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# The Transformation of Criminal Law Paradigm in Handling Parental Abduction in Indonesia

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ABSTRACT
Parental abduction had become an increasingly significant legal issue in Indonesia following the growing number of child custody disputes after divorce. Despite its prevalence, Indonesian criminal law had not specifically regulated parental abduction, resulting in inconsistent interpretation of Article 330 paragraph (1) of the Indonesian Criminal Code, particularly regarding the criminal liability of biological parents. This study examined the juridical interpretation of Article 330 paragraph (1) following Constitutional Court Decision Number 140/PUU-XXI/2023, analysed its implications for the transformation of Indonesia's criminal law paradigm, and proposed an integrated institutional framework for strengthening child protection. A normative legal research method employing statute and case approaches was applied and supported by empirical findings obtained through interviews. The study demonstrated that Constitutional Court Decision Number 140/PUU-XXI/2023 reconstructed the interpretation of Article 330 paragraph (1) by recognising lawful custody rather than biological parenthood as the principal basis of criminal liability. The findings also showed a transition from a parent-centred and formalistic approach towards a child-centred and constitutionally oriented criminal law paradigm. An Integrated National Identification Number (NIK)-Based Legal Framework was proposed to strengthen institutional coordination, improve legal certainty, and enhance the protection of children's rights in parental abduction cases.

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## INTRODUCTION

Parental abduction has increasingly become one of the most challenging legal issues at the intersection of criminal law, family law, and child protection. Although frequently arising from child custody disputes following divorce, parental abduction extends beyond a private family conflict because it directly affects children's rights, emotional well-being, legal certainty, and the authority of judicial custody decisions. International legal scholarship consistently recognises parental abduction as a serious violation of children's rights requiring effective legal intervention rather than solely civil or family law remedies (Beaumont & McEleavy, 1999; Schuz, 2013). More recent studies further demonstrate that parental abduction is closely associated with domestic violence, prolonged custody disputes, and institutional failures in protecting children, thereby requiring integrated responses involving criminal justice, child protection, and family law institutions (Trimmings & Momoh, 2021; Sofian et al., 2025). Recognition of these concerns is reflected in the 1980 Hague Convention on the Civil Aspects of International Child Abduction, which establishes an international legal framework for protecting children from wrongful removal or retention and restoring lawful custody through judicial cooperation (Hague Conference on Private International Law [HCCH], 1980).

Growing concern over parental abduction is equally evident in Indonesia. According to Statistics Indonesia, more than 350,000 divorce cases were recorded in 2023, inevitably increasing disputes concerning parental responsibility and child custody (Badan Pusat Statistik, 2023). Although many disputes are resolved through judicial proceedings, a considerable number develop into situations in which one parent intentionally removes, conceals, or retains a child despite the existence of a lawful

custody arrangement. Such conduct threatens children's emotional stability, disrupts educational continuity, weakens legal certainty, and undermines the implementation of judicial decisions. These consequences are inconsistent with the principle of the best interests of the child recognised under Article 3 of the Convention on the Rights of the Child and incorporated into Indonesian law through Law Number 35 of 2014 concerning Child Protection (United Nations, 1989; United Nations Committee on the Rights of the Child, 2013; Law No. 35 of 2014). Recent Indonesian scholarship similarly observes that parental abduction remains inadequately addressed within the existing criminal law framework, resulting in uncertainty concerning the legal consequences of custody violations committed by biological parents (Sofian et al., 2025).

Despite the increasing prevalence of parental abduction, Indonesian legislation contains no specific criminal provision governing the offence. Criminal law enforcement therefore relies primarily upon Article 330 paragraph (1) of the Indonesian Criminal Code, which criminalises the unlawful removal of a minor from the lawful authority of another person. Practical application of this provision has nevertheless generated significant legal uncertainty, particularly regarding whether the phrase barang siapa ("whoever") encompasses biological parents. Divergent interpretations among judges, prosecutors, and investigators have produced inconsistent law enforcement, with some cases treated exclusively as family disputes while others have resulted in criminal prosecution. Comparative legal scholarship similarly demonstrates that uncertainty regarding the criminal liability of biological parents frequently results in inconsistent judicial practice where parental abduction is not expressly regulated by legislation (Jolly, 2017; Lusznat, 2024). Such inconsistency weakens legal certainty and reduces the effectiveness of criminal law in protecting children whose custody has already been determined through judicial proceedings.

An important constitutional development emerged through Constitutional Court Decision Number 140/PUU-XXI/2023. Although the Constitutional Court formally rejected the petition for judicial review, it clarified that the phrase barang siapa under Article 330 paragraph (1) applies to every person, including biological parents. Criminal liability is therefore determined not by biological status but by conduct that unlawfully interferes with lawful custody rights and jeopardises the child's best interests. Rather than merely clarifying statutory language, the decision reconstructed the constitutional meaning of Article 330 paragraph (1) by aligning criminal law enforcement with constitutional guarantees of child protection, legal certainty, and substantive justice (Constitutional Court of the Republic of Indonesia, 2024).

Constitutional clarification alone, however, cannot ensure effective child protection. Practical implementation continues to encounter institutional challenges arising from fragmented responsibilities among courts, law enforcement agencies, child protection institutions, and population administration authorities. Custody decisions are issued by the Religious Court or District Court, criminal investigations are conducted by the Indonesian National Police, while child protection responsibilities are distributed among the Indonesian Child Protection Commission (KPAI), the Ministry of Women's Empowerment and Child Protection, regional social service agencies, and other administrative institutions. Limited information sharing, fragmented institutional authority, and the absence of integrated operational procedures frequently delay legal intervention and weaken the enforcement of lawful custody decisions. Comparative studies likewise indicate that effective responses to parental abduction depend not only upon clear legal norms but also upon coordinated institutional mechanisms capable of facilitating timely information exchange and preventive intervention (Lusznat, 2024; Trimmings & Momoh, 2021).

Existing scholarship has examined parental abduction from a variety of legal perspectives. Beaumont and McEleavy (1999) primarily analyse parental abduction within the framework of the Hague Convention, whereas Schuz (2013) focuses on balancing parental rights and the best interests of the child in cross-border custody disputes. Trimmings and Momoh (2021) demonstrate that parental abduction frequently intersects with domestic violence, requiring child-sensitive judicial responses, while Sofian et al. (2025) argue that Indonesian criminal law has yet to provide comprehensive legal protection against parental abduction committed by biological parents. Despite these important contributions, previous studies largely examine constitutional interpretation, child protection, criminal liability, and institutional coordination as separate issues. Limited attention has been devoted to explaining how Constitutional Court Decision Number 140/PUU-XXI/2023 reconstructs the interpretation of Article 330 paragraph (1), transforms Indonesia's criminal law paradigm, and

simultaneously necessitates institutional reform to improve the implementation of judicial custody decisions. Accordingly, the relationship between constitutional interpretation, responsive criminal law, legal service effectiveness, and child protection remains insufficiently explored.

Addressing this gap, the present study employs an integrated analytical framework combining Aharon Barak's purposive interpretation theory, Philippe Nonet and Philip Selznick's responsive law theory, and Clarence J. Dias' theory of legal service effectiveness. These complementary perspectives enable analysis not only of the constitutional reconstruction of Article 330 paragraph (1), but also of its implications for criminal law enforcement and institutional effectiveness in protecting children's rights.

Unlike previous studies that primarily focus on statutory interpretation or child custody disputes, this study proposes an Integrated National Identification Number (NIK)-Based System for Handling Parental Abduction as a normative framework for strengthening institutional coordination. The proposed model integrates judicial custody decisions, criminal law enforcement agencies, child protection institutions, and population administration through an interconnected information system designed to facilitate early intervention, improve legal certainty, and enhance the protection of children's rights. Consequently, the contribution of this study extends beyond doctrinal analysis by offering both a constitutional reconstruction of criminal law and a practical institutional model for improving the effectiveness of parental abduction enforcement in Indonesia.

Accordingly, this study examines the juridical interpretation of Article 330 paragraph (1) of the Indonesian Criminal Code following Constitutional Court Decision Number 140/PUU-XXI/2023, analyses the transformation of Indonesia's criminal law paradigm in handling parental abduction, and proposes an integrated institutional framework to strengthen child protection and improve the effectiveness of criminal law enforcement in Indonesia.

## RESEARCH METHODS

A normative legal research design was employed because the principal issues examined in this study concern statutory interpretation, constitutional adjudication, and the development of criminal law doctrine governing parental abduction in Indonesia. Analysis focused on the juridical implications of Constitutional Court Decision Number 140/PUU-XXI/2023, particularly its interpretation of Article 330 paragraph (1) of the Indonesian Criminal Code and its influence on the development of Indonesia's criminal law paradigm. To enrich the normative analysis, empirical evidence was incorporated through a semi-structured interview with Hj. Yayuk Afiyanah, S.Ag., M.A., Judge of the South Jakarta Religious Court. The interview was conducted to obtain judicial perspectives regarding child custody determination, implementation of custody decisions, and legal issues encountered in parental abduction cases.

Two complementary approaches were applied. A statute approach examined legislation governing parental abduction, including the Indonesian Criminal Code, Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019, Law Number 35 of 2014 concerning Child Protection, and other relevant legal instruments. A case approach analysed Constitutional Court Decision Number 140/PUU-XXI/2023 together with selected judicial decisions concerning parental abduction and child custody disputes in order to evaluate judicial reasoning, constitutional interpretation, and the legal consequences arising from the Court's interpretation of Article 330 paragraph (1).

Primary legal materials consisted of legislation, Constitutional Court decisions, and other relevant judicial decisions. Secondary legal materials included scholarly books, peer-reviewed journal articles, legal commentaries, official reports, and international legal instruments relating to criminal law, constitutional law, child protection, and parental abduction. Interview findings were used as supporting empirical evidence to illustrate judicial practice and institutional challenges in implementing custody decisions. Although the study primarily adopts a normative legal approach, incorporation of empirical findings provides practical context for assessing the effectiveness of the existing legal framework.

Legal materials and interview findings were analysed qualitatively through statutory interpretation, conceptual analysis, and judicial reasoning. Interpretation of the legal issues was guided by Aharon Barak's purposive interpretation theory to examine the constitutional reconstruction of Article 330 paragraph (1), Philippe Nonet and Philip Selznick's responsive law theory to analyse the transformation of Indonesia's criminal law paradigm, and Clarence J. Dias' theory of legal service

effectiveness to evaluate institutional performance in handling parental abduction cases. Integrating these analytical frameworks enabled assessment of both the doctrinal changes introduced by Constitutional Court Decision Number 140/PUU-XXI/2023 and the institutional reforms required to strengthen child protection and improve the effectiveness of criminal law enforcement.

## RESULTS AND DISCUSSION

### Reconstructing the Juridical Interpretation of Article 330 Paragraph (1) Following Constitutional Court Decision Number 140/PUU-XXI/2023

Constitutional Court Decision Number 140/PUU-XXI/2023 represents a fundamental development in the interpretation of Article 330 paragraph (1) of the Indonesian Criminal Code. Before the decision, judicial practice frequently interpreted the provision through a literal understanding of the parent–child relationship, leading to uncertainty regarding whether a biological parent could incur criminal liability for removing or retaining his or her own child. Although Article 330 paragraph (1) criminalises the act of removing a minor from the lawful authority of another person, the absence of explicit statutory regulation concerning parental abduction produced inconsistent legal interpretation and weakened the effectiveness of criminal law in protecting children following custody disputes. This uncertainty became one of the principal constitutional issues examined by the Constitutional Court.

Empirical findings obtained during this research demonstrate that the legal issue does not arise from the biological relationship between the parent and the child but from deliberate interference with lawful custody established through a final judicial decision. Interview data indicate that custody disputes generally become problematic only after one parent refuses to comply with a legally binding custody order and unilaterally removes or retains the child. Consequently, the decisive legal interest protected under Article 330 paragraph (1) is lawful custody rather than biological parenthood. These findings explain why parental abduction should be analysed within the broader framework of constitutional child protection instead of being treated solely as a private family dispute.

Constitutional Court Decision Number 140/PUU-XXI/2023 resolved this ambiguity by affirming that the phrase barang siapa applies to every person, including biological parents. Rather than creating a new criminal offence, the Court reconstructed the constitutional meaning of Article 330 paragraph (1) by clarifying that parental status does not provide immunity from criminal liability where lawful custody has been judicially determined. Criminal responsibility therefore depends upon unlawful interference with legally recognised custody rights rather than the existence of a biological relationship between the offender and the child. This interpretation strengthens legal certainty while ensuring that criminal law functions consistently with constitutional guarantees of child protection.

The Court's reasoning reflects Aharon Barak's purposive interpretation theory, which requires statutory provisions to be interpreted consistently with their constitutional purpose rather than according to their literal wording alone (Barak, 2005). Three aspects of purposive interpretation are particularly evident in Constitutional Court Decision Number 140/PUU-XXI/2023. First, the Court interpreted the phrase barang siapa according to its objective legal purpose instead of limiting its meaning through biological status. Second, the Court aligned Article 330 paragraph (1) with constitutional principles safeguarding children's rights and the best interests of the child. Third, the Court preserved legal certainty without expanding the statutory formulation beyond its constitutional purpose. Accordingly, the decision demonstrates constitutional interpretation that reconstructs legal meaning while maintaining legislative coherence.

Comparable developments have also been recognised within international scholarship. Beaumont and McEleavy (1999) explain that parental abduction fundamentally concerns interference with lawful custody rather than parental entitlement. Schuz (2013) similarly argues that effective legal protection depends upon recognising custody rights established through judicial authority instead of biological relationships alone. Trimmings and Momoh (2021) further emphasise that parental abduction should be addressed through a child-centred legal framework because prolonged custody interference directly affects children's welfare and psychological development. Unlike these studies, which primarily analyse international parental child abduction, Constitutional Court Decision Number 140/PUU-XXI/2023 reconstructs domestic criminal law by integrating constitutional child protection principles into the interpretation of Article 330 paragraph (1). This constitutional dimension represents the principal contribution of Indonesian jurisprudence to the legal regulation of parental abduction.

Taken together, the empirical findings, constitutional reasoning, and previous scholarship demonstrate that Constitutional Court Decision Number 140/PUU-XXI/2023 does more than clarify statutory language. The decision reconstructs the juridical interpretation of Article 330 paragraph (1) by replacing biological parenthood with lawful custody as the primary legal criterion for assessing criminal responsibility. Simultaneously, it repositions children's constitutional rights and the best interests of the child as the principal objects of criminal law protection. This reconstructed interpretation establishes the doctrinal foundation for the transformation of Indonesia's criminal law paradigm in responding to parental abduction, which is examined in the following section.

**Transforming the Criminal Law Paradigm Following Constitutional Court Decision Number 140/PUU-XXI/2023**

Reconstruction of Article 330 paragraph (1) through Constitutional Court Decision Number 140/PUU-XXI/2023 extends beyond constitutional interpretation and produces broader consequences for Indonesia's criminal justice system. Once lawful custody becomes the principal legal interest protected under Article 330 paragraph (1), the approach to parental abduction necessarily shifts from resolving private family disputes to protecting children's constitutional rights through criminal law. This transformation changes not only the interpretation of criminal liability but also the institutional objectives of law enforcement in responding to parental abduction.

Prior to Constitutional Court Decision Number 140/PUU-XXI/2023, criminal law enforcement frequently reflected a formalistic approach that emphasised biological parenthood and parental authority. Although judicial custody decisions had determined the lawful custodian, criminal proceedings often remained ineffective because biological parents were perceived as possessing inherent parental rights that limited application of Article 330 paragraph (1). As a consequence, disputes concerning unlawful removal or retention of children were commonly redirected to family law proceedings, even where a final custody order had already been violated. This practice weakened legal certainty and reduced the effectiveness of judicial protection afforded to children following custody determinations.

The Constitutional Court fundamentally altered this approach by affirming that biological parenthood cannot override lawful custody established through judicial process. Criminal liability therefore arises from intentional interference with judicially recognised custody rights rather than from the legal status of the offender as a parent. Accordingly, Article 330 paragraph (1) no longer functions merely as a provision criminalising unlawful removal of minors but operates as a constitutional safeguard protecting children's welfare, judicial authority, and legal certainty simultaneously. This development represents a significant shift in the orientation of criminal law from protecting parental authority towards protecting children as constitutional rights holders.

Such transformation reflects Philippe Nonet and Philip Selznick's theory of responsive law. According to Nonet and Selznick (1978), responsive law departs from rigid legal formalism by ensuring that legal institutions pursue substantive justice while remaining responsive to changing social conditions. Constitutional Court Decision Number 140/PUU-XXI/2023 illustrates this transition because the Court did not interpret Article 330 paragraph (1) exclusively according to its literal wording. Instead, constitutional values relating to child protection, the best interests of the child, and effective judicial protection became central considerations in determining the scope of criminal responsibility. Criminal law consequently functions as an instrument of constitutional protection rather than merely a mechanism for imposing punishment.

Transformation of the legal paradigm also influences the institutional responsibilities of law enforcement agencies. Investigation, prosecution, and judicial adjudication can no longer be conducted solely by examining whether the statutory elements of Article 330 paragraph (1) have been formally satisfied. Law enforcement authorities must also evaluate the existence of lawful custody, previous judicial determinations, the child's welfare, and proportionality in applying criminal sanctions. Interview findings similarly demonstrate that implementation of custody decisions requires coordination among courts, law enforcement agencies, and child protection institutions because judicial decisions alone are frequently insufficient to ensure effective protection of children's rights.

These developments indicate that Constitutional Court Decision Number 140/PUU-XXI/2023 has transformed both the normative orientation and the institutional operation of criminal law in parental abduction cases. Unlike the previous paradigm, which predominantly regarded parental abduction as an

extension of post-divorce family conflict, the current approach recognises unlawful interference with lawful custody as conduct affecting children's constitutional rights and the authority of judicial decisions. Criminal law therefore performs a protective function that complements, rather than replaces, family law in safeguarding children's welfare.

The transformation introduced by Constitutional Court Decision Number 140/PUU-XXI/2023 may be summarised as follows.

**Table 1. Transformation of Indonesia's Criminal Law Paradigm Following Constitutional Court Decision Number 140/PUU-XXI/2023**

| Aspect | Prior to Constitutional Court Decision No. 140/PUU-XXI/2023 | Following Constitutional Court Decision No. 140/PUU-XXI/2023 |
|---|---|---|
| Primary legal interest | Parental authority | Lawful custody and children's constitutional rights |
| Interpretation of Article 330(1) | Literal and formalistic | Purposive and constitutionally oriented |
| Scope of *barang siapa* | Frequently interpreted inconsistently | Applies to every person, including biological parents |
| Basis of criminal liability | Biological relationship | Violation of lawful custody established by judicial decision |
| Function of criminal law | Punishing unlawful removal of minors | Protecting lawful custody and children's constitutional rights |
| Judicial approach | Rule-oriented | Child-centred and constitutionally responsive |
| Institutional orientation | Fragmented between family and criminal law | Integrated protection involving courts, law enforcement, and child protection institutions |

Source**:** Developed by the author based on Constitutional Court Decision Number 140/PUU-XXI/2023, Nonet and Selznick (1978), interview findings, and the present research.

Transformation illustrated in Table 1 demonstrates that Constitutional Court Decision Number 140/PUU-XXI/2023 does not merely affect interpretation of Article 330 paragraph (1). It establishes a new paradigm in which criminal law serves as an integrated mechanism for protecting lawful custody, reinforcing judicial authority, and safeguarding children's constitutional rights. Nevertheless, doctrinal reconstruction alone cannot guarantee effective implementation. Institutional coordination, operational procedures, and integrated case management remain necessary to ensure that constitutional principles are consistently translated into practice. These institutional requirements form the basis for developing the integrated handling model proposed in the following section.

**Developing an Integrated National Identification Number (NIK)-Based System for Handling Parental Abduction**

Constitutional reconstruction of Article 330 paragraph (1) and the transformation of Indonesia's criminal law paradigm following Constitutional Court Decision Number 140/PUU-XXI/2023 provide a stronger normative foundation for addressing parental abduction. Nevertheless, effective protection of children cannot be achieved through constitutional interpretation alone. Findings obtained during this research demonstrate that implementation continues to encounter significant institutional challenges, particularly the absence of coordination among judicial institutions, law enforcement agencies, child protection authorities, and population administration bodies. Consequently, legal certainty established through judicial interpretation is not always translated into effective protection for children whose custody has been legally determined.

Empirical findings reveal that implementation of custody decisions frequently depends upon voluntary compliance by the parties rather than coordinated institutional enforcement. Interview findings indicate that Religious Courts possess authority to determine lawful custody and execute judicial decisions; however, execution involving children differs fundamentally from ordinary civil enforcement because children cannot be treated as objects of execution. Judicial intervention must continuously consider the child's emotional condition, psychological well-being, and best interests.

Where voluntary compliance cannot be achieved, implementation often requires cooperation with external institutions, yet no integrated operational mechanism currently regulates such coordination.

Fragmentation of institutional authority further complicates law enforcement. Religious Courts or District Courts determine lawful custody through judicial proceedings, the Indonesian National Police investigate alleged criminal offences, the Public Prosecution Service conducts prosecution, while the Indonesian Child Protection Commission (KPAI), the Ministry of Women's Empowerment and Child Protection, and regional social service agencies provide child protection services. Population administration authorities separately maintain civil registration and National Identification Number (Nomor Induk Kependudukan/NIK) records. Because these institutions operate through independent administrative systems, verification of lawful custody frequently relies upon manual communication and documentary confirmation, resulting in delayed legal intervention and inconsistent protection of children affected by parental abduction.

Clarence J. Dias' theory of legal service effectiveness provides an appropriate analytical framework for addressing these institutional limitations. Dias argues that effectiveness of law depends not only upon the quality of legal norms but also upon institutional accessibility, coordination among implementing agencies, administrative capacity, and the ability of legal institutions to achieve their intended social objectives (Dias, 1985). From this perspective, constitutional reconstruction of Article 330 paragraph (1) requires corresponding institutional reconstruction capable of ensuring that judicial custody decisions can be implemented efficiently through coordinated legal services. Effective child protection therefore depends upon integration between substantive criminal law and institutional governance.

Based on the empirical findings and normative analysis, this study proposes an Integrated NIK-Based Legal Framework for handling parental abduction in Indonesia. Under this model, every final and binding custody decision would be securely linked to the child's National Identification Number through an integrated legal information system accessible only to authorised institutions. Integration would not alter parental status or civil registration records. Instead, the system would function as a verification and coordination mechanism enabling competent authorities to identify lawful custody status rapidly whenever allegations of parental abduction arise.

**Table 2. Proposed Integrated NIK-Based Legal Framework for Handling Parental Abduction in Indonesia**

| Institution | Current Institutional Practice | Proposed Integrated NIK-Based Framework |
|---|---|---|
| Religious Court / District Court | Determines custody through judicial proceedings | Records final custody decisions within the integrated legal information system following permanent legal force |
| Indonesian National Police | Investigation initiated after complaints and documentary verification | Immediate electronic verification of lawful custody before applying Article 330 paragraph (1) |
| Public Prosecution Service | Prosecution based upon investigation files | Prosecution supported by verified custody information integrated with judicial records |
| KPAI, Ministry of Women's Empowerment and Child Protection, and Regional Social Service Agencies | Child protection measures implemented after referral | Early intervention coordinated through verified judicial custody information |
| Directorate General of Population and Civil Registration (Dukcapil) | Maintains civil registration and NIK database | Provides secure identity verification supporting institutional coordination without altering civil registration records |
| Institutional Coordination | Conducted separately through manual communication | Coordinated legal response supported by integrated custody verification based on NIK |

**Source:** Developed by the author based on interview findings, Dias' theory of legal service effectiveness, Constitutional Court Decision Number 140/PUU-XXI/2023, and the present research.

The proposed framework consists of several interconnected institutional functions. Courts record custody determinations after judgments obtain permanent legal force. Law enforcement agencies verify custody status electronically before commencing criminal investigations under Article 330 paragraph (1). Child protection institutions receive verified information to facilitate immediate protective intervention where children's welfare may be endangered. Population administration authorities provide identity verification through secure utilisation of National Identification Number data while maintaining confidentiality and compliance with personal data protection principles. Integration of these institutional functions enables lawful custody to become a shared legal reference across agencies, thereby reducing administrative delay and improving consistency in law enforcement.

Unlike the existing institutional arrangement, which depends primarily upon fragmented communication among separate agencies, the proposed framework establishes a coordinated mechanism linking judicial decisions, criminal law enforcement, child protection, and administrative verification within a single legal framework. Such coordination is expected to strengthen implementation of Constitutional Court Decision Number 140/PUU-XXI/2023 by improving legal certainty, facilitating timely intervention, reducing conflicting institutional responses, and enhancing protection of children's constitutional rights.

The proposed Integrated NIK-Based Legal Framework constitutes the principal contribution of this study. Whereas Constitutional Court Decision Number 140/PUU-XXI/2023 reconstructs the constitutional interpretation of Article 330 paragraph (1), the framework developed in this research translates that reconstruction into an institutional mechanism capable of strengthening coordination among courts, law enforcement agencies, child protection institutions, and population administration authorities. Accordingly, the contribution of this study extends beyond doctrinal analysis by providing a practical legal framework designed to enhance legal certainty, improve child protection, and increase the effectiveness of criminal law enforcement in parental abduction cases in Indonesia.

## CONCLUSION

This study demonstrates that Constitutional Court Decision Number 140/PUU-XXI/2023 fundamentally reconstructs the juridical interpretation of Article 330 paragraph (1) of the Indonesian Criminal Code in responding to parental abduction. Rather than introducing a new criminal offence, the Constitutional Court redefined the constitutional meaning of the provision by confirming that the phrase barang siapa applies to every person, including biological parents. Criminal liability is therefore determined by intentional interference with lawful custody established through judicial proceedings rather than by biological parenthood. Consequently, lawful custody and the best interests of the child become the principal legal interests protected under Article 330 paragraph (1).

Constitutional reconstruction introduced by the Constitutional Court has also transformed Indonesia's criminal law paradigm. Criminal law no longer functions solely as a punitive mechanism addressing unlawful removal of minors but increasingly serves as an instrument for protecting children's constitutional rights, reinforcing judicial authority, and ensuring legal certainty in the implementation of custody decisions. Analysis based on responsive law theory demonstrates that interpretation of Article 330 paragraph (1) has shifted from a predominantly formalistic approach towards a child-centred and constitutionally oriented model capable of responding to the social realities of parental abduction.

Despite this significant doctrinal development, effective implementation remains constrained by fragmented institutional coordination among courts, law enforcement agencies, child protection institutions, and population administration authorities. Accordingly, this study proposes an Integrated NIK-Based Legal Framework that connects judicial custody decisions, criminal law enforcement, child protection mechanisms, and administrative verification through coordinated institutional procedures. The proposed framework constitutes the principal contribution of this study because it translates constitutional reconstruction into an operational legal model capable of strengthening legal certainty, improving institutional coordination, and enhancing protection of children's rights in parental abduction cases.

Future legal reform should therefore focus not only on strengthening substantive criminal law but also on developing integrated institutional mechanisms that ensure consistent implementation of Constitutional Court Decision Number 140/PUU-XXI/2023. Such efforts are expected to improve the

effectiveness of criminal law enforcement while reinforcing constitutional protection for children affected by parental abduction in Indonesia.

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