

Analysis of Legal Protection Against Child Exploitation : Case Study of Beggars in Sidoarjo City

Tresnia Octaviani Sumarsono¹, Emy Rosnawati²

^{1,2}Muhammadiyah University of Sidoarjo, Indonesia



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ABSTRACT

Objective: This research is a type of normative research with a statutory and regulatory approach. **Method:** Primary legal materials used include Law No.35/2014 concerning Child Protection, Sidoarjo Regional Regulation No. 2/2023 concerning the Implementation of a Child Friendly Regency, Sidoarjo Regent Regulation No. 7/2022 concerning Position, Organizational Structure, Duties and Functions and Work Procedures of the Social Service, Sidoarjo Regency. Secondary legal materials used include books, journals and other literature relevant to the cases studied. **Analysis** of legal materials is carried out using deductive analysis methods. **Results:** The research results show that legal protection against exploitation of minors in Sidoarjo Regency has been implemented in accordance with applicable regulations and ensures compliance with standards set to protect children's rights from exploitation. However, there are still challenges in terms of coordination, limited resources and public awareness that need to be overcome to ensure more effective child protection. **Novelty:** This research highlights the implementation of legal protection against the exploitation of minors in Sidoarjo Regency through the analysis of regional regulations and statutory provisions, emphasizing the alignment between local and national frameworks to strengthen child protection efforts.

INTRODUCTION

Sidoarjo is a region in East Java characterized by significant social and economic diversity. However, economic growth and urban development are not always accompanied by improved welfare for all segments of society, including children. Certain groups of children, particularly street children involved in begging practices, face a high risk of exploitation in this environment [1]. Children are essential resources for the nation and society. As the next generation, they have the right to receive proper, safe, and healthy education. In reality, however, begging represents a troubling case in which children continue to be exploited. Child beggars may experience physical, psychological, and social consequences, which has become a serious concern for those involved, especially in major cities such as Sidoarjo. A child is defined as any individual under the age of 18, including those still in the womb, according to Law No. 23 of 2002 on Child Protection, Article 1 paragraph 1. In other words, the rights and dignity of a child are protected from the moment of conception [2].

The issue of street children being employed remains a challenge faced by several regions in Indonesia. Children constitute one of the protected groups; therefore, the issue of street children is significant as it concerns the fulfillment of children's rights. Child laborers are exposed to physical and psychological harm as a result of such conditions. Furthermore, children's social welfare—including their health, education, and future

opportunities – may be threatened by this phenomenon [3]. It is crucial to legally protect minors to prevent and eliminate such forms of exploitation. However, the effectiveness of these legal protections must be evaluated to determine the extent to which they have succeeded in safeguarding minors from exploitative practices, particularly within the cultural context of begging in Sidoarjo [4].

In 2022, the Central Statistics Agency (BPS) of Sidoarjo Regency recorded 2,343 street children in the region. Among them, 1,023 children (43.7%) were exploited for labor, including begging activities. The Sidoarjo Regency Social Service documented 278 cases of child exploitation in 2023, of which 179 were related to street children and beggars.

Tahun	Kabupaten /Kota	Anak Jalanan	Pengemis
2022	Sidoarjo	2.343	1.023
2023		278	179

Figure 1. Data on the Number of Street Children and Beggars in Sidoarjo Regency, 2022–2023.

(Source: Central Statistics Agency (BPS) of East Java, 2023)

These rights include freedom from exploitation, the right to life, and the right to development, all of which must be actively protected by law. Acts of child exploitation through begging practices require serious attention to ensure that children's rights are effectively safeguarded [5].

A study on child exploitation in begging conducted by Effrata, Effnuz Al-Anba, and R. Slamet Santoso, titled “Evaluation of Policies for Handling Homeless People (Case Study of Semarang City Regional Regulation No. 5/2014 on the Management of Homeless People, Street Children, and Beggars in Semarang City)”, revealed that the Semarang City Social Service had made various efforts to assist the homeless in accordance with Regional Regulation No. 5/2014. However, certain shortcomings still need further evaluation. Complex driving and inhibiting factors influence the effectiveness of policy implementation [6]. The difference between the previous and current study lies in the research focus: the previous study discussed the evaluation of Semarang’s Regional Regulation No. 5/2014, while the present study does not address policy evaluation.

Kusumawati, Dwi, in her research titled “Legal Protection Against the Exploitation of Minors as Beggars by Parents in Pekalongan Regency,” found that the exploitation of children as beggars in Pekalongan Regency contradicts the rights of the child guaranteed by the Constitution and relevant laws. Although there is a legal framework guiding child protection – such as the 1945 Constitution, the Law on Child Welfare, and the Law on Child Protection – its implementation remains inadequate. The protection efforts taken were merely reactive, without any fundamental regulation specifically addressing the protection of children exploited as beggars [7]. The distinction between the previous and the current study is that while the former focused on parental exploitation of children as

beggars, the current research also considers other parties or individuals involved in child exploitation.

Putri, Anisah Restikasari Maris, in her research titled “Street Children and Their Protection Efforts: A Study on the Role of the Malang City Social Service,” concluded that the protection efforts carried out by the Malang City Social Service had implemented Law No. 35/2014 through a qualitative approach involving direct interviews. Although the number of street children fluctuated, actions such as raids and the provision of rehabilitation centers have had a positive impact on addressing this issue. Through training, education, and family reintegration, the Malang City Social Service has significantly contributed to the protection and empowerment of street children, helping them to rebuild their futures. The difference between the previous and current research is that the former involved the participation of the social service agency, whereas the current study does not [8].

Previous studies discussed efforts to address and protect children exploited as beggars in several regions such as Semarang, Pekalongan, and Malang, while the present study focuses on Sidoarjo Regency. The main objective of this research is to analyze legal protection against the exploitation of minors, with Sidoarjo Regency serving as the case study.

This study is considered important as it encompasses issues of human rights and child protection—particularly in addressing cases of child exploitation through begging—with the ultimate goal of preventing recurrence or at least minimizing such incidents.

RESEARCH METHOD

This study employs a normative legal research method using a statutory and regulatory approach. The primary legal materials in this research include Law No. 35 of 2014 on Child Protection, Sidoarjo Regional Regulation No. 2 of 2023 on the Implementation of a Child-Friendly Regency, and Sidoarjo Regent Regulation No. 7 of 2022 on the Position, Organizational Structure, Duties, Functions, and Working Procedures of the Sidoarjo Social Service. The type of data used in this study is secondary data, consisting of books, journals, and other relevant literature related to the discussed cases. The analysis of legal materials is conducted using a deductive analytical method.

RESULTS AND DISCUSSION

A. Legal Protection

One of the universal concepts of legal regulation is legal protection. Legal protection is divided into two main categories: repressive and preventive legal protection. Repressive legal protection is restrictive, while preventive legal protection is preventive in nature. Preventive legal protection encourages the government to take action based on the right to free will. Legislation includes preventive legal protection measures to prevent crimes and establish limits in the performance of duties. Conflicts arising from violations

are resolved through repressive legal protection. Repressive legal protection, which takes the form of punishment for past violations, serves as the last line of defense [9].

Legal protection refers to the measures taken by law enforcement authorities to ensure the safety—both mental and physical—of victims against threats and disturbances. The aim of legal protection is to safeguard human rights that have been violated by offenders and to provide society with access to the rights guaranteed by law. According to Philipus M. Hadjon, legal protection is the maintenance of the dignity and worth of legal subjects as an affirmation of their rights guaranteed by the state. Legal protection is classified into two types: preventive and repressive [10].

Preventive legal protection is the protection provided by the government with the purpose of preventing violations. This is embodied in laws designed to minimize the occurrence of violations. Preventive legal protection is crucial to safeguard children's rights and welfare in the context of protecting minors from exploitation [11]. In the implementation of protection against child exploitation in Sidoarjo Regency, the government and related institutions have undertaken several measures, including promoting socialization and education about children's rights and the consequences of exploitation, enacting laws such as Law No. 35 of 2014 on Child Protection in Indonesia, issuing local regulations on the implementation of Child-Friendly Regency (KLA), and conducting supervision through the Sidoarjo Social Service and other relevant institutions responsible for monitoring the welfare of children, particularly those living on the streets.

Repressive legal protection efforts are carried out after a violation of the law has occurred. The repressive legal protection efforts against child exploitation in Sidoarjo Regency are implemented through various measures by the government in collaboration with the Sidoarjo Social Service, which has the authority to enforce laws related to child exploitation. Several steps taken by the government and the Social Service include conducting routine patrols to identify and stop children from begging, bringing them to the Social Service for interviews to determine whether the act of begging is done voluntarily or if there are parties exploiting them. The Sidoarjo Social Service then provides rehabilitation for children who have been exploited, including education, skill development, psychological counseling, and placement in safe facilities such as shelters or social institutions. Social and legal assistance is also provided to help victims of child exploitation obtain justice and ensure their rights are upheld.

In cases where the perpetrators of child exploitation—whether parents or other individuals—force or instruct children to beg, the Sidoarjo Social Service imposes sanctions based on applicable laws. Punishing offenders is expected to create a deterrent effect and prevent the recurrence of such exploitation [12]. Sanctions for perpetrators of child exploitation are based on Article 76 I in conjunction with Article 88 of Law No. 35 of 2014, with a penalty of up to 10 years' imprisonment or a fine of IDR 200 million.

Preventive and repressive legal protections are two complementary approaches to protecting children from exploitation as beggars. Preventive measures focus on

prevention and education, while repressive measures emphasize law enforcement and rehabilitation.

B. General Explanation of Children

A child is an individual undergoing physical, mental, and emotional development. Under Indonesian law, a child is defined as anyone under 18 years of age, including those still in the womb. Children have fundamental rights that must be respected, such as the right to play, education, protection from abuse and exploitation, and the right to grow in a safe and healthy environment. Child welfare refers to the conditions that ensure the child's proper growth and development in spiritual, physical, and social aspects.

The government has demonstrated its commitment to protecting children, as stated in the Preamble of the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945), which asserts that the establishment of the state aims to promote public welfare and educate the nation. The terms "public welfare" and "educate" are strongly connected to children, as education is a means of enlightening the nation, and learning environments are typically where children of all ages engage in education [13].

One form of child rights violation is child exploitation, particularly through the use of children for begging activities. Families and organized criminal groups are often responsible for such exploitation. Children used as labor slaves are frequently forced to work under deplorable conditions without protection or fulfillment of their basic rights.

C. Analysis of Law No. 35 of 2014 on Child Protection

Child exploitation is a violation of human rights that requires serious attention. Children who become victims of exploitation are often forced to work as beggars, child laborers, or even trafficked. Law No. 35 of 2014 on Child Protection, a revision of Law No. 23 of 2002, aims to provide more comprehensive protection for children in Indonesia.

This law states that every child has the right to protection from all forms of exploitation, both economic and sexual. Article 13 specifies that every child is entitled to protection from misuse in economic activities and any form of hazardous work. Furthermore, Article 59 stipulates that the government, local governments, and other institutions are responsible for providing special protection to children who are economically and/or sexually exploited.

In the context of child exploitation as beggars, Law No. 35 of 2014 mandates protection for such children. These children are often forced to work under threats or violence, which clearly violates their basic rights. The law requires authorities to take concrete steps to identify, rescue, and rehabilitate exploited children [14].

However, the implementation of Law No. 35 of 2014 still faces many challenges, including lack of inter-agency coordination and low public awareness regarding children's rights. This study highlights the importance of training for law enforcement officers and social workers to ensure that cases of child exploitation are handled sensitively and effectively.

The law also emphasizes the importance of community participation in protecting children from exploitation. Article 72 mandates that anyone who is aware of violations of children's rights must report them to the authorities. Nugroho (2020) also highlights

the importance of collective awareness in detecting and reporting child exploitation cases within communities. While Law No. 35 of 2014 provides a solid foundation for protecting children, its effective implementation requires strong collaboration among authorized stakeholders. With a holistic and comprehensive approach, it is expected that children's rights can be optimally protected and cases of child exploitation minimized.

D. Analysis of Sidoarjo Regency Regional Regulation No. 2 of 2023 on the Implementation of a Child-Friendly Regency

Regional Regulation of Sidoarjo Regency No. 2 of 2023 establishes policies aimed at creating a child-friendly environment, with the primary objective of ensuring that every child in Sidoarjo Regency can grow up in safe and supportive conditions. This regulation elaborates on the rights of children as well as the responsibilities of both the local government and the community within the framework of the ****Child-Friendly Regency (KLA)**** program. It emphasizes the protection of children's rights from various forms of exploitation, including economic exploitation such as begging. The provisions within this regulation provide a legal framework for local governments to address these issues in collaboration with relevant institutions [15].

Regional Regulation No. 2 of 2023 regulates various programs and activities designed to achieve KLA status, such as community awareness campaigns, educational programs, and supervision of child rights violations. The establishment of this regulation represents an important step in promoting child rights protection and preventing child exploitation. It reflects a rights-based approach to child development, positioning the KLA system as a commitment by the Sidoarjo Regency Government to ensure child protection and the fulfillment of children's rights.

In its implementation, the strategies and policy directions formulated by the government under Article 4 paragraph (1) of the Sidoarjo Regency Regional Regulation No. 2 of 2023 encompass comprehensive and continuous measures based on applicable legal frameworks. Article 4 paragraph (2) outlines the direction of policy through the optimization of institutional strengthening in KLA implementation, the realization of civil rights and freedoms, the enhancement of nurturing and environmental quality, the fulfillment of health and welfare rights, the fulfillment of educational rights, the utilization of children's time for cultural activities, and the provision of services for children in need of protection.

In the context of child exploitation in Sidoarjo Regency, this regulation provides the legal foundation for addressing cases of child exploitation. However, achieving these objectives requires continuous efforts in implementation and monitoring. Recommendations for improvement include strengthening inter-agency coordination, ensuring adequate resource allocation, and increasing public awareness of children's rights [16]. The local government must collaborate with the police, the social service department, and non-governmental organizations to identify and handle such cases effectively [17]. These efforts are essential to reduce the number of child exploitation cases, particularly among street children involved in begging practices.

E. Analysis of Sidoarjo Regent Regulation No. 7 of 2022 on the Position, Organizational Structure, Duties, and Functions, as well as the Working Procedures of the Sidoarjo Social Service

The exploitation of minors is a serious issue that requires government intervention. Children exploited as beggars often lack access to education, healthcare, and other fundamental rights. Sidoarjo Regent Regulation No. 7 of 2022 serves as one of the key instruments aimed at protecting children from exploitative practices. This regulation replaces Sidoarjo Regent Regulation No. 49 of 2021 on the Position, Organizational Structure, Duties, and Functions, as well as the Working Procedures of the Sidoarjo Social Service, which was deemed less relevant and effective in addressing current social challenges. The new regulation, enacted on January 1, 2022, is expected to enhance institutional coordination and optimize the performance of relevant agencies in implementing the Child-Friendly Regency (KLA) program in Sidoarjo.

In the implementation of child protection policies, particularly regarding child exploitation in Sidoarjo Regency, the Social Service (Dinas Sosial) plays a crucial role in providing protection and social services for children who have become victims of exploitation, especially street children involved in begging activities.

The main duties of the Sidoarjo Social Service include:

1. Implementing regional policies in the social sector, particularly in providing social services and rehabilitation for children.
2. Coordinating social empowerment programs aimed at improving child welfare and reducing exploitative practices.
3. Providing social assistance and rehabilitation services for children who have been victims of exploitation.

In carrying out its duties, the Social Service collaborates with various institutions such as law enforcement agencies, educational institutions, and community organizations to ensure comprehensive protection and handling of child exploitation cases. The active role of the Social Service in conducting early identification and intervention in such cases is crucial for both prevention and rehabilitation efforts.

The implementation of child protection policies in Sidoarjo Regency must include, community outreach and education on the dangers and impacts of child exploitation. Economic empowerment programs for low-income families to prevent children from becoming victims of exploitation. Provision of temporary shelters and rehabilitation services for children who have been exploited.

Sidoarjo Regent Regulation No. 7 of 2022 provides a strong legal foundation for the Social Service to protect children from exploitation, particularly street children engaged in begging. This regulation specifically outlines the position, organizational structure, duties, and functions of the Social Service, thereby optimizing its authority and operational effectiveness in enforcing laws related to child exploitation.

Since the implementation of this regulation, there has been a noticeable decrease in the number of cases within one year. In 2022, the Central Statistics Agency (BPS) of Sidoarjo recorded 2,343 street children in the regency, while in 2023, there were 179

reported cases of child exploitation. This decline indicates that the regulation has been effective as a legal guideline in implementing child protection efforts by the Sidoarjo Social Service.

However, the success of this regulation's implementation requires cross-sectoral collaboration and coordination among institutions through education, empowerment, and rehabilitation initiatives [18]. Strong inter-agency cooperation is essential to effectively address the issue of child exploitation in Sidoarjo Regency, ensuring that cases—particularly those involving street children in begging practices—can be significantly reduced.

F. Alignment Between Law No. 35 of 2014, Sidoarjo Regency Regional Regulation No. 2 of 2023, and Sidoarjo Regent Regulation No. 7 of 2022 on Legal Protection Against Child Exploitation

After analyzing the content of Law No. 35 of 2014, followed by Sidoarjo Regency Regional Regulation No. 2 of 2023 and Sidoarjo Regent Regulation No. 7 of 2022, there is a clear consistency in the implementation of legal protection against child exploitation. Law No. 35 of 2014 aims to establish comprehensive protection from all forms of exploitation—both economic and sexual. It emphasizes the need for protection and rehabilitation for exploited children, as well as the responsibility of the government and society to report violations of children's rights.

Sidoarjo Regency Regional Regulation No. 2 of 2023 aims to create a Child-Friendly Regency (*Kabupaten Layak Anak/KLA*) that includes protection from exploitation, such as child begging, and involves multiple institutions in its implementation. Meanwhile, Sidoarjo Regent Regulation No. 7 of 2022 regulates the role of the Social Service (*Dinas Sosial*) in providing child protection and social services. This regulation supports child protection and the reduction of exploitative practices through coordination and social empowerment initiatives.

Alignment: All these regulations are consistent with the main objective of Law No. 35 of 2014, which is to protect children from exploitation. They support the implementation of the law by providing more detailed and specific guidelines within the local context [19].

The roles and responsibilities outlined in Law No. 35 of 2014 establish the obligations of the central government, local governments, and related institutions in protecting children from exploitation. Sidoarjo Regency Regional Regulation No. 2 of 2023 defines various programs and activities to achieve KLA status by involving local government and community participation in safeguarding children's rights. Sidoarjo Regent Regulation No. 7 of 2022 emphasizes the role of the Social Service in implementing social protection policies, coordinating empowerment programs, and providing assistance and rehabilitation services. Both the regional regulation and the regent regulation are aligned with Law No. 35 of 2014 in terms of roles and responsibilities, elaborating and translating these duties into the local context with more specific approaches.

In terms of coordination and implementation, Law No. 35 of 2014 highlights the importance of collaboration among various stakeholders and concrete steps in identifying, rescuing, and rehabilitating exploited children. Sidoarjo Regency Regional Regulation No. 2 of 2023 stresses the need for coordination among local government, police, social services, and the community to implement KLA policies and address child exploitation. Sidoarjo Regent Regulation No. 7 of 2022 encourages cross-sectoral coordination between the Social Service and other relevant agencies, as well as the strengthening of case-handling mechanisms. These regulations are consistent in emphasizing coordination and collaboration among stakeholders—an essential element for the effective implementation of Law No. 35 of 2014 [20]. Consequently, these interconnected regulations have contributed to minimizing the number of child exploitation cases in Sidoarjo Regency.

However, challenges remain in enforcing the law against child exploitation, such as inadequate institutional coordination and low public awareness in reducing such cases [21]. Sidoarjo Regency Regional Regulation No. 2 of 2023 faces challenges related to coordination and limited resources for implementing KLA. Sidoarjo Regent Regulation No. 7 of 2022 identifies the need to strengthen cross-sectoral coordination and provide training for law enforcement officers and social workers. These laws and regulations demonstrate awareness of the existing challenges in child protection implementation. Efforts for improvement—such as enhancing coordination and resource allocation—are consistent with the recommendations of Law No. 35 of 2014.

Overall, Sidoarjo Regency Regional Regulation No. 2 of 2023 and Sidoarjo Regent Regulation No. 7 of 2022 show strong alignment with Law No. 35 of 2014. They expand and translate the provisions of the national law into more specific local policies and programs. Nonetheless, challenges in implementation—such as coordination, limited resources, and public awareness—must still be addressed to ensure effective child protection and minimize the number of exploitation cases [22].

CONCLUSION

Fundamental Finding : Legal protection against the exploitation of minors in Sidoarjo Regency has been implemented in accordance with applicable regulations. Law No. 35 of 2014, Sidoarjo Regency Regional Regulation No. 2 of 2023, and Sidoarjo Regent Regulation No. 7 of 2022 are interconnected in the implementation of legal protection against child exploitation. In establishing regional regulations, Sidoarjo Regency demonstrates compliance with higher-level laws. The protection of children in Sidoarjo is carried out following established standards to safeguard children's rights from exploitation. In the implementation of legal protection against child exploitation in Sidoarjo Regency, the government and the Department of Social Affairs (Dinas Sosial) have undertaken both preventive and repressive legal measures. **Implication :** Preventive legal efforts include raising awareness and educating the public about children's rights and the consequences of child exploitation, enacting legal instruments such as Law No. 35 of 2014 on Child Protection in Indonesia, establishing a Regional

Regulation on the Implementation of Child-Friendly Regency (KLA), and conducting supervision by the Sidoarjo Social Service. Repressive legal efforts are carried out through regular patrols to identify and stop children engaged in begging activities, bringing them to the Sidoarjo Social Service for questioning, providing rehabilitation for neglected and exploited street children, and imposing sanctions on perpetrators of child exploitation in accordance with Article 76I in conjunction with Article 88 of Law No. 35 of 2014, which stipulates a criminal penalty of up to 10 years of imprisonment and a fine of Rp 200 million for offenders. **Limitation** : The challenges related to child exploitation cases in Sidoarjo Regency include limited resources and low public awareness, which still need to be addressed to ensure effective child protection. **Future Research** : Future research should focus on developing strategies to overcome these challenges by strengthening coordination among institutions, optimizing resources, and increasing public awareness to ensure the sustainability and effectiveness of child protection efforts in Sidoarjo Regency.

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Tresnia Octaviani Sumarsono
Muhammadiyah University of Sidoarjo, Indonesia

***Emy Rosnawati (Corresponding Author)**
Muhammadiyah University of Sidoarjo, Indonesia
Email: emyrosnawati@umsida.ac.id
