

Analysis Of the Role of Kpai to Protect Violence Against Children

Ansori Maulana¹, Lidya Rahmadhani Hasibuan²

Faculty Of Social Science Legal Science Program, Unviersitas Pembangunan Panca Budi

Email: ansorimaulana0@gmail.com, lidya.hsb@gmail.com

ABSTRACT

KPAI is a state institution whose special task is to supervise the implementation of child protection in Indonesia, which is an obligation that must be upheld and implemented by the laws of the Republic of Indonesia. Violence is a mere behavior carried out by someone against another person to cause psychological or physical harm or injury. Punishment is not only expected to provide a deterrent sanction against the perpetrator. This research uses a normative juridical approach because the author only studies and analyzes based on previously existing cases obtained either from books, journals, or online media which are then analyzed according to the data. This writing focuses on legal protection for children in cases of violence in Indonesia. We as a society or parents must protect children from perpetrators who are victims of violence. The perpetrator always has a way to commit a crime. If the perpetrator of a crime of violence is caught, punish the perpetrator as harshly as possible, and for victims who experience violence, here too the victim also experiences mental pressure and severe trauma. You also have to help with treatment so that the child becomes confident again and can carry out the activities they normally do. Violence perpetrated against a child has several impacts, such as the child becoming disturbed in his/her education, the child becoming aggressive and even dying due to the physical damage experienced by the child. To reduce the level of violence against children, it is necessary to raise the age limit for marriage for children. Because the ideal marriage age for women is 21 years and for men 24 years, the data was obtained from the BKKBN campaign so that families grow up.

Keywords:

Kpai, Violence, Child Protection.

1. Introduction

PAI is a state institution specifically tasked with supervising the implementation of child protection in Indonesia. The Indonesian Child Protection Commission, abbreviated as KPAI, is an Indonesian independent institution formed based on Law Number 23 of 2002 concerning Child Protection as amended by Law Number 35 of 2014 in order to increase the effectiveness of implementing child

protection.¹ In this presidential decree, what is meant by the Indonesian child protection commission ranges from physical, psychological, sexual violence, neglect, exploitation to other forms of violence.

The Indonesian Child Protection Commission is tasked with:

1. Supervise the implementation of protection and fulfillment of children's rights - provide input and suggestions in formulating policies regarding the implementation of child protection.
2. Collect data and information regarding child protection.
3. Receive and review public complaints regarding violations of children's rights.
4. Mediating disputes over violations of children's rights.
5. Collaborate with institutions established by the community in the field of child protection.
6. Provide reports to the authorities regarding suspected violations of this law.²

Protection of children is not only the responsibility of a particular country and nation. The international world, in this case the United Nations (UN), sees that responsibility for child protection is also the responsibility of every nation and state. As explained in the 1989 United Nations convention on children's rights, there are 10 rights that must be given to our children, including:

1. The right to play.
2. The right to education.
3. The right to obtain protection.
4. The right to a name.
5. The right to obtain national status.
6. The right to get food.
7. The right to access health care.
8. The right to recreation.
9. The right to equality.
10. The right to have a role in development.³

The rights of children who commit criminal acts and KPAI have duties including socialization and mediation. Children as perpetrators and children as victims are treated equally in fulfilling their rights. These children's rights can be said to be human rights. However, there are exceptions or differences between the rights of children and the rights of adults. Even if the child is in conflict with the law, his or her rights must still be fulfilled, even in a different form. For example, the right to education for a child who is a criminal is still being fought for and ensuring the fulfillment of this right, but in a different place. As a perpetrator of a crime, a child must still receive his rights and be given rehabilitation and education until he is truly ready to be in society again and not commit another crime.

Implementing child protection is an obligation that must be upheld and implemented in accordance with the Law of the Republic of Indonesia concerning child protection. This law was created with the aim of protecting children from crimes and acts of violence committed by people who do not have a

¹ Undang-undang (UU) Nomor 23 Tahun 2002 tentang Perlindungan Anak

² https://www.kpai.go.id/profil/tugas_kpai

³ <https://www.unicef.org/indonesia/id/konvensi-hak-anak-versi-anak-anak>

sense of humanity, as well as an effort to reduce various acts of violence experienced by children in all aspects. KPAI has a role in child protection efforts and protects every child, whether as a child or as a victim of violence. What must be known is that the rights of children, both girls and boys, are equally protected, in other words, this institution gives every child the opportunity to make changes, while in implementing the justice system and peace between children, victims and perpetrators in article 74 are explained. that: (1) in order to increase the effectiveness of monitoring the implementation of the fulfillment of children's rights, with this law an independent Indonesian child protection commission is established; (2) if necessary, the regional government can establish a regional child protection commission or other similar institution to support supervision of the implementation of child protection in the region.⁴

In general, according to experts, it is said that children are a gift from Almighty God that must be looked after, educated as a source of resources, children are priceless wealth. A child exists as a trust from God to be cared for, looked after and educated and in the future every parent will be asked to be responsible for the child's character and behavior while in the world. Literally, a child is a forerunner who will one day continue the generations of the family, nation and state. Children are also a human resource asset that can later help build the nation and state.⁵ Children are also the embryo of the birth of a new generation which is the successor to the ideals of the nation's struggle and human resources for national development. Children are national assets. The future of the nation and state in the future is in the hands of today's children. The better the child's personality now, the better the future life of the nation will be. Likewise, if the child's personality is bad, the life of the nation in the future will also be ruined.⁶

In general, people think that childhood is a long period in the life span. For children's lives, childhood is often considered never-ending, so they can't wait for the longed-for moment, namely recognition from society that they are no longer children but adults.⁷ Children are social creatures who need help from other people to develop their abilities, because children are born with all weaknesses so if there is no help from other people the child cannot reach a normal human level. During their development, children need love from those closest to them. Children also have their own thoughts, feelings and desires. This is one of the psychic totalities and is a characteristic that is different in each type of development during childhood.

According to Hurlock (1980), humans develop through several stages which take place sequentially, continuously and within a certain development tempo, continuously and within a certain development tempo and can be generally accepted. For more details on the stages of development, you can see the description: - pre-natal period: starting from conception at birth - term of the baby: one day-two weeks. – infancy: two weeks-one year. – childhood: – early childhood: 1 year-6 years, children born:

⁴ Undang-undang (UU) Nomor 23 Tahun 2002 tentang Perlindungan Anak pasal 74 / Abintoro Prakoso, 2016, Hukum Perlindungan Anak

⁵ www.idjoel.com/pengertian-anak-menurut-para-ahli/

⁶ Dellyana shanty, 2004, wanita dan anak dimata hukum, yogyakarta

⁷ <http://e-journal.uajy.ac.id/7143/1/JURNAL.pdf>



6 years-12/13 years. – adolescence: 12/13 years-21 years – adulthood: 21 years-40 years. – middle age: 40 years-60 years. – old age: 60 years- died.⁸

The role of the state must also be involved, as we know the state must also play a role in child protection and in accordance with the 1945 Constitution, article 1 paragraph 3, Indonesia is a country of law. 9 And the 1945 Constitution article 28 b paragraph 2 every child has the right to survival, growth and development as well as protection from violence and discrimination.

Violence is a mere behavior carried out by someone against another person with the aim of hurting or injuring them psychologically and physically. Criminal acts like this are often carried out against weak people such as children and women. But along with the development of time. In reality, in people's lives, it is not only children who are victims of violence and violence occurs because there are gaps and opportunities so that perpetrators of criminal acts carry out actions to commit crimes according to criminal law. Someone who commits a criminal act will receive punishment.⁹ Law enforcement agencies or authorized institutions should provide fair punishment for perpetrators of violent crimes so that the law is truly established and implemented fairly in people's lives. However, institutions that enforce the law must pay attention to more relevant considerations when making decisions when administering laws to criminal offenders who are still children. Because punishment is not only expected to provide deterrent sanctions against perpetrators who are still children so that they do not repeat their actions and to prevent other people from doing the same thing, but also must pay attention to children because it is explained in Law number 11 of 2012 which discusses the juvenile criminal justice system. : (1) investigators, public prosecutors and judges are obliged to provide special protection for children who are being investigated because of criminal acts committed in emergency situations. (2) special protection as intended in paragraph (1) is implemented through the imposition of sanctions without weighting.¹⁰ The protection obtained by victims of violence against children is divided into two, namely juridical protection and non-juridical protection. Protection that has a juridical nature is a protection that includes all legal regulations that can regulate the child's life. Meanwhile, non-juridical protection covers the health sector, education sector and social sector.¹¹

There are many cases of violence that occur in Indonesia, for example:

- a. Emotional violence such as being insulted, humiliated, not being expected to be born, not being loved, experiencing bullying.
- b. Physical violence such as being kicked, hit, strangled, smothered, threatened/attacked with a weapon.
- c. Sexual violence is divided into non-contact sexual violence such as seeing sexual violence/activities, being forced to engage in sexual activities and sending photos/videos/texts of

⁸ Elizabeth B. Hurlock, ,1980,Perkembangan anak dan Psikologi perkembangan ,Erlangga Jakarta

⁹ Joanne, 1985, "The Children of Divorce Intervention Program: An Investigation of the Efficacy of aSchool-Based Prevention Program", Journal of Consulting and Clinical Psychology, Vol 53 No. 5.

¹⁰ M. Nasir Djamil, 2013, Anak Bukan Untuk Dihukum dalam Catatan Pembahasan Sistem Peradilan Anak,Jakarta Sinar Grafika.

¹¹ Dirk John,2010, "Dampak Tindakan Kekerasan Terhadap Perempuan dan Anak Serta Solusinya", JurnalSasi, Vol 16 No. 3.



sexual activities, then there is contact sexual violence such as touching, being asked to have sex, being forced to have sex and having sex under pressure.

- d. Social violence is one example of child neglect. The definition of child neglect is the behavior of parents towards children who do not give them proper life or attention during the child's development.¹²

Data on Violence Cases in North Sumatra Based on North Sumatra Siga from Age: Levels of violence against children and women based on age in North Sumatra:

- a. Ages 0 to 5 years there are around 144 victims of violence.
- b. Ages 6 to 12 years there are around 332 victims of violence.
- c. Ages 13 to 17 years there are around 626 victims of violence.
- d. There are around 150 victims of violence aged 18 to 24 years.
- e. Between the ages of 25 and 44 years there are around 351 victims of violence.
- f. Ages 45 to 59 years there are around 56 victims of violence.
- g. Age 60+ years there are around 16 victims of violence.¹³

Based on data from the ministry of women's empowerment and child protection, there is 21,241 children will become victims of violence in 2022. This number includes violence both within the household and outside such as educational settings, the environment, and others.

KPAI recorded 2,355 cases of violations that were included as child violence reports until August 2023. Regarding the cases that occur, this data tends to increase every month, so it is necessary to get joint attention to reduce the number of child violence, especially in educational units, the educational environment must be safe and comfortable for children, so that children's growth and development can be maximized. For this reason, all parties need to intervene to overcome emergency situations of violence in educational units, both central and regional governments, families, communities, civil government officials down to RT/RW, educational units, including learners.

Based on the background of the problem taken:

1. What causes children to become victims of violence.
2. How to prevent children from becoming victims of violence.
3. What is the role of the Indonesian Child Protection Commission (KPAI) in handling violence against children so that children do not become victims of violence.

2. Research Methods

The approach method used in preparing this journal is normative juridical research (normative legal research method). The normative juridical research method is library legal research which is carried out by examining library materials or secondary data alone. By using a deductive thinking method (a way of

¹² Noviana, 2015, "Kekerasan Seksual Terhadap Anak: Dampak dan Penanganannya", Jurnal Sosio Informa, Vol 1 No. 1

¹³ <http://siga.sumutprov.go.id/media/data-kekerasan/list>

thinking in drawing conclusions drawn from something of a general nature which has been proven to be correct and the conclusion is aimed at something of a specific nature).

This research consists of binding library materials which are primary legal materials and secondary legal materials. Primary legal materials are: the 1945 Constitution (UUD), Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.

Analysis of the data that has been obtained is then analyzed using a qualitative analysis approach, namely by observing the data obtained and analyzing it based on pre-existing cases obtained either from books, journals or online media which are then analyzed according to the connecting data. each data obtained is provided with provisions that produce a conclusion.

This writing focuses on legal protection for children in cases of violence in Indonesia.

3. Results And Discussion

1. Causes of Violence Against Children

A. Factors from parents or family

Parents have a very important role if an act of violence occurs against a child. The factors that cause parents to commit acts of violence are:

1. Drunks who consume drugs
2. Experiencing mental disorders.
3. Raised violence. with
4. Immature physically and emotionally

B. Environmental Factors

Environmental factors can cause violence against children. The environment is factors and circumstances that can influence children's lives. Environmental factors that can cause acts of violence against children are:

1. There is an assumption that children belong to their parents.
2. Very low socio-economic conditions.
3. Poverty that exists in society.
4. The position of women is considered low.
5. Individualistic society.

C. Individual Factors

Individual factors usually occur due to deviant behavior towards the child and children experiencing developmental disorders such as having Parton's disease and Moore said that individual factors are the causal factors that often occur.

"Then violence against children has a very big impact, the following are the impacts experienced by children because of violence: getting violent acts."

1. Physical damage or disability.
2. Failure in the field of education.

3. Disturbances to children's psychology.
 4. Becomes a drunkard or can consume drugs.
 5. Aggressive.
 6. Death.
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2. Communication and creating openness in communication so that parents can know and detect early what their children are feeling. Apart from that, there is mutual respect and respect between parents and children so that a harmonious atmosphere is created in communication. Parents also need to have a supportive attitude towards their children in communicating so that the children are enthusiastic about telling stories, know right from wrong and increase the child's self-confidence.
 3. KPAI must carry out protection in any case that concerns children, counseling and socialization and mediation for children so that there is no violence against victims. Here we play a big role as parents and the community in order to protect children or victims so that there are no gaps for They are criminals and must be extra careful regarding violence in Indonesia.

We as a society or parents must protect children from perpetrators who are victims of violence. As we know, it is difficult for victims who experience violence to speak because there are threats that make the victim not dare to convey what they have experienced because they are afraid that the victim will complain about the violence they have experienced to their parents or The authorities, the victim will experience the same thing from the perpetrator and that is what causes the victim to sometimes experience depression and even mental disorders and some even commit suicide due to acts of violence. The perpetrator always has a way to commit crimes. From now on, children must be educated and nurtured as best as possible by Parents should not let children in a negative environment befriend criminals.

Parents as the main educators in the family need to know what and how a child is. Every child has its own uniqueness and strengths. Parents as the first and main educators of their children must of course provide good education and care. The education provided is in the form of values, beliefs, morals and knowledge. Apart from that, the function of educators in the family includes a biological function, an economic function, a function of love, an educational function, a protective function, a child socialization function, a recreational function, a family status function and a religious function.

If the perpetrator of a crime of violence is caught, punish the perpetrator as harshly as possible so as to deter the perpetrator with punishment and compensation for the victim who received violence. Here, the victim also experiences mental pressure and severe trauma so that the victim no longer dares to leave the house, go to school and meet with other people, the authorities involved in this case must help to treat them so that the child can regain their confidence and carry out their usual activities.

The protection obtained by victims of violence against children is divided into two, namely juridical protection and non-juridical protection. Protection that has a juridical nature is a protection that includes all legal regulations that can regulate the child's life. Meanwhile, non-juridical protection covers the health sector, education sector and social sector.

In reality, in people's lives, it is not only children who are victims of violence and violence occurs because there are gaps and opportunities so that perpetrators of criminal acts carry out actions to commit crimes according to criminal law. Someone who commits a criminal act will receive punishment. Law enforcement agencies or authorized institutions should provide punishment. justice for perpetrators of violent crimes so that the law is truly established and implemented fairly in people's lives.

The 1945 Constitution of the Republic of Indonesia (UUD 1945). In Article 1 paragraph 3 it is stated "Indonesia is a country of law."

The 1945 Constitution of the Republic of Indonesia (UUD 1945). In Article 28B paragraph (2) it is stated "Every child has the right to survival, growth and development and the right to protection from violence and discrimination".

Law of the Republic of Indonesia Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection "(1) The State, Government and Regional Government guarantee the protection, maintenance and welfare of Children by paying attention to the rights and obligations of Parents, Guardians , or other person who is legally responsible for children. (2) The State, Government and Regional Government supervise the implementation of Child Protection."

4. Conclusion

A criminal act is an act that violates the rules set by the government or referred to as law and criminal sanctions will be given to the perpetrator who commits the act and violence is an act that aims to physically or psychologically injure another person. As the era progresses, more and more crimes or criminal acts are emerging, for example criminal acts of violence against children. Currently, parents who have a role to protect children no longer have any meaning, even now parents are the perpetrators of acts of violence against their own children. There are several reasons why parents are no longer protective of their children, one of which is economic factors, disharmonious families and mental disorders experienced by parents. Violence perpetrated against children causes several impacts, such as children becoming disturbed in their education, children becoming aggressive and even dying due to physical damage experienced by the child. To reduce the level of violence against children, it is necessary to raise the age limit for marriage for children. Because the ideal marriage age for women is 21 years and for men 24 years, the data was obtained from the BKKBN campaign so that the family matures.

Suggestion

This KPAI institution equalizes the system for fulfilling the rights of every child by providing protection for both perpetrators and victims, both of whom must receive protection for their rights as children who need guidance and guidance as well as fulfilling the rights of children. It is clear that KPAI's active role provides every child with the opportunity to transform themselves into quality children who will be the successors of the nation's ideals. After all, it is taken into account that children are worthy and have the right to obtain their rights to survive. Thus, the active role of the Indonesian Child Protection Commission in efforts to protect children who are victims of violence is related to not being permitted to carry out various forms of violence against others, including children, protecting children's rights,

upholding the rights and dignity of children without having to differentiate between a person's class, race, ethnicity or even gender.

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