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Original Article

The Role of Law in Tackling Child Exploitation in Child Social Welfare Institutions (LKSA): A Case Study of the Fulfilment of Children's Basic Needs According to Welfare Standards

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Abstract

Child exploitation within Child Social Welfare Institutions (*Lembaga Kesejahteraan Sosial Anak* or LKSA) remains a significant concern that undermines the fulfillment of children's fundamental rights, particularly in relation to access to education, health care, proper care, and protection. This study aims to examine the role of legal frameworks in preventing and addressing exploitative practices within LKSAs, focusing on the extent to which these institutions ensure the fulfillment of children's basic needs in accordance with national welfare standards. Employing a qualitative research design with a case study approach, the study was conducted in several LKSAs in Medan, North Sumatra. Data collection methods included in-depth interviews with key stakeholders, analysis of relevant legal and institutional documents, and direct field observations. The results show that there are still practices of child exploitation in several LKSA, including forced labor and misuse of foster child status for economic interests. Other important findings include weak supervision by government agencies, limited coordination between agencies, and a lack of understanding by LKSA managers of children's rights. On the other hand, the role of the police as law enforcers is considered reactive and not optimal in preventing and prosecuting cases of child exploitation in LKSA. The main obstacles faced by POLRI include limited resources, lack of specialized training, and the absence of strong synergy between the police and other child protection agencies. Hence, the research emphasizes that although the legal framework is in place through various laws and regulations, its implementation is still not effective.

Keywords: Child Exploitation, Child Protection Law, LKSA, Children's Basic Needs, Social Welfare.

1. Introduction

Children are a trust from God Almighty who possess inherent fundamental rights that cannot be diminished under any circumstances. These rights include the right to live, grow and develop optimally, as well as the right to obtain protection from all forms of violence, discrimination, and exploitation (Rizky et al., 2022). In the context of child protection, the state, society, and family have constitutional and moral responsibilities to guarantee the fulfillment of these rights

One form of effort to fulfill children's rights, especially for children who do not receive care from the nuclear family, is through the implementation of the Child Social Welfare Institution (*Lembaga Kesejahteraan Sosial Anak* or also known as LKSA). LKSA is designed

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to be an alternative environment that is able to provide care, protection, and fulfillment of children's basic needs in accordance with national standards set (Bah, 2022). However, empirical reality shows that not all LKSA carry out their functions ideally. Several studies and reports show indications of child exploitation practices occurring within the LKSA environment, whether in the form of physical, emotional, or economic abuse (Wismayanti et al., 2019).

Children in the care of LKSA are often involved in work activities that are not in accordance with the principle of the best interests of the child. This exploitation is often done to support the operational interests of the institution, without considering the basic rights of children and the potential damage caused to their growth and development (Mestika et al., 2022). This is fundamentally contrary to the principles of child protection as stipulated in national and international legal instruments.

Indonesia has ratified the Convention on the Rights of the Child through Presidential Decree No. 36 of 1990 and has developed various national regulations that support child protection, including Law No. 35 of 2014 on Child Protection. In addition, the Ministry of Social Affairs has issued the National Standards for Child Care in LKSA, which includes the fulfillment of children's basic needs such as access to education, health services, adequate nutrition, and an environment that supports children's psychosocial development.

However, the implementation of these standards has not been fully optimized. A number of factors influence violations of children's rights in the LKSA environment, including weak supervision mechanisms, low understanding of children's rights by managers, limited human resources and funding, and ineffective law enforcement against violations that occur (Susilowati et al., 2023). In such conditions, the law has a strategic role as an instrument of prevention, handling, and enforcement of sanctions against practices that violate children's rights. With a case study focused on Medan City, North Sumatra, this research is expected to provide a real picture of existing regulation implementation and challenges faced at the local level.

The selection of Medan City as the study location is based on the existence of numerous LKSA and diverse forms of care practices carried out. This city also reflects complex social and legal dynamics, making it a relevant location to examine the relationship between legal policies and the reality of child care practices. Through a qualitative approach, this research combines interviews with related parties such as LKSA managers, children residing in institutions, law enforcement officers, and parties from the Social Affairs Office. In addition, document studies and field observations are used to obtain more in-depth and contextual data. The main objective of this research is to identify the extent to which existing legal instruments can address child exploitation in LKSA and how implementation barriers occur in practice. This research also seeks to provide policy recommendations to strengthen child protection through legal approaches and synergy among stakeholders.

Child exploitation has been the focus of a number of previous studies, but most of these studies have focused on the social and psychological aspects of children as victims (Probosiwi & Bahransyaf, 2015; Tafuli et al., 2024), this has led to juridical aspects, especially the role of law in tackling child exploitation in Child Social Welfare Institutions (LKSA), not being adequately explored in the existing literature. In addition, the implementation of the National Childcare Standards (SNPA) as a child protection instrument in the context of fulfilling children's basic needs in LKSA (Manalu & Berlianti, 2024) has also not been the focus of an in-depth study. In fact, SNPA plays an important role in ensuring the basic rights of children cared for by institutions. On the other hand, the coordination between LKSA and law enforcement officials in dealing with child exploitation, which determines the effectiveness of

legal protection (Rachmalia & Harisman, 2024) has also not been systematically studied. The lack of attention to these dimensions indicates a void in the literature that can be used as a basis for strengthening child protection policies and practices in LKSA. Therefore, this research is directed to fill this gap by analyzing the role of law in tackling child exploitation in LKSA through a case study that examines the fulfillment of children's basic needs as an integral part of comprehensive legal protection.

2. Methods

This research utilizes a normative-juridical approach (doctrinal legal research), which relies on literature studies to examine the positive legal norms in force, legal principles, as well as legal theories relevant to the protection of children from exploitation in Child Social Welfare Institutions (LKSA). This approach was chosen because the main focus of the research is a juridical analysis of legislation and its implementation in legal practice in Indonesia (Soekanto, 2012).

The type of data used is secondary data, consisting of primary, secondary, and tertiary legal materials. Primary legal materials include legislation. Secondary legal materials consist of academic literature, legal journals, textbooks, and previous research relevant to the topic. While tertiary legal materials, such as legal dictionaries, legal encyclopedias, and legal indexes, assist in explaining and understanding primary and secondary legal materials.

Data collection techniques are conducted through document studies of the legal sources mentioned above. The search process is carried out systematically through libraries, scientific journal databases, and official online sources such as government websites and child protection agencies.

Data analysis is done qualitatively, by interpreting the content of legal materials through a systematic, grammatical, and teleological approach. This research examines the consistency between the applicable legal norms and their implementation in the context of child protection in LKSA. The analysis also includes identifying legal gaps, inconsistencies between regulations, and the effectiveness of law enforcement by law enforcement agencies, especially the Indonesian National Police. This approach enables the author to formulate legal findings that serve as the basis for providing recommendations to strengthen the legal system in addressing child exploitation.

3. Results and Discussion

3.1. Child Protection Legal Regulations in Indonesia

The legal framework for child protection in Indonesia reflects the state's commitment to ensuring children's rights in various aspects of life. Three main regulations serve as pillars in this protection system: Law Number 35 of 2014 on Child Protection, Law Number 11 of 2012 on the Juvenile Justice System (SPPA), and Law Number 12 of 2022 on Sexual Violence Crimes (or known as UU TPKS). These three instruments are not only normative but also contain a progressive approach that reflects human rights principles, especially the Convention on the Rights of the Child ratified by Indonesia through Presidential Decree No. 36 of 1990.

This study addresses the issue of child exploitation in the LKSA in Medan City, highlighting the clear gap between the well-established legal framework for child protection and its practical implementation in the field. Despite Indonesia having a strong legal foundation through Law Number 35 of 2014 on Child Protection, which clearly regulates

protection for children including punishment for exploiters (Harahap, 2024) the monitoring of the implementation of welfare standards for children in LKSA is still very weak. This is exacerbated by resource limitations and a lack of commitment in monitoring, resulting in many exploitation cases not being adequately addressed (Hafiz & Sitompul, 2024). This situation indicates that the existence of normative regulations does not always correspond to the effectiveness of implementation in the field.

The factors underlying child exploitation in this social care institution are multidimensional, including economic, social, and cultural aspects. In many cases, poverty and lack of social support drive children to engage in work activities that are not suitable for their age and rights (Iskandar et al., 2021), including forced labor within the institution for its operational sustainability (Harahap, 2024). Furthermore, the low awareness of the community regarding children's rights and their role in monitoring child protection exacerbates the vulnerability of these children (Marlina, 2015). This study similar with previous study which identifies that social stigma against victims and their families hinders the reporting and handling of cases, while the lack of coordination between law enforcement agencies, social services, and civil society organizations further weakens the enforcement of child protection laws (Sihombing, 2024).

Although Law No. 35 of 2014 guarantees that children have the right to live, grow, and develop optimally without violence and discrimination, field research reveals a significant gap between legal norms and reality in care institutions for children. Children are often used as labor without adequate compensation and access to education, which clearly contradicts the basic principles of child welfare as rights and protection subjects (KPAI, 2021). The lack of supervision is exacerbated by the lack of training and mentoring for care institution managers regarding the service standards that must be met, allowing practices of child exploitation to continue with minimal effective intervention.

In this context, it is important to emphasize that child protection is not only a matter of having laws, but also the success in implementing monitoring mechanisms, law enforcement, and public education comprehensively. A holistic approach involving capacity-building of child protection agencies' managers, training of law enforcement officials, and strengthening the role of the community and non-governmental organizations is key to bridging the gap between regulations and practices. Furthermore, the state's bias in providing adequate resources and closely monitoring the implementation of Law No. 35 of 2014 is essential so that the principle of "*the best interests of the child*" can be realized on the ground.

Meanwhile, Law Number 11 of 2012 on the Juvenile Justice System (SPPA) is a progressive legal innovation in handling children in conflict with the law in Indonesia. This law emphasizes the principles of restorative justice and diversion, which specifically prioritize avoiding detention for children and focusing on rehabilitation and social reintegration efforts. The concept of restorative justice aims to restore social relationships between the child, victim, family, and community, so that the legal process is not purely repressive but more humane and attentive to the psychological needs of the child. In addition, diversion provides opportunities for resolving juvenile cases outside of formal court proceedings, such as through mediation or counseling, in order to reduce social stigma and trauma resulting from the justice system.

In the context of Child Social Welfare Institutions (LKSA), which ideally function as shelters as well as rehabilitation centers for children who are victims of or vulnerable to exploitation, the SPPA (Child Criminal Justice System) mandates maximum protection of children's rights to prevent them from various forms of exploitation, including physical violence, sexual abuse, and neglect of basic needs. However, the implementation of SPPA in

the field faces various real challenges, such as limitations in trained human resources, inadequate facilities in LKSAs, weak supervision mechanisms, and suboptimal coordination among institutions related to child protection.

Social stigma towards children who have had encounters with the law worsens the risk of marginalization and exploitation of children in child social welfare institutions. Therefore, in order to effectively achieve the goals of child protection in these institutions, it is necessary to strengthen the capacity of human resources and facilities, develop transparent mechanisms for supervision and accountability, optimize the implementation of diversion and rehabilitation programs, as well as educate and advocate to eliminate negative stigma in society. Through these efforts, child protection in child social welfare institutions will not only become an ideal legal norm but also a tool to prevent and address the comprehensive exploitation of children in these institutions.

In the context of child protection who are in conflict with the law or who become victims of sexual crimes, there is a need for synergy of policies and regulations across sectors that complement each other. Although the SPPA has provided a legal framework to ensure restorative justice for child offenders, additional complementary regulations specifically governing the protection of children as victims are still required, especially in cases of increasingly complex and diverse forms of sexual violence. In this regard, the presence of Law Number 12 of 2022 concerning Sexual Violence Criminal Acts (UU TPKS) provides a more comprehensive legal basis for responding to the protection needs of children, not only from the aspect of punishing offenders, but also from the perspective of comprehensive victim recovery and rehabilitation.

The Law Number 12 of 2022 on Sexual Violence Criminal Acts (UU TPKS) is a monumental legal instrument in the reform of Indonesia's criminal justice system, especially in providing comprehensive legal protection for victims of sexual violence, including children as the most vulnerable group. This law marks a paradigm shift in the handling of sexual violence, from an approach that solely emphasizes the punishment of offenders to a more humanistic and human rights-based approach, putting victims as the main subjects entitled to protection, assistance, and holistic recovery. UU TPKS progressively expands the scope of criminal acts of sexual violence by including various forms of crimes that were previously not explicitly accommodated in the Penal Code, such as sexual exploitation, coercion in the use of contraceptives, sexual slavery, forced marriage, and electronic-based sexual violence. This coverage demonstrates the state's recognition of the complex dimensions of sexual violence, encompassing physical, psychological, social, and digital aspects.

Even so, the implementation of the TPKS Law in the field is not fully in line with the spirit of protection contained in those legal norms. One of the fundamental issues is the lack of capacity of human resources involved in handling cases of sexual violence, especially against children. Based on previous findings (Kostova et al., 2013), many law enforcement officials, medical personnel, and social workers have not received specific training on trauma-informed approach, which is essential in accompanying children as victims of sexual violence. This unpreparedness results in a lack of sensitivity in interactions with victims, and potentially leads to retraumatization during legal proceedings. Furthermore, the absence of child-friendly handling protocols makes the investigative and judicial processes confrontational, failing to meet the principles of child protection and neglecting the psychological recovery aspect of victims (Gal, 2006).

Furthermore, the challenges of implementation also stem from systemic obstacles that encompass legal, cultural, and social structures. The criminal justice system in Indonesia still exhibits a tendency towards retribution, with minimal approaches that consider the emotional

and psychosocial development of children. This is exacerbated by the stigma and social norms that often blame the victim (victim blaming), as well as the public's distrust of law enforcement institutions, resulting in a low level of reporting of cases of child sexual violence (Dasgupta, 2013). This stigma and fear reinforce a culture of silence that conceals the prevalence of child sexual violence in society.

In response to these limitations, the restorative justice approach is being introduced as an alternative that is more focused on the recovery of victims rather than just punishing perpetrators. This approach involves the victim, the perpetrator, and the community in a dialogue process aimed at acknowledging the victim's suffering, repairing the harm, and preventing further violence. Therefore, the effectiveness of the Child Protection Law in ensuring substantive justice for children as victims of sexual violence largely depends on the alignment between progressive legal norms and the readiness of law enforcement systems to support its implementation. State commitment is needed to build an integrative and sustainable protection ecosystem, which includes enhancing the capacity of implementing institutions, developing standard protocols for handling child-based victims, and fostering legal and social cultural changes that are more supportive of victims. Without structural reforms and adequate investment in human resources, the primary goal of the Child Protection Law to provide maximum protection to child victims of sexual violence may not be optimally achieved.

Upon closer examination, the three laws demonstrate a continuity in the vision of child protection from basic rights, justice when children come into conflict with the law, to protection from sexual violence. However, the main challenge is not in the legal substance, but in its implementation. These regulations often still operate in a sectoral and fragmentary manner. Many areas do not have mechanisms for inter-agency coordination, such as social services, police, prosecution, courts, and NGOs. Additionally, the lack of an integrated data system on children in contact with the law or victims of violence is also a barrier to evidence-based policy formulation.

The legal framework for the protection of children in Indonesia can be said to be relatively comprehensive and progressive in terms of norms. However, the success of child protection depends heavily on the political will of the government, public awareness, training of law enforcement officials, and the availability of human resources and adequate budget. Integrative and sustainable efforts are needed to ensure that this legal framework truly guarantees that Indonesian children grow up in a safe, healthy, and just environment.

3.2. Community Role in LKSA Supervision

The role of civil society is crucial in overseeing the Child Social Welfare Institutions (LKSA) to ensure accountability and transparency in its management. Non-governmental organizations (NGOs), media, and academics act as active external monitors who detect violations and educate the public about children's rights and the importance of child protection.

From the perspective of social control theory, civil society as a monitoring agent is a crucial element that functions as an informal control mechanism on social service providers. This is in line with the thoughts of Hirschi (1969) in social control theory, where external monitoring contributes to preventing deviance, in this case, violations of children's rights in residential care institutions. Therefore, the involvement of NGOs, media, and academics is not only normative but also serves as social institutions that support the function of formal law, such as courts and government officials. Maritza & Taufiqurokhman (2024) assert that community involvement in public monitoring can strengthen the mechanisms of bureaucratic accountability, thus improving the quality of services in residential care institutions.

Additionally, collaboration between civil society and judicial institutions, as outlined by Khilmi (2025), can produce more democratic and responsive legal decisions to the needs of children and the community.

Normatively, the involvement of civil society is strengthened by the mandate of Law No. 23 of 2002 concerning Child Protection (amended by Law No. 35 of 2014), which emphasizes that children's rights must be protected comprehensively by the state and society. Article 4 states that every child has the right to protection from violence, discrimination, and exploitation, and oversight by society is part of the collective rights and obligations to ensure these rights. Thus, civil society functions as a strategic partner of the government in ensuring compliance of child protection standards by child protection institutions. From the perspective of state administrative law, the involvement of civil society in monitoring child protection institutions reflects the principle of public participation, which is part of good governance. Law No. 25 of 2009 on Public Services and Law No. 11 of 2009 on Social Welfare emphasize the importance of transparency, accountability, and community participation in the provision of social services. Civil society, through its active role, can put pressure on maladministration, corruption, and deviations that often occur in social institutions.

In the digital era, the risk of child exploitation through online media is increasing. Cyber law theory provides a conceptual framework for understanding regulations related to the use of information technology in protecting children. Law No. 19 of 2016 on Electronic Information and Transactions (ITE) serves as the main legal framework for protecting personal data and supervising digital content that may harm children. The involvement of civil society in digital education and monitoring online platforms complements the government's functions due to limitations in the capacity and reach of state apparatus. This also reflects the principle of subsidiarity in governance theory, involving non-governmental actors in the delivery of public affairs to be more effective and responsive. Without adequate supervision, children can become victims of personal data abuse and exploitation in the online world. Francia & Edling (2020) also emphasize the need for strong regulations to protect children's rights from economic exploitation practices in the digital world. Therefore, digital education for children and structured oversight from the government and civil society are crucial to mitigate these risks.

Furthermore, the collaboration between civil society and the judiciary, as referred to in Law No. 48 of 2009 regarding the Judiciary, demonstrates the importance of public participation in judicial oversight. The presence of NGOs and academics as amicus curiae (friends of the court) or supervisors of legal decisions provides room for strengthening more contextual and democratic protection of children's rights. This aligns with procedural justice theory, which emphasizes that justice is not only about the outcome of decisions, but also about a transparent, participatory process that respects the rights of all parties involved.

Strengthening legal education for the managers of LKSA and the surrounding community is a form of implementing legal empowerment theory, which aims to enhance the legal capacity of the community so they can understand, use, and enforce their rights independently. Legal empowerment not only promotes legal awareness, but also builds trust in the legal system and strengthens sustainable child protection. Supported by Law No. 14 of 2005 concerning Teachers and Lecturers, which positions academics as agents of social change through legal education. Periodic evaluations with quantitative and qualitative indicators, such as child satisfaction surveys and recording of violation cases, are also important to ensure the effectiveness of child protection policies and interventions. Therefore, civil society not only plays a role as watchdogs, but also as strategic partners in the

development of a sustainable and adaptive child protection system in response to social and technological changes.

4. Conclusion

This research found that the practice of child exploitation still occurs in some Child Social Welfare Institutions (LKSA) despite Indonesia having strong legal instruments such as Law No. 35/2014 on Child Protection, Law No. 11/2012 on the Juvenile Criminal Justice System, and Law No. 12/2022 on Sexual Violence. Exploitation includes forced labor, children's involvement in the institution's economic activities, and neglect of children's basic rights such as education, health, and psychosocial protection. The gap between legal norms and field practices is caused by the low capacity of LKSA management, suboptimal government and law enforcement supervision, and a more reactive role by the POLRI without a strong preventive framework. Weak inter-agency coordination is also a structural barrier to child protection. This study emphasizes that positive law alone is not enough without political will, community participation, and an accountable supervision system. Law should function not only as a repressive tool, but also as a preventive instrument and to shape a culture of child protection that is fair. The success of child protection in LKSA requires a multidisciplinary approach that integrates legal, social, and administrative perspectives harmoniously.

Based on the research findings, it is recommended that the government strengthen technical regulations related to children's activities in Child Social Welfare Institutions (LKSA) by setting clear boundaries to prevent hidden exploitation practices. Oversight of LKSA needs to be rigorously and independently enhanced, accompanied by the provision of child-friendly and easily accessible complaints mechanisms. Law enforcement officers also need to receive specialized training to differentiate between child development activities and exploitation. In addition, synergy among agencies such as the Ministry of Social Affairs, the Ministry of Women's Empowerment and Child Protection (PPPA), and law enforcement agencies must be strengthened in building a comprehensive child protection system. Theoretically, this research expands the legal scholarly knowledge of child protection by highlighting the gap between norms and implementation. Practically, the research results emphasize the urgency of the state's active involvement in ensuring that LKSA truly becomes a safe and suitable place for children's development. The policy implications drive the reformulation of regulations and the strengthening of monitoring systems to ensure that the principle of the best interest of the child truly becomes the main foundation in every policy and caregiving practice in LKSA.

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