

## DAFTAR PUSTAKA

### Literatur

- Agusman, Damos Dumoli, 2010, *Hukum Perjanjian Internasional: Kajian Teori dan Praktik Indonesia*, Refika Aditama, Bandung.
- Akerhurst, Michael, 1986, *A Modern Introduction to International Law*, George Allen and Unwin, London.
- Amirizal, 1999, *Hukum Bisnis, Risalah Teori dan Praktik*, Djambatan, Jakarta.
- Burhantsani, M, *et al.*, 2013, *Pengantar Hukum Internasional*, Penerbitan Bagian Hukum Intemasional Fakultas Hukum Universitas Gadjah Mada, Yogyakarta.
- Carlson, Bruce M., 1889, *Patten's Foundations of Embryology*, McGraw-Hill, New York.
- Istanto, Sugeng, 1998, *Hukum Internasional*, Penerbitan Universitas Atmajaya, Yogyakarta.
- Mertokusumo, Sudikno, 2004, *Penemuan Hukum : Sebuah Pengantar*, Liberty, Yogyakarta.
- Miru, Ahmad, 2007, *Hukum Kontrak dan Perancangan Kontrak*, Rajawali Pers, Jakarta.
- Moleong, Lexy J., 2004, *Metodologi Penelitian Kualitatif*, PT. Remaja Rosdakarya, Bandung.
- Muhammad, Abdulkadir, 2000, *Hukum Perdata Indonesia*, PT Citra Aditya Bakti, Bandung.
- Patrik, Purwahid, 1994, *Dasar-dasar Hukum Perikatan*, Mandar Maju, Bandung.
- RE, Oliphant, 2007, *Surrogacy in Black law dictionary, family law*, Aspen Publishers, New York.
- S., Salim H., 2007, *Perkembangan Hukum Kontrak diluar KUH Perdata*, PT Raja Grafindo Persada, Jakarta.
- S., Salim H., 2008, *Pengantar Hukum Perdata Tertulis (BW)*, Sinar Grafika, Jakarta.

Saravanan, Sheela, 2018, *A Transnational Feminist View of Surrogacy Biomarkets in India*, Springer Nature, Berlin.

Soekanto Soerjono dan Sri Mamudji, 2001, *Penelitian Hukum Normatif (Suatu Tinjauan Singkat)*, Rajawali Press, Jakarta.

Subekti, R, 2007, *Kitab Undang-Undang Hukum Perdata*, PT. Arga Printing, Jakarta.

Subekti, R. 1996, *Hukum Perjanjian*, Intermasa, Jakarta.

Suryabrata, Sumadi, 1998, *Metodologi Penelitian*, PT RajaGrafindo Persada, Jakarta.

Treitel, G. H., 1995, *Law of Contract*, Sweet Maxwel, London.

### **Jurnal**

Ariadno, Melda Kamil, “Kedudukan Hukum Internasional dalam Sistem Hukum Nasional”, *Indonesian Journal of International Law*, Vol. 5, No. 3, April, 2008.

Aydin, Erdem, “Ethical Problems Related to Surrogate Motherhood”, *Journal of Turkish Society of Gynecology and Obstetrics*, Vol. 3, No. 1, Maret, 2006.

Baziad, A., “Fertilisasi in vitro (Bayi tabung): Dilema kemajuan yang tak kunjung usai”, *Indonesian Journal of Obstetrics and Gynecology*, Vol. 31, No. 4, Oktober, 2007.

Cahyadi, Thalys Noor, “Efektifitas Bantuan Hukum di Pengadilan”, *Jurnal Rechtsvinding*, Vol. 2, No. 1, April, 2013.

Ezzell, Windy, “The Impact of Infertility on Women’s Mental Health”, *NC Medical Journal*, Vol. 77, No. 6, November, 2016.

Fatemeh, Ghodrati dan Akbarzadeh Marzieh, “The Rights of the Fetus: Ensoulment as the Cut-Off Point Legislation on Abortion”, *Health Science Journal*, Vol. 10, No. 1, Januari, 2016.

Hasanpoor-Azghdy, Seyede Batool, “The emotional-psychological consequences of infertility among infertile women seeking treatment: Results of a qualitative study”, *Iran J Reprod Med*, Vol. 12, No. 2, Februari, 2014.

Muntaha, “Surrogate Mother Dalam Perspektif Hukum Pidana Indonesia”, *Mimbar Hukum*, Vol. 25, No. 1, Februari, 2013.

Pande, Amrita, “Not an ‘Angel’, not a ‘Whore’: Surrogates as ‘Dirty’ Workers in India”, *Indian Journal of Gender Studies*, Vol. 16, No. 2, Juni, 2009.

Pranoto, *et al.*, “Kedudukan Kontrak Sewa Rahim dalam Hukum Positif Indonesia”, *Privat Law*, Vol. 1 No. 1, Juni, 2013.

Stark, Barbara, “Transnational Surrogacy and International Human Rights Law”, *ILSA Journal International and Comparative Law*, Vol. 18, No. 2, Juli, 2012.

Tobin, John, “To Prohibit or Permit: What is the (Human) Rights Response to the Practice of International Commercial Surrogacy?”, *International and Comparative Law Quarterly*, Vol. 63, Issue 2, April, 2014.

Woo, Irene, *et al.*, “Perinatal outcomes after natural conception versus in vitro fertilization (IVF) in gestational surrogates: a model to evaluate IVF treatment versus maternal effects”, *American Society for Reproductive Medicine*, Vol. 108, Issue 6, Desember, 2017.

Yeprem, M Saim, “Current assisted reproduction treatment practices from an Islamic perspective”, *Reproductive BioMedicine Online*, Vol. 14, No. 1, Januari, 2007.

Zahrowati, “Bayi Tabung (Fertilisasi In Vitro) Dengan Menggunakan Sperma Donor dan Rahim Sewaan (Surrogate Mother) dalam Perspektif Hukum Perdata”, *HOLREV*, Vol. 1, Issue 2, September, 2017.

### **Hasil Penelitian atau Tugas Akhir**

Simamora, Yohanes Sogar, 2005, *Prinsip Hukum Kontrak Dalam Pengadaan Barang dan Jasa oleh Pemerintah*, Disertasi, Universitas Airlangga, Surabaya.

## Internet

Abdulrahim, Walid, “The Relationship between Public International and National Law”, <https://sites.google.com/site/walidabdulrahim/home/my-studies-in-english/state-responsibility>, diakses 12 Maret 2020.

American Civil Liberties Union, “FAQ: The Covenant on Civil & Political Rights (ICCPR)”, <https://www.aclu.org/other/faq-covenant-civil-political-rights-iccpr>, diakses 30 April 2020.

American Pregnancy Association, “In Vitro Vertilization (IVF): Side Effects and Risks”, <https://americanpregnancy.org/inferlility/in-vitro-fertilization/>, diakses 4 September 2019.

American Surrogacy, “From the Bible to Today: The History of Surrogacy”, <https://surrogate.com/about-surrogacy/surrogacy-101/history-of-surrogacy/>, diakses 4 September 2019.

American Surrogacy, “What is Gestational Surrogacy”, <https://surrogate.com/about-surrogacy/types-of-surrogacy/what-is-gestational-surrogacy/>, diakses 4 September 2019.

Aprilia, Intan, “Ternyata 3 Kelainan Rahim Ini Bikin Sulit Hamil”, <https://parenting.orami.co.id/magazine/kelainan-rahim-yang-bikin-sulit-hamil/>, diakses 20 April 2020.

Badan Penelitian dan Pengembangan Kesehatan Kementerian Kesehatan RI, “Riset Kesehatan Dasar (Riskesdas) 2013”, <https://depkes.go.id/resources/download/general/Hasil%20Riskesdas%202013.pdf>, diakses 12 April 2020.

Barczyk, Hanna, “As demand for surrogacy soars, more countries are trying to ban it”, <https://www.economist.com/international/2017/05/13/as-demand-for-surrogacy-soars-more-countries-are-trying-to-ban-it>, diakses 20 April 2020.

BBC News, “Surrogacy: Why the world needs rules for ‘selling’ babies”, <https://www.bbc.com/news/health-47826356>, diakses 4 September 2019.

BBC News, “What does modern slavery look like?”, <https://www.bbc.com/news/world-asia-36416751>, diakses 18 Maret 2020.

- Berkman Klein Center, “Stages of an international agreement”,  
[https://cyber.harvard.edu/copyrightforlibrarians/Stages\\_of\\_an\\_international\\_agreement](https://cyber.harvard.edu/copyrightforlibrarians/Stages_of_an_international_agreement), diakses 27 April 2020.
- Bray, Claire dan Julian Haison, “Magna Carta: an introduction”,  
<https://www.bl.uk/magna-carta/articles/magna-carta-an-introduction>,  
diakses 5 September 2019.
- Business Dictionary, “Contract”,  
<http://www.businessdictionary.com/definition/contract.html>, diakses 29  
April 2020.
- Cambridge Dictionary, “Contract”,  
<https://dictionary.cambridge.org/dictionary/english/contract>, diakses 29  
April 2020.
- Centers for Disease Control and Prevention, “Key Findings: Use of Gestational  
Carriers in the United States”, [https://www.cdc.gov/art/key-  
findings/gestational-carriers.html](https://www.cdc.gov/art/key-findings/gestational-carriers.html), diakses 20 April 2020.
- Cha, Ariana Eunjung, “Surrogate mothers ask Supreme Court to stop ‘exploitation’  
of women and babies”, [https://www.washingtonpost.com/news/to-your-  
health/wp/2018/05/16/surrogate-mothers-ask-supreme-court-to-stop-  
exploitation-of-women-and-babies/](https://www.washingtonpost.com/news/to-your-health/wp/2018/05/16/surrogate-mothers-ask-supreme-court-to-stop-exploitation-of-women-and-babies/), diakses 2 April 2020.
- Circle Surrogacy, “What is surrogacy?”,  
<https://www.circlesurrogacy.com/about/what-is-surrogacy>, diakses 13 April  
2020.
- Coalition for the International Criminal Court, “What is the Universal Declaration  
of Human Rights?”, [http://www.coalitionfortheicc.org/news/20160930/what-  
universal-declaration-human-rights/](http://www.coalitionfortheicc.org/news/20160930/what-universal-declaration-human-rights/), diakses 3 September 2019.
- Detik Health, “Sewa Rahim di Indonesia Dilakukan Diam-Diam”,  
[https://health.detik.com/ibu-dan-anak/d-1370505/sewa-rahim-di-indonesia-  
dilakukan-diam-diam](https://health.detik.com/ibu-dan-anak/d-1370505/sewa-rahim-di-indonesia-dilakukan-diam-diam), diakses 10 April 2020.
- Encyclopaedia Britannica, “9 Things You Might Not Know About Adolf Hitler”,  
<https://www.britannica.com/list/black-panther-party-7-notable-figures>,  
diakses 1 Maret 2020.

- Encyclopaedia Britannica, “Custom”,  
<https://www.britannica.com/topic/international-law/Jurisdiction>, diakses 26  
April 2020.
- Encyclopaedia Britannica, “Surrogate motherhood”,  
<https://www.britannica.com/topic/surrogate-motherhood>, diakses 27 April  
2020.
- Equality and Human Rights Commission, “Protected characteristics”,  
[https://www.equalityhumanrights.com/en/equality-act/protected-  
characteristics](https://www.equalityhumanrights.com/en/equality-act/protected-characteristics), diakses 19 Maret 2020.
- Equality and Human Rights Commission, “What is direct and indirect  
discrimination?”, [https://www.equalityhumanrights.com/en/advice-and-  
guidance/what-direct-and-indirect-discrimination](https://www.equalityhumanrights.com/en/advice-and-guidance/what-direct-and-indirect-discrimination), diakses 15 Maret 2020.
- European Commission for Democracy Through Law, “The Relationship Between  
International and Domestic Law”,  
[https://www.venice.coe.int/webforms/documents/?pdf=CDL-STD\(1993\)005-  
e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-STD(1993)005-e), diakses 12 Maret 2020.
- European Court of Human Rights, “Children’s rights”,  
[https://www.echr.coe.int/Documents/FS\\_Childrens\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Childrens_ENG.pdf), diakses 20  
Maret 2020.
- Harismi, Asni, “Sulit Hamil? Mungkin Anda Memiliki Risiko Infertilitas Ini”,  
<https://www.sehatq.com/artikel/sulit-hamil-dan-faktor-risiko-infertilitas>,  
diakses 20 April 2020.
- Humanrights.ch, “The Universal Declaration of Human Rights (UDHR)-1948”,  
<https://www.humanrights.ch/en/standards/udhr/>, diakses 3 September 2019.
- Klein, Dr Renate, “Where do (surrogate) babies come from? Surrogacy as human  
rights violation”, [http://rightnow.org.au/opinion-3/surrogate-babies-come-  
surrogacy-human-rights-violation/](http://rightnow.org.au/opinion-3/surrogate-babies-come-surrogacy-human-rights-violation/), diakses 7 Mei 2020.
- MedlinePlus, “Infertility”, <https://medlineplus.gov/infertility.html>, diakses 3  
September 2019.
- Office of the United Nations High Commissioner for Human Rights, “Children risk  
being “commodities” as surrogacy spreads, UN rights expert warns”,

<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=2763&LangID=E>, diakses 20 April 2020.

Office of the United Nations High Commissioner for Human Rights, “Universal Declaration of Human Rights at 70: 30 articles on 30 Articles - Article 3”, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23862&LangID=E>, diakses 3 Maret 2020.

Office of the United Nations High Commissioner for Human Rights, “Universal Declaration of Human Rights at 70: 30 articles on 30 Articles - Article 4”, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23866&LangID=E>, diakses 3 Maret 2020.

Office of the United Nations High Commissioner of the Human Rights, Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 16”, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23927&LangID=E>, diakses 3 Maret 2020.

Office of the United Nations High Commissioner for Human Rights, Universal Declaration of Human Rights at 70: 30 Articles on 30 Articles - Article 25, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23970&LangID=E>, diakses 3 Maret 2020.

OpenJurist, “Definition of Ratification”, <https://openjurist.org/law-dictionary/ratification>, diakses 27 April 2020.

Paige, Jonathan, “Mother of IVF triplets died just eight days after giving birth”, <https://www.independent.co.uk/news/mother-of-ivf-triplets-died-just-eight-days-after-giving-birth-8676780.html>, diakses 7 Mei 2020.

Persada, Syailendra, “Kepala BKKBN Cerita Ada Suami Minta Ovum Istri Kedua Ditanam ke Istri Pertama”, <https://nasional.tempo.co/read/1310503/kepala-bkkbn-cerita-ada-suami-minta-ovum-istri-kedua-ditanam-ke-istri-pertama/full&view=ok>, diakses 10 April 2020.

Pusat Penelitian dan Pengkajian Perkara, Pengelolaan Teknologi Informasi dan Komunikasi Kepaniteraan dan Sekretariat Jenderal Mahkamah Konstitusi Republik Indonesia, “Konstitusionalitas Norma Sanksi Pidana sebagai Ultimum Remidium dalam Pembentukan Peraturan Perundang-undangan”,

<https://mkri.id/public/content/infounum/penelitian/pdf/Konstitusionalitas%20Norma%20Sanksi%20Pidana.pdf>, diakses 10 Juli 2020.

Rahmawati, Yasinta dan Shevinna Putti Anggraeni, “Sempat Dikira Tak Bisa Punya Anak, Wanita dengan 2 Rahim Ini Akhirnya Hamil”, <https://www.suara.com/health/2019/11/10/144042/sempat-dikira-tak-bisa-punya-anak-wanita-dengan-2-rahim-ini-akhirnya-hamil>, diakses 20 April 2020.

Riben, Mirah, “American Surrogate Death: NOT the First”, [https://www.huffpost.com/entry/american-surrogate-death-b\\_8298930](https://www.huffpost.com/entry/american-surrogate-death-b_8298930), diakses 7 Mei 2020.

SehatQ Kementerian Kesehatan Republik Indonesia, “Kehamilan Ektopik”, <https://www.sehatq.com/penyakit/kehamilan-ektopik>, diakses 28 April 2020.

Surrogate.com, “About Surrogacy”, <https://surrogate.com/about-surrogacy/types-of-surrogacy/what-is-commercial-surrogacy/>, diakses 20 Mei 2020.

Surrogate.com, “Surrogacy Laws By State”, <https://surrogate.com/intended-parents/surrogacy-laws-and-legal-information/surrogacy-laws-by-state/>, diakses 19 Mei 2020.

Surrogate.com, “Types of Surrogacy”, <https://surrogate.com/about-surrogacy/types-of-surrogacy/types-of-surrogacy/>, diakses 20 Mei 2020.

The Center for Bioethics and Culture, “Breaking: Another US Surrogate Mother Has Died”, <http://www.cbc-network.org/2020/01/breaking-another-us-surrogate-mother-has-died/>, diakses 7 Mei 2020.

The Legal Information Institute (LII) Cornell Law School, “Customary International Law”, [https://www.law.cornell.edu/wex/customary\\_international\\_law](https://www.law.cornell.edu/wex/customary_international_law), diakses 26 April 2020.

The Legal Information Institute (LII) Cornell Law School, “Marriage”, <https://www.law.cornell.edu/wx/marriage>, diakses 3 September 2019.

Triwani, “Faktor Genetik Sebagai Salah Satu Penyebab Infertilitas Pria”, <https://www.scribd.com/document/361001990/Dr-Triwani-Faktor-Genetik-Sebagai-Salah-Satu-Penyebab-Infertilitas-Pria>, diakses 12 April 2020.

UN Women, “Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) for Youth”, <https://iknowpolitics.org/sites/default/files/cedaw-for-youth.pdf>, diakses 12 Maret 2020.

United Nations, “Human Rights, Frequently Asked Questions On A Human Rights-Based Approach to Development Cooperation”, <https://www.ohchr.org/Documents/Publications/FAQen.pdf>, diakses 5 September 2019.

United Nations, “Universal Declaration of Human Rights”, <https://www.un.org/en/universal-declaration-human-rights/>, diakses 3 September 2019.

United Nations Children’s Fund, “About UNICEF”, <https://www.unicef.org/about-unicef>, diakses 15 Maret 2020.

United Nations Children’s Fund, “Convention on the Elimination of all forms of Discrimination Against Women in brief for Adolescents”, [https://www.unicef.org/gender/files/CEDAW\\_In\\_Brief\\_For\\_Adolescent\\_Web\\_Version.pdf](https://www.unicef.org/gender/files/CEDAW_In_Brief_For_Adolescent_Web_Version.pdf), diakses 19 Maret 2020.

United Nations Population Fund, “Core International Human Rights Instruments”, <https://www.unfpa.org/resources/core-international-human-rights-instruments>, diakses 5 Maret 2020.

United Nations Children’s Fund, “History of child rights”, <https://www.unicef.org/child-rights-convention/history-child-rights>, diakses 15 Maret 2020.

Very Well Family, “The Chances for IVF Pregnancy Success”, <https://www.verywellfamily.com/what-are-the-chances-for-ivf-success-1960213>, diakses 4 September 2019.

Zegers-Hochschild, F., *et al.*, “The International Committee for Monitoring Assisted Reproductive Technology (ICMART) and the World Health Organization (WHO) Revised Glossary on ART Terminology”, [https://www.who.int/reproductivehealth/publications/infertility/art\\_terminology.pdf?ua=1](https://www.who.int/reproductivehealth/publications/infertility/art_terminology.pdf?ua=1), diakses 12 April 2020.

Zernike, Kate, “Court’s Split Decision Provides Little Clarity on Surrogacy”,  
<https://www.nytimes.com/2012/10/25/nyregion/in-surrogacy-case-nj-supreme-court-is-deadlocked-over-whom-to-call-mom.html>, diakses 4 April  
2020.

### **Peraturan Perundang-undangan**

Kitab Undang-Undang Hukum Perdata

Kitab Undang-Undang Hukum Pidana

Peraturan Menteri Kesehatan Republik Indonesia Nomor 43 Tahun 2015 tentang  
Penyelenggaraan Pelayanan Reproduksi dengan Bantuan atau Kehamilan di  
luar Cara Alami

Peraturan Pemerintah Nomor 61 Tahun 2014 tentang Kesehatan Reproduksi

Rancangan Undang-Undang Ketahanan Keluarga

Undang-Undang Dasar Negara Republik Indonesia 1945

Undang-Undang Nomor 24 Tahun 2000 tentang Perjanjian Internasional

Undang-Undang Nomor 36 Tahun 2009 tentang Kesehatan

Undang-Undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia

### **Deklarasi, Konvensi, Kovenan Internasional dan Peraturan Negara Lain**

*Assisted Reproductive Technologies Bill* 2010

Deklarasi tentang Prinsip Sosial dan Hukum yang berkaitan dengan Perlindungan  
dan Kesejahteraan Anak, dengan referensi khusus untuk Mendorong  
Pengasuhan dan Adopsi secara Nasional dan Internasional 1986

Deklarasi Universal Hak Asasi Manusia 1948

Konvensi Den Haag tentang Perlindungan Anak dan Kerjasama sehubungan  
dengan Adopsi Antara Negara 1993

Konvensi tentang Hak-Hak Anak 1989

Konvensi Penekanan Perdagangan Budak dan Perbudakan 1926

Konvensi Penghapusan Segala Bentuk Diskriminasi Terhadap Perempuan 1979

Konvensi Tambahan tentang Penghapusan Perbudakan, Perdagangan Budak serta  
Institusi dan Praktik yang Mirip dengan Perbudakan, 1956

Konvensi Wina tentang Hukum Perjanjian 1969

Kovenan Internasional tentang Hak-Hak Ekonomi, Sosial dan Budaya 1966

Kovenan Internasional tentang Hak-Hak Sipil dan Politik 1966

Protokol Tambahan Konvensi Hak-Hak Anak tentang Penjualan Anak-Anak,  
Pelacuran Anak dan Pornografi Anak 2000