

INDONESIA

International Instrument	Signature	Ratification, Acceptance (A), Approval (AA), Accession (a), Succession (d)	Entry Into Force
UN Convention on the Rights of the Child	26 Jan 1990	5 Sep 1990	
UN Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography	24 Sep 2001	24 Sep 2012	
Protocol to Prevent, Suppress and Punish Trafficking in Persons	24 Sep 2001	24 Sep 2012 ¹	
UN Optional Protocol on the Involvement of Children in Armed Conflict	24 Sep 2001	24 Sep 2012 a	
UN Convention for the Protection of All Persons from Enforced Disappearance	27 Sep 2010		
Hague Convention on International Child Abduction			

In Indonesia, there are three laws that refer directly or indirectly to missing children:

1. Penal Code, as amended in 1982;
2. National Law on Child Protection of 2002; and
3. Law on the Eradication of the Criminal Act of Human Trafficking of 2007.

General Child Protection

The National Commission on Child Protection was established by Presidential Decree in 2003 as an independent entity.² Its mission is to provide reports, suggestions, and feedback to the President of Indonesia on child protection issues, as well as to collect and evaluate data and oversee the implementation of child protection legislation. In addition, the Ministry of Women Empowerment and Child Protection is responsible for the enactment of a number of laws and regulations for the protection of children in Indonesia.³

The exact number of missing children in Indonesia is unknown. In 2012, 129 children were reported missing to the National Commission for Child Protection. Of those 129 cases, 27 children were

¹ Indonesia Declaration and Reservation upon signature: Declaration: "... the Government of the Republic of Indonesia declares that the provisions of Article 5 paragraph (2) Sub-paragraph c of the Protocol will have to be implemented in strict compliance with the principle of the sovereignty and territorial integrity of a state...."

Reservation: "...the Government of the Republic of Indonesia conveys her reservation not to be bound by the provision of Article 15 (2) and takes the position that dispute[s] relating to the interpretation and application on the Protocol which have not been settled through the channel provided for in Paragraph (1) of the said Article, may be referred to the International Court of Justice only with the concern of all Parties to the dispute...."

² INDONESIAN NATIONAL COMMISSION ON CHILD PROTECTION, at <http://www.kpai.go.id/profil/> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

³ ASEAN INTER-PARLIAMENTARY ASSEMBLY, *3rd AIPA Caucus Report Summary Table of National Initiatives on Topic B, Summary Table for Indonesia - Welfare and Protection of Children* (on file with the International Centre for Missing & Exploited Children).

befriended by an adult stranger using Facebook and the adult lured them out of the city to be drugged and sexually exploited.⁴

Definition of “Missing Child”

Indonesia does not expressly define a missing child in its statutes; however Article 59 of the National Law on Child Protection of 2002 indirectly defines “children in need of special protection”:

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 victims of the misuse of narcotics, alcohol, psychotropic substances and other addictive substances, children who are the victims of kidnapping, sale or 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.⁵

Kidnapping and Abduction

Articles 68 and 71 of the National Law on Child Protection reiterate that children who have been neglected, maltreated, kidnapped, sold, or traded shall receive supervision, prevention, care, and rehabilitation from the State.⁶ Runaways are not explicitly included, nor are street children or children who have been forced to beg in exchange for food and shelter. Forced begging and forced labor of children under 12 years of age are criminalized in Article 301 of the Penal Code of Indonesia as amended in 1982, but the Article does not outline any specific protection for the child.⁷

Parental Abduction

Indonesia is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction and only criminalizes abduction and kidnapping generally, without reference to parental abduction in particular. Currently, if the child is traveling with an adult other than his or her parents, the parents’ written consent, copies of both parents’ passports, and a copy of the child’s birth certificate must be provided to immigration officials by the accompanying adult.⁸ There are no laws or policies that address children traveling with only one parent.

Reporting Mechanism

Although no written policies exist, research indicated that a parent or guardian who reports a child missing at a local police station must provide information including the child’s name, age, school, photograph, parents’ names, and a copy of the child’s birth certificate.⁹

⁴ Margie Mason, *Facebook used to kidnap, traffic Indonesian girls*, THE WASHINGTON TIMES, Oct. 29, 2012, at <http://www.washingtontimes.com/news/2012/oct/29/facebook-used-to-kidnap-traffic-indonesian-girls/> (last visited Feb. 21, 2016) (on file with the International Centre for Missing & Exploited Children).

⁵ Republic of Indonesia Law No. 23 Year 2002 on Child Protection, Part Five – Special Protection, Article 59 (on file with the International Centre for Missing & Exploited Children).

⁶ *Id.* at Articles 68 and 71.

⁷ The Penal Code of Indonesia, Article 301 states “the person who surrenders or leaves a child under the age of twelve years who is under his legal authority to another person, knowing that it will be used for begging or carrying out begging, for performing dangerous feats or dangerous labor or labor detrimental to the health, shall be punished by a maximum imprisonment of four years.”

⁸ AUSTRALIAN GOVERNMENT REFUGEE REVIEW TRIBUNAL, *Country Advice Indonesia: Child, Exit Procedures and Parental Consent*, Feb. 9, 2010 (on file with the International Centre for Missing & Exploited Children).

⁹ Email correspondence with Lt. Col. Reinhard Hutagaol, Head of Sub-section Specialized Economic Crime, INTERPOL, International Relations Division, Indonesian National Police, Feb. 27, 2012 (on file with the International Centre for Missing & Exploited Children).

Once a report of a missing child has been made by a parent or guardian, the Indonesian National Police notifies the public of a missing persons' case by posting photographs of and other relevant information on its national website, printing missing person posters, and providing information to television news outlets for broadcast.¹⁰

Telepon Sahabat Anak 129 (TSA 129), a children's helpline that began in 2005, is the product of an MOU among various Indonesian governmental bodies.¹¹ TSA 129 accepts calls from children concerning emergency situations such as economic and sexual exploitation, drug abuse, alcohol/psychotropic/ other addictive substances (drugs), abduction, sale and trafficking, physical and mental violence, and abuse and neglect.¹² TSA 129 then refers the child to counseling.¹³ The TSA 129 Helpline also collaborates with various ministries to build awareness of violence against children,¹⁴ and assists with reunifying children with their families after natural disasters.¹⁵

Indonesian National Police Regulation No. 10 established the Women and Children Services Unit in 2007, which is charged with protecting women and children who are victims of crime.¹⁶ The unit handles complaints, allegations, and investigations into domestic violence, sexual abuse, and human trafficking of women and children, and provides training for police officers on recognizing and handling these sensitive issues.¹⁷

Investigation of Missing Child Cases

According to INTERPOL's National Central Bureau Indonesia, the Indonesian National Police do not have specific written regulations regarding missing children cases, but they do consider missing children to be a priority and treat them as such.¹⁸ INTERPOL Indonesia states that cases of missing children are handled by individual police precincts that communicate with each other on a regular basis. Only cases that need more extensive investigations are taken to the regional level.¹⁹ It is, however, unclear which cases qualify for this degree of attention, or how and how often police precincts communicate.

Case Management/Database

According to information provided by an Indonesian law enforcement officer, there is no "proper" national database for cases of missing children or missing persons in Indonesia.²⁰ However, several emergency response organizations such as the Red Cross, Save the Children, UNICEF, and the Indonesian Ministry of Social Affairs, have set up temporary databases to help residents locate missing family members following natural disasters and in response to an increase of internally displaced persons.

¹⁰ Email correspondence with Reinhard Hutagaol, *supra* note 147.

¹¹ TESA 129, at <http://tesa129.badungkab.go.id/tentang-tesa-129/> (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ HUMAN RIGHTS WATCH, *Workers in the Shadows: Abuse and Exploitation of Child Domestic Workers in Indonesia* (2009) 53-54, at https://www.hrw.org/sites/default/files/reports/indonesia0209_webwcover.pdf (last visited Apr. 25, 2016) (on file with the International Centre for Missing & Exploited Children).

¹⁷ *Id.*

¹⁸ Email correspondence with Reinhard Hutagaol, *supra* note 147.

¹⁹ *Id.*

²⁰ *Id.*

Trafficking

The 2007 Law on the Eradication of the Criminal Act of Human Trafficking (hereafter referred to as the “Human Trafficking Law”) defines and outlaws human trafficking and criminalizes the transport of children for the purposes of human trafficking or sexual exploitation, either into or out of Indonesia.²¹ These appear to be the only provisions in Indonesian law addressing cross-border travel with children.

The 2007 Human Trafficking Law also criminalizes illegal adoption in Article 5, which provides that anyone who adopts children with the intention to exploit them shall be liable to imprisonment or fine.

²¹ Law of the Republic of Indonesia Number 21 Year 2007 on Eradication of the Criminal Act of Human Trafficking, Articles 6 and 17 (on file with the International Centre for Missing & Exploited Children).