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## Legal Framework for Protecting Children from Commercial Sexual Exploitation

Article	Abstract
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### INTRODUCTION

Many children face various forms of exploitation violence, including economic, sexual, physical, and psychological exploitation. According to research from the International Labor Organization (ILO), nearly 2 million children are trafficked each year, and approximately 1.2 million of these children are sexually exploited for commercial purposes. This trafficking generates nearly \$12 billion in profits annually for criminal enterprises. Asia has the highest numbers of trafficked children and women, with estimates ranging from 250,000 to 400,000, accounting for about 30%

of the global total. Every country is affected, whether as countries of origin, transit, or destination.<sup>1</sup>

In South Sulawesi Province, child prostitution, pornography, and trafficking are also significant issue. In 2010, it was estimated that around 9,000 children were involved in prostitution, representing 30% of the total 22,380 commercial sex workers (CSWs) in the region. Data indicate that activities related to the Commercial Sexual Exploitation of Children (CSEC) are on the rise in Indonesia. The primary forms of CSEC affecting children in South Sulawesi include prostitution and child trafficking for sexual purposes, impacting both students and non-students alike. Alarmingly, many schoolchildren engage in sexual transactions with adults, including relatives, in public locations such as canteens, clubs, shopping centers, or rented houses.<sup>2</sup>

Over time, children who become sex workers often seek out their predators by going to discos or directly contacting clients after obtaining their phone numbers.<sup>3</sup> The culture in some villages contributes to this exploitation, as children are still viewed as personal property, subject to their parents' wishes. The Convention on the Rights of the Child (CRC), which the Indonesian government recognizes, underscores that every child has the right to express their wishes and be protected from physical and sexual violence, as stated in Law Number 35 of 2014 concerning Child Protection.

In 2009, the National Commission for Child Protection (Komnas PA) reported 1,998 cases, with approximately 62.7 percent involving sexual violence, including rape and other forms of sexual abuse. The prevalence of violence against children increased in 2010. According to Komnas PA's monitoring from January to June 2010, there were several recorded cases of violence, including 453 cases of physical violence, 550 cases of psychological violence, and a total of 646 cases of sexual violence. Data collected from 12 cities across Indonesia indicates that 40,000 to 70,000 children are victims of commercial sex exploitation.

Furthermore, additional studies reveal a rising trend in sexual violence against children in Indonesia. Research by Ira Aini Dania indicated an increase from 226 cases in 2000 to 655 cases in 2003, with almost 50% of the victims being under the age of 18.<sup>4</sup> Similarly, research conducted by Yayat Supriatna, Sartika Dewi, and Muhamad Abas reported that victims aged 13 to 17 years ranked highest, particularly among junior high school students, who represented a significant portion of the cases. This indicates that children in this age group are highly vulnerable to sexual violence.<sup>5</sup> Additionally, Triyo Ambodo and Fathur Rochim noted that during 2023, out of 3,877 complaints received, 1,866 pertained specifically to child protection cases, with sexual violence being the most prevalent.<sup>6</sup>

<sup>1</sup> Mohd Al Adib Samuri and Noor Aziah Haji Mohd Awal, "Hukuman Terhadap Pesalah Kanak-Kanak Di Malaysia: Pencegahan Atau Pemulihan?," *Jurnal Undang-Undang Dan Masyarakat* 13 (2009): 35.

<sup>2</sup> A Pedra Jorge-Birol, "Empowering Victims of Human Trafficking: The Role of Support, Assistance and Protection Policies," *HUMSEC Journal* 2 (2008): 63–178.

<sup>3</sup> Chinenye Patience Dave-Odigie, "Human Trafficking Trends in Nigeria and Strategies for Combating The Crime," *Peace Studies Journal* 1, no. 1 (2008): 63–70.

<sup>4</sup> Ira Aini Dania, "Kekerasan Seksual Pada Anak Child Sexual Abuse. *Jurnal Kedokteran Dan Kesehatan, Fakultas Kedokteran Universitas Islam Sumatera Utara*," *Ibnu Sina : Jurnal Kedokteran Dan Kesehatan - Fakultas Kedokteran Universitas Islam Sumatera Utara* 19, no. 1 (2020): 46–52.

<sup>5</sup> Yayat Supriatna, Sartika Dewi, and Muhamad Abas, "Kasus Kekerasan Seksual Terhadap Anak Dibawah Umur Ditinjau Dalam Perspektif Undang-Undang Perlindungan Anak," *Unes Journal of Swara Justisia* 8, no. 2 (2024): 349–58, <https://doi.org/10.31933/mgnxx857>.

<sup>6</sup> Triyo Ambodo and Fathur Rochim, "Evaluasi Penanganan Kasus Kekerasan Seksual Terhadap Anak," *Islamic Law: Jurnal Siyasa* 9, no. 1 (2024): 74–86, <https://doi.org/https://doi.org/10.53429/iljs.v9i1.983>.

According to ECPAT Indonesia, data from the first quarter of 2019 showed that online child sexual offenses were notably common, constituting nearly 35% of the 37 cases identified, which included incidents of pornography and online grooming. Moreover, data from the National Police Headquarters, up to August 2019, recorded approximately 236 incidents of sexual offenses occurring online.<sup>7</sup>

Data from the Central Statistics Agency (BPS) in 2011 revealed a rise in the number of children victimized by commercial sexual exploitation in South Sulawesi from 2007 to 2011. Specifically, there were 140 reported cases in 2007, 157 in 2008, 241 in 2009, 275 in 2010, and 288 in 2011. Given this consistent yearly increase in child exploitation cases, it is highly likely that the number of children involved in such incidents continued to rise through 2014. While cases of child exploitation also occur in other Asian countries, the number in Indonesia are significantly higher. Consequently, the protection of children from Commercial Sexual Exploitation (CSEC) has been prioritized as one of the four main areas of focus in the Bali Declaration from the VI Ministerial Consultation on Children. As a member countries of the United Nations (UN), Indonesia has acknowledged the Convention on the Rights of the Child (CRC) through Presidential Decree Number 36 of 1990, signifying its commitment to adhere to its provisions legally.

According to Law Number 35 of 2014, “Child protection encompasses all activities aimed at guaranteeing and protecting children and their rights, ensuring they grow and engage optimally in accordance with human dignity and honor, and safeguarding them from harassment, violence, and discrimination.” Although the Constitution of the Republic of Indonesia (UUD 1945) does not explicitly address the protection of children from CSEC, it states that “every child has the right to survive, grow, develop, and be protected from harassment, violence, and discrimination.” Thus, the state is obligated to provide legal protection and welfare for all its citizens without exception.<sup>8</sup> This constitutional foundation demonstrates that the state recognizes and commits to the protection of all citizens, including children. However, full assurance of this protection has yet to be realized, as the situation remains under observation and enforcement. Protection and welfare of children are intrinsically linked to human rights discussions, as children are vulnerable individuals who require safeguarding. Protecting children is a vital aspect of upholding human rights, as their rights are an integral component of overall human rights.<sup>9</sup>

Despite the extensive facts and data indicating that many children fall victims to commercial sex trafficking, Indonesian national law does not specifically address prostitution. Only a few provisions in the Criminal Code (KUHP) pertain to prostitution, namely Articles 296, 297, and 506. However, these articles primarily focus on those who facilitate prostitution, while prostitutes and clients remain inadequately regulated. This lack of comprehensive legal coverage undermines the effectiveness of the Criminal Code in addressing the issues related to CSEC in Indonesia.<sup>10</sup>

<sup>7</sup> Indah Sri Utari, Ridwan Arifin, and Diandra Preludio Ramada, “Exploring Child Grooming Sexual Abuse through Differential Association Theory: A Criminological and Legal Examination with Constitutional Implications,” *Volkgeist: Jurnal Ilmu Hukum Dan Konstitusi* 7, no. 1 (June 5, 2024): 69–88, <https://doi.org/10.24090/VOLKSGEIST.V7I1.9564>.

<sup>8</sup> Riris Ardhanariswari et al., “Enhancing SDGs Desa Implementation for Human Right Fulfillment in Banyumas Regency: An Empirical Judicial Analysis,” *Journal of Indonesian Legal Studies* 9, no. 1 (May 8, 2024): 279–316, <https://doi.org/10.15294/JILS.VOL9I1.4581>.

<sup>9</sup> Hariyanto Hariyanto, Ahmad Rezy Meidina, and Mabarroh Azizah, “Decentralization and the Fulfillments of Children’s Rights: Challenges and Opportunities for Local Government in Indonesia,” *Lex Scientia Law Review* 8, no. 2 (November 30, 2024): 677–706, <https://doi.org/10.15294/LSLR.V8I2.14373>.

<sup>10</sup> Muthia Fadhila Khairunnisa and Nurliana Cipta Apsari, “Sistem Dukungan Sosial Bagi Korban Eksploitasi Seksual Komersial Anak (ESKA),” *Share: Social Work Journal* 10, no. 2 (2020): 119–26.

Currently, the practice of child exploitation is becoming increasingly visible and even frequently makes headlines in the media, highlighting the urgent need for laws that can prevent these acts and protect victims. Numerous cases of violence against children, including those related to sexual exploitation, occur, yet few actions are taken to address them. Many Indonesian children, particularly in South Sulawesi Province, continue to have their rights violated, often suffering from harassment, violence, neglect, sexual exploitation, abuse, discrimination, and inhumane treatment. According to child psychologist Terry E. Lawson, these actions can be classified as child abuse or cruel treatment, which ranges from neglect to severe offenses such as rape and murder.<sup>11</sup>

A UNICEF study conducted in 2009 estimated that approximately 40,000 Indonesian children become victims of CSEC each year. In South Sulawesi Province, three common forms of CSEC include prostitution, pornography, and child trafficking for sex purposes.<sup>12</sup> The problem is further compounded by the cultural norms in rural communities, where children are often regarded as personal property, subject to their parents' wishes. In the Convention of the Child emphasizes that every child has the right to express their wishes and to receive protection from physical and sexual violence, as outlined in Law Number 35 of 2014 concerning Child Protection.<sup>13</sup>

Sexual exploitation of children for commercial purposes is fundamentally a form of sexual abuse. The issue of CSEC in Indonesia, particularly in South Sulawesi, has become chronic. This is evident from the rising numbers of perpetrators and victims, as well as the frequent media coverage of CSEC cases. If this issue is not addressed promptly and effectively, it will escalate into a more severe social problem. Therefore, comprehensive control and intervention are necessary from various stakeholders.<sup>14</sup> Women and children require enhanced protection, as they are often vulnerable legal subjects across many aspects of life. The perception of women and children as weak is closely tied to patriarchal cultural factors.<sup>15</sup>

Beyond these challenges, several other issues related to exploitation must be addressed, including the methods of operation for exploitation, transaction model, legal instruments designed to prevent and protect child victims of exploitation, government policies, and public responses, all of which are examined in this study. A more focused and in-depth analysis is needed to understand the factors contributing to sexual exploitation, ways to prevent it through legislation and targeted policies from the South Sulawesi Provincial Government, and the challenges faced in prevention efforts. This study aims to provide legal insights and solutions to various questions related to sexual exploitation.

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<sup>11</sup> Maharany Fitri, Chairul Bariah, and Arif Arif, "Peranan The United Nations Children's Fund (Unicef) Dalam Penanganan Eksploitasi Seksual Komersial Anak (ESKA) Di Dunia," *Sumatra Journal of International Law* 4, no. 2 (2016): 164543.

<sup>12</sup> Eli Inayanti, 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* 10, no. 1 (2020): 47–62.

<sup>13</sup> Achmad Agus Ramdlany, "Perlindungan Hukum Terhadap Eksploitasi Seksual Komersial Anak," *Jurnal Pamator: Jurnal Ilmiah Universitas Trunojoyo* 4, no. 2 (2011): 187–95.

<sup>14</sup> Hero Lasapu, "Perlindungan Anak Atas Eksploitasi Seksual Menurut Convention on The Rights of The Child 1989," *Lex Crimen* 11, no. 5 (2022).

<sup>15</sup> Rini Fitriani et al., "Legal Protection for Wife and Child as Consequence of Head of Family's Criminal Imprisonment Enforcement," *Volksgeist: Jurnal Ilmu Hukum & Konstitusi* 6, no. 1 (2023), <https://doi.org/https://doi.org/10.24090/volksgeist.v6i1.8232>.

## RESEARCH METHODS

This study employs a socio-legal approach that integrates legal analysis with social research methods. Data were gathered through both library and field research, providing a combination of normative and empirical insights. The primary analysis technique used is descriptive analysis, complemented by triangulation, which involves comparing data from interviews and field observations to enhance accuracy and depth.

Field data were collected through in-depth interviews and observations, with the aim of revealing the diversity, effectiveness, weaknesses, and gaps in Indonesian laws concerning the control of Commercial Sexual Exploitation of Children (CSEC). The study further examines the different forms of CSEC, causal patterns, case handling, and the experiences of victims.

To achieve this, the researcher conducted interviews with key informants, including law enforcement officials, social workers, child protection NGOs, and survivors of CSEC, selected through purposive sampling. This approach yields rich, contextual insights into the issue.

The choice of a socio-legal approach is well-founded given the nature of the research questions, which require comprehensive data collection from a variety of sources to draw meaningful conclusions. The study focuses on a descriptive, in-depth, and holistic exploration of the problem of commercial sexual exploitation of children in Indonesia.

## ANALYSIS AND DISCUSSION

### Cases of Children Sexually Exploited for Commercial Purposes in South Sulawesi Province

The sexual exploitation of children for commercial purposes (CSEC) has been a longstanding issue in South Sulawesi Province, affecting both urban and rural children. According to data from the Child Protection Committee, there were at least 673 reported cases of child sexual exploitation for commercial purposes in Indonesia in 2012, representing an increase from 480 cases in 2011 and 412 cases in 2010. This trend indicates a consistent rise in incidents each year. The majority of CSEC victims are typically between the ages of 13 and 17. The cases of CSEC reported in South Sulawesi Province are summarized in Table 1 below.

Table 1. Cases of Children Sexually Exploited for Commercial Purposes in South Sulawesi Province

Case Form	2011	2012	2013	Information
Prostituted children	21	24	37	Mostly occurs in Makassar City
Child pornography	-	5	3	-
Child trafficking for sexual purposes	14	11	33	Increasingly identified
Child sex tourism	-	-	-	No cases found yet
Child marriage	14	23	22	Highest in Indonesia, prevalent in villages
Total	39	63	95	

Source: South Sulawesi Child Protection Agency (LPA) Data, August 2013

Currently, there is no updated data available regarding CSEC cases in South Sulawesi for 2024. The most recent figures presented in this report are from 2013, obtained from the South Sulawesi Child Protection Agency (LPA). To gain an accurate and up-to-date understanding of the current situation, further research, updated statistics, and field studies are essential. Without recent data, it is challenging to ascertain whether the incidence of CSEC cases has increased, decreased, or remained stable over the past decade. Consequently, continuous monitoring and reporting are crucial to developing effective prevention and intervention strategies.

Among the various forms of CSEC, child prostitution, child marriage, and child trafficking for sexual purposes remain the most prevalent in the province. Research on CSEC in South Sulawesi has primarily concentrated on these three areas, with a particular emphasis on child prostitution and child trafficking. The following sections will discuss these findings in greater detail.

### *Prostituted Children*

Data from Lontara Child Protection Agency (LPA) indicates that children who have become victims of prostitution can be categorized into three age groups, as shown in table 2 below.

Table 2. Age of Prostituted Children

Age of the Victim	Amount	Percentage %
Under 14 years	674	30 %
14 – 17 years	1,118	50 %
18 – 20 years	445	20 %
Total	2,237	100 %

Based on these age categories, approximately 80 percent of the population working as prostitutes in South Sulawesi Province falls within the minor age group. An increasing number of children engaging in prostitution is evident, as indicated by a study conducted by the International Programme on the Elimination of Child Labor-International Labor Organization (IPEC-ILO) in 2009, which found that 70% of all Commercial Sex Workers (CSWs) operating on the streets were still children. Additionally, child prostitution can be found in cafes and brothels throughout South Sulawesi, where minors constitute about 50% of the total CSW population.

Child prostitution is one of the most prevalent forms of abuse in South Sulawesi Province. The issue has a long history, although there is no written data documenting it. According to local NGO<sup>2</sup>, child prostitution was already apparent in the early 90s, particularly in areas around Jalan Syamratulangi Makassar, Studio Twenty-One in Makassar, Jalan Veteran, and Lapangan Karebosi. In regencies outside Makassar City, instances of child prostitution have primarily been reported along the borders of Pangkep and Barru Regencies, as well as in Pare-pare City. As noted by various NGOs, child exploitation remains a concern across nearly all regencies and cities in South Sulawesi Province, although the numbers are not extensive, and there is a lack of concrete written data on this issue.<sup>16</sup>

<sup>16</sup> Jingga Cahya Irawan, “Upaya Pemerintah Indonesia Dalam Pencegahan Eksploitasi Seksual Komersial Anak Di Sektor Pariwisata Sebagai Pemenuhan Optional Protocol to The Convention on The Rights of The Child on The Sale of Children, Child Prostitution and Child Pornography Tahun 20” (Universitas Islam Negeri Sunan Ampel Surabaya, 2021).

In the Southern Sulawesi Province, prostituted children are commonly referred to as “*lonte*,” a term that means child. This label was assigned because children involved in prostitution are frequently found in dark alleys familiar to their clients who are often older men referred to as “uncles”. From mid-1998 to 2013, the presence of prostituted children was prevalent in the Southern Sulawesi Province.

Research by Willis and Levy indicates that approximately 1 million children are forced into prostitution each year, contributing to an estimated total of 10 million child victims worldwide.<sup>17</sup> These children face a heightened risk for infectious diseases, unintended pregnancies, mental health disorders, substance abuse, and violence. Commercial sexual exploitation and child sex trafficking represent severe forms of sexual violence and violations of human rights. Victims often endure significant trauma and have unmet physical and mental health needs.<sup>18</sup>

It is essential to recognize that children’s involvement in prostitution often occurs in concealed locations that are accessible only to specific individuals. It is crucial to develop the ability to uncover these practices to rescue children and implement preventive measures to protect them from victimization. The study reveals that preventive efforts have not been conducted effectively by the government or relevant agencies in South Sulawesi Province.

### **Child Trafficking for Sexual Purposes**

Several cases of child trafficking have been successfully uncovered by the South Sulawesi Regional Police. In late May 2004, the police dismantled a child trafficking network involved in prostitution practices in Pare-Pare City and Bone Regency. Authorities arrested four members of the network, all from Pare-Pare City. During the operation, two children, aged 15 and 17, who were about to be sold, along with nine young women aged between 18 and 24, were rescued. According to the victims, they had been promised jobs with a monthly salary of Rp. 2,500,000.00 per month.

Incidents of child trafficking for sexual purposes, such as those mentioned above, are believed to have been occurring for many years. However, the topic has only gained widespread attention since the early 2000s. In 2003, the Lontara Child Protection Agency (LPA) reported that 14 female street children had been trafficked for sexual exploitation. The identified pattern of recruitment and transportation is typically conducted on a small scale, usually involving 4 to 6 children at a time. The primary destination for trafficked children for sexual purposes has been identified as the Batam area.<sup>19</sup>

### **Child Pornography**

Child pornography, more accurately referred to as Child Sexual Abuse Material (CSAM), is defined by federal law as visual representations of sexually explicit conduct involving individuals

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<sup>17</sup> Brian M Willis and Barry S Levy, “Child Prostitution: Global Health Burden, Research Needs, and Interventions,” *Lancet* 20, no. 359 (2002): 1417–22, [https://doi.org/10.1016/S0140-6736\(02\)08355-1](https://doi.org/10.1016/S0140-6736(02)08355-1).

<sup>18</sup> Elizabeth Barnert et al., “Commercial Sexual Exploitation and Sex Trafficking of Children and Adolescents: A Narrative Review,” *Academic Pediatrics* 17, no. 8 (2017): 825–29, <https://doi.org/10.1016/j.acap.2017.07.009>.

<sup>19</sup> Saparudin Efendi and Prandy Arthayoga Louk Fanggi, “Perlindungan Hukum Terhadap Korban Eksploitasi Seksual Komersial Anak (ESKA) Dalam Ranah Pariwisata,” *Ius Civile: Refleksi Penegakan Hukum Dan Keadilan* 7, no. 1 (2023): 68–79.

under 18 years of age.<sup>20</sup> This includes photographs, videos, or other forms of media that depict the sexual exploitation of children.

Research from Lontara Child Protection Agency indicates that there were four victims who identified themselves as victims of pornography. One of these victims was solely involved in pornography and did not experience other forms of exploitation, while the other three victims were subjected to both pornography and prostitution. Additionally, there was a street child who was photographed naked by a foreign tourist. The child was lured by a friend and taken home by taxi. After the photograph was taken, they received only Rp. 200,000. In this instance, the pornographic footage recorded was recognized as part of a personal collection but could quickly spread widely. Advances in technology, including mobile phones equipped with image and video-sharing capabilities, as well as the internet, facilitate this dissemination.

### **Child Marriage (Age)**

Child Marriage, in certain instances, has led to the sexual exploitation of many children for commercial purposes. A 2018 UNICEF study estimated that 1,220,900 women aged 20 to 24 had married before reaching 18. This statistic places Indonesia among the top 10 countries with the highest absolute number of child marriages globally.<sup>21</sup> In South Sulawesi Province, the rate of child marriages is the highest of any province in Indonesia, with rates for ages 15 to 19 also exceeding national average. South Sulawesi has the highest percentage of early marriages, reaching 6.7% compared to the national average of just 2.46%.

According to the South Sulawesi Women's Empowerment Agency, Gowa Regency and Bone Regency report the highest incidents of young marriages among the 23 regencies and cities in the province. A notable example of the repercussions of child marriage, leading to a "lost generation," occurred in Bulukumba Regency, where an entire generation has perished, leaving a house now abandoned.

The rate of child marriage in South Sulawesi Province stands at 45%, with ages ranging from 10 to 15 years. This high prevalence is attributed to broader issues impacting women and children. According to Titin Sutarty, the Head of the National Population and Family Planning Agency (BKKBN) in South Sulawesi Province, the Child Protection Law Number 35 of 2014 mandates that the responsibility for preventing early marriage lies with parents. Parents cannot claim that their child's decision to marry young is entirely voluntary. Given their greater knowledge and experience, parents are expected to delay marriage until their children reach physical and reproductive maturity and acquire the necessary skills for manage household.<sup>22</sup>

The effectiveness of Child Protection Law Number 35 of 2014 is currently being assessed in its efforts to address cases of early marriage, with sometimes involve the sexual exploitation

<sup>20</sup> Juha Nurmi et al., "Investigating Child Sexual Abuse Material Availability, Searches, and Users on the Anonymous Tor Network for a Public Health Intervention Strategy," *Scientific Reports* 14, no. 1 (2024): 1–15, <https://doi.org/10.1038/s41598-024-58346-7>. Tor is popular for distributing and viewing illicit child sexual abuse material (CSAM)

<sup>21</sup> Nuruddin Nuruddin, Aisyah Wardatul Jannah, and Dwi Martini, "Evaluating the Effectiveness of Age Restriction on Marriage in Indonesia," *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi*, no. 2 (December 31, 2023): 313–30, <https://doi.org/10.24090/VOLKSGEIST.V6I2.9844>.

<sup>22</sup> S Daarwin Subramanee et al., "Child Marriage in South Asia: A Systematic Review," *International Journal of Environmental Research and Public Health* 19, no. 22 (2022): 15138.

of children for commercial purposes. Specific cases, such as the marriages of Sheikh Puji with Lutfiana Ulfa and Aceng Fikri with Rini, highlight the misuse of wealth, power, and religious justification to perpetuate similar situations. Additionally, the difference in the legal marriage age for men and women, as outlined in the Marriage Law, poses a discriminatory challenge, as it results in a shorter period of protection for girls compared to boys.

### Factors Contributing to the Commercial Sexual Exploitation of Children in South Sulawesi

The study identified several factors contributing to the incidence of commercial sexual exploitation of children (SCEC) in South Sulawesi Province, as outlined in Table 3 below.

Table 3. Factors Contributing to the Incidence of CSKA in South Sulawesi Province

Causal Factors	Description	Code
Poverty	Need individuals require money to meet basic needs. Economic pressure force some into prostitution, particularly those whose families live in poverty and depend on them for support.	M1-M22
Ecological Factors	South Sulawesi’s strategic location, with access to international seaports and airports, facilitates the operations of trafficking syndicates.	PS3, PS5
Socio-Cultural Factors	<ol style="list-style-type: none"> <li>1. Families often view children as property, which can lead to their exploitation as sex workers.</li> <li>2. There is a societal expectation for children to support their parents financially, making them vulnerable to child trafficking.</li> </ol>	TM1, TM2
Gender Inequality	<ol style="list-style-type: none"> <li>1. Marital instability often leads to divorce.</li> <li>2. Early marriage leaves women unprepared for motherhood.</li> <li>3. Women frequently feel deceived and vulnerable due to persistent gender inequality, which increases their risk of exploitation.</li> </ol>	TM4
Rural Poverty	Many rural communities suffer from poverty, which is often compounded by a lack of education and access to information.	TM5, NG1
High Demand from Traffickers	<ol style="list-style-type: none"> <li>1. Child traffickers frequently promise good jobs in other regions or abroad, but instead force these children into commercial sex workers.</li> <li>2. There is a dangerous belief that sexual encounters with children possess less risk of HIV/AIDS.</li> </ol>	NG2

Causal Factors	Description	Code
Weaknesses in Law Enforcement	<ol style="list-style-type: none"> <li>1. The Criminal Code lacks provisions that specifically prohibit prostitution.</li> <li>2. There are laws to combat child sex tourism effectively.</li> <li>3. The Marriage Law permits early marriage for girls at 16, conflicting with the Child Protection Law.</li> <li>4. While the Child Protection Law threatens punishment for sexual exploitation, it does not clearly define sexual exploitation, leading to confusion for law enforcement.</li> <li>5. Penalties for sexual offenses are often under 10 years, with courts frequently imposing sentences of only 4 to 5 years, reducing the deterrent effect on offenders.</li> </ol>	TM2, TM4, TM5, PS3, PS5.

Unfortunately, the enforcement of various laws and regulations related to child protection is ineffective due to several weaknesses, including:

1. Prostitution Laws: The Criminal Code (KUHP) does not include provisions that prohibit individuals from engaging in prostitution. The existing prohibitions and penalties target those who profit from or facilitate prostitution, but these penalties are relatively light.
2. Child Sex Tourism: The Criminal Code lacks provisions to combat child sex tourism, as it primarily addresses offenses by Indonesian citizens (WNI) and does not extend to temporary residents.
3. Marriage Law Ineffectiveness: Marriage Law Number 1 of 1974 fails to adequately protect children from commercial sexual exploitation, particularly regarding early marriage. This law permits girls at the age of 16, classifying them as children if they are younger than this age. This regulation conflicts with Child Protection Law Number 35 of 2014, which defines a child as anyone under 18.
4. Gaps in the Child Protection Law: While Child Protection Law Number 35 of 2014 threatens punishment for crimes of sexual harassment, it does not clearly define the limits and elements of sexual harassment. This ambiguity creates hesitation among law enforcement regarding prosecution. For instance, an individual cannot be charged with a crime for purchasing sexual services for a child unless a complaint is made by the child or their parents.
5. inadequate Sentences: The average sentence for offenders is typically is under 10 years. Given that the maximum possible sentence for such offenses can reach 15 years, this average is perceived as unjust, as it does not adequately reflect the impact of these crimes on child victims.

In the fifth section of the Child Protection Law Number 35 of 2014, Special Protection for Children is outlined in Articles 59 through 73. This law was enacted because the provisions in the Criminal Code regarding sexual crimes against children were deemed insufficient in delivering justice. The penalties for perpetrators were minimal—ranging from 5 to 12 years—and did not

adequately reflect the severe consequences and impacts on victims. The Criminal Code has been criticized for its inability to address the evolving forms and discussions surrounding sexual violence, as well as the new perspective that recognizes children as subjects with fundamental human rights.<sup>23</sup>

The arguments presented by respondents regarding the effectiveness of existing laws and regulations in South Sulawesi Province for protecting children from commercial sexual exploitation practices are summarized in Table 4 below.

Table 4. Respondents’ Arguments on the Effectiveness of Existing Laws and Actions in Addressing CSEC Issues

Premise	Description	Initials
Effective	1. Law Number 35 of 2014 offers hope for enhanced protection for children.	TM1, TM3, PS4.
	2. This law serves as a foundation for law enforcement, imposing harsher penalties on offenders compared to those in the Criminal Code.	
	3. It effectively protects child victims.	
	4. The law guarantees protection for children and their rights.	
Not Effective (Content)	1. Law Number 35 of 2014 lacks specific provisions defining and criminalizing child prostitution.	PS1, TM2.
	2. There are no extra-territorial provisions to combat child sex tourism.	
Not Effective (Enforcement)	1. CSEC practices are conducted in secrecy and are meticulously planned, making it difficult for law enforcement to uncover and halt these activities.	PS2, PS3, PS5 NGO, NGO2, TM1, TM3.
	2. The law appears to exist primarily as theoretical regulation, while reality contradicts this.	
	3. The rising number of cases of violence against children over time indicates that law enforcement has not produced positive results.	

Legal protection for children from commercial sexual exploitation (CSEC) practices in Indonesia, including South Sulawesi Province, appears to be inadequate when measured against the standards of children’s rights outlined in various international and domestic legal instruments. Under Indonesian law, the age of consent for rape is alarmingly low, set under 12 years. The Criminal Code, which serves as the foundation of criminal law in Indonesia, lacks any provisions that specifically prohibit individuals from engaging in prostitution, regardless of whether they are the perpetrators or the sex workers themselves.<sup>24</sup>

The prohibitions and penalties outlined in Article 296 of Law Number 35 of 2014 target only those who facilitate obscene acts, with a maximum penalty of just 1 year and 4 months in

<sup>23</sup> Beatriz Benavente et al., “Risk Factors for Commercial Sexual Exploitation of Children and Adolescents: Results of an International Delphi Panel,” *Psicothema* 33, no. 3 (2021): 449–55.

<sup>24</sup> N N Suwarnatha, “The Model of Countermeasures Criminal Offenses Commercial Sexual Exploitation of Children,” *International Journal of Business, Economics and Law* 11, no. 4 (2016): 70–75.

prison, or a fine of Rp. 15,000.00 (fifteen thousand rupiah). Similarly, individuals who act as pimps (including parents or guardians who exploit their children) face merely 3 months of incarceration for facilitating prostitution.

The absence of robust legal framework aimed at preventing CSEC in Indonesia had led provincial, city, and regency governments to establish their own regulations and provisions for combating CSEC within their jurisdictions, often in the form of Regional Regulations (PERDA). South Sulawesi Province enacted its PERDA on Child Protection only in mid-2014. Out of the 23 cities and regencies in the province, only 2 have implemented a PERDA, while the remaining 20 have either not prioritized it or consider it unimportant.<sup>25</sup>

Furthermore, the Child Protection Law does not specifically address prostitution involving minors. It states that anyone who exploits children for economic or sexual gain for themselves or other can face a maximum imprisonment of 10 years and/or a fine of up to Rp. 200,000,000.00 (two hundred million).

In addition to the previously mentioned causal factors, several other issues contribute to the problem of commercial sexual exploitation of children (CSEC), including:

1. Law Enforcement Factors: Law enforcement personnel, including police, prosecutors, and judges, often view children involved in prostitution as offenders rather than victims. This perspective undermines victims' trust in the integrity and actions of law enforcement, as the measures taken frequently do not align with the protective intentions outlined in the Criminal Code. This situation arises from differing interpretations of the law and weak coordination among law enforcement agencies and other associated organizations.
2. Comfort Factors: Limited resources for identifying ESKA cases, a lack of training and awareness about the forms and methods of exploitation, and the absence of specialized procedures for addressing ESKA issues hinder effective resolution. Consequently, outcomes often rely heavily on individual perceptions and capabilities of each law enforcement officer involved.
3. Community Participation Factors: Many community members have little trust in the law and law enforcement agencies. Additionally, public understanding of ESKA offenses remains low. When instances of ESKA arise, the community often fails to report them to authorities. Furthermore, there is a prevailing belief that issues involving children are private family matters that do not require external intervention.

These factors contribute significantly to the prevalence of CSEC in South Sulawesi Province. They are interconnected and perpetuate violence against children. Various tactics are employed by CSEC perpetrators to exploit their victims, often without the victims' awareness, as they become targets of manipulation for the perpetrators' profit. Therefore, it is crucial for all stakeholders to enhance their vigilance, as cases of CSEC continue to rise in both incidence and severity. This situation requires serious attention because the number of reported CSEC cases does not reflect the actual prevalence, as many instances remain unreported and unresolved, threatening the future of children in Indonesia.

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<sup>25</sup> Joni Ardiansyah, Nikmah Rosidah, and Deni Achmad, "Factors Affecting The Criminal Act of Commercial Sexual Exploitation of Children (ESKA) in The Coastal Area of Bandar Lampung City," *Sriwijaya Crimen and Legal Studies* 2, no. 1 (2024): 60–69.

### Modus Operandi of Sexual Exploitation of Children for Commercial Purposes in South Sulawesi

The significant dependence of children on their parents within the Indonesian society renders them particularly vulnerable to exploitation practices. Alarmingly, one of the primary perpetrators of exploitation is often the parents themselves. Instead of serving as protectors, some parents engage in actions that facilitate exploitation, citing prolonged economic difficulties as justification. This situation highlights a possible neglect of responsibility by the state. From a legal standpoint, numerous laws related to child protection have been enacted. The Indonesian Constitution (1945) guarantees the state’s responsibility towards children’s rights under Article 34, paragraph (1), aligning with the objectives outlined in its Preamble.

Commercial Sexual Exploitation of Children (CSEC) is a crime that deeply troubles society. CSEC networks employ various tactics to ensnare their victims.<sup>26</sup> Similar to other crimes, the methods of operation within CSEC are diverse. In general, the modus operandi of recruitment and Exploitation is as shown in Table 4.5 below.

Table 5. Modus Operandi for Involving Victims in ESKA Cases

Mode	Description	Initials
Involvement of Taxi or Motorcycle Taxi Drivers	Taxi and motorcycle taxi drivers facilitate meetings between predators and their victims.	M3, M8, M9, M11
Pimps as Brokers	<ol style="list-style-type: none"> <li>1. Owner of entertainment venues often know the victims and act as brokers for exploitation.</li> <li>2. Hotel managers usually have a list of potential victims, enabling immediate contact if needed.</li> </ol>	M1, M2, M, 10, M11, M12, M13, M14, M16, 18, M19, M22
Offering Scholarships for Poor Families	Predators frequently approach schools or communities directly, targeting children who meet their criteria.	M5, M20, M21
Persuasion and Seduction	<ol style="list-style-type: none"> <li>1. Boyfriends or close friends often lure victims into prostitution.</li> <li>2. Promises of good jobs with high salaries.</li> <li>3. Seduction through offers of pleasure and luxury.</li> </ol>	M1, M2, M4, M6, M7, M9, M11, M17, 20, M21, M22.
Taking Victims as Lovers Before Selling Them	Victims may be kept as lovers for a period before being sold into prostitution.	M7, M9
Forcing Through Intoxicating Drinks	Pedophiles often use intoxicating substances to facilitate their access to victims without raising suspicion.	M3
Debts and Financial Manipulation	<ol style="list-style-type: none"> <li>1. Victims are lent money and pressured to repay it by succumbing to exploitation.</li> <li>2. Tempting women needing money for pregnancy or delivery costs.</li> <li>3. Manipulating young women facing unplanned pregnancies.</li> </ol>	M6
Deception Through Promises	Victims are often promised marriage, gifts, and other incentives.	M7, M10, M11, M12, M13, M15

<sup>26</sup> Anna Grant, Fiona David, and Peter Grabosky, “The Commercial Sexual Exploitation of Children,” *Current Issues in Criminal Justice* 12, no. 3 (2001): 269–87.

Children who fall victims to economic and sexual exploitation (ESKA) typically come from low-income backgrounds. Research indicates that the impoverished conditions of their parents compel these children to seek additional income to help support their families. This vulnerability makes them susceptible to persuasion, leading them to engage in activities that meet their basic needs. Furthermore, becoming a widow at a young age—often under 18—exposes children to heightened risks of economic and sexual exploitation. According to data from the Central Statistics Agency (BPS) of South Sulawesi in 2011, 4.55% of women married for the first time before the age of 16, while 51.04% married between the ages of 16 and 19.

The process of child sexual exploitation for commercial purposes in South Sulawesi Province involves multiple perpetrators. The first group, referred to as Sponsor I, directly entraps victims using various enticements and promises. Next is Sponsor II, who accompanies and supports the victims. Once the victim is secured, they are handed over to the buyer, who pays for the victim's services and decides where they will be rented or sold, often to a brothel owner. The owners of these brothels typically operate within entertainment venues, hiding their activities behind legitimate appearance. Within this syndicate, the perpetrators often include local agents, who serve as intermediaries between the victims and the business managers or owners. These local agents act as pimps, either reaching out to the victims or being contacted by them directly.<sup>27</sup>

Predators often frequent school areas and supermarkets, such as Panakukang Mall, Ratu Indah Mall, and Karebosi Link, using specific tactics familiar to their victims.<sup>28</sup> The role of prostitution pimps in schools has shifted; it is now not only older individuals controlling this business but also younger people. Even peers may betray one another, and when there is a high demand for services, predators may suggest that their associates contact other friends to fulfill requests. If a particular network becomes overextended, new assignments will be directed to a different network.<sup>29</sup>

Moreover, this study discovered that owners of nightlife establishments (PTH) also provide sex workers, as this strategy is essential for competing with other entertainment providers. They go so far as to fabricate identities for the victims, often falsifying their ages to make them appear 21 or older. As a result, when these victims, who are still minors, are presented, their identities are altered to portray them as adults. During investigations by government or relevant agencies, pimps claim that they do not employ minors and the victims voluntarily sought out work. Such cases are challenging to prosecute under Indonesian law (KUHPidana), which does not address prostitution involving adults, let alone situations where it is purportedly consensual. Nightlife managers often assert that victims requested the job themselves and that they are sufficiently mature.

The involvement of children in such exploitative practices is fueled by the understanding that younger victims yield higher profits due to increasing demand for their services.<sup>30</sup> However, poverty is the sole driving factor behind commercial sexual exploitation of children (CSEC); many victims come from affluent families and live in luxurious neighborhoods. The allure of a hedonistic

<sup>27</sup> Clayton A Hartjen et al., "Sexual and Commercial Trafficking of Children," *The Global Victimization of Children: Problems and Solutions*, 2012, 137–83.

<sup>28</sup> Mohammad Fatiyo Nadwa Laga, "Sex Tourism (Commercial Sexual Exploitation) on Child Modus Operandi in Batam (Indonesia) and Singapore," *Jurnal Ilmu Kepolisian* 18, no. 2 (2024): 234–46.

<sup>29</sup> Ni Luh Tasya Prathisthita Tanaya and SettingsNi Made Martini Puteri, "Analysing the Patterns & Impacts of Five Cases of Child Sexual Exploitation and Abuse Through Live Streaming," *Linkage* 1, no. 2 (2024): 67–80.

<sup>30</sup> Carolina Andana, Omar Saldaña, and Álvaro Rodríguez-Carballeira, "Understanding Child Sexual Exploitation Dynamics: Development and Validation of A Taxonomy of Recruitment and Domination Strategies," *Sexual Abuse*, 2024.

lifestyle—characterized by the latest cellphone, fashionable accessories, and frequent trips to shopping malls—can also lead teenagers to compromise their values.

Thus, research assessing the effectiveness of current laws and regulations, along with potential measures to enhance child protection in South Sulawesi, is necessary.<sup>31</sup>

### **Law Enforcement by Police, Related Institutions, and NGOs in Protecting Children from CSEC**

Before the implementation of the Regional Regulation (PERDA) on the Child Protection System Number 2 of 2014 by the South Sulawesi Provincial Government, efforts by police and related agencies to address cases of CSEC were primarily punitive rather than preventive. However, following the enactment of PERDA, collaboration among government entities, the private sector, and non-governmental organizations (NGOs) began to focus on developing initiatives aimed at preventing CSEC in South Sulawesi Province. Such cooperation is crucial, as various forms of CSEC cannot be effectively addressed by the government, police, and related agencies alone. A comprehensive, structured approach involving all stakeholders is necessary to prevent and protect children from all forms of exploitation. Preventive measures should start at the grassroots level, emphasizing the nurturing and protection of children.<sup>32</sup> Therefore, the government must continue to motivate all relevant elements—agencies, NGOs, and community members—to actively participate in these protective efforts. This involvement can take place through various channels, including child protection institutions, religious organizations, social organizations, and educational institutions. The participation and collaboration of all parties are essential in effectively preventing all forms of CSEC.

### **Government Action**

The South Sulawesi Provincial Government faces the pressing issue of prostitution not only involving adults but also many children. In this response, the government has taken significant steps to combat CSEC and protect the victims by enacting Regional Regulation (PERDA) Number 2 of 2014 concerning the Child Protection System.<sup>33</sup>

While it may be considered somewhat delayed, the introduction of PERDA as a framework for the police and related agencies to prevent CSEC, protect victims, and impose penalties on perpetrators who exploit these practices. According to Article 2, paragraph 3 of PERDA Number 2 of 2014, regency and city governments are mandated to maintain public order by establishing regulations concerning acts of prostitution that violate community norms. In addition to issuing the PERDA, the government has coordinated integrated efforts by involving various institutions, including the Police and the Department of Social Affairs. The concept of integrated crime handling

<sup>31</sup> Balsing Rajput, Dhrumi Gada, and Amit K, “Online Child Sexual Abuse and Modus Operandi,” in *Online Child Sexual Abuse: An Indian Perspective* (Germany: Springer, 2024), 15–25.

<sup>32</sup> Shiladitya Chakraborty, “Institutional Reforms to Counter Commercial Sexual Exploitation of Children: A Case Study of Police in West Bengal, India,” in *Governance and Sustainable Development in South Asia: Bridging the Gap* (Springer, 2024), 379–95.

<sup>33</sup> Muhammad Mutawalli Mukhlis et al., “Ius Constituendum Regulates the Cadre-Based Recruitment of Candidates for Members of the House of Representatives Through Political Parties,” *Volksgeist: Jurnal Ilmu Hukum Dan Konstitusi* 7, no. 1 (2024): 139–55, <https://doi.org/10.24090/volksgeist.v7i1.10830>.

emphasizes that all efforts to combat crime should work together cohesively. This means that law enforcement (penal policy) must be combined with additional policies or initiatives outside the realm of law enforcement (non-penal policy).<sup>34</sup>

This study has found that, despite recognizing the importance of the Child Protection Law at the national level and establishing the Child Protection Law Number 23 of 2003, the implementation of the Child Protection System Regional Regulation Number 2 of 2014 at the regency and city levels has not been optimal. Only Makassar City and Bantaeng Regency have taken concrete actions regarding CSEC by issuing their own related Regional Regulations.

Among the 20 regencies and 3 cities in South Sulawesi Province, Bantaeng Regency stands out as the only regency that has established a Task Force in accordance with the Decree of the Coordinating Minister for People's Welfare Number 25 of 2009. This initiative was formed through PERDA concerning the Establishment of a Task Force for Handling Human Trafficking and Commercial Sexual Exploitation of Children Number 636 of 2009. However, interviews conducted with representatives from Bantaeng Government agencies revealed that there has been little to no discussion about enforcing this PERDA. Instead, they primarily spoke about policies and programs addressing other child-related issues, such as street children and begging. This indicates that the issue of economic and sexual exploitation of children (ESKA) has not been prioritized or adequately addressed.<sup>35</sup>

Another significant challenge in addressing CSEC cases across nearly all regencies and cities in South Sulawesi Province is the lack of reliable data on the number of children affected. Existing data primarily come from the Civil Service Police Unit (Satpol PP), which focuses on the number of Commercial Sex Workers (CSWs) arrested during operations. However, the data are largely based on arrests without distinguishing between children and adults, resulting in underreported and inaccurate figures.<sup>36</sup>

Arrests are frequently conducted to tackle prostitution practices outside officially sanctioned venues designated by the government. Yes, policies established at the national level have not been effectively translated into localized programs at the regency and city levels in South Sulawesi Province. This gap reflects a concerning lack of attention from regency and city governments toward child protection, particularly regarding the threats posed by CSEC. In many areas, illegal prostitution is prevalent, often going unchecked by local authorities. This oversight contributes to children being easily drawn into prostitution, whether in recognized areas or hidden venues. Efforts to combat prostitution through arrests have not significantly diminished the presence of Commercial Sex Workers, including minors. Additionally, there is a growing trend of covert prostitution operations that typically disguise themselves as salons, massage parlors, and other establishments.<sup>37</sup>

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<sup>34</sup> Muhammad Mutawalli Mukhlis et al., "Regional Autonomy System: Delegation of Authority and Power of Regional Government in Indonesia in the Study of Fiqh Siyasaḥ," *Al-Istinbath: Jurnal Hukum Islam* 9, no. 2 (September 30, 2024): 505–26, <https://doi.org/10.29240/JHI.V9I2.9709>.

<sup>35</sup> Muhammad Mutawalli Mukhlis et al., "Strengthening Presidential Institutions in Indonesia: A Policy Analysis for Governance Reform," *Al-Adalah: Jurnal Hukum Dan Politik Islam* 10, no. 1 (January 4, 2025): 24–43, <https://doi.org/10.30863/AJMPL.V10I1.7571>.

<sup>36</sup> Ina Nur Fadhillah and Junifer Dame Panjaitan, "Legal Protection of Children as Victims of Sexual Exploitation," *International Journal of Social Research* 2, no. 1 (2024): 1–10.

<sup>37</sup> Ainul Masruroh and Mahmutarom Mahmutarom, "Safeguarding Children from Online Sexual Exploitation: A Legal and Maqāṣid Al-Sharī'ah Approach," *Islamica: Jurnal Studi Keislaman* 19, no. 1 (2024): 168–98.

The study revealed that the Makassar City Government has established a team comprising various departments and agencies, including the Social Service, Police, TNI, and others, to address the issue of prostitution. However, arrests are often conducted by only one agency operating within its own authority and functions, which means not every arrest involves the entire team. In this context, effective coordination is crucial to prevent blaming-shifting among different ministries or agencies.

Additionally, arrests are not always effective for several reasons. First, enforcement efforts do not cover all locations suspected of being prostitution venues; they tend to focus on areas populated by individuals from lower-middle-class backgrounds. Second, the consequence faced by those arrested often lack deterrent value, as penalties imposed are minimal, and many offenders are released without punishment. Third, while there are attempts to provide recovery support, these efforts only reach a small fraction of those affected.

Furthermore, the South Sulawesi Provincial Government's oversight of the implementation of PERDA Number 2 of 2014 remains weak. This is evident from the continued acceptance of children without parental or familial accompaniment in numerous hotels and similar establishments, despite Article 10 of the PERDA explicitly prohibiting such practice. As a result, the enforcement of PERDA Number 2 of 2014 has not been effective. Moreover, initiatives for child protection are rarely undertaken in the 23 regencies and cities in South Sulawesi Province, reflecting a significant lack of governmental attention to the issue of child protection.

### **Law Enforcement by the Police**

The police function as a key component of the national government, responsible for maintaining public order and security, enforcing the law, and providing protection and service to the community. The primary duties encompass: (1) maintaining public order and security; (2) enforcing the law; and (3) delivering community protection and services.

As a law enforcement agency, the police play a critical role in safeguarding children from commercial sexual exploitation (CSEC). The South Sulawesi Regional Police have undertaken several initiatives to prevent and protect children from CSEC. These efforts include disseminating legal information regarding child protection laws, such as Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking, the Criminal Code, Law Number 35 of 2014 concerning Child Protection, and other relevant regulations. Additionally, the police provide education on the risks associated with CSEC and address related issues, including the arrest of facilitators and offenders involved in these crimes.

The RPK unit has strengthened Article 66 of the Child Protection Act Number 35 of 2014 to prevent CSEC practices, as these activities harm children's morals and jeopardize their future, necessitating urgent and serious intervention.

Furthermore, the RPK conducts regular outreach regarding existing laws and regulations related to child protection and the dangers of ESKA. These outreach activities target school children—from elementary to high school and even college students—as well as the broader community. The RPK also frequently supervises various locations exposed to ESKA practices. Perpetrators of CSEC can face penalties under Article 81, paragraphs (1) and (2) of Law Number 35 of 2014 concerning Child Protection. Additionally, those involved in ESKA can be prosecuted

under Article 6 of Law Number 21 of 2007 concerning the Eradication of Criminal Acts of Human Trafficking, in conjunction with Article 506 of the Criminal Code. Perpetrators may also be subject to penalties specified in Article 47 of Law Number 23 of 2004 concerning the Elimination of Domestic Violence.

Considering the ongoing increase in cases of economic and sexual exploitation of children (ESKA), it is evident that the penalties outlined in Article 88 Child Protection Law are insufficient and too lenient, especially in light of the physical and mental consequences endured by the victims. To ensure a more effective deterrent, there should be a minimum sentencing guideline specifying the number of months or years for which a perpetrator can be imprisoned, thereby clarifying the punishment. The South Sulawesi Regional Police have reported that they have not adequately addressed the needs of ESKA victims during the follow-up process, as these victims are often returned to their parents for education or sent to rehabilitation center.

As previously mentioned, the police have established a Women and Children Service Center (P3K), which provides a secure and private environment for reporting cases. P3K collaborates closely with various agencies involved in rehabilitation efforts, such as hospitals and NGOs dedicated to supporting child victims of ESKA. This collaboration allows for addressing challenges, particularly in cases requiring intensive intervention, as P3K can refer victims to hospitals equipped with the necessary facilities and personnel. The involvement of female police officers (POLWAN) is crucial in these situations, as victims often seek privacy due to the trauma they have experienced. Victims of sexual violence frequently face stress and trauma, which may lead them to react negatively towards male officer. Thus, having POLWAN conduct examination becomes an essential choice to ensure the victim feels safe and comfortable.

From the researcher's perspective, while the actions taken by the police are appropriate, there is room for improvement. Increasing public awareness of laws and regulations related to victim protection is vital, particularly for population that are at higher risk of becoming victims of human trafficking. Furthermore, rigorous monitoring of locations suspected of being involved in human trafficking activities must be carried out consistently. Efforts to utilize police action—such as arrests and prosecution of ESKA practices—should be intensified without solely relying on community reports.

### **Law Enforcement by the Ministry of Social Affairs**

To address the issue of economic and sexual exploitation of children (ESKA), the government has created a collaborative group comprising the Department of People's Welfare and Empowerment of Women and Children (DKRPPKK), the Police, and various NGOs. This team works together to tackle ESKA, aiming to prevent it further spread within the community.<sup>38</sup>

These governmental efforts represent the implementation of Article 66, paragraph 1 of Law Number 35 of 2014 concerning Child Protection, which mandates that special protection be provided for children who face economic and/or sexual marginalization, as referenced in Article 59. This responsibility lies primarily with the government and the community.

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<sup>38</sup> Dasha J Rhodes, Jam H Ost, and Sharon Gandarilla-Javier, "A Qualitative Exploration of Social Workers' Job Preparedness in Law Enforcement Agencies," *Social Work Research* 48, no. 2 (2024): 103–15.

## Law Enforcement by NGOs

Non-governmental organizations (NGOs) play a crucial role in community development, contributing to the process through various established organizations. One such NGO examined in this research is the Child Protection Agency (*Lembaga Perlindungan Anak*, or LPA) Lontara in South Sulawesi. The establishment of an independent institution dedicated to providing protection for child victims of ESKA is essential; thus, the Child Protection Agency (LPA) Lontara was founded in 1998 to offer protection and advocacy for children facing challenges in South Sulawesi Province.

LPA Lontara serves as a vital link between the government and the community. The agency specializes in specific issues, one of which is ESKA.

In its capacity as an NGO addressing children's issue, LPA Lontara conducts programs aimed at preventing ESKA practice in the community. These initiatives serve as proactive measures to combat ESKA before it occurs. The organization engages awareness campaigns targeting both the community and government,<sup>39</sup> with the goal of enhancing public understanding of ESKA and encouraging individuals to take action upon recognizing such practices in their surroundings.<sup>40</sup>

The government conducts issue campaigns to ensure it responds effectively to cases of economic and sexual exploitation of children (ESKA) within the community. These campaigns are comprehensive, utilizing a wide range of media for their implementation. In addition to mass media and digital platforms like the internet, the campaigns also involve direct engagement with community organizations through discussion forums and seminars.

To support its internal operations, the Child Protection Agency (LPA) Lontara has established specific activity units aimed at assisting children affected by ESKA practices. The Agency employs a proactive approach to prevent children from becoming victims of exploitation. Additionally, LPA Lontara supports the enforcement of laws and regulations that safeguard child protection and welfare.<sup>41</sup>

For effective child protection, community members are encouraged to report any issues affecting children to appropriate agencies capable of providing assistance. However, limited human resources and funding often mean that LPA Lontara can only act when complaints are filled by community members. In many cases, children seeking protection have already endured sexual violence and significant trauma, often inflicted by individuals close to them, including their own parents. As a result, any delays in addressing these complaints can further violate children's rights. Moreover, children who experience delays in seeking protection may struggle to recover psychologically, leading to prolonged trauma. Community ignorance about children's rights and the misconception that cases involving child victims of sexual exploitation are privately family matters often make the situation worse, as these are considered taboo and rarely discussed.

<sup>39</sup> Hariyanto, Idamatussilmi, and Daud Rismana, "The Government's Role in Legal Protection of Land Ownership: Urutsewu Case," *Legality : Jurnal Ilmiah Hukum* 32, no. 2 (August 6, 2024): 277–91, <https://doi.org/10.22219/LJIH.V32I2.34254>.

<sup>40</sup> Feri Satria Wicaksana Effendy and Mujiono Hafidh Prasetyo, "Law Enforcement Effectiveness on Copyright Piracy: Case of Indonesia," *International Journal of Multidisciplinary Research and Analysis* 7, no. 3 (2024): 925–31.

<sup>41</sup> Yu Minyou and Ni Yao, "Law Enforcement in The Implication of Blue Cooperation—A Reflection of China," *Marine Policy* 163 (2024).

## Challenges in Law Enforcement

In addition to legal content challenges, significant obstacles remain in enforcing protections children from commercial sexual exploitation of children (CSEC) in Indonesia, particularly in South Sulawesi Province. These challenges arise from various vested interests that complicate the serious implementation of these laws and regulations. Notably, many state officials, including members of parliament, judiciary members, and even law enforcement personnel, are consumers of services provided by child sex workers. The enforcement of child protection laws thus threatens the interests and positions of those involved in such practices. NGOs have pointed out that the conduct of certain officials has become an open secret, indicating widespread complicity among individuals in authority, including members of the DPR, police, lawyers, prosecutors, and judges.<sup>42</sup>

Moreover, the socialization of the Child Protection Law by relevant remains insufficient. Many people continue to perpetrate acts of violence against children simply because they are unaware of Law Number 35 of 2014 concerning Child Protection and related child rights instruments, particularly regarding prohibitions and penalties. Although interviews with various government agencies, such as the police and the Ministry of Social Affairs, suggest that efforts to communicate these laws have been made, the increasing number of children falling victim to CSEC indicates that these efforts have not been effective in making a significant impact on child protection.

Another challenge in enforcing child protection laws is the lack of facilities for advocates and case processing related to minors. For instance, the Special Service Room (RPK), which should exist in every police station, is only available at the Police Resort (POLRES) level in regencies and cities, and even then, not all POLRES have an RPK. Furthermore, there are no RPK at the Police Sector (POLSEK) level in districts. In locations lacking an RPK, children are often placed at the same room as adult detainees, which poses a risk of violence against them or the potential for adult prisoners to influence children, either directly or indirectly, toward committing more serious offenses.<sup>43</sup>

Many child-related cases arise at the POLSEK level, but due to the absence of an RPK, these cases are escalated to the POLRES. Consequently, many economically disadvantaged parents are unable to visit their children, as they cannot afford transportation to the POLRES, which is often located far from their homes. In such situations, children are the ones who ultimately suffer. While the government has made efforts to establish laws and instruments for child protection, the supporting facilities remain inadequate.

Additionally, prosecutors and judges rarely apply Law Number 35 of 2014 to prosecute and penalize perpetrators of ESKA. This lack of enforcement contributes to the slow and ineffective implementation of the Child Protection Law.

## CONCLUSION

Child protection policies at the national level have not been effectively implemented by local governments in South Sulawesi. This is despite the presence of Regional Regulation Number

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<sup>42</sup> Arjoni Putra, Sungeng Dwiono, and M Galib Iqbal, "Reform of The Criminal Procedure Law and Criminal Law Enforcement in Indonesia," *Legal Brief* 12, no. 6 (2024): 487–94.

<sup>43</sup> Ngozi Samuel Uzougbo, Chinonso Gladys Ikegwu, and Adefolake Olachi Adewusi, "International Enforcement of Cryptocurrency Laws: Jurisdictional Challenges and Collaborative Solutions," *Magna Scientia Advanced Research and Reviews* 11, no. 1 (2024): 68–83.

2 of 2014, which concerns the Child Protection System but has not been fully adopted at the regency/city levels. Weak government oversight is highlighted by the ongoing existence of hotels and lodgings that permit unaccompanied children, in direct violation of regulations. Current child protection efforts tend to be reactive, primarily concentrating on identifying and addressing individual cases rather than establishing a comprehensive protection system. The Department of Women's Empowerment and Child Protection (DKRPPKK) collaborates with PMD and BSSD to enforce laws and promote awareness of child protection regulations. This includes monitoring victims of Commercial Sexual Exploitation of Children (CSEC) and reporting findings to the governor. Community involvement is bolstered by NGOs such as the Child Protection Agency (LPA) Lontara, which advocates for policy improvements and educates the public on CSEC issues. However, enforcement faces significant challenges, including resistance from specific interest groups, insufficient awareness and socialization of regulations, a lack of adequate facilities such as Special Treatment Rooms (RPK), a shortage of female police officers (POLWAN), and limited knowledge of regulations among enforcement personnel. These factors collectively contribute to the overall inadequacy of child protection in the region.

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