

# Analysis of Child Protection as Victims of Family Exploitation

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## ABSTRACT

The protection of children must be endeavoured in the various spheres of life and life of the state, society, and family according to the law for the rightful treatment, fairness, and well-being of children protecting children is protecting human beings, and building humanity as a whole. The essence of rational development is Indonesian human development that is entirely noble. Ignoring the protection of children can result in a variety of social problems that impede law enforcement, security, and national development. In this study, the researchers used the method of literature study/ library study. The protection of children is not in difficult and vulnerable circumstances so that it needs to be protected, but enters the wider area of child welfare both socially, economically and culturally and even politically. The right of a child to freedom of expression and access to information constitutes an integral part of the expansion of the rights and protection of the child.

**Keywords:** children, protection, exploited, family

## INTRODUCTION

Children are a trust and a gift from Almighty God. They have inherent dignity as whole human beings. Children also have human rights that are recognized by all societies in the world. It is recognized that during the period of physical and mental growth, children need special care, protection and legal safeguards, both before and after birth. It should be recognized that

the family is the natural environment for the growth and welfare of children. However, children should be protected and said, but there are people who exploit children. family is a set that becomes the initial foundation for a person to grow and develop, where a very influential network is involved between parents and children. In this context, it is the lack of awareness of parents who do not care about their responsibilities, so they unwittingly make children victims of exploitation, without thinking about the impact that can occur on children (Masta, 2016).

The government has enacted child protection legislation, including Article 28B(2) of the 1945 Constitution (Third Amendment), which states that "Every child has the right to survival, growth and development, and the right to protection from violence and discrimination". Basically, child protection aims to ensure the fulfillment of children's rights as stipulated in the Convention on the Rights of the Child. The rights of children in relation to the issues raised in this research are further specified in Article 13(1) of Act No. 23/2002 on Child Protection, namely "Every child, while in the care of parents, guardians or any other person who is responsible for or cares for the child, has the right to protection from:

- a) discrimination
- b) Exploitation, both economic and sexual
- c) Neglect

d) Cruelty, violence and abuse:

1) Injustice

2) Other maltreatment”

Child protection aims to ensure the fulfillment of children's rights to live, grow, develop and participate optimally in accordance with human dignity and to be protected from economic and sexual exploitation of children. Children, who should receive protection, love and supervision from their parents, should be properly educated and cared for in accordance with their rights as children so that there are no deviations in their growth period (Octalina, 2014).

According to Law No. 23 of 2002 on the Protection of Children, a child is a person under 18 years of age, unmarried, including children in the womb. According to the KBBI, exploitation is the use of a child for one's own benefit. What is meant by exploitation of children by parents or other parties based on Law No. 23 of 2002 on Child Protection, namely, placing, allowing, doing, ordering or participating in economic or sexual exploitation of children (Juniara & Cahyaningtyas, 2023). Thus, it is clear that exploitation of children is a shameful act because exploitation of children has deprived children of their rights, such as receiving love from parents, proper education, and playing facilities appropriate for their age. In addition, exploitation of children can have an impact on the physical and psychological disorders of children. It can also have a long impact on the future of children who are less able to distinguish between right and wrong due to the low level of education of exploited children (Baufitriago, 2018).

Deviations in unlawful behavior committed by children are caused by various factors, including the negative impact of rapid development, globalization in communication and information, advances in science and technology, and changes in lifestyle, which have brought about fundamental social changes in people's lives, so that they will greatly affect the values and behavior of children. In addition,

children who lack or do not receive affectionate guidance, guidance in the development of attitudes and behaviors, self-regulation, and supervision from parents, guardians, or foster parents will be easily drawn into unhealthy associations that will be detrimental to their personal development. It may even open opportunities for children to commit criminal acts (Sallo, 2017).

One type of child exploitation is economic exploitation. One way is by making children as artists. In television programs, children often appear with thick makeup, adult-like clothes, broadcast hours exceeding three hours, and sing adult songs determined by the producer or play certain roles as actresses/actors. Television industry actors and parents often do not realize that they are exploiting children (Lewis, Johnson, & Askins, 1978). Parents' reasons for developing children's talents should not reduce children's human rights as stated in Law No. 23 of 2002. This is because during this period children still really need parental guidance both in playing and learning. In addition, the phenomenon of children becoming child artists must also consider the psychological side of the child because at that time the children were still in the stage of self-discovery and attitude formation. Children who pursue this field of art also seem as if it is not a form of talent development or at least if there is talent development it is only small because what stands out is that the child works as an artist and gets paid for what he has done (Sallo, 2017).

KPAI noted that in 2012, the number of complaints of child trafficking and exploitation received by KPAI through direct reports, letters and telephone calls was 19 cases. Meanwhile, based on the monitoring conducted by KPAI in print, electronic and online media, there were 125 cases of trafficking and exploitation of children. Based on the results of KPAI Monitoring and Evaluation (Monev), there are 2 (two) factors that influence the

occurrence of trafficking and exploitation including (Setyawan, 2014):

1. Internal factors:

- A. Geographical: 1) Archipelago shape, many gaps in and out; 2) Indonesia is located close to countries that use TKI services
- B. Economy: 1) Poverty, Limited Employment, Increase in Unemployment; 2) Limited job opportunities and lack of social security;
- C. Social and Cultural (Low quality of human resources);
- D. Security (Weak supervision of PJTKI; Limited Security Apparatus; Weak Coordination of Relevant Agencies).

2. External Factors:

- A. Advances in Information Technology, Transportation
- B. Increased Need for Overseas Workers
- C. Migrant worker agents in foreign countries that are not under surveillance
- D. The Competitive Value of Indonesian Migrant Workers is lower compared to workers from other countries
- E. Arbitrariness of Employers Beyond the Reach of Supervision
- F. Weakness of Indonesian Diplomacy / Promotion Efforts

Many child performers end up fighting or running away from their parents due to excessive exploitation by their parents. Among them are Arumi Bachsin, Marshanda, Juwita Bahar, Aurelia Moeremans, Al Ghazali, El Jalaluddin Rumi, and Abdul Qadir Jaelani, etc. Many child artists who should be in school are instead on the set. They are also deprived of their right to play by the untimely shooting schedule. Dhani Ahmad, for example. His wife, Maia Estianty, accused him of exploiting his three children by allowing them to participate in filming. In fact, according to Maia, Al, El and Dul will soon

be facing the Evaluation of Learning Results (EHB). Meanwhile, little Dul is still not well after being hospitalized. The accusations against Dhani, however, were considered cruel by the frontman of the Dewa 19 band.

For Dhani, directing his three children to play in the role art is something positive. A similar opinion was expressed by Memo Sanjaya, Juwita's father. Memo admitted that what he does is to support and develop the talents of his children. Little celebrities who are in the entertainment world are closely related to education. This profession demands a lot of time from them. Nilam Zubir has realized this. But according to her, education remains number one. Even Nilam is ready to leave the entertainment world to pursue education. Meanwhile, the chairman of the National Commission for Child Protection, Seto Mulyadi, believes that it is confusing to talk about career issues and underage performers. Therefore, he asked to return to internal motivation. "Whenever there is a time when children play, but the play activity brings money. So what still needs to be looked at is the internal motivation. don't turn it upside down," said Kak Seto (Liputan6, 2007). Judging from several categories of forms of exploitation, among others are as follows (Masta, 2016):

- a. Physical Exploitation Any form of physical abuse, which can be in the form of pinches, punches, kicks, and other actions that can harm children.
- b. Emotional and Character Exploitation Emotional exploitation is all acts of belittling or underestimating children and comparing, then the child's self-concept is disturbed, the child feels worthless to be loved and loved, and several things about the formation of character received by children due to attention or behavior that is not in accordance with their growth.
- c. Exploitation Neglect Neglect of children includes partial abuse, which is any absence of adequate attention, both physical, emotional

and social as well as the rights that should be obtained by the child. Some of the neglect are: Educational neglect, emotional neglect, health neglect, and neglect of child development rights.

They have a day and night schedule, so the basic rights of the child are not fulfilled. Arumi Bachsin, who should be playing with her friends, has to be busy with filming activities and interviews. And this is a clear violation of children's rights in Article 10 of Law No. 23 of 2002 on Child Protection, which stipulates that "Every child has the right to rest and enjoy leisure time, to socialize with peers, to play, recreate and be creative in accordance with his or her interests, talents and intelligence level for self-development. Does it not occur to their parents that they have actually exploited their children for the sake of money and fame? Based on the above description, the author feels the need to discuss the protection of child artists who are exploited by their families.

## **MATERIALS & METHODS**

In this study, the researchers used the literature review/library review method. Any attempt made by a researcher to gather information on a subject or problem to be studied is called a library study. Research reports, theses and dissertations, books, encyclopedias, rules, regulations, yearbooks, and other sources, both printed and electronic, can provide this information. Library research is an integral part of research. Library research can help researchers discover the basic theories about problems and fields to be studied. In addition, by conducting library research, a researcher can obtain information about previous research and similar research. They can also use any information and ideas that are relevant to their research.

## **RESULT**

In 2010, Arumi Bachsin reported her own mother to Polda Metro Jaya for alleged domestic violence and exploitation. Arumi

also told the Indonesian Child Protection Commission (KPAI) about everything that happened until she became depressed. According to Arumi, she was also beaten, before she became an artist, there was a special call that was inappropriate for her (what she called could not be mentioned), continued economic and sexual exploitation, then asked for protection. Arumi's relationship with Malaysian soap opera actor Miller is also said to be the culprit of Arumi's quarrel with her parents. In fact, Miller is suspected of being the reason why Arumi ran away from home. At the time, Arumi's parents did not approve of their daughter's relationship with Miller. Because she was constantly depressed, she decided to run away and ended up living in a halfway house in the Cipayung area of East Jakarta. Because of her depression, Arumi is said to have attempted suicide several times. Arumi's feud with her mother was over, but the "White and Gray and Sneakers" movie player was back in the public eye. At that time, Arumi ran away from home again. It was not a matter of child exploitation or being restrained in her love affairs, but the second edition of the runaway was motivated by Arumi's reluctance to be paired with a man who was older than her (Triasih, 2017).

Exploitation also happened to Marshanda, who has worked as an artist since childhood. At that time she played Lala in the soap opera *Bidadari*. Her skillful acting earned her many offers from soap opera producers. Since then, almost every day of Marshanda's teenage life has been spent on the set. As a result, Marshanda was not only physically tired, but also mentally tired. The climax came in 2009, when Marshanda deliberately uploaded her video to Youtube. In the video, Marshanda is seen angrily yelling at her elementary school friend. Many say it was her mother who pushed her too much and made her like that (Putri, 2019). And in January 2019, artist Tyas Mirasih was reported to Polda Metro Jaya for exploiting a child named Amandine, who is her niece. Tyas was reported for child protection

offences with a 10-year threat of economic exploitation of children. Tyas' aim is to make profit from Amandine by making Amandine an Instagram endorsement model and the results are allegedly used for the benefit of Tyas (Waluyo, 2019).

Social development is the attainment of maturity in social relations. Social development can also be defined as the process of learning to adapt to group norms, morals, and traditions; to merge into a single unit; and to communicate and cooperate with each other. Children's social skills are acquired through various opportunities and experiences of interacting with people in their environment (Maslow, 1987). According to several experts, from the point of view of child sociology, the form of direct or indirect exploitation treatment will have a great influence on their future behavioral patterns. In the development towards social maturity, children can realize what is experienced in the forms of social interaction among them (Masta, 2016):

1. Aggression is the behavior of counterattacking physically (non-verbal) or verbally (verbal). Aggression is a form of reaction to frustration (disappointment because the needs or desires are not met). Usually this form is realized through attacks such as; pinching, biting, kicking and so on.
2. Defiance (Negativism) forms of counter behavior. This behavior occurs as a reaction to the application of discipline or the demands of parents or the environment that are not in accordance with the child's will.
3. Teasing (Teasing) Teasing is another form of aggressive behavior; teasing is a mental attack on others in verbal form (words of ridicule or scorn) that causes anger in the person being teased.
4. Competition (Rivalry) Namely, the desire to surpass others and to always be pushed by others. This attitude begins to be seen at the age of four, namely prestige competition, and at the age of six this competitive spirit becomes better.

5. Ascendant Behavior is the behavior to master social situations, dominance or bossiness. The manifestations of this attitude are; forcing, asking, ordering, threatening and so on.

6. Self-interest (Selfishness) Namely an egocentric attitude in fulfilling his interests or desires.

This childhood is a process of growth and development in which children need to play with their peers, learn, and also receive good attention from the family environment, school environment, and community environment. Because this will be the basic capital of how the child will body in the next development.

7. Emotional formation Children's emotions are formed from what children receive due to poor parental treatment, so the emotional children who have not been able to accept the appropriate result in actions taken by children will imitate the bad habits they receive. And this can get worse when the child no longer feels that he is getting good attention like other children.

8. A sense of trauma. Continuous unfavorable treatment by parents and accepted by children without thinking about their psychological development makes children feel depressed, anxious, and even fearful. So that in the social development of children, they can think about themselves and others. But these thoughts are manifested in self-reflection, which often leads to self-evaluation and criticism of the results of their association with other people and the environment that influences them, or is called egocentric.

Work should be done in the best interest of the child, to channel his talent. Not because of their parents' ambitions, let alone to be their parents' gold mine. That is exploitation. Therefore, children should not be forced to work. If children work, the time should not exceed 3 hours a day, it should not be at night, and it should not interfere

with learning, playing and resting hours, said Kak Seto to Detik.com (Detikhot, 2009). In fact, child protection has been integrated into the national law, which is scattered in the Civil Code, Criminal Code and a number of laws and regulations on child protection. Internationally, the world community has had a legal instrument since 1989, the UN Convention on the Rights of the Child. The CRC describes children's rights in a detailed, comprehensive and progressive manner. Because the CRC positions children as themselves and children's rights as a segment of humanity that must be helped to struggle along with adults. Therefore, the implementation of children's rights seeks to strengthen the order, system and structural construction that is pro-child/children's rights. This effort is in line with legal reform efforts that undermine the legal thesis that is exploitative-destructive to children (Piri, 2003).

UNICEF in this case has established several criteria for exploitative child labor, namely when it involves (Ananta, 2004):

- a) Full-time work at an early age;
- b) Too much time is spent working;
- c) The work causes physical, social and psychological pressure that should not occur; d) Insufficient wages;
- d) Too much responsibility;
- e) Work that hinders access to education;
- f) Work that reduces children's dignity and self-esteem, such as: slavery or forced indentured labor and sexual exploitation;
- g) Work that impairs full social and psychological development.

Juridically, Indonesia already has a set of laws and regulations to guarantee children's rights and reduce the impact of child labor, among others:

- 1945 CONSTITUTION
- Ratification of ILO Convention No. 138 into Law No. 20/1999 on Minimum Age for Employment
- Ratification of ILO Convention No. 182 into Law No. 1 of 2000 on the

Violation and Immediate Action for the Elimination of the Worst Forms of Child Labour

- Law No. 23 of 2002 on Child Protection
- Law No. 13 of 2003 on Labor

Although there is a set of regulations that protect children from the dangers of economic Exploitation, the tendency of the quality of the problem of economic exploitation of children from year to year has grown in complexity towards the worst forms of exploitative work, endangering the physical, mental, moral, social and intellectual growth and development of children (Octalina, 2014).

The socialization, promotion and enforcement of children's rights must be carried out continuously and seriously, considering that children's issues have not become a major issue in development. Enforcing children's rights requires engagement with adults who have power, capital, urgency, and other supporting resources. The involvement of children in economic activities is also due to the urge to help ease the burden on parents, work to gain respect from the community, as well as the desire to enjoy the results of work efforts are factors that motivate child labor. However, the main reason that drives children to work is the demand of their parents to earn additional income for the family. Children often cannot avoid being involved in work. The task that should be done by parents to work for a living is now imposed on children who do not really understand and appreciate the world of work (Piri, 2003). The ignorance of parents about the Convention on the Rights of the Child is the cause of the emergence of child labor, as well as the statement of UNICEF as the World Organization for the Protection of Children in the United Nations, that one of the factors that causes minors to be forced to work is the ignorance of parents about the Convention on the Rights of the Child and the law on children. For parents, children have a certain economic value. Although H.'s parents didn't tell their children to work,

he admitted that he and his wife were happy if his son was willing to help him ease the family's economic burden. It can be concluded that the opinion of all subjects that children have a certain economic value is the cause of the emergence of underage labor (Soemitro, 1990).

As a field of study, child protection law has been recognized in several Western countries, through special writings on the subject. For countries that recognize codification, such as the Netherlands, there are efforts to adapt in the field of law, by reviewing the articles contained in the law books, both public and civil, articles that are detrimental to the lives of children. The role that the state must play in the issue of child labor is to accommodate the best interests of children to save the survival of the nation and state, through the guarantee of protection of the lives of Indonesian children, both by legislative, executive and judicial institutions are (Soemitro, 1990):

a. Central Legislature:

- Formulation of comprehensive child protection laws and regulations;
- Budget allocation for the best interests of children
- Supervising the performance of the executive in the implementation of laws and policies on child protection;
- Formulate regulations and implement strict sanctions for law violators;
- Conducting socialization to the constituents represented about child protection efforts.

b. Regional Legislature:

- Agendaize children's issues as a perspective for formulating regional policies;
- Formulate more concrete local regulations in accordance with the characteristics of the conditions of children and child labor in each region;
- Allocate a proportional regional budget for the best interests of children and child labor;

- Supervise local government implementation of local regulations on the elimination of child labor;
- Formulate the application of sanctions for violators of children's rights and child labor.

c. Central Executive:

- Immediately implement efforts to eliminate the worst forms of child labor;
- Implement laws and regulations in a fair and responsible manner;
- Conduct socialization of various laws and regulations on children and child labour;
- Supervise and remove violators of children's rights and child labor;

d. Regional Executive:

- Identify the worst forms of child labor in their respective regions;
- Implement local regulations for the protection of children and child labor;
- Conduct monitoring and prosecution of violators;
- Report periodically to the public on the condition of child labor.

e. Judiciary:

- The role of the judiciary at the central and local levels is to enforce the law and all regulations related to the prohibition of child labor.

The legal protection of children can be understood as an attempt to protect the fundamental rights and freedoms of children, as well as the interests related to the well-being of children. Thus, the issue of the legal protection of children covers a very wide area. Based on the above limitations, the scope of legal protection for children includes (a) the protection of the child's freedom; (b) the protection of the child's national rights; and (c) the legal protection of all interests related to the child's well-being. The jurisprudential consideration of the rights of adults (by which UUD 1945 uses the word any person who has already possessed must include children) to children's rights in relation to the understanding of children according to

some rules of law, is transferred to those who are no longer children in the view of society from the point of view of age, so that the rights as those of adults should also be the children.

The scope of the legal protection of the child includes the protection of the freedoms of the child, the protection of the rights of the child, the protection of all the interests of the child related to the well-being of the child, and the consequence of the scope of the legal protection of the child such as the above is that all legislative policies (legislative products) concerning the child must be focused on the enforcement of the freedom of the child, the enforcement of the right of the child and the realization of the well-being of the child. (Partiana, 2002).

The efforts for the protection of the child should be carried out as soon as possible, from the fetus in the womb until the child is 18 (eighteen) years old. Contrary to the concept of integral, comprehensive and inclusive child protection, Law No. 23 of 2002 establishes the obligation to provide child protection based on principles (Zarzani, 2017): Non-discrimination is a principle that does not discriminate, restrict, or exclude a child, either directly or indirectly based on religion, tribe, race, social status, economic status, culture, or gender, which may affect the realization and protection of the rights of the child.

1. The best interests of the child are the principles that emphasize that the best interests of the child should be the primary consideration in all actions taken by government, society, or legislative and judicial bodies concerning children.
2. The legal basis for life, survival and development is the basis that emphasizes that every child has the right to live in safety, peace, happiness, birth and inner well-being, as well as to the fulfillment of his or her basic needs for dignified growth and development, and to achieve a decent standard of living for the child's physical, mental, spiritual, moral and social development,

which must be fulfilled by the parties specified by law as having the duties and responsibilities for it, namely, parents, society and government.

3. The basis of respect for the views of the child is a basis that grants the child the right to express his or her views in all matters that affect the child. The protection of children is an attempt to create conditions and circumstances that enable the exercise of the child's human rights, which is also the realization of justice in a society (Bambang, 2013).

## CONCLUSION

Children also have human rights that are recognized by communities around the world. Recognized in the period of physical and mental growth, children need special care, protection and legal protection, both before and after birth. But the child is supposed to be protected and said, but there are only people who exploit the child. In this context, it is the lack of consciousness of parents who do not care about their responsibilities, so they unconsciously make the child a victim of exploitation without thinking about what effect it could have on the child. In Indonesia, there are a number of laws that guarantee the rights of children and reduce the impact of child labor. Ignorance is one of the causes of child exploitation. The need for socialization of existing regulations, prevention and enforcement of cases of child exploitation can reduce the incidence of such cases.

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