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Juridical Examination of Child Protection against Violence under Law Number 35 of 2014: A Case Study in Purwokerto, Indonesia

Kajian Yuridis terhadap Perlindungan Hukum Anak dari Kekerasan
berdasarkan Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan
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ABSTRACT

Diversity and Justice stand as norms within Indonesia's Criminal Justice System, as outlined in Law Number 11 of 2012 pertaining to the Juvenile Justice System. This legislation, inseparable from the UN Resolution concerning the Convention on Rights, ratified by the Government on January 26, 1990 through Presidential Decree Number 36 of 1990, finds its foundation in the Convention on the Rights of the

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Child. This study delves into the evolution of crimes against children in Indonesia. Firstly, it scrutinizes the imperative of safeguarding children in familial, educational, and broader societal contexts against violence and crime. Secondly, it assesses the effectiveness of the criminal justice system in providing protection for children as victims of violence and crime. Thirdly, it explores the state's responsibility in imposing sanctions through the criminal justice system. Employing a juridical-normative approach, this research relies on the collection of secondary data related to laws and regulations, drawing from materials in books, journals, and relevant sources. Observations reveal a distressing prevalence of children falling victim to violence, spanning beyond the confines of their homes to schools. Such violence encompasses not only physical harm but also psychological trauma. The onus of protecting, nurturing, and fostering the development of children lies with their environment, families, and schools. The efficacy of the juvenile justice system in combating crimes against children's rights hinges significantly on the functional application of criminal law.

KEYWORDS: Legal Aid, Violence, Child Protection, Legal Protection, Justice

ABSTRAK

Keberagaman dan Keadilan menjadi norma dalam Sistem Peradilan Pidana di Indonesia, sebagaimana diatur dalam Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. Undang-Undang terbaru Nomor 11 Tahun 2012 ini tidak dapat dilepaskan dari Resolusi PBB mengenai Konvensi Hak Anak yang diratifikasi oleh Pemerintah pada 26 Januari 1990 melalui Keputusan Presiden Nomor 36 Tahun 1990. Konvensi Hak Anak Republik Indonesia menjadi dasar pertimbangan untuk pembentukan Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak. Penelitian ini bertujuan untuk melihat perkembangan kejahatan terhadap anak di Indonesia. Pertama, akan menelusuri pentingnya melindungi anak di keluarga, sekolah, dan lingkungan dari kekerasan dan kejahatan. Kedua, akan mengevaluasi sejauh mana sistem peradilan pidana dapat memberikan

perlindungan bagi anak sebagai korban kekerasan dan kejahatan. Ketiga, melihat tanggung jawab negara dalam memberikan sanksi melalui sistem peradilan pidana. Metode yang digunakan dalam penelitian ini adalah yuridis-normatif dengan mengumpulkan data sekunder terkait dengan undang-undang dan peraturan serta bahan yang diperoleh dari buku, jurnal, dan materi relevan lainnya. Observasi menunjukkan bahwa banyak anak menjadi korban kekerasan. Korban pada dasarnya ada di mana-mana, tidak hanya di rumah, tetapi juga di sekolah. Kekerasan di sekolah tidak hanya bersifat fisik tetapi juga psikologis. Tanggung jawab untuk melindungi, mendidik, dan mengembangkan anak berada di lingkungan, keluarga, dan sekolah. Fungsi hukum pidana untuk melawan kejahatan terhadap Hak Anak menjadi faktor utama dalam keberhasilan sistem peradilan pidana anak.

KATA KUNCI: Bantuan Hukum, Kekerasan, Perlindungan Anak, Perlindungan Hukum, Keadilan

I. INTRODUCTION

Government attention to improving human rights protections has generally improved since 1998. This was marked by several political actions carried out by the Indonesian government such as amending the 1945 Constitution by adding basic humanitarian principles of the right to be part of the constitution, also by ratifying several international conventions.¹ Indonesia is a developing country. For the sake of Indonesia's future towards a developed country. For this reason, the state needs to protect and provide protection to every citizen, especially child protection.² Children are the next generation of the country and

¹ Susani Triwahyuningsih, "Perlindungan dan Penegakan Hak Asasi Manusia (HAM) di Indonesia." *Legal Standing: Jurnal Ilmu Hukum* 2, no. 2 (2018): 113-121.

² Kurniarpan Kunto Yuliarso, and Nunung Prajarto. "HAM di Indonesia: Menuju 'Democratic Governances'." *Jurnal Ilmu Sosial dan Ilmu Politik* 8, no. 3 (2005): 291-308; Ridwan Arifin, and Lilis Eka Lestari. "Penegakan dan Perlindungan Hak Asasi

the main capital, family, and country. This protection of them is important because children cannot protect their own rights. Many parties who have a strong influence in their lives are potentially negative, therefore the state and society must strive for the protection of children's rights³ One form of crime that develops in the community which is a criminal act is violence. Violence is an arbitrary act committed by someone to hurt others both physically and psychologically. This violent crime is usually directed at weak people such as women and children. But over time, in fact, children have not only become victims, but children have also become perpetrators in this crime.⁴

The Indonesian people exhibit a dedicated commitment to safeguarding children, notably evident in the annual observance of National Children's Day on July 23. During this commemoration, the Indonesian Child Protection Commission (KPAI) emphasizes the necessity for special attention to child protection. This emphasis extends beyond a ceremonial recognition, forming an integral part of the ongoing mental revolution process, ensuring the fulfillment of children's basic rights and shielding them from violence, discrimination, and exploitation. Despite these efforts, numerous cases persist where children fall victim to various crimes, transcending beyond physical violence and sexual abuse to tragic instances resulting in the loss of children's lives. Such crimes inflict profound wounds on all involved parties. Recognizing the inherent dignity of every individual, there exists an inherent need for

Manusia di Indonesia dalam Konteks Implementasi Sila Kemanusiaan Yang Adil dan Beradab." *Jurnal Komunikasi Hukum (JKH)* 5, no. 2 (2019): 12-25; Bambang Heri Supriyanto, "Penegakan Hukum Mengenai Hak Asasi Manusia (HAM) Menurut Hukum Positif di Indonesia." *Jurnal Al-Azhar Indonesia Seri Pranata Sosial* 2, no. 3 (2016): 151-168.

³ Prakoso Prakoso, *Hukum Perlindungan Anak*, (Yogyakarta: LaksBang PRESSindo, 2016).

⁴ See also Sally Engle Merry, *Human rights and gender violence: Translating international law into local justice*. (Chicago: University of Chicago Press, 2009); Samuel Moyn, *The last utopia: human rights in history*. (Harvard University Press, 2011); Beth A. Simmons, *Mobilizing for human rights: international law in domestic politics*. (Cambridge: Cambridge University Press, 2009).

legal protection—protection of one's physical well-being, life, freedom, and emotional tranquility. Access to protective laws is not merely a privilege but an essential right for every citizen, aligning with the fundamental purpose of the law: to provide tangible benefits in the form of both physical and emotional well-being.⁵

Safeguarding the legal interests of children stands as a shared commitment across all components of the nation, emphasizing the imperative to protect their inherent rights. Indonesia, recognizing this commitment, has enacted comprehensive child protection laws that empower legal measures against perpetrators of crimes targeting children. Anchored in the principle of legality inherent in Indonesia's legal system, this mandates that no act can incur punishment without prior regulation. Thus, the existing legal framework enables the application of sanctions against those who commit offenses against children. Child protection is considered an unequivocal imperative, and stringent sanctions can be applied universally to anyone engaging in criminal acts against children. The international community, through the United Nations (UN), has also underscored its dedication to formulating rules for child protection. These rules are enshrined in the Convention on the Rights of the Child, a testament to the global commitment to upholding the dignity and well-being of children. Within the United Nations Conventions, children's rights are accorded paramount importance, emphasizing the fundamental right of every child to grow and develop in an environment free from torture, violence, and crime, fostering their happiness and well-being.

⁵ See Nurini Aprilianda, "Perlindungan anak korban kekerasan seksual melalui pendekatan keadilan restoratif." *Arena Hukum* 10, no. 2 (2017): 309-332; Ratna Artha Windari, "Penegakan Hukum Terhadap Perlindungan Anak di Indonesia (Kajian Normatif Atas Bekerjanya Hukum dalam Masyarakat)." *Media Komunikasi FPIPS* 10, no. 1 (2011); Usep Saepullah, "Aplikasi metode dhariah dalam UU No. 35/2014 tentang Perubahan atas UU Nomor 23 Tahun 2002 tentang Perlindungan Anak." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* 16, no. 1 (2016): 105-129.

Inevitably, the state bears the responsibility of providing unwavering protection for children, a commitment firmly embedded in Indonesia's national legislation, specifically Law Number 35 of 2014 concerning Child Protection. Endowed with authority and influence, the state assumes a frontline role in upholding and ensuring the full spectrum of children's rights in all aspects of their lives. This commitment extends to the elimination of any measures that jeopardize the future safety of children, emphasizing the necessity to protect every child regardless of their skin color, religion, ethnicity, gender, or social conditions.

Within this context, the paper addresses several key questions. Firstly, it explores the legal protection afforded to children's rights against the threat of violence, drawing insights from laws, regulations, books, journals, and other pertinent materials. The analysis of these materials provides a comprehensive understanding of the issue under scrutiny. Additionally, to grasp the broader phenomenon of crimes against children, secondary data is also incorporated.

Recognizing the importance of safeguarding children, the government designates July 23 as National Children's Day, underscoring the significance of protection for children. Similarly, on an international scale, June 1 is globally commemorated as International Children's Day, while November 20 marks World Children's Day. These global observances underscore the collective attention devoted to children as integral members of the global community. Despite such global recognition, there remain entities that shirk responsibility, engaging in actions detrimental to children's well-being.

Widespread instances of violence against children are a distressing reality transcending various environments, not confined to homes but extending into schools. This violence manifests not only in physical forms but also inflicts psychological harm, as substantiated by numerous studies. One such study conducted in 2015 encompassed 2,600 elementary school students in Bandung City and Bandung

Regency. Astonishingly, it revealed that 70% of children had encountered distressing incidents during the learning process, significantly impeding their ability to concentrate on studies.⁶

Furthermore, an examination of Safe Schools and Gender-Based Violence in Junior High Schools in Semarang City unveiled alarming insights into the safety of students during their commutes to school and within school premises. The survey findings disclosed that 26.3% of respondents felt insecure when subjected to taunting through shouting, 24.7% reported incidents of harassment, 19% experienced inappropriate touching, and 37.7% endured bullying or physical altercations. Gender and education level nuances were evident in the data, with male students (58 children) more frequently subjected to beatings or invitations to fights compared to their female counterparts (47 children). In contrast, female students (83 children) reported instances of crawling and pinching at higher rates than male students (43 children), emphasizing the pervasive nature of such distressing incidents during the learning process and their profound impact on victims' ability to focus on their educations.

Upon closer examination, instances of violence perpetrated by teachers against children are distressingly prevalent within the school environment. This irony prompts a critical question: why does violence occur in an institution meant for learning and where teachers are expected to act as protectors? Schools, ideally, should be sanctuaries where children acquire knowledge, and educators serve as their guardians. However, the reality often diverges from this ideal, with

⁶ Rika Saraswati, *Hukum Perlindungan Anak di Indonesia*. (Jakarta: PT. Citra Aditya Bakti, 2015). *See also* Rini Fitriani, "Peranan penyelenggara perlindungan anak dalam melindungi dan memenuhi hak-hak anak." *Jurnal Hukum Samudra Keadilan* 11, no. 2 (2016): 250-358; Darmini Roza, and Laurensius Arliman. "Peran Pemerintah Daerah di dalam Melindungi Hak Anak di Indonesia." *Masalah-Masalah Hukum* 47, no. 1 (2018): 10-21.

some teachers rationalizing the enforcement of discipline through methods that are far from commendable.

In certain school environments, teachers resort to inappropriate means, such as using objects like erasers and rulers, to physically discipline children. Some resort to punitive measures like compelling students to stand with one foot in front of the entire class. More disconcertingly, there are instances where children are subjected to punishments that extend beyond physical harm, such as being instructed to run around the school grounds or even endure sunbathing sessions on the school premises. These actions not only deviate from the nurturing role teachers are expected to fulfill but also raise serious concerns about the well-being and safety of children within the supposedly secure confines of an educational institution.

In 2016, in Kediri, East Java, 17 out of 58 minors were identified as rape victims, and out of 58 children, only 5 children have now reported to the authorities. In this incident, initially the children who became victims were given anti-pregnancy drugs. Some of them have a gestational age of five months. In addition to the cases of violence against children above, there are many other cases experienced by children. Still vivid in our memories around 2015, the 8-year-old Angeline boy, was raped and murdered in his home on Jalan Sedap Malam Denpasar. Still in the same year, Putri, a child aged about 9 years, was found dead in a cardboard box, in Kalideres area, West Jakarta. The victim was allegedly sexually assaulted before being murdered. Data reported by the Tangerang Selatan Raya daily on July 25, 2017 with the title "*Child Violence Continues to Increase*", recorded in 2016 there were 136 cases of violence against women and children in South Tangerang City. The reported figures delineate various cases, including instances of domestic violence, school dropouts, and sexual

harassment. Up until July 2017, there were a total of 40 recorded cases.⁷

Around May 2017, Tambora Police arrested perpetrators of violence against children. Three of the perpetrators molested 4-year-old Iqbal. The poor child was pushed to the point of falling down from the stairs, and then kicked in the stomach, even hitting his head against the wall. As a result, Iqbal suffered severe injuries and fractures in his body. Another case of crimes against children occurred in the jurisdiction of the Ciputat police station, around March 2017. Where a scavenger molested two girls aged 6 and 7 years. The two children were persuaded by the perpetrator with an allowance of Rp. 2,000, so you want to play in the rented room. In the perpetrator's rented room, then his two children were molested.⁸

The aforementioned child's case adds to the concerning number of children compelled to work in support of their families' economic needs. What exacerbates the situation is the exploitation of children as a financial resource for their parents and those who exert control over them. Many parents impose their will on children, coercing them to conform to their desires. A common sight at major city intersections is children begging alongside their parents. In our surroundings, numerous parents exhibit the heartbreaking practice of pressuring their children into various forms of tutoring, depriving them of the

⁷ See Hery Sutrisno, "Pelaksanaan Perlindungan Hukum Terhadap Anak Sebagai Pelaku Tindak Pidana Kekerasan Seksual Pada Proses Penyidikan (Studi di Polres Kota Kediri)." *Mizan: Jurnal Ilmu Hukum* 10, no. 1 (2021): 126-138; Renita Dewi Nugraeni, and Mukhtar Zuhdy. "Analisis Pertimbangan Hakim dalam Kasus Tindak Pidana Pencurian dengan Kekerasan Yang Dilakukan Oleh Anak." *Indonesian Journal of Criminal Law and Criminology (IJCLC)* 2, no. 1 (2021): 33-41.

⁸ See Hasyim Asy'ari, and Lia Dahlia. "School Bullying Pada Siswa SMP Al Fajar Ciputat Tangerang Selatan Banten." *El-Idare: Jurnal Manajemen Pendidikan Islam* 1, no. 1 (2015): 1-14; Chandrawaty Chandrawaty, Susianty Selaras Ndari, and Yunisa Dwi Anggraini. "Komunikasi Positif sebagai Upaya Perlindungan Anak dari Kekerasan melalui Kegiatan Parenting pada Masyarakat Tangerang Selatan." *Atfaluna: Journal of Islamic Early Childhood Education* 2, no. 1 (2019): 13-23.

fundamental right to play. Despite the psychological necessity for children to have time for play, allowing them to express themselves freely, this essential aspect of their development is often sacrificed.

II. LEGAL PROTECTION OF CHILDREN FROM ACTS OF VIOLENCE BASED ON LAW NUMBER 35 OF 2014 CONCERNING CHILD PROTECTION

The family serves as the most comforting refuge for children, playing a pivotal role in their development. It becomes a crucial support system where children can openly discuss their feelings when facing problems. In this context, the family typically comprises parents, both mother and father, forming the smallest community shared by children, aside from their siblings. From a religious perspective, the family emerges as the primary factor in shaping an individual's personality and character.

The family is the basic unit of society, so it must be strengthened. The primary responsibility for protecting, educating and developing children lies with the family. All community institutions must respect children's rights and ensure children's welfare and provide assistance to parents and families. With the help and attention of parents and closest relatives will make children get attention and affection, and this will affect the psychological development of children towards a positive direction. Especially now that the development of technology is so rapid. Children are so easily influenced by various content that exists in cyberspace, which sometimes poses a danger to children. In addition to the role of parents, no less important is the role of teachers in schools. Because children in addition to having time at home with family or parents, they will also spend time in places of study such as school.

Inevitably, when schoolchildren will meet many people around them. The people around him have different characters and traits from each other. With so many differences, it will obviously have an impact on the development of the soul, both positive and negative. For this reason, the role of teachers is very important here. Teachers are an important factor in achieving educational goals, because as educators, teachers are facilitators, motivators, and inspirations for the formation of competencies and personal students. As an educator, the teacher not only teaches knowledge to students but also seeks how that knowledge becomes meaningful, for example by introducing local culture that is close to students.

Introduction to local culture can be done by tutors, so that students can get to know their culture and ensure proper child interaction. In addition to the role of parents in the family environment and teachers in the neighborhood school, no less important is the environment around where the child lives. The environment is also an important factor, because in addition to children interacting with friends at school to pass the time, children will also communicate with the environment in which they are home. Many of us see case examples, children are affected by cigarettes, liquor, drugs and even promiscuity. Many children then get it wrong and fall into negativity because they are wrong in choosing to hang out. If this is not a concern, then it is not wrong then that the children who will be the fulcrum of hope for the future of this nation are at stake will be destroyed children with all their moral corruption⁹.

From there, the role of all parties must be put forward, parents, government, even RT leaders, RW chairmen and community and religious leaders are needed to protect children from environmental influences that will damage the brain and soul. The public's responsibility is contained in Child Protection Law Number 23 of 2002 as amended by Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection. The second

⁹ Abdul Azis, *Aspek Hukum Perlindungan Anak*. (Jakarta: Grafika, 2016)

provision of the Child Protection Law above actually confirms the responsibility of parents, families and communities for child protection through community role activities in the implementation of child protection.

Criminal law enforcement is identical to the criminal justice system or the Justice System, which is essentially a criminal law enforcement system and is identical to the judicial power system in the field of criminal law. As a system, the law enforcement system or judicial system is seen as an inseparable part of various subsystems or components, namely substance law, legal structure, and legal culture.

Seeing the phenomenon of violence and criminality experienced by children, inevitably the law must really function. Especially criminal law. The function of criminal law to combat crimes against children's rights is a major factor in the success of the criminal justice system. Because evil will be rampant if the law is silent in the sense that it does not perform its function. Being able to function criminal law as a protector of society, legal integrity and compliance is required by law enforcement officers in carrying out the law professionally in accordance with the principle of legality or in accordance with the provisions of applicable laws and regulations. Law enforcement officials' compliance with the principle of legality is intended so that everyone is protected from violence, injustice, legal certainty, and equality before the law. Thus the law can be enforced. Because law enforcement does not violate the purpose of the law itself, which is to protect the rights of individuals and society.

Without enforcement, the law is nothing. What gives meaning to the law are law enforcement officials and society. Seeking law within regulation is discovering the meaning and values embodied in the regulation and not simply reading it flat. The law is not a phone book containing only rules and articles, but something full of meaning and value. When individual rights are not protected, the efforts of justice-

seekers who want society are useless. Though the creation of justice is one of the duties of the state, and in that context judges become representatives of the state. The hope of the future that assesses in Indonesia will play a greater role in law enforcement in Indonesia will be the need for curry in practice in countries with civil law traditions there is also a tendency to increase the role of judges, if indeed there should be a shift in the role of legislative power that emphasizes more on the role of legislative institutions in the formation of laws, to the role of judicial power in the formation of laws.

In addition to the above, the integrity of the legal apparatus will also be determined to the extent to which law enforcement officials are able to educate the public with various information and information related to the existence of applicable laws in the community, so that the public becomes aware of the applicable positive laws. Providing the widest possible information to the public is not just so that they know the laws and regulations, but more than that, it is to make people obey and obey the law. Regarding crimes against children, the law must be carried out in the context of child protection by law enforcement in accordance with the principle of legality, meaning in accordance with the provisions of existing laws and regulations.¹⁰ The state must provide protection to the child. Children must be protected without violence around them. In an effort to provide protection for children's rights both before and as victims, it is key for countries to be able to provide such protection. When the state does not provide protection for children, the government has committed violations of Human Rights (HAM) as stipulated in Law Number 39 of 1999. In addition, violations of children's rights can be a very big obstacle to the survival and development of children, because children who experience violence, exploitation, neglect and other ill-treatment will experience risks, such as living shorter, having poor mental and physical health, experiencing problems related to education (including dropping out of school),

¹⁰ Beby Suryani Fithri, "Pendekatan Integral Penal Policy dan Non Penal Policy dalam Penanggulangan Kejahatan Anak." *Doktrina: Journal of Law* 1, no. 2 (2018): 69-89.

having poor skills such as parents, homeless, evicted from his place of residence and homeless.

For this reason, protective measures will have positive implications if protection is successful, and will ultimately increase children's chances of growing physically, mentally, confidently, and have self-esteem. possibility to expand the participation of people who perform actions in several ways. Expansion of Offense means that although not all elements of the offense are met, sometimes there are also criminal acts. Thus, if something goes wrong, then the criminal act must be held accountable. In the criminal justice system, responsibility for a mistake usually goes to the person who made it. The criminal responsibility of the maker arises when there is a relationship between his mental attitude and his actions, he performs together with the normative elements contained in the formulation of the criminal act. The relationship in question is called an error.

Consequently, the ability to be responsible is an element of evil, if there is no ability to be responsible, then there is no evil. However, in Anglo-Saxon countries the generally recognized principle is that since criminal liability is the necessity of wrongdoing, this is known as the principle of "*mens rea*". In this principle it is explained that the person involved cannot see whether someone has committed an act that is contrary to the law. In simple terms, the criminal justice system is a process carried out by the state against people who violate criminal law¹¹. This process begins with the police, prosecutors, and finally the courts. The criminal justice system does not include only one institution but is closely related to several state institutions. So that the work of one law enforcement officer will have an impact on the workload of other law enforcement officials.

¹¹ Anirut Chuasanga, and Ong Argo Victoria. "Legal Principles Under Criminal Law in Indonesia Dan Thailand." *Jurnal Daulat Hukum* 2, no. 1 (2019): 131-138.

Law enforcers in the criminal justice system are integrated and inseparable. The police, for example, as part of the criminal justice system based on Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia must work proactively to receive complaints from related parties, such as victims' families or people who witness violence or crimes against children. Or the police must also be proactive in conducting investigations into the incident of crimes against children. Likewise, prosecutors, as part of the criminal justice system according to Law Number 16 of 2014 concerning the Prosecutor's Office of the Republic of Indonesia and based on the minutes of investigation prepared by police investigators, public prosecutors must be able to: prove before a judge that perpetrators of crimes against children deserve to be punished.¹² The task of the public prosecutor is to prove the guilt or innocence of a suspect presented to the court in accordance with the available evidence.

In the trial process, evidence is something that is very important in its function. Its existence to determine the outcome of a decision in a trial is crucial. In the process of proof at trial is closely related to evidence. Philosophically proof is in order to assist judges in deciding every case, both civil and criminal, so that the verdict handed down to justice seekers provides a sense of justice (justice) (*rechtzakerheid*) and benefits (*doelmatigheid*) for them. Passing a new child protection law and then adopting the idea of violence against children, shows that the state should no longer mess around in protesting children's rights. The law must provide justice to the child. Since law is a tool for achieving justice and social change, if it is only narrowly understood, then it makes no difference if the law is only a fence, and the legal profession.

¹² Law Number 16 of 2014 concerning the Attorney General of the Republic of Indonesia

III. LEGAL PROTECTION OF CHILD VICTIMS OF VIOLENCE PURWEKRTO CASE STUDY

Children need to be protected, cared for, and loved in order to grow and develop optimally. However, situations such as economic hardship, job difficulties, family disputes with a partner, and physical exhaustion can be sources of stress that trigger adults to become more vulnerable to violence.¹³ Violence against children in any form of painful treatment whether physical or emotional, sexual, negligence, commercial exploitation or other exploitation, resulting in injury or harm; to the health, survival, development, or dignity of the child. It has been made clear that every child has the right to survival, growth and development and the right to protection from violence and discrimination". However, in reality the rate of violence against children in Indonesia is always increasing.¹⁴ In 2011, there were 2178 children who were victims of such violence, and they, in 2014, increased to 5,066. Types of violence against children include physical, sexual, economic, and emotional abuse.

Physical abuse is the most easily identifiable type of violence violence as it can be identified through threats, intimidation, punching, kicking, punching, slapping, encouraging behavior that results in physical injury or death to the child. Sexual violence can be physical or verbal, such as sexual treatment before contact between a child and adult through words, touch, visual images, or direct treatment of sexual contact between a child and an adult. Economic violence in children can be in the form of neglect of children's necessities of life or work. Emotional

¹³ Daisy Widiastuti, and Rini Sekartini. "Deteksi dini, faktor risiko, dan dampak perlakuan salah pada anak." *Sari Pediatri* 7, no. 2 (2016): 105-12.

¹⁴ Mansour Fakh, *Analisis Gender dan Transformasi Sosial*. (Yogyakarta: Pustaka, 2013).

abuse involves all adult children's behavior that results in inhibition of the child's non-physical development¹⁵. Children who are abused by their parents are unable to fulfill and perform their developmental tasks, potentially suffering from post traumatic stress disorder, aggression, emotional and mental health problems, such as anxiety and depression, social development problems and conduct disorders. Children who are victims of violence also experience economic impacts for a long time. Adults who have difficulties in education and employment experience some childhood violence. Besides, Family poverty can also cause children to experience stress and anxiety in their lives Ironically, perpetrators of violence against children are usually those who have close relationships with children, such as family, teachers and peers¹⁶.

This happens because many parents think violence against children is a natural thing. Perpetrators consider violence as part of child discipline. In fact, the individuals most responsible for the well-being,

¹⁵ Child violence in Indonesia presents a multifaceted challenge influenced by socioeconomic factors, cultural norms, and gaps in legal protection. Poverty and social inequality increase children's vulnerability, while cultural practices like corporal punishment may inadvertently escalate into abuse. Limited awareness and education on child rights contribute to perpetuating violence. Legal reforms are essential, including robust enforcement of child protection laws. Educational programs must raise awareness about alternatives to violence and parenting skills. Community engagement is crucial to challenging cultural norms, providing support, and creating protective environments. Social services offering counseling and assistance can address root causes. International collaboration and best practices contribute to more effective efforts in combating child violence, ensuring a safer environment for Indonesia's children. See Sarno Setiawan, et al. "Community empowerment on establishment of friendly-village for women and children." *Indonesian Journal of Advocacy and Legal Services* 1, no. 1 (2019): 5-22; Rini Fidiyani, and Ayup Suran Ningsih. "Humanis and Responsible Childer Caring Model for Community in Ngijo Vilage, Gunungpati, Sub-District." *Journal of Private and Commercial Law* 4, no. 2 (2020): 108-113; Setyarini Nur Octaviana, "Child sexual abuse in indonesia: history and challenge in legal perspective." *IJCLS (Indonesian Journal of Criminal Law Studies)* 4, no. 1 (2019): 83-92; Andi Hidayat Anugrah Ilahi, "The Evaluation of Early Marriage Law Renewal in Indonesia." *Unnes Law Journal* 7, no. 1 (2021): 129-152; Dian Latifiani, "The Darkest Phase for Family: Child Marriage Prevention and Its Complexity in Indonesia." *Journal of Indonesian Legal Studies* 4, no. 2 (2019): 241-258.

¹⁶ Danielle Turney, and Karen Tanner. "Working with neglected children and their families." *Journal of Social Work Practice* 15, no. 2 (2001): 193-204.

protection and optimization of children's growth and development are parents. In most cases of child abuse, the caregiver mother is often the culprit. Parents who have financial difficulties can project problems onto the child. Children are often involved in meeting the family's economic needs, even in illegal activities such as child prostitution. This situation often occurs in families with economic difficulties.¹⁷ Therefore, violence against children needs to be addressed comprehensively.

Violence as a term loaded with meaning and the meaning of "suffering", both from a psychological and legal perspective. In this concept contained the meaning of human behavior that can cause suffering to others (people / groups). Child abuse is doing something or failing to do something that results in injury to a child or puts a child at risk of injury. Child abuse can be physical, sexual or emotional. Neglecting, or not meeting a child's needs, is also a form of abuse¹⁸. The World Health Organization also explains that child maltreatment or maltreatment constitutes any form of physical and/or emotional abuse, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the health, survival, development or dignity of the child in the context of a relationship of responsibility, trust or power. Signs of child abuse are¹⁹:

1. show sudden changes in behavior or school performance,
2. Have not previously received help for a physical or medical problem brought to the parents' home of concern,

¹⁷ Penelope K. Trickett, and Catherine McBride-Chang. "The developmental impact of different forms of child abuse and neglect." *Developmental Review* 15, no. 3 (1995): 311-337. See also Dante Cicchetti, and Vicki Carlson, eds. *Child maltreatment: Theory and Research on the Causes and Consequences of Child Abuse and Neglect*. (Cambridge, MA: Cambridge University Press, 1989).

¹⁸ T. Gokce, "The Story and Effects of Home Violence on Psychology of Samsun Primary School Teachers". *Thesis* (Samsun: OndokuzMayis University, 2010).

¹⁹ Maxia Dong, et al. "Insights into causal pathways for ischemic heart disease: adverse childhood experiences study." *Circulation* 110, no. 13 (2004): 1761-1766.

3. Have learning problems (or difficulty concentrating) that cannot be attributed to a specific physical or psychological cause, always being alert, as if preparing for something bad to happen,
4. Lack of adult supervision,
5. Too obedient, passive, or withdrawn,
6. Come to school or other activities early, stay late, and don't want to go home

Based on this description, violence against children is classified as serious physical and psychological consequences that affect the overall health and well-being of children. Most abused children suffer greater emotional damage than physical damage. Although most children suffer from more than one type of abuse. A child who is physically abused, for example, is often emotionally abused as well, and a child who is sexually abused may also be neglected.

Forms of child abuse. Child abuse categorizes childhood maltreatment into four basic types: physical abuse, sexual abuse, emotional abuse, and neglect. Each type is described below: Physical Violence: Physical violence against children is mostly done by parents in disciplining children. Physical violence is the physical use of aggression as a means to threaten and intimidate. Physical indicators of abuse include bruises, lacerations, swollen areas, and scars on the child's face, head, back, chest, genital area, buttocks, or thighs. Wounds such as human bite marks, cigarette burns, broken bones, puncture marks, or missing hair may indicate abuse²⁰.

The physical occurrence of violence against children is usually triggered by behaviors that trigger the emotions of their parents, such as crying, asking for snacks, defecating carelessly, vomiting anywhere or damaging parents' favorite things. Children who experience physical

²⁰ Kenneth S. Kendler, et al. "Childhood sexual abuse and adult psychiatric and substance use disorders in women: an epidemiological and cotwin control analysis." *Archives of General Psychiatry* 57, no. 10 (2000): 953-959.

abuse experience a variety of undesirable consequences, ranging from soft tissue injury to death of unknown cause. Memory loss, growth retardation, speech delay, social withdrawal, limited peer and peer relationships, academic failure and suicidal tendencies, as well as, interpersonal, cognitive, emotional and behavioral problems, were observed in these children²¹. Sexual Harassment: Sexual harassment is using sexual activity as a means of threat, intimidation and control. Sexual abuse can be physical or verbal. Exposing a child to sexual language, rape with or without consent, using a child in pornography or for prostitution, displaying pornographic material, indecent exposure, physical contact with a child's genitals, and a child's inducement or coercion to touch an adult's genitals are all considered sexual abuse.²² Among published adult studies reporting retrospectively on their own childhood, prevalence rates of childhood sexual abuse among men ranged from 1% using a definition of sexual contact involving pressure or coercion — to 19%, where a broader definition was used²³.

Emotional Abuse: Defining emotional or psychological abuse is therefore very difficult. Furthermore, the psychological consequences are harassing. Therefore, markers of emotional abuse are less clear,

²¹ Tri Naimah, and Suwarti Suwarti. "Model Pemberdayaan Keluarga dengan Pendekatan Improvement dan Berbasis Masalah Psikososial Anak dari Keluarga Miskin." *Sainteks* 13, no. 1 (2016): 83-90.

²² Yeza Piti Tola, "Perilaku Agresif Anak Usia Dini Dilihat dari Pola Asuh Orang Tua." *Jurnal Buah Hati* 5, no. 1 (2018): 1-13.

²³ Soeaidy Soeaidy. *Dasar Hukum Perlindungan Anak*. (Jakarta: CV. Novindo Pustaka Mandiri, 1990). See also Ratri Novita Erdianti, and Sholahuddin Al-Fatih. "Fostering as an Alternative Sanction for Juveniles in the Perspective of Child Protection in Indonesia." *Journal of Indonesian Legal Studies* 4, no. 1 (2019): 119-128; Yosefin Dika Tyas Wangi, "Policy of Development for Juvenile Delinquency in the Perspective of Indonesian Criminal Justice System Reform (Study on Institute for Special Development Children LPKA Kutoarjo, Central Java, Indonesia)." *Journal of Indonesian Legal Studies* 2, no. 2 (2017): 85-100; Steny Roby Waluya, "Child Prisoners and Their Attitudes: The Capture of Child Behavior Changes in Correctional Institutions." *Unnes Law Journal* 7, no. 2 (2021): 225-236; Bachtiar Adi Prastyawan, "Juridical Review of Legal Protection for Victims of Sexual Harassment as a Form of State Responsibility." *Journal of Creativity Student* 5, no. 2 (2020): 129-148.

compared to other types of abuse. Emotional child abuse is maltreatment that results in impaired psychological growth and development. It involves words, actions, and indifference. The perpetrator constantly rejects, ignores, belittles, dominates and criticizes the victim. This form of abuse can occur with or without physical violence, but often overlaps. Emotionally abandoned and abused children are faced with attitudes and behaviors that have a negative impact or lose their attention, love and care needs, and therefore, they experience psychological trauma according to social and scientific standards.

This research is important as a basis for identifying at-risk children as victims of violence and families of perpetrators. Acts of violence are behaviors that should not be done to children because they have the right to grow and develop optimally both physically, mentally, socially, and spiritually. This research is expected to reveal these forms of violence against children

Based on thematic analysis of data, forms of violence against children in poor families can be categorized into 3, namely: physical violence, psychological violence, and economic violence. The first is physical abuse, for informants, managing anger is very difficult, especially if the child exhibits problematic behavior. The violence was spontaneously carried out by informants, as SL said: "I spontaneously pinched or slapped. The children couldn't understand my dizzy condition thinking about day-to-day needs, but they even whined for toys." DD's secondary informant reported that SL often pinched the child when the child cried snacks or toys. Usually SL does it while showing his anger to the child. He was like his habit of venting his anger. SL has a high school education and works as a day laborer.

Despite having a high school education, she lacks understanding of good parenting. She sometimes realizes that she cannot play the role of a mother, because she has worked to help the husband make ends meet

for the family. the husband can understand his violent behavior towards the child; It is because of the child's failure to understand the economic condition of his family. Another informant, ST, also had a habit of being violent towards her son. NS admitted that he was not satisfied if he had not pinched his son. His son was a troublemaker; She is lazy to study, likes to buy daily snacks. He doesn't feel guilty, and violence has become a daily habit. This behavior is known by AM as neighbors. As a neighbor, he can't prevent, care for and protect the child. Sometimes he feels sorry listening to ST children cry. She reported that violence sometimes became more horrific such as banging a child's head against a wall, locking her child in the bathroom, and even dousing her overhead.

A similar case was also found in SY. He committed physical violence in the form of pinching, slapping, punching, and punching. She has experienced being a victim of domestic violence committed by her husband. She only graduated from elementary school and was considered stupid by her husband. Therefore, he projected his anger onto his children. SA, as a neighbor, often overheard her quarrels with her husband and it involved them young children. Psychological Abuse In this theme, violence is carried out in both verbal and nonverbal forms. TL commits psychic violence in the form of speaking rudely and comparing his child's learning scores with his peers. ST conducts psychological violence in the form of abusive speech, saying words that make children psychologically distressed, yelling, and comparing children's study scores with their peers.

Meanwhile, SY informants carry out violent psychological acts in the form of speaking rudely, shouting, calling with bad names, scolding, and ignoring children. All informants perceived the child as an additional burden to the family's needs. Therefore, child mistakes easily trigger informants to violence. That is why the way the informant speaks loudly and straightforwardly is considered normal. They assume they should say what they are, there is no need to cover up. SA is SY's

neighbor, often hearing quarrels in the family. Children in the family are used to hearing harsh words from their parents. Religious education was not taught by the three informants. Their child was sent to a nearby school. Two informants ST and SY were housewives who had a lot of time at home, but never accompanied their children in home study. They do not pay attention to the times when they children have to go home from school, study at home and rest.

The results showed that all informants physically abused their children. The impact of physical violence can be felt directly by children, such as pain in the body. In addition, there is growing evidence that child abuse and neglect increase negative consequences for children in several aspects of development, including psychological, social, behavioral (crime and violence), academic, and interpersonal functioning. This condition is seen in child victims who show poor physical health, they often complain of pain, making them have to skip school. Physical violence in children can make them feared by their own parents. This creates an unharmonious relationship between parents and their children; He made some distance between them.²⁴

Research findings also show that informants provide less support for their children's education. Parents with low economies generally do not realize the importance of seeking education or how to fight for its development so that their children do not understand the concept of life. Factors of ever-increasing poverty and life stresses, accompanied by

²⁴ Atikah Rahmi, "Urgensi Perlindungan Bagi Korban Kekerasan Seksual dalam Sistem Peradilan Pidana Terpadu Berkeadilan Gender." *Jurnal Mercatoria* 11, no. 1 (2018): 37-60. See also Vina Kartikasari, "Tinjauan Yuridis Tentang Urgensi Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Perkosaan". *Thesis* (Malang: Brawijaya University, 2013); Cindy Kang, "Urgensi Pengesahan RUU PKS sebagai Upaya Perlindungan Hukum Bagi Korban Revenge Porn." *Jurnal Yustika: Media Hukum dan Keadilan* 24, no. 1 (2021): 49-62; Enggal Prayoga Wijaya, "Knowing Victims to Protect Them, A Book Review "Viktimologi: Perlindungan Korban dan Saksi" Bambang Waluyo, SH, MH, Sinar Grafika Jakarta, 2011, 320 pages, ISBN 978979074378." *Journal of Indonesian Legal Studies* 6, no. 2 (2021): 483-490; Jeremy Chandra Sitorus, "Victims of Sexual Abuse: How Does the Law Protect Her?." *Unnes Law Journal* 5, no. 2 (2019): 255-270.

anger or disappointment towards a partner, and helplessness in the face of economic problems make it easy for parents to vent their emotions to those around them. In the event that the child is perceived as a weak member and is considered wholly owned by the parent, making them the easiest target for the parent to target in triggering his anger. Children from poor families are lacking support from their parents, causing problems in their development.

Parents should direct their children's learning and play time and give clear instructions on the division of study and play time at home. This will improve their ability to manage time at home, so they will have self-discipline. All informants also verbally abused, threatened, comparing their school performance with their peers. They always shout as an expression of their emotions. Verbal abuse can be bad for a child's development. It leaves nothing visible mark, but its emotional impact can ruin their lives. Involving children in the economic fulfillment of the family is only done by SY. Abused and abandoned children experience great economic and enduring consequences. According to poverty theory, the fundamental factor of working children is poverty. Most parents earn very little with working children. Poor households or economically disadvantaged families will mobilize their family resources collectively to meet the needs of daily life. Such conditions make young people forced to work.

Based on these findings, children from poor families in Purwokerto, are at risk of experiencing obstacles in their development. According to the socialization theory Parental Acceptance-Rejection Theory (PAR), children who are rejected by their parents tend to be hostile, aggressive, less independent, and have self-esteem problems. The child as a victim of violence tends to be emotionally unstable and has a negative outlook on life. Children who are victims of abuse are deprived in various domains. The most severe and irreparable is the loss of childhood. Loss of confidence, and despair. The research findings also showed that all informants gave reasons for their violence; They are confused about

meeting the basic needs of the family. They also feel burdened with the needs of their own children. This is only the informant, SY, who has different reasons; She resorted to violence as an outlet for her anger on her husband who always abused her. One of the factors that trigger violence is the family factor. These include the chaos of family life where there is no mutual love and appreciation, those members do not appreciate the role of housewives, and lack of familiarity and social networking relationships. In this case, the context of the family is the extended family, including the relationship between laws. If the relationship is negative, the matter will easily enter the nuclear family. In turn, a bad relationship background will trigger parents to commit violence against their children.²⁵

A limitation of this study was the small number of participants. The subjective experience of the informant can only be understood in its own context. Future research needs to examine violence against children in cultural studies and in mental health contexts with more informants. Finally, findings of forms of violence against children in poor families need to be followed up by formulating several intervention programs. We would like to state that there is no conflict of interest associated with this publication and no financial endorsement could influence the results of this study.

Nothing more than a lawyer or fence builder; Summum IUS, Summa Iniura! Justice is only understood as procedural and legal justice. From the description above and related to cases of crimes against children, cases of ignoring children's rights will be erased or reduced if the law is enforced. The final process in court by giving the maximum

²⁵ Risna Sidabutar, and Suhatrizal Suhatrizal. "Perlindungan Hukum terhadap Anak yang Melakukan Tindak Pidana Pencabulan pada Putusan No. 2/pid. sus/2014PN. Mdn." *Jurnal Ilmiah Penegakan Hukum* 5, no. 1 (2018): 22-31; Febiahwan Yudistira, "Legal Innovation for Protection of Victims of Domestic Violence." *Journal of Creativity Student* 4, no. 2 (2019): 189-214; Raden Muhammad Arvy Ilyasa, "Legal and Victimological Perspective on Sexual Violence against Children Cases in Indonesia." *The Indonesian Journal of International Clinical Legal Education* 3, no. 3 (2021): 281-300.

punishment to perpetrators of violence or crimes against children is one form of law enforcement efforts. Based on Law Number 48 of 2009 concerning Judicial Power, judges may not refuse to hear and try cases. After that, with all kinds of considerations, the judge decides the case according to the sense of justice of the community. For this reason, it is necessary to realize that every court decision must meet the elements of justice by upholding equality before the law and the principle of presumption of innocence. If a court decision upholds the principle of equality before the law and the principle of presumption of innocence, it can be said that the decision has a human dimension. This is because both the principle of equality before the law and the principle of presumption of innocence contain human rights values. These human rights values must be protected and observed by law enforcement laws, especially judges who have the authority to decide cases.

Judges as part of the judicial administration in the criminal justice system, have the obligation to apply and implement criminal law properly in every decision. This is one way to deal with crime. Efforts to make good criminal law regulations cannot be separated from the aim of preventing crime that the increase in crimes against children will end or be minimized, so that children's rights can be protected.²⁶

In legal protection according to positive law, Indonesia does not guarantee the fulfillment of children's rights, especially the rights of children who get education. With this, the juridical obligation of the State in child protection will depend on the positive laws that exist in the State, so that child protection can be adequate in the application of children, and child protection efforts need to be supported by the government and the community in terms of effective and comprehensive child comfort. Legal Protection must require the

²⁶ Marsaulina Nainggolan, Elvi Zahara, and Saparuddin Saparuddin. "Peranan Hakim dalam Memberikan Perlindungan Hukum terhadap Anak Korban Penyalahgunaan Narkotika (Studi Pengadilan Negeri Lubuk Pakam)." *Jurnal Mercatoria* 3, no. 2 (2010): 116-132.

protection of children for victims of violence linked to strict rules in children's rights. In this case, accountability and understanding of the community and family must be regulated so that child protection needs to be affirmed so that children avoid violence and even murder that takes children's lives. Considerations and developments show that acts of violence often occur in the form of physical, psychological, even sexual violence and neglect of children. The government and other state institutions are obliged and responsible to children to provide special legal protection to children affected by violence, whether emergency situations or violence that results in children becoming victims of violence. It can be known that the applicable law is basically a form or mirror of society, the law itself is a cultural product, so it is not excessive if the applicable law represents the culture and values that exist in society so that legal protection for children is directed according to the will of the community.

IV. CONCLUSION

In conclusion, the imperative for child protection resonates within every facet of society, encompassing the family, school, and community. The Child Protection Law serves as a legal bastion, accentuating the state's responsibility to safeguard children from physical, psychological, and sexual violence. This commitment is fortified by the imposition of criminal sanctions against those who transgress the rights of children, emphasizing that the state's failure in providing protection constitutes an endorsement of lawlessness and human rights violations.

In this context, the role of law enforcement, embodied by the police, prosecutors, and judges within the Indonesian criminal justice system, becomes paramount. Their duty is to mete out strict and severe punishments to those perpetrating violence and crimes against children.

Given the highly organized nature of such crimes, accountability must extend comprehensively, holding perpetrators responsible wherever they may be, both within and outside the territorial boundaries of Indonesia.

The thematic analysis delves into the troubling realities of violence against children, particularly within impoverished families, highlighting forms of physical, psychological, and economic abuses often perpetrated by mothers. To address this, regulations must be established to ensure accountability and community understanding, fostering a culture of child protection. The government and state institutions bear an obligation to provide special legal protection to children affected by violence, irrespective of whether these situations arise from emergencies or result in children becoming victims of violence. In the collective efforts to combat various forms of violence against children, these comprehensive measures seek to create a safer, more secure environment for Indonesia's youth.

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CONFLICT OF INTEREST

The author states that there is no conflict of interest in both research and publication.

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*Children are the world's
most valuable resource and
its best hope for the future.*

John F. Kennedy