



## PERSPECTIVES ON ISLAMIC CRIMINAL LAW AND POSITIVE INDONESIAN CRIMINAL LAW AGAINST CHILDREN WHO COMMIT CRIMES

**\*Rahmad Alamsyah**

Persada Bunda Law High School, Indonesia

E-mail: [alam\\_00953@yahoo.com](mailto:alam_00953@yahoo.com)

**Aneesh V. Pillai**

School of Legal Studies, Cochin University, India

Email: [advavpillai@gmail.com](mailto:advavpillai@gmail.com)

---

### Abstract

*The factors that cause children to commit delinquency consist of two kinds, namely intrinsic and extrinsic motivation. Intrinsic motivation is encouragement or desire in someone who does not need to be accompanied by stimulants from the outside. Extrinsic motivation is an impulse that comes from outside a person. The punishment for the crime of minors from the perspective of Islamic criminal law and positive criminal law is as follows: Based on Law Number 11 of 2012 concerning the Child Criminal Justice System, which came into force in 2014, it is known that "Children who are not yet 14 (fourteen) years can only be subject to action ". Based on this, the age limit for children who can be convicted or can be punished if interpreted, is almost in accordance with the concept of balig or adult concept in Islamic law, which is only fifteen years old; semen out; dreams of intercourse; start menstruating for women.*

**Keywords:** *Islamic Criminal Law, Child Delinquency, Crime against Children*

---

### 1. INTRODUCTION

Crime can happen anywhere, anytime, and by anyone. The crime can be caused by the intention of the perpetrator, the opportunity or negligence factor. It is possible for anyone to commit crimes against the norms of life, such as religious norms, moral norms, legal norms and so on. The perpetrators of these crimes when viewed from the age level, it is known that there are crimes committed by children<sup>1</sup>. A crime committed by a person certainly brings suffering to him, both physically and/or mentally. However, what becomes an interesting study is what and how the physical and/or mental suffering for perpetrators of crimes by children is.

Children can never be corrected by corporal punishment. This may have a temporary effect on the child, but is very dangerous in the long run. As an example:

1. When a child is beaten, he will take the attitude of bowing his head (surrender) to the torture. He may begin to think that coercion is the only way to success. He thought that if someone was angry, then he should hit. By giving corporal

---

<sup>1</sup> Based on the explanation of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, it is stated that children are an inseparable part of the survival of human life and the sustainability of a nation and state. In the Indonesian constitution, children have a strategic role which is expressly stated that the state guarantees the rights of every child to survival, growth, and development as well as protection from violence and discrimination. Therefore, the best interests of children should be lived as the best interests for the survival of mankind. The consequences of the provisions of Article 28B of the 1945 Constitution of the Republic of Indonesia need to be followed up by making government policies aimed at protecting children.

punishment to children, parents have provided a set of examples for adopting the law of the jungle in their future lives.

2. Children who are hit by blows, will develop hatred and resistance towards their parents. Children will never forget the harsh treatment they received at the hands of their parents. Kids like this might turn out to be a rebel.
3. Repeated beatings can make the child a coward and coward. The child's personality can be depressed because of the corporal punishment. After that, he may become a sufferer of psychological disease (complaints).
4. In the vast majority of cases, corporal punishment is rarely successful in improving a child. There is no desire in the child to improve his behavior. He may show some signs of temporary change out of fear of lashings and beatings, but this is no guarantee that he will not repeat the same behavior. The basis of his weakness remains in his subconscious mind. It will manifest itself again in various other forms.<sup>2</sup>

Regarding legal sanctions that can be imposed on children, Law Number 3 of 1997 concerning Juvenile Court has regulated it as stipulated in Chapter III and in general there are 2 (two) kinds of sanctions, namely in the form of criminal and action. Based on this, in Indonesia's current positive criminal law, children who commit crimes can be subject to legal sanctions in the form of crimes and actions.

Regarding legal sanctions that can be imposed on children, Law Number 3 of 1997 concerning Juvenile Court has regulated it as stipulated in Chapter III and in general there are 2 (two) kinds of sanctions, namely in the form of criminal and action. Based on this, in Indonesia's current positive criminal law, children who commit crimes can be subject to legal sanctions in the form of crimes and actions.

1. Imprisonment (maximum 10 years);
2. Confinement;
3. Criminal Fines; or
4. Supervision Crime.<sup>3</sup>

Based on Article 69 paragraph (1) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, it is stated that "Children can only be sentenced to a crime or subject to action based on the provisions of this Law". In addition, in Article 69 paragraph (2) of Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, it is stated that "Children who are not yet 14 (fourteen) years old can only be subject to action". Based on this, the age limit for children who can be sentenced or can be sentenced if interpreted, is almost in accordance with the concept of puberty or adulthood in Islamic law. According to Sulaiman Rasjid,<sup>4</sup> adult elements can be identified through one of the signs:

1. Just fifteen years old.
2. Semen out.

---

<sup>2</sup> Dampak Jangka Panjang dari Hukuman Fisik, dalam: <http://www.ibrahimamini.ir/ml/node/1992>, diakses tanggal 29 Oktober 2018.

<sup>3</sup> Darwan Prinst, *Hukum Anak Indonesia*, PT Citra Aditya Bakti, Bandung, 2003, hlm. 24.

<sup>4</sup> Sulaiman Rasjid, *Fiqh Islam*, Sinar Baru Algensindo, Bandung, 1994, hlm. 65-66.



3. Dream of having sex.
4. Starting menstruation for women.

Based on the hadith narrated by Abu Dawud and Ubn Majah, it is stated that, the Prophet's words: "There are three kinds apart from the law; a child until he grows up, a person sleeps until he wakes up, a madman until he recovers."<sup>5</sup> The meaning of the hadith according to Shaykh Salih al-Fauzan is the liberation of sins from three groups of people. That is, these people will not be punished as long as they are still in a situation like the one mentioned above, because they are not included in the group of people who are burdened with religious law (ghairumukallafin). However, there are exceptions for people who are asleep, where he must continue to pray when he has woken up.<sup>6</sup>

Likewise, if they, the three people who are exempt from this law, commit an act that harms another person, such as destroying another person's property or taking another person's life, then they must pay the damaged property to the person who harmed it. Likewise, if they kill someone's life, then they are obliged to pay kafarat and diyah to the victim's family. Because, after all, the rights of fellow human beings do not fall because of it, because the basic foundation is necessity, while the rights of Allah the Exalted are based on tolerance.<sup>7</sup> Based on the description above, a scientific study was carried out, with the title: "Perspectives on Islamic Criminal Law and Positive Indonesian Criminal Law against Children Who Do Crimes".

Based on the background of the problem above, the formulation of the problem in this study, namely: First, what are the factors that cause children to commit crimes? Second, how is the punishment for crimes against minors from the perspective of Islamic criminal law and positive criminal law?

## 2. IMPLEMENTATION METHOD

This type of research is normative legal research that specifically discusses the perspectives of Islamic Criminal Law and Indonesian Positive Criminal Law against children who commit crimes. The data collection method used in this research is by means of a literature study by conducting a study of the literature related to the object of this research. Data analysis in this study was carried out systematically based on research problems described qualitatively.

## 3. RESULTS AND DISCUSSION

### 3.1 Factors That Cause Children to Do Crimes

Crimes committed by children, show an increase from time to time. In line with that, there has also been an increase in the number of children in conflict with the law. The forms of criminal acts committed by children are quite varied, ranging from theft, mugging,

---

<sup>5</sup> *Ibid.*, hlm. 66.

<sup>6</sup> Yusuf bin Muhammad bin Ibrahim al-Atiq, *Fikih Anak Muslim*, Almahira, Jakarta, 2004, hlm. 134-135.

<sup>7</sup> *Ibid.*, hlm. 135.

pickpocketing, and so on. Judging from the form of action taken, theft is the most common case, including a violation of public order.<sup>8</sup>

Juvenile delinquency is always connotes criminal offenses committed by young people under the age of 22, the majority of whom are 15-19 years old. This crime appears as a child's personal development process that contains elements of: sexual maturity, looking for adult identity, the existence of uncontrolled material ambitions, lack of self-discipline.<sup>9</sup> There are several theories as to the cause of juvenile delinquency, including biological theory (carriage of traits in offspring (inheritance) physically or personality), psychogenic theory (emphasized from psychological or psychological aspects), sociogenic theory (the influence of deviative social structures) and sub-cultural theory (from a cultural point of view).<sup>10</sup>

The condition of delinquent children is a problem faced by all countries in the world, including Indonesia. The behavior of delinquent children is essentially a legal symptom as well as a social phenomenon, so the steps that will be taken in efforts to prevent, handle and overcome really need a comprehensive understanding in various studies in the field of science, both juridically and empirically (criminologically).<sup>11</sup>

The causes of child delinquency or the causes of child delinquency or factors that encourage children to commit delinquency or it can also be said that the background of the act or the motivation of the child to commit delinquency according to Romli Atmasasmita as quoted by Wagianti Soetodjo, consists of two kinds, namely intrinsic and extrinsic motivation, with the following description:

#### 1. Intrinsic Motivation

Intrinsic motivation is an impulse or desire in a person that does not need to be accompanied by external stimuli. Included in the intrinsic motivation of children's delinquency are:

- a. Intelligence factor;
- b. Age factor;
- c. Gender factor; and
- d. The factor of the child's position in the family.

#### 2. Extrinsic Motivation

Extrinsic motivation is an impulse that comes from outside a person. Which includes extrinsic motivation are:

- a. Household factors;
- b. Education and school factors;
- c. Child social factors; and
- d. Mass media factor.<sup>12</sup>

---

<sup>8</sup> Yanuar Farida Wismayanti, *Model Penanganan Anak Berkonflik Hukum*, Jurnal Informasi, Volume 12, Nomor 3 Tahun 2007, hlm. 41.

<sup>9</sup> Baharuddin Idris, *Tindak Pidana yang Dilakukan Anak-anak Remaja Ditinjau dari Faktor-faktor Kehidupan Sosial*, Jurnal Sains dan Inovasi III (1)39-45, 2007, hlm. 40.

<sup>10</sup> *Ibid.*, hlm. 40.

<sup>11</sup> Nur Rochaeti, *Model Restorative Justice sebagai Alternatif Penanganan Bagi Anak Delinkuen di Indonesia*, MMH, Jilid 37, No. 04, Desember 2008, hlm. 247.

<sup>12</sup> Wagianti Soetodjo, *Hukum Pidana Anak*, PT Refika Aditama, Bandung, 2006, hlm. 16-17.



Legal norms do not refer to the actions of an individual as moral norms. Legal norms at least refer to the actions of two individuals, namely the perpetrator or those who may commit an offense or delict and the individual who must carry out sanctions. If sanctions are imposed on individuals other than the delinquent, then the legal norm refers to three individuals. The concept of legal obligation as commonly used in legal science and as defined by Austin refers only to individuals who are subject to sanctions in the case of committing an offense. So having a legal obligation means the condition of being the subject of an offense, or a delict.<sup>13</sup> The factors that encourage children to misbehave from the two motivational angles; intrinsic and extrinsic, described from the views of several legal experts as follows:

## 1. Intrinsic Motivation

Intrinsic motivation consists of intelligence factors, age factors, sex factors, and the position of children in the family. The explanation is as follows:

### a. Intelligence Factor

Intelligence is a person's intelligence. In the opinion of Wundt and Eister quoted by Romli Atmasasmita, intelligence is a person's ability to weigh and make decisions. These delinquent children generally have lower intelligence and lag behind in achieving scholastic results (low school achievement). With low intelligence and lack of social insight, they are easily dragged down by bad invitations to become evil delinquents.<sup>14</sup>

### b. Age Factor

According to Stephen Hurwitz, quoted by Romli Atmasasmita, it was revealed that age is the most important factor in the causes of crime. If this opinion is followed consistently, it can also be said that a person's age is an important factor in the causes of delinquency. Based on several research results, the age of a child who often commits delinquency or crime is between the ages of 15 to 18 years.<sup>15</sup> Due to the strong environmental factors, so that the maturity of adolescent thinking is still difficult to determine by the age factor. Therefore, it is not an exaggeration if the Ministry of Health classifies the age of 10-20 years as teenagers who are prone to committing delinquency or criminal acts.<sup>16</sup>

### c. Gender Factor

Based on the investigation of Paul W. Tappan quoted by Romli Atmasasmita, it was stated that child delinquency can be carried out by both boys and girls, although in practice the number of boys who commit delinquency is far more than girls at a certain age. . The existence of gender differences, also results in differences, not only in terms of the quantity of delinquency alone, but also in terms of the quality of delinquency. Based on information from the mass media, both print media and electronic media, it is known that many crimes are committed by boys such as theft, molestation/robbery, murder, rape and so on.

<sup>13</sup> Jimly Asshiddiqie dan M. Ali Safa'at, *Teori Hans Kelsen tentang Hukum*, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, Jakarta, 2006, hlm. 55-56.

<sup>14</sup> Wagiati Soetodjo, *Op. Cit.*, hlm. 17.

<sup>15</sup> *Ibid.*, hlm. 18-19.

<sup>16</sup> Bunadi Hidayat, *Pemidanaan Anak di Bawah Umur*, PT Alumni, Bandung, 2010, hlm. 70.



Meanwhile, most of the violations committed by girls, such as violations of public order, violations of decency, such as having intercourse outside of marriage as a result of promiscuity.<sup>17</sup>

d. Factors of the Position of Children in the Family

The position of children in the family is the position of a child in the family according to the order of birth, for example the first, second and so on. Regarding the position of children in this family, Romli Atmasasmita, quoting De Creef's opinion, stated that based on the results of his research in America, De Creef who investigated 200 children of prisoners concluded that most of those who committed the most delinquency were the third and fourth children. Meanwhile, based on the results of Noach's research in Indonesia, it is stated that crimes are committed by the first child and or only child or by a daughter or she is the only one among her siblings (brothers or sisters). This is understandable because most only children are very spoiled by their parents with extraordinary supervision, excessive needs are fulfilled and all their requests are granted.<sup>18</sup>

2. Motivasi Ekstrinsik

Extrinsic motivation consists of household factors, education and school factors, children's social factors and mass media factors. The explanation is as follows:

a. Household Factor

Family is the closest social environment to raise, mature and in which children get their first education. The family is the smallest community group, but is the most powerful environment in raising children and especially for children who have not been to school. A good family will have a positive effect on children's development, while a bad family will have a negative effect. The family that can be the cause of delinquency can be in the form of an abnormal family (broken home) and the condition of the number of family members being less favorable. In a broken home, in principle, the family structure is no longer complete due to a number of things: one of the parents or both of them died, the parents divorced, or one of the parents or both of them were not present continuously in the family. quite a long period of time. Basically, child delinquency caused by a broken home can be overcome or overcome in certain ways. In a broken home, the way to overcome so that children do not become delinquent is that parents who are responsible for taking care of their children should be able to give full love so that the child feels as if he has never lost his father and mother.<sup>19</sup>

b. Education and School Factors

Schools are media or intermediaries for the development of children's souls or in other words, schools are responsible for children's education, both scientific education and character education. The number or increase in child delinquency indirectly shows the lack of success of the education system in schools. The

---

<sup>17</sup> Wagiati Soetodjo, *Op. Cit.*, hlm. 19.

<sup>18</sup> *Ibid.*, hlm. 19-20.

<sup>19</sup> *Ibid.*, hlm. 20-21.



educational process that is less favorable for the mental development of children often has a direct or indirect influence on students at school so that it can lead to child delinquency.<sup>20</sup>

c. Association Factor

In a social situation that is becoming increasingly loose, children then distance themselves from their families and then uphold their existence which is considered to be excluded and threatened. Sutherland developed the Differential Association theory which states that children become delinquent due to their participation in a social environment in which certain delinquent ideas and techniques are used as an efficient means to overcome life's difficulties. Therefore, the more widely the child associates, the more intensive the relationship with the naughty child, the longer the process of the differential association will take and the greater the possibility that the child will actually become naughty and criminal. In this case, the role of parents to awaken and restore the child's confidence and self-esteem is very necessary. It is necessary to educate children to be formal and firm so that they avoid the influences that come from an unfavorable social environment.<sup>21</sup>

d. Mass Media Factor

The influence of mass-media is no less big on children's development. The desire or will embedded in children to do evil sometimes arises because of the influence of reading, pictures and movies. Efforts that can be made are to censor films of poor quality on children's psychology and direct children to spectacles that focus more on educational aspects; holding lectures through mass media on general educational issues; supervise the distribution of comic books, magazines, advertisements and so on.<sup>22</sup>

In the conception of religion (Islam) based on the hadith of the Prophet narrated by Imam Muslim, that "Children are born in a holy state, in fact it is their parents who make them Jew, Christian or Magian". Departing from the hadith mentioned above and it must be believed as the second source of Islamic law), that parents are architects in shaping the character of children.<sup>23</sup>

### 3.2 Sentencing of Crimes against Minors from the Perspective of Islamic Criminal Law and Positive Criminal Law

Islam states that corporal punishment is dangerous and forbidden. Amirul Mu'minin Ali said, "An intelligent person can be guided by gentleness; only animals cannot be repaired without beatings. Imam Ja'far Sadiq said, Whoever lashes another person once, Allah will shower him with a painful (flaming) lash. The Messenger of Allah (saw) said, "Use love and compassion in educating and fostering, and do not use cruelty. For a wise adviser is better

---

<sup>20</sup> *Ibid.*, hlm. 22-23.

<sup>21</sup> *Ibid.*, hlm. 24.

<sup>22</sup> *Ibid.*, hlm. 24-25.

<sup>23</sup> Waluyadi, *Hukum Perlindungan Anak*, Mandar Maju, Bandung, 2009, hlm. 66-67.

than a cruel one. Someone said that he had complained about his son to Imam Musa bin Ja'far. The Imam replied, No never hit him. However, keep some distance from him, and this distance should not be kept too long.<sup>24</sup>

Corporal punishment is very dangerous in educating children and should be avoided. However, if there is no other way to fix the child, use this as a last resort if you have to. Islam also allows this under certain conditions. The Messenger of Allah said, Ask your children to start praying at the age of six. If he does not listen to your repeated warnings, you may beat them to get used to praying when they are seven years old. In a narration, Imam Ja'far Sadiq said, When a child is nine years old, teach him to do ablution; command him to perform ablution and prayer. If the child disobeys, beat him and make him pray. Imam Ali said, As you rebuke your own son, you can rebuke an orphan. And at the moment where you may hit your child, at the same time you may hit the orphan. Someone came to the Messenger of Allah and said that an orphan was under his care. He wanted to know if he could beat the boy to educate him. The Messenger of Allah replied, "In a situation where you can hit your child, you may hit an orphan in a similar situation, in his best interests. It is better not to corporal punishment on children as far as possible. And if it is necessary, do it with maximum self-control. The punishment must have a reasonable and justifiable reason.<sup>25</sup>

In general, Islam provides rules about punishing children who have reached puberty, and at the same time prohibits punishment of children who are not yet mature. A child who kills is not sentenced to death. While the fine or ransom for those killed must be paid by an adult. Likewise, a child who steals cannot be cut off his hand. However, at the same time, syar'i judges and qadi can give punishments to young children who are not yet mature if they are deemed to be beneficial, but the punishment should not be excessive but should be adjusted to their physical strength. Abu Bashir narrated from Imam Sadiq (as) about a child who had not yet reached the age of ten but had committed adultery with a woman. Imam Ja'far Sadiq (as) said, The child was lashed but it was less than the had punishment and the woman was flogged in full. The Imam was asked, What if the woman is muhshonah (husband)? The priest said, "Don't be stoned because the one who commits adultery with her is still a child, but if (adultery) with an adult then (woman) is stoned.<sup>26</sup>

Yazid Kanasi narrated from Imam Muhammad Baqir (as) who said, "When a girl reaches the age of nine, she is no longer an orphan. She can be made a wife or (if she commits adultery) then she will get the maximum punishment. I asked, If a child has been married off by his father what will happen to him? He replied, He cannot yet receive the full punishment but can get a caning according to his age and Allah's punishment should not be stopped on his creatures. Likewise the rights of Muslims should not be revoked.<sup>27</sup>

---

<sup>24</sup> Dampak Jangka Panjang dari Hukuman Fisik, dalam: <http://www.ibrahimamini.ir/ml/node/1992>, diakses tanggal 29 Oktober 2018.

<sup>25</sup> *Ibid.*

<sup>26</sup> Pandangan Islam tentang Hukuman Fisik untuk Anak-anak, dalam: [http://www.alhassanain.com/indonesian/book/book/family\\_and\\_community\\_library/family\\_and\\_child/mendidik\\_anak/038.html](http://www.alhassanain.com/indonesian/book/book/family_and_community_library/family_and_child/mendidik_anak/038.html), diakses tanggal 29 Oktober 2018.

<sup>27</sup> *Ibid.*





Imam Ja'far Sadiq (as) said about children who are not yet mature and commit adultery with adult women and adults who commit adultery with girls who are not yet mature, those who are mature get the maximum punishment (had) while small children do not. There is no limit punishment for small children but they are punished to feel pain. Imam Sadiq said, A child who was not yet mature was brought before Amirul Mu'minin Ali bin Abi Talib for committing theft. He cut off some of the flesh from the tips of his fingers and then said, If you do this again I will cut off your hands! The girl who was not yet mature was brought before Amirul Mu'minin (as) for committing theft. The priest whipped him and did not cut his hand. In the book of Ali it is stated that he sometimes punishes with one lash, or half a lash or gives a punishment that is less than the limit. When confronted with small children who are not yet mature, he does not deny Allah's laws. Someone asked about how he carried out the caning? It was answered that he held the center of the whip or a third of it and then hit it according to the age of the child. So he did not withhold Allah's laws.<sup>28</sup>

According to these traditions, small children who commit adultery or steal do not get the maximum penalty (had punishment). But at the same time Islam also allows shar'i judges, if they see it is beneficial to punish the children by hitting them so that Allah's punishment is still upheld and the children also learn that every violation will be punished.<sup>29</sup>

The Prophet advised every Muslim to always prioritize a gentle attitude, especially to children. In one hadith he sallallaahu 'alaihi wa sallam said: Verily there is no gentleness in something but it will adorn it, and meekness is not taken away from something except it will stain it. Also the words of another sallallaahu 'alaihi wa sallam: Whoever has forbidden gentleness to him, means that he has been forbidden from goodness. Shaykh Jamil Zainu explained several ways to motivate children, including beautiful praise and good prayers, material rewards, wills to students' families and a persuasive approach.<sup>30</sup> Based on this, the attitude of tolerance is highly recommended for children's education, so that children should also be educated with tolerant punishments so that they do not make children to take similar actions, namely punishing someone because when he was small, he had experienced it, even more so in criminal law.

Fiqh jinayah is knowing various legal provisions regarding criminal acts committed by mukallaf people, as a result of understanding the detailed arguments.<sup>31</sup>

#### 4. CONCLUSION

Based on the formulation of the problem in this study, the conclusions obtained are as follows: The factors that cause children to misbehave consist of two kinds, namely intrinsic and extrinsic motivation. Intrinsic motivation is an impulse or desire in a person that does not need to be accompanied by external stimuli. Extrinsic motivation is an impulse that comes from outside a person. The punishment for crimes against minors

---

<sup>28</sup> *Ibid.*

<sup>29</sup> *Ibid.*

<sup>30</sup> Perlukah Hukuman Fisik Bagi Anak? Hukuman dan Imbalan Sebagai Metode Pendidikan, dalam: <http://ilmuislam2011.wordpress.com/2012/04/30/perlukah-hukuman-fisik-bagi-anak/>, diakses tanggal 29 Oktober 2018.

<sup>31</sup> Dede Rosyada, *Hukum Islam dan Pranata Sosial*, PT RajaGrafindo Persada, Jakarta, 1992, hlm. 85-86.

from the perspective of Islamic criminal law and positive criminal law is as follows: Based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System, which will come into force in 2014, it is known that "Children who have not 14 (fourteen) years old can only be subject to action". Based on this, the age limit for children who can be sentenced or can be sentenced if interpreted, is almost in accordance with the concept of puberty or adulthood in Islamic law, which is only fifteen years old; cum out; dream of having sex; Menstruation starts for women.

Recommendations from the results of this research are as follows: Parents must pay attention and supervise the association of their children, either directly or indirectly. Preferably, a tolerant law is an option for every party who has the authority to "punish" children so that when the child grows up, he will not repeat the negative "punishment" he has experienced.

### REFERENCES

- Baharuddin Idris, *Tindak Pidana yang Dilakukan Anak-anak Remaja Ditinjau dari Faktor-faktor Kehidupan Sosial*, Jurnal Sains dan Inovasi III (1)39-45, 2007.
- Bunadi Hidayat, *Pemidanaan Anak di Bawah Umur*, PT Alumni, Bandung, 2010.
- Dampak Jangka Panjang dari Hukuman Fisik, dalam: <http://www.ibrahimamini.ir/ml/node/1992>, diakses tanggal 29 Oktober 2018.
- Darwan Prinst, *Hukum Anak Indonesia*, PT Citra Aditya Bakti, Bandung, 2003.
- Dede Rosyada, *Hukum Islam dan Pranata Sosial*, PT RajaGrafindo Persada, Jakarta, 1992.
- Gatot Supramono, *Hukum Acara Pengadilan Anak*, Djambatan, Jakarta, 2007.
- Jimly Asshiddiqie dan M. Ali Safa'at, *Teori Hans Kelsen tentang Hukum*, Sekretariat Jenderal dan Kepaniteraan Mahkamah Konstitusi RI, Jakarta, 2006.
- Nur Rochaeti, *Model Restorative Justice sebagai Alternatif Penanganan Bagi Anak Delinkuen di Indonesia*, MMH, Jilid 37, No. 04, Desember 2008.
- Pandangan Islam tentang Hukuman Fisik untuk Anak-anak, dalam: [http://www.alhassanain.com/indonesian/book/book/family\\_and\\_community\\_library/family\\_and\\_child/mendidik\\_anak/038.html](http://www.alhassanain.com/indonesian/book/book/family_and_community_library/family_and_child/mendidik_anak/038.html), diakses tanggal 29 Oktober 2018.
- Perluakah Hukuman Fisik Bagi Anak? Hukuman dan Imbalan Sebagai Metode Pendidikan, dalam: <http://ilmuislam2011.wordpress.com/2012/04/30/perluakah-hukuman-fisik-bagi-anak/>, diakses tanggal 29 Oktober 2018.
- Sulaiman Rasjid, *Fiqh Islam*, Sinar Baru Algensindo, Bandung, 1994.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.
- Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak.
- Wagiati Soetodjo, *Hukum Pidana Anak*, PT Refika Aditama, Bandung, 2006.
- Waluyadi, *Hukum Perlindungan Anak*, Mandar Maju, Bandung, 2009.
- Yanuar Farida Wismayanti, *Model Penanganan Anak Berkonflik Hukum*, Jurnal Informasi, Volume 12, Nomor 3 Tahun 2007.
- Yusuf bin Muhammad bin Ibrahim al-Atiq, *Fikih Anak Muslim*, Almahira, Jakarta, 2004.