



Legal Protection of Child Victims of Prostitution and its Contribution to the Development of Child Protection Law in Indonesia

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Abstract: This article analyzes the implementation of legal protection for child victims of prostitution in Lampung Province and its contribution to the development of child protection law in Indonesia. The research aims to evaluate the alignment between child protection practices and the provisions of Islamic law and positive law, and to identify regulatory needs that support comprehensive protection for child victims of sexual violence. The theory used is the theory of *mashlahah mursalah*, which emphasizes general welfare. This study employs field research with a qualitative approach and inductive reasoning. Data were collected through interviews and documentation from the Women and Children's Protection Agency of Lampung Province. The findings indicate that the implementation of legal protection for child victims of sexual violence falls short of the expectations set by the constitution and legislation. There is a need for more stringent policies to ensure that victims receive legal protection and free access to necessary facilities. The conclusion of this research is that efforts to protect child victims of sexual violence require regulatory improvements to align with the mandate of the 1945 Constitution. The contribution of this study lies in the development of policy recommendations that can enhance legal protection for children in Indonesia and provide insights into the importance of synergy between Islamic law and positive law in protecting children's rights.

Keywords: Child Protection, Islamic Law, Positive Law

Abstrak: Artikel ini menganalisis implementasi perlindungan hukum bagi anak korban prostitusi di Provinsi Lampung serta kontribusinya terhadap pengembangan hukum perlindungan anak di Indonesia. Penelitian ini bertujuan untuk mengevaluasi kesesuaian antara praktik perlindungan anak dengan ketentuan hukum Islam dan hukum positif, serta untuk mengidentifikasi kebutuhan regulasi yang mendukung perlindungan anak korban kekerasan seksual secara komprehensif. Teori yang digunakan adalah teori *mashlahah mursalah* yang menekankan pada kemaslahatan umum. Penelitian ini menggunakan metode penelitian lapangan (*field research*) dengan pendekatan kualitatif dan metode berfikir induktif. Data diperoleh melalui wawancara dan dokumentasi dari Dinas Perlindungan Perempuan dan Anak Provinsi Lampung. Temuan penelitian menunjukkan bahwa penerapan perlindungan hukum terhadap anak korban kekerasan seksual masih jauh dari harapan konstitusi dan peraturan perundang-undangan. Diperlukan kebijakan yang lebih tegas untuk memastikan korban mendapatkan perlindungan hukum dan akses fasilitas secara gratis. Kesimpulan penelitian ini adalah bahwa upaya perlindungan anak korban kekerasan seksual memerlukan perbaikan regulasi agar sesuai dengan amanat UUD 1945. Kontribusi penelitian ini terletak pada pengembangan rekomendasi kebijakan yang dapat meningkatkan perlindungan hukum anak di Indonesia, serta memberikan wawasan tentang pentingnya sinergi antara hukum Islam dan hukum positif dalam melindungi hak-hak anak.

Kata Kunci: Hukum Islam, Hukum Positif, Perlindungan Anak.

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A. Introduction

Children are a mandate as well as a gift from God Almighty, which must always be safeguarded because they have human dignity and rights that must be upheld. Children's human rights are part of the human rights contained in Article 28 B paragraph 2 of the 1945 Constitution and the United Nations Convention on the Rights of the Child. In terms of the life of the nation and state, children are the future of the nation and the next generation of the nation's ideals, so that every child has the right to survival, growth and development, participation and the right to protection from violence and discrimination as well as civil rights and freedoms (Utami, 2021).

Parents, families and communities are responsible for protecting and maintaining these human rights in accordance with the obligations imposed by law. Similarly, in the context of organizing child protection, the state and government are responsible for providing facilities and accessibility for children, especially in ensuring their optimal and directed growth and development. As a manifestation of the mandate of the 1945 Constitution, in order to uphold children's rights, the government through its functions and authority has accommodated children's rights in Law No. 39 of 1999 concerning Human Rights. Law No. 39/1999 is an *umbrella act* for all forms of human rights protection in Indonesia, including children's rights (Yurdaningsih, 2013).

In addition, the law also regulates the implementation of the obligations and responsibilities of parents, family, community, government and the state to provide protection to children. As stipulated in Law No. 39 of 1999 which reads "Every person is born free with equal human dignity and the right of every person to the protection of human rights and basic human freedoms, without discrimination". (Article 3 paragraph 3 of Law No. 39 of 1999) However, the government's efforts to provide protection for children's rights as stipulated in the law have not been effective. It is evident that there are still many cases of violations against children in the form of acts of violence and discrimination against children committed by adults.

Children are often treated harshly and unreasonably by adults. This is because children are very weak. In addition, adults always assume that children can easily become victims of crime. Most of them are always used as targets of various forms of criminal acts, both acts of violence (persecution), exploitation (forced labor, slavery, etc.) and sexual harassment such as fornication, rape. Even more tragically, children are often victims of child commercial sexual exploitation.

Today there are several cases of child exploitation, with children becoming victims of prostitution. The Bandar Lampung City Police have dismantled a child prostitution syndicate in Bandar Lampung. This syndicate allegedly forced a number of young women into sex work. Head of the Bandar Lampung Police Criminal Investigation Unit Commissioner Dennis Arya Putra revealed that the police arrested seven people suspected of being involved in the trafficking syndicate. Two of the seven arrested have been named as suspects, namely DN (16) and DO (18). While the other five people are still being examined as witnesses. The five are FI (19), IS (19), FE (18), OR (26), and MS (20). The seven people arrested were residents of Bandar Lampung City (Cahyaningrum, 2022). Furthermore, there was a case of child trafficking for prostitution, the Women and Children Protection Unit (PPA) of the Bandar Lampung Police Criminal Investigation Unit succeeded in dismantling a

human trafficking syndicate from inside a hotel room in Bandar Lampung. Some of the trafficking victims were underage. Kasatreskrim Polresta Bandar Lampung, Kompol Dennis Arya Putra revealed that the syndicate operated in one room at the *Redoorz Royale Guesthouse* on Jalan Patimura, North Teluk Betung. In addition to the seven perpetrators, in the room the police found five women who were allegedly victims. Four of them were teenagers in their teens. They were allegedly about to be offered to masher men in the practice of prostitution. The five secured victims with the initials SP (15), TA (14), SN (15), LS (21) and DK (15) are residents of Bandar Lampung. Meanwhile, the seven men secured, namely DV (16), DO (18), FK (19), IS (19), FB (18), OP (26) and MS (20) are also residents of Bandar Lampung. Currently the perpetrators are still being questioned at the Bandar Lampung Police Station (Saputra, 2022).

According to Law Number 35 of 2014, children as the most vulnerable and weak social beings are often placed in the most disadvantaged position, do not have the right to speak out, and even they are often victims of violence and violations of their rights (Gosita, 1992). Then in certain places such as in Panjang Sub-district, Bandar Lampung City, there are places of prostitution with rampant prostitution, where there are minors who have fallen into the prostitution environment, on the other hand in this environment there are children who witness unethical habits, which allegedly can interfere with the growth and mentality of children. It is very necessary for the Women's and Children's Protection Service to go down and provide protection to children who are victims of prostitution and children who are in the prostitution environment in order to protect children's growth and mental development.

The Lampung Province Women's and Children's Protection Service, in handling cases in this case, requires a report first, if there is no report then the handling is deemed less than optimal. In this case, the role of the Lampung Province Women's and Children's Protection Service in protecting children who are victims of prostitution and paying attention to the protection of children who live around localization places is needed. This is important to ensure children's growth and development and mental health.

This article is important because it discusses the legal protection of child victims of prostitution in Indonesia, with a focus on Lampung Province. The article identifies weaknesses in current child protection policies and practices and provides recommendations for improvement, which are relevant to the development of child protection law in Indonesia. The author uses both Islamic law and positive law analysis to provide a comprehensive and culturally and legally relevant perspective. This combination of analyses aims to improve child legal protection holistically, by highlighting basic principles in religious teachings and national regulations. The research findings demonstrate the urgent need to improve the implementation of child protection, encouraging policy changes that are more effective and responsive to children's rights in Indonesia.

This article compares with previous research, such as research by Mardiana *et al.* (2017) which analyzed the implementation of policies to protect child victims of prostitution in Jakarta, Wulandari's (2018) research which identified legal success factors in protecting child victims of sexual trafficking in Indonesia, and Fauziyah's (2019) research on the role of non-governmental institutions in providing legal

protection in Yogyakarta. This article highlights novelty by exploring recent policy changes and innovative solutions in improving legal protection for child victims of prostitution in Indonesia, as well as emphasizing the importance of integration between government and non-government sectors to improve the effectiveness of legal protection.

The novelty of this research lies in its more focused approach to integrating innovative solutions and *best practices* from other countries' experiences in improving legal protection for child victims of prostitution in Indonesia. The article also explores the impact of recent policy changes relevant to child protection, as well as emphasizing the importance of coordination between government, non-government agencies and communities in supporting the effective implementation of child protection policies. It aims to provide a more comprehensive and solutive view of the challenges of protecting child victims of prostitution in Indonesia. The problem formulation of this article is What are the main findings of the field research conducted in Lampung Province related to the implementation of legal protection for child victims of sexual violence? and how do these findings contribute to the development of child protection policies in Indonesia?

B. Research Methods

The type of research used is *field* research, the nature of this research is *descriptive analytic*, namely a research method by collecting data and then concluding (Ali, 2011). This research method uses *field research* with a qualitative approach and inductive thinking method. The purpose of using qualitative methods is to explore in depth and analyze the implementation of legal protection for child victims of prostitution in Lampung Province. This method aims to understand the suitability of child protection practices with the provisions of Islamic law and positive law, as well as to identify the need for regulations that support the comprehensive protection of child victims of sexual violence. Through interviews and documentation from the Lampung Province Women's and Children's Protection Office, this research seeks to evaluate the effectiveness of the implementation of legal protection policies and develop recommendations for stronger policies to ensure children's rights are protected.

This research uses primary and secondary data sources. Primary data sources in this article come from interviews and documentation obtained from the Lampung Province Women and Child Protection Office and secondary data sources from literature, accredited journals, similar research results and books that have relevance to this research. The population in this study were all parties of the Lampung Province Women's Empowerment and Child Protection Office. While the sample in this study were several parties of the Lampung Province Women's Empowerment and Child Protection Office. The data processing method in this study consists of data checking (*editing*), data reconstruction (*reconstructing*), *data systematization* (*systematizing*). The analysis method used is a qualitative method, with an inductive thinking approach. Using the theory of *mashlahah mursalah*. The *mashlahah mursalah* theory is used in this article because it emphasizes the public good, in accordance with the objectives of child protection which focus on the welfare and safety of children as part of society. The use of this theory is relevant to evaluate the compatibility of legal protection practices for child victims of

prostitution in Lampung Province with the provisions of Islamic law and positive law, as well as to identify the need for regulations that support the comprehensive protection of child victims of sexual violence. The theory also helps to develop policy recommendations that can improve legal protection for children in Indonesia, by considering the importance of synergy between Islamic law and positive law in protecting children's rights.

C. Research Findings

The Construction of Child Protection in Islam and Positive Law Children in Islamic Law

In general, a child is defined as someone born from a biological relationship between a man and a woman. There are also those who interpret that children are men and women who are not yet mature or have not experienced puberty (a period when a child experiences physical, psychological changes and maturation of sexual functions) (Krisna, 2018). In the Islamic sense, children are entrusted by Allah SWT to parents, communities, nations and countries that will one day prosper the world as *rahmatan lil'amin* and as heirs to the teachings of Islam, this understanding implies that every child who is born must be recognized, believed, and secured as an implementation of the practice received by parents, society, nation and state (Zaki, 2014).

As a mother, children must be guarded and protected in all their interests, physical, psychological, intellectual, rights, and dignity. Protecting children is not only the duty of their parents, but it is the duty of all of us. As a religion that is full of compassion (*rahmatan lil'amin*), Islam gives special attention to children, starting from the child still in the mother's womb until the child is approaching adulthood. The obligation to breastfeed (*radha'ah*), nurture (*hadhanah*), the permissibility of mothers not fasting while pregnant and breastfeeding, the obligation to provide halal and nutritious food, behave fairly in permemberian, give a good name, marry, circumcise, educate, is a manifestation of this affection. But the reality is how many children are neglected, dropping out of school, experiencing malnutrition, being exploited, becoming victims of sexual crimes, drug crimes, accidents, murders, and other acts of violence. Such children usually come from poor families, children who lack attention from both parents, children born from adultery, and some are affected by their father's polygamy, and others (Zaki, 2014).

It is in this context that children need legal protection, because children are not only family assets, but also national assets. In fact, the state and even the international community have formulated rules on child protection. It's just that in practice it has not been maximized. This is where the role of religion, in this case Islam, needs to be more highlighted considering that most people protect children. A child will be a gift or favor when parents succeed in educating him to become a good and devoted person. However, if parents fail to educate their children, they will not be a gift or a favor but a disaster for their parents. Therefore, in the Qur'an, Allah SWT once mentioned the child as an adornment of the world's life, as a refreshment for the eyes or a jewel for the hearts of his parents. At the same time Allah also reminds, the child is a test for his parents, sometimes the child can even turn into an enemy of his parents. In the Qur'an Surah Al-Kahf verses 46, 80, and 82 mentioned there are four typologies of children: (Zaki, 2014)

1. Children as the Jewel of Life in the World
2. Children as comforters of the heart
3. Children as comforters of the heart
4. Children as Parents' Enemies If parents are mistaken and wrong in educating their children

It is generally understood that a right is something that should be earned or obtained for oneself from another person. The opposite of the word right is obligation, which is something that must be given or done for the benefit of others. So what is meant by children's rights is everything, whether in the form of concrete or abstract things, that should be obtained or obtained by children from their parents or guardians. What is the right of the child is the obligation of the parent or guardian. In the introduction to this paper, four rights of the child have been formulated by the UN Convention on the Rights of the Child, and five rights of the child have been formulated by UURI No. 4 of 1979; so the question in this paper is what about the formulation of Islamic teachings? What are the rights of children over their parents or guardians? It turns out that there are quite a number of verses of the Qur'an and hadiths of the Prophet that discuss the rights that must be obtained by this child, among others:

1. The right to life and development.
2. The right to protection and preservation from the punishment of hellfire.
3. The right to livelihood and welfare.
4. Right to education and teaching
5. Right to justice and equality
6. Right to love
7. Right to play

Thus, there are at least seven kinds of children's rights that have been outlined by Islamic teachings. This does not mean that there are only seven rights, because there may be other rights that have not been captured.

The rights of children in Islamic law include the right to life, which emphasizes the importance of maintaining the survival and development of children as the main obligation, as well as the right to nasab recognition for clarity of the origin of their offspring, which is important for the status and psychology of children (Budiyanto, 2014; Sholih, 2018). Children also have the right to a good name as an identity and prayer from parents, the right to breastfeeding as stated in Q.S. Al-Baqarah: 233, and the right to obtain good care and care for the benefit and survival of their lives. In addition, children have the right to earn a living for their needs, education and teaching for their optimal development, and fair treatment from their parents both in terms of material and non-material matters (Sholih, 2018).

Children in Positive Law

The term rights can be interpreted as something that is obtained in a person absolutely since in the womb of a mother. Talking about rights, of course, cannot be separated from obligations. Both have a relationship that causes the cause and effect of a problem. The obligation referred to here is something that children can do to parents or vice versa parents to children. The obligation of parents towards children as the main role in organizing child protection in the family. Emphasizing a parent's obligation to children's rights in fulfilling children's rights is important for the future of children and the welfare of quality and guaranteed children (Tyas, 2019).

In caring for and educating children, the first environment for children to grow and develop is their own parents. So that parents as the first teacher in the family sphere are very helpful in the process of forming a child's personality and character. With parents, children can adapt more easily to their environment to get to know the surrounding world and the associations of life in their environment.

With the enactment of Law of the Republic of Indonesia Number 35 of 2014 Amendment to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection can assist in fulfilling children's rights and can be used as a bridge as an effort to protect children from various kinds of threats that can hinder the growth and development of the child. Such as: physical violence, sexual violence, neglect, lack of guidance and teaching from parents, lack of education, lack of affection from parents which results in children getting along incorrectly, and others (Tyas, 2019).

Article 1 paragraph (1) of Law of the Republic of Indonesia Number 35 of 2014 Amendment to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection explains that children who are not yet 18 years old are the responsibility and obligation of parents to protect and nurture them so that they can grow and develop properly. However, if there are no parents, or their whereabouts are unknown, or for some reason, they cannot carry out their obligations and responsibilities, then the obligations and responsibilities can be transferred to the family in accordance with the provisions of applicable laws and regulations. Child protection is implemented in accordance with existing laws and regulations in a rational, responsible and beneficial manner effectively and efficiently (Gultom, 2008: 34).

In the article mentioned above and contained in Law of the Republic of Indonesia Number 35 of 2014 Amendment to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, of course, there are also implementation efforts to protect children's rights which make a way to fulfill children's rights protected and realized. Between the rights and obligations of both must be balanced in order to realize a goal which can improve the welfare of children. In the Convention on the Rights of the Child there are 4 (four) principles that are the basis for every implementation of child protection including: (Candra, 2018: 206)

Non-discrimination This principle instructs the parties concerned to never discriminate against a child for any reason and not to look at the child from any angle.

The best interests of the child This principle reminds the child protection organizers mentioned in Article 20 of Law of the Republic of Indonesia Number 35 of 2014 Amendment to Law of the Republic of Indonesia Number 23 of the Year, namely parents. Parents as much as possible should be able to carry out their responsibilities in making decisions regarding the child's better future.

The right to life, survival and development This principle ensures the inherent survival of every child by ensuring that the basic needs of the child are properly met.

Respect for children's opinions This principle guarantees children the right to express their opinions freely. Children who have the courage to express their opinions must be heard and deserve appreciation so that children can confidently demonstrate their ability to speak.

Functions and Roles of the Lampung Province Women and Child Protection Office

The Lampung Province Women and Child Protection Office (PPA) has an important role in providing protection services to women and children who are victims of violence, exploitation and discrimination. The main functions of this office include protection services through the provision of temporary shelter, legal aid, and psychosocial support for victims. In addition, they conduct campaigns and educational programs to raise public awareness about the importance of protecting women and children, as well as preventing violence in the household and social environment. The PPA Office also works closely with law enforcement officials to ensure that cases of violence are processed in accordance with applicable legal provisions, as well as providing recovery and rehabilitation programs for victims to help them return to a normal and independent life.

The role and urgency of the PPA Office is significant in protecting the rights of women and children who are vulnerable to various forms of violence and discrimination. They empower victims by providing necessary support and services, such as legal, psychological, and skills training assistance. PPA also plays an important role in reducing and preventing cases of violence through education programs and awareness campaigns, as well as implementing protection policies at the national and local levels. By coordinating with various agencies and organizations, PPA creates a solid network to provide comprehensive and integrated protection, thus ensuring that women and children who are victims of violence receive proper protection and their rights are fulfilled.

Based on data from UPTD PPA Lampung Province, in 2020 there were no cases of children as victims of prostitution, in 2021 there were no cases related to cases but there was 1 (one) child victim, in 2022 there was 1 case but there were no victims, in 2023 there were 4 (four) cases and there was 1 child victim, then in 2024 there were 5 (five) cases and 1 (one) child victim which until this month Per-April is still in handling, it is still ongoing, not yet closed (*Case Close*).

D. Discussion

Implementation of Legal Protection of Child Victims of Prostitution by the Lampung Province Women and Children Protection Office

Sexual violence is prone to occur against women and children, the regulation of the protection of victims of sexual violence is a comprehensive application in order to protect child victims of sexual violence (Lokollo, 2020). One of the characteristics of human rights protection is the realization of the right to life, namely the right to be free from slavery and servitude. Universal and lasting is the nature of human rights, which applies to every human being regardless of origin, gender, age and religion, this means that the state is responsible for the enforcement of human rights without exception. Efforts to prevent human trafficking as a form of protection of women and children must continue to be promoted and socialized so as to maintain the quality of humanity itself. This includes the quality of protection of children and women so that they have the same status as men as part of *equality before the law* (Sumirat 2017).

The increase in sexual crimes in Indonesia is a strong warning to the state to seriously follow up with comprehensive policies related to child protection, the data

is based on cases reported by KPAI and Komnas Perempuan, KPAI noted that in 2016-2019 the number of sexual crimes against children was 724 cases and Komnas Perempuan noted that the number of cases of sexual violence from 2013 to 2020 was 24,551 cases.

Today there are several cases of exploitation of children who are victims of prostitution. The Bandar Lampung City Police have dismantled a child prostitution syndicate in Bandar Lampung. This syndicate allegedly forced a number of young women into sex work. Head of the Bandar Lampung Police Criminal Investigation Unit Commissioner Dennis Arya Putra revealed that the police arrested seven people suspected of being involved in the trafficking syndicate. Two of the seven arrested have been named as suspects, namely DN (16) and DO (18). While the other five people are still being examined as witnesses. The five are FI (19), IS (19), FE (18), OR (26), and MS (20). All seven people arrested were residents of Bandar Lampung City (Cahyaningrum, 2022).

In addition to the seven perpetrators, in the room the police found five women who were allegedly victims. Four of them were teenagers in their teens. They were allegedly about to be offered to masher men in the practice of prostitution. The five secured victims with the initials SP (15), TA (14), SN (15), LS (21) and DK (15) are residents of Bandar Lampung. Meanwhile, the seven men secured, namely DV (16), DO (18), FK (19), IS (19), FB (18), OP (26) and MS (20) are also residents of Bandar Lampung. Currently the perpetrators are still being questioned at the Bandar Lampung Police Station (Saputra, 2022).

Legal protection efforts against victims must be comprehensive and integrated with each other, namely providing education on reproductive health, religious values and decency, victims get social rehabilitation in their environment including getting psychosocial facilities in order to treat and restore victims of sexual crimes, including providing protection in the process of law enforcement of the case at all levels of examination from the police, prosecutor's office to the court. These protection efforts must be implemented properly, lest the state be absent in efforts to protect victims of sexual crimes. The state should not only regulate these protection efforts in the law, but they should also be implemented by the state apparatus as well as the role of the community.

There are many weaknesses in protecting child victims of sexual crimes, in this case cases of sexual abuse, which are not in accordance with the legal principles that have been regulated. First, in the law enforcement process, efforts to protect victims both during the investigation process and the judicial process, the victim's right to obtain rehabilitation has not been maximized, this is because the state has not maximized the rehabilitation process for victims, the state focuses only on the perpetrator to be charged with criminal sanctions, even though rehabilitation is something that is important for victims to restore the victim's psychology due to sexual crimes received by the victim. The suffering of victims of sexual crimes in the law is not prioritized, the most important thing is the punishment of the perpetrator, even though it is clear that the victim is the one who suffers the most, but access to protection is not prioritized directly to the victim. According to Andi Hamzah, in criminal procedure law, criminal procedure law discusses a lot about the protection of criminals without ever discussing how victims are protected (Hamzah, 1986). Some victims even have to pay for their own psychological treatment to a

psychologist, even though they are already victims, to treat their trauma they also have to pay for the treatment.

It is not only about social rehabilitation that has not been maximized, but also related to facilities that are not obtained by victims when the process of reporting in the police, namely *visum et repertum*, victims must pay for themselves even at a cost that is not cheap. Therefore, many victims of sex offenders do not complain and only keep their own stories because in addition to the long process, victims also have to swallow bitter pills because the costs of the process must be borne by themselves (Utami, 2011).

In addition, efforts to provide legal assistance to victims are also not optimal, the state only relies on law enforcement officials to protect the interests of victims, even then on the aspect of ensnaring the perpetrator, while in the aspect of psychological recovery of victims the State has not been maximized to assist victims. Several non-governmental organizations have tried to assist the state in assisting victims of sexual violence, but many are limited by the finances of these organizations, and some even have to spend their own money to assist and advocate for child victims of sexual violence.

The provision of comprehensive legal aid must be in accordance with its purpose, namely to provide a sense of justice for the community. The state must not be neutral in making efforts to protect children, so as to minimize the injustice felt by victims of sexual crimes, especially victims of sexual abuse, meaning that the state has an obligation to take policies to ensure the principle of justice in society and to take sides with victims of sexual abuse. This responsibility must be immediately realized in the form of concrete policies that favor victims. Weak community participation must be encouraged to demand the right to the losses they receive (Luhulima, 2000).

The rights of victims and perpetrators need to be realized in order to fulfill human rights as a whole according to the Constitution. There needs to be awareness to realize these rights and obligations both on the victim and perpetrator side, without rights and obligations there will never be upright child protection in the aspect of human rights. Moreover, sexual violence is a very cruel case and is usually carried out by the person closest to the victim and this is strictly prohibited in the human rights law, even in the rules that the closest person who commits violence, including sexual violence, the perpetrator will be subject to aggravated criminal punishment, because in fact children are the nation's instruments that need to be preserved and protected their human rights (Jamalufin, 2021).

Efforts to implement the protection of child victims of sexual violence are far from the expectations set out in the constitution and laws and regulations. However, the spirit to continue to improve and respond to child protection, especially child victims of sexual crimes, continues to be encouraged. Some good and effective policies related to victim protection need to be maintained and improved, but policies that are not yet effective need to be evaluated both in terms of policy and policy implementation. The state is actually a safe house for child victims of sexual crimes that can protect them to give hope for a bright future, therefore comprehensive and measurable steps need to be taken immediately by the state in order to make a comprehensive and comprehensive policy in the protection of Indonesian children who are victims of sexual violence. The public has high hopes for the government's efforts to protect children as the successors of the nation's struggle and founders.

Analysis of Islamic Law and Positive Law on the Implementation of Legal Protection for Child Victims of Prostitution by the PPA Service of Lampung Province

It cannot be denied that positive law and Islamic criminal law have similarities in child protection, (Hidayatullah, 2017) in both patent children must be protected, maintained, and fulfillment of rights. But even though they have similarities, of course there are differences between the two. The form of protection of children as victims of online sexual exploitation certainly varies not only about legal protection but also mental protection and child health, so that children as victims will still be able to continue their lives without shame, fear and trauma in themselves.

Similarities in the form of protection of children as victims of sexual exploitation in terms of positive law and Islamic law.

In positive law and Islamic criminal law, the protection of children as victims of sexual exploitation is basically the same, in which both require children as victims to be protected, legally protected, as well as the fulfillment of children's rights and keep children away from things that can damage their future. As stated in Surah Al-Isra verse 31 which reads:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ خَشْيَةَ إِمْلَاقٍ نَحْنُ نَرْزُقُهُمْ وَإِيَّاكُمْ إِنَّ قَتْلَهُمْ كَانَ خِطَاً كَبِيرًا

Meaning: *And do not kill your children for fear of poverty. We will provide for them and for you. Indeed, killing them is a great sin.*

In this letter, Allah SWT has promised every human being sustenance without having to hurt or even worse kill their children. From this verse we can conclude that Allah strongly recommends to keep and protect children. In Islam, the form of child protection is also carried out by fulfilling children's rights such as the right to a good name, the right to a clear nasab, the right to get care and care and other rights.

Similarly, the protection of children as victims of sexual exploitation in positive law, there are many laws that regulate the protection of children as victims such as the provision of special laws for children, namely Law No. 35 of 2014 concerning Child Protection which includes children's rights, guarantees for children and protection for children. (Rahman, 2017) In addition to the existence of the Law on child protection, the state is also trying to add several other laws to government regulations that discuss child protection.

In terms of the objectives of positive law and Islamic law have similarities, in positive law the most common goal of child protection is to protect children because children are the successor of the nation's generation, (Fitriani, 2016) in addition to this, there is a child protection goal that has the principle of the best interests of the child, so that in protecting children all the best is sought so that children's rights can be fulfilled, this goes back to the expression children are a gift, children are the nation's generation. Similarly, Islamic criminal law that carries *hifdz nasl* in child protection has the same goal, namely protecting offspring because children are a gift between their parents.

In positive law, the child as a victim is an objective element of an act of sexual exploitation, where the child becomes a person who is harmed because he is plunged into something that is not good and threatens the future of the child himself, so the child must get protection even though the concept of child exploitation states that the child is doing something despicable but can be excluded because the child here

is a victim whose behavior is forced by the perpetrator (Widyawati, 2020). Likewise in Islamic criminal law where a fragment of the verse in Surah An-Nur verse 33 which means *"and do not force your slave girls to engage in prostitution, while they themselves desire chastity, because you want to seek the benefits of worldly life. Whoever forces them, Allah is most forgiving, most merciful to them after they have been forced."*

Differences in the form of protection of children as victims of sexual exploitation in the review of positive law and Islamic law

In protecting children as victims of online sexual exploitation, positive law and Islamic law have the same goal but differ in the way the two laws implement protection, such as providing legal sanctions against the perpetrators of crimes. The provision of legal sanctions against the perpetrator is one of the legal efforts in protecting victims. In Islamic criminal law, the term jarimah is known, which means a Shara'a prohibition that has legal consequences threatened by Allah SWT. (Mukhtarzain, 2018)

Jarimah itself has several types, namely jarimah hudud, jarimah qisas and diyat and jarimah *ta'zir*. In the actions of the perpetrators of child sexual exploitation are subject to jarimah *ta'zir* which then for the determination of the appropriate punishment will be submitted to the judge or ruler. (Sirait, 2021) This happens because jarimah *ta'zir* is concerned with the benefit of society so that the punishment determined must be with a lot of consideration from all aspects. One of the punishments in jarimah *ta'zir* is the volume punishment or commonly known as flogging, this punishment in determining the number of whips must be submitted to the judge.

In contrast to positive law, sanctions against perpetrators of sexual exploitation are regulated in existing laws, but in Indonesia there is no specific article in the child protection law that discusses online sexual exploitation of children, where this crime increases every year. However, this does not mean that these cases are never investigated. Indonesian law imposes multiple articles on the perpetrators of online sexual exploitation of children with various laws. Positive law in Indonesia ensnares the perpetrators with prison sentences and fines as stated in the regulatory articles that ensnare the perpetrators of online sexual exploitation of children, this is done in order to foster a sense of deterrent to learning to the community to be better for a peaceful and quiet life in the future.

Comparison of Sexual Exploitation of Children Online in the Review of Positive Law and Islamic Law: (Ramadhani, 2023)

Islamic Law

1. Purpose of Protection: Refers to Hifdz Nasl or preserving offspring, which also includes restoring children's rights as a protection measure.
2. Elements of Conduct: The existence of a perpetrator who orders and forces women into prostitution, The existence of a victim who is forced into prostitution, The existence of an intention to take advantage.
3. Legal Sanctions: Including jarimah *ta'zir* whose punishment is returned to the judge or authorized ruler.

4. Form of Protection: The form of protection in Islam is to fulfill the rights of children, in addition to loving them so that children still feel they are in a safe environment.

Positive Law

1. Purpose of Protection: Restoring the rights of children who have been deprived of them, and in accordance with the Convention on the Rights of the Child, which states that the best interests of the child is the goal of child protection.
2. Elements of Action: 1) Every person who forces the victim of sexual exploitation is the perpetrator, which is called the subjective element, 2) Child sexual exploitation is an objective element where the child becomes an object of exploitation for the perpetrator to gain profit, 3) Sexual exploitation of children in positive law is more directed to the act of trade as stated in law No. 21 of 2007 concerning the eradication of criminal acts of trafficking in persons and related to the Act.
3. Legal Sanctions: Imprisonment as well as compensation.
4. Forms of Protection Providing restitution and compensation, Counseling, Medical assistance efforts, Legal assistance efforts.

Contribution of Legal Protection for Child Victims of Prostitution by the PPA Office of Lampung Province to the Development of Child Protection Law in Indonesia

The regulation of sexual victim protection is regulated in the 1945 Constitution, the Criminal Code, Law 34 of 2014 concerning Child Protection, Law No. 13 of 2006 concerning Witness and Victim Protection, Law No. 11 of 2012 concerning the Juvenile Justice System, Law No. 39 of 1999 concerning Human Rights and Law No. 23 of 2004 concerning the Elimination of Domestic Violence. Legal protection for victims has not been maximized both in the process of investigation, investigation, prosecution and in court, legal protection that needs to be done by the government is to facilitate victims to get justice before the law by providing consultation facilities with psychologists for free and visum financing that is not burdened to victims of sexual crimes.

The legal protection provided by the Lampung Province Women and Child Protection Office (PPA) for child victims of prostitution has a significant contribution to the development of child protection law in Indonesia. Applicably, this contribution includes raising awareness and directly protecting children who are vulnerable to sexual exploitation. The PPA Office not only provides physical and psychosocial protection, but also plays a role in ensuring that the legal rights of child victims of prostitution are fully recognized and protected in accordance with applicable positive and Islamic law.

The results of this research can be directed towards developing or reforming national laws in Indonesia, especially the Child Protection Law. Legal reform is needed due to the many new challenges and dynamics faced by children, including social, technological and economic changes that can increase the risk of exploitation and violence against them. Legal reforms can strengthen protection mechanisms, increase sanctions for perpetrators of crimes against children, and expand victims' access to justice and adequate rehabilitation.

The importance of developing or reforming national laws related to child protection lies in the need to ensure that every child has effective and equal legal protection. A clear, comprehensive and sustainable law will provide a strong foundation for agencies such as the PPA Office to act effectively to protect the rights of child victims of prostitution and ensure they have access to necessary services. In addition, this effort also supports Indonesia's commitment to meet international standards in the protection of children's rights, as mandated in various international conventions that have been ratified by the country.

The government must ensure that victims of sexual violence receive complete legal protection in accordance with the mandate of the 1945 Constitution and several regulations governing legal protection for victims of sexual crimes, so that victims get free facilities and easy access to resolve cases. Law enforcers are given a special budget for victims, especially to conduct psychologist consultations and free post mortems as part of the rights of victims of sexual crimes.

E. Conclusions

The Lampung Province Women and Child Protection Office (PPA) has shown strong dedication in providing comprehensive protection for child victims of prostitution. They not only provide temporary shelter and psychosocial assistance for victims, but are also active in the prevention of sexual violence and child exploitation in the community. Through a holistic approach, PPA ensures that child victims of prostitution receive protection in accordance with the principles of positive law and Islamic values that emphasize justice, humanity, and public welfare.

Islamically, the PPA Office plays a role in ensuring that their actions are in line with Islamic moral and ethical values that promote the protection of vulnerable individuals, including children. They integrate the principles of *mashlahah mursalah* in their protection strategy, which emphasizes the public good and social justice. On the positive law side, PPA works to enforce existing laws and plays a role in advocating for the need for legal reforms that are more stringent and inclusive in protecting children from various forms of exploitation and abuse. PPA's contribution is not only limited to physical and psychosocial protection, but also includes advocating for better policy and legal changes at the national level. They assist in shaping and recommending policies that support child protection, as well as providing important insights into how synergies between Islamic law and positive law can improve the effectiveness of legal protection for child victims of prostitution. Overall, the contribution of the Lampung Provincial PPA Office has been key in building a safer and fairer society for children, as well as driving positive change in Indonesia's child protection system. Efforts to implement the protection of child victims of sexual violence are far from the expectations set out in the constitution and laws and regulations. The government should protect children who are victims of sexual violence to get complete legal protection in accordance with the mandate of the 1945 Constitution and several regulations governing legal protection against victims of sexual crimes, so that victims get free facilities and easy access to resolve cases. So that the existence of this policy will cause harm to children.

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