

Beyond the Streets: Rethinking Legal Protection for Exploited Street Children in Indonesia

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Abstract

This study investigates the urgency of providing legal protection for street children who are victims of exploitation amid the increasing number of reported cases and weak law enforcement responses. Employing a normative juridical method with a descriptive-analytical approach, the research integrates primary and secondary legal materials to evaluate the effectiveness of existing protection mechanisms. The findings reveal that poverty, limited social supervision, and the absence of deterrent sanctions are the dominant factors driving child exploitation. The consequences are multidimensional, adversely affecting the children's physical health, education, psychological stability, and long-term socioeconomic prospects. The novelty of this research lies in its interdisciplinary integration of legal, social, economic, educational, and health perspectives to formulate a responsive and applicable model of protection. The study concludes that combating the exploitation of street children requires more than normative regulations; it demands a coordinated cross-sectoral framework involving legal institutions, social welfare agencies, and community participation to ensure effective and sustainable protection.

Keywords: Child Protection; Exploitation; Street Children

1. INTRODUCTION

The phenomenon of street children in Indonesia continues to exhibit a deeply concerning trend. Data from the Ministry of Social Affairs in 2023 recorded that more than 16,000 children live and work on the streets, while UNICEF estimates that the actual number is significantly higher due to the large proportion of children who are not captured in administrative records.¹ Street children are highly vulnerable to exploitation due to factors such as poverty, family disintegration, and weak social oversight. The forms of exploitation they commonly experience include being used as street performers, beggars, informal laborers, crime couriers, and even victims of human trafficking.² Such exploitation not only deprives children of their fundamental rights but also poses a serious threat to the future of the nation's next generation.

Normatively, the state has a constitutional obligation to protect children. Article 28B paragraph (2) of the 1945 Constitution affirms every child's right to survival, development, and protection from violence. This provision is reinforced by Law No. 35 of 2014 on Child Protection and the ratification of the Convention on the Rights of the Child (CRC) through Presidential Decree No.

¹ UNICEF, "Children in Indonesia The Situation of Children in Indonesia Has Improved, but Disparities Remain," 2025, <https://www.unicef.org/indonesia/children-indonesia>.

² Nunung Nurwati, Muhammad Fedryansyah, and Willya Achmad, "Social Policy in the Protection of Street Children in Indonesia," *Journal of Governance* 7, no. 3 (2022), <https://doi.org/10.31506/jog.v7i3.16366>.

36 of 1990. In the realm of criminal law, various forms of child exploitation should be subject to sanctions under the Criminal Code, Law No. 21 of 2007 on the Eradication of the Crime of Trafficking in Persons, Law No. 13 of 2003 on Manpower, and the Electronic Information and Transactions Law, depending on the *modus operandi* involved.³

Children represent one of the most precious blessings entrusted by God to parents, carrying both responsibility and hope for the future. Beyond being a divine gift, children constitute a nation's most valuable resource. Therefore, every effort to enhance their resilience is a strategic investment in the sustainability of a nation's development.⁴ Children are among the most precious blessings entrusted by the Divine to parents, carrying not only emotional significance but also a vital role in shaping a nation's future. They are more than a gift; they are a fundamental human capital whose well-being and development determine the resilience and progress of a society. Therefore, efforts to strengthen children's resilience are essential for national sustainability.⁵ Nevertheless, the training did not produce measurable improvements in the remaining two aspects of self-perception. Additionally, the findings reveal that life skills training has a statistically significant influence when examined through the lens of gender differences.⁶

Two main issues are discussed below. First, criminal proceedings are often influenced by rape myths and gender stereotypes, which disadvantage female victims. Misconceptions surrounding sexual violence frequently shape how victims are perceived and treated, thereby heightening their vulnerability to secondary victimization and repeated psychological trauma. In addition, gaps in the enforcement of victim protection frameworks remain evident, particularly in cases involving sexual offenses. Prior to analyzing these challenges in depth, it is essential to contextualize their emergence within the broader issue of sexual violence and the exploitation of street-involved children.⁷ Ironically, many feel proud of these actions, including the abuse of child laborers carried out by close relatives, which clearly violates children's rights.⁸ Therefore, children are taught from an early age to work and earn money on the street. The exploitation of

³ Hairul Kifly Anwar, Muhammad Fauzi Ramadhan, and Andi Cakra Cindrapole, "Legal Review of Action Criminal Exploitation of Street Children at Crossroads in the Name of Beggars," *Horizon Public Legal Studies* 1, no. 2 (2025), <https://doi.org/10.56087/hegels.v1i2.941>.

⁴ Bohr Yvonne Hamel Kayla, "Resilience in Children and Youth in Street Situations in León, Nicaragua," *Journal of Community Psychology* 52, no. 1 (2024): 7.

⁵ Youngchu No Wonjuna, Choi Junyonga, Kim, "How Do Children Move and Behave on Streets? Vision-Based Movement Behavior Analysis Using Children's Trajectories in Urban Surveillance Systems," *Applied Geography* 162, no. 2 (2024).

⁶ Tanusree Moitra Moumita Basak, "Effectiveness of Life Skill Training on Self-Esteem and Self-Perception Among Street Children," *Psychological Studies Journal*, 2024, <https://doi.org/10.1007/s12646-023-00774-y>.

⁷ Anne-Katrin Wolf and Maja Werner, "How Criminal Prosecution in Germany Fails Victims of Sexual Violence," *German Law Journal* 22 (2021): 800–816.

⁸ Daniel Stoecklin Lewis Aptekar, *Children in Street Situations: Street Children and Homeless Youth*, n.d.

street children often occurs by using them as beggars, buskers, or traders. Iterative design processes in urban regeneration interventions are also part of this issue.⁹

Pribadi et al. (2023) address the issue of the exploitation of street children who are coerced into becoming beggars. One of the strengths of this article lies in its thorough examination of various legal instruments, including the 1945 Constitution of the Republic of Indonesia, the Child Protection Law, the Manpower Law, as well as other related statutory provisions, offering a well-rounded legal perspective on the issue.. It further underscores the necessity for active involvement from all stakeholders the state, the community, and law enforcement authorities in addressing the problem. Limitations: However, the article adopts a purely normative approach and lacks empirical data from the field. It does not incorporate an integrative perspective involving the social, economic, educational, and health-related aspects surrounding the issue. In addition, the proposed solutions remain general in nature and do not adequately address the weaknesses in law enforcement or the preventive barriers encountered in practice.¹⁰

Nainggolan (2025), strengths of the article: the article demonstrates strong theoretical depth and a solid legal framework, drawing upon this study draws upon multiple legal and normative frameworks, including legislation on child protection and child welfare, foundational human rights doctrines, and theoretical approaches to the implementation of public policy.. It offers relatively practical and solution-oriented policy recommendations, such as the importance of strengthening inter-agency coordination and adopting community-based approaches. Weaknesses of the article, although the article briefly touches upon educational, health, and social aspects, these dimensions are not explored in a thorough or systematic manner, resulting in an approach that remains largely dominated by legal and institutional perspectives. Furthermore, it provides insufficient emphasis on the role of civil society and non-governmental organizations in the holistic prevention and handling of street child exploitation.¹¹

Lumbanraja (2025), strengths of the article, The article presents a comprehensive juridical examination of non-formal education, encompassing both domestic legal instruments such as the National Education System Law and the Child Protection Law, and relevant international legal standards.. It includes international comparisons drawing from the experiences of Thailand, the Philippines, Malaysia, and Vietnam. The article presents systematic juridical and strategic recommendations, including the need for policy reform, inclusive approaches, and cross-sectoral engagement. Weaknesses of the article: the scope of the article is limited to the educational

⁹ Choubassi Rawad Ceccarelli Giulia, Messa Federico, Gorrini Andrea, Presicce Dante, “Deep Learning Video Analytics for the Assessment of Street Experiments: The Case of Bologna,” *Journal of Urban Mobility*, 2023.

¹⁰ Hendra Ponggo Pribadi, Farina Gandryani, and Ani Purwati, “Perlindungan Hukum Terhadap Anak Jalanan Yang Dieksploitasi Sebagai Pengemis,” *Jurnal Ilmu Hukum Wijaya Putra* 1, no. 1 (2023): 48–56, <https://doi.org/10.38156/jihwp.v1i1.95>.

¹¹ Andreas Nainggolan and Rahmayanti Rahmayanti, “Implementasi Undang-Undang Perlindungan Anak Dalam Penanganan Eksploitasi Terhadap Anak Jalanan,” *Jurnal Riset Rumpun Ilmu Sosial, Politik Dan Humaniora* 4, no. 2 (2025): 709–25, <https://doi.org/10.55606/jurish.v4i2.5167>.

dimension and does not directly address the issue of street child exploitation, particularly in relation to crimes such as economic exploitation, sexual abuse, or forced labor.¹²

Distinguishing itself from prior research, this article primary focus is directed toward the exploitation of street children as a criminal act that affects multiple dimensions of a child's life physically, psychologically, and economically rather than merely addressing educational deprivation. The "Rethinking" study adopts an interdisciplinary approach, integrating not only legal aspects but also educational, economic, social, and health dimensions.

Poor children are often caught in dangerous situations that hurt them and jeopardize their future. One of the reasons they are easy targets for exploitation is their lack of access to education, making them more vulnerable to oppression. Apart from that, the problem of trust between children and their social environment also influences their willingness to be exploited, so the number of children working in unsuitable sectors continues to increase this year. Stakeholders agree that urban areas must provide a safe environment for children to play and do activities with more sustainable and healthy mobility.¹³ The problem of child streetism must be understood as the result of various complex, interrelated factors.¹⁴ Poverty has been one of the main problems facing Indonesian society for a long time until now. It is hoped that development policies and programs that have been and will be implemented can significantly reduce the number of poor people. The problem of poverty is complex and multidimensional,¹⁵ so it must be addressed because it impacts various aspects of people's lives. This research seeks to conduct a thorough examination of the various forms and far-reaching consequences of the exploitation of street children, framing it as a complex and multidimensional criminal phenomenon. Such exploitation not only endangers the physical and mental well-being of victims but also generates profound social and economic repercussions. Employing an interdisciplinary approach, this research does not merely focus on criminal law aspects but also integrates dimensions of education, health, and social welfare as part of a holistic protection strategy. Through this analysis, the study seeks to formulate an implementable and responsive protection model tailored to the needs of exploited street children, while also contributing meaningfully to the development of more adaptive and equitable public policies amidst the growing complexity of child exploitation crimes in public spaces.

From an academic perspective, existing research on street children remains largely fragmented. Several studies focus solely on legal aspects, while others emphasize social, educational, or health dimensions. There is a scarcity of research that integrates normative legal analysis with

¹² Christian Felix Lumbanraja and Emmilia Rusdiana, "Legal Analysis of Access to Non-Formal Education for Street Children," *Journal of Insan Mulia Education* 3, no. 1 (2025): 16–27, <https://doi.org/10.59923/joinme.v3i1.414>.

¹³ Sarah Bajada, Theresea, Mifsud, Wendy-Job, Scheiber, "Transforming Urban Mobility and Public Space through Slow Streets. A Stakeholder Approach," *Journal of Urban Mobility* 415 (2023).

¹⁴ Hartiwiningsih Ida Musofiana, Muhammad Rustamaji, "Holistic Integration: The Efforts Legal Protection for Children Challenge of Support Victim," *Journal of Law and Sustainable Development* 11, no. 11 (2023): 1–18.

¹⁵ David V Ogunkan, "Multisource Analysis of Child Streetism in Nigerian Urban Centres," *Development Policy Review* 42, no. 1 (2024).

socio-economic factors, educational contexts, and policy implementation in a simultaneous manner.¹⁶ This constitutes the research gap that the present article seeks to address. The urgency of this study arises from three primary conditions: the growing prevalence of the exploitation of street children, which is not matched by effective law enforcement, and the absence of a comprehensive and applicable protection model that integrates legal, social, educational, economic, and health dimensions. Accordingly, this research offers an innovation by simultaneously mapping normative and non-legal aspects to reconstruct a more responsive and implementable protection model for street children. This approach constitutes a novel scholarly contribution to the development of policies and law enforcement that position children as subjects of rights rather than mere objects of control.

2. METHOD

This study employs a normative juridical approach combined with elements of socio-legal analysis to comprehensively examine the protection of street children who are victims of exploitation. The normative juridical approach is applied through the statute approach and conceptual approach, focusing on the analysis of relevant legal norms, statutory regulations, doctrines, and international instruments related to child protection. Meanwhile, the socio-legal dimension is used to contextualize the gap between legal provisions and their implementation in practice. To strengthen the analytical framework, this research also incorporates a comparative approach by referring to child protection practices in other jurisdictions that have developed more responsive models in addressing the exploitation of street children. The data used in this study consist of both primary and secondary sources. Primary data are obtained from interviews, factual reports, and documentation from governmental and non-governmental institutions working on child protection. Secondary data include legislation, academic literature, journal articles, policy papers, and international conventions. The collected data were processed through stages of selection, classification, and descriptive-analytical interpretation to formulate a critical understanding of the effectiveness of existing legal mechanisms and the urgency of reconstructing protection models.

3. RESULTS AND DISCUSSION

3.1 Legal Aspects

Indonesia has established a strong normative foundation for the protection of children through multiple legal instruments, including the 1945 Constitution (Article 28B paragraph (2)), Law No. 35 of 2014 on Child Protection, Law No. 21 of 2007 on the Eradication of Trafficking in Persons, and the ratification of the Convention on the Rights of the Child (CRC) through Presidential Decree No. 36 of 1990. Normatively, these regulations affirm that every child has the right to protection from economic and sexual exploitation, violence, neglect, and trafficking.

¹⁶ Hassen Issa and R. Mañus Madelyn, "Socio-Economic Conditions of Street Children: The Case of Shashemene Town, Oromia National Regional State, Ethiopia," *International Journal of Sociology and Anthropology* 10, no. 8 (2018): 72–88, <https://doi.org/10.5897/IJSA2017.0750>.

However, the reality (*das sein*) shows a persistent gap between legal norms and their implementation. Enforcement remains fragmented and reactive. Cases of exploitation, such as the use of minors as buskers, beggars, illegal street vendors, sexual exploitation in urban hubs, and trafficking disguised as informal labor, often do not result in prosecution. Data from the National Commission for Child Protection and the Indonesian Child Protection Commission indicate that many cases are settled informally or dropped due to weak detection, lack of institutional coordination, and the perception of street children as offenders rather than rights holders.

Using Lawrence Friedman's theory of legal systems,¹⁷ the weakness lies in the legal structure, legal substance, and legal culture. Structurally, coordination among police, local governments, and social services is ineffective. Substantively, overlapping regulations (e.g., between the Child Protection Law and local bylaws on public order) create inconsistencies. Culturally, there remains a stigma that street children are "public disturbances," not victims, which weakens enforcement and reduces deterrence. From a deterrence theory perspective, low prosecution rates and minimal sanctions fail to create a preventive effect for perpetrators.

Comparatively, countries such as Brazil and the Philippines have advanced by integrating legal protection with mandatory social reintegration programs and community-based monitoring, supported by child courts or specialized task forces. Indonesia, however, still relies heavily on normative regulation without ensuring institutional accountability, restorative mechanisms, or measurable enforcement outcomes.

Thus, the challenge is not the absence of legal instruments, but the failure to operationalize them through structural commitment, child-sensitive law enforcement, and cross-sectoral mechanisms. Without addressing these systemic gaps, legal protection remains declarative rather than transformative.

As time goes by and the rapid growth of globalization, Indonesia still faces various obstacles or problems, one of which is the unstable economic condition.¹⁸ Street children refer to individuals ranging from minors to adolescents and, in some contexts, even adults who spend the majority of their time in public urban spaces and often reside there. These children are typically excluded from conventional social structures, lacking stable family environments and emotional support. Their presence on the streets is frequently driven by socioeconomic pressures, compelling them to engage in informal economic activities and perform daily survival tasks in the absence of adequate protection and care. If the existing economic conditions are less stable, it is feared that it could give rise to many other problems, one of which is currently in the spotlight, namely the increase in cases of street children working to meet their daily needs.¹⁹

¹⁷ Lawrence Friedman, *American Law* (London: W.W. Norton & Company, 1984).

¹⁸ Assyifa Mahend Z, "Perlindungan Hukum Terhadap Eksploitasi Anak Jalanan (Studi Kasus Di Dinas Sosial Kota Semarang)," *Unnes Journal of Swara Justisia* 7, no. 5 (2023): 855.

¹⁹ Assyifa Mahend Z.

In the context of Indonesia's positive law, the protection and fulfillment of children's rights are explicitly recognized in Article 34 paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which states: "The poor and neglected children shall be cared for by the state." This provision implies that the government bears the responsibility for the development, care, and protection of abandoned children, including those living on the streets. Fundamentally, the human rights of neglected children are equal to those of other children, as affirmed in Law No. 39 of 1999 concerning Human Rights, which also reflects Indonesia's commitment to the Convention on the Rights of the Child. Albert van Dicey and Friedrich Julius Stahl, there are two main principles that must exist, namely equality before the law and the guarantee of human rights protection.²⁰ Essential to regulate a clear legal system regarding the protection and tracking of victims, as well as legal ethics that are relevant to a civilized nation.²¹

In practice, the fulfillment of children's fundamental rights remains far from optimal. What frequently occurs instead is the exploitation of children's capacities and labor, often without adequate consideration for their physical, psychological, and developmental needs. One of them is child exploitation by using the child as a beggar. Children are employed as beggars in busy cities, where these children help earn a living for their families and irresponsible adults. This heartbreaking incident seems to illustrate that the handling system for protecting against child exploitation is deemed less than optimal. There may be other factors causing child exploitation to become increasingly rampant.

The presence and increasing number of street children constitute a pressing issue that demands serious attention from both the government and regional authorities, given its complexity as a major social concern. The seriousness of this issue is evident from the rapid and widespread negative consequences arising from situations that should have been prevented. Certain provisions within the Convention on the Rights of the Child carry important implications for children in street situations, particularly in promoting recognition of their status as rights holders and full members of society, as well as in deepening the understanding of their lived realities and connections to street life.²²

Children living on the streets are very vulnerable to physical and mental damage due to exploitation. Such conditions severely undermine children's mental, physical, social, and cognitive development, depriving them of fundamental rights, including access to education and a dignified standard of living. The harsh realities they face in the field, along with unresolved structural issues, will continue to shape their present and future well-being. While some of these effects manifest in the short term, the more alarming consequence is the potential long-term deterioration of the next generation's quality of life and societal contribution. Nation due to a

²⁰ Saivol Virdaus and Ida Musofiana, "Electoral Law Innovation to Strengthen Women's Representation in Parliament," *Jurnal Daulat Hukum* 8, no. 3 (2025): 311–33, <https://doi.org/http://dx.doi.org/10.30659/jdh.v8i3.44885>.

²¹ Ida Musofiana et al., "The Artificial Intelligence: Implication for The Identification and Protection of Child Victims of Deepfake," *Law Development Journal* 7, no. 2 (2025): 240–50, <https://doi.org/10.30659/ldj.7.2.240-250>.

²² General comment No. 21 (2017) on children in street situations, United Nations

lack of improvement in the quality of Human Resources. Factors causing the emergence of street children include:²³ Family Economic Problems; Children's Community and the Influence of Peer Environment; and Disruption and Violence in Parents' Domestic Life.

In various problems, child protection is a complex issue if not addressed further. Why is that? Because handling child protection problems cannot always be resolved individually, but must be addressed together by prioritizing the principle that solving them is a collective responsibility. Implementing protection for children is an obligation and responsibility for humans because protection for children is guaranteed on various legal grounds, such as the following:

First, the 1945 Constitution. The protection of children's rights is explicitly guaranteed under Article 28B paragraph (2) of the 1945 Constitution of the Republic of Indonesia, which states that "Every child has the right to live, to grow and develop, and to be protected from violence and discrimination." Furthermore, the Constitution affirms that in order to uphold and safeguard human rights, particularly those of children, within the framework of a democratic state based on the rule of law, such rights must be legally recognized, regulated, and enforced through statutory provisions

Second, Law No. 4 of 1979 on Child Welfare affirms the protection of children's rights, particularly in Articles 2 paragraphs (3) and (4). These provisions emphasize that every child is entitled to care and protection, including safeguards against environmental factors that may pose risks or hinder their proper growth and development.. These provisions clearly encourage the need for child protection in order to strive for children's welfare²⁴ and fair treatment of children.

Third, Law Number 39 of 1999 on Human Rights explicitly recognizes the rights of children. These include: a) the right to life beginning from the prenatal stage; b) the right to receive care and nurturing; c) the right to protection against violence, exploitation, and sexual abuse; and d) the right to be safeguarded from the misuse of narcotics, psychotropic substances, and other addictive materials.

Fourth, Article 13 paragraph (1) of Law Number 23 of 2002 on Child Protection, as amended by Law Number 17 of 2016, emphasizes the duty and responsibility of parents to ensure their children are protected from any form of abuse. In addition, various provisions under Law Number 39 of 1999 on Human Rights also affirm the importance of safeguarding children, particularly through legal measures aimed at preventing violence and exploitation.²⁵ Articles 64 and 65 regulate the protection of children in the context of employment. Article 64 stipulates that every child is entitled to protection from economic exploitation and from any form of labor that

²³ Farauq Wahyudiyanto, "Perlindungan Hukum Anak Jalanan Atas Eksploitasi Dalam Perspektif Hukum Pidana," *Jurnal Untag Semarang* 1, no. 1 (2020): 136.

²⁴ Ida Musofiana, "Legal Protection For Victims Of Cybercrime In The Digital Era In Strengthening Cyber Democracy In Indonesia Post 2019 General Election," *The 2nd International Conference And Call Paper 1 (1)* 1, no. 1 (2020): 84–90, <https://jurnal.unissula.ac.id/index.php/lics/article/view/13405/5022>.

²⁵ Ida Musofiana, Aji Sudarmaji, and Ira Alia Maerani, "Aspects of Legal Protection for Children from Cybercrime," *Jurnal Pembaharuan Hukum* 7, no. 3 (2020): 201–10, <https://doi.org/http://dx.doi.org/10.26532/jph.v7i3.12820>.

may pose risks to their education, physical well-being, moral development, social interaction, as well as mental and spiritual growth. It explicitly prohibits the employment or involvement of children in the worst forms of labor.²⁶

In connection with the responsibility of all parties in carrying out and the realization of legal protection for children must be implemented in a continuous and sustainable manner to ensure the fulfillment of children's rights. In this regard, the Indonesian Child Protection Commission, established under the Child Protection Law, plays a vital role, including in the provision of health services. As mandated in Article 44, paragraph (1), both the central and regional governments are required to facilitate and implement comprehensive healthcare initiatives to ensure that every child, starting from the prenatal stage, attains an optimal standard of health. Importantly, these services must be provided free of charge to economically disadvantaged families, as a concrete manifestation of the state's obligation to uphold and promote respect for children's rights.²⁷ and love for fellow living creatures.

3.2 Socio-Economic Aspects

Addressing the issue of street children requires a coordinated and inclusive approach. The increasing visibility of children living and working on the streets, both in major metropolitan areas and smaller cities throughout Indonesia, underscores the urgent need for joint efforts involving the government, civil society, and community stakeholders. It requires active community involvement alongside collaborative efforts between the government and its institutional partners in addressing the issues faced by street children. It is marked by the emergence of various specific social phenomena, both originating from within society and due to the influence of globalization, industrialization, and the rapid flow of information. The misuse of narcotics represents a form of criminal behavior that continues to escalate, affecting individuals across all segments of society. Exposure to illicit drugs is not limited by social or professional status; it may involve children, students, public figures, professionals, and even government officials. As such, narcotics-related offenses pose a serious and widespread threat that demands comprehensive legal and institutional responses.²⁸

Street children refer to individuals, primarily minors, but sometimes including adolescents and young adults, who live and engage in various activities in public spaces without consistent adult supervision or stable shelter. These children typically spend the majority of their time on the streets, either for survival, work, or due to the absence of a supportive home environment. According to Rano Karno, Street children are a vulnerable group of minors who experience social marginalization and emotional neglect, often as a consequence of being compelled to

²⁶ Assyifa Mahend Z., "Perlindungan Hukum Terhadap Eksploitasi Anak Jalanan (Studi Kasus Di Dinas Sosial Kota Semarang)."

²⁷ Adam Ardiansyah Ramadhan Rendy Airlangga, Kyagus Ramadhani, Yuvina Ariestanti, "Us ConstituendumDiversi Terhadap Pengulangan Tindak Pidana Yang Dilakukan Oleh Anak," *Ius Constituendum* 8, no. 2 (2023): 292–307.

²⁸ Andri Winjaya Laksana et al., "The Disparities in Punishment for Narcotic Addiction: Does It Reflect the Value of Justice?," *Jurnal Media Hukum* 32, no. 1 (2025): 134–50, <https://doi.org/10.18196/jmh.v32i1.25678>.

survive in harsh, unsupportive urban environments that lack care, protection, and familial affection.²⁹

The phenomenon of street children in Indonesia is closely associated with structural poverty, limited social protection, and the absence of sustainable livelihood strategies at the household level. Data from the Ministry of Social Affairs and Statistics Indonesia estimate that between 16,000 and 20,000 street children are concentrated in major urban centers such as Jakarta, Surabaya, Medan, and Makassar. These numbers highlight not only the visibility of the issue but also the systemic shortcomings of the national social welfare system.

Drawing on household survival strategy theory, economically distressed families often involve their children in informal labor within public spaces as a coping mechanism. This situation is further aggravated by limited access to education, insecure housing, and weak social safety nets. From a sociology of law perspective, the exploitation of children in urban settings demonstrates that legal norms guaranteeing children's rights and access to education are not supported by effective institutions or enforcement mechanisms.

Drug abuse, urban displacement, and the informal labor economy further increase children's vulnerability. Many street children encounter narcotics not because of individual deviance, but due to inadequate monitoring systems, the absence of rehabilitative programs, and the normalization of survival behaviors that deviate from legal and social norms. From a human rights-based perspective, the constitutional and international guarantees of the right to education are not fulfilled in practice. Although free education is legally mandated, structural barriers such as administrative requirements, social stigma, lack of birth registration, and household poverty prevent street children from accessing formal schooling. This discrepancy underscores the disconnect between normative guarantees and empirical realities.

Consequently, the socio-economic dimensions of child exploitation cannot be attributed solely to individual or familial failure. Rather, they stem from systemic inequality, fragmented social policy, and weak enforcement of the state's obligations to protect vulnerable children. Street children are very vulnerable to exploitation, whether from their internal factors, namely their parents/family,³⁰ or from their external factors, namely other parties, such as foremen and business owners, where street children work. Most of them do not understand and have mature thoughts about wages, and do not have high bargaining values like adults. Another problem that can arise when these street children take to the field as beggars or buskers is the breakdown of order in traffic rules, and often even disrupts the aesthetic level of city planning. From a social perspective, this phenomenon is also present in a concrete form, namely, the birth of a feeling of

²⁹ Kamrin, "Kehidupan Sosial Anak Jalanan Di Kota Makasar," *Journal of Education* 5, no. 1 (2022): 891.

³⁰ Hadija Murenga Eliud Okumu Ongowo, Kibet Ngetich, "A Step of Faith: The Experiences of Street Children in Search of Survival in Nakuru City, Kenya and Its Implications on Policy, Child and Family Social Work" 29, no. 1 (2024): 138–48.

discomfort among the community. If categorized based on economic activity and family relationships, according to Soedijar, street children are generally divided into 3, namely:³¹

First, Children on the streets. In this category, children engaged in economic activities on the streets often maintain close connections with their parents or family members, despite spending significant portions of their time in public spaces to earn a living. Usually, they work to meet their family's economic needs. Second, Children of the streets. In this second category, street children carry out full activities, both economic and other daily activities on the streets. Usually, street children in this category do not have a close relationship with their parents or family, and are usually children who run away or run away from home due to violence or other factors in the family or external environment. Third, the third category refers to children from street-dwelling families, those whose parents or guardians both reside and conduct their daily activities in public spaces. Children in this group typically do not return to a permanent home and are frequently found living in informal settlements, such as under bridges, along railway tracks, or in makeshift shelters in urban areas.

Regarding regulations for handling street children, they are also regulated on an international scale, namely in the 1989 Convention on the Rights of the Child, ratified by the United Nations, which emphasizes the obligation to prohibit and promptly eliminate all forms of harmful child labor involving individuals under the age of 18. Complementing this, the International Labour Organization (ILO) Convention No. 138 of 1973 establishes the minimum legal age for employment, aiming to protect children from work that may jeopardize their health, safety, or development.. Where children aged 5-11 years are a warning to countries that have inadequate facilities and economies to carry out economic activities that child labor needs to be eliminated. The light, heavy, and dangerous impacts that can result from employing children are the basis for the birth of the International Labour Organization Convention No. 138 of 1973.

Referring to the household survival strategy theory, compulsion is a form of strategy carried out by parents or families to meet household needs by utilizing child labor, although it can have various other impacts. Parents tend to think that meeting economic needs is the most important thing, even if they have to sacrifice their children to work on the streets.

3.3 Educational Aspects

The right to education for every child is constitutionally and statutorily guaranteed through Article 31 of the 1945 Constitution, Law No. 20 of 2003 on the National Education System, and Law No. 35 of 2014 on Child Protection. Yet, these normative guarantees fail to translate into effective realization for street children due to structural barriers such as the absence of civil registration documents, indirect schooling expenses, stigmatization within educational institutions, and the economic compulsion to engage in informal labor. Although nonformal education options such as Paket A/B/C formally exist, they are not systematically designed to

³¹ Kamrin, "Kehidupan Sosial Anak Jalanan Di Kota Makassar."

reach children living in transient, informal, or street-based environments. From a human rights perspective, particularly as articulated under the CRC and ICESCR the state has not fulfilled the dimensions of availability, accessibility, adaptability, and acceptability in relation to marginalized children.

The research gap becomes apparent when reviewing existing literature, which predominantly focuses either on normative guarantees or on the phenomenon of school dropout without interrogating the systemic failures that obstruct access to education for street children. Limited scholarly work has examined the disjuncture between legal assurances and operational impediments, particularly the absence of affirmative, context-sensitive interventions such as mobile classrooms, flexible enrollment procedures, or community-embedded learning models. This study addresses that gap by conceptualizing education as a foundational pillar within a multidimensional protection framework linking it to deficits in legal enforcement, socioeconomic precarity, and heightened exposure to exploitation. In doing so, it advances a more comprehensive and implementable analysis that shifts from descriptive accounts to structural critique and policy-oriented solutions.³² will work to meet their daily needs. They usually take to the streets as beggars, buskers, and often as street vendors or hawkers. As we know, the factors underlying this child exploitation incident have given rise to many negative views about the government's performance in realizing the nation's ideals as stated in the preamble to the 1945 Constitution. Physical and material exploitation, involvement in crime, thuggery, drug abuse, and sexual harassment are some of the opportunities for exploitation that children may receive while working on the street.

Not infrequently, Street-working children are often subjected to discriminatory and arbitrary treatment by various actors seeking to advance economic, social, or political agendas, with little regard for the child's physical, psychological, or social well-being, amounting to a clear form of child exploitation. In reality, every child possesses the right to access education that is suitable for their developmental stage, encompassing formal, non-formal, and informal learning opportunities.

For children who are on the streets due to economic necessity, formal education is of course impossible because their time at school is used for work. The acceptance of religious and ethical teachings for street children in non-formal education is also neglected by those closest to them, such as parents or family, who should be the first and foremost madrasah in building children's character. The impact of exploitation experienced by children can be in the form of long-term and short-term³³ impacts that are received and felt both.³⁴ Both at the individual level and within

³² Septiyan Faqiyyuddin and Fatimatuz Zahro, "Kajian Sosiologi Hukum Islam Terhadap Pemenuhan Nafkah Suami Yang Masih Tinggal Di Pondok Pesantren Terhadap Keluarga (Studi Lapangan Di Ponpes Lirboyo HM Al-Mahrusiyah Kediri)," *Mahakim: Journal of Islamic Family Law* 6, no. 1 (2022): 24–47, <https://doi.org/10.30762/mahakim.v6i1.143>.

³³ Sheilla Chairunnisyah Sirait, "Tanggung Jawab Pemerintah Untuk Memberikan Pendidikan Kepada Anak Terlantar Dalam Perspektif Undang-Undang Perlindungan Anak," *De Lega Lata* 2, no. 1 (2017): 158–82, <https://doi.org/10.31219/osf.io/75tp2>.

the broader community, there is a growing recognition of the critical role that human resources with strong values and integrity play in achieving national aspirations. In this context, education emerges as a fundamental pillar that must be prioritized to shape knowledgeable and principled future generations.

National and international legal instruments that regulate children's human rights to education have been quite influential in enforcing justice regarding the education that street children must receive, but their implementation in Indonesia to protect the rights of street children is indeed not optimal. Legal protection is less than optimal. This is because legislation in the education sector does not contain mandatory legal norms that form the basis of the government's responsibility if education providers³⁵ do not fulfill their obligations. It is essential to revise the conceptual framework used to classify human rights in the education sector. This shift should move beyond the conventional approach that places the right to education solely within the scope of non-derogable economic, social, and cultural rights. Instead, it should also acknowledge the intrinsic connection between the right to education and civil and political rights, recognizing education as a foundational right³⁶ that intersects multiple dimensions of human rights protections, so that the government can be sued in court as a form of legal responsibility,³⁷ derogation rights, if it is proven that it has not fulfilled its duties in managing the education sector.

3.4 Health Aspects

The health vulnerabilities of street children are inseparable from structural poverty, weak social protection, and the lack of accessible public services. While some argue that participation in informal economic activities may provide short-term income and foster psychosocial resilience, such assumptions are unsustainable when evaluated from a long-term public health perspective.³⁸ Normatively, Law No. 36 of 2009 on Health and Law No. 35 of 2014 on Child Protection assign the state a constitutional responsibility to guarantee children's access to healthcare, nutrition, and protection from hazardous environments. However, the majority of street children do not possess identity documents or health insurance, which restricts their access to formal health services.³⁹ This situation reflects a clear discrepancy between legal guarantees (*das sollen*) and practical implementation (*das sein*).

Empirical studies conducted by the Ministry of Health⁴⁰ and UNICEF⁴¹ indicate that street

³⁴ Wahyuddin Naro et al., "Shariah Assessment toward the Prosecution of Cybercrime in Indonesia," *International Journal of Criminology and Sociology* 9, no. September (2020): 572–86, <https://doi.org/10.6000/1929-4409.2020.09.56>.

³⁵ Jorge Gaete et al., "Validation of the Revised Olweus Bully/Victim Questionnaire (OBVQ-R) Among Adolescents in Chile," *Frontiers in Psychology* 12, no. April (2021): 1–17, <https://doi.org/10.3389/fpsyg.2021.578661>.

³⁶ Yusefri, Mu'adil Faizin, and Wahyu Abdul Jafar, "Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations," *Samarah* 8, no. 2 (2024): 1187–1215, <https://doi.org/http://dx.doi.org/10.22373/sjhk.v8i2.24559>.

³⁷ Muhammad Fachri Said, "Perlindungan Hukum Terhadap Anak Dalam Perspektif Hak Asasi Manusia," *JCH (Jurnal Cendekia Hukum)* 4, no. 1 (2018): 141, <https://doi.org/10.33760/jch.v4i1.97>.

³⁸ Irma Setyowati Sumitro, *Aspek Hukum Perlindungan Anak* (Jakarta: Bumi Aksara, 1990).

³⁹ UNICEF, "Children in Indonesia The Situation of Children in Indonesia Has Improved, but Disparities Remain."

⁴⁰ Tresnaningsing E, "Ruang Lingkup Metode Kesehatan Kerja. Dalam: Upaya Kesehatan Serja Sektor Informal Di Indonesia: Materi Upaya Kesehatan Kerja," in *Departemen Kesehatan R* (Jakarta, n.d.).

children are at high risk of:

Acute respiratory infections (ARIs), due to constant exposure to traffic-related air pollution; Skin diseases and parasitic infections, stemming from unsanitary living conditions; Malnutrition, resulting from irregular and inadequate food intake; and Sexually transmitted infections (STIs), particularly among adolescents engaged in survival-based sexual activities.⁴² Psychologically, continuous exposure to violence, exploitation, and neglect contributes to depression, anxiety disorders, low self-esteem, and substance dependency.⁴³ These issues rarely receive intervention due to the absence of child-friendly outreach and community-based health services.

From a socio-legal perspective, children who drop out of school lose access to school-based health facilities, Posyandu Remaja, resulting in reduced health literacy and increased developmental risks.⁴⁴ Legally, the lack of proactive intervention by local governments undermines constitutional mandates to protect vulnerable children.⁴⁵ Social stigma further compounds the issue, as street children are often perceived as delinquents rather than rights-bearing individuals.⁴⁶

Health conditions both emerge from and reinforce exploitation. Poor physical health diminishes bargaining power, while psychological instability increases susceptibility to recruitment by traffickers and exploitative labor networks.⁴⁷ This demonstrates that health cannot be analyzed in isolation from legal enforcement, economic marginalization, and social exclusion.

Previous studies have predominantly examined either physical illness or psychosocial impact in isolation. This research advances a multidimensional approach by integrating health conditions with legal shortcomings, socioeconomic precarity, and educational exclusion, thereby reinforcing the urgency of developing a comprehensive protection model.⁴⁸ However, it can also be argued that the work environment also provides various stimulations that are useful for

⁴¹ UNICEF et al., "Policy Guidance on AI for Children Version 2.0 Recommendations for Building AI Policies and Systems That Uphold Child Rights" (England, 2021), <https://www.unicef.org/innocenti/reports/policy-guidance-ai-children>.

⁴² Dianna T. Kenny, *Children, Sexuality, and Child Sexual Abuse*, *Children, Sexuality, and Child Sexual Abuse* (Australasia: The University of Sydney, 2018), <https://doi.org/10.4324/9781315109329>.

⁴³ Ana Nicoleta Grigore and Alexandra Maftei, "Exploring the Mediating Roles of State and Trait Anxiety on the Relationship between Middle Adolescents' Cyberbullying and Depression," *Children* 7, no. 11 (2020), <https://doi.org/10.3390/children7110240>.

⁴⁴ Rita Pranawati, Margaret Aliyatul, and Helwina Handayani, *Pemenuhan Hak Dan Perlindungan Anak Di Era COVID* (Komisi Perlindungan Anak Indonesia, 2020).

⁴⁵ Komnas Perempuan, "Kekerasan Seksual Kenali Dan Tangani," [Http:// Wwww.komnasperempuan.go.id/Wp-Content/Uploads/2012/11/Kekerasan-Seksual-Kenali-Dan-Tangani.Pdf](http://www.komnasperempuan.go.id/Wp-Content/Uploads/2012/11/Kekerasan-Seksual-Kenali-Dan-Tangani.Pdf), n.d.

⁴⁶ Steven Kator Iorfa et al., "Silent Screams: Listening to and Making Meaning from the Voices of Abused Children," *Child: Care, Health and Development* 48, no. 5 (2022): 702–7, <https://doi.org/10.1111/cch.12975>.

⁴⁷ Yusefri, Faizin, and Jafar, "Protecting Child Labor Rights: Maqasid Sharia Framework and Policy Recommendations."

⁴⁸ Nikmah Rahmawati, "Kenakalan Remaja Dan Kedisiplinan: Perspektif Psikologi Dan Islam," *Sawwa: Jurnal Studi Gender* 11, no. 2 (2017): 267, <https://doi.org/10.21580/sa.v11i2.1458>.

children's cognitive and psychosocial development.⁴⁹ Participating in increasing family income also creates feelings of usefulness and need which can foster children's self-esteem.

Second, Negative Impact. Impact on growth. Physical growth and development.⁵⁰ When working, of course, you need more calorie intake. Children who work often do not get the food they need to meet their calorie intake needs and also do not get enough rest time. Inadequate nutrition, stunted physical growth, and underdeveloped reproductive systems are among the key physical consequences associated with child labor. With regard to cognitive development often the most contested area child labor significantly limits children's opportunities to achieve educational progress, as their time and energy are disproportionately allocated to work rather than schooling. Moreover, their engagement in labor adversely affects not only intellectual growth but also psychological and social development, as it disrupts normal patterns of interaction, emotional regulation, and peer relationships essential to their overall maturation. Child labor, especially what is currently in the spotlight, is that street children are at high risk of experiencing physical, emotional, and sexual abuse. They are exposed to many bad social behaviors such as smoking, use of psychoactive substances, gambling, sexual relations with sex workers, fighting, and criminal acts. Many of them suffer from psychological problems such as depression and antisocial behavior.

Third, Impact on health. Children must be ensured access to their fundamental rights while fulfilling their responsibilities, in order to support their optimal physical, mental, and social development in accordance with their best interests.⁵¹ Diseases in child workers can be grouped into 2 large groups, namely.⁵² Illness due to general health problems. Diseases commonly found in child workers are malnutrition, anemia, and infectious diseases, both acute (diarrhea, respiratory tract infections)⁵³ and chronic (tuberculosis), as well as parasitic infections. Occupational diseases. Occupational diseases are diseases that arise due to the influence of work and the environment. The following are factors that can cause occupational diseases in children: Environmental factors⁵⁴; Environmental factors consist of temperature and air pollution, noise, lighting, vibration, vehicles or heavy equipment in the work environment and various germs and parasites in the work environment. In general, air pollution is said to disrupt children's lung development and increase the incidence of allergies; Ergonomic factors;

⁴⁹ van Doorslaer E. O'Donnell O, Rosati FC, "Child Labour and Health: Evidence and Research Issues. Understanding Children's Work (UCW) an International Agency," in *Cooperation Project at Innocenti Research Center. ILO, UNICEF and World Fund*, n.d., www.ucwproject.org/pdf/Childlabour_Health.PDF.

⁵⁰ Soedjatmiko Fransisca Handy, "Masalah Kesehatan Dan Tumbuh Kembang Pekerja Anak Jalanan Di Jakarta," *Jurnal Sari Pediatri* 5, no. 4 (2022): 141–50.

⁵¹ Beniharmoni Harefa Putri Tamara Nurul Amardhotillah, "Pemberian Restitusi Sebagai Pelaksanaan Diversi Pada Perkara Pidana Anak," *Ius Constituendum* 8, no. 1 (2023): 34–48.

⁵² E, "Ruang Lingkup Metode Kesehatan Kerja. Dalam: Upaya Kesehatan Serja Sektor Informal Di Indonesia: Materi Upaya Kesehatan Kerja."

⁵³ Wiendra Waworuntu Hanny Nilasari, Wresti Indriatmi, Yudo Irawan, Edy Budiono Santoso, Andiaty Silviana, "The Prevalence of Sexually Transmitted Infections and Their Association with Knowledge, Attitudes, and Practice in Male Street Children in Indonesia," *International Journal of STD and AIDS* 35, no. 2 (2024): 112–21.

⁵⁴ Edra Satmaidi, "Konsep Deep Ecology Dalam Pengaturan Hukum Lingkungan," *Supremasi Hukum: Jurnal Penelitian Hukum* 24, no. 2 (2017): 192–105, <https://doi.org/10.33369/jsh.24.2.192-105>.

Ergonomic risk factors include uncomfortable body⁵⁵ positions, monotonous activities, lifting heavy loads, and long working hours. These risk factors can cause growth restrictions, musculoskeletal problems, and fatigue, which in the end can increase the incidence of work accidents and reduce body resistance, making children more susceptible to disease.

4. CONCLUSION

This study demonstrates that the exploitation of street children is rooted in a combination of structural factors, particularly poverty, weak law enforcement, limited access to education and healthcare, and the absence of adaptive social protection systems. Existing national regulations including constitutional provisions, the Child Protection Law, and human rights instruments have not been effectively implemented due to weak intersectoral coordination, permissive social attitudes, and the lack of stringent monitoring mechanisms. These conditions trap children in exploitative labor situations, driven either by economic necessity or the absence of viable alternatives. The principal contribution of this study lies in its integrative approach, which simultaneously combines legal analysis with socio-economic, health, and educational dimensions. Unlike previous research that is partial or purely normative, this study highlights the persistent gap between ideal legal norms (*das sollen*) and empirical realities (*das sein*), while mapping the structural barriers that the state has yet to address comprehensively. The findings underscore the urgency of reforming child protection policies in ways that move beyond legal formalism toward concrete, cross-sectoral social interventions. As a policy recommendation, this study emphasizes several priority actions: (1) strengthening law enforcement with firm sanctions against perpetrators of child exploitation and negligent authorities; (2) expanding affirmative based access to free education and healthcare for street children; (3) enhancing coordination among relevant agencies (social affairs, education, health, and law enforcement), alongside active participation from civil society and local communities; and (4) formulating holistic and implementable child protection policies, including family rehabilitation schemes and data-driven monitoring mechanisms. Accordingly, this research offers both academic and practical contributions to the development of a comprehensive and equitable model of child protection.

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⁵⁵ Muhammad Rustamaji, Bmbang Santoso, and Heri Hartanto, "Human Body and Prostitution in Hedonism (Human Rights Perspective)," *Proceedings of The International Seminar Tri Matra: Exploring and Identifying The Dynamics and Its Challenges of Cultural Transformation Human*, 2018, 145–50, <https://javanologi.uns.ac.id/jv/jawa-tri-marta/>.

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