



Juridical analysis of legal protection for children as criminal offenders according to the law on juvenile justice system

Harry Qurba^{1*}, Faturhman²

¹Law Study Program, Sekolah Tinggi Ilmu Hukum Painan, Banten, Indonesia. E-mail:

harryqurba82@gmail.com

²Law Study Program, Universitas Bina Bangsa, Banten, Indonesia.

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ABSTRACT

Legal protection for children who are perpetrators of criminal acts is in accordance with Law Number 11 of 2012 concerning the Child Criminal Justice System (SPPA). Children as perpetrators of criminal acts require special treatment due to their immature status legally and psychologically. The main objective of the SPPA Law is to ensure that the legal process against children is carried out with the principles of restorative justice and a diversion approach, so as to minimize the negative impact on the child's future. The research method used is the normative juridical method, with a legislative approach and case analysis. The results showed that the SPPA Law provides legal protection to children through diversion mechanisms at every stage of the judicial process, restrictions on sentencing, and the obligation to involve Bapas (Correctional Center) in the judicial process. However, in its implementation, there are still challenges such as the lack of understanding of law enforcement officials on the concept of restorative justice and limited supporting facilities. In conclusion, legal protection for child offenders has been comprehensively regulated in the SPPA Law, but it requires capacity building of law enforcement officials and infrastructure support to optimize the implementation of restorative justice. Thus, the rights of children as individuals who require special protection can be guaranteed and maximally accommodated. The solution implemented is the restructuring of child protection laws to be more specific in handling them.

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Corresponding Author:

Harry Qurba,
Law Study Program,
College of Law Painan Banten,
Jl. Banjarsari, Cipocok Jaya, Banjarsari, Kec. Cipocok Jaya, Kota Serang,
Banten 42123
Email: harryqurba82@gmail.com

1. Introduction

General Factors Affecting the Role of Law Enforcement Officials In addition to the individual factors that affect the role of law enforcement officials, there are several things that also affect the wider implementation of the SPPA Law Lack of Socialization of the SPPA Law In many areas, especially more remote areas, there is still a lack of socialization of the principles of the SPPA Law both to law enforcement officials and to the community. Without a good

understanding, law enforcement officers may struggle to implement the various mechanisms in the law. Effectiveness of the Implementation of Diversion and Restorative Justice Diversion is an effort to divert the resolution of juvenile cases from judicial channels to out-of-court channels, with the aim of providing opportunities for children to develop and reintegrate into society without having to go through a judicial process that may be more detrimental to children. Restorative justice focuses on restoring relationships between victims and offenders, as well as the community, with the aim of resolving problems peacefully and repairing the harm done. Its effectiveness depends on many factors, such as the understanding and seriousness of law enforcement officials, as well as the capacity of the institutions handling this process. In recent years, Indonesia has introduced diversion as the main system for dealing with children in conflict with the law. Some regions have implemented diversion quite well, but in reality there are still challenges in implementation, such as Lack of resources In some regions, the lack of training for law enforcement officials, such as police, prosecutors, and judges, in understanding the principles of diversion and restorative justice, can hinder its implementation. Lack of support facilities Rehabilitation and guidance centers for children involved in legal cases are not yet evenly distributed throughout Indonesia. Community participation The success of diversion relies heavily on the participation of the community, including the families of victims and perpetrators, in the implementation of diversion. Differences in Implementation in Urban and Rural Areas: There are differences in the implementation of the SPPA Law between urban and rural areas. Some influencing factors include Access to resources In large cities, there are usually more resources available, including juvenile correctional institutions, rehabilitation centers, and training for law enforcement officers. This supports more effective implementation of diversion and restorative justice. In contrast, in rural areas, these limited facilities can be an obstacle. Legal understanding and awareness In urban areas, there is generally a higher level of legal awareness, both among the community and law enforcement officials. In rural areas, a lack of understanding of the law and the diversion process can make implementation more difficult. Community culture In rural areas, traditions or social norms often influence how people view problem solving, which can either support or hinder the implementation of restorative justice. In big cities, while there are strong social norms, legal processes are often more formal and standardized. Socio-economic challenges In rural areas, poverty or other social problems can make children more vulnerable to run-ins with the law, while in urban areas, these factors can be more structured and controlled. Overall, despite some progress, the implementation of diversion and restorative justice in Indonesia still requires serious attention in terms of socialization.

Children are part of the nation's next generation who require special attention and protection to ensure their basic rights. In the legal context, children involved in criminal offenses are often viewed differently from adult offenders due to their age and immaturity (Safaruddin Harahap, 2016). The treatment of children as perpetrators of criminal acts requires a different approach, in accordance with the principles of child protection and respect for human rights. Law No 11/2012 on Juvenile Criminal Justice System (UU SPPA) is present as a legal framework that provides guidelines for handling juvenile criminal cases with a restorative justice approach and diversion mechanism (Mulyadi, 2018). This approach aims to divert children from the formal justice process to prevent negative stigma and provide opportunities for children to improve their behavior without having to undergo severe criminal penalties (Siti Khodijah et al., 2023). However, the implementation of the SPPA Law in the field still faces various challenges, such as the lack of understanding of law enforcement officials regarding the concept of restorative justice, limited supporting facilities such as the Correctional Center (Bapas), and community resistance to the concept of diversion (Juliana & Arifin, 2019). Based on this background, this

research was conducted to juridically analyze the legal protection for juvenile offenders in accordance with the SPPA Law. This research focuses on the assessment of existing legal provisions, their implementation, and the challenges faced in realizing optimal legal protection for children (S, 2018). Children as part of vulnerable groups in society require special attention and legal protection. In the event that children are involved in criminal offenses, their status as physically and mentally immature individuals becomes an important consideration in the legal process (Afifah & Lessy, 2014). The handling of children as perpetrators of criminal offenses is different from adult perpetrators because the international and national legal systems have determined that the treatment of children must consider the best interest of the child. Law No. 11/2012 on Juvenile Criminal Justice System (SPPA Law) is present to regulate the special justice system for children. This law aims to provide legal protection while ensuring the recovery of children through restorative justice approaches and diversion mechanisms (Aisyah, 2019). The principle of restorative justice focuses on restoring relationships between perpetrators, victims and the community, while diversion allows the transfer of children's cases outside the formal justice process to avoid negative impacts on children's development. However, although the SPPA Law has provided a clear legal framework, its implementation in the field still faces various challenges (Tengku Fachreza Akhbar A et al., 2019).

Lack of understanding by law enforcement officials about the concepts of restorative justice and diversion, so that these approaches are often not applied optimally (Said, 2018). Limited facilities and support from institutions, such as the Correctional Center (Bapas), which plays an important role in assisting children during the judicial process. Social resistance from the community who tend to want severe punishment for criminal offenders, without considering the age and potential for rehabilitation of children. Stigma towards child offenders, which often continues even after they have served their sentences or rehabilitation programs. Therefore, it is important to juridically examine how legal protection for children as perpetrators of criminal acts has been regulated in the SPPA Law, evaluate its implementation, and identify existing obstacles (Fitri et al., 2022). This study is expected to provide constructive recommendations to strengthen the juvenile criminal justice system, while ensuring that the rights of children as individuals who require special protection can be properly guaranteed (Asmadi, 2020).

The theory of legal protection of children stems from the principle that children are individuals who have human rights as stipulated in various international and national legal instruments. Children as part of vulnerable groups need special protection that takes into account their physical, mental and emotional disabilities in dealing with various situations, including in the legal realm (Setiamandani, 2012). Concept of Legal Protection Legal protection refers to efforts to provide legal security to individuals through the application of fair rules, protect their rights, and ensure the fulfillment of justice. Child legal protection refers to legal efforts aimed at preventing violations of children's rights. Provide special treatment to children in conflict with the law, whether as perpetrators, victims, or witnesses (Aziz, 2018). Ensure the best interests of the child (best interest of the child). Principles of Child Legal Protection Principles of Child Legal Protection Non-discrimination All children have the same right to be protected, regardless of their background, social status or actions. Best interests of the child All actions relating to children must prioritize the interests of the child, including in legal proceedings. The right to life, growth and development Legal protection must ensure that the basic rights of the child are not violated (Analiya & Arifin, 2022). Child participation The child has the right to be heard in every process that concerns him or her, according to his or her level of maturity and understanding (Sudarmaji & Hasan Sebyar, 2023).

Legal Instruments for Child Protection International Instruments Convention on the Rights of the Child (CRC) This convention regulates the basic rights of children, including legal protection in cases of children in conflict with the law. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) These rules prioritize the principles of rehabilitation and social reintegration of children in the justice system. National Instruments Law No. 11/2012 on the Juvenile Criminal Justice System (SPPA Law) Provides a legal framework to protect children in the criminal justice system, including the application of restorative justice and diversion mechanisms. Law No. 35/2014 on Child Protection Affirms the obligations of the state, community and family in protecting children's rights. Implementation of Child Legal Protection Theory In the context of juvenile criminal justice, legal protection theory is applied through Diversion The diversion of the settlement of children's cases from the formal justice process to alternative solutions. Restorative Justice Approach Focuses on restoring the relationship between the offender, victim, and community, with the aim of rehabilitating the child. Limitation on Punishment Children cannot be subjected to severe criminal penalties, and detention is only used as a last resort. Challenges in Implementation Lack of understanding of the principles of child protection among legal officers. Lack of facilities and assistance, such as the Correctional Center (Bapas). Social stigma towards children involved in criminal offenses, thus hindering rehabilitation (Hidayat et al., 2019). Child legal protection theory emphasizes the importance of creating a legal system that not only punishes, but also educates and restores children as individuals who have the right to develop optimally. With the application of this theory, it is hoped that children in conflict with the law will still receive humane treatment and be oriented towards their best interests (Pancasilawati, 2014).

The theory of the juvenile criminal justice system refers to the concept that children in conflict with the law should be treated differently from adults, in accordance with their developmental needs and the principles of child protection. The system aims to ensure that children involved in criminal offenses still have the opportunity to be rehabilitated and reintegrated into society without losing their future (Mahyani & Hidayat, 2017). Basic Concepts of the Juvenile Criminal Justice System The juvenile criminal justice system is part of the criminal law system specifically designed to handle cases involving children, whether as perpetrators, victims or witnesses (Sosial & Ekonomi, 2025). This concept is based on the principle that children are individuals who are still in the process of development, so the approach used must be educational, corrective and protective. Principles of the Juvenile Criminal Justice System The main principles underpinning the theory of the juvenile criminal justice system are Non-discrimination All children have the same right to fair treatment. The best interests of the child All legal proceedings must be oriented towards the interests of the child. Right to survival, growth and development The justice system must support the development of children without long-term negative impacts. Restorative justice Focuses on restoring relationships between perpetrators, victims and the community (Amelia et al., 2025).

Approaches to the Juvenile Criminal Justice System Restorative Justice This approach emphasizes restoring the harm caused by criminal acts, both to victims and society. In the context of children, restorative justice aims to avoid stigmatization of children. Provide opportunities for children to take responsibility for their actions without having to undergo severe criminal penalties (Kusuma, Amalia, 2015). Involve the family, community, and related parties in the case resolution process. Diversion Diversion is the transfer of juvenile cases from the formal criminal justice process to an alternative process, such as mediation or rehabilitation. Diversion aims to avoid children from court proceedings that can be detrimental to their psychological development. Ensure that children still receive legal protection without having to

undergo harsh punishment. Legal Instruments Related to the Juvenile Justice System International Instruments Convention on the Rights of the Child (CRC) Provides general guidelines on the protection of children in the criminal justice system. The Beijing Rules (1985) International minimum rules on the administration of juvenile justice that emphasize a rehabilitative approach. National Instruments (Indonesia) Law No. 11/2012 on Juvenile Justice System (SPPA Law) Specifically regulates the juvenile justice process by emphasizing restorative justice and diversion mechanisms. Law No. 35/2014 on Child Protection Guarantees that children must receive protection in every aspect of life, including the legal system. Processes in the Juvenile Criminal Justice System The juvenile criminal justice system consists of several stages Investigation Conducted by special investigators who understand child psychology. Diversion Implemented at every stage of the legal process, from investigation to trial (Kobandaha, 2017).

Court Proceedings Held in specialized juvenile courts that aim to educate rather than punish. Rehabilitation and Reintegration: After the legal process, the child receives a development program to return to the community. Objectives of the Juvenile Justice System Rehabilitation Helps children improve their behavior and prevent them from committing crimes in the future (Kaimudin, 2019). Protection Safeguarding children's rights during the legal process. Education Teaches children about responsibility without destroying their future. Reintegration Ensures that the child can return to being a part of society. Challenges in the Juvenile Criminal Justice System Lack of understanding by law enforcement officials of the principles of restorative justice. Lack of facilities, such as Correctional Centers (Bapas) and specialized juvenile courts. Negative public stigma towards children in conflict with the law. Theory of the juvenile criminal justice system places children as individuals who must be protected even though they are involved in criminal acts. With a restorative justice approach and diversion mechanism, this system aims not only to enforce the law but also to safeguard the future of children so that they can develop into better individuals (Piri Megalia, 2013).

2. Method

Court decisions reflect how the justice system assesses each case based on the facts and evidence available. Analyzing decisions can provide insight into whether there is an application of substantive justice for children involved in criminal offences, as well as whether they receive fair protection in accordance with their rights as children, in accordance with the spirit of the SPPA Law. If there is a mismatch between the theory of the law and the practice in court, a decision study would be an effective way to assess the legal gaps and provide recommendations for improvement. Using normative legal methods in research on the implementation of UU SPPA can help to provide a comprehensive and relevant legal analysis of the conditions in the field, although there are limitations in terms of direct empirical data such as interviews or case studies. This method focuses on existing laws and legal principles, and their application in specific contexts. Assessing the effectiveness of UU SPPA in providing legal protection to children as perpetrators of criminal offenses requires an assessment of several key aspects that include the implementation of UU SPPA principles in practice and the impact on children's rights. Analysis of the Purpose of the SPPA Law The SPPA Law aims to protect children from the adverse effects of the judicial process, which can be detrimental to their development. Researchers can assess whether existing processes, such as diversion and restorative justice, are achieving this goal. An example of this could be the successful diversion of children's cases from the formal justice process to alternative channels such as mediation or counseling. Comparison with the Traditional Justice System: Comparing the impact of the formal justice process on children with the benefits of diversion and restorative justice. If

diversion is more widely implemented, does it reduce the number of children criminalized and minimize the negative impact of detention or punishment on children's psychological development? The research method used in this study is the normative juridical method, with a legislative approach and conceptual analysis. This method was chosen because the focus of the research is to analyze legal protection for children as perpetrators of criminal acts in accordance with the provisions of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (UU SPPA). The Statute Approach analyzes various regulations related to legal protection for children in the criminal justice system, both national ones such as the SPPA Law and international ones such as the Convention on the Rights of the Child (CRC). With this approach and method, the research is expected to provide a comprehensive understanding of the legal protection of children as perpetrators of criminal offenses and provide relevant recommendations for improved implementation in the future (Erdianti & Al-Fatih, 2019).

3. Analysis and Results

Protection of Children's Rights Children who undergo diversion often feel more protected than if they were formally processed through the courts. They feel that this process not only prevents them from possible imprisonment, but also provides an opportunity to correct their mistakes without too much social stigma.

Lack of Understanding of Diversion Some children may not fully understand the diversion process or not feel that it provides fair protection. Some may feel confused by the procedure or feel that they keep getting pressure from adults, such as family, law enforcement, or the community, to accept certain decisions even though they do not feel entirely guilty. Research that compares the implementation of UU SPPA (the Juvenile Justice System) in different parts of Indonesia can provide useful insights into the differences in implementation and challenges faced in urban and rural areas.

Access to Facilities and Resources Research can look at whether urban areas have more facilities for dealing with children, such as rehabilitation centers, counselors, and juvenile correctional institutions compared to rural areas. Also, what is the access to education and training for law enforcement officers in the area. In big cities, training for law enforcement officers such as police, prosecutors, and judges may be more routine than in rural areas.

Level of Understanding and Implementation of Diversion Research can compare the extent of the diversion process. (In urban areas, with more legal awareness, diversion may be applied more, while in rural areas, lack of knowledge of the law or different legal traditions may affect the application of diversion.)

Community and Local Government Involvement In the context of restorative justice, research can analyze how local communities and local governments play a role in resolving children's cases. In urban areas, there may be more agencies or organizations working to support children, while in rural areas, community participation may be more community-based and more informal.

Legal Protection for Children in the Juvenile Justice System Law Law No. 11/2012 on the Juvenile Criminal Justice System (SPPA Law) provides a comprehensive legal basis to protect children in conflict with the law, especially as perpetrators of criminal offenses. Some important provisions in the SPPA Law include Diversion Must be applied at every stage of the legal process, from investigation to trial, except for serious crimes or those that threaten public safety.

Restorative Justice A case resolution process that prioritizes the restoration of relationships between perpetrators, victims, and the community.

Criminal Limitation Children under 12 years old cannot be subjected to punishment, but must undergo guidance.

Special Justice System The handling of juvenile cases must be carried out by officials who understand child psychology and use an approach that does not harm the child's future.

Implementation of Diversion and Restorative Justice Principles. Diversion aims to prevent children from formal justice processes that can have a negative impact on their psychological development.

Diversion mechanisms include mediation between perpetrators, victims, and related parties, with the result being an agreement without having to proceed to court (Muntamah et al., 2019).

In its implementation, diversion has successfully provided an alternative solution in various cases, especially minor crimes, such as petty theft or light maltreatment. However, diversion is often not optimally implemented due to the lack of understanding of law enforcement officials about the importance of diversion. Unwillingness of the victim or community to forgive the perpetrator. Restorative Justice The restorative justice approach focuses on victim recovery, offender accountability, and offender reintegration into society. The implementation of this approach in Indonesia has shown positive results, especially for children involved in minor crimes. However, obstacles that often arise include the lack of human resources trained in implementing restorative justice. Unavailability of supporting facilities such as the Correctional Center (Bapas). Constraints in the Legal Protection of Children as Criminal Offenders Although the SPPA Law provides a clear legal framework, its implementation still faces various obstacles, including Lack of Understanding of Law Enforcement Officials Not all law enforcement officials have an adequate understanding of the concepts of restorative justice and diversion (Analiya & Arifin, 2022). Community Resistance Communities often want severe punishment without considering the rights of children as perpetrators of criminal offenses. Limited Facilities Limited Correctional Center (Bapas) and psychological assistance for children. Social Stigma Child offenders often face stigma that hinders their reintegration into society (Mestika, 2022).

Case Studies on the Implementation of the SPPA Law in Indonesia Analysis of several cases of juvenile offenders shows that Diversion is effective in minor crimes, such as theft cases involving school children. In these cases, offenders receive guidance and reintegration into the community without a court process. In cases of serious crimes, such as serious maltreatment, diversion is difficult to implement due to objections from the victim or their family. This indicates the need for more effective mediation. Solutions for Optimizing the Legal Protection of Children Based on the results of the analysis, some solutions that can be offered are Capacity Building of Law Enforcement Officials Through training on the concept of restorative justice and the diversion approach (Restia & Arifin, 2020). Improving Facilities and Facilities Building more Correctional Centers (Bapas) and providing special psychological assistants for children. Public Education Increase public awareness on the importance of rehabilitation and diversion. protection of children who commit criminal offenses. Policy Revision and Adjustment Evaluate the implementation of the SPPA Law to overcome existing obstacles (Afdhaliyah et al., 2019).

4. Conclusion

Urban areas In big cities, diversion and restorative justice are more visible due to mediation and mentoring programs run by the government or other social institutions. Children involved in criminal offenses are more likely to have opportunities to resolve problems through alternative solutions, such as meetings between offenders and victims or rehabilitation programs. In addition, law enforcement officials in urban areas more often apply diversion to avoid criminalization of children, which aims to restore children so that they are not trapped in a cycle of crime. Rural Areas In rural areas, the application of diversion and restorative justice is often less than optimal. This is due to the lack of resources or mediation facilities that can assist in the non-formal resolution of juvenile cases. Often, children involved in criminal cases in rural areas are immediately processed in court without first considering more child-friendly alternative solutions. Specialized Training Programs Programs that focus on child advocacy, differences in the treatment of children and adults, and child welfare principles should be part of the regular training of legal officers. This also includes skills in facilitating mediation and restorative

processes involving children. Establish Child Rehabilitation Centers Institutions that can provide skills training, psychological counseling, and appropriate education for children involved in legal cases should be more spread throughout Indonesia. It can be concluded that the SPPA Law has provided comprehensive legal protection for children as perpetrators of criminal acts. However, its implementation still requires improvement, especially in terms of education to legal officials, the community, and strengthening supporting facilities. Restorative justice approaches and diversion mechanisms have great potential to create a juvenile criminal justice system that is oriented towards protecting children's rights and their future.

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