



Republic of Indonesia

Law

Number 23 Year 2002

on

Child Protection

By the Grace of Almighty God,

The President of the Republic of Indonesia

Whereas:

- a. The Unitary Republic of Indonesia guarantees the rights of all its citizens, including the protection of the rights of children as part of the protection of overall human rights;
- b. Children represent a gift and a blessing from Almighty God, with each individual child being entitled to the dignity and respect accorded to human beings;
- c. Children represent those who will advance the hopes of the national struggle, and have a strategic role, special characteristics and unique position in ensuring the continued existence of the nation and the state in the future;
- d. So that each child will be able to properly carry out this role, he must be afforded the greatest possible opportunities to optimally develop and grow physically, mentally and socially, and to develop high moral values. Accordingly, it is essential that protection be afforded to children and that their welfare and well-being be cultivated through guarantees that their rights will be protected and that they will not be subjected to discriminatory treatment;
- e. In order to provide for the protection and welfare of children, institutional and legislative support is required;
- f. The prevailing laws only provide for specific aspects of the rights of children, and do not address the overall need for the protection of children;
- g. Based upon the considerations set out in paragraphs a, b, c, d, e and f above, it is deemed necessary to enact a Law on the protection of children.

In accordance with:

1. Articles 20, 20 A (1), 21, 28B (2) and 34 of the 1945 Constitution;
2. Law number 4 of 1979 on Children's Welfare (Official Gazette of the Republic of Indonesia 1979 number 32, Supplement to the Official Gazette of the Republic of Indonesia number 3143);
3. Law number 7 of 1984 on the Convention on the Elimination of all Forms of Discrimination against Women (Official Gazette of the Republic of Indonesia 1984 number 29, Supplement to the Official Gazette of the Republic of Indonesia number 3277);
4. Law number 3 of 1997 on the Children's Court (Official Gazette of the Republic of Indonesia 1997 number 3, Supplement to the Official Gazette of the Republic of Indonesia number 3668);
5. Law number 4 of 1997 on the Disabled (Official Gazette of the Republic of Indonesia 1997 number 9, Supplement to the Official Gazette of the Republic of Indonesia number 3670);
6. Law number 20 of 1999 on the Ratification of ILO Convention number 138 concerning the Minimum Age for Admission to Employment (Official Gazette of the Republic of Indonesia 1999 number 56, Supplement to the Official Gazette of the Republic of Indonesia number 3835);
7. Law number 39 of 1999 on Human rights (Official Gazette of the Republic of Indonesia 1999 number 165, Supplement to the Official Gazette of the Republic of Indonesia number 3886);
8. Law number 1 of 2000 on the Ratification of ILO Convention number 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor (Official Gazette of the Republic of Indonesia 2000 number 30, Supplement to the Official Gazette of the Republic of Indonesia number 3941);

With the Joint Approval of
The Republic of Indonesia House of Representatives
and
The President of the Republic of Indonesia
Be It Hereby Resolved:
To Enact: A Law on Child Protection

Chapter I
Definitions

Article 1

The following definitions shall apply in this Law:

1. A "Child" shall mean a person under eighteen (18) years of age, including unborn;
2. "Protection of Children" shall mean all activities designed to guarantee and protect children and their rights so that they may live, grow, develop and participate optimally in society in accordance with the dignity to which they are entitled as human beings, and so that they may be protected against violence and discrimination;
3. "Family" shall mean the smallest unit in society and shall consist of a husband and wife, or husband, wife and child, or father and child, or mother and child, or a family consisting of blood relations in a straight line up to the third degree;
4. "Parent" shall mean a natural father and/or mother, or stepfather and/or mother, or adoptive father and/or mother.
5. "Guardian" shall mean a person or body that acts in loco parentis to a child;
6. "Neglected/Abandoned Child" shall mean a child whose reasonable needs, whether physical, mental, spiritual or social, are not fulfilled;
7. "Disabled Child" shall mean a child who suffers from a physical or mental disability that interferes with his normal growth and development;
8. "Gifted Child" shall mean a child that is blessed with exceptional intelligence, potential or gifts;
9. "Adopted Child" shall mean a child over whom rights have been assigned by his parents, lawful guardians, or such other persons as may have responsibility in respect of his upkeep, education and upbringing to adoptive parents pursuant to a decision or ruling of the court;

10. "Foster Child" shall mean a child who has been placed in foster care with an individual or institution for the purpose of guidance, upkeep, education, and healthcare due to the fact that one or both of his parents are unable to guarantee his proper development and growth;
11. "Parental Rights" shall mean the rights of a child's parents to care for, educate, maintain, develop, protect and ensure the growth and development of a child in accordance with his religion, talents and interests.
12. "Rights of Children" shall mean those human rights pertaining to children that must be guaranteed, protected and complied with by parents, families, the government and the state;
13. "Society" shall mean individuals, families, groups, and charitable and/or community organizations;
14. "Counselor" shall mean a social worker who has professional competence in his respective field;
15. "Special Protection" shall mean protection of children in emergency situations, children who find themselves in contact with the law, children from minority and isolated groups, children being economically or sexually exploited, child victims of the misuse of narcotics, alcohol, psychotropic substances and other addictive substances, child victims of kidnapping, sale and trading, child victims of physical, sexual and/or mental violence, disabled children, child victims of abuse, and neglected/abandoned children;
16. "Person" shall mean an individual person or body corporate;
17. "Government" shall mean both the central and local governments.

Chapter II

Principles and Objectives

Article 2

The protection of children shall be based upon *Pancasila* (the national ideology), the 1945 Constitution and the basic principles contained in the Convention on the Rights of the Child, including the following:

- a. Non-discrimination;
- b. The best interests of the child;
- c. The right to life, continuity of life and to develop;
- d. Respect for the opinions of children.

Article 3

The protection of children is intended to guarantee the rights of children so that they may live, grow, develop and participate optimally in society in

accordance with their dignity as human beings, and that they will be protected against violence and discrimination in order to ensure the moral values and well-being of Indonesian children.

Chapter III Rights and Obligations of Children

Article 4

Every child shall be entitled to live, grow, develop and participate normally in society in accordance with his/her dignity as a human being, and to be protected against violence and discrimination.

Article 5

Every child shall be entitled to possess a name to show his individual identity and status as a citizen.

Article 6

Every child shall be entitled to practice his religion, and to think and express himself in accordance with his intellect and age, based upon the guidance of his parents.

Article 7

- (1) Every child shall be entitled to know his parents, and to be brought up and cared for by his own parents.
- (2) Should for any reason his natural parents not be able to guarantee the child's growth and development, or the child has been neglected and/or abandoned, then the said child may be fostered or adopted as a foster or adopted child by other persons in accordance with the provisions of the laws and regulations in effect.

Article 8

Every child shall have the right to healthcare services and social security in accordance with his physical, mental, spiritual and social needs.

Article 9

- (1) Every child shall have the right to an education and training in the context of his personal and intellectual development based upon his interests and talents.
- (2) Every child, as referred to in Section (1) above, particularly disabled children and gifted children, shall be entitled to receive special-needs education.

Article 10

Every child shall be entitled to speak and have his opinions listened to, and to receive, seek and impart information in accordance with his intellect and age

for the sake of his personal development in accordance with the norms of morality and propriety.

Article 11

Every child shall be entitled to rest and enjoy free time, to mix with other children of his own age, to play, enjoy recreation, and to give expression to his creativity in accordance with his interests, talents, and intellect for the sake of his personal development.

Article 12

Every child who suffers from a handicap shall be entitled to rehabilitation, social assistance and have his level of social well being maintained.

Article 13

(1) Every child under the care of his parents, guardians, or other persons who are responsible for his care, shall be entitled to receive protection from the following:

- a. Discrimination;
- b. Exploitation of an economic or sexual nature;
- c. Neglect;
- d. Harsh treatment, violence and abuse;
- e. Injustice; and
- f. Other forms of mistreatment.

(2) Should a parent, guardian or person responsible for the care of a child subject a child to one of the forms of mistreatment referred to in Section (1) above, he shall be subject to legal sanction.

Article 14

Every child shall be entitled to be brought up by his own parents save where there is a valid reason and/or legal provision that requires the separation of the child from his parents in the interests of the child. Such separation shall only be used as a last resort.

Article 15

Every child shall be entitled to protection from the following:

- a. Misuse for political activities;
- b. Involvement in an armed conflict;
- c. Involvement in social unrest;
- d. Involvement in an event that involves violence; and
- e. Involvement in war.

Article 16

- (1) Every child shall be entitled to protection from abuse, torture or inhuman punishment under the law.
- (2) Every child shall be entitled to liberty in accordance with the law.
- (3) The arrest, detention or criminal prosecution of a child may only be undertaken in accordance with the provisions of the laws and regulations in effect, and shall only be used as a last resort.

Article 17

- (1) Every child whose liberty has been taken away shall be entitled to:
 - a. Receive humane treatment and be housed separately from adults;
 - b. Receive legal aid or other effective assistance at every stage of the legal process; and
 - c. Defend himself/herself or be given a fair trial in an objective and neutral children's court and in open sessions.
- (2) Every child who is a victim or perpetrator of sexual abuse or who finds himself having dealings with the law shall be entitled to have his identity kept confidential.

Article 18

Every child who is a victim or is suspected of being the perpetrator of a criminal offense shall be entitled to legal and other assistance.

Article 19

Every child shall have the following obligations:

- a. To respect his parents, guardians and teachers;
- b. To love his family and the community, and to respect his friends;
- c. To love the homeland, the nation and the state;
- d. To practice his religion in accordance with its teachings;
- e. To uphold noble values and ethics.

Chapter IV

Obligations and Responsibilities

Part One

General

Article 20

The state, government, community, the family and parents shall all be responsible and accountable for protecting children.

Part Two
Obligations and Responsibilities
Of the State and Government

Article 21

The state and the government shall be responsible and accountable for respecting and guaranteeing the human rights of every child irrespective of ethnicity, religion, class, sex, culture or language, legal status, sequence of birth, or physical and/or mental condition.

Article 22

The state and the government shall be responsible and accountable for putting in place infrastructure and facilities designed to provide protection for children.

Article 23

(1) The state and the government shall guarantee the protection, upkeep and well being of children having regard to the rights of parents, guardians and other person responsible for the care of a child under the law.

(2) The state and the government shall oversee the protection of children.

Article 24

The state and the government shall guarantee that children shall be allowed to voice their opinions based upon their age and intellectual development.

Part Three
Obligations and Responsibilities of the Community

Article 25

The obligations and responsibilities of the community in protecting children shall be realized through the role of the community in providing protection for children.

Part Four
Obligations and Responsibilities of
Families and Parents

Article 26

- (1) Parents shall be responsible and accountable for:
 - a. Caring for, maintaining, educating and protecting children;
 - b. Ensuring the growth and development of the child in accordance with his capabilities, talents and interests; and
 - c. Preventing underage marriages.
- (2) Should the parents be absent or their whereabouts unknown, or for some other reason be unable to fulfill their obligations and responsibilities, then the obligations and responsibilities as referred to in Section (1) above may be assigned to another family in accordance with the provisions of the laws and regulations in effect.

Chapter V
Status of Children

Part One
Identity of the Child

Article 27

- (1) Every child must be given an identity from birth.
- (2) An identity as referred to in Section (1) above shall be stated in a birth certificate.
- (3) The issuing of a birth certificate shall be based upon a declaration by a person who witnessed or assisted at the birth.
- (4) Should the particulars of a child's birth be unknown, and the whereabouts of his parents are also unknown, then the issuance of the child's birth certificate shall be based upon a declaration by the person who found the child.

Article 28

- (1) The issuance of a birth certificate shall be the responsibility of the government, and be carried out in practice at a level that is not lower than that of the village or sub-district.
- (2) The issuance of a birth certificate as referred to in Section (1) above must be carried out not later than thirty (30) days subsequent to the filing of an application.
- (3) The issuance of a birth certificate as referred to in Section (1) above shall be free of charge.
- (4) The procedures and requirements for the issuance of a birth certificate as referred to in Section (1) above shall be further provided for by law.

Part Two
Children born of International Marriages

Article 29

- (1) In the case of a child born from a marriage between a citizen of the Republic of Indonesia and a foreign national, he shall be entitled to take his citizenship from either his father or his mother in accordance with the provisions of the laws and regulations in effect.
- (2) In a case where a marriage as referred to in Section (1) above ends in divorce, the said child shall be entitled to choose, or may be ordered by a court, to be brought up by one of his two parents.
- (3) In a case of divorce as referred to in Section (2) above where the child is not capable of making such a choice, and the child's mother is a Republic of Indonesia citizen, then in the interests of the child and at the request of the mother, the government shall be required to provide the child with Republic of Indonesia citizenship.

Chapter VI
Parental Rights

Article 30

- (1) Should parents as referred to in Article 26 herein neglect their obligations, then supervisory measures may be put in place or parental rights may be revoked.
- (2) In order for supervisory measures to be put in place or parental rights to be revoked as referred to in Section (1) above, a ruling of the court shall be required.

Article 31

- (1) One of the parents, a blood sibling or a family member of up to the third degree may submit an application to the court for a ruling on the revocation of parental rights or the putting in place of supervisory measures should there be sufficient grounds for this.
- (2) Should one of the parents, a blood sibling or a family member of up to the third degree not be able to lodge an application as referred to in Section (1) above, then an authorized official or institution may do so.
- (3) An order of the court as referred to in Section (1) above may appoint an individual or a government/community institution to act as guardian for the child in question.

- (4) An individual who is to serve as the guardian of a child as referred to in Section (3) above must be of the same religion as the child.

Article 32

An order of the court as referred to in Article 31 (3) herein shall, at the minimum, provide for the following:

- a. There shall be no severance of relations between the child and his natural parents;
- b. The child's parents shall continue to be required to pay for the upkeep of the child; and
- c. The period of time during which parental rights shall be revoked.

Chapter VII Guardianship

Article 33

- (1) Should a child's parents be legally incompetent or their whereabouts are unknown, then an individual or an institution that meets the requirements may be appointed to serve as the guardian of the child.
- (2) In order for a child to be placed under guardianship as referred to in Section (1) above, an order of the court shall be required.
- (3) A guardian as referred to in Section (2) above must be of the same religion as the child.
- (4) In the interests of the child, a guardian as referred to in Section (2) above shall be required to manage the assets of the child.
- (5) The requirements and procedures for the appointment of a guardian as referred to in Section (1) above shall be further provided for by Government Regulation.

Article 34

A guardian who has been appointed based upon a court order as referred to in Article 23 hereof shall be entitled in the best interests of the child to represent the child both in and out of court and to undertake legal acts on behalf of the child.

Article 35

- (1) In a case where an order of the court on guardianship has yet to be issued, the assets of the child in question may be managed by the Trustee of Estates (*Balai Harta Peninggalan*), or another institution that has authority for such purposes.

- (2) The Trustee of Estates or other institution as referred to in Section (1) above shall act as the guardian of the child in the best interests of the child.
- (3) The administration of an estate as referred to in Sections (1) and (2) must be based upon an order of the court.

Article 36

- (1) Should an appointed guardian subsequently be found to be legally incompetent or to have abused his position as guardian, then his status as guardian shall be revoked and another person shall be appointed, based upon an order of the court, to act as guardian.
- (2) In the case of the demise of a guardian, another person shall be appointed based upon an order of the court to act as guardian.

Chapter VIII

Fostering and Adoption

Part One

Guardianship

Article 37

- (1) The fostering of children shall be provided for in the case of children whose parents are unable to guarantee their proper physical, mental, spiritual and social development.
- (2) The fostering of a child as referred to in section (1) above shall be undertaken by an institution that is authorized for such purpose.
- (3) Should an institution as referred to in section (2) above be founded upon religious principles, a child being fostered must be of the same religion as the religion that forms the basis of the institution concerned.
- (4) Should a child be fostered by an institution that is not founded upon religious principles, then regard must be given to the religion of the child in question.
- (5) The fostering of a child by an institution may take place within or outside the said institution.
- (6) An individual who wishes to participate may do so through an institution as referred to in section (3), section (4) and section (5) above.

Article 38

- (1) The fostering of a child as referred to in Article 37 hereof shall not discriminate based upon the ethnicity, religion, class, sex, culture or

language, legal status, sequence of birth, or physical and/or mental condition of the child.

- (2) The fostering of a child as referred to in Section (1) above shall involve the guidance, upkeep, maintenance and education of the child on an ongoing basis, and the provision of assistance with costs and/or other facilities, so as to guarantee the physical, mental, spiritual and social growth and development of the child, without affecting the religion of the child.

Part Two

Adoption

Article 39

- (1) The adoption of a child may only be carried out in the best interests of the child, and be based upon local custom and the provisions of the laws and regulations in effect.
- (2) The adoption of a child as referred to in Section (1) above shall not sever the blood relationship between the adopted child and his natural parents.
- (3) Candidate adoptive parents must be of the same religion as the child who is to be adopted.
- (4) The adoption of children by foreign nationals shall only be permitted as a last recourse.
- (5) In a case where the background of a child is unknown, his religion shall be taken to be the same as that of the majority of inhabitants in the area in question.

Article 40

- (1) Adoptive parents shall be required to inform an adopted child about his background and natural parents.
- (2) The giving of information to the child regarding his background and natural parents as described in Section (1) above shall have regard to the readiness of the child to receive such information.

Article 41

- (1) The government and the community shall provide guidance and exercise oversight in respect of the adoption of children.
- (2) The procedures concerning the guidance and oversight referred to in Section (1) above shall be provided for by Government Regulation.

Chapter IX
Protection of Children

Part One
Religion

Article 42

- (1) Every child shall receive protection so that he may practice his religion.
- (2) Until such time as a child may make his own decision, his religion shall be that of his parents.

Article 43

- (1) The state, community, the family, parents, guardians and social institutions shall be required to ensure the protection of the child's right to practice his religion.
- (2) The protection of a child's right to practice his religion as referred to in Section (1) above shall include the right to receive guidance and instruction in his religion.

Part Two
Health

Article 44

- (1) The government shall be required to provide facilities and make efforts to ensure comprehensive healthcare for children so that every child shall obtain optimum healthcare from conception.
- (2) The provision of comprehensive healthcare facilities as referred to in Section (1) above shall be supported by the participatory role of the community.
- (3) The provision of comprehensive healthcare facilities as referred to in Section (1) above shall include promotional, preventative, curative, and rehabilitative efforts both as regards basic and referral healthcare services.
- (4) The provision of comprehensive healthcare facilities as referred to in Section (1) above shall be provided free of charge for families of limited means.

- (5) The implementation of Sections (1), (2), (3) and (4) above shall be subject to the provisions of the laws and regulations in effect.

Article 45

- (1) A child's parents and family shall be responsible for maintaining the health of the child from his time in the womb.
- (2) Should the child's parents and family be incapable of fulfilling their responsibilities as referred to in Section (1) above, then the government shall be fully responsible.
- (6) The responsibility of the government referred to in Section (2) above shall be subject to the provisions of the laws and regulations in effect.

Article 46

The state, the government, the family and the parents shall be responsible for ensuring that a child is borne free of life threatening or incapacitating diseases.

Article 47

- (1) The state, the government, the family and the parents shall be responsible for protecting a child against transplantation of the child's organs undertaken in the interests of a third party.
- (2) The state, the government, the family and the parents shall be responsible for protecting a child against the following:
- a. The removal of the child's body organs and/or body tissue against the health of the child;
 - b. The trading in the organs and/or body tissue of a child; and
 - c. Medical research using children as the subjects of the research without the permission of the parents and the prioritizing of the best interests of the child.

Part Three

Education

Article 48

The government shall be required to provide a minimum of nine (9) years basic education for all children.

Article 49

The state, the government, the family and the parents shall be responsible for providing the widest possible opportunities for a child to obtain an education.

Article 50

Education as referred to in Article 48 herein shall be focused on the following objectives:

- a. Developing the behavior, personal capacities, talents, and intellectual and physical capabilities of the child so that he may achieve his full potential;
- b. Developing respect for human rights and freedoms;
- c. Developing respect for elders, cultural identity, language and values, the national values of the place where the child lives and the place where he originated, and respect for cultures that are different from his own;
- d. Preparing the child to lead a responsible life; and
- e. Developing a sense of respect and love for the environment.

Article 51

A physically or mentally disabled child shall be given the same opportunities to receive and have access to both a normal and a special education.

Article 52

A gifted child shall be given the opportunity to receive and have access to a special education.

Article 53

- (1) The government shall be responsible for providing free education, or assistance, or special services to children from families of limited means, neglected and/or abandoned children, and children who live in remote areas.
- (2) The responsibility of the government as referred to in Section (1) shall also include encouraging the community to be actively involved.

Article 54

Children attending school must be protected against violence and abuse from teachers, school managers, and schoolmates both in the schools and in other educational institutions.

Part Four

Social Development

Article 55

- (1) The government shall be required to ensure the maintenance and upkeep of neglected and/or abandoned children, whether in the context of an institution or outside an institution.
- (2) The provision of maintenance and upkeep as referred to in Section (1) above may be undertaken by community institutions.
- (3) In ensuring the provision of maintenance and upkeep for neglected and/or abandoned children, government institutions and community institutions, as referred to in Section (2) above, may collaborate with other relevant parties.
- (4) With regard to the maintenance and upkeep of neglected and/or abandoned children as referred to in Section (3), oversight and supervision shall be carried out by the Minister of Social Affairs.

Article 56

- (1) In performing its duties of maintenance and upkeep, the government shall make efforts to ensure that a child can:
 - a. Participate;
 - b. Express his views and thoughts in accordance with his conscience and religious beliefs;
 - c. Receive both oral and written information in accordance with his age and development;
 - d. Organize and associate;
 - e. Have sufficient time to rest, play, have recreation, express his creativity, and engage in artistic expression; and
 - f. Have play facilities that meet health and safety requirements.
- (2) The efforts referred to in Section (1) above shall be adjusted to take account of the child's age, capabilities and environment so that the child's development is not hampered or otherwise interfered with.

Article 57

Should a child be neglected due to the failure by his parents to exercise their responsibilities for some reason, then an institution as referred to in Article 55 hereof, the family or an authorized officer may submit an application to the court for an order declaring the child to be neglected.

Article 58

- (1) An order of the court as referred to in Article 57 herein shall state the place/institution where the neglected child is to be accommodated and maintained.
- (2) The government or authorized institutions shall be required to provide places/institutions as referred to in Section (1) above.

Part Five
Special Protection

Article 59

The government or an authorized state institution shall be responsible and accountable for providing special protection to children in emergency situations, children who find themselves in dealings with the law, children from minority and isolated groups, children who find themselves being exploited economically or sexually, children who are traded, children who become the victims of the misuse of narcotics, alcohol, psychotropic substances and other addictive substances, children who are the victims of kidnapping, sale and trading, children who are the victims of both physical and/or mental violence, disabled children, children who are the victims of abuse, and neglected/abandoned children.

Article 60

Children who find themselves in emergency situations as referred to in Article 59 above shall consist of:

- a. Refugee children;
- b. Children who are the victims of social disturbances;
- c. Children who are the victims of natural disasters; and
- d. Children who find themselves in the midst of armed conflicts.

Article 61

The special protection to be afforded to refugee children as referred to in Article 60 a hereof shall be in accordance with humanitarian law.

Article 62

The special protection to be afforded to children who are the victims of social disturbances and natural disasters, and children who find themselves in the middle of armed conflicts as referred to in Article 60 sections b, c and d hereof shall be provided through:

- a. Meeting the basic needs of the children as regards food, clothing, shelter, education, healthcare, learning and recreation, social security and equality of treatment; and

- b. Meeting the special needs of children who are disabled or who suffer from psychological problems.

Article 63

All persons shall be prohibited from recruiting or equipping children for military or similar purposes, and from putting the lives of children in danger.

Article 64

- (1) The special protection to be afforded to children who find themselves in contact with the law as referred to in Article 59 herein shall cover children who find themselves in conflict with the law or who are the victims of criminal acts. Such special protection shall be the responsibility of both the government and the community.
- (2) The special protection to be afforded to children who find themselves in contact with the law as referred to in Section (1) above shall cover the following:
 - a. Ensuring humane treatment for children in accordance with the dignity and rights of children;
 - b. The early assignment of counselors to help children;
 - c. The provision of special infrastructure and facilities;
 - d. Ensuring the imposition of appropriate sanctions in accordance with the best interests of the child;
 - e. Continuously monitoring and recording the development of a child who finds himself in dealings with the law;
 - f. The provision of guarantees concerning the protection of the relationship between a child and his parents or family;
 - g. Ensuring that the child's identity is not released in the mass media and preventing stigmatization of the child.
- (3) The special protection to be afforded to children who are the victims of criminal offenses as referred to in Section (1) above shall cover the following:
 - a. Rehabilitation efforts of both an institutional and non-institutional nature;
 - b. Ensuring that the child's identity is not released through the mass media and preventing stigmatization of the child;
 - c. Providing physical, mental and social safety guarantees to victims and expert witnesses;
 - d. Ensuring access to information regarding the development of the legal process.

Article 65

- (1) The special protection to be afforded to children from minority and isolated groups as referred to in Article 59 hereof shall cover the provision of infrastructure and facilities so that such children may enjoy their own culture, practice their own religion and speak their own language.
- (2) All persons shall be prohibited from preventing children as referred to in Section (1) above from enjoying their own culture, practicing their own religion and speaking their own language subject to the need for access to social and cultural development.

Article 66

- (1) The special protection to be afforded to children who have suffered economic or sexual exploitation as referred to in Article 59 hereof shall be the responsibility of the government and community.
- (2) The special protection to be afforded to children who have suffered exploitation of a type referred to in Section (1) above shall cover the following:
 - a. The dissemination and/or socialization of the laws and regulations concerned with the protection of children from economic or sexual exploitation.
 - b. Monitoring, reporting and the imposition of sanctions; and
 - c. The involvement of various government agencies, companies, labor unions, and non-governmental and community organizations in the effort to eradicate the economic and/or sexual exploitation of children.
- (3) All persons shall be prohibited from permitting, undertaking, ordering to be undertaken or participating in the exploitation of children as referred to in Section (1) above.

Article 67

- (1) The special protection to be afforded to children who become the victims of the misuse of narcotics, alcohol, psychotropic substances and other addictive substances as referred to in Article 59 hereof, or who are involved in the production or distribution of such substances, shall cover supervision, prevention, care and rehabilitation efforts on the part of both the government and the community.
- (2) All persons shall be prohibited from permitting, undertaking, ordering to be undertaken or participating in the exploitation of children through the misuse, production or distribution of addictive substances as referred to in Section (1) above.

Article 68

- (1) The special protection to be afforded to children who become the victims of kidnapping, sale or trading as referred to in Article 59 above shall cover supervision, protection, prevention, care and rehabilitation efforts on the part of both the government and the community.

- (2) All persons shall be prohibited from permitting, undertaking, ordering to be undertaken or participating in the kidnapping, sale or trading in children as referred to in Section (1) above.

Article 69

- (1) The special protection to be afforded to children who are the victims of violence, including physical, psychological, and sexual violence, as referred to Article 59 hereof shall include the following:
 - a. The dissemination and/or socialization of the laws and regulations concerned with the protection of children from violence;
 - b. Monitoring, reporting and the imposition of sanctions.
- (2) All persons shall be prohibited from permitting, undertaking, ordering to be undertaken or participating in the type of violence referred to in Section (1) above.

Article 70

- (1) The special protection of disabled children as referred to in Article 59 hereof shall include the following:
 - a. Ensuring the humane treatment of these children in accordance with their dignity and rights as children;
 - b. Meeting the special requirements of these children;
 - c. Ensuring that such children enjoy the same treatment as other children regarding their social integration and personal development.
- (2) All persons shall be prohibited from discrimination against disabled children, including their stigmatization, and shall be required to ensure equality of educational opportunities for disabled children.

Article 71

- (1) The special protection to be afforded to children who become the victims of mistreatment and neglect as referred to in Article 59 hereof shall cover supervision, prevention, care and rehabilitation efforts on the part of both the government and the community.
- (2) All persons shall be prohibited from permitting, undertaking, ordering to be undertaken or participating in the mistreatment or neglect of children as referred to in Section (1) above.

Chapter X

Role of the Community

Article 72

- (1) The community shall be entitled to play as broad a role as possible in the effort to protect children.
- (2) The participatory role of the community as referred to in Section (1) above shall involve individuals, child protection agencies, community and charitable institutions, non-governmental organizations, educational institutions, religious institutions, business, and the mass media.

Article 73

The participatory role of the community shall be realized in accordance with the provisions of the laws and regulations in effect

Chapter XI

Commission for the Protection of Indonesian Children

Article 74

For the purpose of improving the effectiveness of the efforts to provide protection for children, an independent Commission for the Protection of Indonesian Children shall be established by this Law.

Article 75

- (1) The Commission for the Protection of Indonesian Children shall consist of a chairman, two (2) vice chairmen, one (1) secretary and five (5) members.
- (2) The members of the Commission for the Protection of Indonesian Children shall consist of representatives of the government, religious figures, community figures, charitable organizations, community organizations, professional associations, non-governmental organizations, business, and community groups that are concerned with the protection of children.
- (3) The members of the Commission for the Protection of Indonesian Children as referred to in Sections (1) and (2) above shall be appointed and removed by the President, based upon the advice of the Republic of Indonesia House of Representatives, for individual terms of three (3) years, and may be reappointed for one (1) additional term.
- (4) Further provisions concerning the organizational structure, working procedures and financing of the Commission for the Protection of Indonesian Children shall be set regulated by Presidential Decree.

Article 76

The Commission for the Protection of Indonesian Children shall have the following duties:

- a. Conducting socialization of all the laws and regulations involved in the field of child protection, collecting data and information, receiving community complaints, and conducting studies, monitoring, evaluation and supervision in respect of the protection of children's rights;
- b. Submitting reports, advice, input and considerations to the President in respect of the protection of the rights of children.

Chapter XII Criminal Offences

Article 77

Every person who deliberately commits one of the following acts:

- a. Discriminating against a child so that the child experiences either material or psychological loss with the result that his social functions are impaired;
or
- b. Neglecting a child with the result that the child falls ill or suffers physically, mentally or socially;

shall be subject to a term of imprisonment of not more than five (5) years and/or a fine of not more than one hundred million rupiah (Rp 100,000,000).

Article 78

Every person who knowingly and deliberately exposes children to an emergency situation as referred to in Article 60 hereof, or knowingly and deliberately allows children to find themselves in dealings with the law, children from minority and isolated groups to be mistreated, children to be exploited economically or sexually, children to be traded, children to become the victims of the misuse of narcotics, alcohol, psychotropic substances and other addictive substances, children to become the victims of kidnapping, sale and trading, children to become the victims of violence as referred to in Article 59 hereof, knowing that such children need help and must be assisted, shall be subject to a term of imprisonment of not more than five (5) years and/or a maximum fine of one hundred million rupiah (Rp 100,000,000).

Article 79

Every person who adopts a child in contravention of the provisions set out in Article 39 (1), (2) and (4) hereof shall be subject to a term of imprisonment of not more than five (5) years and/or a maximum fine of one hundred million rupiah (Rp 100,000,000).

Article 80

- (1) Every person who commits an act of violence or threatens violence against, or tortures a child, shall be subject to a term of imprisonment of

not more than three (3) years and six (6) months, and/or a maximum fine of seventy-two million rupiah (Rp 72,000,000).

- (2) Should a child as referred to in Section (1) above be seriously injured, then the perpetrator shall be subject to a term of imprisonment of not more than five (5) years and/or a maximum fine of one hundred million rupiah (Rp 100,000,000).
- (3) Should a child as referred to in Section (2) above die, then the perpetrator shall be subject to a term of imprisonment of not more than ten (10) years and/or a maximum fine of two hundred million rupiah (Rp 200,000,000).
- (4) The punishments provided for in Sections (1), (2) and (3) above shall be increased by one-third should the perpetrator be a parent of the child.

Article 81

- (1) Every person who through the deliberate use or threat of violence forces a child to engage in sexual intercourse with him/her or with other people shall be subject to a maximum term of imprisonment of fifteen (15) years and a minimum term of three (3) years, and a maximum fine of three hundred million rupiah (Rp 300,000,000) and a minimum fine of sixty million rupiah (Rp 60,000,000).
- (2) The punishments set out in section (1) above shall also be applicable to any person who employs tricks, lies or ruses to persuade, or who encourages, a child to engage in sexual intercourse with him or with some other person.

Article 82

Every person who uses violence or the threat of violence to force, or who employs tricks, lies or ruses to persuade, or who encourages, a child to engage in indecent behavior, or who allows such indecent behavior to occur, shall be subject to a maximum term of imprisonment of fifteen (15) years and a minimum term of three (3) years, and a maximum fine of three hundred million rupiah (Rp 300,000,000) and a minimum fine of sixty million rupiah (Rp 60,000,000).

Article 83

Every person who trades in, sells or kidnaps a child either for his own purposes or for sale shall be subject to a maximum term of imprisonment of fifteen (15) years and a minimum term of three (3) years, and a maximum fine of three hundred million rupiah (Rp 300,000,000) and a minimum fine of sixty million rupiah (Rp 60,000,000).

Article 84

Every person who illegally conducts an operation involving an organ or body tissue of a child in the interests of a third party for his own gain or the gain of some other person shall be subject to a term of imprisonment of not more than ten (10) years and/or a maximum fine of two hundred million rupiah (Rp 200,000,000).

Article 85

- (1) Every person who trades in the organs and/or body tissues of children shall be subject to a term of imprisonment of not more than fifteen (15) years and/or a maximum fine of three hundred million rupiah (Rp 300,000,000).
- (2) Every person who contravenes the law by taking the organs and/or body tissues of children without having regard to the health of the said children, or medical researchers who use children as the subjects of research without the permission of their parents, or who do not prioritize the best interests of the children involved, shall be subject to a term of imprisonment of not more than ten (10) years and/or a maximum fine of two hundred million rupiah (Rp 200,000,000).

Article 86

Every person who uses tricks or lies to persuade, or encourages, a child to convert to another religion against his free will even though the perpetrator knows or should know that the child in question is not sufficiently intellectually developed or responsible enough to make such a choice, shall be subject to a term of imprisonment of not more than five (5) years and/or a maximum fine of one hundred million rupiah (Rp 100,000,000).

Article 87

Every person who contravenes the law by recruiting and equipping children for military purposes as referred to in Article 63 hereof, or who misuses children by involving them in political activities, or in an armed conflict, or in a social disturbance, or in a violent event, or in a war as described in Article 15 hereof, shall be subject to a term of imprisonment of not more than five (5) years and/or a maximum fine of one hundred million rupiah (Rp 100,000,000).

Article 88

Every person who economically or sexually exploits a child for his own gain or the gain of some third party shall be subject to a term of imprisonment of not more than ten (10) years and/or a maximum fine of two hundred million rupiah (Rp 200,000,000).

Article 89

- (1) Every person who deliberately allows a child to become involved, involves, or orders the involvement of a child in the misuse, production or distribution of narcotics and/or psychotropic substances shall be subject to the death penalty, or life imprisonment, or a term of imprisonment not exceeding twenty (20) years and a minimum term of five (5) years, and a maximum fine of five hundred million rupiah (Rp 500,000,000), and a minimum fine of fifty million rupiah (Rp 50,000,000).
- (2) Every person who deliberately allows a child to become involved, involves, or orders the involvement of a child in the misuse, production or distribution of alcohol or other addictive substances shall be subject to a

term of imprisonment not exceeding ten (10) years and a minimum term of two (2) years, and a maximum fine of two hundred million rupiah (Rp 200,000,000), and a minimum fine of twenty million rupiah (Rp 20,000,000).

Article 90

- (1) Should any of the criminal offenses provided for in Articles 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88 and 89 hereof be committed by a body corporate, then the relevant sanctions shall be imposed upon the management and/or the said body corporate.
- (2) Only fines may be imposed upon a body corporate subject to the provision that any fines imposed shall be increased by one-third (1/3) over the amount of the fines provided for herein.

Chapter XIII

Transitory Provisions

Article 91

Upon the entry into effect of this Law, all other laws and regulations that do not conflict with the provisions hereof shall continue in effect.

Chapter XIV

Concluding Provisions

Article 92

Within a maximum period of one (1) year after the coming into effect hereof, the Commission for the Protection of Indonesian Children shall have been properly established and constituted.

Article 93

This Law shall enter into effect on the date of enactment hereof.

So that all may be aware, it is hereby ordered that the enactment of this Law be listed in the Official Gazette of the Republic of Indonesia .

Approved in Jakarta on 22 October 2002

Megawati Soekarnoputri, President of the Republic of Indonesia

Enacted in Jakarta on 22 October 2002

Bambang Kesowo, State Secretary of the Republic of Indonesia

Official Gazette of the Republic of Indonesia Year 2002 number 109

