

Economic Exploitation of Children in Indonesia: An Analysis of Positive Law and Islamic law

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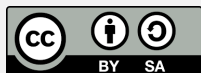
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ABSTRACT

This study delves into the topic of juvenile street performers in Gorontalo City and seeks to understand how well Islamic law and Indonesia's positive legal system work together to protect children from being exploited economically. The economic exploitation of children continues owing to factors such as poverty, familial dependency, insufficient institutional coordination, and limited public awareness, even though there are extensive rules such as the Child Protection Law (Law No. 35 of 2014) and the Manpower Law (Law No. 13 of 2003). This research delves into the theoretical framework and its application via a qualitative juridical-normative lens, bolstered by field observations and an Islamic legal viewpoint. Research shows that despite severe prohibitions and consequences in Indonesia's legal instruments, enforcement is still patchy and reactive, focussing on symptoms rather than causes. Seen through the lens of Islamic law (shari'ah), the exploitation of children is seen as a breach of the principles outlined in maqāṣid al-syari'ah, specifically the protection of life (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), and lineage (ḥifẓ al-nasl). Legal enforcement, education, poverty alleviation, and community-based moral awareness must all be part of a comprehensive plan to effectively safeguard children, which must incorporate positive law with Islamic social and ethical precepts. The research found that for Indonesian children to truly be protected, the legal system must function as a social and moral mechanism based on justice ('adl), compassion (rahmah), and public welfare (maṣlahah), rather than just a prohibitory tool.

1. Introduction

The establishment of the Unitary State of the Republic of Indonesia, as articulated in the preamble of the 1945 Constitution, rests upon four fundamental objectives: to protect all citizens and the national territory, to advance public welfare, to cultivate intellectual life, and to participate actively in maintaining world peace based on freedom, lasting harmony, and social justice.¹ These constitutional ideals illustrate the moral and legal commitment of the Indonesian state to guarantee protection, education, and prosperity for all its people, including children as the next generation of the nation.² Within this philosophical foundation, children are positioned not merely as individuals in need of care but as moral subjects possessing dignity, human value, and inherent rights that must be recognized and safeguarded.

Children embody the potential and future of a nation. Their growth, welfare, and education determine the trajectory of national progress and civilization. Hence, ensuring the fulfillment of children's rights is not simply a matter of policy but a constitutional obligation. The 1945 Constitution, particularly Article 28B paragraph (2), explicitly affirms the right of every child to live, grow, and develop in a supportive environment free from violence and discrimination. To implement these constitutional mandates, Indonesia has enacted a series of child protection laws, beginning with Law No. 23 of 2002 concerning Child Protection, subsequently amended by Law No. 35 of 2014, and later strengthened through Law No. 17 of 2016. These legal instruments collectively form a comprehensive framework aimed at securing children's rights and ensuring their holistic development.³

The definition of a child, as stipulated in Article 1(1) of the Child Protection Law, encompasses every individual under eighteen years of age, including those still in the womb. This inclusive understanding emphasizes the state's responsibility to protect children from threats that may hinder their physical, mental, and social development. Furthermore, Article 20 of the same law assigns collective responsibility to the State, Government, Regional Governments, Society, Families, and Parents for the realization of child protection. This collective duty underscores that child protection cannot rely solely on governmental institutions but must be supported by societal and familial participation.

In Islamic law, child protection is not only a legal duty but also a divine command rooted in the principles of *maqāṣid al-syarī'ah* (the higher objectives of Islamic law). Islam mandates the preservation of life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*), all of which are violated when children are forced into exploitative labor.⁴ The Qur'an explicitly prohibits acts that harm children, as stated in Surah Al-Isra' [17]:31: "Do not kill your children for fear of poverty; We provide for them and for you." This verse emphasizes that economic hardship can never justify actions that endanger children's welfare or dignity.

Furthermore, Prophet Muhammad SAW strongly condemned oppression (*ẓulm*) and neglect toward the weak, including children. The Hadith narrated by Bukhari and Muslim declares, "Each

¹ Mexsasai Indra, Geofani Milthree Saragih, and Mohamad Hidayat Muhtar, 'Strength of Constitutional Court Decisions in Judicial Review of the 1945 Constitution in Indonesia: Kekuatan Putusan Mahkamah Konstitusi Dalam Pengujian Undang-Undang Terhadap Undang-Undang Dasar 1945 Di Indonesia', *Jurnal Konstitusi*, 20.2 (2023), pp. 279–99.

² Askari Razak and others, 'Balancing Civil and Political Rights: Constitutional Court Powers in Indonesia and Austria', *JILS*, 8 (2023), p. 1311.

³ LPVA Pujayanti, Z Z Nugrahayu, and ..., 'Indonesia's Constitutional Court: Bastion of Law Enforcement and Protector of Human Rights in The Reform Era', *Jurnal Pamator ...*, 17.1 (2024), pp. 35–49 <<https://journal.trunojoyo.ac.id/pamator/article/view/24128>>.

⁴ Ahmad Maulana Syaroni and Alfa Syahriar, 'Anak Jalanan Sebagai Mustahik Zakat Dalam Perspektif Maqasid Al-Syariah', *Isti'dal: Jurnal Studi Hukum Islam*, 9.2 (2022), pp. 170–90, doi:10.34001/ijshi.v9i2.3982.

of you is a shepherd, and each of you is responsible for his flock.”⁵ Islamic law principles in Indonesia's child protection system emphasize the moral and spiritual dimensions of justice, recognizing that exploitation of children is a breach of trust against the divine mandate of stewardship. This aligns with constitutional and Islamic values, promoting compassion and social responsibility. However, the implementation of these protections remains inconsistent, particularly in cases involving economic exploitation. Child street performers, dressed as clowns, are a significant issue, sacrificing children's rights to education, leisure, and safety. The persistence of child exploitation in informal urban economies calls into question the effectiveness of current child protection mechanisms and the capacity of law enforcement agencies to translate normative commitments into tangible protection.⁶

The persistence of economic exploitation among children also intersects with Indonesia's labor law framework. Law No. 13 of 2003 on Manpower, particularly Article 69, permits limited employment of children aged 13 to 15 under the condition that the work is light and does not disrupt their health or development. However, in practice, this provision has been misused to justify exploitative labor under the guise of economic necessity. Law No. 35 of 2014, through Article 76I and Article 88, strictly prohibits and penalizes all forms of economic or sexual exploitation of children, with sanctions of imprisonment up to ten years and fines reaching two hundred million rupiah. These legal norms, although comprehensive, often encounter obstacles in enforcement due to weak institutional coordination and limited social awareness.

The contrast between Indonesia's strong legal framework and the continuing presence of child exploitation reflects a broader structural dilemma: the gap between legal idealism and social implementation. Child protection in Indonesia thus demands more than punitive measures; it requires a multidimensional approach that integrates legal, social, and economic strategies. Eradicating child exploitation necessitates not only enforcement of existing laws but also efforts to alleviate poverty, expand access to education, and strengthen community-based protection systems. The phenomenon of children working as street clowns in Gorontalo stands as a poignant reminder that constitutional ideals remain unfulfilled as long as children are compelled to exchange their right to childhood for survival.

2. Research Methods

This study analyzes the positive legal framework and Islamic law principles governing child protection in Indonesia, specifically in Gorontalo City. It examines the 1945 Constitution, Law No. 23 of 2002 on Child Protection, and Law No. 13 of 2003 on Manpower. The Islamic legal approach examines Qur'anic injunctions, Hadiths, and principles of *maqāṣid al-syarī'ah*, focusing on the protection of life, intellect, and lineage. The study uses documentary analysis and field observations to identify areas of consistency, weakness, and gaps in enforcement to prevent economic exploitation of children.

3. Result and Discussion

3.1. The Effectiveness of Indonesia's Legal Framework and Islamic law in Preventing Economic Exploitation of Children

The effectiveness of Indonesia's legal framework in preventing economic exploitation of children must be examined as both a matter of constitutional fulfillment and a test of the state's moral legitimacy. The nation's founding document, the 1945 Constitution, clearly positions child

⁵ Rahmat Hidayat, 'Tanggung Jawab Dan Peran Orang Tua Terhadap Pendidikan Anak Dalam Pandangan Islam', *Al Hikmah: Journal of Education*, 1.2 (2021), pp. 141–52, doi:10.54168/ahje.v1i2.17.

⁶ Rahmat Huruji, Moh Rusdiyanto U Puluwulawa, and Mohamad Hidayat Muhtar, 'Penegakan Hukum Kekerasan Seksual Terhadap Anak Di Polres Boalemo (Studi Kasus Diwilayah Kepolisian Resor Boalemo)', *SINERGI: Jurnal Riset Ilmiah*, 1.5 (2024), pp. 282–93, doi:10.62335/paam4k13.

protection as a fundamental expression of social justice. Article 28B paragraph (2) establishes the right of every child to survival, growth, and protection from violence and discrimination. Yet the continued presence of children working in informal sectors such as street performances, domestic labor, or other exploitative environments demonstrates that constitutional ideals have not fully translated into operational reality. The gap between legal text and lived experience reveals not only the limitations of enforcement mechanisms but also the structural challenges embedded within Indonesia's legal and institutional design.⁷

Indonesia's child protection framework has evolved since the early 2000s, with the enactment of Law No. 23 of 2002 and subsequent amendments. These laws prohibit any act that places, involves, or permits children to be used for economic gain. Article 76I of Law No. 35 of 2014 and Article 88 establish severe penalties for those found guilty. However, the normative rigor of these provisions has not been matched by the degree of practical enforcement. In Gorontalo City, at least eight children aged 13-15 were found performing alongside 18 adults, highlighting a larger systemic issue.⁸

The Manpower Law (Law No. 13 of 2003) offers an additional layer of regulation, addressing the employment of minors. Article 69 provides a narrow exception by permitting children aged thirteen to fifteen to perform light work, provided that such employment does not interfere with their health, safety, or development. Theoretically, this provision aims to accommodate cultural and economic realities where children may contribute to family livelihoods through safe, supervised, and non-exploitative labor. In practice, however, this exception has often been misinterpreted or manipulated to justify the employment of minors in conditions that are neither light nor safe. The elasticity of interpretation within this article has created a legal gray zone, where enforcement officers face difficulties distinguishing between permissible participation and exploitative labor. Consequently, the line separating economic contribution from economic coercion becomes dangerously thin.

Indonesia's legal system faces a tension between the Child Protection Law and the Manpower Law, which both prohibit exploitation. The lack of clear regulatory mechanisms has led to inconsistent enforcement across regions, with local authorities often lacking the capacity or political will to enforce the law rigorously. This situation in Gorontalo exemplifies the dilemma, as child street performers are seen as a sign of socioeconomic distress. The state's moral responsibility extends beyond punishment to create viable social alternatives. Despite the existence of multiple agencies and programs, coordination among institutions remains fragmented due to jurisdictional overlaps, limited budget allocation, and insufficient data integration.⁹ Conversely, law enforcement agencies may possess prosecutorial power but lack the social resources necessary for rehabilitation and reintegration. The result is a cycle of partial interventions sporadic raids, short-term shelter placements, and limited follow-up that fail to address the root causes of exploitation.

A critical examination of Article 76I and Article 88 of the Child Protection Law reveals another dimension of the enforcement problem: the evidentiary threshold required for prosecution. Cases of economic exploitation often occur within informal or domestic settings, where documentation, witness cooperation, and institutional reporting are minimal. In such circumstances, the state's capacity to collect evidence sufficient for conviction becomes limited. Moreover, when the

⁷ Novia Grace Lahmado, Mohamad Rusdiyanto U. Puluhalawa, and Mohamad Hidayat Muhtar, 'Tinjauan Viktimologi Terhadap Tindak Pidana Kekerasan Seksual Pada Anak Di Wilayah Hukum Polres Boalemo', *Sinergi: Jurnal Riset Ilmiah*, 1.6 (2024), pp. 365–75, doi:10.62335/m4nerb70.

⁸ Dolot Alhasni Bakung and others, 'Tanggung Jawab Keperdataan Orang Tua Terhadap Anak-Anak Pasca Perceraian Di Wilayah Gorontalo (Penyuluhan Di Desa Kaaruyaan Kecamatan Mananggu Kabupaten Boalemo)', *Jurnal Pelayanan Hubungan Masyarakat*, 1.2 (2023), pp. 51–68, doi:10.59581/jphm-widyakarya.v1i2.617.

⁹ dolot Alhasni Bakung And Others, 'Tanggung Jawab Anak Terhadap Orang Tua Lanjut Usia (Lansia) Di Desa Kaaruyan Kecamatan Mananggu Kabupaten Boalemo', *Nusantara Jurnal Pengabdian Kepada Masyarakat*, 2.3 (2022), pp. 142–55, doi:10.55606/nusantara.v2i3.1442.

perpetrators are family members, social stigma and emotional dependence frequently deter victims from seeking justice. The legal framework, though robust in definition, struggles to operate effectively within the social realities of dependency, fear, and poverty.

The challenge is compounded by cultural perceptions that often blur the distinction between child work and child exploitation. In many Indonesian communities, the participation of children in family-based or communal economic activities is seen as a traditional form of socialization rather than a violation of rights. This cultural normalization complicates the enforcement of modern legal standards derived from human rights conventions. Legal awareness campaigns and social education have been implemented sporadically but rarely achieve sustained impact due to limited reach and funding. Without a shift in societal attitudes, legal reform alone cannot eradicate practices deeply rooted in socio-economic survival strategies.

From a legal perspective, Indonesia's ratification of the United Nations Convention on the Rights of the Child (UNCRC) signifies a commitment to align national policies with international human rights standards. The convention obliges state parties to protect children from economic exploitation and from performing work that is likely to be hazardous, interfere with education, or be harmful to health or development. This international framework provides moral and legal legitimacy to Indonesia's domestic legislation. However, the persistence of child street performers indicates that the implementation of international obligations remains incomplete. The state's compliance tends to be declarative rather than transformative, focusing on legislative alignment rather than structural reform.¹⁰

The enforcement of child protection in Indonesia is hindered by limited capacity of local law enforcement agencies, with minimal personnel, inadequate training, and insufficient coordination with judicial authorities. This results in inconsistent outcomes and discourages the pursuit of justice. The sanctions stipulated in Article 88 are rarely applied in practice, reflecting underreporting and selective enforcement. The law's deterrent power depends on the certainty of its application, which remains elusive in Indonesia's child protection system. The intersection of poverty, law, and morality creates a paradox, as legal frameworks alone cannot rectify structural inequalities or cultural complacency.

An effective child protection system must operate not merely as an apparatus of prohibition but as an ecosystem of empowerment. Preventive measures such as educational support, family assistance programs, and social safety nets must accompany punitive provisions to ensure that enforcement does not criminalize poverty. The government's role, as mandated by Article 20 of the Child Protection Law, is not confined to regulation but extends to the proactive creation of conditions conducive to the healthy development of every child. Policy integration between ministries, local governments, and civil society organizations is therefore essential. Without intersectoral coordination, efforts remain fragmented, reactive, and unsustainable.

The Gorontalo case underscores the importance of contextualized policy enforcement. Urban areas with high poverty rates and informal economies require localized strategies that balance legal firmness with social compassion. Instead of isolated punitive actions, local authorities should implement community-based monitoring systems, provide educational incentives for families, and ensure that children withdrawn from street performance are reintegrated into schools or vocational training programs. Effective enforcement thus depends not only on the availability of laws but

¹⁰ Mardiono Papatungan, Zamroni Abdussamad, and Mohamad Hidayat Muhtar, 'Efektivitas Penerapan Hukum Dalam Praktik Pengangkatan Anak Di Desa Motabang', *Innovative: Journal Of Social Science Research*, 5.1 (2025), pp. 5798–813.

also on the capacity to humanize them to translate abstract rights into tangible protection experienced by every child in daily life.¹¹

Evaluating the effectiveness of Indonesia's legal framework also demands recognition of the state's progress. Over the past two decades, the country has made significant strides in institutionalizing child rights within its legislative structure. Awareness campaigns, integrated child protection centers, and child-friendly city initiatives represent commendable developments. However, the durability of these efforts remains uncertain. Implementation often depends on political cycles, donor support, and the personal commitment of local leaders. When political will diminishes, child protection programs risk becoming procedural formalities rather than sustained movements.

Ultimately, the effectiveness of Indonesia's legal framework in preventing economic exploitation of children cannot be measured solely by the existence of laws or institutions. It must be assessed through the lived realities of children themselves whether they are free to learn, play, and grow without the burden of economic survival. The law must function not only as a guardian of ideals but as an instrument of tangible emancipation. The gap between normative strength and empirical weakness reflects a structural imbalance between the production of laws and the cultivation of justice. Bridging this gap requires a recalibration of legal culture, institutional efficiency, and societal empathy.

The constitutional promise of social justice will remain aspirational unless the state succeeds in transforming its protective framework into a lived experience for all children. Legal norms must be animated by policy coherence, social awareness, and moral conviction. The persistence of child street performers in Gorontalo and other regions is not merely an administrative concern but a test of national conscience. Every child performing for survival underlines the unfinished work of the Republic in realizing its constitutional ideals. True effectiveness will emerge only when legal protection ceases to be a document of intention and becomes a reality of compassion when the law speaks not just in statutes but in the laughter, learning, and safety of every Indonesian child.

In the context of Islamic law (shari'ah), the issue of child protection holds a profoundly moral and religious dimension. Islam positions the child as an amanah (trust) from Allah that must not be neglected or exploited for material benefit.¹² The Qur'an in Surah Al-Isra' [17]:31 strictly prohibits sacrificing children due to fear of poverty, emphasizing that sustenance comes from God, not from their labor. Thus, forcing children to work in harmful or degrading conditions represents not only a social injustice but also a spiritual violation of divine law.

Islamic jurisprudence (fiqh) regards any act of exploitation (istighlāl) or oppression (zulm) toward the weak as a grave sin. Within the framework of maqāṣid al-syarī'ah, child exploitation contravenes three fundamental objectives: the preservation of life (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), and lineage (ḥifẓ al-nasl).¹³ When children are deprived of education, exposed to harm, and forced into premature labor, these objectives are undermined. Therefore, in Islamic thought, protecting children is not merely a state function but a collective obligation (farḍ kifāyah) that must be fulfilled by families, communities, and governments alike.

Prophetic traditions reinforce this perspective. The Prophet Muhammad SAW stated, "He is not one of us who does not show mercy to our young" (HR. Ahmad). This command elevates child protection to a central moral duty within Islamic civilization. It frames mercy (raḥmah) not as

¹¹ Fayza Khairunnisa Moodoeto, Zamroni Abdussamad, and Mohamad Hidayat Muhtar, 'Efektivitas Perlindungan Hak Identitas Anak Melalui Digitalisasi Administrasi Kependudukan Di Kabupaten Bonebolango', *Sinergi : Jurnal Riset Ilmiah*, 2.2 (2025), pp. 537–48, doi:10.62335/0m47ys36.

¹² Muhammad Husni Abdulah Pakarti, 'Perlindungan Hak Anak Dalam Perceraian Menurut Hukum Keluarga Islam', *Manaddab: Jurnal Hukum Keluarga Islam*, 1.1 (2023), doi:10.52496/mjhki.v1i1.7.

¹³ Sabil Mokodenseho and others, 'Analysis of the Influence of Fiqh and Maqasid Al-Syariah in the Formation of Islamic Legal Policy in Indonesia', *West Science Islamic Studies*, 2.01 (2024), pp. 30–37, doi:10.58812/wsiss.v2i01.590.

emotion but as a principle of governance and law. Exploiting children, whether directly or indirectly, violates this prophetic ethos and erodes the ethical fabric of society.

Furthermore, the principle of *maslahah mursalah* (public welfare) in Islamic legal theory requires that laws and policies serve the greater good of the community. If legal enforcement fails to alleviate poverty the root cause of child exploitation then Islam mandates redistributive justice through instruments such as *zakat*, *waqf*, and *sadaqah*.¹⁴ These mechanisms aim to eliminate structural inequalities that push children into labor. Hence, Islamic law complements positive law by providing a socio-economic ethic that connects justice with compassion.

In governance, Islam obliges the ruler (*wali al-amr*) to act as the guardian of the weak. A just leader is one who ensures that every child's rights to safety, education, and dignity are fulfilled. If a government allows children to work on the streets, it fails in its divine duty of *'adl* (justice).¹⁵ Thus, evaluating Indonesia's child protection system through the lens of Islamic governance reveals not just technical deficiencies but also ethical accountability before God.

Integrating Islamic principles into Indonesia's child protection policies would enhance moral legitimacy and community participation. By grounding legal enforcement in shared religious values—such as mercy, justice, and social solidarity the state could foster stronger public compliance and empathy. When citizens view child protection as both a legal responsibility and an act of faith, societal transformation becomes more achievable and sustainable.

Ultimately, the synergy between positive law and Islamic law offers a holistic model for protecting children. Positive law provides structure and enforcement, while Islamic law supplies ethical depth and moral motivation. Together, they establish a framework that not only punishes exploitation but also nurtures a compassionate society committed to the welfare and dignity of every child.

3.2. Socio-Economic and Institutional Determinants Behind the Persistence of Child Exploitation

The persistence of child exploitation in Indonesia represents a profound paradox within a nation that constitutionally pledges protection, justice, and equality for all its citizens. Despite the existence of comprehensive legal frameworks such as the Child Protection Law, the Manpower Law, and numerous government programs children continue to be engaged in exploitative work across urban and rural contexts. The phenomenon of costumed child street performers in Gorontalo City serves as a tangible microcosm of this national dilemma. Behind the appearance of entertainment lies an intricate web of socio-economic necessity, institutional weakness, and cultural tolerance that collectively undermine the efficacy of legal protections. The endurance of such practices signals that child exploitation cannot be interpreted merely as an individual or parental failure but must instead be understood as a systemic outcome an intersection of poverty, structural inequality, and insufficient governance.¹⁶

Poverty is a significant factor in child exploitation, as families often rely on informal labor to meet basic subsistence needs. This cycle is evident in low-income communities, where children are forced to contribute economically, often through street performers. Legal prohibitions against child labor lose power when faced with hunger and lack of alternative means of survival. Economic dependency within families also amplifies the problem, as parents often work as informal laborers or unemployed. This normalization of childhood as a phase of premature responsibility reshapes

¹⁴ Upi Sopiah Ahmad, 'Zakat, Infak, Sedekah, Wakaf Dalam Filantropi Islam', *YASIN*, 2.5 (2022), pp. 749–61, doi:10.58578/yasin.v2i5.1048.

¹⁵ Andi Husnul and Marilang Marilang, 'Perlindungan Hukum Terhadap Hak-Hak Anak Jalanan Di Kota Makassar Perspektif Hukum Islam', *Qadauna: Jurnal Ilmiah Mahasiswa Hukum Keluarga Islam*, 2.3 (2021), pp. 504–18, doi:10.24252/qadauna.v2i3.19329.

¹⁶ Sharyn Graham Davies and Jazz Robson, 'Juvenile (In)Justice: Children in Conflict with the Law in Indonesia', *Asia-Pacific Journal on Human Rights and the Law*, 17.1 (2016), pp. 119–47, doi:10.1163/15718158-01701009.

values and perceptions of legitimacy. Education, both a preventive mechanism and a casualty of economic exploitation, is often overlooked or inadequate in addressing the needs of children from precarious backgrounds.¹⁷

Public awareness of children's rights also remains limited, particularly among lower-income groups. Many parents lack understanding of the long-term psychological and developmental consequences of child labor. The concept of child rights, while legally codified, is not universally internalized as a moral or social norm. Instead, societal perceptions of children's participation in economic activities are often shaped by tradition and necessity. In rural and semi-urban communities, the sight of children helping their parents earn a living does not elicit moral condemnation but empathy and approval. Cultural narratives that glorify industriousness and family contribution unintentionally perpetuate the legitimacy of child labor. This moral ambivalence weakens the social foundation upon which legal enforcement depends. Without community awareness and moral consensus, even the most sophisticated legal instruments remain hollow declarations.

Weak law enforcement further compounds these socio-economic realities. Although Indonesia possesses a robust legal framework to prohibit child exploitation, its practical enforcement is hindered by institutional fragmentation and bureaucratic inertia. Law enforcement agencies often treat child labor as a social issue rather than a criminal one, resulting in minimal prosecution. Local police, social services, and labor inspectors rarely operate under unified coordination, leading to inconsistent responses. When child street performers are found, they are typically removed temporarily from public spaces and placed in social shelters, only to return to the streets after a short period. The absence of sustained rehabilitation and family support renders these interventions cyclical rather than transformative. The institutional machinery functions reactively addressing symptoms instead of causes.

Limited resources within social welfare institutions also play a decisive role. Many regional social offices operate under severe budget constraints, with minimal staff and inadequate facilities. Programs for child protection often depend on short-term funding cycles, external donors, or ad hoc initiatives. As a result, continuity and evaluation are rarely achieved. In Gorontalo, for example, the Department of Social Affairs has conducted periodic outreach programs, but these are insufficient to address the growing complexity of urban child labor. The lack of trained social workers, psychologists, and community facilitators prevents effective identification and intervention. Consequently, child protection becomes an administrative duty rather than a moral mission reduced to statistical reporting and temporary assistance rather than sustained empowerment.

Institutional coordination across government levels is a persistent issue in Indonesia, with weak mechanisms for coordination and inadequate data sharing. Ministries responsible for social affairs, education, labor, and law enforcement often pursue their own programs without integrated planning or data sharing, leading to duplication of effort and neglect in some areas. The lack of a centralized and reliable child protection database results in outdated or incomplete information, and children who have been rescued may fall back into exploitation due to a lack of follow-up monitoring. The political economy of policymaking marginalizes child protection within bureaucratic hierarchies, reducing it to a peripheral concern rather than a central pillar of national development.

Delays in Indonesia's social safety net also contribute to child exploitation. Social protection programs like the Family Hope Program and Smart Indonesia Card are unevenly covered and implemented, and monetary assistance is often insufficient to compensate for income generated

¹⁷ Herlinda Ragil Feby Carmela and Suryaningsi Suryaningsi, 'Penegakan Hukum Dalam Pendidikan Dan Perlindungan Anak Di Indonesia', *Nomos : Jurnal Penelitian Ilmu Hukum*, 1.2 (2021), pp. 58–65, doi:10.56393/nomos.v1i2.570.

through child labor. Rehabilitation and reintegration mechanisms for exploited children are limited in scope and effectiveness, often leading to relapse into exploitation.

Structural inequality and economic marginalization sustain child exploitation in Indonesia's cities, with informal economies absorbing surplus labor and children becoming invisible participants in urban survival strategies. Institutional accountability remains a critical issue, with many cases of child exploitation persisting due to administrative indifference and corruption.

International influences and cultural norms play a significant role in shaping child protection dynamics in Indonesia. While international organizations and NGOs have contributed to raising awareness and providing technical assistance, their impact is often temporary. Sustainable change requires internalizing international principles within domestic institutions, cultural values, and political priorities. The cultural dimension of child exploitation is also significant, as societal tolerance towards child labor is often reinforced by religious, communal, and traditional narratives. This cultural framing complicates efforts to generate collective outrage or mobilize communities against child exploitation. The case of Gorontalo City demonstrates the intersection of legal inefficacy with poverty, cultural normalization, and institutional weakness. To address child exploitation, parallel interventions addressing family welfare, access to education, and community engagement must be implemented. Legal reform must be accompanied by redistributive economic policies, inclusive education, and participatory governance. Child protection must become a collective national ethos grounded in justice and empathy. The persistence of child exploitation in Indonesia challenges the state, society, and citizens to confront the moral question of whether the pursuit of growth can justify the sacrifice of childhood.¹⁸

The root of poverty often cited as justification for child labor is viewed in Islamic socio-legal thought as a moral-economic problem demanding redistributive mechanisms grounded in *sharī'ah*. Instruments such as *zakāt*, *ṣadaqah*, *infāq*, and *waqf* are not merely acts of charity but structured tools of *maṣlaḥah* (public good) designed to reduce household vulnerability so that children are not driven to work on the streets.¹⁹ Productive *zakāt* schemes, micro *qard al-ḥasan* (benevolent loans), and educational or vocational *waqf* programs can function as preventive interventions targeting at-risk families and covering hidden schooling costs such as transport or nutrition thereby aligning state regulation with the Qur'anic ethic of social solidarity (*ukhuwwah insāniyyah*).²⁰

Institutionally, the classical concept of *ḥisbah* (public oversight for the common good) offers a model of governance that fuses regulation with social advocacy. In the modern context, *ḥisbah* can be revitalized through collaboration among mosques, *zakāt* agencies, schools, and social service departments to establish rapid-response referral systems: early detection of at-risk children, emergency scholarships, parental counseling, and multi-sectoral case management. The Qur'anic injunction of *amr bi al-ma'rūf wa nahy 'ani al-munkar* (enjoining good and forbidding evil) legitimizes public campaigns that normalize schooling and delegitimize child exploitation, thus reinforcing legal prohibitions with moral conviction.²¹

The weakness of law enforcement against perpetrators can also be addressed through the Islamic concept of *ta'zīr* a discretionary punishment imposed by the authority to prevent harm (*zajr*) and secure public welfare. *Ta'zīr* allows proportional sanctions such as fines, mandatory community service, rehabilitation obligations, or business license suspension for those employing children,

¹⁸ Waliuddin Nadwi dan Muhannad Abdul Moneim Uday, 'Hak Privasi: Landasan Dan Perlindungan Dalam Yurisprudensi Islam', *Jurnal Agama Internasional*, 2024, doi:10.61707/864v8350.

¹⁹ Syaroni and Syahrir, 'Anak Jalanan Sebagai Mustahik Zakat Dalam Perspektif Maqasid Al-Syariah'.

²⁰ S Suryani dan Yunal Isra, 'Wakaf Produktif (Waqf Tunai) Dalam Perspektif Hukum Islam Dan Maqāṣid Al-Shar'ah', 24, doi:10.21580/WS.24.1.680.

²¹ Marlina Marlina, 'The Efforts To Prevent Child Khalwat Violation By Wilayatul Hisbah In Langsa City', *Jurnal Pembaharuan Hukum*, 11.2 (2024), p. 234, doi:10.26532/jph.v11i2.36638.

along with restitution for victims (educational and psychosocial compensation).²² This approach aligns with modern restorative justice models yet remains rooted in the ethical accountability of Islam shifting focus from punitive justice toward the restoration of children and families.

The fragility of educational access described earlier can be countered through community-based tarbiyah initiatives: mosque-funded scholarships, free tutoring classes, and learning hubs financed by waqf. The principle ta'āwun 'alā al-birr wa al-taqwā ("cooperation in righteousness and piety") mandates religious institutions to help reduce hidden educational costs such as uniforms and transport. Education, as an expression of ḥifẓ al-'aql (preservation of intellect), must once again become a means of dignity and empowerment, supported not only by state policy but also by enduring religious-social commitment.

Finally, Islamic family law frames the provision of sustenance and care for children as a sacred trust (amānah) that cannot be transformed into economic exploitation. The state, as walī al-amr (guardian authority), bears responsibility to ensure a minimum standard of welfare so that parents are not compelled to justify child labor as survival. Integrating public policy instruments (targeted social assistance, adult employment programs, rehabilitation services) with the shari'ah ecosystem ZISWAF, ḥisbah, ta'zīr, and waqf-based education creates a dual model: positive law provides structure and certainty, while Islamic law contributes ethical energy, solidarity, and moral leadership that bridge social and cultural gaps at the root of the problem.

4. Conclusion

The persistence of child exploitation in Indonesia, exemplified by the phenomenon of costumed street performers in Gorontalo City, reveals a fundamental gap between constitutional ideals and societal realities. Although the legal framework anchored in the Child Protection Law and the Manpower Law provides comprehensive prohibitions and sanctions, its effectiveness remains limited by poverty, institutional weakness, and low public awareness. From the perspective of Islamic law (shari'ah), such exploitation also represents a moral failure to uphold the divine trust (amānah) of protecting the weak, violating the maqāṣid al-shari'ah principles of preserving life (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), and lineage (ḥifẓ al-nasl). Genuine child protection therefore requires integrating positive law with Islamic ethics and social justice, combining legal enforcement with compassion, education, and economic empowerment. Through the synergy of 'adl (justice), raḥmah (mercy), and maṣlahah (public good), Indonesia can transform its legal system into a proactive moral and social instrument that ensures every child lives, learns, and grows with dignity fulfilling both constitutional and divine mandates of justice for all.

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