



Eradication of Criminal Acts of Obscenity by Children

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Abstract:The purpose of this research is to know and analyze about how to eradicate it is an issue that is constantly being debated, one of which is the criminal act of obscenity by children. Sexual crimes committed by children often occur, especially in the jurisdiction of the Boalemo Police, and the factors that cause acts of obscenity committed by minors in the Legal Area of Boalemo Regency are caused by internal (family and gender) and external factors. (environment, internet and liquor as well as low education and economy). Efforts to deal with sexual abuse in the jurisdiction of the Boalemo Police are preventive, repressive, curative, delinquent from a criminological perspective and pre-emptive.

Keywords:*Overview, Criminology, Obscenity, Minors.*

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1. Introduction

Indonesia is the highest agreement of the state's formers, even though it has experienced a constitutional test when the 1945 Constitution was amended into the Constitution of the United Republic of Indonesia in 1949, even so the recognition of the regions under the auspices of the State of Indonesia is still recognized.¹ An absolute requirement for state sovereignty is the existence of a society that obeys the constitution and its government.² Because the essence of the constitution is the conception of the state which is the basis and limitation of the constellation of the state administration system.³ Therefore, in legal politics, a legal discovery and new law-making that is in accordance with the goals of the State is a value that must be implemented in order to achieve legal supremacy and justice.⁴

In our daily lives, even in society, in order to make ends meet, there are often crimes and violations committed by certain people and people who threaten some members of society, which in law is known as criminal acts.⁵ At present, not only the crime rate or quantity of crime is increasing but also the type of crime or quality has developed rapidly in Indonesia. Criminal sanctions are seen as an effective solution in tackling this problem. Criminal sanctions are a manifestation of the state's responsibility to maintain security and order as well as efforts to protect the law for its citizens. This is a logical consequence of the concept of forming a state which, according to JJ Rosseau, is based on community agreements. Furthermore, the people agreed to enter into a noble agreement (*modus vivendi*) which was set forth in a basic law in the form of the state constitution.⁶ Legal protection is really needed because of efforts to integrate various needs in associations so that there are no conflicts between needs and can enjoy

¹ Novendri M. Nggilu, "Tinjauan Yuridis Pengaturan Sanksi Pidana Dalam Peraturan Daerah Provinsi Gorontalo," *Lambung Mangkurat Law Journal*. 5, No. 2 (2020): 109-121., 110

² Mellisa Towadi and Nur Mohamad Kasim, "An Indication of China ' s Policy towards Uighurs and Its Implications by International Law Aspects." *Jambura Law Review*. 3, No. 01 (2021): 55-71., 69

³ Ahmad dan Novendri M. Nggilu Fakultas, "Denyut Nadi Amandemen Kelima UUD 1945 Melalui Pelibatan Mahkamah Konstitusi Sebagai Prinsip the Guardian of the Constitution of the Constitution Through the the Principle of the Guardian of the Constitution." *Jurnal Konstitusi*. 16, No. 4 (2019): 785-808., 791

⁴ Mohamad Hidayat Muhtar, "Model Politik Hukum Pemberantasan Korupsi Di Indonesia Dalam Rangka Harmonisasi Lembaga Penegak Hukum." *Jambura Law Review*. 1, No. 1 (2019): 68-93., 73

⁵ Dian Ekawaty Ismail and Mohamad Taufiq Zulfikar Sarson, "Criminology Analysis of Women's as Perpetrators of Domestic Violence Crimes," *Jambura Law Review* 3, no. 1 (2021): 57-76., 58

⁶ Ramdan Kasim, "Dehumanisasi Pada Penerapan Hukum Pidana Secara Berlebihan (Overspanning van Het Straftrecht)," *Jambura Law Review*. 2, No. 1 (2020): 1-29., 3

all the rights granted by law.⁷ The state is firmly obliged to try to fulfill the rights of every citizen.⁸

The ulama differed significantly in their function and purpose. From the point of view of the meaning of children according to religion, the meaning of children is related to raising children as creatures created by God who have noble qualities. Position, where existence is realized through the process of creation by the dimension of God's free will. Children are an integral part of human life and the stability of the nation and state. The Indonesian constitution explains that children have a strategic role to ensure that every child lives, grows and develops and is protected from violence and discrimination.⁹

However, along with the development of the era in this era of globalization, the character of children is very worrying. Lots of children are involved in sexual crimes, both as victims of crimes and as perpetrators of sexual crimes. Not only adults who commit immoral acts, but also minors.

According to the IASC (Inter Agency Standing Committee) Sexual crimes are acts of a sexual nature in any situation, including not only at home and at work, regardless of the relationship with the victim, sexual harassment, prejudice, sexual views, coercion, physical violence.¹⁰

Children are a gift from God Almighty that cannot be replaced.¹¹ Children are part of the younger generation as one of the human resources who are potential and successors to the ideals of the nation's struggle, who have a strategic role and have special characteristics and characteristics that require guidance and protection in order to guarantee physical, mental, social growth and development. as a whole, harmonious, harmonious, and balanced.¹² Children have limitations in understanding and protecting themselves from various influences of the existing system. When children are involved in legal issues, the state must provide protection.¹³

Obscenity according to the General Indonesian Dictionary is a heinous and dirty act (such as politeness),¹⁴ Obscenity is an arbitrary action against another party. Both

⁷ Jufryanto Puluhulawa, Mellisa Towadi, and Vifi Swarianata, "Perlindungan Hukum Situs Bawah Air Leato / Japanese Cargo Wreck The Legal Protection of The Leato Underwater Site" *Jurnal Reformasi Hukum* 24. No. 2 (2020): 189-208., 197

⁸ Julius Mandjo, "The Right to Obtain Free Assistance and Legal Protection for The Indigent People Through Legal Assistance Organizations." *Jambura Law Review*. 3, No. 02 (2021): 365-77., 375

⁹ Undang - Undang Nomor 11 Tahun 2012, "Tentang Sistem Peradilan Pidana Anak," n.d.

¹⁰ Siska Lis Sulistiani, *Kejahatan Dan Penyimpangan Seksual* (Bandung: Nuansa Aulia Halaman, 2016).

¹¹ R. Harun, "Analisis Yuridis Tentang Tindak Pidana Pencabulan Anak," *Lex Crimen* 4, no. 4 (2015).

¹² Makarao, *Hukum Perlindungan Anak Dan Penghapusan Kekerasan Dalam Rumah Tangga* (Rineka Cipta, Jakarta, 2013).

¹³ Abintoro Prakoso, *Pembaruan Sistem Peradilan Pidana Anak* (Laksbang Grafika, Yogyakarta, 2013).

¹⁴ W.J.S. Poerwadarminta, *Kamus Umum Bahasa Indonesia* (Jakarta : Balai Pustaka, 1984).

human rights violations with elements of violence and coercion, as well as humiliating acts of honor, and so on. In general, in the Indonesian dictionary, the word obscenity is rape and which means: violation of human rights or forfeiture of honor and so on with elements of violence and coercion. In detail in the General Indonesian Dictionary it is said that obscenity is rape which means it can have a negative impact on the pattern and lifestyle of children who can freely use social networks or the internet such as Facebook, YouTube, Instagram and other social networks. Research shows that Conquest children etc. Violence, domination, coercion, for example rape of minors.

It cannot be denied that dynamic development factors, world developments in the field of technology and information, under the age of 13 (thirteen) who have sex are more likely to be involved in sexual violations, especially rape. Because they say they get nervous when they see the sex they've seen before. Of course, a child's deviant behavior starts with curiosity, then they try to find out what sex is like without being accompanied by their parents. Then they try to train the opposite sex with whatever scenes they have seen in porn videos that they have seen before.

There are also quite a large number of cases of obscenity where the legal evidence is children at the Boalemo Police Station and almost every year there are the same cases, between 2017 and 2020, as shown in the table below:

Table 1. Cases of Obscenity

No.Year	Number of Cases
1.	20173
2.	20184
3.	20193
4.	20205
5.	2021-
Total Cases15	

Data source: Polres Boalemo Gorontalo

Looking at the table above, it can be seen that cases of violence against children in the Boalemo Police area are the same every year and the highest cases occurred in 2020, namely 5 cases, but in 2021 there were no cases of rewarding children or being executed as the perpetrators must be held accountable. This should be done in such a way as to teach the offender not to repeat the same act or omission in the future.

Article 14 paragraph (1) g explains that the police have the right to investigate various criminal acts. Regarding the various problems of sexual violence perpetrated by children, the Head of PPA Boalemo Police said there were indeed a number of cases involving children in criminal acts, which had escorted the case to court or trial with the agreement of the families of both parties.

This does not mean that the police cannot resolve the case, it is possible that the case will be handled until it is finished, but the police will return it to the family whether this case is handled by the police or followed up by the court, because this is one of the deterrent effects for perpetrators of criminal acts. given by the police.¹⁵

One concrete example of a crime reported at the Boalemo Police is a case of sexual abuse committed by a pair of teenage lovers where the perpetrator and the victim were under 13 (thirteen) years old. The case occurred in November 2019 in the Tilamuta area, Boalemo Regency. It is known by the parents of the perpetrator and the victim after receiving a complaint or report from Mr. Ahmad M Sauwandi, one of the residents who saw the action in a shack not far from the school. According to Mr. Ahmad M Sauwandi's confession that he saw a strange movement seen in a hut that he passed, it made him curious to see firsthand what was happening in the small hut. "When I saw the small hut from a distance of approximately 6 meters from the point where I was standing, it was swaying strangely which made my curiosity arise, I immediately approached the hut with slightly slow footsteps, and I found and saw that there was a pair of Teenagers who are carrying out indecent acts with school uniforms are used as a base for them to carry out these actions. Pak Ahmad M Sauwandi said when interviewed as an eyewitness.¹⁶

Without wasting time the witness immediately took them and handed them over to the house of their father or the local village head so that they would be questioned or processed according to a mutual agreement. The police would of course follow up on the case and take it to court or trial, in the sense that the case was not simply resolved either by amicable settlement or peace according to the request of the parents of the two teenagers. This is done so that the two children do not repeat this dishonorable act and especially this is done to give a deterrent effect to them or other children in the future.

The role of the Police in this case is to process the report which is made into a file and sent to the Prosecutor's Office and then the file is examined first whether the file is complete, if it is complete then the file is submitted to P21 then the case is made to the second stage and the case is finished in court, if the file has not complete, the file will be returned to the police.¹⁷

¹⁵ Wawancara dengan Kasat PPA Polres Boalemo tgl 19 Mei 2021

¹⁶ Wawancara dengan Kasat PPA Polres Boalemo tgl 19 Mei 2021

¹⁷ Wawancara dengan Kasat PPA Polres Boalemo tgl 19 Mei 2021

Besides that, researchers must also pay attention to the police's settlement methods or police actions in the initial handling before the perpetrators are brought to justice. The role of the police in the criminal justice system is at the forefront, especially at the preliminary investigation stage, where the police must comply with standard operating procedures (SOP) that have been stipulated in the law. The objectives of the investigation include arrest, detention, search, confiscation, examination of documents, examination of witnesses and suspects, and requesting expert assistance. In this connection, the police are tasked with finding the complete truth. After In this case, the police have the responsibility to determine and find out the full truth by handing over the case files, evidence and suspects to the prosecutor's office.¹⁸

Thus, the researcher is interested in conducting research related to Criminological Review of the Crime of Sexual Abuse by Children in the Boalemo Police Region.

2. method

This type of research is empirical research, The research method is a way of doing something by using the mind carefully to achieve a goal by searching, writing, formulating and analyzing a report.¹⁹ This research uses techniques Data analysis is a research activity in the form of studies or research on the results of data processing using previously obtained theories.

3. Analysis And Discussion

Efforts to Overcome Criminal Cases of Obscenity by Underage Children in the Baolemo Police Area

Juvenile delinquency is a desire or implementation of deviance from children and actions that can unsettle the community. The form of child delinquency in question is obscenity with the perpetrators being minors. In connection with this case, it is necessary to take preventive action to prevent the occurrence of this increasingly massive action with the socialization of the Head of PPA Boalemo Police as a speaker or resource person in the socialization activity.

The purpose of socialization activities is to reduce the increase in sexual abuse by minors. The socialization activity was carried out in Piloliyanga Village, Tilamuta District, Boalemo Regency, Gorontalo Province in November 2021. The socialization was carried out to 75 elementary and junior high school aged children in a more exciting way through joint discussion activities, interactive lectures, designing posters and explaining them by each each group. This activity has a significant impact with

¹⁸ Soerjono Soekanto, *Faktor-Faktor Yang Mempengaruhi Penegakan Hukum* (Jakarta: PT. Raja Grafindo Persada, 2008).

¹⁹ Cholid Narbuko dan Abu Achmadi, *Metodologi Penelitian* (Jakarta : PT. Bumi Aksara, 2003).

the child's commitment contained in the poster work and group reflections through discussions during socialization so that criminal acts such as sexual immorality and other criminal acts can be prevented and avoided.

In the perspective that was carried out in the socialization of efforts to overcome acts of sexual abuse where the perpetrators were children, the resource persons who took part in providing material during the socialization were carried out by giving discussions with biological, psychological and social approaches (approaches). In this modern era, environmental factors are an important factor in giving the cause of delinquency committed by children. The environment is a place for children to grow and develop so that they have a big contribution in preventing and overcoming delinquency committed by children.

In carrying out this socialization, there was a disclosure of concepts to support actions to overcome and reduce delinquency in children, especially in the Boalemo area. Prevention, repressive and curative patterns are patterns that are used and implemented accordingly and have maximum effect.²⁰

Efforts to reduce sexual abuse where the perpetrators are children in the Boalemo Police area need to be carried out comprehensively so that child abuse can be prevented and handled wisely and properly. Efforts to deal with criminal cases where the legal evidence is children are all actions attempted by legal instruments in providing guarantees in reducing cases of obscenity committed by children.

There have been many preventive efforts made so that sexual abuse does not occur either individually or in groups with the aim that children's acceptance of their environment is within reasonable standards. Countermeasures must be concretely carried out as early as possible. If children are delinquent, if they are not handled from a young age, then it is possible that in adulthood they will become criminals because their character was formed when they were young. On the other hand, there is complexity related to juvenile delinquency so that there are various theories and approaches in discussing juvenile delinquency.

There are cases that occur in minors regarding sexual abuse as determined by the rule of law according to law No. 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA) explains that: "Children who are under the age of 18 can be punished but there is a classification according to the law which must pay attention to the interests of the child".²¹

In the following, the researcher explains that the provisions related to children in conflict with the law with the definition that ABH are children aged 18 (eighteen) years with suspected criminal acts that are subject to punishment. In the case of research

²⁰ Wawancara dengan Kasat PPA Polres Boalemo tgl 6 Juni 2022

²¹ Legal Smart Channel, "Konsultasi Hukum," bphn.go.id, 2020, <https://isc.bphn.go.id>.

conducted by researchers that those who commit obscenity are children aged 13 years (thirteen years) where the age of 13 years is under 18 years cannot be imposed or sentenced, therefore investigators can make decisions in guiding to take decision to return back to parents or guardians, include character education, provide guidance to government agencies (LPKS) with a maximum time of 6 months.

The juvenile criminal justice system must prioritize a restorative justice approach and in this system diversion must be sought. The legal level of a criminal act can be seen from the act committed by a person which is the basis for the judge in considering a crime or punishment in accordance with the principle of fairness and in accordance with human values. As in the case above. Article 22 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System stipulates that there are various tools to investigate and examine cases, especially minors, then in the examination process it is necessary to provide assistance from supervisors in accordance with the provisions.

There is systematics in the process of detaining children (Article 32 of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System), namely that detention may not be carried out if the child does not attempt to escape, destroys evidence and disappears and promises not to repeat the crime. However, there are special provisions that detention can be applied if the child is 14 years old and is suspected of having committed a crime with a threat of imprisonment of 7 years or more. Detention can be carried out under the following conditions: The child is 14 (fourteen) years old; Suspected of committing a crime punishable by imprisonment for 7 years or more.

Based on the results of an interview with the informant, namely Mrs. Popi E. Dayoh as a Member of Unit 6/PPA SATRESKRIM POLRES Boalemo which was conducted on June 6 2022, said that there were several patterns conveyed in socialization in tackling child problems in the Boalemo area:²²

Preventive Efforts

In general, prevention is carried out as follows Understanding the characteristics of children, Doing in-depth study regarding the difficulties and causes of delinquency, especially acts of sexual immorality. Efforts in nurturing children: Providing mental reinforcement to children so they can solve the problems they are living. Conducting education is not only knowledge and skills but strengthens mental and spiritual education as well as character so that it is in accordance with the values and ethics of society. Providing an appropriate atmosphere and optimal supporting facilities so that the child's growth and development can be appropriate. Striving for environmental, social and family improvements so that more massive deviations do not occur.

²² Wawancara dengan Ibu Popi E. Dayoh selaku Anggota Unit 6/PPA SATRESKRIM POLRES Boalemo yang dilakukan pada tanggal 06 Juni 2022

Through these more structured efforts, it is hoped that children can optimize themselves according to their own potential and there is a harmonious self-equality of ratios and emotions. With the appropriate cognitive, the resulting behavior is also appropriate, polite, and has a responsibility to help solve the problems of the individual himself

repressive efforts

Enforcement of punishment can be done so that there is a deterrent effect for violators of social and moral norms in society. In general, this action was actualized by means of verbal and written warnings to parents and children, in the form of special supervision by the school and teachers, as well as carrying out measures to temporarily prohibit studying at school according to the violations committed.

Action efforts are carried out through abolitionistic efforts so that there is a reduction and disappearance of children to take actions that are not in accordance with any motive. No less important is that in minimizing and eliminating the factors that cause children to commit crimes, they need to be properly enforced. Need support from all parties, especially from family, friends, and social community. It is impossible for this effort to be carried out only by one institution, but it needs support from each party so that it is carried out optimally and relations between people are getting closer.

Curative Efforts

This action is taken when prevention cannot be carried out properly so that direct action is needed against child offenders. The forms of these actions include erasing the causes of the emergence of these actions by tracing related to family, environment, or culture. Assisting in finding foster parents and facilitating the growth and development of the child's physical and spiritual development. Looking for a middle point towards a better social environment in the form of transferring children's schools. Provide a place for training in accordance with the rules of discipline and order. Provide habituation to carry out activities that are useful based on potential and recreation but still according to the rules. Organizational improvement for youth with various trainings to prepare delinquent children to compete in the world of work and live in society. Building a psychology clinic as an effort to solve emotional conflicts and mental disorders. Conduct medical treatment and provide psychoanalytic therapy for those who have mental disorders.

Pre-Emptive Efforts

It is interpreted as an initial action in tackling crime early so that it does not happen. The meaning of the pre-emptive itself is with the inculcation of values and norms so that these norms can be implemented by individuals. Serious handling is needed so that the settlement of the case can be completed. This effort can be said to be

complicated when viewed only from an integral point of view, but if you look at it from a separate point of view, this step needs to be carried out carefully and professionally with knowledge and there is continuity between the lines.

Individual backgrounds and the social environment are also continuously strived to be well oriented and conducive so that the child's mental development can be stable because it is still unstable and the child's condition is shifting towards adulthood and is looking for his identity. Through the above factors, of course it is hoped that children can be directed to be able to face difficult conditions with a more positive and effective orientation so that when they become adults they are able to carry out their roles in accordance with the norms prevailing in society.

Efforts to deal with bad children are seen from the perspective of criminology

Criminal policy is interpreted as an effort to overcome problems in general, especially for perpetrators of child delinquency. This policy can be implemented through the penal route (Criminal Law) and the non-penal route (outside criminal law). This policy serves as a support so that crime in general and delinquency behavior can be properly resolved and prevented so that new problems do not arise.

Control through the penal route is based on the nature of prevention or prevention after a crime has occurred. While the non-penal route is carried out preventively before the crime is committed. Juridically, in tackling delinquency committed by children, it is necessary to study and consider the terms of the child's age limit, type and appropriate punishment for delinquent children in the form of a crime or action. The process of dealing with cases of children who commit crimes is also different from the efforts made in adults. The thing that forms the basis for his consideration is because at the age of the child who is still small, of course, it is very vulnerable for the development of both cognitive and psychological development of the child who committed the crime.

During the implementation of the coping process, there were also differences in principles due to various factors. The modification of penal and non-penal measures in criminal politics for juvenile delinquency is that there is a need for integration (integrity) between crime prevention policies and social politics and law enforcement politics. There is a need for political modifications related to protection in general by the community to carry out policies on handling cases of delinquency in children. Protection of the fulfillment of children's rights needs to be upheld by prioritizing children's welfare so that it is necessary to protect both children who are victims of adult crime (neglected children) and victims of child delinquency (delinquent children).

Regarding the policy of using the penal or non-penal route, there are no different conditions in its application. A larger portion is used for non penal factors than penal

by looking at the need for the process of overcoming delinquency committed by children or commonly called criminogenic factors. The role of criminology is important because it plays a role in providing an understanding of the nature and process of child crime, and with this approach it is able to answer questions regarding the penal pathway.

4. Conclusion

Based on the results of the analysis and discussion described above, it can be concluded that kSexual crimes committed by children often occur, especially in the jurisdiction of the Boalemo Police, and the factors that cause acts of obscenity committed by minors in the Legal Area of Boalemo Regency are caused by internal factors (family and gender) and external (environment, internet and liquor as well as low education and economy) With the explanation in the previous chapter, it can be concluded that efforts to overcome sexual abuse in the jurisdiction of the Boalemo Police are preventive, repressive, curative, and delinquent from a criminological perspective. and pre-emptief effort.

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