

Handling Net For Commercial Sexual Exploitation Victim Children In Surabaya

1st Syamsul Fatoni
Faculty of Law
University of Trunojoyo Madura
Madura, Indonesia
syams.fatoni@yahoo.co.id

2nd Devi Rahayu
Faculty of Law
University of Trunojoyo
Madura, Indonesia
Rahayudevi78@yahoo.com

Abstract—Each parent always wants the best for their children. But in reality, not all children are lucky to get good treatment. In reality, many children become the victim of commercial sexual exploitation. The presence of handling net for the victim in Surabaya is expected able to give protection guarantee for the children rights. The research is done empirically. Children become sexual exploitation because of several factors such as family, economy, environment/ social intercourse, and social media. Normatively, the government has given protection guarantee for children as the victim of sexual exploitation. The net has been presence in Surabaya done among government, law enforcer, nongovernmental organization and societies. The handling done in the form of special protection needed for the victim.

Keywords—*handling, children, sexual exploitation*

I. INTRODUCTION

Children are God blessing who each parents want the best for them. They are national asset which determines the future development. The government considers the children presence in the special Law No 23 year 2002 jo Law No 35 year 2004 About children protection. It the law, it is regulated the protection guarantee or sanction for the parties who do crime to children. Essentially, the children rights are to play, but in reality, many children have to work and many children work in bad work for children also have been regulated in the convention of ILO 182 about the prohibition for worst work for children [1], one of them such as economic and/or sexual exploitation. Sexual exploitation is the children use for sexual goals with cash reward or in other forms between children, service buyer, middlemen and other parties who get profit from the children sexual trading. While Children Commercial Sexual Exploitation (ESKA) is the use of children for sexual goal to get profit from the sexuality trading [2]. While the forms of ESKA according to Children Right Convention of Article 34 are (1) children prostitution, (2) children trading for sexual goal, (3) children pornography

The research of Bagong Suyanto explained that there is reality children become commercial sexual exploitation victim in Surabaya. Where at the time, there was localization in Surabaya. After the closing of localization, the children that become sexual exploitation victim still present. Children that become the sexual violence victim prone to be commercial sexual exploitation victim. The impact for the children beside trauma physically and psychologically, the worst is the children do not have better life alternative. Because of that, it needs comprehensive handling between parents, government

law enforcer apparatus, and society. The presence of handling net for commercial sexual exploitation victim children is expected able to give services and accompaniment for the children.

II. RESEARCH METHODS

The research was carried out by using empirical juridical research that examined the applicable legal provisions and what happened in reality in the community [3]. The approach taken in this study is a fact approach. The research data obtained from conducting the field by conducting interviews with children and their families, assisting NGOs, the government funds law enforcement officials. In addition, FGDs were conducted to obtain perceptions from all stakeholders as well as literature studies to obtain regulatory documents and legal theories. Data analysis uses an inductive method, from data / facts to a higher level of abstraction, including also synthesizing and developing theories when needed and supporting data. So in the data analysis aims to organize the data that has been obtained. After the data from the field is collected with the data collection method described above, the data will be managed and analyzed using descriptive analysis.

III. RESULTS AND DISCUSSION

A. Limitation of Child Sexual Exploitation

Trafficking is used to terminate acts of human trafficking. The phenomenon of trafficking has emerged since 1949, namely since the signing of the Convention on Traffic in Persons. And this is starting to develop when there are many reports of acts of trafficking in women at the signing of the Beijing Platform of Action, which was followed by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and adopted by Indonesia in Law No. 7 of 1984 concerning the Elimination of All Forms of Discrimination Against Women. And the formation of the GAATW (Global Alliance Against Traffic in Women) in Thailand in 1994 [4].

In Law No. 21 of 2002 concerning Eradication of Trafficking in Persons, the definition of trafficking in persons is an act of recruitment of transportation, storage, shipping, transfer or acceptance of a person with the threat of violence, the use of violence, kidnapping, confinement, fraud, fraud, abuse of violence or vulnerable positions. entrapment of debt or give a payment or benefit so as to obtain the consent of the person who holds control over the other person, whether done

within the country or between countries, for the purpose of exploitation or resulting exploitation [5]. In the context of trafficking, the presence or absence of approval from other people who hold control or from the victim is not a matter of negating a crime. This means that even with the consent of the victim, someone who is a trafficker can still be sentenced. This is because victims are usually children in vulnerable positions who are in the power of others so that children cannot give consent or because of victims' ignorance because they are still in the category of children.

By law, an exception to a person due to the lack of capacity to give or receive a conscious consent of a child victim has implications for the implications of the release of legal responsibility for the actions or omissions he committed. In the case of children usually getting pressure, coercion, threats of violence will automatically cancel the conscious agreement [6].

Commercial sexual exploitation of children is a form of trafficking in persons because the purpose of sexual acts is done in cash or in other forms between children, sex service buyers, intermediaries / agents and other parties who benefit from the child sexuality trade. The trafficking of girls for sexual purposes in Surabaya is a social phenomenon that is quite alarming because victims are under pressure, are always under the supervision of a pimp or bodyguard, and are always made to have a high dependence on female trafficking actors. In general, they only get a small income (25-60 percent) from the tariff to serve consumers[7].

From the results of interviews in the field with children of ESKA victims, data were obtained: (1) the background of children who were still low educated (having elementary / junior high school education) had no understanding of children's rights, (2) the parties vulnerable to being victims were children, (3) the culprit is a friend or someone who is more mature, (4) the modus operandi is lured by money or goods and deceived, (5) the form of violence experienced: physically, psychologically and economically, (6) the impact on children affected by sexual diseases infectious, (7) experienced cases are prostituted, trafficked and raped, (8) there is a need for preventive regulations that are able to provide protection and prevention of vulnerable children[8]. What should be observed from these data is that sexual exploiters the child is the closest person to the victim and some are their own parents. In this case as information for the community that must be informed to the child is to remain cautious with the nearest environment and the need for education about the introduction of the body and things that should not be done by others on their body for girls.

B. Causing factors make the children as victim

Children at the susceptible position to be the victim, because the victim exploited sexually. There are many factors make the children become the victim. From an interview done with the resort police of Surabaya that handles the case, NGO and relevant agency who conduct accompaniment find the causing factors:

a. Family factor

Family factor becomes the main reason make the children as the victim. The lack of attention and love from parent given to the children influence their psychology. The bustle of parent who works only to fulfill life need without giving attention and care to the children especially for children who near adult. From the explanation, several children stated they feel not comfort in the home because the parents lack attention. It is because the parent often quarrels and finally they divorce. The children become stress and consider that they lack attention from the parents. Broken home family makes the reason why the children become the victim of sexual exploitation.

Then the children often find an activity outside the home. By looking for pleasure outside of the home without attention and control of parent make the children feel free to commune with anyone so it will bring negative influence to the children, where the hard environment outside bring bad impact to the children in the future.

b. Economic factor

The economic problem often becomes the main reason the children become the victim. The family condition that lacks able economically make the children unable to fulfill their need sufficiently. The economic reason then makes the children work to help parent to fulfill the life need. Make children work for sexual activities usually with big pay promise, but it just only promises given to make the children want to work. It experiences shift where initially the adolescent work for life need change become work for socialization need. Even in the millennial era where the children make the technological goods as one of need to socialize. It is used by irresponsible persons to give reward in the form of electronic equipment to do certain things. The children position prone to be influenced by irresponsible adults make the children as the victim.

c. Environment and social intercourse

The weaken or broken social bond in societies occurs when there is the decrease in social institution control function, so finally make someone behave deviant [9].The environment is a representation of the individual, someone behavior cannot be separated from around environment. It means during individual in the good environment, then he will become good. But if the individual at the bad environment, it will influence him, although it is not absolute thing. Thechild isan individual that easy to imitate around people. The environment here is localization, social intercourse which far away from living place, so attract to do crime such as drunk, free sex, and narcotic.

Today children more often spend time with friends. If a friend doing something, then it is usually done by other friends. From several explanations from the children they become victim because they were seduced by friends, then the children become victim. Beside that, because they want to have electronic equipment such as cell phone same with their friend, then the children become the victim. Today the social intercourse factor become dominant factor to make children are exploited.

d. Social Media

Digitalization era development becomes one of main factor children become victim. The presence of social media such as facebook, instagram, twitter is the social network that easy to access by all parties including children. The social media is abused by several parties to do crime. Children who become victim usually get acquainted through social media, then they will meet in person, during the meeting the children usually easy to be victim of exploitation by the doer [10]. It is also stated during FGD with several parties that stated social media factor today often be used as the way for certain people to find victim [11].

C. Legal Protection To Children

In formulating the legal protection principle in Indonesia, the foundation is Pancasila as the ideology of state. Legal protection principle of governmental action based on the concept about confession and protection toward human right because according to the history in the west, the emergence of concept about confession and protection to the human right is directed to the limitation and placement of societal and governmental obligations [11].

So legal protection is protection for dignity and confession toward human right owned by legal subject in a state based on legal protection from the despotism. There are 2 (two) kinds of legal protection for societies, that is [12] (1) preventive legal protection and repressive legal protection. Preventive legal protection is the presence of law that regulates specifically about children as victim a repressively the presence of law or sanction given by law.

In the stipulation of article 1 point 15 and 15a Law No 35 year 2014 about Children Protection stated (15) the presence of special protection received by children if there is something dangerous. In the context children become the commercial sexual exploitation victim should be given special protection. Stipulation 15a definition about violence including in it sexual [13]. Then article 59 paragraph (2) i, stated that special protection to children can be given to the victim. While the special protection is regulated in article 60A is education of reproductive health, social rehabilitation, psychosocial accompaniment and protection and accompaniment during examination.

Stipulation of article 15f, where each children has right to get protection from sexual crime. While article 21 paragraph (4) and (5) the obligation for local government to implement the legal protection and build children friendly city. It is done by the government of Surabaya city, article 76I, each person is prohibited to do exploitation economically and / or sexually toward children. While the criminal sanction is regulated in article 88, that is sanctioned by jail at most 10 years and penalty at most 200.000.000.

Entirely, the law regulates criminal sanction for the children sexual exploitation doer. In the implementation so far, the apparatus in this case police and public prosecutor have implemented the stipulation well because police will do effort specially so the victim able to tell the event in comfort and

accompany to produce victim braveness. Prosecutor state will process quickly the archives of children sexual exploitation.

But for new case first time, if the doer is children then initially giving development by the apparatus make the children as victim. But if the action for the second time and the next time, then the apparatus will give firm sanction and treat them as doers.

D. Handling Net for Commercial Sexual Exploitation

Surabaya is the provincial capital city of East Java, because of that, the city is made as barometer in each governmental activity or societal organization activity. There is local regulation No 6 year 2011 about the implementation of Children Protection. In reality, commercial sexual exploitation victim exist in Surabaya. While the reason for the commercial sexual exploitation victim children is because they become victim of rape, lifestyle, parent treatments. The doers are friend, boyfriend, or parents, means the doers are those known by victim. The handling to the victim comprehensively either physically or psychologically, socially and economically so can free from sexual exploitation.

Based on Local Regulation No 6 Year 2011, Surabaya city is children friendly city. Where there is system that guarantees the children right which is integrated in the commitment and service by government, societies and private sectors. The presence of children forum that plan the activities which guarantee the children right fulfillment [14]. Article 3, local government, society and family required to implement the children protection. Article 15(1)b local government and society required to implement the social welfare for children who exploited sexually or economically. While the service form is: health, education, social guidance, mental and spiritual guidance, social rehabilitation, accompaniment, empowerment, social aid, legal aid and children reintegration into family. Besides that, the government has obligation to give safe house and the presence of children participation forum. Handling of commercial sexual exploitation victim children is cross sector, because relate to government, parent, law enforcer, NGO and societies. For the government, the handling of commercial sexual exploitation victim children relate to the health agency, social education, civil service police and DP5. A synergy between all elements needed absolutely to do to make children get protection for their rights. It is suitable with the Law of Children Protection article 25(2) require and the responsibility of society in protecting the children done by involving the societal organization, academics, and children observers. Then article 55 (3) government able to cooperate with various parties that relate to the care for the waif.

At the FGD activity get information that all relevant parties in handling the commercial sexual exploitation victim children has make good communication among them. It means when there is case government, law enforcer and NGO help each other in handling it. When there is children accompanied by NGO, then will get good accompaniment from NGO, the DP5A or police. Visum process done at the hospital whose nurses very cooperative, during examination

the police at PPT will accompany friendly and if needed the psychological service the DP5A will give it. After archiving in the police, all parties will still guard the case in the prosecutor office, court trial, until court decision. The safe house or shelter is given by local government, besides that, if needed in long time, the local government will entrust the victim at the safe house owned by NGO. The relationship built between NGO and LSM according to Philip Eldridge NGO has very important network to play role in sharing information, giving legal access and access in government, media and formatting opinion. NGO also has ability to lobby for the certain issue of their field[15]. All handling process is expected able to give services that able to give victim rights in this case the children.

IV. CONCLUSION

Children become sexual exploitation victim because of several factors, such as family, economic, environment / social intercourse and social media. Normatively, the government has give protection guarantee for children who become sexual exploitation victim. Handling net has presented in Surabaya done among government, law enforcer, non governmental organization and societies. Handling that is done is the form of special protection needed by the victim.

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