



Criminological Aspects of Children as Perpetrators in the Crime of Trafficking in Persons (TPPO)

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Abstract. The goal of this study is to inform the public about the findings to support the adoption of laws that penalize those who engage in human trafficking. The study's focus is on legal criminology, namely how to apply punishments against those who commit crimes related to human trafficking and countermeasures against juvenile offenders. This study is about legal normative research. The data gathering technique was done through literature studies and interviews for primary data, document studies for secondary data, and interviews for secondary data. The primary data was used as supporting data. A qualitative analysis and descriptive presentation of the data are made. According to the study, there are several reasons why kids commit crimes related to human trafficking.

Keywords: Criminology, Children, Trafficking in persons

INTRODUCTION

Children are the country's future and the ideas guiding the next generation. Every kid is entitled to civil rights, freedoms, survival, growth, development, participation, and protection from prejudice and violence. The growth and development of children necessitate specific consideration and safeguarding from parents, families, society, the country, and the state.¹

¹ Kurniawan Akbar, "Criminological Aspects of Children Who Commit Murder in Muara Enim", (Skirpsi), Faculty of Law, Sriwijaya University, 2018, p. 1, (https://repository.unsri.ac.id/6162/1/RAMA_74201_02011381419324_%200018096509_0014125402_01_fr ont_ref.pdf) accessed April 30, 2024, at 14.05 WIB.

Children are humanity's future; they shape history and serve as a window into how the country views life in general. For this reason, the conversation about children is vital.² These days, children also commit crimes that are on par with those perpetrated by adults. Therefore, the conversation concerning criminal activity is not limited to adult discussion.³

Wagiati Soetodjo argues that calling a crime committed by a child a crime is overly harsh because, at their core, children have stable psychological conditions, which lead to an aggressive, critical attitude and behavior that tends to disrupt public order. This cannot be classified as a crime because the offender is not conscious of or cognizant of the acts he has committed; instead, it is delinquency brought on by an imbalanced psychological condition.⁴

Deviations in behavior from children should be modeled by adults or others in their immediate vicinity. Children's conduct is influenced by several elements, such as the unfavorable effects of fast development, globalization in the information and communication domain, scientific and technological advancements, changes in lifestyle, and inadequate parental supervision. Among other things, external causes lead to behavioral deviations or criminal crimes youngsters commit.⁵

LITERATURE

Children have rights when interacting with the law since they are immature. Legal protection for minors must be balanced with the ability of a minor who has been arrested and charged with a crime to be held accountable for his acts before the law. Legal protection for children can be understood as an attempt to shield the law from different kids freedoms (including fundamental rights and freedoms) and child welfare-related interests.⁶

² Cunduk Wasiati, "Parental Participation in Child Protection as a Form of Human Rights Protection," *Jurnal Widya Pranata Hukum*, Vol. 2, No. 1, 2020, p. 119 (<https://media.neliti.com/media/publications/340700-partisipasi-orang-tua-terhadap-perlindungan-74758246.pdf>), accessed April 30, 2024, at 13.31 WIB.

³ Djesi Ariani, "Accountability of Perpetrators of Premeditated Murder Committed by Children (Study of District Court Decision Number 16/Pid.Sus-Anak/2016/PN.Cbn)", *Journal of Law Rules*, Vol 19, No. 2, 2020, p. 116, (<https://jurnaltest.uisu.ac.id/index.php/jhk/article/view/2334/1571>), accessed April 28, 2024, at 10.35 WIB.

⁴ Ria Delta and Diena Fukuyama Indah, "Implementation of Criminal Penalties Against Perpetrators of Juvenile Crimes", *Journal of Legal Research*, Vol 02, No. 01, 2023, p. 24, (<https://jurnal.saburai.id/index.php/jaeap/article/view/2062>), accessed April 19, 2024, at 19.35 WIB.

⁵ Nevey Varida Ariani, "Implementation of Law Number 11 of 2012 concerning the Juvenile Justice System to Protect the Interests of Children", *Journal of Legal Media*, Vol. 21, No. 1, 2014, pp.108-109, (<https://journal.umy.ac.id/index.php/jmh/article/view/1160>), accessed April 27, 2024, at 11.30 WIB.

⁶ Waluyadi, *Child Protection Law*, (Bandung: Mandar Maju, 2019) p. 1

For this reason, Law Number 11 of 2012 regulates the Child Criminal Justice system, which differs from the criminal system for adults. The juvenile criminal system is more focused on the child's interests, which is an element of concern in the juvenile court. Law Number 11 of 2012 regulates the protection of children facing the law and law enforcement for children as perpetrators of criminal acts.⁷

According to Law Number 11 of 2012, a person between 12 and 17 is considered a child violating the law. Next, children who come into contact with the legal system are separated into two categories: kids who run afoul of the law and kids who run afoul of the law. According to Article 1 Paragraph 2, "children who conflict with the law are children who conflict with the law, children who are victims of criminal acts, and children who are witnesses to criminal acts." In the meantime, a kid accused of committing a crime is defined as conflicting with the law under Paragraph 3 of the same article.

The Ministry of Law and Human Rights' Directorate General of Corrections noted a growing tendency from 2020 to 2023. As of August 26, 2023, there had been close to 2000 documented instances of minors running afoul of the law. This rise indicates that the well-being of Indonesian youngsters needs to improve.⁸

Several criminal acts were also recorded by KPAI in the 2020 period, including theft (11.1 percent), traffic accident cases (10.6 percent), psychological violence such as threats and intimidation (5.5 percent), acts of sodomy or pedophilia (5.5 percent), possession of sharp weapons (5.5 percent), entangled in abortion cases (5 percent), and murder cases (4 percent).⁹

The phenomenon of an increase in crimes involving children as perpetrators of criminal acts also occurred in Region III of Cirebon. The Class I Cirebon Correctional Center (Bapas) in Region III of Cirebon recorded cases of children facing the law as perpetrators increased from 2021 to 2023. From January to December 2021, there were 113 cases of children in conflict with the law; in 2022, it increased to 194 cases, and in August 2023, there were 170 cases.¹⁰

⁷ Ria Juliana and Ridwan, "Children and Crime (Causative Factors and Legal Protection)", *Straits Journal*, vol 6, No. 2, 2019, (<https://ojs.umrah.ac.id/index.php/selat/article/view/1019/712>).

⁸ Yohanes Advent Krisdamarjati, "Increasing Cases of Children in Legal Conflicts, an Alarm for the Community and the State," *Kompas*, August 29, 2023, (<https://www.kompas.id/baca/riset/2023/08/28/meningkatnya-kasus-anak-berkonflik-hukum-alarm-bagi-masyarakat-dan-negara>), accessed October 18, 2023, at 12.35 WIB.

⁹ *Ibid.*

¹⁰ Muhammad Syahri Romadhon and Gloria Setyvani Putri, "Cases of Children Facing the Law in Cirebon Rising in the Last 3 Years," *Kompas*, (<https://bandung.kompas.com/read/2023/08/28/115231978/kasus-anak->

The variety of criminal acts recorded by Bapas Cirebon is one case of a child involved in a series of Trafficking in Persons (TPPO) as a perpetrator.¹¹

The form of child trafficking in this study focuses on children who are prostitutes and can be interpreted as sexual and economic exploitation.

In Indonesia itself, trade related to sexual exploitation, especially prostitution, often occurs. Prostitution can be a social phenomenon because it is related to the inner characteristics and traits of men and women that are related to life in a complex way, so it is indeed challenging to eradicate.¹²

According to some specialists, there is a misalignment between the means and the ideals that can facilitate the attainment of these objectives, which results in a gap in expectations and child delinquency. Theoretically, treating juvenile delinquency as a social issue is part of the solution to the crime problem. The focus is on identifying the criminogenic elements that correlate with the signs of juvenile delinquency. The scope of the criminology conversation is the problem discussion.¹³

Crimes that minors commit need to be studied criminologically. The object of criminology is the person who committed the crime (the criminal) himself. The purpose of criminology is to understand the reasons why a person commits a crime or crime. Whether a person has had a talent since birth, namely being a criminal, or is it the effect of the environmental conditions of the surrounding community, both sociological and economic? So, in the criminal process, it is essential to know why a person commits a crime and find the causes, consequences, and ways to solve it so they do not commit crimes again.¹⁴

The description above encourages the author to discover the factors that cause the Crime of Trafficking in Persons committed by children and how to remedy it.

[berhadapan-dengan-hukum-di-cirebon-naik-dalam-3-tahun-terakhir#google_vignette](#)), accessed on October 17, 2023, at 11.15 WIB.

¹¹ Ibid.

¹² Annisa Carolin and Beniharmoni Harefa, "The Urgency of Countering Child Trafficking Crimes in Indonesia Through Penal and Non-Penal Legal Remedies", *Journal of Law and Humanities*, Vol 8, No. 4, 2021, p.

530, (<http://download.garuda.kemdikbud.go.id/article.php?article=2259158&val=15646&title=URGENSI%20OPENANGGULANGAN%20TINDAK%20PIDANA%20PERDAGANGAN%20ANAK%20DI%20INDONESIA%20MELALUI%20UPAYA%20HUKUM%20PENAL%20DAN%20NON%20PENAL>) on April 30, 2024, at 15.45 WIB.

¹³ Azis Al Rosyid, dkk, "A Criminological Study on the Case of Children as Perpetrators of Theft (Study in Sukoharjo Region, Central Java, Indonesia)", *FH UNNES*, vol 5 (2), Issue: Contemporary Issues in Crime and Countermeasures, 2019, hlm. 161, (<http://jurnal.um-tapsel.ac.id/index.php/nusantara/article/view/2961/0>) on April 30, 2024, at 15.52 WIB.

¹⁴ Ibid, p. 161.

METHOD

This study is legal normative research. Secondary data is the major data, and primary data is the supporting data in this use case. Document analyses and literature reviews were conducted to gather primary data; interviews were used to collect secondary data. The data were then analyzed qualitatively and presented descriptively.

DISCUSSION

Factors that lead to minors committing the crime of human trafficking

In this case, Fahri is a 17-year-old child who has dropped out of school, causing Fahri not to have any job. At one time, Fahri was introduced to you. Uri, sdri. Niar, and sdri. Jessica, who in this case each worked as a prostitute by Mr. Daus and Mr. Rio (each of whom was prosecuted separately) to become his third pimp. Where to carry out his actions, Fahri placed the three prostitutes. Each is in a boarding house number 6, 7, 9, and 12, which is located at Jalan Kembar Rt. 011 Rw. 003 Kel. Bojongsari, Kec. Indramayu, Regency Indramayu, which is rented at Rp. 150,000 per day. In the context of the promotion of the three prostitutes. using the Mi Chat application by downloading the Mi Chat application from the Play store, then registering each PSK profile using the email address of each PSK. The system or how this act works initially holds a meeting with the guest, then calls one of the three prostitutes, which has been agreed upon by the guest previously using a WhatsApp message, then invites the guest to enter the room of his choice that has been rented previously to have sex until it is finished. From his work as a pimp carried out by Fahri, he gets various benefits, namely:

1. If the prostitute is paid Rp. 300,000, and then Fahri receives a profit of Rp. 50,000,-
2. If the prostitute is paid Rp. 400,000, and then Fahri gets a profit of Rp. 100,000,-
3. If the prostitute is paid Rp. 500,000, and then Fahri gets a profit of Rp. 150,000,-

the pimp act carried out by Fahri was finally known by the public, who immediately reported the information to the police. On January 16, 2023, witness Jamal Abdul Afif, and witness Rifat Rifaldy Lumatauw (each as a member of the Indramayu Police) visited the boarding house where the crime occurred located at Jalan Kembar Rt. 011 Rw. 003 Kel. Bojongsari, Kec.

The results of the author's research were through an interview with Mr. Ferdiyanto as the BAPAS Class 1 Cirebon Region III. On Wednesday, November 1, 2023, at 12.30 WIB, the cause of Fahri's crime was various factors: (1) Family factors, that it has been known

that Fahri's parents divorced and then Fahri lived with his mother since the 5th grade of elementary school; (2) Economic factors, that Fahri lived with his grandmother so that Fahri experienced economic limitations; (3) Educational factors, due to Fahri's economic limitations that require Fahri to drop out of education in grade 5 Elementary School; (4) environmental factors, with the situation of his parents who are divorced, Fahri chooses to seek comfort in the social environment with his friends, every day Fahri often hangs out until late at night and stays at his theme house so that he falls into unhealthy associations, namely drinking liquor and drugs.¹⁵

Based on the above explanation, the author argues that if the cause of the perpetrator of the crime is related to the criminological perspective using the theory of W.A. Bonger, it can be seen that family factors, environment, education, and economic needs are the driving factors for a person to commit human trafficking.

According to W.A. Bonger's thesis, there are seven different kinds of causes of crime: war, drunkenness, sexual demoralization, lust for possession, neglect of children, and suffering.¹⁶

Efforts to Counter Children Who Commit Criminal Acts

Referring to the results of the research as explained above, it is known that Fahri committed crimes motivated by several factors, namely, family factors, environment, education, and economic needs.

According to the author, countermeasures can be carried out by non-penal efforts involving the role of parents, the role of the community, and the role of the state through the following ways:

a. The Role of Parents

Parents must always supervise and pay attention to their children and provide moral and moral lessons because morals and morals are a fortress within themselves to prevent the entry of bad environmental influences into children. Supervision of his child, who gets along with anyone in his environment, is necessary because of the environment the negative or positive impact comes from.

¹⁵ Interview with Mr. Ferdiyanto as the 1st Class BAPAS Cirebon Wilaya III. On Wednesday, November 1, 2023 at 12.30 WIB.

¹⁶ Prof.Mr. W.A. Bonger, Introduction to crimonyology, 6th edition, 1982, p. 98.

In addition to moral and moral lessons, parents must have a firm attitude about what they can or cannot do.¹⁷

b. The Role of the Community

Through community involvement efforts to implement child protection, the community fulfills its obligations and responsibilities towards children. Academics, child observers, and community groups are all part of the community's obligations. Supervision by the community of their activities in the surrounding environment is undoubtedly necessary because children who do not get care in their society will grow up to be apathetic and behave negatively, which leads to delinquency. The community's responsibility in preventing child delinquency is for children to comply with the norms that exist in society.

c. The Role of the State

The state must improve the quality of education by creating education evenly in each region, free and affordable education, and improving school facilities, so that it can produce practical skills for the community. There is a need for social welfare attention, especially for children, in the form of socialization or counseling about the crime of human trafficking, as well as from local organizations for children and parents so that they can understand the dangers of human trafficking. By using law enforcement officials from the city level to the village level to provide socialization to remote areas or areas.

Eradication of poverty provides wide employment opportunities for the community and Carries out preventive efforts in the form of prevention with both legal and social approaches to prevent child trafficking cases. Law enforcement takes protection for victims of child trafficking seriously and provides appropriate restitution to victims.

Countermeasures using the aforementioned non-penal measures take into account the UN congresses on "*the prevention of crime and the treatment of offenders*," which states the following: a) Crime prevention must be based on eliminating the causes and conditions that cause the occurrence of crime. b) To eliminate such causes and conditions, "the basic

¹⁷ Risnawati and Halilah, "The Role of Parents in Forming Attitudes of Resilience to Negative Environmental Influences on Children in Liang Anggang District, Banjarbaru", *Journal of Islamic Studies*, vol 2, No. 2, 2024, p. 150, (<https://qjurnal.my.id/index.php/jis/article/view/780/656>) accessed May 1, 2024, at 14.07 WIB.

crime prevention strategy" must be used. *The*¹⁸ 6th United Nations Congress in 1980 in Caracas, Venezuela, on "*Crime Trends and Strategic Crime Prevention*," stated that the leading causes of crime in many countries are illiteracy or ignorance (educational retardation), unemployment (economy), and low standard of living, social inequality and discrimination. Therefore, crime prevention strategies must be based on eliminating the causes and conditions that cause crime.¹⁹

This countermeasure effort is strengthened by the theory of social control. The proponents of this theory agree that delinquency is the result of a deficiency, namely a deficiency in the form of bonds and control in society.²⁰ John Agan argues that the social control theory departs from the assumption that everyone has the same opportunity to break the law or become a law-abiding person, with the freedom of action that everyone has. The determinants of a person's behavior are the social bonds formed.²¹ A person's social bond with society is a deterrent to deviations.²²

Travis Hirschi classifies the elements of social bonds as follows: (a) *Attachment*, a person's ability to internalize societal norms if a person violates societal norms, it means that he does not care about the views and interests of others and feels unattached to society so that he will feel free to commit deviations; (b) *Commitment*, refers to the calculation of profit and loss of a person's involvement in deviant acts, where people generally inventory everything including their time, their energy in activities in society, to gain a reputation in society; (c) *Involvement*, when a person is busy with various conventional activities in his mind does not have time to think about involving himself to commit deviations because he is bound by all aspects of his activities; (d) *Belief* (values and norms), which refers to the situation of the diversity of appreciation of societal rules among community members. If there is no belief that the values and norms of living together should be obeyed, then there will be a possibility of violation of the law.²³

¹⁸ Asiyah Jamilah and Nyoman Kesatuan Putra Jaya, "Countering the Crime of Human Trafficking from the Perspective of Criminal Politics", *Jurnal Justitia Hukum*, vol 4, No. 1, 2020, p. 12, (<https://journal.um-surabaya.ac.id/Justitia/article/view/3759>), accessed May 1, 2024, at 13.41 WIB.

¹⁹ *Ibid*, p. 13.

²⁰ Hardianto Djanggih and Nurul Qamar, "The Application of Criminological Theories in Countering Cyber Crime", *Pandecta Journal*, vol 13, No. 1, 2018, p. 19, (<https://journal.unnes.ac.id/nju/pandecta/article/view/14020/8018>), accessed May 1, 2024, at 12.35 WIB.

²¹ *Ibid*, p. 17.

²² Dr. Syahrul Akmal Latif, M.Si. and M. Zulherawan, S.Sos, M.Soc.Sc, "Theoretical Efforts to Counteract Child Delinquency", *Journal of Other Sides of Reality*, vol 5, No. 1, 2020, p. 44, (<https://journal.uir.ac.id/index.php/sisilainrealita/article/view/6383>), accessed May 1, 2024, at 12.48 WIB.

²³ *Ibid*.

In the case of children (Decision No.02/Pid.Sus-anak/2023/PN. Idm. dated February 15, 2023), the Panel of Judges of the Indramayu District Court has sentenced the perpetrator with Article 296 of the Criminal Code concerning the prohibition of anyone who makes a living or habit and takes advantage of obscene activities carried out by others. Taking into account that the offender was found guilty of the crime of "Deliberately facilitating obscene acts by other people with other people and making it a search," both legally and persuasively, the offender was given a six-month coaching sentence in the institution.

CONCLUSION

The youngster in the case above committed the crime of human trafficking due to the following factors: One or more of the following: (1) a discordant or fractured home; (2) a lack of parental supervision and care; (3) educational issues; (4) financial constraints; (5) environmental issues. Countermeasures are implemented by the state as child policyholders, the community as a socialization site, and parents as child supervisors.

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