

DEDICATION PAGE

This Undergraduate Thesis dedicate to:

ALLAH S.W.T

Prophet Muhammad S.A.W

All of My Family

International Program for Law and Sharia (IPOLS)
Faculty of Law
Universitas Muhammadiyah Yogyakarta

International Centre for Law and Sharia Studies (ICLASS)
Faculty of Law
Universitas Muhammadiyah Yogyakarta

FOREWORD

Alhamdulillah, thank you Allah SWT, The Most Merciful and Most Gracious who has given His bless and an opportunity to accomplish my Undergraduate Thesis entitled "**The Protection of Children's Rights in Indonesia Under Law No. 35 of 2014 on Child Protection and Convention on the Rights of the Child: Case of Angeline**", at Universitas Muhammadiyah Yogyakarta. My sincere appreciation goes to my advisors, Dr. M. Nur Islami, S.H., M.Hum, and Mr. Yordan Gunawan, S.H., Int. MBA who have guided me with patient, wisdom and compassion.

I would like to say thanks to Dr. Trisno Raharjo, S.H., M.Hum as the Dean of Faculty of Law UMY, Mr. H. Nasrullah, S.H., S.Ag, MCL as the Director of International Program for Law and Sharia (IPOLIS) Faculty of Law UMY, Dr. M. Khaeruddin Hamsin,, Lc., M.A as the Director of International Centre for Law and Sharia Studies (ICLASS) Faculty of Law UMY, Mr. Iwan Satriawan, S.H., MCL (Ph.D. Cand), Mr. Muhammad Endrio Susilo, S.H., MCL (Ph.D. Cand), Mrs. Hj. Fadia Fitriyanti, S.H., M.Hum, M.Kn (Dr. Cand) and all of the Lecturers in the Faculty of Law Universitas Muhammadiyah Yogyakarta.

I address special gratitude to my parents: the late H. Dedi Arifiansyah and Hj. Eem Sumaryati Iking. Their pray, support, guide and affection are being my strength all the way through my life. Thanks to my lovely twin Tegar Ubaidillah Adliansyah, S. IP. And also my sisters, Shani Cristiani, Tanti Christianti, Dince Crisdiana, and my beloved companion Elen Narita, I love you all so much.

Thanks to all of my friends in IPOLS batch 2012. Thanks to Association of Riders Universitas Muhammadiyah Yogyakarta (ARM-Y), Barudak Tasikmalaya (BARAYA) and all of my friends in Tasikmalaya and Yogyakarta.

Finally, I realize that this thesis is without unintentional mistakes, thus correction and feedback from the guides and readers are very welcomed. I do hope that it could benefit for all human beings. Amen.

Yogyakarta, May 25th, 2016

Teguh Abdullah Aldiansyah

TABLE OF CONTENTS

ABSTRACT	i
APPROVAL PAGE	ii
ENDORSEMENT PAGE	iii
DECLARATION OF RESEARCH AUTHENTICITY	iv
MOTTO PAGE	v
DEDICATION PAGE	vi
FORWARD	vii
TABLE OF CONTENTS	ix
CHAPTER ONE: INTRODUCTION	1
A. Background of Research	1
B. Research Problem	5
C. Objectives of Research	5
D. Benefits of Research	5
E. Overview of the Chapters	6
CHAPTER TWO: LITELATURE REVIEW	8
A. Definition of Child	8
B. Rights of Child	11
C. The Protection of Child	13
D. The Historical Context for United Nation Convention on the Rights of the Children	17
E. The Main Duty of Children's Convention	18

F. Case of Angeline	20
CHAPTER THREE: RESEARCH METHOD	24
A. Type and Approach of Research	24
B. Legal Materials	25
C. Method of Collecting Data	26
D. Method of Data Analysis	26
CHAPTER FOUR: FINDING AND ANALYSIS	27
A. Violence Against Children	27
1. The Data of National Commission for Child Protection (Komnas PA), From 2010 until 2014	28
B. The Enforcement of Human Rights under Indonesian Law	29
C. The Substantive Analysis of Presidential Decree No. 36 of 1990 on the Ratification of Convention on the Rights of the Child	33
D. Using CRC and its Protocols for Children	36
E. The Reporting Process	36
F. The Analysis of Angeline's Case	41
1. Criminal Provisions related to the case of Angeline based on Law No. 35 of 2014 on Child Protection	42
2. The Adoption Process of Angeline is Wrong	45

CHAPTER FIVE: CONCLUSION AND RECOMENDATION.....	49
A. Conclusion	49
B. Recomendation	50
BILBIOGRAPHY	51

LIST OF STATUES

Convention on the Right of the Child (CRC), 1989;

Law No. 35 of 2014 on Child Protection;

Law No. 10 of 2012 on Ratification of Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography;

Presidential Decree No. 36 of 1990 on the Ratification of Convention on the Right of the Child (CRC).

LIST OF ABBREVIATIONS

CRC	Convention on the Rights of the Child
KOMNAS PA	National Commission for Child Protection
KPAI	Indonesian Child Protection Commission
NGOs	Non-Governmental Organizations
NKRI	Unitary Republic of Indonesia
OPs	Optional Protocol
OPAC	Optional Protocol on the Rights of the Child on the involvement of children in armed conflict
OPSC	Optional Protocol on the sale of children, child prostitution, and child pornography
RPJMN	National Medium Term Development Plan
UN	United Nations
UNICEF	United Nations International Children's Emergency Fund