



Abuse Against Children: Analysis of the Causes, Impact, and Legal Protection for Victims Based on Child Protection Law

Yustia Okta Pradini^{1*}, Jason A.R. Simanungkalit², Asmak UI Hosnah³
Universitas Pakuan, Bogor, Indonesia

Corresponding Author: Yustia Okta Pradini yustiaokta95@gmail.com

ARTICLE INFO

Keywords: Abuse, Human Rights, Child Protection

Received : 05 March

Revised : 25 April

Accepted: 29 May

©2024 Pradini, Simanungkalit, Hosnah: This is an open-access article distributed under the terms of the [Creative Commons Atribusi 4.0 Internasional](https://creativecommons.org/licenses/by/4.0/).



ABSTRACT

Persecution is an arbitrary act against other person with the aim of torturing and intentionally causing pain and injury. An abuse can be happened to anyone, especially to a child. Child abuse is a serious problem and it is requires more attention on the legal aspect. Persecution is an act that against the law and is contrary to the implementation of human rights, where all humans have their right to lives. This research aims to analyze thr causes, impacts, and legal protection toward children whose a victim of children abuse. By using a normative legal approach with a normative juridical approach methods which is carried out by examining theories, concepts, and related legislations.

INTRODUCTION

Children are a gift from Almighty God, and they should rightfully receive full protection and care with love and affection from their family, especially their parents, as well as their basic human rights. A nuclear family consists of a father, a mother, and a child. Parents play a crucial role in the development of a child. The character of a child as they reach adolescence or adulthood often depends on the upbringing they receive from their parents. A child who comes from a harmonious family and receives good education from their parents has the potential to grow into a good person. Conversely, a child who does not receive proper guidance and education and/or experiences childhood trauma caused by their parents may grow into a delinquent and rebellious person.

A child is defined as any human being under the age of 18, including those still in the womb. A child is a future generation hoped to bring honor to the nation and pride to their parents. To support this, it is essential for a child to be granted their rights as a human being. Every child has the right to live, grow, and develop well without experiencing violence or abuse that can damage their physical and mental health.

Abuse is a criminal act that involves the mistreatment of a person with the intent to inflict pain and injury. In cases of abuse, the injuries inflicted are not only physical but also leave significant psychological scars on the victim. Anyone, regardless of gender or age, can become a victim of abuse, especially children.

Child abuse cases are alarmingly frequent. Many of the victims are very young and unable to defend themselves. Most child abuse cases are perpetrated by the child's own parents, often due to uncontrolled emotions experienced by the father or mother. Uncontrolled emotions often lead to parents abusing their children, ranging from mild to severe abuse. According to Article 352 of the Criminal Code, mild abuse does not cause injury or illness and does not prevent the victim from carrying out daily activities. Severe abuse, on the other hand, involves actions that significantly impair the victim's ability to function normally and can even result in death.

LITERATURE REVIEW

With the increasing prevalence of child abuse cases, this issue demands special attention. Child abuse can greatly affect the victim's health, causing deep-seated trauma that can last into adulthood. Children with childhood trauma from abuse often experience disrupted growth and development, preventing them from growing up like other children their age. Indonesia, being a country governed by law, aims to protect its citizens and contribute to global peace, as stated in the Preamble to the 1945 Constitution. Therefore, the state must provide legal protection for victims and impose appropriate punishments on the perpetrators. In Indonesia, child abuse is regulated by several laws covering various aspects of criminal law, human rights, and child protection. These laws include: 1) Law No. 23 of 2002 on Child Protection; 2) Law No. 35 of 2014 on Amendments to Law No. 23 of 2002 on Child Protection; 3) Law No. 17 of 2016 on the Stipulation of Government Regulation in Lieu of Law No. 1 of 2016 on the Second Amendment to Law No. 23 of 2002 on Child Protection to become Law;

4) Article 80 paragraph (1) of the Criminal Code; 5) Articles 351 - 359 of the Criminal Code; and 6) Law No. 11 of 2012 on the Juvenile Criminal Justice System.

These regulations are Indonesia's efforts to fulfill its commitment to protecting children's rights in accordance with international conventions, such as the Convention on the Rights of the Child. Acts of child abuse in Indonesia can be punished based on the provisions set forth in the laws, depending on the type and severity of the crime committed.

According to the Indonesian Child Protection Commission (KPAI), throughout 2023, there were a total of 3,547 reports of child abuse received by the National Child Protection Commission, with the majority of cases occurring within the family, accounting for 35% of the total reports. Data published by the Online Information System for the Protection of Women and Children (SIMFONI-PPA) indicated 2,355 cases of violations against child protection, with 236 of these cases involving physical and/or psychological abuse. In 2024, from January to February, the number of reports has significantly increased compared to the previous year, reaching 1,993 cases. It is highly likely that this number will continue to rise and surpass the number of cases in 2023.

Given the high number of child abuse cases, the government should give special attention and enact policies and regulations that fully protect the victims and impose appropriate punishments on the perpetrators to deter such actions. Sanctions for perpetrators of child violence and abuse are stipulated in the law, including Article 80 paragraph (1) in conjunction with Article 76 c of the Child Protection Law, which states that perpetrators of child abuse can face a maximum prison sentence of 3 years and 6 months and/or a fine of up to Rp. 72,000,000 (seventy-two million rupiahs).

Therefore, the author has formulated several issues regarding child abuse:

1. What are the main causes and factors in child abuse cases?
2. What are the potential impacts of child abuse?
3. How can child abuse, particularly within the family and educational settings, be prevented?
4. What legal protections are available for children who are victims of abuse, and what penalties will the perpetrators face under the prevailing laws in Indonesia?

METHODOLOGY

This research employs data collection methods and literature review techniques, including reading, recording, and examining various legal sources. The study utilizes a normative juridical approach, based on legal entities, by analyzing theories, concepts, principles, and relevant legislation. In this research, the author obtained quantitative data from written sources such as books, journals, and internet resources.

RESEARCH RESULT AND DISCUSSION

A. Causes and Main Factors of Child Abuse

As time progresses and technology advances, urbanization and industrialization bring about social issues within modern society. The current

conditions create adaptation difficulties for people, leading to problems across various aspects. Cultural influences from outside also affect the behavior of society members, especially children. One of the impacts is the occurrence of violence against children by parents or other family members. A child has human rights that must be maintained and respected, primarily the right to life.

Child abuse is a complex social issue with severe implications for the child's well-being and future. Children are the most vulnerable individuals to violence and abuse, whether at school, in the family, or in the community. Homes, which should be safe and comfortable places, often become like hell for many children. Children who should be able to grow and develop with the support and guidance of their parents often become victims of abuse by their parents, hindering their proper growth and development.

Child abuse by parents is a problem that requires serious attention in the fields of law and social welfare. This is because violence against children threatens their basic rights to live in a safe, comfortable, and loving environment. Various reasons drive parents to abuse their children. Many abusers claim that their actions are an outlet for their emotions, especially when the child disobeys or opposes their wishes.

The forms of abuse vary, from mild to severe, and can be verbal or non-verbal. Verbal abuse involves spoken words, such as mocking a child's appearance or intelligence. Continuous verbal abuse can damage a child's development, causing them to feel inferior and unable to grow properly. Non-verbal abuse involves physical violence, such as hitting. Repeated mild physical abuse can escalate to severe abuse, leading to disability or even death.

In Indonesia, numerous child abuse cases have shocked the public due to the brutality involved. One notable case in 2015 involved the death of a seven-year-old in Bali. The child, who had been reported missing, was found buried in the backyard of her foster mother's home. The investigation revealed that the child had been repeatedly physically abused by her foster mother, ultimately leading to her death.

The causes and main factors of child abuse are complex and depend on social, cultural, and individual contexts. Some of the primary causes and factors include:

1. Individual Factors

One of the main causes of child abuse is the individual's own issues, such as mental health problems that lead to emotional and temperamental behavior. According to Hosking (2005), a major factor in violent behavior is a lack of empathy. Parents who abuse their children often come from harsh environments themselves. The violence they experienced can leave childhood trauma that turns past victims into present perpetrators, perpetuating a cycle of abuse.

2. Family Factors

Ongoing family conflicts and serious problems among family members can create an unstable environment, triggering violence. Families isolated from social networks often lack sufficient support, increasing the risk of abusive behavior and incidents of child abuse within the family.

3. **Economic Factors**
Economic hardship is another primary cause of child abuse. Poverty can cause stress and frustration, increasing the risk of child abuse. Families living in poverty often face pressures that lead to uncontrolled emotions and anger, which are then taken out on the children.
4. **Cultural and Normative Factors**
Cultural and normative factors also play a significant role in child abuse. Some regions have cultures that justify and normalize violence as a form of discipline. Some believe that physical punishment is necessary for disciplining a child, perpetuating the risk of child abuse.
5. **Educational Level**
Education is crucial because individuals with higher education levels have broader knowledge and perspectives compared to those without education. Low education levels can affect problem-solving abilities, increasing the risk of child abuse due to a lack of broader thinking and problem-solving skills.
6. **Policy and Legal Factors**
Child protection laws in Indonesia are relatively weak. The lack of effective child protection policies and programs makes children more vulnerable to abuse. Weak law enforcement in protecting children from violence is a major factor that needs to be reviewed and addressed by the government.

Understanding the causes and main factors of child abuse is essential for designing effective policies to prevent and address this complex issue. Recognizing these factors is also crucial for developing effective interventions to prevent child abuse in the future. Interventions could include educational programs for parents, economic support for at-risk families, and enhanced child protection services.

Impact of Child Abuse

Child abuse is a serious issue that not only causes physical injuries but also has significant psychological impacts on the child who is abused. The effects are not limited to childhood but can continue into adulthood, affecting the individual's health and happiness. Poor parenting practices, which are a form of child abuse, can negatively impact a child's cognitive and emotional development.

Abuse can also affect a child's emotional development. A child who is a victim of violence and abuse often has difficulty managing emotions and may develop a negative self-image. Abused children tend to have low self-esteem and difficulty socializing with others. According to Wirawan (2016), verbal abuse can lead to emotional disorders in children, making it difficult for them to sleep and causing hyperactivity. However, children may also have difficulty learning new things, ultimately hindering their development.

Children who are victims of abuse often feel worthless and become withdrawn, avoiding social interactions. Poor emotional control can make it difficult for them to adapt to their environment, especially if they are in a new setting. Abused children may also become rebellious due to their inability to manage their emotions.

In addition to psychological and mental health impacts, abuse can also affect a child's physical health. Physical violence can result in various injuries, such as cuts, bruises, and even permanent disabilities. In extreme cases, abuse can lead to death.

Abuse can lead to the development of problematic behaviors in a child. Those who grow up with childhood trauma from abuse may exhibit defiant behavior and engage in risky activities such as drug use, smoking, and alcohol consumption. Additionally, abuse can impact a child's educational performance. Trauma can disrupt their concentration and motivation to learn, leading to poor academic achievement or even dropping out of school due to a lack of enthusiasm and motivation.

The effects of child abuse are long-lasting, extending into adulthood. Abused children are more likely to face various health issues, including mental health disorders, heart disease, and other chronic illnesses. They are also at higher risk of turning to drugs as a coping mechanism, which can be highly detrimental. Child abuse is a cyclical problem that can perpetuate across generations. Many victims may repeat the abusive behaviors they experienced, creating a continuous cycle of abuse. Addressing and preventing child abuse through various interventions is crucial to breaking this cycle.

Efforts to Prevent Child Abuse

Preventing abuse is an effort aimed at stopping acts of violence against individuals, particularly children. This involves identifying risk factors and developing effective intervention strategies.

Preventing child abuse requires a holistic approach involving various parties, including family members, educational institutions, and the general community. In addition to parents, the role of educators in schools is crucial in preventing abuse. Preventing child abuse involves proactive steps aimed at creating a safe and supportive environment for the child's growth and development. Some preventive measures that can be taken include:

1. Education and Socialization

One preventive measure against child abuse involves conducting education and socialization programs for parents, teachers, and the broader community. These programs should focus on effective parenting and positive child-rearing techniques, as well as recognizing signs of child abuse. Through these initiatives, it is hoped that parents will gain new knowledge, better understand children's rights, and appreciate the importance of child protection.

2. Psychosocial Support

Preventing child abuse can also be achieved by providing easily accessible family support services and mental health services for parents who need assistance, especially psychological support. This can be implemented by offering consultation facilities and mental health treatment for parents and children who face various problems, particularly family-related issues.

3. Strengthening Communication Skills

Training parents, children, and educators in proper and healthy communication methods, as well as conflict resolution strategies, can help

prevent child abuse. Such training encourages open dialogue and mutual understanding among family members, thereby preventing the build-up of emotional stress, which can be a primary trigger for violence and abuse.

In addition to these three main strategies, other preventive measures include understanding child development, maintaining effective two-way communication with children, and assisting children when they encounter difficulties. These prevention efforts must be collectively undertaken by the entire community to create a safe and supportive environment for all individuals, especially children.

Legal Protection for Child Victims of Abuse and Punishment for Perpetrators

The rising incidence of child abuse cases should be a focus of attention from various sectors. In this context, the state and government are obligated and responsible for providing protection to children. In Indonesia, legal protection for children who are victims of abuse is regulated by various laws and regulations that govern the rights and protection of children. Some of these include:

1. Law Number 23 of 2002 on Child Protection
This law regulates the basic rights of children, including the right to be protected from various forms of violence, exploitation, neglect, and discrimination.
2. Law Number 35 of 2014 on Amendments to Law Number 23 of 2002 on Child Protection
This law is a revision of the previously applicable Child Protection Law. It places stronger emphasis on the protection of children from all forms of violence, including abuse.
3. Law Number 11 of 2012 on the Juvenile Criminal Justice System
This law regulates the procedures for juvenile criminal justice and the rights of children who are victims of criminal acts, including abuse. Children who are victims of abuse have the right to receive protection and justice within the juvenile criminal justice system.

Meanwhile, the punishment for perpetrators of child abuse in Indonesia is based on various laws that regulate the criminal act of abuse. Some articles in the Criminal Code (KUHP) that are relevant to child abuse include:

1. Pasal 80 KUHP
Article 80 of the Indonesian Criminal Code (KUHP) regulates the criminal act of assault, which reads: "Anyone who intentionally commits assault on the body or health of another person, shall be punished for assault, with imprisonment for a maximum of two years and eight months or a fine of up to four thousand five hundred rupiahs."
2. Pasal 81 KUHP
Article 81 of the Indonesian Criminal Code (KUHP) regulates assault causing severe or minor injuries, which reads: "Anyone who, due to negligence, causes someone to suffer severe or minor injuries, shall be

punished for assault with imprisonment for a maximum of five years or a fine of up to ten thousand rupiahs

3. Pasal 82 KUHP

Article 82 of the Indonesian Criminal Code (KUHP) regulates assault causing death, which reads: "Anyone who intentionally commits assault resulting in death, shall be punished for assault with imprisonment for a maximum of fifteen years."

Besides those regulated in the Criminal Code (KUHP), the punishment for perpetrators of child abuse is also regulated in Law Number 23 of 2002 concerning Child Protection. The punishment given to perpetrators can vary, depending on the severity of the abuse and its impact on the child victim, as well as other considerations in the legal process.

The legal process carried out must be conducted fairly and in accordance with applicable legal principles, and uphold the rights of children as victims.

CONCLUSIONS AND RECOMMENDATIONS

Abuse is a criminal act that entails arbitrary treatment with the aim of tormenting and causing pain and injury to the victim. Cases of child abuse occur frequently in various parts of the world, including Indonesia. Child abuse is a complex social issue that can have serious implications for the welfare and future of children. Violence and abuse against children are caused by various factors, including individual factors, family factors, economic factors, cultural and normative factors, educational level, as well as policy and legal factors. Understanding the causes and primary factors of child abuse is important for designing policies to prevent child abuse.

Abuse against children can impact their emotional development. A child who is a victim of abuse tends to become withdrawn and has difficulty socializing. It's not uncommon for abused children to develop a negative self-image and subsequently struggle to regulate their emotions. Abused children also tend to have low self-esteem and may feel worthless. Child abuse also affects the mental health of these children. Furthermore, physical abuse can leave various scars that can decrease a child's self-confidence.

Various prevention efforts can be undertaken involving various parties. One prevention effort is to provide education and socialization about the signs of child abuse and the impact of child abuse. By doing this, it is hoped that parents can control themselves and refrain from violence against children. Additionally, it is hoped that parents and children can establish good two-way communication to prevent misunderstandings that could lead to child abuse.

Regarding legal protection for children who are victims of abuse and the punishment for perpetrators, it is regulated in various laws and articles within the Criminal Code (KUHP), namely: 1) Law Number 23 of 2002 concerning Child Protection; 2) Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection; 3) Law Number 11 of 2012 concerning the Juvenile Justice System; 4) Article 80 of the Criminal Code; 5) Article 81 of the Criminal Code; and 6) Article 82 of the Criminal Code.

ADVANCED RESEARCH

In writing this article the researcher realizes that there are still many shortcomings in terms of language, writing, and form of presentation considering the limited knowledge and abilities of the researchers themselves. Therefore, for the perfection of the article, the researcher expects constructive criticism and suggestions from various parties.

REFERENCES

- Adhi, Irawan Sapto. 2020. kompas.com. Maret 8. Diakses pada April 18, 2024.
- Anda, M.K., & Cohen, J.G. (2019). "Parental training and the prevention of child abuse: Evidence and policy implications." *Child and Adolescent Social Work Journal*, 35(1), 85-98.
- Forum anak kota bogor. 2022. forumanak.id. April 24. Diakses pada April 18, 2024. <https://forumanak.id/kegiatanView/pnz8y33qw6>.
- Gilbert, R., et al. (2009). Child maltreatment 1: Burden and consequences of child maltreatment in high-income countries. *Lancet*, 373(9657), 68-81.
- Habib, Tamyzul. 2021. akurat.co. Desember 3. Diakses pada April 17, 2024. <https://www.akurat.co/daerah/1302329377/5-Kasus-Kekerasan-pada-Anak- Paling-Menghebohkan-Ada-yang-Jasadnya-Disemen>.
- Hosnah, A. U. (2021). *Karakteristik Ilmu Hukum Dan Metode Penelitian Hukum Normatif*. Asmak UI Hosnah.
- Indonesia. Undang-Undang Nomor 11 Tahun 2012 tentang Sistem Peradilan Pidana Anak
- Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak
- Undang-Undang tentang Perubahan Atas Undang-Undang Nomor 23 Tahun 2002 tentang Perlindungan Anak.
- Jayanti, Dian Dwi. 2022. hukumonline.com. Desember 16. Diakses pada April 17, 2024. <https://www.hukumonline.com/klinik/a/perbedaan-pasal-penganiayaan-ringan-dan-penganiayaan-berat-lt5428dd5e1e339/>.
- Karang, I. G.N.A.B., Sughiarta, I.N.G., & Suryani, L. P. (2021). Perlindungan Hukum Terhadap Anak Korban Tindak Pidana Kekerasan (Child Abuse) di Indonesia. *Jurnal Analogi Hukum*. 3 (3). 350-354.
- Nyoman Wiraadi Tria Ariani, Komang Suwarni Asih. 2022. "Dampak Kekerasan Pada Anak." *Jurnal Psikologi, MANDALA* 70-72.

Sintia Husain, Lisnawaty W. Badu, Melisa Towadi. 2020. "Ratio Decidendi Judge's Decision In Deciding The Crime of Persecution." *Estudiante Law Journal* 242.

Smith, J.D., & Whitaker, D.J. (2020). "Family support programs and prevention of child abuse: Evaluating the efficacy of multifaceted interventions." *Journal of Family Psychology*, 34(2), 160-170.

Wahyuni, Willa. 2023. hukumonline.com. Oktober 9. Diakses pada April 17, 2024. <https://www.hukumonline.com/berita/a/akibat-hukum-penganiayaan-berat-yang-sebabkan-kematian-lt6523a44cc1f51/#!>

Widom, C. S., Czaja, S., & Dutton, M. A. (2008). Childhood victimization and lifetime revictimization. *Child Abuse & Neglect*, 32(8), 785-796.

Yankes Kemkes. 2023. yankes.kemkes. Desember 19. Diakses pada April 17, 2024. https://yankes.kemkes.go.id/view_artikel/3034/pencegahan-kekerasan-pada-anak