

Indonesia

National Child Protection Legislation

National Legislation

- a) [Age of Consent](#)
The Child Protection Act of 2002 defines a child as any person under the age of 18. Article 80 (1) and 81 (1) provide penalties for anyone who commits child molestation and/or forces a child to commit sexual intercourse with him or others.
- b) [Age of Criminal Responsibility](#)
Article 4 of Law No. 3 of 1997 (on Juvenile Justice) states that the age of criminal responsibility in Indonesia is eight years old. Children under eight years of age will be subject to an examination by an Investigator. The Investigator will determine whether the child is fit to continue residing with their parents. If the child is shown to be unable to continue residing with their parents, the child is subject to further inquiries to determine liability.
- c) [Age of Marriage](#)
Article 7(1) of Law No. 1 of 1974 (on Marriage) states men may be married at 19 and women may be married at 16. While this is the age of children may consent to marriage, individuals under the age of 21 are not to be married without the consent of both parents according to Article 6(2). However, under Article 7(2), it is possible for parents to marry off their children at an age younger than that specified within the legislation with permission from the Court or other appointed officer.

Below are some of the laws of Indonesia related to sexual offenses against children:

- [Constitution](#)
 - Article 28B (2) explains that children possess the right to grow up protected from violence.
 - Article 34 specifies that the government must take care of any abandoned children by providing appropriate services to them.
- [Trafficking of Persons](#)
 - Article 1 paragraph 7 of Indonesia's legislation on trafficking of persons, exploitation is defined as "an act with or without the consent of the victim which includes but is not limited to prostitution, forced labor or services, slavery or similar practices of slavery, oppression, extortion, physical use, sexual, reproductive organs or unlawfully removing or transplanting organs and/or body tissue or utilize one's power or ability by others to gain both material and immaterial benefits."
 - Article 6 criminalizes the sending of a child to a location for exploitation with 3 to 15 years in prison and a fine of 120,000,000 to 600,000,000 rupiah.
 - Article 17 explains that when a crime committed against a child is from Articles 2-4 (dealing with the various ways in which a victim may be transported for exploitation) it is to be taken as an aggravating circumstance, which allows punishments to increase by 1/3.
- [Child Protection](#)
 - Article 4 of The Child Protection Act, children receive the right to enjoy life without

- violence. It is the role of the guardian or caretaker to protect the child from sexual exploitation, neglect, violence, and other forms of misconduct according to Article 15.
- The first amendment to Indonesia's child protection legislation amends Article 9 to grant children the right to enjoy an education that is free from sexual violence at the hand of an individual in a position of authority.
 - According to amended Article 54, it is the responsibility of the personnel in the education system to ensure children receive this protection.
 - Further, the first amendment to Indonesia's child protection legislation amends Article 59 to oblige the government to protect children with special considerations; this refers to child victims of sexual exploitation, pornography, kidnapping, trafficking, violence, sexual crimes, and other forms of mistreatment. In addition, the government provides a list of potential remedies available to those children in need of special protections in the revised Articles 66, 67B, 68-69A, and 71.
 - The first amendment to the Child Protection Act also inserted Article 67A, stating that all individuals residing in Indonesia are to protect children from being influenced by or from gaining access to pornography. Other prohibitions acts are established in inserted Article 76B (neglecting a child), Article 76C (engaging in violence against a child), Article 76D (forcing a child to have sexual intercourse), Article 76E (deceiving a child into committing obscene acts), Article 76F (trafficking a child), and Article 76I (participating in the sexual exploitation of a child). These prohibitions are criminalized in Articles 77B, 80-83, and 88. The punishments for these crimes range from a minimum of 3.5 years and 72,000,000 rupiah to a maximum of 15 years and 5,000,000,000 rupiah.
 - Article 80(1) says: Every one who commits cruelty, violence or threat to violence, or child molestation, is subject to maximum penalty of 3 (three) years 6 (six) years and/or fined Rp. 100.000.000 at maximum. (2) In the event that a child as meant in verse (1) is badly wounded, then the perpetrator of crime is subject to penalty of 5 (five) years and/or fined Rp. 100.000.000 (a hundred million) at maximum. (3) In the event that a child as meant in verse (2) dies, then the perpetrator of crime is subject to maximum penalty of 10 (ten) years and/or fined Rp. 200.000.000 (two hundred). (4) Penalty is added one third from the provision as meant in verse (1), verse (2), and verse (3) if the one who commits the molestation is his/her parent.
 - Article 81(1) provides that: Every one who deliberately commits violence or threats for violence, forcing a child to commit sexual intercourse with him or with others, is subject to maximum penalty of 15 (fifteen) years of imprisonment and 3 (three) years at most and fine of Rp. 300.000.000 (three hundred million) at most and Rp. 60.000.000 (sixty) million at least. (2) Provision of crimes as meant in verse (1) also applies for every man who deliberately plays tricks, tells a series of lies, or persuades a child to commit sexual intercourse with him or others.
 - Amended Article 82 allows for an additional 1/3 of the maximum punishment to be added in cases of serious physical injury, death, or the perpetrator was an individual in a position of authority.
- [Worst Forms of Labor](#)
 - Under Article 74 of Indonesia's labor legislation, worst forms of child labor includes "all kinds of job in the form of slavery; . . . that make use of, procure, or offer children for prostitution, the production of pornography, pornographic performances, or gambling; . . . that make use of, procure, or involve children for the production and trade of alcoholic beverages, narcotics, psychotropic substances, and other addictive substances; and/or . . . harmful to the health, safety and moral of the child."
 - Article 68 states that children are not to be employed.

- Article 69, however, provides an exception for children between 13 and 15 who may complete light work with their parent's permission and upon the employer's completion of specified requirements.
- Article 70 permits children above the age of 14 to work as a part of their school curriculum.
- Article 71 furthers the idea of children acquiring skills through age appropriate work if the employer follows strict requirements.
- If the preceding articles are abided by and the child is employed, Article 72 states that child and adult employees are to work in separate areas.
- Article 73 states that any child in the workplace is assumed to be working unless there is evidence to the contrary.
- In addition, Article 75 states it is the government's responsibility to ensure children are protected outside of employment relations.
- Women under 18 are discussed separately and are prohibition from working overnight according to Article 76.
- [Pornography](#)
 - Under Indonesia's pornography legislation, pornography is defined in Article 1 paragraph 1 as "a picture, sketch, illustration, photo, writing, voice, sound, moving picture, animation, cartoon, conversation, gesture, or other form of message through various forms of communication media and/or public performances, containing obscenity or sexual exploitation that violates the moral norms in society." In the explanation, the legislation clarifies that under Article 4 paragraph 1(f), child pornography means "any form of pornography involving children or involving adults who play a role or act like a child."
 - The following articles specifically provide for general prohibitions against children who engage in pornographic materials: Article 4(1)(f), Articles 5-7, and Articles 11-13. Article 15 denotes an overarching obligation for society to protect children from engaging in and witnessing pornographic materials. Further, Article 16, places additional obligations on the government and various institutions who come into contact with children to provide support for child victims.
 - The following articles depict criminal activity regarding children and their respective punishments: Article 29 (manufacturing pornography), Article 31 (downloading pornography), Article 32 (owning pornographic products), and Article 33 (funding pornography), and Article 38 (forcing children to engage in pornographic acts). The punishments range from imprisonment from 6 months to 15 years and/or fines from 250,000,000 rupiah to 7,500,000,000 rupiah. Further, Article 37 (involving children in activities) adds an additional 1/3 of the maximum penalty to the punishment.
- [Penal Code](#)
 - The abandonment of a child under 12 that results in the child being forced to beg upon the streets is criminalized under Article 301.
 - The following depict criminal activity against a child under 15: Article 287 (sexual intercourse with an unmarried child), Article 288 (sexual intercourse with a married child), and Article 290 (obscene acts against or seduction of a child).
 - The dissemination of writings or pictures to a child under 17 that depict indecent activities is criminalized under Article 283.
 - For acts committed against minors, the following are articles are of relevance: Article 292 (obscene acts with a minor of the same sex), Article 293 (enticement to engage in obscene acts through gifts and/or deceit), Article 294 (obscene acts committed through abuse of authority), Article 295 (obscene acts committed through abuse of

- authority with the involvement of a third party), and Article 297 (the trading of individuals).
- The dissemination of writings or pictures that depict indecent activities, found in Article 283, is the only crimes from the previously listed that has an option of a maximum imprisonment (nine months) or a maximum fine (600,000 rupiah). The remaining criminal activities have a range of imprisonment times, which range from a maximum of 4 years to a maximum of 9 years.
 - Aggravating circumstances for serious physical injury and death are available in Articles 288 and 291.
 - In addition, Article 298 allows for a convicted individual to be deprived of certain rights and their profession.