



The Imposition of Criminal Sanctions on Perpetrators of Pedophilia in the Indonesian Legal System

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Article Info	Abstract
Article History Received: 2025-08-05 Revised: 2025-08-06 Published: 2025-09-10 Keywords: <i>Criminal Sanctions, Pedophilia, Child Protection</i>	<p>This study examines the effectiveness of legal regulations in Indonesia in imposing criminal sanctions on perpetrators of pedophilia and formulates recommendations for legal reform to strengthen child protection in the future. The study uses a normative juridical approach that focuses on the study of written legal norms, particularly provisions in the Criminal Code (KUHP), Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014, and Law Number 17 of 2016 which introduced additional penalties in the form of chemical castration. The results of the study indicate that normatively the existing regulations are quite progressive, as seen from the increase in the minimum criminal penalty of five years and a maximum of fifteen years, increased sentences for perpetrators who have a special relationship with children, the introduction of restitution for victims, and additional special penalties. However, the effectiveness of these regulations still faces several obstacles, including a weak understanding of the characteristics of pedophilia among law enforcement officials, disparities in sentencing, limited restitution mechanisms, and minimal psychological protection for child victims in the judicial process.</p> <p>This study recommends several legal reform measures, including codifying specific laws regarding child protection, strengthening the explicit definition of pedophilia in the law, classifying criminal offenses based on severity, automated mechanisms for granting restitution, utilizing technology to protect victims in court, and strengthening rehabilitation programs for perpetrators with mental disorders. Furthermore, harmonizing national regulations with international instruments such as the Convention on the Rights of the Child is also crucial to ensure child protection standards align with global commitments. By implementing these reforms, it is hoped that the Indonesian legal system will not only serve to punish perpetrators but will also be able to deliver substantive justice by guaranteeing the recovery, protection, and best interests of children as victims of pedophilia.</p>

I. INTRODUCTION

The issue of child protection in Indonesia has recently become a serious concern for the government and society as a whole. This is understandable, given the continued occurrence of child abuse cases, and the continued victimization of children. Despite numerous regulations protecting children from behavior that could lead to criminal activity, perpetrators

still seem unconcerned about the potential sanctions they face.(Purba and Tanjung 2022)

Globally, attention to the issue of protecting children as objects of crime has been discussed in several international meetings, including the Geneva Declaration on the Rights of the Child in 1924 which was recognized in the Universal Declaration of Human Rights in 1948. Then on November 20, 1958, the UN General Assembly

ratified the Declaration of the Rights of the Child. Then, international instruments in child protection which are included in the human rights instruments recognized by the United Nations are the UN Rules for the Protection of Juveniles Deprived of Their Liberty, the UN Standard Minimum Rules for Non-Custodial Measures (Tokyo Rules), and the UN Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines).(Children 2020)

The numerous instruments and recommendations from the meeting do not seem to have shown significant results in providing protection for children. However, as stated in the Declaration of the Rights of the Child, "...the child, by reasons of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth..." The 1993 Vienna Declaration produced by the World Conference on Human Rights (HAM), reiterated the principle of "First Call for Children," which emphasizes the importance of National and International efforts to advance children's rights to "survival, protection, development, and participation."

The above instruments have established a set of children's rights and obligations of countries that sign and ratify them to protect children in terms of child labor, adoption, armed conflict, juvenile justice, child refugees, exploitation, health, family education, civil rights, and economic, social and cultural rights which aim to provide protection for children who are vulnerable to becoming victims.(Laksana 2017) Apart from these international instruments, the protection of children as objects of crime has been implicitly recognized by the international community, as evidenced by the recognition of child trafficking crimes and crimes against morality against children (including rape and indecent acts) as international crimes.

Based on the aforementioned thinking, Law No. 23 of 2002 concerning Child Protection was enacted as a specific instrument to regulate and guide child protection. This law was enacted to guarantee the fulfillment of children's rights and ensure non-discriminatory treatment, ensuring that children have the widest possible opportunity to grow and develop optimally, both physically, mentally, and socially, and to develop noble character. Furthermore, this regulation serves as a form of support.(Wiguna, Sepud, and Sujana 2020) A case that has occurred and come to light in Indonesia is the case of former Australian diplomat William Stuart Brown, who was

convicted of sexual crimes against two children in Karangasem. Some saw it as a step forward in enforcing child protection laws in Indonesia. Despite the regret and sympathy for Brown's suicide in Amlapura Penitentiary the day after the verdict, several important lessons can be learned from his case. The case illustrates how pedophilia and sexual crimes against children are understood in our society and how our legal system responds to them.(Alauddin 2019)

Several polemics that emerged during the Brown trial, such as claims that no violation of the Child Protection Act (UUPA) occurred in this case, along with claims that no violence or coercion occurred against the victim, demonstrate how pedophilia is still often confused in its definition. The presence or absence of physical violence is still often used as a criterion for categorizing child sexual abuse as a crime. Child sexual abuse itself tends to be narrowly defined, limited to forms of sexual contact, while ignoring non-contact forms of abuse, such as exhibitionism and pornography. The presence or absence of coercion is actually insignificant in cases of sexual crimes against children due to the gap in understanding about sex between adults and children.

Based on Law Number 23 of 2002 concerning Child Protection, specifically in Article 59, it is stated that "every child who is a victim of criminal acts of economic and sexual exploitation as well as victims of kidnapping, sale and trade has the right to receive legal protection from the government and other state institutions, especially law enforcement agencies."(Surabangsa and Arifin 2022) Pedophilia is classified as a crime against children because it has devastating effects on the victims. According to Seto Mulyadi, a child psychologist and current Chair of the National Commission for Child Protection (Komnas Anak), victims of pedophilia experience a loss of self-confidence and a negative outlook on sex. Pedophiles tend to engage in sexual relations with children, both underage boys (homosexual pedophilia) and underage girls (heterosexual pedophilia).

Criminal law policies to protect children from being the object of crime have been implemented in the Criminal Code. In the Criminal Code there are provisions on the prohibition of sexual intercourse with women outside of marriage and under the age of fifteen (Article 287); prohibition of committing indecent acts for adults with other people of the same sex and underage (Article 292); prohibition of committing

indecent acts with one's child, stepchild, adopted child, or child under guardianship who is underage (Article 294); prohibition of abandoning children under seven years old with the intention of relinquishing responsibility (Article 305 Jo. Article 306 and Article 307); prohibition of taking the life of a child immediately after birth by the mother (Article 341 Jo. Article 342).²⁵ These legal guidelines are apparently not sufficient to prevent and address forms of treatment of children as not being the object of crime. Then the provisions on the protection of children from being the object of crime were completed and added with the birth of Law No. 23 of 2002 concerning Child Protection which is contained in Chapter XII, namely starting from Article 77 to Article 90. (Arifin 2021)

Criminal law is often used to address social problems, particularly in crime prevention. Pedophilia is particularly problematic, as it is a social disease and a form of social pathology. Criminal law enforcement to address pedophilia as a deviant behavior must be ongoing. This is justified because pedophilia poses a real threat to social norms and can cause individual and social tensions. Pedophilia represents a real or potential threat to the maintenance of social order.

Pedophilia must be watched out for. Because physically, pedophiles are no different from other members of society. Pedophiles can blend in and socialize without anyone knowing they are pedophiles, until finally society is shocked when pedophiles claim victims. Generally, the victims are children in tourist areas¹⁶ because, in various cases, the perpetrators are mostly tourists and foreigners.¹⁷ In society, cases of pedophilia are suspected to be common. However, still little is revealed and known to the public. According to Adrianus Meliala, this is not only related to the civilization of Indonesian society as an eastern people, but also the behavior of pedophiles who are increasingly sophisticated and have abandoned violent approaches. Many sufferers of pedophilia are even from the middle to upper classes. By answering these questions, it is hoped that this research can contribute to stakeholders in law enforcement, the author discusses this research with the title of the study: *Imposing Criminal Sanctions on Perpetrators of Pedophilia Crimes in the Indonesian Legal System*.

Based on the background above, the problem formulation that the author will discuss is:

1. Are current legal regulations effective in providing criminal sanctions against pedophiles in Indonesia?
2. What are the recommendations for legal reforms to improve child protection in the future?

II. RESEARCH METHODS

This research uses a normative juridical approach that focuses on the study of written legal norms to analyze the imposition of criminal sanctions on perpetrators of pedophilia in Indonesia. (Indra Utama Tanjung 2024) This type of research aims to identify and evaluate the effectiveness of applicable laws and regulations, such as Law No. 23 of 2002 concerning Child Protection which has been amended by Law No. 35 of 2014. (Yam 2022) Data were collected through literature and documentation studies of primary legal materials, such as regulations and court decisions, as well as secondary legal materials in the form of journals, books, and official documents from institutions such as the Indonesian Child Protection Commission (KPAI). The analysis was conducted qualitatively through data identification and classification, grammatical, systematic, and teleological legal interpretation, and descriptive analysis to evaluate the effectiveness of the application of criminal sanctions against pedophiles in legal practice. The analysis stages included initial data collection, data processing, and evaluation of the existing legal system, with the aim of providing recommendations for legal reform to strengthen the protection of children's rights in Indonesia.

III. RESULTS AND DISCUSSION

A. Current Legal Regulations Are Effective in Providing Criminal Sanctions Against Pedophiles in Indonesia

Protecting children from sexual crimes, particularly pedophilia, is a key focus of criminal law policy in Indonesia. Indonesia's legal system already stipulates several articles that explicitly criminalize immoral acts against children, both in the Criminal Code and in a later special law, the Child Protection Law. The effectiveness of these legal regulations can be assessed from two

perspectives: the normative aspect, which involves the certainty of criminal sanctions stipulated in the legislation, and the implementation aspect, which involves the extent to which these norms are consistently enforced by law enforcement.(Hartono 2022)

In the context of the Criminal Code as general criminal law, the regulations for criminal acts that can be used to ensnare pedophiles still use the terms "indecent acts" or "sexual intercourse with a minor." For example, Article 287 of the Criminal Code states:

"Whoever has sexual intercourse with a woman outside of marriage, knowing or reasonably suspecting that she is not yet fifteen years old, or if it is not clear how old she is, that she is not yet marriageable, shall be punished by a maximum imprisonment of nine years."

This article cites the fact that sexual intercourse with a child under fifteen is a criminal offense, even without coercion. This means that the law positions children as legally incapable of giving valid consent to sexual intercourse. Therefore, any perpetrator who engages in sexual intercourse with a child is automatically subject to criminal charges.(Children 2020)

Furthermore, Article 292 of the Criminal Code expands the scope of protection by stating:

"An adult who commits an indecent act with another person of the same sex who he knows or should reasonably suspect is a minor, is subject to a maximum prison sentence of five years."

This article serves as the legal basis for prosecuting homosexual pedophiles, namely when adults commit indecent acts with children of the same sex. Meanwhile, Article 294 of the Criminal Code states:

"Anyone who commits an indecent act with his child, stepchild, adopted child, or a child under his supervision who is a minor, shall be punished by a maximum imprisonment of seven years."

This article imposes special penalties on perpetrators who are related by blood, legal, or parental ties to the victim. This provision is highly relevant because, in practice, pedophilia cases are often committed by people close to the child.(Laksana 2017)

In addition to these articles, the Criminal Code also contains other provisions such as Article 305 in conjunction with Articles 306 and 307 concerning the prohibition on child neglect, and Article 341 in conjunction with Article 342, which regulates the killing of infants immediately after birth. Although it does not explicitly mention the term "pedophilia," the Criminal Code has

regulated several prohibitions related to protecting children from indecent acts and sexual exploitation. However, the weakness of the Criminal Code lies in the use of the term "indecent acts," which tends to be open to multiple interpretations, so that in practice it often gives rise to debate as to whether a particular act is indecent or not.(Surabangsa and Arifin 2022)

Recognizing this weakness, the government and the House of Representatives (DPR) then enacted Law Number 23 of 2002 concerning Child Protection, which was later amended by Law Number 35 of 2014. This law provides more comprehensive protection for children by establishing their rights and the state's obligation to protect them from criminal acts. Article 59 states:

"Every child who is a victim of criminal acts of economic and/or sexual exploitation, kidnapping, sale, trafficking, or physical or psychological violence, has the right to receive protection from the state, government, and society."

This provision broadens the scope of child protection, not only from sexual abuse but also from various forms of sexual exploitation. Significant changes in Law No. 35 of 2014 are also evident in the increased penalties. Previously, the minimum penalty for perpetrators of child sexual abuse was three years in prison and a maximum of fifteen years. Following the amendment, the minimum penalty is five years and a maximum of fifteen years. Furthermore, the maximum fine has been increased from three hundred million rupiah to five billion rupiah.

This law also provides for increased penalties for perpetrators who have a special relationship with the child, such as parents, guardians, caregivers, or educators. In such cases, the penalty can be increased by one-third of the principal penalty. In certain cases, judges can even impose additional penalties in the form of announcing the perpetrator's identity in the mass media or chemical castration, as stipulated in Government Regulation in Lieu of Law No. 1 of 2016, which was enacted into law through Law No. 17 of 2016.

Furthermore, the regulation of sexual crimes against children is also regulated in Article 76E of the Child Protection Law which states:

"Everyone is prohibited from using violence or threats of violence, forcing, using trickery, a series of lies, or persuading children to commit or allow indecent acts to be committed."

Then it is confirmed in Article 82 paragraph (1):

"Any person who violates the provisions as referred to in Article 76E shall be punished with imprisonment of at least five years and a maximum of fifteen years and a maximum fine of IDR 5,000,000,000.00."

This provision clearly targets pedophiles because the elements listed, such as "persuading" or "using deception," are very much in line with the *modus operandi* of pedophiles who usually approach children in a manipulative manner.(Mauldiyani and Prasetyo 2024)From a normative perspective, these provisions demonstrate the state's commitment to increasing penalties for perpetrators and more seriously protecting children. Article 71D even provides child victims with the right to restitution, which is compensation imposed on the perpetrator through a court decision. This restitution covers medical expenses, rehabilitation costs, and other material and immaterial losses suffered by the child.

However, the effectiveness of regulations is measured not only by the severity of the criminal penalties, but also by the consistency of their application in court. In practice, several obstacles remain that hinder law enforcement. First, there is a gap in understanding among law enforcement officials regarding the definition of indecent acts. Some officers still interpret indecent acts as limited to physical contact, resulting in non-physical forms of harassment, such as showing pornography to children, often not being strictly prosecuted. Second, there is the phenomenon of disparity in sentencing, where judges' sentences in similar cases can differ significantly due to the lack of clear sentencing guidelines.

Furthermore, another obstacle is that child victims often do not receive maximum protection during the judicial process. Many cases involve children having to face their perpetrators directly in the courtroom without psychological support, resulting in additional trauma. The Child Protection Law mandates special support for child victims and witnesses. Weak coordination between institutions such as the Indonesian Child Protection Commission (KPAI), the Witness and Victim Protection Agency (LPSK), the police, and the prosecutor's office also often results in child victims' rights not being properly met.(Fitriani 2024)

However, it cannot be denied that since the enactment of the Child Protection Law and its amendments, the number of pedophilia cases successfully prosecuted has tended to increase. This demonstrates greater public courage in

reporting and the commitment of authorities to prosecute perpetrators. The implementation of additional punishment in the form of chemical castration for some perpetrators also marks a significant step forward in terms of deterrent effect, although its implementation still raises ethical and medical debate.

Thus, normatively, legal regulations in Indonesia are quite effective in imposing criminal sanctions on perpetrators of pedophilia. The articles of the Criminal Code provide a general legal basis, while the Child Protection Law provides more comprehensive specific provisions with the threat of severe penalties, special aggravations, and the right to restitution for victims. However, in terms of implementation, this effectiveness is still hampered by inconsistent law enforcement practices, a lack of understanding among officials regarding non-physical methods, and minimal protection for victims in the judicial process. Therefore, although legal regulations are progressive, increasing the capacity of law enforcement officials, improving coordination mechanisms between institutions, and strengthening victim protection are absolutely necessary for the goal of child protection to be truly realized.

B. Recommendations for Legal Reform to Improve Child Protection in the Future

Protecting children from pedophilia is not simply about imposing criminal sanctions on perpetrators, but also encompasses prevention, rehabilitation, and ensuring children can grow and develop properly. The current Child Protection Law has strengthened penalties, with a minimum sentence of five years and a maximum of fifteen years, and a maximum fine of five billion rupiah.(Children 2020)This has even been supplemented with additional penalties in the form of announcing the perpetrator's identity and chemical castration. However, the continued emergence of cases demonstrates that existing legal instruments still need to be updated, both in terms of the substance of the norms, enforcement mechanisms, and comprehensive child protection strategies. Therefore, several recommendations for legal reform can be proposed to strengthen the child protection system in the future.(Wiguna, Sepud, and Sujana 2020)

First, it is necessary to codify and harmonize regulations related to child protection to avoid overlapping issues. Currently, regulations regarding pedophilia are scattered across various

laws: the Criminal Code, the Child Protection Law, the Law on Sexual Violence (Law No. 12 of 2022), and other derivative regulations. This diversity of regulations, on the one hand, demonstrates the state's seriousness, but on the other hand, creates confusion for law enforcement officials in determining the appropriate article to use. For example, indecent acts against children can be prosecuted under Article 287 of the Criminal Code, Article 82 of the Child Protection Law, or Articles 6 and 15 of the TPKS Law. This lack of clarity has the potential to lead to disparities in sentencing. Therefore, an urgent recommendation is to develop a codified substantive criminal law specifically for child protection, so that authorities have certainty in prosecuting pedophiles without having to interpret multiple regulations simultaneously.

Second, there is a need to strengthen the definition of pedophilia in the law. To date, the term pedophilia is not explicitly found in the Criminal Code or the Child Protection Law, but is instead equated with the crime of child molestation or sexual violence against children. However, pedophilia has distinct characteristics as a specific sexual disorder: the perpetrator has a deviant sexual urge towards minors. This lack of clarity leads many cases of pedophilia in society to be considered simply ordinary molestation. By explicitly defining pedophilia in the law, both preventive and repressive aspects can be more easily addressed. For example, the law could regulate mandatory rehabilitation programs for perpetrators with mental disorders of pedophilia, in addition to criminal penalties. This aligns with the principles of modern criminal justice, which are oriented not only toward retribution but also toward improving the perpetrator's behavior.

Third, in terms of criminal penalties, it is necessary to differentiate between minor harassment and serious sexual violence. As is known, Article 82 of the Child Protection Law provides the same criminal penalty (minimum five years, maximum fifteen years) for both perpetrators who simply touch a child's body and those who engage in forced sexual intercourse. This situation creates disproportionality, because the severity of the act is not reflected in the threat of punishment. Therefore, the law needs to clearly divide the categories of acts: (a) non-physical harassment such as showing pornography or making sexually suggestive remarks; (b) minor physical harassment such as groping; and (c) serious sexual violence such as forced penetration. In this way, the threat of punishment

can be adjusted proportionally. The first category can be subject to a lighter sentence, while the third category must be given the heaviest sentence with an additional life sentence or even the death penalty in certain cases that result in the victim's death.

Fourth, legal reform must prioritize child victims, rather than simply focusing on punishing perpetrators. While restitution is currently recognized in the Child Protection Law, its implementation remains rare due to the complex mechanism. Judges rarely award restitution, while victims' families rarely have the legal capacity to pursue it. Therefore, an automatic mechanism for granting restitution is needed in every verdict for child sexual crimes, eliminating the need for a victim's claim. The state, through the Witness and Victim Protection Agency (LPSK), can finance the restitution first and then collect it from the perpetrator after serving their sentence. This way, child victims can be assured of restitution.

Fifth, there is a need to strengthen victim protection mechanisms in the judicial process. Numerous reports indicate that child victims of pedophilia are still frequently summoned to court to provide direct testimony, even face-to-face with the perpetrators. This situation clearly creates new trauma. Yet, Article 64 of the Child Protection Law actually guarantees children's right to protection from disclosure of their identity and from direct contact with the perpetrator. Therefore, legal reforms need to regulate in detail the use of technology such as teleconferencing, video recordings, or written statements that can replace the child's in-person presence in court. Furthermore, mandatory psychological support for child victims needs to be strengthened, with administrative sanctions for officials who neglect it.

Sixth, recommendations for legal reform should also target prevention and early detection. Currently, regulations emphasize repressive measures, namely punishing perpetrators after the crime has occurred. However, pedophilia is a form of sexual deviation that can be identified early. Future legislation should mandate public education programs on the dangers of pedophilia, an age-appropriate sex education curriculum in schools, and a registration and monitoring system for convicted offenders. This registration model is already in place in several countries, where released pedophiles are required to report regularly to authorities and have their access to children's environments restricted. While this

measure remains controversial in Indonesia, limited implementation could be a solution to prevent recidivism.

Seventh, in the context of implementation, an important recommendation is to improve the capacity of law enforcement officers. Many cases demonstrate that officers still struggle to differentiate between indecent acts, sexual harassment, and pedophilia. As a result, inappropriate articles are used and sentences are lenient. Ongoing education is needed for police, prosecutors, and judges on child sexual crimes, including a psychological understanding of the modus operandi of pedophiles. Furthermore, legal reform could regulate the establishment of special units for handling child sexual crimes within the police and prosecutor's offices, staffed by specially trained investigators and prosecutors.

Eighth, an equally important recommendation for legal reform is strengthening collaboration between institutions. Currently, the coordination mechanism between the Indonesian Child Protection Commission (KPAI), the Witness and Victim Protection Agency (LPSK), the police, the prosecutor's office, and social services remains weak, resulting in child victims often lacking integrated services. Therefore, legal reform should mandate the establishment of a "One-Stop Child Protection System" in every region that integrates legal, medical, psychological, and social services. With this system, every child victim of pedophilia can immediately receive legal aid, psychological therapy, and social security without having to repeatedly recount their traumatic experiences at various institutions.

Ninth, legal reforms can also address rehabilitation-based alternative punishments. For pedophiles proven to have mental disorders, imprisonment alone may not be effective. Therefore, future legislation could regulate a "treatment order" mechanism, which is an order for mandatory psychiatric rehabilitation for the perpetrator in addition to imprisonment. This mechanism aligns with the principle that modern criminal law must integrate retributive justice with restorative and rehabilitative justice approaches. This will reduce the likelihood of recidivism and enhance child protection.

Tenth, another urgent recommendation is alignment with international instruments. Indonesia has ratified the Convention on the Rights of the Child (CRC) through Presidential Decree No. 36 of 1990. The CRC mandates that states take legislative, administrative, social, and

educational measures to protect children from all forms of violence and sexual exploitation. Therefore, national legislation needs to reinforce this commitment by including state obligations for regular reporting, independent audits of child abuse cases, and harmonization with other international standards such as the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography. This way, child protection in Indonesia can align with global standards.

IV. CONCLUSIONS AND RECOMMENDATIONS

Based on the explanation that has been discussed, it can be concluded that the legal regulations in force in Indonesia, both those contained in the Criminal Code and the Child Protection Law, have actually provided a strong enough basis to ensnare perpetrators of pedophilia with the threat of severe criminal penalties. The presence of specific provisions in Law No. 35 of 2014, coupled with Government Regulation in Lieu of Law No. 1 of 2016 which was later stipulated as Law No. 17 of 2016, demonstrates the seriousness of the state in increasing penalties, including additional penalties in the form of chemical castration and the announcement of the perpetrator's identity. However, the effectiveness of these regulations is still hampered by inconsistent law enforcement practices, weak coordination between institutions, and limited understanding of the specific characteristics of pedophilia by officials. This gives rise to disparities in decisions and often ignores the interests of child victims' recovery.

Therefore, recommendations for future legal reforms are crucial for comprehensively strengthening child protection. Reform efforts should not only focus on increasing penalties, but also address prevention, perpetrator rehabilitation, victim recovery, and regulatory alignment with international instruments. Upholding the principle of the best interest of the child must be at the heart of every legal provision, ensuring that child victims of pedophilia receive guaranteed protection, recovery, and the opportunity to grow up properly. Therefore, the Indonesian legal system exists not only to punish but also to ensure substantive justice for the nation's future generations.

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