Kota, Kutaraja District, Banda Aceh, on August 9 2024.
- c) Distribution of aid during panic to victims affected by social disasters (fires) whose address is Gampong

Lamteumen Barat, Jaya Baru District, Banda Aceh, on August 6 2024.

- d) Distribution of panic aid to victims affected by the social disaster (fire) at the Babun Najah Gampong Doy Islamic boarding school, Ulee Kareng District, Banda Aceh, on June 3 2024.

#### b. Non-Penal Efforts (preventive)

##### 1) Supervision

In the monitoring process, the Civil Service Police Unit (Satpol PP) supervises children who are exploited as sellers, beggars, buskers and clowns at several points that are places prone to child exploitation. If during supervision there are children carrying out these activities, they will be immediately detained.<sup>41</sup>

##### 2) Enforcement

Children who are detained are usually taken to the Satpol PP office or taken to a Social Service safe house. When arresting and securing children, children are usually alone or without parents or other adults, then Satpol PP will carry out an assessment, namely asking the child questions and answers regarding the identity of the guardian and so on. If the child works of his own free will, his parents will be summoned to be given a warning, and with knowledge of child protection law, a letter of agreement will then be drawn up to be signed.

If it is indicated that the child being detained was coordinated by someone other than the child's parent, further action will be taken to arrest the perpetrator by collaborating with the police.<sup>42</sup>

##### 3) Order

Orderliness means the process of regulating something with the aim of making it better. Every action taken by Satpol PP regarding violations that occur will be secured to provide insight aimed at changing the attitude, mentality and thoughts of the perpetrators. The punishment applied by Satpol PP is not in the form of criminal sanctions, but only administrative sanctions in the form of being detained in an isolation room until the process is complete, then an agreement will be made and signed.

In carrying out preventive efforts against children who are exploited as workers, it is not only carried out by Satpol PP, but also collaborates with the Banda Aceh Municipal Social Service TRC (Quick Reaction Team) patrol team by carrying out joint patrols, then guidance will be carried out in safe houses.<sup>43</sup>

#### c. Penal (repressive) efforts

Repressive efforts are efforts carried out through legal channels.<sup>44</sup> This effort focuses more on repressive nature, namely actions carried out after the crime occurs through law enforcement and legal punishment for the crime committed.

In carrying out this latest effort, the police, especially the Women and Children Protection Unit of the Banda Aceh

<sup>38</sup> Amrina Habibi, Kepala Bidang Pemenuhan Hak Anak DP3A Aceh, *Wawancara*, 13 Mei 2024.

<sup>39</sup> Kemalhayati, Kasi Rehabilitasi Anak, Lanjut Usia dan Penyandang Disabilitas Dinas sosial Kota Banda Aceh, *Wawancara*, 09 Agustus 2024.

<sup>40</sup> <https://dinsos.bandacehkota.go.id/>

<sup>41</sup> Zakwan, Bidang Ketertiban Umum dan Kententraman Masyarakat, *Wawancara*, 8 Agustus 2024.

<sup>42</sup> Zakwan, Bidang Ketertiban Umum dan Kententraman Masyarakat, *Wawancara*, 8 Agustus 2024.

<sup>43</sup> Kemalhayati, Kasi Rehabilitasi Anak, Lanjut Usia dan Penyandang Disabilitas Dinas sosial Kota Banda Aceh, *Wawancara*, 09 Agustus 2024.

<sup>44</sup> *Ibid*, hlm. 46.

Police, will arrest suspected perpetrators of criminal acts of child exploitation. Usually arrests are made based on public reports or observations from several related parties such as Satpol PP and Social Services. After an arrest is made, an inquiry and inquiry will be carried out, then it will be handed over to the prosecutor's office for prosecution and examination at the court hearing in accordance with applicable laws and regulations.<sup>45</sup>

This repressive effort is the last effort that must be taken, because this effort is to provide a lesson to the perpetrators of crimes so that they do not repeat their actions, even though this effort seems to only be an effort to provide a deterrent effect. If the enforcement efforts carried out by law enforcement have gone well, it is hoped that subsequent crimes can be contained.

### Conclusion

In implementing legal protection for criminal acts of child exploitation as a Banda Aceh resort police worker, the Women and Child Protection Unit (PPA) collaborates with several agencies, namely the Social Service and also psychologists. During the process of investigating the case against the perpetrator of the crime of exploiting children as workers, the Social Service and the Banda Aceh Municipality Police PPA Unit collaborated to provide protection for child victims, where the children will be placed in a safe house, namely the Service's Technical Implementation Unit. (UPTD) Rumoeh Seujahtera Aneuk Nanggroe (RSAN) Aceh Social Service.

Exploitation of children as workers can be caused by several factors, including: economic factors, community environmental factors, lack of skills, and cultural factors.

Efforts to overcome the occurrence of criminal act of exploitation of children as workers are: 1) as an initial effort by conducting outreach, cooperation between government agencies, distributing aid to disaster victims, 2) non-penal (preventive) efforts by carrying out supervision, taking action, control, 3) penal efforts through legal channels, namely arrest, then investigation and inquiry will be carried out, then it will be handed over to the prosecutor's office for prosecution and examination in court in accordance with applicable laws and regulations.

### Suggestions

Currently, there are still many children exploited as workers in the Municipality of Banda Aceh, most of them come from lower middle class or poor families. Poverty is one of the major factors in the occurrence of criminal acts of child exploitation. Poverty also occurs due to various factors, it is hoped that the government can overcome these factors, such as providing employment opportunities and also job training programs.

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