



Implementation of the Child Protection Law in Handling Cases of Violence Against Children in Indonesia

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ABSTRACT

Family members who commit violence against each other are called domestic violence (KDRT). This form of violence can be physical, psychological, sexual or economic. Domestic violence often occurs in intimate relationships, but can also involve other family members, such as children or parents. One of the most common cases is violence against children, which can be found in various places throughout Indonesia's provinces. This is very paradoxical because parents are supposed to provide sincere love, guidance and education to children, who are supposed to be the next generation. The family, which should be a safe and comfortable place, actually creates fear for children. Children who experience physical, verbal, emotional, mental, or sexual abuse experience symptoms of mental disorders that can interfere with development and social interactions, according to research. To implement the Child Protection Law, the government, society and various parties must work together to create a positive environment that supports children's development. With the right steps, it is hoped that cases of violence against children can be minimized and victims receive the necessary protection.

INTRODUCTION

Children are a very precious gift from God, which gives respect as well as value and dignity to mankind. As the next generation, children have a strategic position and an important role for the survival of the nation and state. To fulfill this responsibility, children must be given maximum opportunities to grow and develop optimally, both physically, spiritually, socially, and morally. As the inheritor of the nation's aspirations, children have a tactical position and important characteristics for the survival of the nation and state. Therefore, children must be given maximum opportunities to develop well in various aspects.

Children play a very crucial role in a family, so their care and development is the main responsibility of parents, both fathers and mothers. These responsibilities include the selection of the right education, the establishment of a positive social network, and the provision of a supportive environment, all of which require parental guidance. Recently, cases of violence against children increases, and the violence can manifest itself in the form of physical, sexual, emotional, or neglect. Most cases of this violence occur in the home environment, while a small percentage occur in schools, communities or organizations in which the child participates. It is unfortunate that this violence is often perpetrated by family members or people who are close to the child.

Article 80 (1) jo. Article 76C of Law 35 of 2014 stipulates criminal sanctions for perpetrators who commit violence against children. This article is designed to protect children from various types of violence, both physical and psychological, by emphasizing the responsibility of each individual, including those directly involved in or contributing to the act of violence. Thus, this article shows a juridical commitment to protect children from violence and establishes strong punishments for violators. The main purpose of this provision is to create a safe environment for children as future generations. Therefore, the right of children to live with dignity and be free from threats can be threatened by criminal acts. Therefore, parents, families, communities, the state, and local governments have the responsibility to protect and fulfill children's rights (Yusliwidaka & Rihardi, n.d.).

Physical and psychological problems arising from violence against children can continue into adulthood. Physical traces of violence can be seen throughout the child's body. Mentally, children who are victims of violence are at risk of psychological disorders such as post-traumatic stress disorder, depression, anxiety, and psychotics. Often, the father and mother do not know or have just realized that their child has been a victim of violence.

Problems in the future can arise from violent behavior that is carried out early and continuously. The results can be seen in the physical and mental health of children. Children can become anxious, shy, and unconfident. Meanwhile these children can be their own opponents. They can show resistance, make excessive movements, and behave badly. Children who are subjected to violence can have physical consequences, such as impaired brain development and disorders that cause the child's behavior to go out of his or her natural limits.

THEORETICAL REVIEW

Violence against children is a major challenge in the implementation of child protection in Indonesia. Law Number 35 of 2014 concerning child protection is the main legal basis to protect children from various forms of violence, both physical, sexual, psychological, and social. Research shows that families that are supposed to be safe places are often the environment where violence occurs, involving parents as the main perpetrators. The government through this Law has emphasized the importance of the collective responsibility of communities, families and state institutions in ensuring the protection and fulfillment of children's rights. More integrated preventive and repressive efforts are expected to be able to reduce cases of child violence and increase protection.

METHODOLOGY

This research applies the normative legal research method, which is also known as library legal research. This method is carried out through the study of library materials or secondary data. Secondary data collection in this study is focused on:

1. Basic legal documents derived from laws and regulations relevant to the topic of study.
2. Additional legal resources include journals and reference books that discuss research topics and provide a more in-depth explanation of primary legal sources from a theoretical point of view.

The researcher adopts a legal research approach that prioritizes regulations as the main reference in the research.

RESULTS AND DISCUSSION

The Application of Criminal Acts Related to Violence Against Children is in Accordance with Law Number 35 of 2014

Child protection includes not only social and economic aspects, but also other things such as protection in the justice system, attention for underserved children, street children, and children who are victims of physical and sexual violence. With such a wide range of child protection coverage, this is a challenge in itself. This is in line with the definition in Law Number 23 of

The 2002 Act on Child Protection, as described in Article 1, refers to a series of measures to ensure and protect children and their rights to life, grow, develop and participate optimally in accordance with human dignity, as well as to protect them from violence and discrimination. Different regulations have different provisions regarding the age limit that defines a person as a child, which is influenced by the purpose and purpose of each of these regulations. For example, Law Number 4 of 1979 concerning Child Welfare defines a child as an individual who under 21 years old and unmarried (Article 1 point 2). A person is considered a child according to Law Regulation Number 4 of 1979 if he is under 21 years old and unmarried (Article 1 point 2) (RAHMAN, 2017).⁴ On the other hand, Law Number 35 of 2014 defines a child as any individual who is not yet 18 years old, including those who are pregnant. Child protection is an effort to

maintain and protect children and their rights so that they can live, grow, and develop properly in accordance with human dignity and dignity. In addition, the protection of children also aims to prevent various forms of violence and discrimination.

Every child has the right to protection from abuse related to political activities, social unrest, violence, war, and sexual crimes, as stipulated in Article 15 of Law Number 35 of 2014. Article 20 of this law is different from Law Number 23 of 2002, which emphasizes that the state, government, local governments, communities, families, and parents or guardians have the responsibility to protect children (Novitasari, 2021). An independent institution is needed that can support the government and local governments in the implementation of child protection so that supervision of its implementation can take place effectively. Therefore, law enforcement authorities need to work closely with child protection agencies and non-governmental organizations to ensure victims' rights are recognized and they receive adequate protection and recovery services (Perkasa et al., 2024). In addition, the prevention of violence against children is also an important aspect of addressing this issue. Public awareness of the importance of protecting children from potential violence that they may face is crucial.

Until now, child protection programs have not guaranteed that children receive proper care and appropriate opportunities in various aspects of life. Therefore, the government's steps in providing protection for child protection must be based on human rights, which include respecting, fulfilling, and protecting children's rights. The principles contained in Law Number 23 of 2002 concerning Child Protection have been integrated into Law Number 35 of 2014, namely:

1. Non-Discrimination Principle;
2. The Principle of the Best Interests of the Child;
3. The Principles of the Right to Life, Survival, and Development.
4. The Principle of Respect for Children's Participation. In addition, Law Number 35 of 2014 emphasizes that children have special rights that include the treatment of them as well as various aspects related to the fulfillment of children's needs. There are two categories in child protection law:
 - a. Legal protection, which includes civil and public law; and
 - b. Non-legal protection, which includes social, health, and educational aspects (Rizky Analiya & Arifin, 2022).

According to paragraph 1 15a of the Law on Amendments to the Law on the Protection of Children, violence is any form of action directed at a child and causes suffering or misery, either physically, mentally, sexually, or neglect. This definition also includes threats of violence, coercion, or illegal deprivation of liberty. Terry E. Lawson classifies violence against children into four categories: emotional violence, verbal violence, and physical violence. Meanwhile, Suharto divided violence against children into four categories: physical violence, social violence, and sexual violence. Here is an explanation of the four categories:

Psychological violence includes acts that use inappropriate language, including obscene or dirty words, and giving or displaying videos, images, or books that contain pornographic elements to children.

1. Physical violence is defined as beating, maltreatment, and torture of a child with various objects, which can result in serious consequences, ranging from physical injury to death.
2. Social violence, for example, is child neglect, which is defined as the actions of parents who do not provide enough life or attention during the child's development.
3. Sexual violence includes inappropriate sexual acts committed by adults against children, including inappropriate touching or displaying inappropriate visual images (Trimaya et al., n.d.).

The Implementation of Law Number 35 of 2014 Concerning Child Protection Faces Various Challenges in Handling Cases of Violence Against Children

There are several sources of obstacles that hinder efforts to provide comprehensive and effective protection. The following will be explained one by one:

Lack of Public Awareness

Many parents and community members do not fully understand children's rights and the importance of protection from violence. Ignorance and low levels of education can contribute to acts of sexual violence. Parents have the primary responsibility for their children, but they also need to be asked to provide appropriate sexual education to children and increasing public awareness of the importance of protecting children from sexual violence (Jurnal et al., 2021).

Stigma Social

Victims often face stigma and shame, which makes them reluctant to report cases of violence. This also affects the public's attitude towards these cases. Sexual violence against children can cause serious psychological, social, and physical impacts, such as behavioral disorders, mental disorders, and social stigmatization. Protection and prevention must be carried out by the government, child protection agencies, and the community. Education, strict regulations, and changes in social norms are essential to keep children safe. Key strategies to address complex challenges in sexual violence prevention include early detection, the role of child protection institutions, and inter-sectoral cooperation. To support effective prevention efforts, education and awareness raising are needed to change public views. In addition, investment in resources and research is also needed to support these prevention efforts (Batian, 2024).

Limited Resources

Budgetary and resource constraints in government agencies and non-governmental organizations hinder the provision of adequate services for

children victims of violence. With the increasing number of cases of violence that need to be handled, the need for human resources is increasing, both in terms of quantity and quality. However, on the other hand, the amount of donations is difficult to predict. As a result, there are no human resources specifically allocated to deal with children who are victims of violence. This management is a shared responsibility, and the quality of available human resources is also limited. Children who are victims of violence need physical and psychological recovery, where psychological care is essential to help them undergo life in the future. In addition, there is currently no psychologist who specifically handles children victims of violence. The number of human resources who can provide assistance to these children is also still insufficient. An understanding of policies also needs to be considered, because often the understanding is sectoral and partial, resulting in more fragmented handling.

Weak Inter-Agency Coordination

Lack of coordination between government agencies, police, and social institutions often leads to ineffective and integrated case handling. Coordination is essential to protect children, but it is currently limited, and some parties only play a ceremonial role without considering the future. Ministries and agencies often come together to discuss significant cases, such as children exposed to pornography, but there is no concrete plan to protect children from such content. As a leading business country in Asia, China is very focused on protecting its citizens from negative content, including pornography. However, in Indonesia, there is no firm action against social media companies that are clearly involved in the spread of pornographic content. This condition results in the principle of child mainstreaming in various policies not being implemented properly. Mass media, as a pillar of civil society, is still not supported by the business world and community networks, so the experience of sharing and exchanging information is still limited (Susanto, n.d.).

Weak Law Enforcement

The long and complicated legal process, as well as the existence of impunity for the perpetrators, make law enforcement less effective.

Human Resource Training and Capacity

Limited training for officers involved in handling cases of violence against children, such as police and social workers, can affect the quality of their responses. This study recommends increasing budgets and resources empowerment, training and capacity building of officers, strengthening coordination between institutions, as well as more intensive education and awareness campaigns. With these measures, it is hoped that the protection of children who are victims of violence in Indonesia can be significantly improved. This study provides a clearer picture of the condition of child protection for victims of violence in Indonesia and presents concrete recommendations for improving the existing protection system (Pujayanti.L.P.V.A. & Basri, 2024).

Traditional and Cultural Perceptions

The way of seeing something observed that has the ability to reflect or describe the state of the surrounding environment through the process of selection, interpretation, organization, testing, and reactions given is known as perception. Violence against children is considered normal or even necessary in some societies because of old traditions and norms that still exist (Novianti Kiling-Bunga & Yohanes Kiling, 2019).

Service Accessibility

Children and their families often have difficulty accessing support services, such as counselling and rehabilitation, especially in remote areas.

Lack of Data and Research

Limited accurate data on cases of violence against children hinders effective policy analysis and formulation. Addressing these barriers requires concerted efforts from governments, communities, and relevant organizations to raise awareness, improve law enforcement systems, and provide adequate resources for child protection.

Punitive Efforts That Can Be Carried Out Against Perpetrators of Violence Against Children

Non-Penal (Preventive) efforts are a set of actions that focus on preventing criminal acts before they occur, carried out without directly relying on the criminal legal system. Examples of these efforts include:

1. Handling the object of the crime by using concrete means to prevent interaction between the perpetrator and the object, through the implementation of security measures and supervision of at-risk objects.
2. Reduce the possibility of criminal acts by creating a supportive atmosphere for children.
3. Carry out socialization to increase self-awareness of the joint obligation in the prevention of criminal acts, which contributes positively to the handling of this problem.

Penal (Repressive) efforts are law enforcement actions carried out by law enforcement officials that focus more on law enforcement after the occurrence of a criminal act through the application of criminal law, namely criminal sanctions that function as a threat to the perpetrator to fulfill a sense of justice and provide benefits.

Law No. 23 of 2014, which is a revision of Law No. 23 of 2002, stipulates that acts of violence must be regulated by a law that prohibits any individual from committing violence. No one is allowed to place, allow, perform, instruct, or participate in acts of violence against children, as provided in Article 76C. Article 8 of Law Number 35 of 2014, which is an amendment to Law Number 23

of 2002 concerning Child Protection, regulates criminal sanctions. In these provisions, it is explained as:

1. Any person who violates the provisions in Article 76C may be subject to a maximum prison sentence of 3 years and 6 months and/or a maximum fine of Rp. 72,000,000.00 (seventy-two million rupiah).
2. If the criminal act results in serious injury, the perpetrator can be sentenced to a maximum of 5 years in prison and/or a fine of up to Rp. 100,000,000.00 (one hundred million rupiah).
3. If the violation is related to the rights of children, in accordance with the provisions mentioned in paragraph 2, the perpetrator can be sentenced to a maximum of 15 years in prison and/or a fine of up to Rp. 3,000,000,000.00 (three billion rupiah).

The punishment will be increased by one-third of the provisions in paragraph 1, paragraph 2, and paragraph 3 if the criminal act is committed by the parents (Wahyudi & Kushartono, 2020).

CONCLUSIONS AND RECOMMENDATIONS

Child protection requires a holistic approach that covers a wide range of aspects, including protection from physical, psychological, social, and sexual violence. Law Number 35 of 2014 emphasizes the importance of children's rights to obtain protection from abuse and discrimination, and affirms the responsibility of the state, government, community, and family in this regard. Although the legal framework already exists, the implementation of child protection still needs to be improved to meet their needs. Therefore, it is important to prioritize the principle of human rights in any protection efforts and establish an independent institution to effectively supervise the implementation of child protection.

There are various obstacles that interfere with comprehensive and effective child protection efforts. Some of the main factors include a lack of public awareness about children's rights, social stigma that prevents victims from reporting, limited resources in terms of both budget and workforce quality, and weak coordination between institutions. In addition, ineffective law enforcement, lack of training for officers, adverse cultural perceptions, and difficulties in accessing services also contribute to this situation. Therefore, integrated measures involving the government, communities, and related organizations are needed to raise awareness, improve law enforcement, and provide adequate resources for the protection of children from violence.

Efforts to deal with perpetrators of violence against children are divided into two categories, namely non-penal (preventive) and penal (repressive) efforts. Non-penal actions focus on preventing violence before it occurs through supervision, creating a safe environment, and counseling to increase public awareness. Meanwhile, penal efforts involve law enforcement after a criminal act has occurred, regulated by the Child Protection Law which stipulates sanctions for perpetrators. Law No. 35 of 2014 regulates various types of punishments, ranging from imprisonment and fines to heavier penalties if they cause serious injury or relate to the rights of children, especially if the perpetrator is a parent.

Integrated law enforcement and prevention are needed to protect children from violence.

FURTHER STUDY

Further research needs to explore the effectiveness of legal socialization and community education programs in increasing awareness of children's rights. The next study analyzes the need to evaluate the effectiveness of the implementation of Law No. 35 of 2014, to prevent violence and deal with violence that occurs against children in Indonesian territory. This research can find out how effective its implementation is, including the obstacles faced by authorities such as the Government, Law Enforcement Officials, and Social Institutions. In addition, this follow-up study can assess how the role of the community in providing protection for children.

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