

The Role of Indonesian Child Protection Commission (KPAI) in Legal Protection and Prevention of Child Trafficking Crimes

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Received : March 31, 2024

Accepted : April 10, 2024

Published : April 30, 2024

Citation: Alijana, E. H. (2024). The Role of Indonesian Child Protection Commission (KPAI) in Legal Protection and Prevention of Child Trafficking Crimes. *Legalis : Journal of Law Review* , 2(2), 124-133.

<https://doi.org/10.61978/legalis.v2i2.305>

ABSTRACT: Human trafficking is a criminal phenomenon that significantly captures public attention, especially concerning child victims, which is most urgent. The aim of this research is to assess the role of the Indonesian Child Protection Commission (KPAI) in light of the increasing cases of child trafficking throughout 2024. This research method utilizes a normative juridical approach, whereby issues emerging in the field are examined through legal materials such as books or articles discussing human trafficking. The type of research conducted is qualitative research, utilizing a descriptive phenomenological approach. Human trafficking is categorized as a specific criminal offense and has been regulated in various legal provisions. These provisions encompass prohibitions and eradication measures as stipulated in legislation and the Convention on Human Trafficking. The research findings highlight efforts in preventing child trafficking crimes. Insufficient awareness among stakeholders both centrally and locally results in overlapping regulations regarding child trafficking crimes.

Keywords: he Indonesian Child Protection Commission (KPAI), Protection, Prevention, TPPO.



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INTRODUCTION

Children are the most valuable asset of a nation. If children fail to contribute their talents to the public welfare or, even more sadly, if they become mere destroyers and obstacles, then society will not progress; instead, it will only face destruction. Crime causes both personal suffering and societal suffering. The increase in juvenile delinquency poses a serious threat to the future of a country (Anoraga, 1987).

In today's society, various legal problems are increasingly arising due to the deviation in human behavior patterns that do not align with the established norms. This can ultimately lead to violations and even crimes. Crime is a reality in communal living that deserves special attention as it disrupts the security and orderliness of society.

One of the serious crimes today is human trafficking, given the increasing breadth of human trafficking cases. Human trafficking has become the most profitable criminal business compared to other organized crimes such as drug and arms trafficking. This is because in human trafficking,

humans are treated as recyclable commodities, meaning victims are exploited, tortured, and subjected to inhumane treatment repeatedly to maximize the perpetrators' profits (Panjaitan, 2021)

As a crime, human trafficking is also a violation of human rights, as victims are often coerced and deceived into entering the human trafficking process, where they are then sexually exploited by perpetrators to achieve their goals. Forced labor is also an action prohibited within the context of human rights. Whether it's slavery, sexual exploitation, or any form related to human trafficking, it is clearly associated with human rights violations (Ali, 2011).

Indonesia has come under international scrutiny due to its status as one of the countries where human trafficking activities occur (Takariawan, 2024). Child trafficking is a form of criminal exploitation involving the buying and selling of humans, particularly children, for commercial purposes within the country or across borders. Perpetrators typically employ methods such as violence, deception, and abduction to engage in the sale and/or trafficking of individuals.

According to data from the Indonesian Child Protection Commission (KPAI), there were 244 cases of Human Trafficking Crimes (TPPO) in 2019, followed by 149 cases in 2020, and 234 cases in 2021. Human trafficking cases in Indonesia remain a complex issue with various contributing factors such as weak economic, social, cultural, and political factors that target vulnerable groups, especially women and children. This highlights the collective concern regarding the increasing problem of human trafficking targeting children and the sexual and/or economic exploitation that occurs within this vulnerable population (KPAI, 2024).

The issue that cannot be separated from the occurrence of trafficking practices is the weakness in family structures and social life within communities. Family life, social conditions, low education levels, limited job opportunities, lack of awareness of rights and information, consumerist lifestyles, gender inequality, increasing demand for female and child labor are all weak points that need attention and are major gateways to the opening of trafficking practices.

In the Child Protection Law, children are seen as beings who require nurturing, love, and a conducive environment for their development. They should receive protection and supervision, as they are part of the younger generation and represent human resources with potential and aspirations to continue the nation's struggle. Children have a strategic role and specific characteristics that require guidance and protection to ensure their physical, mental, and social growth is holistic and balanced (Makarao, 2013). Efforts to achieve this involve not only law enforcement in preventive, repressive, and responsive measures but also initiatives related to the recovery or protection of children who are victims of human trafficking even after the completion of criminal justice processes, aiming to restore their futures (Harris, 2016; Nelsa, 2016). It should be a serious concern to eradicate and provide protection for children exploited in human trafficking, even post-criminal justice proceedings, with the goal of restoring their futures. Therefore, all forms of treatment that disrupt and violate their fundamental rights through various forms of inhumane exploitation must be stopped immediately without exception (Sumirat, 2020).

Regarding children who are victims of human trafficking crimes, especially urgent is the importance of the Indonesian Child Protection Commission (KPAI) at this time, considering the various models and types of violence against children. As an independent state institution, KPAI

has specific duties and functions according to Article 76 of Law Number 23 of 2002 concerning Child Protection, including:

- a. Conducting socialization of all provisions of laws and regulations related to child protection, gathering data and information, receiving public complaints, conducting reviews, monitoring, evaluation, and oversight of child protection violations.
- b. Providing reports, suggestions, inputs, and considerations to the president regarding child protection.

With the ongoing prevalence of child trafficking cases recorded throughout the year 2024, the research will explain the active role of the Indonesian Child Protection Commission in efforts to prevent child trafficking crimes in Indonesia (Fahmi, 2013). Based on the background of the research outlined above, the researcher formulates the following questions as the basis for discussion and analysis of the research: (1) What is KPAI's role in child protection efforts to prevent child trafficking crimes? (2) What are the obstacles faced by KPAI in providing protection to children in efforts to prevent child trafficking crimes (3) The legal policy of KPAI in addressing human trafficking, from the perspective of transnational crime, can be explained as follows?

METHOD

This research focuses on studying human trafficking crimes. The type of research conducted is qualitative research, utilizing a descriptive phenomenological approach (Sugiono, 2013). With this approach, the researcher aims to uncover the phenomenon of human trafficking crimes, analyze them, and examine how the Indonesian Child Protection Commission (KPAI) combats human trafficking crimes (Sugiono, 2012). The data used are from literature sources such as references from various articles or documentation from different websites or marketplace applications, books, and journals published related to predatory pricing. Starting with gathering data and information related to the issue's phenomena, these data and information are then evaluated to ensure the accuracy of the information and analysis to be written. The analysis method used is descriptive analysis, employed to address the researched problem by describing or explaining efforts to combat human trafficking crimes (Ayuna & Takariawan, 2017; Choirunisa et al., 2016).

RESULT AND DISCUSSION

Child trafficking is an act of exploitation against children, where children are traded to be forced into labor, often for physical or sexual exploitation, commonly referred to as exploitation for personal gain, manipulation, extortion (of labor), appropriation, and utilization. In general terms, child exploitation can be summarized as the use or utilization of children for the benefit of those who engage in it (whether parents or other parties (Zutema, 2020).

The Child Protection Law Number 35 of 2014 clearly states that children have the right to live, grow, and develop, receive identity, health, and education services, participate, and be protected from violence and discrimination. This means that allowing children to live and grow on the streets can

be considered a denial and violation of this law (Batola, 2021a). Human trafficking is defined as any act of recruiting, transporting, transferring, placing, or receiving a child for the purpose of exploitation, using threats or violence, or other forms of coercion, abduction, deception, fraud, abuse of power, or vulnerable situations (Farhana, 2010).

The definition of Human Trafficking according to the Republic of Indonesia Law Number 14 of 2009 concerning the Ratification of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime, is explained in Article 3 as follows:

"Human trafficking means the recruitment, transportation, transfer, harboring, or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, abuse of power or vulnerability, or giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes, at a minimum, exploitation through prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or organ removal."

In Article 1, paragraph (1) of Law No. 21 of 2007, human trafficking is defined as follows: "The act of recruiting, transporting, sheltering, sending, transferring, or receiving someone through threats of violence, use of violence, abduction, confinement, forgery, fraud, abuse of power or vulnerable positions, debt bondage, or offering payment or benefits, in order to obtain consent from the person in control of another person, whether conducted within the country or across borders, for the purpose of exploitation or resulting in the exploitation of the individual."

The modes of human trafficking, particularly involving children as victims, are regulated in Article 5 and Article 6 of Law Number 21 of 2007 concerning the Eradication of Human Trafficking Crimes. This includes adopting children by promising something or providing something for the purpose of exploitation, as well as sending children abroad leading to their exploitation. Article 5 and Article 6 of Law Number 21 of 2007 concerning the Eradication of Human Trafficking Crimes explicitly state that there are two *modi operandi* for human trafficking crimes: through adopting children by promising or providing something with the intention of exploitation, and sending children domestically or internationally, both legally or illegally, for the purpose of exploiting them. There are several modes used by perpetrators of child trafficking crimes, which include kidnapping, recruitment for labor, and adoption (Purba, 2024).

In addition to the explanation above, child trafficking is defined by ODCCP (Office for Drug Control and Crime Prevention) as the recruitment, transfer, transportation, harboring, or receipt of minors for the purpose of exploitation, which involves threats, violence, or other forms of coercion such as abduction, fraud, deception, abuse of authority, or a position of trust. It also includes giving or receiving money or benefits to obtain consent from someone who has full control over the child (Romadhon).

The Indonesian Child Protection Commission (KPAI) acts as an institution responsible for safeguarding children from the crime of child trafficking.

When discussing legal efforts to fulfill the rights of child victims of human trafficking, it is essential to consider the form of legal protection itself. Legal protection refers to how an individual's rights are recognized and guaranteed by law enforcement authorities. This means that law enforcement officials have a duty and responsibility to provide protection to victims by ensuring their rights are respected and guaranteeing their safety based on applicable laws and regulations.

In the Republic of Indonesia Law Number 35 of 2014, which amends Law Number 23 of 2002 on child protection, one of its functions is for the Indonesian Child Protection Commission (KPAI) to report if there are suspicions of violations, and the KPAI also collaborates with the police. If the KPAI cannot resolve the matter through mediation, and there is no solution, and if the disputing parties wish to continue through legal channels, then the KPAI refers the case to the P2TP2A, as the latter can assist the victims. The commissioners of the KPAI cannot accompany the victims, but if the case is not referred to the P2TP2A, it can be taken directly to the police. After that, the KPAI requests reports on the progress of the case and how it is being handled by the police (Sadijjino, 2005; Soekanto, 1996). If the case is resolved in court, the KPAI can directly monitor whether the rights of the child are being upheld, as these should not be violated, as they are victims, whether of circumstances, television, media, etc., ultimately leading children to commit violent acts, whether as perpetrators or victims. The KPAI protects both because it does not distinguish between perpetrators and victims; the key point here is that they are children, whether boys or girls.

Children who are victims of human trafficking are highly susceptible to victimization and require protection and support. The presence of the state is crucial in safeguarding every child in Indonesia, ensuring they are protected from violence, especially trafficking. They should be shielded during instances of exploitation resulting from child trafficking and provided with post-legal process protection through rehabilitation and healing processes until they are restored and reintegrated into their families. The state's presence is a fulfillment of its responsibility to protect all Indonesians and the entire Indonesian lineage, serving as the highest law of the land (Angkasa, 2020).

Therefore, in the Republic of Indonesia Law Number 35 of 2014 amending Law Number 23 of 2002 concerning child protection, as explained in Article 76, the Indonesian Child Protection Commission has the duty to oversee the implementation of child protection and the fulfillment of children's rights, provide input and suggestions in formulating policies regarding child protection, gather data and information regarding child protection, receive and review complaints from the public regarding violations of children's rights, collaborate with community-established institutions in the field of child protection, and report to the authorities on alleged violations of this law (Rizky, 2017).

Upon closer examination, KPAI's role is primarily focused on handling cases and serving as a supervisory body in child protection implementation. In all aspects handled by KPAI, they oversee and monitor any discrepancies, and if they identify any irregularities, they have the authority to issue warnings and, through coordination, report directly to the President if necessary, as KPAI reports directly to the President. Therefore, KPAI's mandate is primarily to supervise and monitor

the implementation of child protection carried out by child protection duty bearers. The commission actively oversees and monitors the implementation of child protection and the fulfillment of children's rights, provides input and suggestions in formulating policies regarding child protection, gathers data and information regarding child protection, receives and reviews complaints from the public regarding violations of children's rights, collaborates with community-established institutions in the field of child protection, and reports to the authorities on alleged violations of the Child Protection Law (Rini, 2016). KPAI's role here is to disseminate information on all provisions of applicable laws and regulations related to child protection.

Barriers Faced by KPAI in Providing Protection for Children in Preventing Crimes of Child Trafficking.

In the implementation of combating child trafficking crimes, KPAI certainly encounters several challenges. These challenges mainly arise from external factors, but it is not impossible that some barriers stem from both internal and external factors.

According to Sitiani Purba, "The lack of cooperation from the State regarding parties involved in Indonesia in combating child trafficking crimes, particularly those trafficked to other countries, is a significant challenge. In this case, the police cannot work alone due to the fact that each country has its own laws, preventing Indonesia from directly apprehending perpetrators of human trafficking crimes (Resa et al., 2021). This highlights the crucial role of cooperation between the Indonesian police and the police of the relevant countries. Typically, such international cooperation is formalized through unilateral/bilateral agreements or conventions, with one of the latest conventions being the ASEAN Convention Against Trafficking in Persons, Especially Women and Children. This convention was established by ASEAN countries and has been ratified by several countries, including Indonesia, by the end of 2016."

Another challenge is the lack of knowledge among victims about the legal provisions protecting against human trafficking, which is a foreign concept to many. Many people are unaware that they have become victims of trafficking (Ratna, 2020). One of the reasons is the insufficient dissemination of information and legal knowledge by the police to residents in remote areas. Consequently, when someone becomes a victim of trafficking, they are unaware of the next steps due to their limited understanding of the legal provisions related to reporting their case. Fear of Threats from Perpetrators The fear experienced by victims and their families, such as threats from perpetrators, leads victims to refrain from reporting themselves as trafficking victims. Victims are threatened not to report the actions committed against them by perpetrators. Threats from perpetrators to victims often include death threats (Fonna, 2019)."

There are several factors that influence the effectiveness of the law in implementing child trafficking prevention and protection efforts, namely (Jaya, 2021):

- a. Suboptimal Interagency Coordination: Weak coordination among agencies is a classic problem. Coordination is a form of work relationship that has specific characteristics, including the need for integration and synchronization, harmonization, and a shared direction. The existence of several agencies that operate in an ego-sectarian manner independently becomes one of the problematic issues for task forces in preventing and handling human trafficking

cases(Pangastuti & etal, 2020).

- b. Lack of Stakeholder-Level Socialization at the Central and Regional Levels: Insufficient socialization at the stakeholder level at the central and regional levels leads to overlapping regulations on child trafficking, resulting in different perceptions between stakeholders at the central and regional levels, as well as law enforcement agencies and task force members in prevention and handling of human trafficking cases, thereby reducing the effectiveness of implementation in the field(Rahardi, 2007; T & S, 2022).
- c. Inadequate Human Resources (HR) in Carrying Out Tasks and Functions to prevent and handle human trafficking cases (TPPO): The task force faces several challenges due to the limited human resources both quantitatively and qualitatively, significantly affecting the task force's effectiveness in combating human trafficking. Some of the problems that hinder human resource factors include: (1) Lack of expertise and understanding among task force members regarding human trafficking crimes; (2) Understanding of human trafficking crimes among task force members, making interagency coordination quite complex; (3) Technological advancements in human trafficking syndicates not matched by the task force's competence in technology.

The legal policy of KPAI in addressing human trafficking, from the perspective of transnational crime, encompasses several critical approaches and strategies:

a) Application of National and International Law :

KPAI utilizes existing legal frameworks at both national and international levels to combat human trafficking. They implement laws adopted in Indonesia and collaborate with international organizations to strengthen law enforcement and cross-border cooperation in addressing this issue(Najih, 2014).

b) Law Enforcement and Victim Protectio:

KPAI works to ensure effective law enforcement against human trafficking perpetrators and adequate protection for victims. This involves coordination with police, prosecutors, and other relevant agencies to investigate and prosecute human trafficking cases.

c) Prevention and Public Educatio :

In addition to law enforcement, KPAI is active in prevention efforts. They engage in educating the public about the dangers of human trafficking, victims' rights, and how to report such crimes. Prevention also includes cooperation with local governments and NGOs to raise awareness and reduce the risk of human trafficking(Marlina, 2009).

d) International Cooperation :

KPAI plays a role in international cooperation to combat human trafficking, including information exchange, joint training, and coordination of cross-border investigations.

This is crucial as human trafficking often involves complex transnational networks

e) Advocacy and Legal Reform :

KPAI also advocates for improved policies and legislation related to human trafficking. They support legal reforms aimed at enhancing victim protection and strengthening law enforcement against perpetrators (Eleanora, 2021; Hamzah, 2008).

With these approaches, KPAI strives to comprehensively address the issue of human trafficking from a transnational perspective, focusing on victim protection, effective law enforcement, prevention, and close international cooperation.

CONCLUSION

The role of KPAI in child protection efforts to prevent Child Trafficking Crimes, as a supervisory and implementing institution for child protection, relates to how child protection is implemented. Across all spectrums handled, KPAI serves in an oversight capacity; in case of discrepancies, it can issue warnings and, through coordination, directly report to the President when issues arise, as KPAI reports directly to the President (Batola, 2021b; Bungin, 2003). Thus, KPAI is mandated solely to oversee and monitor the implementation of child protection by stakeholders responsible for child protection. The KPAI institution plays an active role or has a duty to oversee the implementation of child protection and the fulfillment of children's rights, providing input and proposals in formulating child protection policies. However, KPAI faces obstacles in providing protection to children in efforts to prevent Child Trafficking Crimes (Achmad, 2010; Ali, 2011). Insufficient socialization at the stakeholder level, both centrally and regionally, leads to overlapping regulations on Child Trafficking, causing differences in perception between stakeholders at the central and regional levels, as well as law enforcement agencies and task force members in efforts to prevent and handle cases of human trafficking, resulting in suboptimal implementation in the field. Additionally, KPAI also advocates for the improvement of policies and legislation related to human trafficking. They support legal reforms aimed at enhancing victim protection and strengthening law enforcement against perpetrators. With this approach, KPAI strives to comprehensively address the issue of human trafficking from a transnational perspective, focusing on victim protection, effective law enforcement, prevention, and close international cooperation (Irawan, 2008).

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