

THE PROTECTION OF CHILDREN'S RIGHTS AND GENDER EQUALITY IN THE PERSPECTIVE OF INTERNATIONAL LAW

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ABSTRACT

This research is motivated by the high vulnerability of children, especially girls, to discrimination, violence, and various forms of exploitation in both the physical world and digital spaces. The main objective of this study is to analyze how international legal instruments regulate children's rights and gender equality, their implementation in Indonesia, as well as the challenges and efforts to realize effective protection. This study employs a normative legal research method using statutory and conceptual approaches. Primary, secondary, and tertiary legal materials were collected through library research and analyzed qualitatively. The findings demonstrate that international law provides a robust legal framework through principles such as non-discrimination and the best interests of the child. Although Indonesia has ratified key instruments like the Convention on the Rights of the Child (CRC) and CEDAW, and established national regulations such as the Child Protection Law and Marriage Law amendments, implementation in practice remains challenging. These challenges, which create gaps between legal norms and practice, include cultural factors, economic conditions, weak law enforcement, and the impact of digital technology. Consequently, stronger law enforcement, increased public awareness, and multi-sectoral cooperation are necessary to ensure effective protection of children's rights and gender equality in Indonesia in accordance with international legal standards.

Keywords: *Children's Rights, Gender Equality, Child Protection, International Law.*

Introduction

Children play a crucial role in the sustainability of a nation, serving as the next generation that will shape the future direction of society. Throughout their growth and development, they possess fundamental rights that must be guaranteed and protected by the state, society, and the family. These essential rights include the right to life, access to education, protection from violence and discrimination, as well as the opportunity to grow and develop optimally in accordance with human

dignity. The protection of children's rights and gender equality has long been a paramount international concern, evidenced by the establishment of robust international legal instruments. The most foundational of these is the Convention on the Rights of the Child (CRC), adopted by the United Nations in 1989, which emphasizes that every child has equal rights without discrimination of any kind. Complementing this is the Convention on the Elimination of All Forms of Discrimination Against Women

(CEDAW), which serves as the international foundation for eliminating discrimination against women, including girls. Indonesia, as part of the international community, has demonstrated its dedication to these universal human rights by ratifying the CRC through Presidential Decree No. 36 of 1990 and CEDAW through Law No. 7 of 1984.

Despite these formal ratifications and the establishment of national regulations such as the Child Protection Act (Law No. 35 of 2014), the practical implementation of children's rights and gender equality in Indonesia faces severe challenges. A substantial gap persists between legal texts and real-world application. Cases of physical, psychological, and sexual violence, as well as economic exploitation, continue to occur. These problems become increasingly complex when associated with gender equality, as girls are often in a highly vulnerable position frequently becoming victims of child marriage, human trafficking, and educational discrimination.

Furthermore, patriarchal cultural norms remain strong in certain regions, perpetuating the view that girls hold a lower social position. In the contemporary era, these traditional challenges are compounded by the rapid development of information technology. While digital advancements offer educational benefits,

they concurrently create new avenues for rights violations, such as online sexual exploitation, cyberbullying, and gender-based digital violence.

Previous research has extensively explored various dimensions of child protection and human rights. For instance, Children & Viljoen (2009) emphasized the foundational role of the CRC in establishing a non-discriminatory global framework for state obligations. Similarly, Hukum & Airlangga, (2017) highlighted the persistent barriers of traditional patriarchal culture and the emerging complexities of digital threats affecting minors in developing nations. More recently, Nasution et al., (2023) evaluated Indonesia's formal legal commitments, detailing the historical context of its international ratifications and national legislative adaptations. While these previous studies provide valuable conceptual developments regarding either domestic child protection laws or the theoretical aspects of gender equality, they largely treat these issues as separate entities or focus predominantly on conventional contexts. The scientific novelty of this article lies in its synergistic approach: it integrates the dual frameworks of the CRC and CEDAW to analyze the intersecting vulnerabilities of girls in Indonesia, specifically bridging the gap between traditional socio-cultural barriers (patriarchy) and modern contemporary

threats (digital exploitation). Unlike previous literature that evaluates normative compliance in isolation, this study develops a comprehensive evaluation of state obligations under international law adapted to current digital and social dynamics.

Based on the outlined background and existing gaps in the literature, the primary research problem addressed in this study is: How are international legal instruments regarding children's rights and gender equality implemented within the Indonesian legal system, and what are the fundamental legal, cultural, and digital barriers hindering their effective realization? Therefore, the purpose of this article is to analyze the implementation of international standards for children's rights and gender equality within the Indonesian national legal system, to identify the complex obstacles encountered in bridging the gap between legal norms and empirical realities, and to formulate strategic recommendations for the government and society to ensure comprehensive, non-discriminatory protection for all children.

Method

This research employs a normative legal research method using both the statutory approach and the conceptual approach. Normative legal research is applied because this study focuses on analyzing international and national legal norms related to the protection of children's

rights and gender equality. The statutory approach involves a meticulous examination of diverse international legal instruments such as the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) alongside Indonesian domestic legislation regulating child protection and gender equality. Concurrently, the conceptual approach is applied to analyze the core tenets of child welfare, gender equity, and universal human rights, drawing upon international legal doctrines and scholarly discourse (Children & Viljoen, 2009).

The research relies on three tiers of legal evidence: primary, secondary, and tertiary materials. International treaties, national laws, and regulations on gender equality and child protection serve as the primary data. Secondary data is gathered from books, scientific journals, articles, and existing literature on the subject, while tertiary data covers legal dictionaries, encyclopedias, and other reference tools.

Information was gathered through a systematic literature review. Once collected, the legal documents were examined qualitatively using a descriptive-analytical approach. By outlining, interpreting, and connecting different legal frameworks, the analysis provides a clear conclusion regarding how international law

addresses gender equality and the protection of children's rights

Results

The article entitled The Protection of Children's Rights and Gender Equality in the Perspective of International Law, written by Ahmad Rusly Purba from the Faculty of Law, University of Islam North Sumatra, focuses on analyzing the regulation of children's rights and gender equality within international legal instruments, along with their implementation and challenges in Indonesia. This normative legal research uses statutory and conceptual approaches to examine the high vulnerability of children, especially girls, to discrimination and exploitation practices both in the physical world and digital spaces.

Juridically, the protection of children's rights and gender equality is founded upon the Convention on the Rights of the Child (CRC) of 1989 and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) of 1979. The Indonesian government has demonstrated its commitment by ratifying the CRC through Presidential Decree No. 36 of 1990 and CEDAW through Law No. 7 of 1984. Furthermore, Indonesia has also enacted national regulations such as Law No. 35 of 2014 on Child Protection and Law No. 16 of 2019 on Marriage, which sets the

minimum marriage age at 19 years for both men and women. From the perspective of Islamic law, this protection is also strongly aligned with the concept of *maqashid al-shariah*—particularly the protection of life (*hifz al-nafs*), lineage (*hifz al-nasl*), and intellect (*hifz al-aql*)—as well as the anti-discrimination principle stated in Surah Al-Hujurat verse 13.

Although a robust normative legal framework has been established, the practical implementation of such protection in the field still faces systemic barriers that create a substantial gap between legal texts and reality. The primary obstacles include the persistent patriarchal cultural norms that place women in lower social positions, economic pressures that often lead to child exploitation and child marriage, and weak law enforcement where courts still frequently grant marriage dispensations. In this contemporary era, the situation is further exacerbated by the rapid development of digital technology, which has spawned new forms of threats such as online sexual exploitation, cyberbullying, and digital gender-based violence.

In conclusion, international law obligates sovereign states to continuously respect, protect, and fulfill children's rights and gender equality. To bridge the gap between legal norms and reality, stronger, victim-oriented law enforcement and enhanced regulations to monitor digital

spaces are urgently needed. The success of this protection ultimately relies on multi-sectoral synergy and close cooperation among the government, law enforcement agencies, educational institutions, families, and the broader society to raise public awareness and eliminate all forms of discrimination.

Discussion

in this section is not re-write the research findings, but more scientifically reviewing the results of research, not restate data obtained research results. The scientific findings should be described in Science include: Do the scientific findings obtained? Why did it happen? Why such a variable trend? All these questions must be explained scientifically, not merely descriptive, must be supported by scientific phenomena. Furthermore, it should be explained also in comparison with the results of other researchers about the same topic. The results of the research and findings must be able to answer the research hypotheses in the introduction.

Conclusions

A. Regulation of Children's Rights Protection and the Principle of Gender Equality in the Perspective of International Law

Within the evolution of modern international law, safeguarding children's rights and upholding gender equity serve as foundational pillars rooted in universal

human rights. Due to their physical and psychological immaturity, children necessitate specialized protection from state apparatuses, societal structures, and familial units. Internationally, child protection extends beyond the fundamental rights to life and development; it fundamentally encompasses the right to equitable treatment devoid of gender-based discrimination. To this end, international law codifies various instruments designed to guarantee the global fulfillment of children's rights and gender equality.

From the perspective of Islamic law, the protection of children and the principle of gender justice have a strong foundation in the teachings of the Qur'an and the Hadith. Islam regards children as a trust that must be safeguarded by parents and the state. This principle aligns with the concept of *maqashid al-shariah*, particularly in safeguarding life (*hifz al-nafs*), safeguarding lineage (*hifz al-nasl*), and safeguarding reason (*hifz al-aql*). Therefore, any form of violence, exploitation, and discrimination against children is fundamentally at odds with the core principles of Islam (Dalam & Hukum, 2026).

The Qur'an also emphasizes the importance of fair treatment without discrimination. In Islam, men and women hold equal standing before Allah SWT, as explained in Surah Al-Hujurat, verse 13, which states that a person's

honor is not determined by gender (jenis kelamin), but by their piety. This demonstrates that the principle of gender equality in Islam aligns with the value of non-discrimination in international law. Furthermore, Islam places special emphasis on the protection of girls, who in pre-Islamic times often faced discrimination. Islam abolished such discriminatory practices and affirmed that girls must be treated well and granted equal rights in education, upbringing, and protection. The Prophet Muhammad (peace be upon him) also emphasized in several hadiths that those who treat girls well will receive great reward.

However, in some Muslim communities, cultural interpretations continue to influence the treatment of girls, such as the practice of child marriage. In fact, according to some contemporary scholars, this practice needs to be reevaluated because it can cause harm (mafsadah) to children physically, psychologically, and socially. Thus, it can be concluded that Islamic law is fundamentally consistent with the principles of child rights protection and gender equality in international law, as both emphasize justice, protection, and respect for human dignity.

The Convention on the Rights of the Child (CRC), introduced by the United Nations in 1989, is one of the most significant global frameworks for child protection. It highlights that every child possesses equal rights, regardless of their background or gender. The

convention operates on four fundamental principles: non-discrimination, prioritizing the child's best interests, ensuring survival and development, and respecting children's voices. The focus on non-discrimination is particularly crucial, as it reinforces the requirement that boys and girls receive equal opportunities and treatment in life.

In addition to the CRC, there is also the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW), adopted in 1979. This convention aims to eliminate all forms of discrimination against women, including girls. In practice, girls are often the group most vulnerable to injustice, such as limited access to education, child marriage, sexual exploitation, and gender-based violence. Therefore, CEDAW emphasizes the importance of states taking legal, social, and political measures to guarantee equal rights between men and women (Lubis & Triadi, n.d.).

Beyond the scope of the CRC and CEDAW, safeguarding children's rights and advancing gender equity are codified across multiple international instruments, including the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These treaties collectively reinforce that all individuals children included are endowed with inherent rights from birth that must be protected against

any form of discrimination. Consequently, child protection and gender equality have crystallized as indispensable elements of the international legal framework, creating binding obligations for signatory states (Nasution et al., 2023).

From an international law standpoint, sovereign states are bound by a tripartite obligation to respect, protect, and fulfill these rights. The duty to respect prohibits state actors from directly violating children's rights. The duty to protect mandates that states prevent rights violations perpetrated by non-state actors or third parties. Lastly, the duty to fulfill necessitates proactive state intervention through legislative and policy measures to secure the practical realization of gender equality and child welfare. Thus, international law transcends mere recognition of these rights by establishing concrete legal accountability for states to enforce them.

B. Implementation of International Legal Provisions Regarding the Protection of Children's Rights and Gender Equality in Indonesia

As a country that has ratified the CRC and CEDAW, Indonesia has the obligation to implement the provisions of these international instruments into its national legal system. The CRC was ratified through Presidential Decree Number 36 of 1990, while CEDAW was ratified through Law Number 7 of 1984. These ratifications demonstrate Indonesia's commitment to protecting children and promoting gender equality in various aspects of life.

In its implementation, Indonesia has established various laws and regulations related to child protection and gender equality. One important regulation is Law Number 35 of 2014 concerning Child Protection, which amended Law Number 23 of 2002. This law regulates children's rights as well as the responsibilities of the state, family, and society in protecting children from violence, discrimination, exploitation, and other forms of mistreatment. In addition, the government has established various child protection institutions to ensure that legal protection is implemented effectively.

In the field of gender equality, the Indonesian government has developed policies on gender mainstreaming in national development. This policy aims to ensure that men and women obtain equal opportunities, access, participation, and benefits in various sectors of life, including education, health, economics, and politics. The implementation of gender equality principles can also be seen in efforts to improve access to education for girls and protection for women victims of violence (Dalam & Hukum, 2026).

Nevertheless, the implementation of children's rights protection and gender equality in Indonesia still faces various challenges. Cases of violence against children continue to occur in the form of physical, psychological, sexual violence, and economic exploitation. Girls are among the groups most vulnerable to sexual violence and child marriage. The practice of child marriage is still found in several regions due to cultural, economic, and low educational factors. These conditions indicate that the

existing legal protection has not been fully effective.

Furthermore, gender discrimination still occurs in social life. The patriarchal culture that continues to develop causes unequal treatment between boys and girls. In some situations, girls are still considered to have domestic roles only, resulting in limited access to education and self-development. This contradicts the principle of non-discrimination regulated in international law.

In the digital era, challenges in implementing children's rights protection have become increasingly complex. Children are vulnerable to online-based violence, such as cyberbullying, online sexual exploitation, and exposure to harmful digital content. Girls frequently become targets of gender-based violence on social media. Therefore, the state needs to strengthen regulations and supervision concerning digital technology use in order to ensure that children's rights remain protected.

The implementation of international law in Indonesia also requires support from various parties, including the government, law enforcement agencies, educational institutions, community organizations, and families. Strong law enforcement against perpetrators of violence against children, as well as increasing public awareness regarding the importance of gender equality, are important factors in realizing effective protection of children's rights.

Example Case

One example of a case related to the protection of children's rights and gender

equality in Indonesia is the issue of child marriage involving underage girls. In several regions of Indonesia, child marriage still frequently occurs due to economic factors, cultural traditions, and low levels of education. One notable case occurred in Central Java, where a 15-year-old girl was forced to marry an older man because of family economic pressures. As a result, the child lost her right to education and experienced psychological and health problems due to early marriage and pregnancy.

The situation highlights a violation of children's rights under the Convention on the Rights of the Child (CRC), specifically targeting their rights to protection, education, and healthy development. Additionally, the case conflicts with the standards set by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), because child marriage disproportionately affects girls and limits their opportunities to obtain equal rights with boys.

From the perspective of Indonesian law, child marriage also conflicts with Law Number 16 of 2019 concerning Marriage, which sets the minimum marriage age at 19 years for both men and women. However, in practice, dispensations for underage marriage are still often granted by courts. This demonstrates that the implementation of legal protection for children and gender equality still faces significant challenges, especially due to cultural and economic influences within society. Therefore, stronger cooperation between the government, families, educational institutions, and society is needed to prevent

child marriage and ensure the protection of children's rights and gender equality in accordance with international law principles.

C. Challenges and Efforts in Realizing the Protection of Children's Rights and Gender Equality in Accordance with International Law Principles

Despite the existence of extensive international and domestic legal frameworks governing child welfare and gender equity, numerous systemic barriers continue to impede their practical execution. One of the main obstacles is socio-cultural factors within society. In several regions, patriarchal culture remains very strong and places women and girls in lower positions than men. As a result, discrimination against girls still frequently occurs, particularly in access to education, healthcare, and social participation (Lubis & Triadi, n.d.).

Economic factors also constitute obstacles to the protection of children's rights and gender equality. Poverty often encourages child exploitation, child labor, and child marriage. Many families consider the marriage of young girls as a solution to reduce the family's economic burden. In fact, such practices have negative impacts on children's futures because they hinder education, reproductive health, and psychological development.

Another obstacle is weak law enforcement and low public awareness regarding children's rights and gender equality. In some cases, victims of violence against children do not receive adequate legal protection due to slow legal processes or the lack of victim-oriented

justice. In addition, many people still consider violence against children as a private family matter that should not be reported to authorities (Nasution et al., 2023).

The development of digital technology also presents new challenges in protecting children's rights. Easy internet access increases the risks of online sexual exploitation, child trafficking, and gender-based violence on social media. Supervision of children's digital activities remains relatively weak, making children vulnerable to various forms of cybercrime.

To overcome these obstacles, comprehensive and sustainable efforts are required. The government needs to strengthen law enforcement against perpetrators of violence and discrimination against children and ensure that every case is handled fairly and transparently. In addition, the government must improve access to education and social protection for children, especially girls, so that they can obtain equal opportunities in life.

Education regarding children's rights and gender equality should also be introduced from an early age through schools and family environments. Public awareness regarding the importance of child protection must continue to be improved through socialization programs and public campaigns. Furthermore, cooperation among governments, international organizations, community institutions, and the media is very important in creating a safe and child-friendly environment.

In facing digital challenges, the government needs to strengthen regulations related to child protection in cyberspace and

increase supervision of digital content that may endanger children. Parents also play an important role in supervising children's internet use in order to prevent them from becoming victims of online violence and exploitation (Children & Viljoen, 2009). Through cooperation among various parties and the effective implementation of law, the protection of children's rights and gender equality in accordance with international law principles can be realized more optimally. These efforts are important to ensure that every child receives equal rights, lives safely, and develops properly without gender discrimination.

Conclusions

In conclusion, the legal analysis of child protection and gender equity indicates that these two dimensions are intrinsically linked components of the international human rights framework. International law establishes a robust jurisprudential foundation through foundational treaties most notably the Convention on the Rights of the Child (CRC) and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) alongside broader covenants such as the UDHR, ICCPR, and ICESCR. Collectively, these statutory instruments codify the principle that all children possess inviolable, egalitarian rights, explicitly prohibiting any form of gender-based discrimination.

The CRC is anchored by four fundamental principles: non-discrimination, the best interests of the child, the inherent right to life and development, and respect for the child's perspective. These tenets collectively underscore that children necessitate specialized safeguards owing to their physical and psychological immaturity. Concurrently, CEDAW reinforces protections for female children, a demographic disproportionately vulnerable to gender-based inequities, particularly regarding educational access, healthcare, and freedom from violence. Consequently, these two frameworks operate synergistically to establish a comprehensive legal regime for children and women.

Locally, Indonesia has internalized these international obligations by ratifying the CRC and CEDAW, alongside enacting domestic statutes such as Law No. 35/2014 on Child Protection and Law No. 16/2019 on Marriage. Furthermore, institutional mechanisms for gender mainstreaming have been introduced across multiple developmental sectors. Nevertheless, translating these statutory instruments into effective field practice continues to encounter significant systemic challenges.

Incidents involving violence against youth, exploitation, cyberbullying, and child marriage underscore that the practical

enforcement of child protection and gender equity remains incomplete. Deeply entrenched patriarchal cultural norms, socioeconomic disparities, insufficient public awareness, and systemic deficiencies in law enforcement continue to serve as primary impediments to achieving optimal safeguards. Furthermore, the rapid evolution of digital technology has introduced novel challenges, notably elevating the risk of online violence against children with young girls emerging as a demographic disproportionately vulnerable to digital, gender-based exploitation..

Therefore, it can be concluded that although Indonesia has normatively established a strong legal foundation for protecting children's rights and promoting gender equality in accordance with international legal standards, there is still a gap between legal regulations and their implementation in practice. This highlights the need to improve law enforcement effectiveness, strengthen child protection institutions, and increase public awareness regarding gender equality and children's rights.

More comprehensive efforts are also required through cooperation among the government, educational institutions, law enforcement agencies, community organizations, and families. Education on children's rights and gender equality must be continuously strengthened from an early

age in order to create a more legally aware generation that respects equality values. In this way, the protection of children's rights and gender equality can be more optimally realized in accordance with international legal principles and human rights values

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