

LEGAL PROTECTION AND REHABILITATION OF VICTIMS OF CHILD TRAFFICKING WITH THE PURPOSE OF PROSTITUTION IN INDONESIA

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ABSTRACT

This study aims to determine the factors causing the crime of child trafficking with the aim of prostitution and legal protection and rehabilitation measures provided by the government to victims. This research is a qualitative descriptive study using an empirical legal design. Research location at the South Sulawesi Child Protection Institute. The types of data used include primary data, secondary data, and tertiary data. Data techniques used in interviews and literature. Data analysis using an interactive analysis model. The findings of this study are; 1) The factors causing the crime of girls with the aim of being prostituted include poverty, job seekers, low levels of education, broken homes, and a history of sexual violence. Legal protection efforts provided by the government are carried out in two ways, namely protection provided for victims of crime and protection after becoming victims of crime. The provisions contained in the Criminal Code are protection in the abstract or "indirect protection". The crime of child trafficking is regulated in Articles 296 and 297 of the Criminal Code, but in its development, Law Number 23 of 2002 concerning Child Protection is also used. The rehabilitation effort carried out by the South Sulawesi Child Protection Agency is by providing assistance which includes: psychological assistance, legal assistance, and medical assistance for victims of child trafficking with the aim of being prostituted.

Keywords: Legal Protection, Rehabilitation, Child Trafficking

INTRODUCTION

Children are the hope for parents, the nation, and the country because they are the ones who will become the nation's successor (Adnan, 2018; Huston et al., 2003; Taubah, 2015). With our high hopes for children, we should guarantee the right to live that is owned by a child to grow and develop according to his nature. The guarantee of children's rights as an individual must be implemented because children are creatures created by God Almighty who are also obliged to protect and maintain their honor, dignity and dignity so that children must be protected from all forms of discrimination, acts of violence, and exploitation. Can affect their development both physically, spiritually, and socially (Juliana & Arifin, 2019; Roza & Arliman, 2018; Taubah, 2015).

Efforts that can be made to guarantee children's rights are to protect children, which is defined as an effort to create conditions in which every child can exercise their rights and obligations (Said, 2018; Taubah, 2015). Children have the right to be protected as adults because they are also human, as stated in Article 28B paragraph (2) of the 1945 Constitution which states: "Every child has the right to live, grow and develop and has the right to protection from violence and discrimination "

The parties involved in providing child protection are every member of society according to their abilities with various kinds of business, so that protection of children is not only the duty of parents but also an obligation for the community and the government (Fitriani, 2016; Juliana & Arifin, 2019; Roza & Arliman, 2018; Said, 2018; Sinaga & Lubis, 2010; Taubah, 2015; Wahyudi, 2015). The state as the highest and strongest organization also has a major role in protecting children's rights which is realized by issuing regulations on providing protection for children so that there is legal guarantee for child protection activities which will have an impact on the continuity of child protection activities and prevent abuse in its implementation. child protection. The protection measures for children carried out by the government are part of the state's goal, namely to protect the nation and state as well as for the general welfare (Juliana & Arifin, 2019; Roza & Arliman, 2018).

Parents do have a bigger share in protecting children because they are part of the nuclear family so that they have to fulfill every child's needs, whether physical or spiritual, but society also plays a role in protecting children's rights (Said, 2018). Community participation can be realized by maintaining children's rights when they are outside the home environment so that they will still feel comfortable being outside the home (Hart, 2013). The elements of society that are involved in child protection are not only individuals but also involve community organizations, non-governmental organizations, the Child Protection Commission, other organizations that have a concern for child protection (Haythornthwaite, 2000; Rogan, 2005).

The violence that befell Indonesian children is increasing and what is worse, one of the perpetrators is their own parents. Parents who are supposed to protect their children so that they can grow and develop properly, but instead commit acts of violence that have a negative impact on the child's development, both physically, spiritually and socially (Al Adawiah, 2015; Andhini1 & Arifin, 2019; Maknun, 2017). According to Barker (Al Adawiah, 2015) violence against children (child abuse) is defined as an act of repetitive physical and emotional harm to an dependent child, through compulsion of desire, uncontrollable corporal punishment, and permanent ridicule or sexual violence, usually carried out by parents or other parties who are supposed to care for children.

Violence against children is not only physical and psychological violence, but they are also victims of sexual violence, meaning that they become a means to vent lecherous desires whether committed by their own parents or certain groups. Child trafficking for the purpose of prostitution is a form of sexual violence in which children are traded and used as prostitution commodities. Child trafficking for the purpose of prostitution is part of an act of Commercial Sexual Exploitation (CSEC), which means the use of children for sexual purposes in exchange for cash or other forms between children, buyers of sexual services, intermediaries or agents, and other parties who benefit from trafficking. sexuality of the child (Presidential Decree No.87 of 2002, 24). Commercial Sexual Exploitation of Children includes three forms, namely: child prostitution, child pornography, and child trafficking for sexual purposes (Noviana, 2015).

The sex industry is undeniably one of the most vulnerable businesses to use victims of child trafficking (Kara, 2009). Child trafficking is an act that is carried out deliberately starting from recruitment through coercion and forced fraud, and threats or violence, kidnapping, and even abuse of power against children to be sent to a a place for forced employment, compensation to pay debts, the interests of slavery, including for prostitution(Bergquist, 2015; Kara, 2009; Shelley, 2003).

Pimps or users prefer children as a commodity for prostitution because they are still clean and free from venereal disease. Besides, they are still easy to manage and will not dare to fight back (Noviana, 2015; Shelley, 2003). Not only girls who can become victims of child trafficking with the aim of being prostituted but boys are not free from this crime, but generally girls are victims of the crime of child trafficking with the aim of being prostituted who are mostly found. The number of victims of trafficking in girls for the purpose of prostitution is actually very large in Indonesia, but there is no definite data that shows how many victims of

commercial sexual exploitation are because on average victims are reluctant to bring their cases to the court (Adawiyah, n.d.; Aini, 2009; Hidayat, 2019; Wahyuningsih, 2007).

The trapping of girls in the world of prostitution is a social reality that is found not only in big cities, so that the victims are scattered to various places in Indonesia. They can be found on roadside, nightlife spots such as cafes, discotheques, pubs, tourist spots or localized. There are so many bad effects that befall victims of child trafficking with the aim of being prostituted for physical, psychological, and social development that will be felt by the victim immediately after the crime occurs or in the future. The impact suffered after becoming victims of trafficking in girls with the aim of being prostituted is that they will experience trauma, this trauma is caused by her past memories due to the bad treatment she received as long as she was forced to become a commercial sex worker, has excessive feelings of fear so she does not want to be invited to communicate with other people, feeling ashamed and regretting themselves excessively, and experiencing pain due to physical violence committed by the pimp or by the person who hired him. The long-term suffering that can be experienced by child victims of child trafficking with the aim of being prostituted is that they can contract venereal disease due to sexual intercourse with different partners, suffer from a deadly disease, namely HIV/Aids, and the fear is that later they can become perpetrators of child trafficking with the aim of being prostituted.

Apart from the many negative consequences suffered by children who are sexually exploited for the future development of children, child trafficking is also a part of human rights violations. It was said that because a child was deprived of his rights and he was forced to do work that insulted his dignity as a human being. With such a situation, it is appropriate for the state and other members of society to work hand in hand to provide adequate protection to children from various forms of violence and manipulation committed by perpetrators of trafficking in girls with the aim of being prostituted (in particular) considering that children are assets of the nation, it is appropriate that the law must be enforced to ensnare the perpetrators of child trafficking crimes. The problem of sexual exploitation of children is not only resolved by the state but also involves all elements of society, be it individuals, groups, or non-governmental organizations (NGOs). Efforts that can be made by the government, in this case law enforcement officers, are to maximize existing and valid national legal instruments so as to reduce the increase in child trafficking crimes with the aim of being prostituted. Law enforcement officials have an important capacity in tackling the problem of child trafficking, even though the instruments they have are very limited, but at least Indonesia has legal rules which, if fully implemented, can help overcome the problem of exploitation of children. Indonesia currently has a special law that is used to provide protection for children, namely Law no. 23 of 2002 concerning Child Protection. The law also regulates the punishment for persons or groups who violate efforts to protect children, including perpetrators of child trafficking with the aim of being prostituted. The role of law enforcement officers in protecting victims of child trafficking with the aim of being prostituted is more focused on taking steps to arrest the perpetrator and subject him to a punishment that is in accordance with the criminal act committed and is not oriented to rehabilitate the victim.

Victims of trafficking in prostituted girls have the right not only to receive legal protection because they experience suffering both economically, physically and psychologically so that they are also entitled to receive rehabilitation. Rehabilitation efforts are carried out using mentoring methods provided by Non-Governmental Organizations (NGOs), assistance is provided to victims in the hope that they can restore their psychological condition. The assistance provided is oriented towards rehabilitating victims in the hope that after becoming victims they can lead a normal life in the community and relieve trauma and pressure that befall them. The elements of society that have a big contribution in rehabilitating victims of child trafficking are Non-Governmental Organizations (NGOs) both on a local, national and international scale. NGOs that have a major contribution in providing assistance to child victims of child trafficking with the aim of being prostituted are those who are concerned with the problems of children and women. The role played by NGOs is to participate in providing the

widest possible information about trafficking crimes to the community, providing assistance to child victims of trafficking crimes, and also working on an empowerment program for former trafficking victims, with the aim that they do not fall back into being trapped again. trafficking in persons (generally) and trafficking in children (in particular).

The forms of assistance provided by each NGO in the effort to rehabilitate child victims of child trafficking are the same because they are basically the same goals, but what is different is the delivery method because it is tailored to the needs of the child. The number of losses suffered by the victims of child trafficking for the purpose of prostitution and the discovery of victims of trafficking of girls with the aim of being prostituted.

RESEARCH METHODOLOGY

Types of research

The type of research is determined from the legal problem approach method, in this case the approach used is an empirical approach. The empirical approach is an attempt to approach the problem under study with real legal properties or in accordance with the realities of life in society. So research with an empirical problem approach must be carried out in the field, using field methods and techniques. This research is descriptive.

Type of Data

The data in this study are divided into two, namely primary data and secondary data. Primary data is "basic data" which researchers obtain first-hand, from the first original source that has not been processed and described by others (Hilman Hadikusumo, 1995: 65). Secondary data is data obtained by researchers from library research and documentation, which is the result of research and processing of others, which is already available in the form of books or documentation which are usually provided in libraries, or private researchers.

Data Source

Primary data sources are data sources obtained directly from the first source or obtained through field research. In this study, primary data sources were obtained from interviews with NGO activists who deal with child victims of trafficking crimes and documents from interviews between trafficking victims and the South Sulawesi Child Protection Agency. Secondary data sources are data that support primary data sources and in this study, secondary data sources come from:

1. Primary legal materials, namely binding legal materials, consisting of:
 - a. Basic norms or principles, namely the Preamble to the 1945 Constitution
 - b. Laws and regulations relating to issues regarding child trafficking, namely: Criminal Code, Law No. 23 of 2002 concerning Child Protection
 - c. Presidential Decree of the Republic of Indonesia No. 87 of 2002 concerning the National Action Plan (NAP) for the Elimination of Commercial Sexual Exploitation of Children.
2. Secondary legal materials, namely legal materials that provide an explanation of primary legal materials such as research results, newspapers, works from legal circles, and others.
3. Tertiary legal materials, namely materials that provide instructions or explanations for primary and secondary legal materials, such as dictionaries.

Data Collection Technique

Collecting data in this study using two techniques, namely field study techniques and literature study techniques. Field study is a data collection technique by going directly to the object of research to make direct observations, with the aim of obtaining data. Field studies

conducted using interviews and observations. Literature study is a data collection technique that is carried out through written data. Sources of data can be obtained from reading material regarding studies that have been carried out in the past.

Research Sites

The location or place chosen to carry out the research was the South Sulawesi Child Protection Agency in Makassar City. The author chose the South Sulawesi Child Protection Institute as the research location because in 2018-2020 in Makassar there were more than 20 cases of victims of trafficking in girls with the aim of being prostituted and the rehabilitation process for these victims was carried out by the South Sulawesi Child Protection Agency.

Data Analysis Technique

Qualitative Data Analysis is a research method that produces descriptive-analytical data, namely what the respondent states in writing or orally and also his real behavior, which is researched and studied as a whole (Soerjono Soekanto, 1986: 250). The data analysis technique used by the author in this legal research is the interactive model of analysis qualitative technique, which is a data analysis technique that includes three components of data collection, namely; 1) Data reduction (research objective) is a process of selecting, focusing, simplifying, and abstracting the data obtained as well as the transformation of the "rough" data contained in written records. 2) Data presentation (data display) is a collection of information arranged in a simplified, selective form in an easy-to-use configuration that gives the possibility of making decisions, and 3) Conclusion drawing is an activity carried out by researchers that need to be verified., in the form of a repetition of the previous data collection stage and carried out more thoroughly after the data is presented (HB Sutopo, 1993: 34).

RESULTS AND DISCUSSION

Factors that cause the Crime of Trafficking in Girls for the Purpose of Being Prostituted

Five factors were found to cause trafficking in children (especially girls) with the aim of prostitution, namely

1. Poverty Factors
2. Factors of Low Level of Education
3. Broken Home Factor
4. Factors of Early Sexual Experience
5. Work Needs Factor.

These five findings are described in the following description;

Poverty

The low income received by a family is a common reason that perpetrators often use to legalize crimes including child trafficking. Families who are supposed to protect their children are actually perpetrators of child trafficking. This happens when parents or guardians who are supposed to protect the children have the heart to sell their children to brokers to become prostitutes. In certain areas in Indonesia, there is a view that girls are one of the assets that bring huge profits, so that biological parents have the heart to sell their daughters because of the very high price, especially the price of virginity. In addition, the factor that causes parents to sell their own children is due to debt bondage, parents sometimes borrow money from a moneylender who turns out to be a pimp. When due and it turns out that the debt that was borrowed has not been paid off, the daughter of the debt is asked to work for the moneylender, but it turns out that

the job she was asked to do was as a prostitute. This action is not limited to that, sometimes if the work is far away then the travel costs are also counted as debt.

Children who are assisted by the South Sulawesi Child Protection Agency admit to being victims of child trafficking not because they were sold by their parents but because they were lured by the large salaries offered by their pimps or friends. Poverty that whacks in a family results in insufficient family life needs so that there is a pressure that psychologically strikes the child then becomes a mindset for each family member that they have to work to provide for their own needs while at the same time helping the family economy. Those who were previously AYLA victims due to economic pressure and their lack of skills caused them to be trapped back in the world of prostitution as victims of the crime of trafficking in girls with the aim of being prostituted.

Low level of education

One of the effects of poverty is that there is no opportunity to get a decent education, they mostly only come from elementary/junior high school graduates or, worse, they do not graduate because they drop out of school because they cannot pay school fees. Low education and lack of information about trafficking have an impact on the ease with which children become victims of child trafficking. They are so easy to accept the persuasion made by traffickers to be invited to work with the lure of being hired as restaurant waiters, baby sisters, or becoming migrant workers. The period when work is very difficult to get makes children want to accept the perpetrator's offer without any bad prejudice, this is due to the logical thinking that after they get a job all costs incurred by traffickers to transport it can be returned. They can replace the trafficker's loan money if they already get a salary from the job they will do later. Persuasion is easily accepted without thinking long whether the work they will do is really as promised, or they will actually be employed in the area as stated by the traffickers. Lack of information regarding child trafficking crimes also makes it easy for them to be persuaded to work abroad or go to other areas.

Broken Home

Children who come from broken home families are those who live with one of their parents due to divorce or those who live in a family that is not harmonious so they always fight. This situation prevents the child from getting the attention of both parents. Children assisted by the South Sulawesi Child Protection Agency who come from broken home families admitted that the result of their parents' arguments caused them to become victims, because their father often commits acts of violence in the form of beatings or slapping them when they make the slightest mistake. In addition, there are also those who admit that after their parents divorced and remarried with other people, it did not change the situation for the more because they experienced violence in the form of beatings and were always scolded by their stepparents, there were also those who admitted that after their parents divorced their children were neglected by their parents. This is why they choose to run away from home or choose to vent their solitude by going with their friends to places that can provide entertainment. The presence of these children in discotheques or cafes with a capacity that is too often can cause them to be contaminated with existing conditions such as the habit of consuming drugs or having free sex with their own friends. Involvement of these children with drugs causes them to become addicts, under such circumstances they must have money in order to continue taking drugs. Without the money to buy drugs forcing them to work because parents' indifference does not give money back, and one job option that can give a lot of money and quickly is to become a prostitute. The job was chosen because his friends also do work that is similar to a discotheque or cafe, from them the child knows that the job can promise a big and fast income besides that because he has also had sex with his girlfriend so they don't mind doing that matter.

Early Sexual Experiences

Early sexual experience refers to a child who has had sexual relations with the opposite sex before adulthood. Many things that cause children to have sexual intercourse at a young age, among others, are because:

Promiscuity

- a) Children have sexual relations with their boyfriends or friends because their friends are doing the same thing. These social environmental factors can directly or indirectly influence children to follow the habits of the group so that they can be accepted by their environment. The friends he chooses can cause them to be good or bad when he chooses to hang out with friends who have free social patterns, the child will be conditioned to it so that he considers that having sexual relations with more than one person is not something taboo again.

Have experienced sexual violence

- b) Rape is one of the reasons that causes children to fall into prostitution. Generally, they consciously engage in prostitution because they feel that they are no longer holy and ashamed because they have been raped. The perpetrator of rape can be committed by people close to him, such as father, brother, sibling, friend, girlfriend, or it can be done by strangers. Many of the children assisted by the South Sulawesi Child Protection Agency admit that before becoming victims of child trafficking with the aim of being prostituted, they had sexual relations but this was done with their friends or girlfriends. There is a view of sexuality that emphasizes the meaning of virginity so that it does not provide an opportunity for those who are no longer virgins to determine themselves, so based on this assumption they are aware to throw themselves into the world of prostitution.

Work Needs

The monetary crisis that occurred in Indonesia resulted in a large number of workers being laid off because many companies went bankrupt. The large number of workers who were laid off coupled with the large number of people who were of working age caused a lot of unemployment due to the unavailability of job opportunities provided by the state. Lack of employment opportunities makes them choose alternatives to work abroad. Such opportunities are used by brokers to recruit or attract women to work abroad or in other areas as baby sisters, domestic helpers, with the lure of a large salary for each month. Illegal labor service providers take advantage of this, he persuades job seekers, especially children to work with him without having to think about transportation and accommodation costs because all costs are borne by brokers and can be paid after they get a salary. They do not know exactly where they will be placed even if they are told only the province or city they will work for but they do not know exactly where it is. When they arrive at the place the shadow of a house or shelter for training disappears because when they arrive they are locked up or placed in an isolated room before they are moved to their destination. While in the shelter they are not given food and also experience physical violence. A few days in transit they are dispatched to their destination and there they will be employed as prostitutes. Designated destinations such as discotheques, massage parlors, cafes, etc., the first time they find out that they have to 'serve guests' they refuse to do so but it causes the pimps to torture, not only verbal violence pimps also won't feed until they want to work for him. Doing the work as told does not mean that they are free from problems, they are not given a salary for several months on the grounds that their salary is used to pay all the fees paid by the pimps to the middlemen who brought them from the village, so they only get food and also residence. Their salaries have not been paid even though their debts

have been paid off even if they are given only a few thousand money because the money is deducted to pay for their work there.

Legal Protection for Victims of Child Trafficking with the Purpose of Prostitution

There are two forms of legal protection provided by the government in terms of human trafficking crimes, especially if the victims are children. Both forms of legal protection are legal protection for potential victims and legal protection for victims. The two forms of legal protection are described in the following description;

Legal Protection for Potential Victims of Trafficking in Girls with the Aim of being Prostituted

Based on its nature, the state has a function to always protect and prosper its citizens, so that a guarantee of protection from the government for the community is needed which must be widely applicable both from threats originating from outside the territory of Indonesia or from within the territory of Indonesia. The threats referred to above also include threats from all types of crimes or other deviant acts. The Criminal Code is a form of guarantee legally provided by the Indonesian government to its citizens against the threat of crime or other deviant acts. The Criminal Code contains all forms of action that must not be violated and the threat of punishment for every person who violates them which is stated in each of its articles. The formulation of various criminal acts in statutory regulations means that there is a protection of various legal interests and the rights of victims, thus it can be interpreted that the protection of victims contained in the Criminal Code is more of "in abstracto" or "indirect protection".

Protection in the Criminal Code is defined as protection in abstracto or "indirect" protection because a criminal act according to positive criminal law is not seen as an act of attacking/violating the legal interests of a person (victim) personally and concretely but only seen as a violation of "legal norms/order in abstracto. ". As a result, criminal responsibility towards the perpetrator is not direct and concrete responsibility for the loss or suffering of the victim, but is more focused on personal/individual accountability. Individual accountability contains protection for potential victims of criminal acts, so it can be concluded that the Criminal Code does not regulate the provision of protection for victims of criminal acts themselves (Barda Nawawi Arief, 1998: 55-56).

The rules used to protect potential victims of trafficking in girls with the aim of being prostituted are regulated in Articles 296 and 297 of the Criminal Code:

- a) Article 296 of the Criminal Code reads: "Anyone who deliberately links or facilitates obscene acts by another person with another, and makes it a quest or habit, is punishable by a maximum imprisonment of one year and four months or a maximum fine of one thousand rupiah".
- b) Article 297 of the Criminal Code reads: "Trafficking in women and trafficking of men who are underage (adults), is punishable by a maximum imprisonment of six years".

Articles 296, 297 of the Criminal Code do not specifically regulate the crime of child trafficking because in these articles it has a broad scope, meaning that trafficking in women can be interpreted as all women who are female regardless of age. The widespread crime of trafficking in persons with the aim of being prostituted has resulted in not only adult women but also girls. Given the fact that children can also become victims of crime, a special regulation is needed that guarantees children to avoid the threat of crime and other deviant acts. The guarantee of legal protection for children in Indonesia is stated in Law Number 23 of 2002 concerning Child Protection. The Child Protection Law is a regulation that is used to provide protection for children both in general and specifically from all forms of discrimination and

exploitation and there are also criminal provisions that are used to ensnare offenders who violate the provisions contained therein. One of the contents of the Child Protection Law which refers to providing special protection for victims of child trafficking with the aim of being prostituted is contained in Article 59 of the Child Protection Law. Based on Article 59, it regulates the state's obligation to provide special protection for child victims of child trafficking.

The Child Protection Law is a form of the responsibility of the state, family and society in providing protection for every Indonesian child. The purpose of the stipulation of the Child Protection Law as stipulated in Article 3 is to ensure the fulfillment of children's rights so that they can live, grow, develop and participate optimally in accordance with human dignity and protection from violence and discrimination, for the sake of realizing Indonesian children with high quality, noble character, and prosperity.

Victims of child trafficking by the state are given a special way of providing this protection according to Article 68 paragraph (2) through:

- a) Special protection for children who are victims of kidnapping, sale, and child trafficking as referred to in Article 59 is carried out through government and community supervision, protection, prevention, care and rehabilitation efforts.
- b) Every person is prohibited from placing, permitting, carrying out, ordering or taking part in kidnapping, selling, or trading as referred to in paragraph (1).

The enactment of the Child Protection Law does not necessarily ensnare child trafficking criminals, because generally child trafficking crimes are difficult to reveal to the surface (iceberg phenomenon). The difficulty in uncovering the crime, according to Soeharto, was due to: rejection from the victim's own party, manipulation from the perpetrator, the family who experienced the case considered violence against children as a shame if it was disclosed in general, there was an assumption that matters relating to family (parent-child, husband-wife relationship) should not be interfered with by the family, society at large does not know the "signs" in children experiencing violence, especially sexual abuse, because there are no clear physical signs, and reporting systems and procedures that are not known with certainty and clearly by the wider community (Abu Huraerah, 2006: 50).

"Legal protection after becoming a victim of trafficking in girls with the aim of being prostituted"

Violation of articles in the Criminal Code will result in a crime or violation and when a crime occurs, it will result in koban. The discovery of victims of trafficking in girls with the aim of being prostituted is evidence of the violation of Article 297 of the Criminal Code or Article 88 of Law No.23 of 2002. The position of crime victims in Indonesian legal arrangements is always the injured party, because in addition to victims suffering losses due to crimes that befall them either physically, materially, and psychologically the victim must also suffer double suffering because without realizing it, the victim is often treated only as a means for the realization of legal certainty, for example the victim must present, reconstruct (which means that the victim must remember and even repeat the crime that befell him) while undergoing the investigation process both at the investigative level and at the court examination. In reality, the provision of legal protection to victims of crime is not comparable to providing protection to the suspect (accused). Protection of crime victims tends to be discriminated against by criminal law compared to suspects or defendants because suspects or defendants are given more privileges, such as when a person is suspected of being the perpetrator of a crime, from the time the person is questioned until the verdict is imposed by the rights, legal protection for the suspect (defendant) always attached. Some of the privileges received by the suspect or defendant such as:

- a) At the time of arrest, it must be accompanied by a warrant of arrest as well as stating what crime is accused.
- b) When during the investigation process a suspect is allowed to be accompanied by a legal advisor, as well as his detention period must be limited to a certain period of time

- c) After being sentenced by the judge, the accused was still given to file other legal remedies such as appeal, cassation and reconsideration (Didik M Arif & Elisatris Gultom: 2007, 80).

The conditions mentioned above are very different from crime victims where when they are asked for information as witnesses both at the investigation and court level they often come alone without obtaining adequate escort/security from the security apparatus so this is what sometimes causes victims to not settle their case with law enforcement officials. because there is no guarantee of security protection when they are witnesses. Victims of trafficking in girls for the purpose of prostitution cannot be separated from the fact that they also do not receive adequate legal protection, both material and immaterial.

In essence, the position of victims in crime has a very important role because they are an important factor in the emergence of a crime, either directly or indirectly, therefore they have the right to get protection from the government. Legal protection for victims of crimes in general and crimes of trafficking in girls with the aim of being prostituted is regulated in Article 14c of the Criminal Code. The purpose of Article 14c basically states that in the case of a judge imposing a conditional sentence, the judge can determine special conditions for the convicted person to compensate the convicted person for damages either all or partially arising as a result of the criminal act committed.

In addition to Article 14c of the Criminal Code, attention to crime victims is also regulated in Article 98-101 of the Criminal Procedure Code which provides for the possibility of merging a claim for compensation in a criminal case. In his decision, the judge has the authority to determine the penalty "compensation for costs" that have been issued by the injured party (victim). The provisions contained in the article clearly pay attention to the victim in a criminal case, however, the civil fee compensation punishment remains civil in nature, not a criminal sanction. According to Article 100 paragraph (2) of the Criminal Procedure Code, if a criminal case is not filed for an appeal then an appeal request regarding a compensation decision is not allowed and that is the weakness (Barda Nawawi, 1998: 59).

Based on the provisions of Article 14c of the Criminal Code, the legal protection provided to crime victims is limited to material aspects, in fact victims not only suffer material losses but they also suffer physically and psychologically. Providing legal protection to victims of crime in reality is not comparable to providing protection to the suspect (defendant).

Those who are victims of trafficking in girls with the aim of being prostituted, apart from being entitled to material compensation, they are also entitled to receive immaterial compensation in the form of: safe shelter, repatriation (to the area of origin or into the country) including legal remedies and assistance, rehabilitation (recovery of physical and psychological health), reintegration (reintegration to their family or their community) and empowerment efforts (economy, education) so that victims do not fall back into trafficking in persons, especially child trafficking (UNICEF, 5). These measures can also be called special safeguards.

Providing protection for children as already mentioned is not only the duty and obligation of the family but also the duty of the state and all elements of society. In accordance with Article 25 of Law no. 23 of 2002, all elements of society take an active role in protecting children, especially those who are victims of child trafficking. Special protection measures for victims of trafficking in girls with the aim of being prostituted in accordance with Article 72 paragraph (2) of the Child Protection Law. Each community group as stated in Article 72 paragraph (2) of the Child Protection Law has a role in providing protection for child victims in accordance with their abilities and capacities, but from all of them Non-Governmental Organizations (NGOs) can have an active role in providing protection for children. child trafficking victims. NGOs are selected as organs that can make a major contribution in protecting victims because NGOs are officially accredited organs so that they have the appropriate expertise, knowledge and understanding of the special rights and needs of child victims. The advantage is that they can provide rehabilitation for child victims in accordance with the level of needs of child victims that our laws cannot yet provide and which the mass media, business entities, religious institutions and other community groups may not be able to

do. Every NGO that is concerned about child problems, they have different methods or ways of rehabilitating victims but basically they have the same goal, namely to reduce the mental burden suffered by child victims.

One of the NGOs in the city of Makassar that has great concern and attention to the problems of children and consumers is the South Sulawesi Child Protection Agency. This foundation was founded on September 11, 2005. In the beginning, the South Sulawesi Child Protection Agency tended to provide protection for child consumers due to the increasing consumptive lifestyle that made children the target of products. and this is not balanced with the supervision provided by the government. In its development, the South Sulawesi Child Protection Agency has a concern for the victims of child trafficking by seeing the symptoms of the spread of child prostitution. The involvement of children in prostitution can have many negative impacts on children, starting with health, children's social development, and other negative impacts, so based on this, the Child Protection Agency South Sulawesi took the initiative to go deeper by providing assistance to child victims.

Every action taken by the South Sulawesi Child Protection Agency in providing assistance to child victims cannot be separated from the vision, mission, and goals that have been set. In 2002 in the area of Makassar City, child trafficking victims were found, after they were returned to their original places, namely in the Makassar region, the South Sulawesi Child Protection Agency was the party that immediately provided "services" or rehabilitated the victim because since before the victim was returned, the South Sulawesi Child Protection Agency had provided assistance. for the victims when they are at their destination. Moreover, on average the victims were reluctant to continue their case legally, so that rehabilitation efforts were more left to the South Sulawesi Child Protection Agency. After they were returned to their original area, this caused the South Sulawesi Child Protection Agency to become the guardian for the victims, as the guardian for the victims, so the South Sulawesi Child Protection Agency has a big responsibility in the effort to restore the situation of the child. The actions taken by the South Sulawesi Child Protection Agency in efforts to recover victims have been adjusted to the guidelines issued by UNICEF, the guidelines used in making special efforts for child victims of child trafficking in the form of:

- a) Ensure that all decisions taken are in the best interest of the child
- b) Ensure that child victims receive care, accommodation, health services, psycho-social support, and education.
- c) Consult, provide advice and always inform child victims of their rights
- d) Help provide the right solution in the best interest of the child.

In accordance with these guidelines, the forms of assistance provided by the South Sulawesi Child Protection Agency for victims of child trafficking are in the form of psychological assistance, legal assistance, and medical assistance. The three types of assistance are described as follows;

a. Psychological assistance

The form of psychological assistance is in the form of counseling with child trafficking victims. According to Zastrow, there are several counseling programs that can be given to child victims, namely:

1. The dynamic of sexual abuse
2. Protective behaviors counseling
3. Survivor/self-esteem counseling,
4. Feeling counseling
5. Cognitive therapy.

The sessions conducted by the South Sulawesi Child Protection Agency in providing psychological assistance in the form of: the first meeting began by gathering all children who

were victims of child trafficking and each child was accompanied by a companion who is also an activist of the South Sulawesi Child Protection Agency, containing interviews with a psychologist who is also an activist at the South Sulawesi Child Protection Agency. The meeting aims to make them feel comfortable and not awkward to talk to their companions or psychologists and to interact with other victims. The end of the session was continued with personal counseling carried out by mentors or psychologists for each child, each child can freely come to the South Sulawesi Child Protection Agency to consult at any time with his companion or with one of the activists he feels comfortable with. The time-bound consultation was chosen because each child had different courage to be able to tell their experiences when they became prostitutes, so that when they dared to tell stories they would come to the South Sulawesi Child Protection Agency. Assistants or activists who hear their stories will tell the psychologist so that they can find the right solution to rehabilitate children. Overall psychological assistance is very important in the hope that child victims of child trafficking can change the perpetrator who is aggressive, does not engage in inappropriate sexual behavior (such as speaking or behaving in pornographic behavior beyond his age), not committing any form of action that leads to self-destruction., committing suicide as a form of mistreatment of oneself.

Based on the five types of therapy that can be given to victims of child trafficking, it can be concluded that the counseling program implemented by the South Sulawesi Child Protection Agency includes:

1. The dynamic of sexual abuse,
2. This type of counseling was chosen because it can provide comfort for victims who choose to resolve their cases through legal channels, this counseling aims to ensure that what they choose is a right action, so that they do not need to be afraid that what they did was a mistake. Counseling also teaches victims that the law exists and is in effect that can impose sanctions on violators so that it can create a belief from the victim that the law can provide justice for him.
3. Survivor/ self-esteem counseling,
4. There are several reasons that cause children to choose not to continue their case to legal channels and as a companion, the South Sulawesi Child Protection Agency is obliged to respect this choice and not blame it. The task of the South Sulawesi Child Protection Agency is to ensure that what they choose is based on their conscience and it is not a mistake and is not an act against the law.
5. Feeling counseling,
6. This counseling aims to direct the anger of the victim so that they can direct their anger to positive things, meaning that their anger is not vented to do bad things that can hurt themselves such as torturing themselves because of feelings of anger caused by feeling easy to be deceived, desire to commit suicide and attempt to retaliate both against the perpetrator and against others by becoming the perpetrator of the same crime. The victim who does not want to express his anger is endeavored to make it possible for him to express his feelings so that anger, hate, sadness can be expressed, but if the victim still cannot express his feelings, there is no need for coercion because this will remind the victim of the bad times he has naturally.
7. Cognitive therapy.
8. This counseling is carried out so that the child's mind is not only focused on the crime he is experiencing, by eliminating these bad thoughts the child is expected to be able to interact with the outside world and not become anxious when he is in a busy environment.

b. Legal Assistance

The counseling that has taken place is a time of healing for child trafficking victims and giving time for victims to think about whether to bring child traffickers to a criminal court or not. Victims who choose to file or not file a settlement of their case through legal channels are given the same right to know information about the role of criminal law in solving child trafficking crimes. Victims who choose to settle their case through their legal channels will be informed of the procedure for giving testimony in criminal cases against persons accused of being involved in the exploitation and/or trafficking of children.

On average, the child trafficking victims do not continue their cases to court for several reasons, namely:

- 1) Getting disgrace from society. So far, victims of child trafficking have always been cornered by the community because they think that the victims really want to work as prostitutes, this is due to limited information about child trafficking crimes. Society will give a better response to women who are victims of rape because these people are seen as victims. Fear of getting insulted from the community, they are better off not reporting the problem to the authorities
- 2) Threatened by a pimp. The victim who has been freed from the grip of the pimp does not immediately breathe calmly. They are still afraid of the pimps who are their mothers, because of the threats they made when they became prostitutes, namely that they would kill the victims if they escaped or reported them to the authorities. This fear is very reasonable not only because of the trauma they experienced while working with the pimps but also because of the lack of protection from the security forces in protecting the victim
- 3) The wish of the victim himself. The victim does not want to report the problem to law enforcement officials on the grounds that her past does not need to be brought up again. The trial process took a long time when the victim had to recount the incident that happened to him so he felt he had to reopen the bad experience that had happened to him so that he felt that it was better to bury the incident and try to return to being a new human. Victims who do not want to continue the settlement of the case to court is a right that belongs to the victims so that the South Sulawesi Child Protection Agency cannot enforce it.

c. Medical Assistance

The South Sulawesi Child Protection Agency also provides doctors who can carry out medical examinations for victims. This medical assistance is also carried out by the South Sulawesi Child Protection Agency in collaboration with Panti Waluyo Hospital, where all costs are covered by the South Sulawesi Child Protection Agency. Medical assistance is provided with the aim of checking whether after becoming a prostitute she has contracted sexually transmitted diseases (STDs) or disorders of her reproductive organs. This examination should be carried out intensively because child victims of child trafficking usually experience unexplained ill feelings such as complaining of headaches, stomachaches, sore throats with no clear cause, dramatic weight loss, and so on. In fact, not all victims want to have themselves examined unless they already feel pain in their genitals.

Another part of the assistance provided by the South Sulawesi Child Protection Agency for victims of child trafficking is:

1. they are taught to express themselves through art media such as theater, dancing, and programs that reveal their talents
2. broadcast on GSM FM radio. In addition to providing assistance to child victims of child trafficking, the South Sulawesi Child Protection Agency also carries out preventive efforts such as disseminating information to schools about child trafficking crimes and its impact on their future with the hope that these teenagers will not be trapped in the world of prostitution.

CONCLUSION

The crime of child trafficking is one of the crimes that violates human rights because the victims are forced to do work that undermines their dignity as human beings, namely by making them prostitutes. Child trafficking does not only hit urban areas but also remote areas. In fact, many girls are brought in from the village to be sold and work as prostitutes in big cities. Makassar as an urban area is also inseparable from this crime as evidenced by the finding of 15 child trafficking victims in 2002. Their involvement in the world of prostitution is caused by many factors including poverty, low levels of education, being raised by broken home families, early sexual experiences., and job seekers factors.

The role of criminal law in providing legal protection for victims is divided into two, namely: legal protection for potential victims and legal protection after becoming victims of crime.

Legal protection for potential crime victims is an abstract or indirect protection. This means that the existence of various criminal acts formulation in the laws and regulations means

that indirectly there is protection in abstracto indirectly against various legal interests and human rights of victims. Every article in the Criminal Code is a form of government guarantee to citizens from all threats of crime and other deviant acts. Trafficking of girls for the purpose of prostitution is a form of crime that violates decency, and is regulated in Articles 296 and 297 of the Criminal Code. Based on this article, it turns out that it has not specifically mentioned the child as the victim, to protect children from all the threats of crime that are currently occurring, the government has issued a regulation that specifically provides legal protection for children including protection from the crime of child trafficking with the aim of being prostituted as stated in Law Number 23 of 2002.

Legal protection after being a victim of crime by criminal law is regulated in Article 14c of the Criminal Code. Based on this article, the judge imposes a conditional sentence, the judge can determine special conditions for the convicted person to compensate, either all or partially, arising from the crime committed. For victims of the crime of trafficking in girls with the aim of being prostituted not only need compensation but they also need rehabilitation, medical assistance and legal assistance. The Indonesian government has not been able to fully provide compensation in kind, so rehabilitation efforts, medical assistance, legal assistance are carried out in collaboration with non-governmental organizations, community organizations, etc. Community participation is needed in the implementation of protection, one of the community groups that has a big share is non-governmental organizations (NGOs). All child trafficking victims found in Makassar in 2002 were accompanied by the South Sulawesi Child Protection Agency. The assistance provided is divided into three, namely: psychological assistance, legal assistance, and medical assistance. Psychological assistance functions to relieve trauma or stress that befell them through counseling services, legal assistance functions to provide information to victims that they have the right to prosecute people who have sold them, but there is no coercion that victims must continue their case. to the trial process. Medical assistance is carried out through examination of reproductive organs of child trafficking victims.

SUGGESTION

The family is the protector of the child so that all acts of violence, whether physically, psychologically, or sexually are avoided. Trafficking of girls for the purpose of prostitution is a form of sexual violence that has claimed many victims. To be able to anticipate this, parents as part of the nuclear family should be able to create a harmonious, peaceful atmosphere that can lead to harmony for the development of children. There is a hope that with a harmonious family situation the child will be protected from violence, which is a type of crime.

The community is increasingly active in providing protection for children, especially for those who are victims of child trafficking. Actions that can be taken by community members to prevent child trafficking in their environment are preventive and rehabilitation efforts. Preventive efforts are made by alerting any migrants who enter the area and reporting to law enforcement officials when they find someone pretending to be a labor supplier, creating a conducive environment so that residents have great concern. Rehabilitation measures that can be carried out when one of the residents is a victim of child trafficking is not to judge the victim, not ridicule or gossip but try to create a situation that can make the victim feel safe to live there (protected) and eliminate the trauma that befell him.

Non-governmental organizations as parties that have provided assistance to victims of child trafficking with the aim of being prostituted can increase socialization about the definition of child trafficking crimes, who can be involved in it, how to prevent it, and other information as clearly as possible to the community so that community members are not blind to the crime of child trafficking which is increasingly rampant.

Law enforcement officials have started to change the system for examining victims but this needs to be improved because there are still many victims who feel uncomfortable because victims feel they have been harassed when they are being examined. This is what causes many

victims to be reluctant to report the crimes they have experienced. In addition, officials need to improve their performance so that child traffickers can be punished according to the actions they have committed by maximizing the use of the Child Protection Law to ensnare these perpetrators, so that the provision of protection for children can be carried out optimally. The position of the victim has the same role as the perpetrator of the crime, so it would be nice if the criminal law orientation only to the perpetrator of the crime can be changed so that the victim also gets more attention from criminal law.

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