



## Media Stigmatization on Children in Conflict with the Law (CICL)

Hani Noor Ilahi<sup>1</sup>  
Nina Mutmainnah<sup>2</sup>

<sup>1</sup>Communication Department, Universitas Indonesia; hani.kpppa@gmail.com

<sup>2</sup>Communication Department, Universitas Indonesia; ninaarmando@yahoo.com

### Abstract

The phenomenon of the increasing number of children as the perpetrators of crime or children in conflict with the law (CICL) in Indonesia makes the group of these children is in need of special protection. This group of children has also received a lot of attention from the public, including from the media. Unfortunately, the reports of the CICL children on media however have the potential to stigmatize the CICL itself. This study discusses the stigmatization of CICL on 114 news in 5 online media by using quantitative methods through descriptive content analysis. The researchers see the entire text, whether from the titles, illustrations, news photos, news photo captions, or the content or main body of the news itself by using the conceptualization stigma by Link and Phelan (2001). The study aims to provide an overview of the online media stigmatization of CICL in the cases of rapes and murder of "Y" (14 years) in Bengkulu 2016. The culprits in this case are 14 men, whom eight of them are children. The results showed that the media stigmatizes CICL primarily in the form of labeling and discrimination, followed by stereotyping and separation. According to the researchers, the stigmatization of the media towards the CICL is a form of media's moral panic as a public moral guard that defines CICL as folk devils who deserves serious sentence or punishment. Thus, the CICL considers to be deviated from the general social norm of children is therefore disproportionately reported (deviance) that amplifies the CICL's image as an intruder in the society.

Keywords: Stigma, Children in conflict with law, media stigmatization, CICL, Labeling, Discrimination, Stereotyping, Separation.



## Introduction

On May 2016, the public was stirred by a case that happened to Y in Bengkulu. Y is a 14-year-old girl who died after being raped and killed by 14 men, whom 8 of them are still children. Various news with various points of view colored mass media massively in the country. During May 1 to May 10, 2016, not less than 1,200 news from 10 printed media as well as online media reporting Y (Digivla e-clipping, March, 2017). After the police reconstructs the incident based on the confession of the suspects, which later depicted in detail and published by the media through media reports, public anger was inevitable. Not only the general public who grieving at that incident and furious about the incident, but also local officials, ministers, members of Parliament, and even the Deputy and the President of the Republic of Indonesia also express their voice related to the incident (Santoso, 2016).

The massive reports on the Y case triggers the formation of the Government Regulation in Lieu of Law (PERPPU) No. 1 of 2016 which regulates penalties for children sexual harassment culprits better known as 'PERPPU Kebiri'. Although the presence of PERPPU becomes a good news for the protection of children in Indonesia, but on the other hand, one object is disregarded from the media and the public eyes. This object is a media depiction of child perpetrators, who, if referring to Article 1 of Law No. 11 Year 2012 on the Criminal Justice System of Children (UU Sistem Peradilan Pidana Anak), are referred as Children in Conflict with the Law (CICL). If media report has accommodated the interests of the victim's family, is it that at the same time the media report has also accommodated the interests of CICL as a child, or on the contrary trapped in the stigmatizing the news of CICL.

This stigmatization act should be avoided by the media because the media in general have the power of shaping public opinion, that is because a stigma could greatly affect the individual's personality. Given this stigma, the individual is unable to act in the usual way (Goffman 1963: 3), so that stigma is a social acceptance barrier that will make a person, in this case CICL are cornered. Although the definition of stigma by Goffman becomes the reference of many scholars, it is difficult to judge how far a stigma is lasting. So in this case, Link and Phelan (2001) offer a conceptualization of the stigma that also refers to Goffman's thinking. According to Link and Phelan, stigma can be said to exist when the following components are interrelated, i.e labeling, stereotyping, separation, and discrimination within the scope of power.

In addition, CICL is also belongs to a group of vulnerable children. As vulnerable children, CICL needs special protection so they will be able to grow optimally in a certain conditions, situations, and cultural pressures even in structure that caused the rights of the CICL to be unfulfilled or even taken. That is including the rights of CICL as a child that has to be fulfilled by the media as a community institution (McQuail, 2010, p. 52).

The rights of the CICL are stipulated in the Convention on the Rights of the Child. It is explicitly stated in a clause as "the mass media has an important role in disseminating



useful information for child development". Article 17 (a) the Convention states: "... Encourages the mass media to disseminate information and topics that are socially and culturally beneficial for the children." By this, it means that the mass media should place children's issues as news in a good portion (Gautama, 2000, p.55). Not only a good portion in a quantitative side. According to the researchers, the placement of children's issues, especially CICL, in media coverage or reports must also be in accordance with the main spirit of the KHA itself, it is in the fulfillment of rights and protection for children.

In a study conducted by Guntarto (2001), it found that the issue of CICL, or in any crime with children as the culprits are one of many issues about children that become the spotlight in the media. Meanwhile, according to the National Commission for Child Protection (Komnas PA), there is an upward trend in the number of CICL, where in 2013 there were 1,121 complaints and increased to be 1,851 complaints in 2014, or an increase of 730 cases. While based on data collected by Child Against the Law Data Center of Komnas PA, in total there are 2,879 children who committed violence and must deal with the law, ranging from age range 6-12 years as many as 268 children (9%) and children aged 13- 18 years as many as 829 children (91%) (KPPPA, 2015). Based on this fact, with the increase in the number of CICL, it also increases the potential coverage or reports of CICL's cases in various media. Thus, in this case, CICL also need for further protection. The protection needed include against the mistreatment towards them and how the media portray the CICL in their reports.

However, instead of shaping the knowledge of the public on how children should be protected, according Reza Indragiri Amriel mentioned that the media is stuck on making news that is not children friendly. Amriel mentions that media reports are built through traditional episodic framing, which presents only a portrait of the perpetrator's felony and the pain or death of the victims that are more popular. Emotional sensations are instantly awakened. However, such 'fondness' should be revised with news or reports that displayed by the public health models. "(Amriel, 2017)

Based on this case, therefore, the researchers consider that a study that examines in detail about how stigmatization of CICL is described in the media reports is necessary, primarily on online media. The results of this study are expected to be useful as an evaluation material that assesses the position of the media in addressing cases related to CICL. Therefore, it is expected to be a valuable input on policy arrangements related to the best interests for CICL in the future.

Based on the background discussed, therefore the research question is: "Is there any form of online media stigmatization of Children in Conflict with the Law (CICL) in the case of rape and murder of "Y" in Bengkulu?"



## Literature Review

Several studies prior to this study have also examined the media coverage or reports using the concept of stigma. Firstly, the research by Flynn, et al. (1998) entitled *Risk, Media, and Stigma at Rocky Flats*. The study examines the nuclear technology that often responded very negatively by the public. A phenomenon such as accidents or evidence of unsafe conditions in nuclear facilities are widely reported and dramatized by media reports. This kind of news known to affect the public perceptions that lead to avoidance behavior as a form of "technological stigma". The stigma over the technology said to cause a loss in property values near a nuclear facility.

Secondly, the research by Heuer et al. (2014) entitled *Obesity Stigma in Online News: A Content Analysis*. The research examined individual photos in the story of obesity, with a total sample of 549 photographs. From the results of the analysis of visual content, the researchers found that the media stigmatized obese people with a description of the dominant negative characters of them. Heuer et al. (2014) also stated that the stigma of obesity in the mass media contributes to the acceptance of society's prejudice to weight and its consequences to those affected. Thus, Heueur et al. recommends photographers, journalists and editors to be careful of the 'power' of their photographic content in order not to bias the reader.

In general, what makes this study to be academically significant is that in this study, the researchers try to portray the stigmatization of the media description of CACL through the analysis of descriptive content on online media. The description constructed with the conceptualization of the stigma of Link and Phelan (2001) in which the stigma is described as a series of the following interrelated components: labeling, stereotyping, separation, and discrimination within the scope of power.

## Conceptual Framework

### Stigma

In the society, several categories of individuals are often stigmatized. Stafford & Scott (in Link and Phelan, 2001) suggest that stigma is a characteristic of people who contradict the norms of social units in which norms are defined as a common belief that one should behave in a certain way at a certain time. Crocker et al (in Link and Phelan, 2001) suggests that stigmatized individuals have (or are believed to have) some attributes or characteristics, which convey social identity that is devalued in a particular social context.

Although Goffman's thought of stigma became the reference of many experts, however, Goffman's thought on stigma cannot answer of how far a stigma lasted. So in this case, Link and Phelan (2001) offer a conceptualization of the stigma that also refers to Goffman's thinking. According to Link and Phelan (2001), stigma can be said to exist when the following components are interrelated.



In the first component, people differentiate and label the differences in humans (labeling). Second, the dominant cultural beliefs correlate the labeled person with unwanted characteristics or negative stereotypes. In the third sequence, labeled people are placed in different categories so as to achieve the level of separation of "us" and "them" (separation). Labeled people experience loss of status and discrimination resulting in inequality. A matter is also emphasized by Link and Phelan is the sequence of stigma is only possible to occur in the relation of power that bears it, either social power, economic power, or political power.

A Study of stigma study by Link and Phelan will be used by the researchers to map the form of a stigmatization happened in the media, especially online media. What will be shown is how the media labelling on CACL, how are the forms of stereotyping, separation, and discrimination contained in the content of online media coverage or reports.

### **Research Methodology**

In this research, the researchers used quantitative methods through descriptive content analysis on the news about CACL in 5 online media. The descriptive content analysis approach intended to describe in detail a message or a particular text. The details referred in this study are the details on the stigmatization of CACL on online media coverage or reports. The descriptive content analysis design is not intended to test a particular hypothesis or examine the relationships among variables. Content analysis is merely to describe the aspects and characteristics of a message. (Eriyanto, 2011, p47)

In this study, there are several categorizations and concepts used by researchers. First, is the news topic. In this study, the news topic is divided into two categories, which are dominated by facts about CACL and which are dominated by opinions on CACL.

Then, the category used is also about the informant. The informant is the person who gives (knowing clearly or becomes the source of) information (KBBI Daring, 2018). Finally, the concept used by researchers is the concept of stigma from Link and Phelan (2001), in which the stigma, said to exist when several components are present, namely: a) Labeling; b) Stereotyping; c) Separation; and d) Discrimination. Thus, in this study, the researcher sees the entire text, from titles, illustrations, news photos, news photo captions, to the content of the news itself that will be viewed based on the conceptualization.

Furthermore, the research sample is determined by purposive sampling with several criteria and arguments as follows.

a) The news taken is the news about CACL in the Y case in Bengkulu 2016. The case is taken by virtue of the argument exposing a large coverage or reports in various media, including online media. The news taken is only the news with an explanation of CACL, not adult actors.



b) Media chosen is only online media

The online media selection is based on the result data research from Nielsen Company, which was released in the first half of 2017, that states internet penetration is becoming quite significant, an increase of 26 percent since five years ago ("Nielsen Research", 2017)

The online media referred are *tribunnews.com*, *detik.com*, *liputan6.com*, *okezone.com*, and *viva.co.id*, taken based on the Alexa site's rating, also based on representation of different media groups that occupy the top 5. The range of the data gathered are from the online media set by the researchers within a month, i.e. on May 2016, it is because within the month, the case of "Y" reported excessively. Start from the beginning of the case until the trial results for the several suspects.

## Research Result

### ***The Content Analysis of Media Stigmatization on CICL***

From all the news on online media, including 24 news from *detik.com*, 29 news from *liputan6.com*, 14 news from *okezone.com*, 26 news from *tribunnews.com*, and 21 news from *viva.co.id*. Thus, the total number of the news on online media in accordance with the predefined characteristics and analyzed in this study amounted to 114 news. The 114 news mentioned are analyzed from the news topic, the informant chosen, as well as the stigma components in it.

Throughout the news, the amount of news that are dominated by the informant's opinion about CICL are 64 news in total meanwhile the news dominated by the facts about CICL are 50 news in total. In addition, the informants referred on the CICL case news are generally dominated by the police, i.e 33 times, followed by ministry officials, as well as children's observer institutions.

Based on the results of this research, it shown that the labeling of CICL are truly exist and consist on all the news taken as a sample or 100% proved, it is because the sample chosen by the researchers has the narrative of CICL in it. In the second sequence, the dominant stigma component is discrimination, i.e 93 of 114 news, or 90.48% of all the news taken as samples. In the third place there is stereotyping component with the amount of 57 news or with a percentage of 71.43% of the 114 samples of the news taken. Finally, the separation component amounted to 34 news, or 47.62% of all the news taken as samples.

While the percentage of each media is described in the following table:



**Table 1. The Comparison of the Percentage of Stigma Components in 5 Online Media**

No	Media	Stigma			
		<i>Labeling</i>	<i>Stereotyping</i>	<i>Separation</i>	<i>Discrimination</i>
1	<i>Liputan6.com</i>	100%	41,38%	37,93%	75,86%
2	<i>Tribunnews.com</i>	100%	65,38%	8%	84,62%
3	<i>Detik.com</i>	100%	41,67%	37,50%	87,50%
4	<i>Viva.co.id</i>	100%	71,43%	47,62%	90%
5	<i>Okezone.com</i>	100%	21%	14%	57%

### Discussion

According to the results of content analysis that has been done based on the conceptualization of stigma by Link and Phelan (2001), there are some objects that become the researchers note on each component, including:

Firstly, labeling, there are at least 58 types of labeling for CICL on online media (data attached). However, to make it easier to analyze the 58 labeling forms, researchers simplify it into categories based on the similarity of the meaning between one forms of labeling to the other. There are 6 categories that describe the overall forms. It is sorted according to the most used labeling categories, namely: 1) labeling based on age; 2) labeling based on the actions done; 3) labeling based on the legal process stages; 4) labeling based on kinship with the victims; 5) labeling based on the gender of the perpetrator; and 6) labeling based on educational background.

From the data, it shows how media labels CICL dominated based on the viewpoint of the age and the action done by CICL. Both points of view extend far beyond the use of labeling based on the standpoint of the law passed by CICL (data attached). As a further description, the researchers at least find two issues that appear in the labeling of CICL in the media:

#### a) The Vagueness in the Definition of Children

The using of the word "children" towards the children who conflict with the law in the media is rarely used. The media seem to prefer the words that actually biases the category of children, such as "bocah" (kids), "anak baru gede" (teenagers) or even the words underage kids. While referring to the Law on Child Protection, it is clear that a person whom under the age of 18, including those in the womb, is categorized as children. Children have age-specific clarity, unlike the labels such as kids, teenagers, underage kids that vague in the age range meant.

Although it seems to be a simple thing, this biased children label will somewhat affect the way people look at it, which will then reverse impact on the future of the labeled CICL. This is because someone who is still in the category of children has



different legal consequences with the adults when they were proven to commit a crime. Therefore, when label for children itself is biased, it will also bias the person's point of view of the legal consequences the children deserved. Especially with the condition of people who believes in the old paradigm that criminalizes children in the name of justice. In fact, the principle of justice for children in conflict with the law are different with the perspective of principle of justice for adults in general.

**b) The lack of label using based on the legal status of CICL, such as suspects, defendants, or convict.**

Instead of using the label based on its legal status, the media are often to use the labels that describe CICL criminal acts. It seems like the media tries to show a sensational news, which can not be shown by simply referring CICL objectively as a suspect, defendant, or convict.

Although it has not yet entered into the area of stereotypes, the label has been attributed to the negativity, the researchers have seen this indiscipline that eventually makes the media crew fall on behaviors that discriminate against children. For example, the use of the word perpetrator. To deserve to be called as a perpetrator a person must verdicted by the judges who decide him guilty officially (convicted). However, in media reports, the term perpetrator is used to label CICL eventhough they are actually still become the suspect or defendant. Though it seems slightly different, such as the using of the word "the perpetrators of rape and murder" and "the suspect cases of rape and murder" but those terms that seems to be the same are actually different.

Secondly, after the labeling towards the CICL, we will also see the stereotyping of the media towards the CICL. According to the previous research, it known that there are 34 forms of stereotype words on CICL on online media (data attached), where the top three of the most used words by the media to describe CICL are vile, sadistic, and barbaric. As a person under the age of 18 the life journey for the children are still long. The problem is, how the media reports the children cases are only when the process of investigation occurs until the process of verdict by the judges. After that, the media are most likely to disappear. Meanwhile the children who given the stereotype as the cruel, sadist and barbarian are still having the possibility to become a better person in the future. Moreover, digital media traces are very difficult to erase. So that the media need to be more careful on choosing, the words if perhaps not sensational and will not condescend the CICL. The most important thing to note in maintaining the form of stereotyping on CICL is precisely located in the media crew, not on the selection of the informants of the news or reports, because whatever the informants say, the final decision published in the media still comes from the media itself. As is found by the researchers in the content analysis, the police as a party who dominates the news about CICL are generally only normatively giving comment on CICL. However, the negative narrative that comes from the media itself that actually makes the news biased by the



stigmatization. Thirdly, separation, there are several issues raised in the separation stigma component on the news sample taken as illustrated in the following table:

**Table 2. Issues on Separation in Online Media**

No	Issues	Total
1	The Punishment for the Children is Unfair (Light Arrest)	8
2	The Children Should Not be the Criminals	1
3	The Separation of the Children from their Status	4
4	Questioning the CICL Age	2
5	CICL is not a Victim	2

The issue of separation that emerged in this research is that the punishment received by the children is inappropriate or considered too light to impose on them. Even in one of the news, it shows an opinion that question the age of the children because of the CICL's face that considered looking more like an adult instead of a child. Thus, it is a form of separation. Separating the children into two groups, first who do not commit a crime will be considered "us". However, if he/she does a crime, then the children considered "them".

Meanwhile, the description of children age ranges stated in the main reference of the law of children, i.e. on the Child Protection law, which is 0-18 years. However, according to the researchers' point of view, the gap that exacerbates this issue lies in the difference of definition of children between the Child Protection law and the Journalistic Code of Ethics. In the Child Protection law, it is said that children are them aged 18 years and below, while in the Code of Ethics Journalism mentioned that children are them aged 16 years and below.

One of the major impacts of children age gap ranges and children's rights mainly on CICL, is the way the public view of CICL that still tendentious. Generalized as all people who considered guilty should be punished meanwhile the term of punishment here is actually refers to legitimized dominant punishment, which is the punishment of an adult.

Fourth, as well as the last component in the series of stigma, namely discrimination, which in this case illustrates the violations that have been done by the media over the rights of CICL which disadvantageous to the CICL. Based on the results of the content analysis, the discrimination that occurs in CICL is dominated by 3 things, namely:

**a) The Use of the Word Perpetrator before the Court's Decision.**

This form of discrimination lies in the rule that the media should apply the principle of the presumption of innocence, as written in the Article 3 of the Journalistic Ethics



Code, i.e. "Indonesian journalists are always testing information, proclaiming equally, not mixing judgmental facts and opinions, and applying the presumption of innocence."  
"

In fact, it does not apply on the field, at least according to what the researchers have done, the form of violation that discriminates against the children happened the most compared to the other forms of discrimination, i.e. at 61.15%. Not to mention in some media, CICL are also narratives as an perpetrator before the court's judgment or decision confirmed by a photograph or camera highlight showing some evidences, reinforced by the children covered his/her face, as if they were legitimately claimed as a perpetrator. In fact, if it refers to the Convention on the Rights of the Children which has also been ratified by Indonesia, it is stated that one of the rights of the children is: "the children accused in conflict with the law is considered innocent until they are proven guilty according to the law."

#### **b) Dismantling CICL identity**

In the Article 19 of the Children Criminal Justice System Law states that: (1) the identity of the child, the child of the victim, and/or the child of the witness shall be kept confidential in the printed or electronic media; (2) the identity as referred to paragraph (1) includes the name of the Child, the name of the Child of the Victim, the name of the child of the Witness, the name of the parent, the address, the face, and other matters that may reveal the identity of the Child, Child Victim, and / or child of the Witness.

From the content analysis research conducted, the form of discrimination by dismantling the CICL identity in the online media is dominated by the mention of parents' names, following the address and the school of CICL as the junior and the senior student of the of the victim Y. This identity problem will affect the process of reintegration of the children into the community after went through the verdict. The more people know the identity of the child, the more difficult for the child to be able to return to the community where he/she lives. Children tend to be more anxious about the acceptance of society when he/she completes the verdict on them.

#### **c) Using a tendentious photo or camera spotlight upon the CICL**

There is no rules that claimed clearly to prohibit the appearance of CICL in online media or other media, besides the arrangement of identity which is the requirement to cover the face (see Article 19 of the SPPA Law). Thus, if we notice, CICL on media coverage or reports are usually appearing with a hat or a mask that covers the head or mainly the face, or censored on the CICL face so it is not apparent.

### **Discussion**

Link and Phelan (2001) in their study entitled *Conceptualizing Stigma* stated that four stigma structures, namely labeling, stereotyping, separation, and discrimination



are possible to happen only in the power relations that transcend them, both social power, economic power, and political power. In line with that statement, Tangdilintin (2000) states in another argument that the person who does the negative labeling must have the power to stamp it in. Very often done by the people whose job is creating a stamp, such as a controlling agency or a journalist (Tangdilintin, 2000, pp. 4.15).

Referring to the two references mentioned above, the media stigmatization condition of CICAL seen in the results of this research indicates the existence of unequal power relations between big institution and profit firms such as media with a group of vulnerable people named CICAL. The rulers of public opinion through the news that they made and a group of vulnerable people with the stories that they had. One thing led to another, on one side, the media have the needs to make interesting news, and meanwhile, on the other hand, the tragic story of the CICAL considered being news that has a selling power. What has been described before appears in this research, various news comes with a variety of stigma over the CICAL in it. Indulgence in various sensationalism which unfortunately still demanded by the people of Indonesia. Thus, before receiving the official sanction from the judges, the CICAL must first bear the social sanctions towards them in various media.

In addition, the researchers also found the tendency of the phenomenon of media stigmatization towards the CICAL is as a form of moral panics (media panic). As a 'moral guard' in the society, the media defines CICAL as a folk devil that deserved to be punished as heavy as possible. Thus, the CICAL that considered to be deviated from the general social norm of children is disproportionately reported (deviance) that amplifies the CICAL's image as an intruder in the society. The implication is that the news has led to pressure on the government to act immediately, so that a new regulation formed (PERPPU Kebiri), although heretofore it is not implemented yet. Therefore, it appears that the presence of PERPPU Kebiri, regardless of the controversy of it, formed of a moral panic phenomenon, in which the PERPPU was more likely function to defuse the emotions of the public at that time.

## **Conclusion**

In the case of how the media reports the CICAL it can be said that the media is not yet fulfilling the rights of CICAL and protecting the children by stigmatizing CICAL. The media, primarily the online media has stigmatized CICAL through its news content, whether through its narrative content, photos display, or tendentious photo caption of the CICAL. From the four components of stigmatization that been analyzed, which are labeling, stereotyping, separation, and discrimination, the major two components that dominantly existed on the reports are labeling and discrimination, followed by stereotyping and separation.

Media stigmatization towards the CICAL is also a form of media moral panic as a public moral guard who defines CICAL as folk devils who deserves serious punishment.



The CICL that considered deviated from the general social norm of children is therefore disproportionately reported (deviance) which amplifies the CICL's image as an intruder in the society.

Such stigmatization involves the media that have the power to do it and the CICL is in the powerless side over the media. In addition, the media's lack of understanding of the rights of the CICL affects the media reports that seem to be tendentious and disadvantageous to the CICL. This condition worsens by the fact that there is no synchronization between the rules of the media i.e. Journalistic Ethics Code and the Children's Law.

### **Suggestion**

Firstly, academically, this research recommends future researchers to examine and compile the CICL stigmatization in the media reports and its impact on CICL as a perpetrator, or it can be from other CICL cases, considering in this research the CICL chosen as informants are a group of perpetrators and the case taken is only one, which is murder and rape. Through the comparative study, it expected to show different patterns and distinctive results.

Secondly, practically, there are some suggestions noted by the researchers as follows:

1) The researchers believe it is necessary to synchronize the rules between the rules of journalism (both Journalistic Ethics Code and P3 SPS) and the Child Protection Law. Thus, all media personnel can understand the sense of protection for Children and the fulfillment towards their rights.

2) The researchers urge the authorities to be able to manage the children reports guide that children-friendly and whole. This guide also needed to socialize across the media. The last, rewarding any media that has been good at implementing the rules is necessary for the authorities.

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