

FACTORS AFFECTING THE CRIMINAL ACT OF COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN (ESKA) IN THE COASTAL AREA OF BANDAR LAMPUNG CITY

Joni Ardiansyah¹, Nikmah Rosidah², Deni Achmad³

¹State Prosecutor's Office of Sabang, Indonesia, E-mail: joninaim10@gmail.com

²Faculty of Law, Universitas Lampung, Indonesia, E-mail: nikmahrosidah@fh.unila.ac.id

³Faculty of Law, Universitas Lampung, Indonesia, E-mail: deni.achmad1981@gmail.com

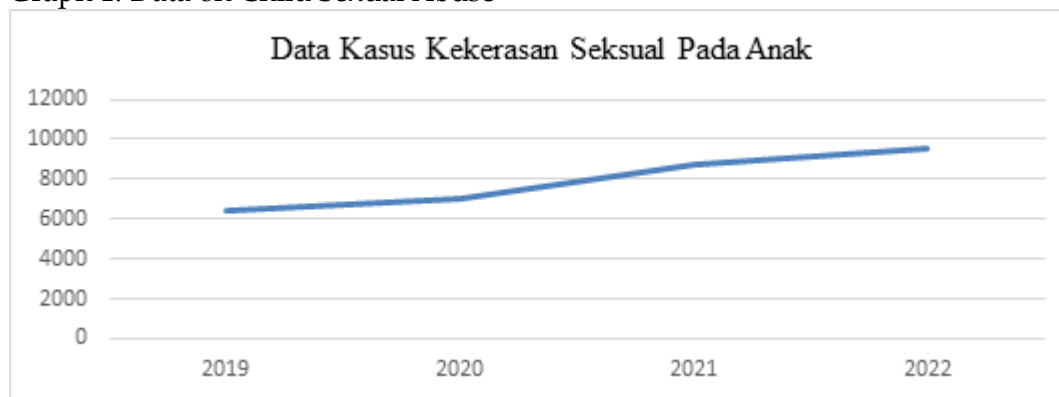
Article	Abstract
<p>Keywords: Commercial Exploitation Children, Inhibiting Enforcement.</p> <p>Sexual of Factors Law</p> <p>DOI: 10.28946/scis.v2i1.2641</p>	<p>Commercial sexual exploitation of children (ESKA) is a fundamental violation of children's rights. The offense is in the form of sexual violence by an adult with remuneration to a child, a third person, or other persons. ESKA treats children treated as commercial sexual objects. The problem in this study is what are the factors that affect the crime of Commercial Sexual Exploitation of Children (ESKA) in the coastal area of Bandar Lampung? This study uses normative legal methods. The results obtained are the factors that influence the crime of Commercial Sexual Exploitation of Children (ESKA) in the coastal area of Bandar Lampung, which can be seen by the poor people so that people make this activity a job to meet their living needs. The suggestion in this study is that there must be good coordination between law enforcement officers and the government to prevent the occurrence of criminal acts of Commercial Sexual Exploitation of children from recurring, such as providing decent work and conducting educational activities to the public about criminal acts of Commercial Sexual Exploitation of children. The community must also be able to be open and cooperate with all relevant parties to prevent the re-occurrence of criminal acts of Commercial Sexual Exploitation of children.</p>

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A. INTRODUCTION

Children are one of the important assets of the country because the future of a country depends on children. This is because the quality of children is determined by the process and form of treatment they undergo.¹ But today, the future of children is threatened by sexual abusers. The phenomenon of sexual violence against children is increasingly common and is becoming global, almost in different countries. Cases of sexual violence against children continue to increase over time. This can be seen in the following Graph 1:²

Graph 1. Data on Child Sexual Abuse



Source: Processed by the Author

Based on Graph 1 above, it can be seen that from 2019 to 2022, cases of sexual violence against children have continued to increase. More precisely, in 2019, cases of sexual violence against children amounted to 6456, then in 2020, there was an increase of 6980 cases, then in 2021, there were 8703, and last year, 2022, there were 9588.³ These figures show that cases of sexual violence in Indonesia are currently very concerning.

Since the first of 2023, cases of sexual violence against children have been reported across various Indonesian news. One of them is a 13-year-old disabled child in South Sumedang District who sexually abused a 5-year-old child.⁴ There are cases of sexual violence against children committed by their family members. One such case occurred in Bandung, where a father raped his two daughters for 5 years, from 2017-2023.⁵

The same thing happened in Lampung, where the police arrested two fathers in Pringsewu and West Tulang Bawang for raping their daughter. Meanwhile, in South Lampung, a young man was arrested for raping his mother and his sibling.⁶ These cases show that Indonesia is facing a child sexual abuse emergency. That's why sexual violence against children is one of the

¹ Dwi Wachidiyah Ningsih, "Tindak Pidana Yang Dilakukan Oleh Anak," *Jurnal Pro Hukum : Jurnal Penelitian Bidang Hukum Universitas Gresik* 5, no. 1 (2016): 56-63.

² Ivo Noviana, "Kekerasan Seksual Terhadap Anak: Dampak Dan Penanganannya," *Sosio Informa: Kajian Permasalahan Sosial Dan Usaha Kesejahteraan Sosial* 1, no. 1 (2015): 13-28.

³ "Kekerasan Seksual Anak Meningkat Tiap Tahun, 2019-2022 Ada 31.725 Kasus : Okezone Nasional," accessed June 3, 2023, <https://nasional.okezone.com/read/2023/01/27/337/2754380/kekerasan-seksual-anak-meningkat-tiap-tahun-2019-2022-ada-31-725-kasus>.

⁴ Kiki Andriana, "Awal Tahun 2023, Sudah Ada 5 Kasus Kekerasan Terhadap Perempuan Dan Anak Di Sumedang," accessed June 3, 2023, <https://jabar.tribunnews.com/2023/01/24/awal-tahun-2023-sudah-ada-5-kasus-kekerasan-terhadap-perempuan-dan-anak-di-sumedang>.

⁵ Nurrani Rusmana, "Kekerasan Seksual Terhadap Anak Dilakukan Oleh Ayah Tiri Di Bandung," accessed June 3, 2023, <https://pasjabar.com/2023/01/24/kekerasan-seksual-terhadap-anak-dilakukan-oleh-ayah-tiri-di-bandung/>.

⁶ Vina Oktavia, "Tiga Kasus Kekerasan Seksual Di Dalam Keluarga Terbongkar Di Lampung," accessed June 3, 2023, <https://www.kompas.id/baca/nusantara/2023/01/06/tiga-kasus-kekerasan-seksual-di-dalam-keluarga-terbongkar-di-lampung>.

crucial issues that need to be discussed in Indonesia. Even today, issues related to sexual violence against children have developed into sexual exploitation of children or ESA. Sexual exploitation of children is a form of forcing children to perform sexual activities so that adults or third parties will get benefits. For example, children are involved in prostitution and become objects of pornography apathy and various other forms.⁷

Commercial Sexual Exploitation of Children (ESKA) is a form of coercion or violence against children and amounts to forced labor and a form of modern slavery.⁸ A statement from the World Congress against Commercial Sexual Exploitation of Children, held in Stockholm in 1996, defines ESKA as "Sexual abuse by adults and remuneration in cash or kind to the child or a third person or others. The child is treated as a sexual and commercial object". End Child Prostitution, Child Pornography & Trafficking of Children for Sexual Purposes International (ECPAT) defines ESKA as a fundamental violation of children's rights. The violation takes the form of sexual abuse by an adult in exchange for the child, a third person, or other persons. In other words, children are treated as commercial sexual objects. This is a manifestation of the modern practice of forced labor and slavery against children, as children are often forced to experience physical violence and trauma.⁹

In some cases in Indonesia, it has been found that several children are victims of child sexual exploitation. However, there are no official statistics released by the Indonesian government on the number and distribution of child victims of sexual exploitation. Several international organizations based in Indonesia have estimated the number of children who are victims of sexual exploitation. UNICEF (United Nations International Children's Emergency Fund) Indonesia estimates the number of child victims of sexual exploitation each year to be 40,000 to 70,000.¹⁰ ILO (International Labor Organization) has conducted research on child prostitution in several cities in Indonesia and found that there are around 24,000 prostituted children.¹¹ Prostitution activities carried out by children are better known as Commercial Sexual Exploitation of Children (ESKA). According to the CNSP Center for Data and Information, there are around 75,106 commercial sex workers (PSK) that are covert or "registered," with around 30% of the brothel residents being women aged 18 years and under or the equivalent of 200-300 thousand children.

Such problems occur in Bandar Lampung City, especially in the beach area in the Panjang sub-district. The beach is one of the most beautiful and amazing natural attractions. The beach is certainly the main destination for domestic and foreign tourists to recreate and feel calm to unwind. But now, the function of the beach has shifted not only as a tourist destination but has caused various kinds of deviations such as various kinds of social problems, one of which is the Sexual Exploitation of Commercial Children (ESKA). So, it is unsurprising that the Panjang beach area can be called a slum area. This area is physically, economically, socially, and culturally politically degraded and/or attached to several problems so that the land's carrying capacity cannot be optimally utilized.

Based on the description in this background, the Author makes a scientific paper entitled Factors Affecting the Crime of Commercial Sexual Exploitation of Children (ESKA) in the Beach

⁷ Kemenpppa, *Buku Panduan Internet Aman Untuk Anak: Pencegahan Eksploitasi Seksualanak Di Internet* (Jakarta : Kementerian Pemberdayaan Perempuan dan Perlindungan Anak, 2019).

⁸ Stephen Clift, *Tourism and Sex (Tourism, Leisure, and Recreation Series)* (London : Cengage Learning EMEA, 2000).

⁹ Koalisi Nasional Penghapusan Eksploitasi Seksual Komersial Anak, *Eksploitasi Seksual Komersial Anak Di Indonesia : Indramayu Manado Medan Semarang Solo Surabaya* (Medan : Koalisi Nasional Penghapusan Eksploitasi Seksual Komersial Anak, 2008).

¹⁰ Mohammad Farid, "Kekerasan Seksual, Eksploitasi Seksual, Dan Eksploitasi Seksual Komersial Terhadap Anak," in *Anak Yang Membutuhkan Perlindungan Khusus Di Indonesia : Analisis Situasi* (Jakarta : PKPM Unika Atma Jaya, 1999).

¹¹ ILO-IPEC, *Perdagangan Anak Untuk Tujuan Pelacuran Di Jawa Tengah, Yogyakarta Dan Jawa Timur* (Jakarta : International Labour Office, 2004).

Area of Bandar Lampung City. Based on the background that has been stated, to focus this research, the Author raises the issue: what are the factors that influence the criminal offense of Commercial Sexual Exploitation of Children (ESKA) in the coastal area of Bandar Lampung city?

B. RESEARCH METHOD

This research uses normative legal research methods (doctrinal legal research). The research specification used in this legal research is descriptive-analytical, which is research that describes the characteristics, conditions, behavior of individuals or groups, and symptoms based on the facts as they are to be analyzed.¹² The data analysis method used in this research is qualitative. After the data is collected, the data will be analyzed, and conclusions will be drawn using the deductive thinking method, a pattern of thinking based on general matters.¹³

C. ANALYSIS AND DISCUSSION

1. Legal Provisions on Commercial Sexual Exploitation of Children (ESKA)

Child sexual exploitation, according to the international consensus codified in the Stockholm Declaration (1996).¹⁴ It is clear from the definition above that the sexual exploitation of children is not only a sexual object but also a commodity. The element of 'profit' in child exploitation is what distinguishes between child sexual exploitation and child sexual abuse because, in child sexual abuse, there is no profit, even though both refer to the sexual acts of children.

The ILO has researched child prostitution in several cities in Indonesia and found that there are around 24,000 prostituted children.¹⁵ Even from 2005 to 2014, IOM Indonesia managed to repatriate 7,193 victims of human trafficking to Indonesian territories, of which 82% were women and 16% of the total were children who were victims of trafficking for sexual purposes.¹⁶

One example of sexual abuse of children is the exploitation of children, which can be done by direct or indirect contact. Indirect sexual exploitation can be done through social media, which makes children the actors of pornographic videos, which are then sold illegally so that children are used as sex objects.¹⁷ There are at least 5 (five) forms of ESKA that are currently recognized in various human rights instruments, which are:

a. Child Prostitution

The act of offering the services or direct services of a child to perform sexual acts for money or other reward.¹⁸ When someone takes advantage of a commercial transaction where a child is offered for sexual purposes, it's known as child prostitution. The child may be under the control of a sex exploiter who negotiates directly with the child, or an intermediary who organizes and monitors the transaction.¹⁹ According to Protocol 11, child prostitution is the use of a child in sexual activity for a reward or other reasons.²⁰

¹² Ronny Hanititjo Soemitro, *Metodologi Penelitian Hukum Dan Jurimetri* (Jakarta : Ghalia Indonesia, 1990).

¹³ Soetrisno Hadi, *Metodologi Research* (Yogyakarta : Andi, 1995).

¹⁴ Hero Nehemia Lasapu, Deicy N. Karamoy, and Lusy K.F.R. Gerungan, "PERLINDUNGAN ANAK ATAS EKSPLOITASI SEKSUAL MENURUT CONVENTION ON THE RIGHTS OF THE CHILD 1989," *Lex C 11*, no. 5 (2022): 229-39.

¹⁵ ILO-IPEC, *Perdagangan Anak Untuk Tujuan Pelacuran Di Jawa Tengah, Yogyakarta Dan Jawa Timur*.

¹⁶ Rio Hendra and Supriyadi Widodo Eddyono, *Tindak Pidana Terkait Eksploitasi Seksual Komersial Anak (ESKA) Dalam Rancangan KUHP* (Jakarta : Aliansi Nasional Reformasi KUHP, 2016).

¹⁷ Mutiara Nastya Rizky et al., "Perlindungan Hukum Terhadap Anak Korban Eksploitasi Seksual Komersial Melalui Media Sosial," *Media Iuris 2*, no. 2 (2019): 197-215.

¹⁸ Oksidelfa Yanto, "Prostitusi Sebagai Kejahatan Terhadap Eksploitasi Anak Yang Bersifat Ilegal Dan Melawan Hak Asasi Manusia," *Jurnal Legislasi Indonesia 12*, no. 4 (2018): 1-18.

¹⁹ Erlangga Bagus Setiyawan and Taun Taun, "Pertanggung Jawaban Pidana Pengguna Jasa Prostitusi Online Anak Menurut Hukum Positif Indonesia," *Jurnal Ilmiah Wahana Pendidikan 9*, no. 9 (2023): 419-30.

²⁰ Hendra and Eddyono, *Tindak Pidana Terkait Eksploitasi Seksual Komersial Anak (ESKA) Dalam Rancangan KUHP*.

b. Child Pornography

Any performance or in any way that involves a child in actual sexual activity or that displays parts of a child's body for sexual purposes.²¹ Child pornography can be spread by periodicals, books, pictures, movies, videotapes, cell phones, diskettes, or computer files. It also includes texts, images, and audio and visual performances.²²

Pornography has a very bad impact on children's lives, including reducing learning concentration, and the most dangerous is to be imitated, causing sexual harassment or sexual crimes in the future. So there can be no other way; there must be a unified effort of the entire community against pornography so that it does not further lead children to the denial of our nature as human beings who are blessed with everything by the Creator, including sexuality for noble tasks and purposes, which is to create sustainable human generations in a state of physical and spiritual health, body and soul.²³

c. Child Trafficking for Sexual Purposes

UNICEF describes child trafficking as the act of recruiting, transporting, transferring, harboring, or meeting a child for exploitation within or outside a country.²⁴ Child trafficking can occur with or without coercion, force, or fraud because children are unable to consent to their exploitation. Children are trafficked for sexual exploitation, labor, organ transplantation or removal, and illegal adoption. Still, all child victims of trafficking have been made particularly vulnerable to violence and sexual exploitation because they are removed from familiar support structures such as their families and communities.²⁵ Factors leading to Human trafficking, especially child trafficking, is something that occurs in almost all countries in Southeast Asia; each country has its own specific or developmental factors that make children vulnerable to being targeted for child trafficking.²⁶

d. Child Sexual Tourism (PSA)

Child sexual tourism is a form of sexual crime that arises from a shift in the value of tourism and is a sexual crime against children. The perpetrators of child sex tourism can come from other countries, commonly referred to as foreign tourists, as well as from within the country, referred to as domestic tourists or local people traveling within their own country.²⁷ Child sexual tourism (PSA) is one of the crimes included in child sexual exploitation. According to ECPAT International, PSA is an act of child sexual exploitation committed by people who travel from one place to another, and in that place, they have sex with children. Simply put, children are used for sexual gratification in tourist attractions.²⁸ Child sex tourism frequently include the utilization of lodging,

²¹ Tia Rahmania and Handrix Chris Haryanto, "Persepsi Pornografi Pada Anak (Studi Pendahuluan Pada Siswa Kelas 5 Sekolah Dasar Islam 'X')," *INQUIRY: Jurnal Ilmiah Psikologi* 8, no. 1 (2017): 55-74.

²² Fawwas Aufaa Taqiyah Prastiwi and Aroma Elmina Martha, "Perlindungan Hukum Terhadap Anak Sebagai Korban Eksploitasi Seksual Melalui Media Online," in *Prosiding Seminar Hukum Aktual*, 2023, 37-54.

²³ Rini Fitriani, "Perlindungan Hukum Terhadap Anak Akibat Penyebarluasan Pornografi Di Internet Dan Media Sosial," *Jurnal Hukum Samudra Keadilan* 10, no. 2 (2015): 228-40.

²⁴ Yudhya Prasetya, "Perdagangan Perempuan Dan Anak Sebagai Kejahatan Transnasional," *Yustitia* 7, no. 2 (2021): 185-95.

²⁵ Fiqih Nanda Firmansyah, "Pentingnya Pencegahan Serta Penanganan Eksploitasi Seksual Anak (ESA) Di Level Regional Dan Global," *ECPAT Indonesia*, 2024.

²⁶ Sherly Ayuna Putri and Agus Takariawan, "Pemahaman Mengenai Perlindungan Korban Perdagangan Anak (Trafficking) Dan Pekerja Anak Di Bawah Umur Di Jawa Barat," *Dharmakarya: Jurnal Aplikasi Ipteks Untuk Masyarakat* 6, no. 4 (2017): 245-59.

²⁷ Izzah Amila Faisal, "Pariwisata Seksual Anak: Upaya Perlindungan Anak Berkaitan Dengan Sex Child Tourism" *Magister Hukum Udayana* 4, no. 4 (2015): 626-33.

²⁸ Calista Happy Andiani and Ika Riswanti Putranti, "Peran ECPAT Indonesia Dalam Menangani Kejahatan Pariwisata Seksual Terhadap Anak Di DKI Jakarta," *Journal of International Relations* 5, no. 1 (2018): 1059-66.

transportation, and other tourism-related services that make it easier for offenders to interact with minors while keeping them hidden from the public eye.²⁹

e. Child Marriage or Premarital Marriage

Marriage involving children and teenagers under 18 years old, child marriage can be considered a form of commercial sexual exploitation if a child is accepted and used for sexual purposes to obtain benefits in the form of money or services.³⁰ Marriage to a child under the age of 18 is likely to result in the child becoming a victim of ESKA, as the purpose of marrying the child is to use the child as a sex object to obtain money or other rewards.³¹

The regulations governing the crime of Commercial Sexual Exploitation of Children are Law No. 23 of 2002 on Child Protection. This law states that ESKA perpetrators are punishable by 15 years in prison or a maximum fine of Rp.100 million. Other laws related to ESKA include Law No. 39 of 1999 on Human Rights, Law No. 23 of 2004 on the Elimination of Domestic Violence, Law No. 21 of 2007 on the Elimination of Trafficking in Persons, Law No. 11 of 2008 on Electronic and Information Transactions, Law No. 44 of 2008 on Pornography, Law No. 1 of 2000 on Ratification of ILO Convention 182, Government Regulation No. 9 of 2008 on Procedures and Mechanisms for Services for Witnesses or Victims of Trafficking in Persons.

2. Factors of Commercial Sexual Exploitation of Children (ESKA) Crime in Bandar Lampung City

From the description of the criminal offense of Commercial Sexual Exploitation of Children (ESKA) above, the Author uses the theory of Soerjono Soekanto that the main law enforcement lies in other factors that may affect it. These factors are as follows:

- a. In this case, the legal factor is limited to the law only.
- b. The subject who create and implement the legislation are law enforcement factors.
- c. Infrastructure elements or resources that aid in law enforcement.
- d. Community elements include the setting in which the law is implemented or enforced..
- e. Work, copyright, and taste derived from human nature in the relationship of life are cultural aspects.

Factors inhibiting law enforcement are not merely the implementation of legislation but other factors that influence the substance of the law, officers, facilities and infrastructure, society, and culture. The following are factors that make it more difficult for law enforcement to prosecute those who commit the crime of commercial sexual exploitation of children:³²

a. The Legal Factor (Legislation)

Because granting justice is an abstract concept, putting law enforcement into practice has frequently put legal certainty and justice at odds. Legal certainty, on the other hand, is a process that has normatively been established.³³ Therefore, if a policy or conduct is consistent with the law, it can be justified even if it is not entirely founded on the law. Since the administration of law is a process of integrating ideals, regulations,

²⁹ Koalisi Nasional Penghapusan Eksploitasi Seksual Komersial Anak, *Eksploitasi Seksual Komersial Anak Di Indonesia : Indramayu Manado Medan Semarang Solo Surabaya*.

³⁰ Anggelia and Ani Purwanti, "Kebijakan Perlindungan Anak Terhadap Eksploitasi Seksual Melalui Nikah Siri Dalam Perspektif Hukum Nasional Di Indonesia," *Jurnal Jurisprudence* 10, no. 1 (2020): 109-26.

³¹ Koalisi Nasional Penghapusan Eksploitasi Seksual Komersial Anak, *Eksploitasi Seksual Komersial Anak Di Indonesia : Indramayu Manado Medan Semarang Solo Surabaya*.

³² Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta : Rajawali Pers, 1983).

³³ Arfiani Arfiani Arfiani et al., "Penegakan Hukum Sesuai Prinsip Peradilan Yang Berkepastian, Adil Dan Manusiawi: Studi Pemantauan Proses Penegakan Hukum Tahun 2020," *Riau Law Journal* 6, no. 1 (2022): 48-74.

and actual patterns of conduct intended to achieve peace, it essentially encompasses both peace maintenance and law enforcement.³⁴

According to Syafrudin,³⁵ The constraint factor of criminal law enforcement against perpetrators of Commercial Sexual Exploitation of Children from the substance of the law is good. Still, there needs to be an aggravation of punishment, such as if the perpetrator is the closest person to the victim, namely the victim's parents or family.

Based on the data and facts that the Author gets, the inhibiting factors of criminal law enforcement against perpetrators of Commercial Sexual Exploitation of Children from the substance of the law, namely that it must be by the Criminal Procedure Code regarding investigations, investigations by collecting 2 (two) sufficient preliminary evidence because the crime of Commercial Sexual Exploitation of Children often experiences delays in reporting the case. It isn't easy to find information related to preliminary evidence and service users.

b. Personality or Mentality of Law Enforcers

According to J.E. Sahetapy, who said that the enforcement of justice without the truth is an abomination within the context of law enforcement and its implementation, one of the keys to successful law enforcement is the mindset or personality of law enforcers. It is hypocritical to enforce justice without being truthful. In law enforcement, justice and truth must be expressed, felt, seen, and realized by all law enforcement agencies (including human ones).³⁶

According to Syafrudin,³⁷ The inhibiting factor of criminal law enforcement against perpetrators of Commercial Sexual Exploitation of Children in terms of legal apparatus is that law enforcement officials must provide severe/maximum sanctions to perpetrators of Commercial Sexual Exploitation of Children, which have a deterrent effect, especially for judges so that the criminal act of Commercial Sexual Exploitation of Children does not repeat in the future.

Based on the data and facts that the Author obtained from the field, the inhibiting factors of criminal law enforcement against perpetrators of Commercial Sexual Exploitation of Children in terms of law enforcement officials did not encounter significant obstacles because starting from the police apparatus to the courts already have special ranks to deal with women and children. As well as the many social institutions that specialize in protecting women and children.

c. Facility Factors to Support Law Enforcement

A strong organizational structure, appropriate funding, well-trained and skilled labor, and suitable equipment are examples of supporting facilities or infrastructure. Law enforcement can operate efficiently and law enforcers will probably carry out their duties effectively if provided with adequate facilities and equipment.

According to Syafrudin,³⁸ The inhibiting factors of criminal law enforcement against perpetrators of the crime of Commercial Sexual Exploitation of Children in terms of facilities and infrastructure currently the entire case process, starting from the police apparatus to the court, already has adequate supporting facilities provided by the

³⁴Nur Fitriyani Siregar, "Efektivitas Hukum," *Al-Razi : Jurnal Ilmu Pengetahuan Dan Kemasyarakatan* 18, no. 2 (2018): 1-16,

<http://repositorio.unan.edu.ni/2986/1/5624.pdf><http://fiskal.kemenkeu.go.id/ejournal><http://dx.doi.org/10.1016/j.cirp.2016.06.001><http://dx.doi.org/10.1016/j.powtec.2016.12.055><https://doi.org/10.1016/j.ijfatigue.2019.02.006><https://doi.org/10.1>

³⁵ Results of an interview with the chairman of CCC Lampung, Syafrudin, 20 October 2020.

³⁶ J.E Sahetapy, *Bunga Rampai Viktimisasi* (Bandung : Eresco, 1995).

³⁷ Results of an interview with the chairman of CCC Lampung, Syafrudin, 20 October 2020.

³⁸ Results of an interview with the chairman of CCC Lampung, Syafrudin, 20 October 2020.

government. However, the government must also be more concerned about insufficient infrastructure and facilities for social institutions.

Based on the data and facts that the Author obtained from the field, the infrastructure factor cannot be an inhibitor of criminal law enforcement against perpetrators of the crime of Commercial Sexual Exploitation of Children because, currently, all infrastructure and facilities have been fulfilled starting from the level of the Police Sector to the Police Headquarters, the court starts from the district court to the cassation. It is supported by the many facilities and infrastructure social institutions provide for women and children.

d. Public Legal Awareness and Compliance Factors

Every member or group of society must have legal awareness; the problem is legal compliance, which is high, moderate, or low. As is known, legal awareness is a process that includes legal knowledge, legal attitudes, and legal behavior.

According to Syafrudin,³⁹ The inhibiting factor of criminal law enforcement against perpetrators of Commercial Sexual Exploitation of Children in terms of society, currently the community still views child victims of Commercial Sexual Exploitation of Children as delinquents, children with moral crises, and marginalized children who create an unfavorable paradigm in the community environment so that people are reluctant to assist information to law enforcement officials such as police officers.

Based on the data and facts that the Author obtained from the field, the inhibiting factors of criminal law enforcement against perpetrators of the crime of Commercial Sexual Exploitation of Children in terms of the level of legal awareness and legal compliance of the community are still low and do not care about the importance of information from the community itself, making it difficult to coordinate in the settlement of this ESKA crime. In addition, there is also a lack of socialization from the government about the crime of ESKA, which is part of a crime and has criminal implications.

e. Cultural Factors

In the conceptual analysis of various types of culture, when seen from its development and scope in Indonesia, there are super-culture, culture, subculture, and counter-culture. Such cultural variations can lead to certain perceptions of law enforcement; cultural variations are difficult to homogenize. Therefore, law enforcement must be adjusted to local conditions; for example, law enforcement in Papua will differ from that in Jakarta.

According to Syafrudin,⁴⁰ The inhibiting factors of criminal law enforcement against perpetrators of the crime of Commercial Sexual Exploitation of Children in terms of culture and society, currently, there is still a lack of knowledge and insight of community leaders, traditional and cultural leaders about the crime of Commercial Sexual Exploitation of Children which is part of a serious crime. At this time, the government should provide knowledge and insight to community leaders and traditional and cultural leaders.

Based on the data and facts that the Author obtained from the field, the inhibiting factors of criminal law enforcement against perpetrators of the crime of Commercial Sexual Exploitation of Children in terms of culture and society, namely that there are still many community cultures that consider the problem of Commercial Sexual Exploitation of Children as a common thing and not categorized as a criminal crime, which causes people to be reluctant to report and provide information about the crime of Commercial Sexual Exploitation of Children.

³⁹ Results of an interview with the chairman of CCC Lampung, Syafrudin, 20 October 2020.

⁴⁰ Results of an interview with the chairman of CCC Lampung, Syafrudin, 20 October 2020.

D. CONCLUSION

Factors that Impact the Criminal Act of Commercial Sexual Exploitation of Children (Eska) in the Beach Area of Bandar Lampung City in terms of people who are still under the poverty rate, which causes many people to become perpetrators of Commercial Sexual Exploitation of Children to fulfill their needs. The level of poverty and unemployment and the increasingly limited access to welfare, as well as a modern lifestyle that is all consumptive, makes some people make various efforts to survive to meet the economic needs of themselves and their families. This is where the government should play a role in guaranteeing decent work to the community itself.

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