

Responsive Legal Protection Against Child Abduction: A Human Rights Perspective

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Abstract

More child abductions have caused residents in major cities to be anxious, as can be seen from the concerns of almost all citizens. Hence, given the urgency of their development, it requires special care in order to grow and develop both physically mentally and spiritually. This research was an empiric legal research and it was conducted in Makassar and Jakarta, Indonesia. The results show that the principle of legal protection against children about non-discrimination, the best interests of children, the right to survival and development and the appreciation of children's opinion has been set forth in Child Protection Law. In reality, however, the number of child abductions is still frequent; the act is very detrimental to the child in this case the child as a victim of a crime. The principle of child protection needs to be done as early as possible, i.e since from the fetus until the child is 18 years old. In conducting the development and protection for children, it is necessary for the role of the community through the institutions of child protection, religious institutions, non-government organizations, social organizations, business, mass-media and educational institutions. The complexity of the issue of child protection is very broad, and it cannot be simplified on one issue only. Above all, it is important to extend legal coverage and insight into the importance to understanding the principles of legal protection for children.

Keywords: Child Abduction; Human Rights; Legal Protection

1. Introduction

According to *Explanatory Report* in Hague Conference, that the most problem in child abduction is that children are taken from their families and social environments where their lives have developed. While, children are a hope of the nation, society, as well as the family for future.¹ Hence, given the urgency of their development, it requires special care in order to grow and develop both physically mentally and spiritually.² Constitutionally, the provision of children has been expressly regulated in the Constitution of Article 28B parag. (2) of the 1945 Constitution that “every child has a right to survival, growth and development and protection from violence and discrimination.”

Efforts of protection and development for children are faced with the problems and challenges that the child as object of crime. Every day there are always news that makes parents worried, because children abduction are common everywhere and more scary is often ends with the vagueness of the fate of the victim who tragically ended up being killed by the abductor. Therefore, parents should monitor their children when they play, whether they in the home, the school or other locations. Child abduction that often occurs in big cities causes more anticipatory citizens. For the security of their children, the public takes preventive measures awaiting government efforts to prevent similar cases. More child abductions have caused residents in major cities to be anxious, as can be seen from the concerns of almost all citizens. Anxiety is increasing due to the abduction news spread in social media.³

Child cases reported to the Indonesian Child Protection Commission from year to year continue to increase, both the number and type of complaints, it indicates the State is not yet optimal to guarantees the protection of children. Currently, the number of children reaches one third of the total population of Indonesia, the country needs to pay more attention to child protection. Law enforcement must be firm to prevent the occurrence of frequent recurring cases. The role of the State is needed in order to realize the development of child-friendly policies, and budgeting that often happens to children.

¹ Steward, P. (1997). Access Rights: A Necessary Corollary to Custody Rights Under the Hague Convention on the Civil Aspects of International Child Abduction. *Fordham International Law Journal*, vol. 21, 308.

² Harefa, B. (2016). *Kapita Selektta Perlindungan Hukum bagi Anak*. Yogyakarta: CV Budi Utama, p. 1

³ Melly, S., and Eddyono. S.W. (2017). *Perlindungan Anak Dalam Rancangan KUHP, ELSAM dan Aliansi Nasional Reformasi KUHP*. Jakarta, p. 15

Speaking of children and their protection will never stop throughout the history of life, because they are the next generation of nations and development, the generation that is prepared as the subject of implementing sustainable development and control of the future of a country, not least in Indonesia.¹ The protection of Indonesian children means protecting human resources and building a complete Indonesian human being. Rationally, a child is formed from a transcendental unseen element of the process of scientific ratification with the Divine elements derived from the material values of the universe and the spiritual values and processes of belief.²

Above all, according to the Convention of Child Rights in 1989 (UN's Resolution No. 44/25 of 5 December 1989), the children rights in general can be classified into 4 (four) categories namely: the right to survival, the right to develop, the right to protection, and the right to participate.³ Child protection is an effort and activity of all peoples in various positions and roles, aware the importance of children for the nation in the future. If they begin to mature both physically or mentally and socially it is time to replace the previous generation.⁴

If we noting the development of child condition are still a lot of rights violated and become victims of various forms of violence, abduction, exploitation, mistreatment, discrimination and even inhumane actions against children without protecting themselves and without adequate protection from their families, communities and government. In addition, it is time for the child's right violations to demand the attention of all parties seriously, because in addition to threatening the survival also threatens social resilience which in turn develops into national resilience as a nation. Therefore, the fulfillment and protection of the child and upholding the principle of non-discrimination, the best interests of the child, and the participation of child in all matters concerning them is an absolute requirement in the fulfillment and protection of the children right effectively.

The children shall be protected so that they shall not be the victim of any act of persons (individuals, groups or organizations) either directly or indirectly. Victims are those who suffer losses (mental, physical, social), due to passive actions, or the actions of others or groups, either directly or indirectly. The efforts of government to protect children' rights are still alarming with the increasing number of child abduction. In order to minimize this, an action plan for the elimination of commercial sexual exploitation of children (RAN-ESKA – *rencana aksi penghapusan eksploitasi seksual terhadap anak*),⁵ the RAN on the elimination of trafficking of women and children (PPPA – *penghapusan perdagangan perempuan dan anak*),⁶ RAN on the elimination of the worst work forms of child (PBBPTUA – *penghapusan bentuk-bentuk pekerjaan terburuk untuk anak*) and other National Action Plan related to the fulfillment of the child rights.

Basically, the action plan is an effort to realize decent condition for Indonesia' children. Some efforts to create such decent condition are done by:⁷ improve the welfare of the people through efforts to reduce the poverty rate from the economic aspect, the children should live in an established family, fulfilled all food and clothing and people have adequate livelihood so that can guarantee children to grow and develop and can obtain a decent education to achieve the welfare of the community.

As described above, the issue of research is focused on the assumption that the form of legal protection against children from abduction has not been done well so that child abduction and abuse still occur. In addition, the role of the State has not been optimal in terms of protecting children from abduction.

2. Method of the Research

This research was an empiric legal research. It was conducted in Makassar and Jakarta, especially in the Indonesian Child Protection Commission, the Child National Commission, Metrojaya Regional Police, Makassar District Court, and South Sulawesi Regional Police. The populations are the parties related to the object of research. In this research consists of the Indonesian Child Protection Commission, Child National Commission, Metrojaya Regional Police, Makassar District Court, and South Sulawesi Regional Police.

¹ Nasriana. (2011). *Perlindungan hukum pidana bagi anak di Indonesia*. Jakarta: PT RajaGrafindo Persada, p. 1

² Maulana, H.W. (2000). *Pengantar Advokasi dan Hukum Perlindungan Anak*, Jakarta: PT. Gramedia Widiasarana Indonesia, pp 5-6.

³ Setya, W. (2011). *Implementasi Ide Diversi Dalam Pembaruan Sistem Peradilan Pidana Anak di Indonesia*, Genta Publishing, Yogyakarta, p. 22.

⁴ Gultom, M. (2012). *Perlindungan Hukum Terhadap Anak dan Perempuan*, PT. Refika Aditama: Bandung, p. 97.

⁵ Based on the Decree of President of the Republic of Indonesia No. 87 of 2002 on RAN ESKA

⁶ Based on the Decree of President of the Republic of Indonesia No. 88 of 2002 on RAN PPPA

⁷ Dellyana, S. (2004). *Wanita dan anak di mata hukum*, Liberty, Yogyakarta, pp 10-12

3. Effectiveness of Child Protection Law in the Handling of Child Abduction Victims

As a constitutional State that upholds the values of nationality and humanity, Indonesia has many regulations that expressly provide child protection. In the 1945 Constitution, it states that “*the poor and the neglected children are maintained by the state,*” as well as the specific protection of child’s rights as part of human rights, included in Article 28B paragraph (2), “*every child entitled for survival, growth and development and protection from violence and discrimination.*”¹

Article 1 Number (2) of Act No. 35 of 2014 on Child Protection determines that child protection is all activities to guarantee and protect children and their rights in order to survive, grow, develop, and participate optimally in accordance with human dignity and to secure protection from violence and non-discrimination.²

Child protection is an attempt to protect children to exercise their rights and obligations. Essentially, the protection of the child rights is directly related to the provisions in legislation, business policies and activities that ensure the realization of the protection of the child’ rights, especially based on the consideration that children are vulnerable and dependent, in addition to the existence of children who experience obstacles in their growth and development, both spiritual, physical and social.³

Article 13 paragraph (1) of Act No. 35 of 2014 affirms that every child during the upbringing of a parent, guardian or any other party who responsible for care shall be entitled to get protection from:

- a. Discrimination, for example the discrimination of ethnicity, religion, race, class, sex, ethnicity, culture, language, legal status of children, childbirth affairs, and physical and/or mental conditions.
- b. Exploitation, both economic and sexual, for example acts of manipulating, exploiting or extorting children for personal, family or class gains.
- c. Neglect, for example, acts of intentional neglect of duty to maintain, care for or take care of the child properly.
- d. Cruelty, violence and maltreatment, such as acts in a tyrannical, abominable, cruel or unflappable manner to the child. The violence and maltreatment such as acts of child injury and not merely physical, but also mental and social.
- e. Injustice, such as the act of partisanship between one child with another and child abuse.
- f. Other misconduct, such as harassment or indecent acts to children.⁴

In practice, based on the interview result of the researcher with Mrs. Retno Adji Prasetajaju,⁵ as secretariat of the Child Protection Commission, she stated that although it has been regulated in the special law on child protection but the crime against children is increasing can be seen based on the public complaint data to the Indonesian Child Protection Commission. We can see in the table below about public complaints from the period 2011-2015.

Table 1. Cases of child complaints based on the cluster of the Indonesian Child Protection Commission

No	Cluster	2011	2012	2013	2014	2015	Total
1	Abduction victim	26	45	47	34	16	321
2	Sexual exploitation victim	59	37	51	46	72	265
3	Economic exploitation victim	58	57	30	59	101	570

Source: Primary data, 2016 (edited)

As a result, children who become victims of crime will experience a deep trauma over what happened and affect their psychology. To restore the confidence of child victims of crime is not easy, hopefully the role of parents, state apparatus and society to always protect the nation’ children from any form.

If associated with the theory of legal protection by Rahardjo,⁶ who states that the legal protection is an effort to protect the interests of a person by allocating a power to them to act in his interests. Furthermore, it is also stated that one characteristic and also the objective of law is to provide protection to the community. Therefore, the legal protection of the society must be realized in the form of legal certainty. However, according to the

¹ Djamil, M.N. (2013). *Anak Bukan Untuk di Hukum*. Jakarta: Sinar Grafika Offset, p. 27

² Act No 35 of 2014 as amendment of Act No. 23 of 2002, Page 3.

³ Gultom, *Op. Cit*, Page 35

⁴ H.R Abdussalama. (2016). *Hukum Perlindungan Anak*, Jakarta: PTIK, p. 39

⁵ Interview with Mrs. Retno Adji Prasetajaju as Secretariat of the Child Protection on 26 April 2016

⁶ Raharjo, S. (2010). *Teori Hukum, Strategi Tertib Manusia Lintas Ruang dan Generasi*, Yogyakarta: Genta Publishing, p.

researcher, the legal protection against children has not run optimally even though it has been regulated in the Act but the crime against children is increasing, according to the researcher the punishment given to child abduction is not equivalent to what happened to the victim (child).

For child protection to be properly organized, it is necessary to adhere to the principle that the child's best interests should be regarded as *Paramount Importance* or obtain the highest priority in any decision concerning the child. Without this principle, the struggle to protect children will experience a stumbling block. The principle of the *Best Interests of The Child principle* is used because in many ways the child is a victim, including the victim of ignorance due to their developmental age. In addition, no power can stop the growth of the child.¹ This principle is one of the main principles of child protection in accordance with the spirit of the Convention on the Child Rights; it should be a reference for every party in handling and resolving the child abduction.

Democracy will not be enforced and will lead to uncontrolled misappropriation if not properly guarded by law, and vice versa will not be upheld properly and well if its political system does not reflect democratization.² The tone of a democratic political system is essentially prone to bear a law of responsive and autonomous character, while an authoritarian political system tends to produce conservative and orthodox laws. Law enforcement efforts will be more effective if the country embraces the democratic system because the values contained therein can contribute positively to law enforcement. Conversely, the effectiveness of law enforcement will be hampered when a country embraces authoritarian political system.

In Law Sociology, there is a study related to the application and enactment of law in society, one of which is we can see in the working model of legal system according to Siedman,³ where he divides the working area of the legal system into 3 (three) scopes namely in the regulatory institution, in regulatory application and most importantly here is within the scope of the role-holders or the community. The above three components work according to their respective competence in the formation and application of laws contained in a country and the existence of interrelationship between one another because each component must support each other to create a legal system that works effectively in the community. The three components mentioned above, each of which would have positive and negative effects of social factors such as economic, social, cultural, political and also factors affecting law enforcement such as legal substance, enforcement officers.

In judging the decision of judge also pay attention to the things that incriminate the defendant such as the defendant act has been troubling especially for the parents and their actions have caused disappointment and sadness for the child's parents while the mitigating things considered by the judge is the defendant being polite in court and has admitted his mistake and regrets it, the defendant is young and can still change his/her behavior in the future and the defendant has never been punished.

Based on interviews on 26 October 2016 with Mr. Kadarisman as a child judge, he stated that the occurrence of criminal acts against children is a form of discrimination against the growth and development of children, various types of violations are often happened to children in the form of abduction as a result of the economic and social environment. Furthermore, he stated that despite being given sanctions in the form of punishment against perpetrators of abduction against children in accordance with applicable law but not reducing crime against children. Furthermore, he stated that one of the efforts to protect children who become victims of crime can be seen through court decision, such as the petition of criminal verdict Number: 2024/Pid.B/2012/PN.Mks about child abduction, in the decision there is an assumption that the higher the criminal threat which has been imposed on child abduction means that law enforcement has occurred to the victim and the victim has obtained legal protection, because by given severe criminal sanction to the perpetrator of the crime is expected to no longer similar incident happened to the child in other words the criminals actor will think two times to abduct child.⁴

Although the rule of law has enforced but does not necessarily cause deterrent effect to the perpetrators which often make the child as the object of crime and does not reduce the case of crime against children, the cases of abduction child is unfair acts for children. If speaking about justice, then child protection is closely linked to justice, because in child criminal court reflects a sense of justice for law enforcement officials who handle child cases will affect their actions. If child protection is linked to justice, then in law enforcement is reflected a sense of fairness or child protection that reflects justice, which should prioritize the implementation of the rights of the child.

¹ Hadisuprpto, P. (1997). *Juvenila Delinquency (Pemahaman dan Penanggulangan)*, Bandung: Citra Aditya Bakti, p. 88

² Weiner, M.H. (2000). International child abduction and the escape from domestic violence. *Fordham Law Review.*, 69, 593.

³ Raharjo, Op.Cit., p. 48-49

⁴ Interview on 26 October 2016 at 11.00 WIB, with Mr. Kadarisman as Child Judge at the District Court of Makassar

4. A Concept of Restitution as an Effort to Handling Legal Protection against Child as Abduction Victims

In the context of perpetrator, restitution is an embodiment of the re-socialization of social responsibility. In this case, restitution does not lie in its efficacy to helping the victim, but serves as a tool to further alert the perpetrator of the criminal acts (due to his actions) to the victim, in developed countries especially in Anglo Saxon countries such as England, USA, Australia, and New Zealand, restitution has been ratified as one of the criminal types in its laws and regulations. Therefore, restitution has been applicable in those countries; the earliest state uses restitution is New Zealand beginning in 1963. Restitution is part of the restoration of the right to the victim or what is commonly referred to as reparations, it has evolved for a long time there is no international human rights law. The right to recovery is usually applied to cases of interstate warfare, usually bilateral in which the state as the perpetrator pays for war losses to the State attacked.¹

Literally, *reparation* have evolved as productive words since hundreds of years ago. The word *reparation* (English) is derived from the Latin *reparare* entered through the ancient French *reparer* which means compensation. In principle, the word *reparation* refers to the recovery or restitution of a condition or state before the occurrence of a malfunction. International human rights law recognizes that crimes against humanity fall into the category of extraordinary crimes. The occurrence of this crime raises obligation for the State to provide recovery to the victims. This obligation to provide recovery is the responsibility of the State which has been established in various international or regional human rights instruments. The obligation resulting from the States' accountability for violations of international human rights law entitles individuals or groups who are victims in that State to obtain relative legal treatment and a fair remedy in accordance with international law.²

The obligation to provide reparations for victims is an unnecessary obligation associated with the presence or absence of judicial proceedings. This means that reparations to victims of human rights violations are entitled to recovery, whether or not the perpetrators are brought to justice. This is in line with the definition of a victim of human rights violations, that a person may be considered a victim, regardless of whether the perpetrator has been identified or not, arrested or not, prosecuted or not, and irrespective of the brotherly relationship between the victim and the perpetrator. Under international law, the victim becomes a victim when her/his rights are violated. When the crime or violence is committed then that person gets the status as a victim.

The simple principle of the concept of the restoration of the rights to the victims then undergoes a more complicated development along with the deepening of the problem of victims of human rights violations, until now the restoration of the right to victims is one of the fundamental principles in international law. The restoration of the rights of victims has several important key provisions, namely as follows:

First, victims are defined as persons who individually or collectively suffer losses, including physical and mental, emotional, economic loss or fundamental disruption of their rights, its basic right, through acts or payments that constitute serious violations of human rights law, or serious violations of international humanitarian law. The term "*victim*" includes the family or dependents of direct victims and persons who suffered loss in providing assistance to the victim in difficult circumstances or in preventing victimization. A person should be regarded as a victim regardless of whether the perpetrator can be identified, arrested, prosecuted or convicted regardless of the family relationship between the perpetrator and the victim. Recovery to victims should not be discriminatory either for reasons of racial, religious, gender, social or political background, and so on.

Second, the nature of victim does not depend on the perpetrator, either the direct perpetrator or who is bound by the command responsibility. The rights of the victim also do not depend on the fate of the perpetrator, either because they cannot be identified or have failed to be brought before the court. The rights of the victim are solely related to the condition in which a person has been deprived of his/her right to an incident of human rights violation. The right of victim to restoration is an inalienable right of the victim himself. States should provide for effective fulfillment of the right to remedy, either through judicial, legislative or administrative measures. For the category of serious human rights violations, the right to remedy is non-derivable and its failure to fulfill is impunity.

Third, victim recovery should be proportional to the severity of the crime and the losses suffered which include restitution, compensation, rehabilitation, satisfaction and non-repetitive guarantees. This form of recovery can be in terms of material compensation, physical and psychological or moral recovery, as well as rehabilitation of social and political status. States should endeavor to establish a national program for recovery and other assistance to victims, in which the party responsible for the losses suffered by the victim is incapable or

¹ Marlina and Zuliah, A. (2015). *Hak Restitusi Terhadap Korban Tindak Pidana Perdagangan Orang*. Bandung: PT Refika Aditama, pp. 39-40

² *Loc.Cit.*

unwilling to fulfill his obligations.

Depart from such description it can be stated that initially the reaction to a violation that causes harm and suffering on the other hand is entirely the right of the suffered party (the victim) to demand retaliation. The side effects of these reprisals have brought about a situation; the reprisals committed by the victim are often not worth the damage done by the perpetrator. This happens as a result of the excessive emotion of the victim. In its later development the consequence of this infinite revenge, also caused a state, loss, or suffering experienced by a person it can gradually be replaced by paying some property to the victim. The appointment of the suffered person is based on the principles of civil law and the loss is caused by a person who, by criminal law, is called the “maker” (*dader*) of a criminal act.

The dimension of compensation with the suffering of victim is linked to the system of restitution as a form of restoration of the right to the victim. As a remedy for the physical, moral, property, property, and victim rights to be terminated in court and if the accused is to be paid the perpetrator against the victim. This restitution became relevant in Indonesia after the emergence of pressure from various community groups including the insistence of human rights organizations and human rights victims that the state make a regulation or law that regulates the mechanism for the restoration of the rights to the victims. This is based on the view that tens of years of military regimes have violated human rights with extraordinary amounts while the fate of millions of victims is not noticed by the state.¹

From the point of view of *victimology*, restitution is a scientific science or studies victimization (criminal) as a human problem which is a social reality. Victimology comes from the latin word *victim* meaning victim and *logos* which means science or study. It is a science to studying the victims. Generally, if the victim looks weak then the perpetrator will be more aggressive.² Based on the theory of *Criminal-Victim Relationship*, the involvement of the victim will have an effect on the level of crime perpetrators. Furthermore, this mistake rate will also affect the aspect of criminal liability. On the contrary, the involvement of the victim itself affects the service aspect in realizing the protection of his/her interests. The benefits and aims of victimology are to alleviate the pain and suffering in the world, especially children. Referred suffering is a long-term victim and a loss of physical, mental, or moral, social, economic, loss that is almost forgotten and ignored by institutionalized social control such as law enforcement, prosecutors, courts, probation officers, fostering correctional and so on.

Criminal victims in the law enforcement system are still in the category as evidence, in this case that gives testimony as a witness so the possibility to obtain flexibility in fighting for their rights is very small. If linked to the compensation of victim with the restitution system in which it is understood that it relates to the recovery or restoration of losses suffered by the victim as a result of a crime. While, restitution in the view of trafficking is a right of restitution for the victim can be enjoyed by every person who resides in Indonesia which is guaranteed by law in accordance with the character of Indonesia as a legal state that upholds human rights.

In Indonesian context, the arrangements relating to the lawsuit of civil compensation are combined in the criminal case in the second arrangement, where the compensation is accounted to the perpetrator only on material losses, whereas immaterial losses cannot be requested to the perpetrator.³ The compensation and restitution of victims of serious violations of human rights are addressed only in compensation.

The mechanism for the filing of restitution as described in Article 48 of Act No. 21 of 2007 on the Eradication of Trafficking can be described that victims of trafficking reports their cases to the police and upon receiving complaints from victims or families, the police are required to include restitution in the investigation report. When the case is handed over to the court, the prosecutor notifies the victim of his/her right to seek restitution and presents the amount of losses suffered by the victim along with the demands. The restitution is given and imprinted by the judge as well as in the verdict in the District Court on the crime of trafficking. This restitution may also be entrusted in court where the case is terminated and granted to the victim or family within 14 days from the date of notification of the verdict which has been enforced and the restitution request is also made by the victim submitting his own civil restitution.

The effectiveness of child protection legislation in relation to the responsive law protection to abduction has been implemented properly in accordance with applicable legislation; the problem is that if it is related to other law enforcement factors then the availability of such regulation cannot yet be realized properly. It can be argued that child protection legislation has not been effectively implemented in the community. The effectiveness of

¹ Gandasubrata, P.S. (2001). *Masalah Ganti Rugi dalam Perkara Pidana*, Bandung: PT. Citra Aditya, p. 116

² Sahtapy, J.E. (1987). *Viktimologi Sebuah Bunga Rampai*. Jakarta: Pustaka Sinar Harapan, p.9

³ Harahap, M.Y. (2006). *Pembahasan Permasalahan dan Penerapan KUHAP Pemeriksa Sidang Pengadilan*. Jakarta: Sinar Grafika, p. 81

child protection is in the hands of parents, family, community. Hence, the State is responsible for the implementation of child protection from abduction. Massive socialization of the legal products and the framework of child protection programs are needed.

Efforts made on abductee children are at the time of the child abduction, namely the stages of court and after the decision on the perpetrators of child abduction. The State should be more aware of the consequences of child abduction, therefore it is necessary reintegration processes to parents and communities to help them through the recovery or rehabilitation process.

5. Conclusion

The principle of legal protection against children about non-discrimination, the best interests of children, the right to survival and development and the appreciation of children' opinion has been set forth in Child Protection Law. In reality, however, the number of child abductions is still frequent; the act is very detrimental to the child in this case the child as a victim of a crime. Efforts to protect the rights of abducted children based on the provisions of laws and regulations, namely special protection through supervision, protection, prevention, maintenance, restitution and rehabilitation are done because of the physical, emotional and social impacts of child abduction.

The principle of child protection needs to be done as early as possible, i.e since from the fetus until the child is 18 years old. In conducting the development and protection for children, it is necessary for the role of the community through the institutions of child protection, religious institutions, non-government organizations, social organizations, business, mass-media and educational institutions. The complexity of the issue of child protection is very broad, and it cannot be simplified on one issue only. For further, it is important to extend legal coverage and insight into the importance to understanding the principles of legal protection for children.

References

- Dellyana, S. (2004). *Wanita dan Anak di Mata Hukum*. Yogyakarta: Liberty.
- Djamil, M.N. (2013). *Anak Bukan Untuk di Hukum*. Jakarta: Sinar Grafika Offset.
- Gandasubrata, P.S. (2001). *Masalah Ganti Rugi dalam Perkara Pidana*, Bandung: PT. Citra Aditya.
- Gultom, M. (2012). *Perlindungan Hukum Terhadap Anak dan Perempuan*. Bandung: PT. Refika Aditama.
- H.R Abdussalama. (2016). *Hukum Perlindungan Anak*, Jakarta: PTIK.
- Hadisuprpto, P. (1997). *Juvenila Delinquency (Pemahaman dan Penanggulangan)*, Bandung: Citra Aditya Bakti.
- Harahap, M.Y. (2006). *Pembahasan Permasalahan dan Penerapan KUHAP Pemeriksa Sidang Pengadilan*. Jakarta: Sinar Grafika.
- Harefa, B. (2016). *Kapita Selekta Perlindungan Hukum bagi Anak*. Yogyakarta: CV Budi Utama.
- Marlina and Zuliah, A. (2015). *Hak Restitusi Terhadap Korban Tindak Pidana Perdagangan Orang*. Bandung: PT Refika Aditama.
- Maulana, H.W. (2000). *Pengantar Advokasi dan Hukum Perlindungan Anak*, Jakarta: PT. Gramedia Widiasarana Indonesia.
- Melly, S., and Eddyono. S.W. (2017). *Perlindungan Anak Dalam Rancangan KUHP, ELSAM dan Aliansi Nasional Reformasi KUHP*. Jakarta.
- Nasriana. (2011). *Perlindungan hukum pidana bagi anak di Indonesia*. Jakarta: PT RajaGrafindo Persada.
- Raharjo, S. (2010). *Teori Hukum, Strategi Tertib Manusia Lintas Ruang dan Generasi*, Yogyakarta: Genta Publishing.
- Sahtapy, J.E. (1987). *Viktimologi Sebuah Bunga Rampai*. Jakarta: Pustaka Sinar Harapan.
- Setya, W. (2011). *Implementasi Ide Diversi Dalam Pembaruan Sistem Peradilan Pidana Anak di Indonesia*, Genta Publishing, Yogyakarta.
- Steward, P. (1997). Access Rights: A Necessary Corollary to Custody Rights Under the Hague Convention on the Civil Aspects of International Child Abduction. *Fordham International Law Journal*, vol. 21, 308.
- Weiner, M.H. (2000). International child abduction and the escape from domestic violence. *Fordham Law Review.*, 69, 593.