

**LEGAL ASPECTS IN HANDLING CASES OF CHILD ABUSE: A
SOCIOLOGICAL PERSPECTIVE**

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ABSTRACT

This study analyzes the legal aspects and sociological perspectives in handling cases of child abuse. Violence against children, whether physical, emotional, or sexual, is a serious violation of children's rights that can have long-term impacts on the physical and mental development of the victim. This study highlights empirical data on cases of child abuse, such as the case of an 11-year-old child in Semarang who experienced physical violence by his biological mother due to divorce. This study uses a legal and sociological approach to understand the impact of abuse, child protection policies, and law enforcement mechanisms in Indonesia, including regulations in Law Number 35 of 2014 concerning Child Protection. The study results show that although there is a strong legal basis, implementing legal protection for children is often hampered by a lack of public awareness, complicated reporting procedures, and limited capacity of law enforcement officers. Therefore, ongoing efforts are needed to improve prevention through public education, training for law enforcers, and simplifying the reporting process. Collaboration between the government, non-governmental organizations, and the community is also key to creating a more effective child protection system. This study emphasizes the importance of a holistic approach to preventing violence against children to ensure their rights are protected and support the growth and development of the nation's next generation.

Keywords: Child Abuse, Prevention of Child Abuse, Legal and Sociological Perspectives.

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INTRODUCTION

In general, violence is an act committed by one individual against another individual that results in physical and/or mental disorders, which means a child is an individual who has not reached the age of 18 years. Therefore, violence against children is an act committed by a person or individual against those who are not yet 18 years old, which causes their physical and/or mental condition to be disturbed. Often, the term violence against children is associated in a narrow sense with the failure to fulfill rights (Assa, 2019).

Abuse, in the context of Indonesian law, is defined as an act that is deliberately carried out to cause pain or injury to another person's body. Although this definition may vary among legal experts, in general, abuse refers to acts of physical violence against a person, a minor. According to the explanation of Article 332 of the Criminal Code, a minor is considered a minor. In contrast, those not yet 21 years old or who have never been married are considered minors (Utami, 2018).

Violence against children in Indonesia never stops; in fact, it occurs more frequently as time goes by. Children should receive affection with full tenderness and proper education. According to data on child rights violations by the Indonesian Child Protection Commission (KPAI), there were 3,700 cases of violence against children in 2016, and an average of 15 cases occurred every day while for the perpetrators; almost most of the perpetrators were people closest to the victim, for example, siblings, grandfathers, even the victim's biological father and on average from the lower economic class, meaning that children are vulnerable to becoming victims of violence precisely in the home environment. The perpetrators of violence know the children very well.

Juvenile delinquency is often the cause of parental anger, so children receive punishment accompanied by emotions from parents not to hesitate to hit or commit physical violence. If children often experience this, it will cause deep wounds to their physical and mental health; it will cause hatred for their parents and trauma to the child. Another consequence of violence is that children will feel low self-esteem because they feel they deserve punishment, which will reduce the child's achievement at school, or their social relationships and relationships with their friends will be disturbed. This affects the child's self-confidence, which should have been built since childhood. What they experience will make children imitate violence and behave aggressively by hitting or shouting when they feel annoyed (Tribun, 2024).

Article 28 of the 1945 Constitution of the Republic of Indonesia has stipulated that children are subjects and citizens with the right to protection from attacks by others. Furthermore, Article 28B Paragraph (2) of the 1945 Constitution of the Republic of Indonesia explains that every child has the right to life and survival, growth, and development (development rights) and has the right to protection from violence and discrimination (Claresta, 2023).

The effects of violence on children include emotional disturbances, shyness, aggression, and laziness to learn. Children become aggressive through negative communication, which affects the development of the child's brain. Children will always be in a state of threat and find it difficult to think long-term, so the attitudes that arise are only based on instinct without prior consideration.

As a result, children behave aggressively. Violence against children usually has a physical impact on children and can also damage children for several years to come. Violence committed by parents causes deeper wounds in the lives and feelings of children than rape. According to Soetjningsih (2002), the psychological impacts of violence on children include children becoming insensitive to the feelings of others. In addition, violence against children can also have an impact on children becoming aggressive, emotional disorders, impaired social development, sociopath or antisocial personality disorder, and creating a vicious circle in the family (Febryan, 2015).

Discussions about child protection will continue to occur at any time, considering that children are the generation that will become the successors of the nation's civilization, which is formed as an executor in the preparation, development, and control of a noble ideal to realize a better order of life, especially in Indonesia. There are various understandings of children, both from experts' views or laws and regulations. Therefore, each existing understanding is based on various perspectives and objectives from experts and each law, so some existing understandings do not have the same level of concern.

This is because adults often commit violence against children and women, and the main targets are children. The reason is that children are easily deceived through seduction and do not have the strength to fight or rebel. So, various forms of cruelty in the form of physical, psychological, and sexual are experienced by children. If you look at the reality that occurs, this certainly makes the heartache and becomes a deep irony. Here, firm steps to provide legal protection for children should not be done half-heartedly. This should be done continuously so that children's rights remain, are not lost, and are not taken away by anyone so that, in the end, children can participate in playing a role in continuing the wheels of national and state life, replacing the older generation (Desa & Beratan, 2021).

The development of such an advanced society also impacts the world of crime. One of them is crimes against morality, which causes anxiety and concern for the community. Especially crimes that are sexual, such as rape, intercourse, and molestation. The rampant crimes against morality are increasingly disturbing the community, especially parents. The family is the most important place to maintain the survival and growth of a child. Based on Law Number 1 of 1974 concerning the Principles of Marriage, it is determined that parents are obliged to care for and educate children who are not yet adults (Pokhrel, 2024).

The purpose of the law is to create an atmosphere where the law is obeyed. Criminal law is a law created by society. The law is where humans know how to take refuge and have the right to a peaceful life. Its characteristic is the existence of security from criminal activity or a crime. Violence against women, especially against children, is annoying to hear, and as a result, we may want to look away. However, even though we want to avoid it, it is close to the reality that all of them have negative and long-term impacts on children, which often occurs in Indonesia. Child abuse can range from physical abuse to sexual violence. Legal protection for child victims of abuse is critical because children are a vulnerable group and do not yet have the full ability to protect themselves; child abuse can

have long-term impacts, both physical and mental, which hinder their overall development (Nadira et al., 2023).

Legal policies and regulations related to child abuse aim to protect children from all forms of physical, psychological, and sexual violence and neglect. Each country has a different legal approach, but these regulations generally focus on prevention, protection, and sanctions against perpetrators. Improving legal policies in handling cases of child abuse requires comprehensive steps that include increasing prevention; faster and more consistent mechanisms are needed in the law enforcement process to ensure that perpetrators of violence against children receive appropriate punishment. Simplifying reporting procedures, increasing the capacity of investigators to handle child cases, and being stronger for victims are important to avoid deadlocks or delays in the legal process.

This study focuses on violence due to divorce and child neglect, both children who are abandoned or abandoned by their biological parents. In this case, the researcher obtained data that there were children whose parents abandoned them due to divorce, which DP3A Semarang City is currently handling. The DP3A Fulltimer Team is handling children who are experiencing physical violence by their biological mothers due to divorce in their families. The following is a brief chronology that the author asked the PPTK for the Protection of Women and Children, Mrs. Ariyati, an 11-year-old child with the initials BIK who lives in Gajahmungkur District, Semarang City, who experienced physical violence by her biological mother, this was due to the divorce of her parents. In addition to the physical impact, so far, the victim has been entrusted to the child's mother's sibling, and this makes the child afraid to meet her biological mother. The violence committed by her biological mother is an outlet for the divorce that occurred.

There is no reason for parents to abandon their children; there are many ways for parents not to misbehave with their children. Good openness is by communicating with children, asking about their activities at school, asking about things they like, and implementing affection in the family; the point is comfort and security. The previous generation needed the most incredible opportunity to grow and develop. The legal context of Indonesia does not justify acts of violence and child neglect because it is contrary to the legal rules contained in Law Number 35 of 2014 concerning Child Protection. Therefore, legal sanctions for acts of child neglect by biological parents in Law Number 35 of 2014 concerning Child Protection can be charged with Article 76B, which reads: "Everyone is prohibited from placing, allowing, involving, ordering to involve children in situations of mistreatment and neglect (Desa & Beratan, 2021).

METHOD

In this study, the normative method is used in the research method. This method is based on data and information from various sources such as journals, articles, books, etc. The normative method provides an explanation and description of the main problems discussed in the journal that is compiled. Analysis using the normative method produces final results in the form of qualitative data that describes the main problems systematically and accurately.

The normative method generally explains the main topic to get an objective picture of various things related to eradicating corruption and criminal acts of corruption. In this journal, the author will collect information about handling corruption cases, especially across countries. The normative method allows researchers to collect complete and systematic data about the characteristics of a population or phenomenon being observed. However, this method also has weaknesses because it cannot explain the cause-and-effect relationship or predict future behavior from the observed phenomenon. Therefore, the normative method is often used as an initial step in research before conducting more in-depth research using other methods. While the data analysis technique uses descriptive analysis.

RESULTS AND DISCUSSION

All families uphold the dignity of their families. Children hold a unique position in society because they are the future and hope for the development and survival of a nation. They have special rights that are internationally recognized, including the right to be protected from exploitation, violence, and discrimination, as well as the right to education, health care, and a safe and healthy environment. Children are also vulnerable individuals and need extra protection because they do not yet have the same physical and mental capacity as adults to protect themselves.

Criminal acts that befall children without us realizing it, such as forms of exploitation of children who intend to employ minors to work in order to increase profits for those who employ them for various reasons, one of which is for economic needs. Poverty is the primary source of street children working; poverty also has an impact on neglect and others. According to Suyanto (2010), street children are children who are marginalized, marginalized from loving treatment from their parents because, at a relatively early age, they have to survive in the middle of the city; street children are vulnerable to exploitation, sexual harassment, and violence because of their lives on the streets.

They often do not have a permanent place to live or adequate family support. According to Mulyadi (2011), the phenomenon of street children is a social problem that is quite common in big cities. Street children are suspected of being easily exploited and even taken advantage of by those closest to them and their families. According to Law on Child Protection No. 23 of 2002, children under 18 are school-age children; the Indonesian government has issued a law on Child Protection No. 35 of 2014, which explains the state policy to make every effort to fulfill the rights of Indonesian children. This law states that every child, while in the care of parents, guardians, or other parties responsible for the care, has the right to receive protection from discrimination, exploitation both economically and sexually, neglect, cruelty, violence, abuse, injustice, and another mistreatment (Suminar & Srihadiati, 2024).

In Indonesia, efforts to address the exploitation of street children and underage buskers are supported by several relevant legal bases. One of the leading legal bases is Law Number 23 of 2002 concerning Child Protection (amended by Law Number 35 of 2014 and most recently by Law Number 17 of 2016). This law provides a legal basis for the government to protect children's

rights, including protecting them from exploitation, violence, and discrimination. Article 13 of the Law states that every child has the right to protection from exploitation and violence in every aspect of life. In addition to the Child Protection Law, there is Law Number 13 of 2003 concerning Manpower, which regulates child labor. This law provides a clear legal basis regarding the prohibition on the use of minors as workers, including as buskers. Article 70 Paragraph (1) of the Manpower Law states that the use of child labor who are under 18 years of age is prohibited except for light activities that do not endanger the safety, health, and morality of children.

In addition, efforts to protect children are also regulated in various other regulations, such as Government Regulation Number 17 of 2018 concerning the Implementation of Law Number 35 of 2014 concerning Child Protection and various regional regulations governing child protection. With a strong legal basis, the government and various relevant stakeholders in Indonesia have a clear basis for taking concrete action to address the exploitation of underage buskers and street children by Indonesia's commitment to achieving Sustainable Development Goals, especially Poverty Eradication and Quality Education points.

In dealing with the complexity of the problem of exploitation of street children and underage buskers, cooperation between the government, non-governmental organizations, civil society, and the private sector is essential. We can achieve the Sustainable Development Goals holistically and sustainably by working together to design and implement programs focusing on economic empowerment, child protection, and increasing access to education (Suminar & Srihadiati, 2024). Children against violence are increasing day by day, starting from the mode of crime and also the increasing numbers of violence against children. One of the causes of violence against children is parents with financial problems and lack of proper support.

According to Aldila Arumita Sari and Ani Purwanti (2018), These factors make the role of protection still unable to be given to minors, women belonging to families, the concept that (assets), the media do not support suffering, imperfect public services, customs that sometimes legalize violence, issues of poverty, misunderstanding of religious teachings, all of which are wrapped in a patriarchal culture. It is clear how important the role of the family is in the development, character formation, and future of children. When a family, especially parents, who are the initial elements in forming a child's personality, can provide and fulfill their roles and responsibilities to the maximum, they can create a responsible next generation. For the sake of religion, homeland, and nation. To realize what a nation aspires to. However, social reality is often the opposite of hopes or desires. The center of attention and discussion today is about violence against children.

According to Law Number 35 concerning Child Protection of 2014, legal protection for children is all activities carried out to protect the lives of children and their rights so that they can follow human dignity and obtain protection. Freedom from all forms of crime, violence, and discrimination is based on what is stated in Article 1 (2). According to Barda Nawawi Arief in Muhammad Suwandhy Hasibuan, and Irda Pratiwi (2020), the legal protection contained in the

article above is to protect the law from various interests related to child welfare, freedom, and human rights of children, which need to be protected and realized.

Violence against women and children is not a new form of crime but has always existed in the development of human civilization. This crime has existed since pre-Islamic times; for example, in the Jahiliyah era, when the social elite had daughters, they would be buried alive because they were ashamed of having daughters. In the era of slavery and colonialism, rape and abuse of women and exploitation often occurred between women and children. According to Soeroso and Hadiati Moerti (2010), what is of public concern is violence that tortures women and children, and the perpetrators and victims try to hide their actions from the public eye. Violence against children can be found anytime and anywhere, both in cities or villages, in families or community areas, especially now that there has been a lot of violence against children that is woven into educational institutions such as schools, Islamic boarding schools, and other educational institutions. This is an irony that exists in society. How could it not be? Children, as the successors of the nation who have the right to receive suitable protease, learning, and guidance from families, community areas, or schools, receive the wrong treatment, especially leading to physical or verbal violence and not what is expected. Based on this phenomenon (Suminar & Srihadiati, 2024).

Violence can also occur as a result of a materialistic mindset and selfish behavior. Violence has become a social phenomenon that often occurs in urban and rural communities. For the Frustration-Aggression Theory, there is a direct link between a certain degree of frustration a person feels and the emergence of a tendency to behave violently. Violent behavior that often leads to violence can result in human casualties and/or property. There is also a social learning theory of violence, where violent behavior is usually the result of an educational process from the interaction of people with their environment, in this case, their social area, including the family area. Based on Articles 1 and 2 of the Declaration above, violence against women and children can be carried out in the form of physical violence, sexual violence, psychological violence, economic violence, and deprivation of liberty. Sexual violence in question is: "acts of sexual violence to the point of forcing a woman to have sexual intercourse without any bond or feeling from the victim or when the victim does not want to, and/or having sexual intercourse in an unnatural or unwanted manner by the victim, and/or distancing (isolating) her from her sexual needs (Anwar & Istighfariyo, 2022).

Children are the young people who will continue the nation and who, in the future, will realize the nation's ideals. Thus, good-quality children are needed to achieve a promising future (Palupi, 2020). Children have a strategic role, unique characteristics, and traits, so guidance and protection are needed to ensure balanced physical, mental, and social growth and development (Palupi, 2020). According to Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, Article 1 number 1 provides an age limit for children, namely a person not yet 18 (eighteen) years old. The contents of the Article state, "A child is someone who is under 18 (eighteen) years of age, including a child who is still in the womb.

The child's development and growth process will significantly affect the formation of the child's character and qualifications. If, in the process of their

growth and development, children often receive harsh treatment or even violence, then the process of forming their personality will be disrupted (Rukmana et al., 2022). Violent behavior significantly contributes to very detrimental criminal acts. Victims of child abuse have the right to legal protection, which includes aspects of security, physical and psychological recovery, and assistance during the legal process. The goal is to ensure the welfare and recovery of victims. Child abuse has rights guaranteed by law, such as the right to access health services, education, and social protection.

Legal protection for victims of child abuse also includes prevention efforts through education for the community, parents, and the children themselves. Awareness campaigns, training, and education programs aim to increase understanding of children's rights and minimize the risk of abuse. Criminal implications and legal protection for victims of child abuse are important steps in maintaining justice and protecting children's rights. With strong legal protection, it is hoped that cases of child abuse can be prevented and victims can receive appropriate recovery and justice.

Child abuse is an act of violence, physical, emotional, or sexual, committed against a child under the age limit specified by law. Child abuse is a serious violation of children's rights and can have long-term detrimental effects on the development and well-being of the victim. Child abuse can occur in various forms. Provisions regarding violent behavior against children, especially regarding child abuse, have been regulated in Law Number 23 of 2002, which has been revised into Law Number 35 of 2014 concerning Child Protection. This case is a social problem that requires preventive and repressive handling. However, it must be realized that cases of child abuse are impossible to eradicate, especially at present. Physical, psychological, sexual, and/or neglect, including threats to commit acts, coercion, or unlawful deprivation of liberty (Rasyid and Faisal 2020). Therefore, legal protection for children is one side of the approach to protecting Indonesian children, which can be done through a broader approach, namely an approach in the economic, social, and cultural fields.

An act of violence such as abuse, primarily that committed against children as victims, when viewed from the aspect of positive Indonesian criminal law, then the act can be categorized as a criminal act because positive Indonesian criminal law, in addition to regulating the interests between individuals, also with the state as an institution that has the function of protecting every citizen, in this case, someone who has become a victim of a crime. The criminal implications of child abuse are a series of legal consequences imposed on perpetrators of crimes who abuse children under the age specified by law. These criminal implications aim to provide justice to victims, prevent the recurrence of similar crimes, and convey the message that child abuse is an unacceptable act and will receive appropriate punishment.

Children who are victims of violence must be protected, both in terms of protecting personal data and protecting their physical and mental health, because being a victim of a violent crime will hurt the victim. In terms of protecting victims, the role of a parent is vital in order to restore the child's mental state, which is slightly shaken due to the occurrence of a violent crime against him/her. The legal process for resolving a child's abuse that results in the child suffering

injuries and psychological trauma that always haunts his/her mind, thus creating a fear for the child to meet and interact with other people, can be done through stages that begin with the process of examining the perpetrator starting from the investigation level at the Police, the prosecution level by the Public Prosecutor handling the case and up to the examination in court. By implementing substantial criminal implications and legal protection, it is hoped that cases of child abuse can be prevented, victims receive adequate recovery, and justice is achieved. In addition, it is also important to continue increasing public awareness of the importance of protecting children and involving all parties in efforts to protect them better (Pantu, 2023).

CONCLUSION

This study concludes that violence against minors is a serious violation of human rights that has long-term negative impacts, both physically, psychologically, and socially. This phenomenon often occurs due to various factors, including economic problems, family disharmony, and neglect of responsibility by parents. Child protection is critical and has been regulated in various legal regulations in Indonesia, such as Law Number 35 of 2014 concerning Child Protection. However, its implementation still faces various challenges, such as a lack of public awareness and inconsistency in law enforcement. Therefore, a comprehensive approach is needed, including community education, law enforcement officers training, and providing victims with physical and psychological support. In the long term, collaboration between the government, the community, and non-governmental organizations is key to creating a safe and supportive environment for child development.

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