

A Juridical Analysis of the Crime of Child Trafficking Committed by a Minor

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ABSTRACT

Child trafficking is a criminal offense that violates children's rights and constitutes a serious issue within the juvenile criminal justice system, particularly when a child is not only a victim but also a perpetrator of the crime, as reflected in Decision Number 6/Pid.Sus-Anak/2024/PN Blb. This study formulates three main issues: the factors that lead children to commit the crime of child trafficking, the role and efforts of law enforcement authorities in handling such cases, and the legal policy and judicial considerations in imposing sanctions on child offenders. This research employs a normative juridical method with statutory, conceptual, and case study approaches. Data were obtained from primary legal materials in the form of legislation and court decisions, as well as secondary legal materials including books and scholarly journals, which were analyzed using descriptive qualitative methods. The findings indicate that children's involvement as perpetrators is influenced by several factors, including economic hardship, family disharmony, weak parental supervision, peer group influence, and the misuse of digital technology as a means of exploitation. In addressing these cases, law enforcement authorities have acted in accordance with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System by prioritizing the protection of children's rights, legal assistance, and the principles of restorative justice. Judicial decisions emphasize the best interests of the child by imposing guidance and vocational training sanctions as alternatives to imprisonment. Therefore, the legal policy applied reflects a balance between law enforcement and child protection while emphasizing rehabilitation and the prevention of recidivism.

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Introduction

Children are a trust and a blessing from Almighty God, as well as the future generation of the nation who play a strategic role in ensuring the continuity of national and state life. The position of children is not only crucial within the family sphere but also in national development, encompassing intellectual, mental, and spiritual aspects. The quality of a

nation's future is largely determined by the condition of its children today; therefore, fair, humane treatment that prioritizes the best interests of the child is an obligation of all elements of society and the state (Maidin Gultom, 2012; Ismaida & Rahmayanti, 2023).

In social reality, however, children are not immune to complex social problems, including the possibility of becoming involved in criminal acts. Obstacles in fulfilling basic needs, lack of family attention, unfavorable social environments, and economic pressure can affect a child's mental development and encourage deviant behavior or juvenile delinquency (R. Wiyono, 2016; Mohammad Kholid, 2009). This condition indicates that children's involvement as perpetrators of criminal acts often does not stand alone but is closely related to structural and social factors surrounding them. The protection of children and women constitutes an essential part of the fulfillment of human rights. Within Indonesian society, which is still strongly influenced by patriarchal culture, women and children frequently become vulnerable groups exposed to discrimination and violence, whether physical, psychological, sexual, or economic.

Data from the National Commission on Violence Against Women (Komnas Perempuan) recorded a significant increase in cases of violence against women in 2022, while the Indonesian Child Protection Commission (KPAI) also reported thousands of complaints regarding violations of children's rights, with physical and sexual violence as the dominant categories (Komnas Perempuan, 2023; KPAI, 2023). These phenomena reflect the weakness of legal and social protection systems for vulnerable groups (Lubis & Triadi, 2024; Saporinah Sadli & Imelda Bachtiar, 2010). One of the most serious crimes with extensive impacts on children is the crime of child trafficking. This crime not only violates national law but also contravenes the principles of international law and human rights. Child trafficking represents a modern form of slavery that deprives children of their rights to life, education, and a decent future (Henny Nuraeny, 2011; UNICEF, 2023).

Data indicate that human trafficking crimes, including child trafficking, have experienced a significant increase from year to year, both in terms of numbers and the complexity of their modus operandi (Fitri, n.d.; Rizkan Zulyadi, 2020). Ironically, in certain cases, children are not only victims but also perpetrators of child trafficking crimes. This is reflected in Decision Number 24/Pid.Sus-Anak/2021/PN Palembang, in which a 16-year-old child was proven guilty of committing the crime of child trafficking and was sentenced to imprisonment and a fine. The decision illustrates that judges continue to impose cumulative sanctions in the form of imprisonment and fines, despite Law Number 11 of 2012 concerning the Juvenile Criminal Justice System explicitly stipulating that fines imposed on children must be substituted with vocational training or work training (Directory of Supreme Court Decisions of the Republic of Indonesia, 2021; Lidya Rahmadani Hasibuan, M. Hamdan, Marlina, & Utary Maharani Barus, 2015).

The Juvenile Criminal Justice System Law emphasizes a restorative justice approach aimed at protecting the best interests of the child, preventing stigmatization, and encouraging social reintegration through guidance and education rather than mere punishment. Work

training as a criminal sanction is intended as an educational measure to equip children with useful skills for their future, enabling them to be reintegrated into society after completing their sentence (Mohammad Kholid, 2009; R. Wiyono, 2016).

Therefore, handling child trafficking crimes committed by children requires active and synergistic roles from all law enforcement officials, not only focusing on legal certainty but also emphasizing substantive justice and child protection. An analysis of court decisions, such as Decision Number 6/Pid.Sus-Anak/2024/PN Blb, is essential to assess the extent to which criminal law policies and judicial considerations align with the principles of restorative justice and the objective of child protection, recognizing children as legal subjects who must be guided and rehabilitated rather than merely punished (Sherly Ayuna & Agus Takariawan, 2017; Titin Sumarni et al., 2022).

Method

Type of Research

This study employs a normative legal research approach (juridical normative research), which is conducted by examining library materials or secondary data as the primary sources to analyze legal norms, principles, rules, and doctrines that govern the legal system (Soekanto & Mamudji, 2015: 13). Normative legal research focuses on law as a system of written norms contained in legislation, court decisions, and legal doctrines developed by legal scholars (Marzuki, 2017: 35).

In this context, the research is directed toward analyzing the legal provisions governing juvenile criminal law, legislation related to child protection, and their application in judicial practice through a case study of Decision Number 6/Pid.Sus-Anak/2024/PN Blb. Therefore, this study emphasizes theoretical, conceptual, and normative aspects, combined with a case study approach to understand the practical application of the law in a concrete context.

Data Analysis Techniques

Data analysis was conducted using a descriptive qualitative approach, which involves examining, classifying, and interpreting legal data systematically in order to draw logical conclusions (Ibrahim, 2006: 297). The analysis focuses on identifying the judge's legal considerations, evaluating the conformity of the application of legal norms with statutory provisions, and assessing the fulfillment of child protection principles.

In addition, this study adopts a child protection and restorative justice approach as mandated by the Juvenile Criminal Justice System, which emphasizes guidance, social reintegration, and the best interests of the child (Pramukti & Primaharsya, 2018: 16). Through this approach, the research evaluates not only the formal aspects of legal application but also the substantive aspects, particularly the fulfillment of children's rights and social justice.

The results of this analysis are expected to provide a comprehensive understanding of the practical application of juvenile criminal law and offer recommendations for improving the juvenile justice system in Indonesia.

Results and Discussion

Factors Underlying the Occurrence of Child Trafficking Crimes Committed by Children

Child trafficking crimes committed by children constitute a complex legal and social phenomenon, as they place children in a dual position, namely as perpetrators of criminal acts and as individuals who remain psychologically and socially vulnerable. From the perspective of child protection, such conduct cannot be understood merely as an expression of the child's free will, but rather as the result of the interaction of various internal and external factors. Therefore, identifying the underlying causes is essential in order to understand the root of the problem and to determine an appropriate legal approach within the juvenile criminal justice system (Gultom, 2012, p. 12; Wiyono, 2016, p. 3; Emaliawati & Dasuki, 2024, p. 1).

Internal factors are primarily related to the child's stage of development, which is not yet fully mature. Children are still undergoing psychological and emotional development, resulting in limited self-control, emotional instability, and underdeveloped rational judgment. In certain situations, children tend to act impulsively, are easily persuaded, and prioritize short-term benefits over long-term risks, including legal consequences. This vulnerability makes children susceptible to influence, persuasion, or material inducements offered by others, while their understanding of legal norms and criminal sanctions remains limited (Pramukti & Primaharsya, 2018, p. 12; Wiyono, 2016, p. 16; Emaliawati & Dasuki, 2024, p. 5). Low legal awareness is often exacerbated by inadequate moral and social guidance within the family and educational environment, resulting in children lacking a clear understanding of lawful and unlawful conduct (Rahmayanti & Ismaidar, 2023, p. 1; Gultom, 2012, p. 22).

Economic factors also frequently play a dominant role in driving children into involvement in child trafficking crimes. Children from economically disadvantaged families may experience pressure to earn income, either to meet personal needs or to support their families. Economic hardship often limits access to education and skills development, thereby reducing opportunities for lawful employment. In such circumstances, illegal activities may be perceived as a shortcut to obtain financial gain, despite violating legal norms (Zulyadi, 2020, p. 11; Fitri, 2013, p. 13; Nuraeny, 2011, p. 12). Economic difficulties are also commonly associated with weak parental supervision due to parents' work obligations, creating greater opportunities for children to engage in risky social interactions and unlawful conduct (Gultom, 2012, p. 20; Emaliawati & Dasuki, 2024, p. 7).

Family conditions and the social environment further contribute significantly to the occurrence of child trafficking crimes involving children as perpetrators. Family disharmony, lack of communication, and weak social control functions within the family can drive children to seek acceptance and protection outside the home. When children are exposed to peer groups or environments in which deviant behavior, including exploitation

or trafficking practices, is normalized, such behavior may be perceived as acceptable. In this context, children may become involved due to peer influence or manipulation by adults who recruit, direct, or exploit the child's position as an intermediary (Bridgestirana & Abdullah, 2009, p. 1; Mozasa, 2005, p. 10; Nuraeny, 2011, p. 27).

Technological advancements and the widespread use of social media further increase the risk of child involvement in trafficking crimes. Social media platforms can serve as tools for recruitment, promotion, and transaction facilitation with high levels of anonymity, making parental supervision and law enforcement detection more difficult. Limited digital literacy among children exacerbates this risk, as children often lack sufficient understanding of legal, ethical, and security risks associated with online activities. Consequently, technological developments, when not accompanied by adequate education and supervision, can accelerate children's involvement in child trafficking crimes (Mozasa, 2005, p. 18; Fitri, 2013, p. 3; Zulyadi, 2020, p. 23).

The Role and Efforts of Law Enforcement in Handling Child Trafficking Cases Committed by Children

Law enforcement authorities play a strategic role in handling child trafficking crimes committed by children, while still prioritizing child protection principles and restorative justice. Within the juvenile criminal justice system, law enforcement officials are required to ensure that all procedural stages are conducted humanely, proportionally, and in a manner that safeguards the rights of the child, including legal assistance and protection from stigmatization. This orientation is consistent with the fundamental objective of the juvenile justice system, which emphasizes rehabilitation and protection rather than retribution (Pramukti & Primaharsya, 2018, p. 16; Wiyono, 2016, p. 16; Emaliawati & Dasuki, 2024, p. 12).

The police, as the first law enforcement authority involved, are responsible for conducting investigations to uncover legal facts, secure victims, and prevent further exploitation. Although the provisions of criminal procedural law apply, their implementation must be adapted to the specific characteristics of child cases. Examination procedures must avoid coercion and respect the child's dignity as a legal subject (Sasangka & Rosita, 2003, p. 11; Sasangka & Rosita, 2003, p. 26). Subsequently, the prosecution service plays a critical role in formulating charges and bringing cases to court. In juvenile cases, prosecutors bear not only a legal responsibility but also a moral obligation to ensure that prosecution strategies prioritize the child's best interests and future prospects. Accordingly, alternative sanctions of an educational and rehabilitative nature should be prioritized over imprisonment (Pramukti & Primaharsya, 2018, p. 12; Arief, 2002, p. 16).

At the judicial stage, judges occupy a central role in evaluating evidence, assessing trial facts, and considering social inquiry reports in determining criminal responsibility and appropriate sanctions. Judges must not only consider juridical aspects but also non-juridical factors, such as the child's psychological condition, family background, and potential for rehabilitation. From the perspective of criminal law policy, judicial decisions should reflect

a balance between legal certainty, utility, and justice, particularly in cases involving children who are still in a developmental phase (Arief, 2002, p. 26; Wiyono, 2016, p. 16).

Judicial Considerations in Sentencing Children as Perpetrators of Child Trafficking Crimes

Judicial considerations in cases involving children fundamentally begin with proving the elements of the criminal offense based on facts revealed during trial and lawful evidence as stipulated in criminal procedural law. Witness testimony, documentary evidence, indications, and statements of the accused must be carefully examined and interconnected to form judicial conviction. This evidentiary assessment is essential to determine whether the elements of recruitment, transfer, provision of benefits, and exploitation objectives—central to trafficking crimes—have been fulfilled (Sasangka & Rosita, 2003, p. 30; Sasangka & Rosita, 2003, p. 26). Conceptually, trafficking is understood as the act of recruiting or transferring a person for the purpose of exploitation, making exploitation the core element of the offense (Bloomsbury Reference, 2004, p. 299; Nuraeny, 2011, p. 27; Mozasa, 2005, p. 28).

In cases involving child offenders, judges are also required to assess criminal responsibility while applying the principle of the best interests of the child. Although children may be held criminally responsible, the form and severity of punishment must be adjusted to the objectives of guidance and rehabilitation. Imprisonment should not be the primary sanction where alternative measures remain available. This approach aligns with the goals of the juvenile justice system, which prioritize social reintegration, prevention of recidivism, and protection of the child's future (Pramukti & Primaharsya, 2018, p. 9; Wiyono, 2016, p. 3; Emaliawati & Dasuki, 2024, p. 12).

Judges also consider non-judicial aspects such as the child's age, psychological condition, family environment, economic pressures, and peer influence. In child trafficking cases, the harm suffered by victims extends beyond physical injury to include severe psychological and social consequences, thereby imposing an obligation on the state to provide heightened protection to children as a vulnerable group. Accordingly, while accountability for child perpetrators must be upheld, sanctions should not extinguish their future prospects but instead promote behavioral improvement through guidance and vocational training. Such an approach reflects restorative justice principles, emphasizing rehabilitation, social reintegration, and the long-term protection of children's rights (Fitri, 2013, p. 23; Zulyadi, 2020, p. 23; Gultom, 2012, p. 40; Pramukti & Primaharsya, 2018, p. 12; Arief, 2002, p. 12).

Discussion

The results of this study indicate that the crime of child trafficking committed by minors is the result of the interaction of various internal and external factors. Economic pressure, family disharmony, weak parental supervision, negative peer influence, and the misuse of digital technology collectively increase children's vulnerability to becoming

perpetrators. These findings are consistent with theories of juvenile delinquency which emphasize that children's involvement in criminal activities is more strongly influenced by social and environmental conditions rather than purely by individual intent.

Furthermore, the handling of the case by law enforcement authorities reflects the implementation of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. The police, prosecutors, and the courts applied procedures that prioritize child protection, legal assistance, and the principles of restorative justice. This approach is aligned with the primary objective of the juvenile criminal justice system, which emphasizes rehabilitation and social reintegration rather than punitive retribution.

The judge's considerations in Decision Number 6/Pid.Sus-Anak/2024/PN Blb demonstrate a balance between legal certainty and child protection. Although the elements of the criminal offense were proven, the judge prioritized the principle of the best interests of the child by imposing guidance and vocational training sanctions as alternatives to imprisonment. This decision reflects the progressive application of juvenile criminal law aimed at preventing recidivism while safeguarding the child's development and future.

Conclusion

Based on the results of the research and discussion, the following conclusions can be drawn:

1. Factors Causing Children to Commit the Crime of Child Trafficking

The involvement of minors as perpetrators of child trafficking is influenced by interrelated internal and external factors. Internal factors include psychological immaturity, low legal awareness, and the limited capacity of children to consider legal consequences. External factors include family economic pressure, weak parental supervision and attention, negative peer environments, and the misuse of digital technology. These conditions indicate that children's involvement as perpetrators cannot be separated from the social and environmental influences in which they grow and develop.

2. The Role and Efforts of Law Enforcement in Handling the Case

Law enforcement authorities have carried out their roles in accordance with Law Number 11 of 2012 concerning the Juvenile Criminal Justice System by prioritizing the principles of child protection and restorative justice. The police, prosecutors, and the courts implement special procedures that guarantee the rights of children, including legal assistance, humane treatment, and an orientation toward guidance and rehabilitation. Consequently, the imposition of sanctions on minors does not focus on retribution but rather on behavioral improvement and social reintegration.

3. Legal Policy and Judicial Considerations in the Decision

In Decision Number 6/Pid.Sus-Anak/2024/PN Blb, the panel of judges comprehensively considered both juridical and non-juridical aspects before delivering the verdict. Although the elements of the crime of human trafficking were deemed to

have been fulfilled, the judges prioritized the principle of the best interests of the child by imposing guidance and vocational training sanctions as alternatives to imprisonment. The decision reflects a balance between law enforcement and child protection while emphasizing educational and rehabilitative objectives.

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