

Judicial Review of Child Violence Committed by Caregivers (Study on Aghnia Punjabi Case)

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ABSTRAK

Penelitian ini mengkaji tentang perlindungan hukum terhadap anak dari tindak kekerasan di Indonesia, dengan fokus pada implementasi Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak. Metodologi penelitian yang digunakan adalah pendekatan yuridis normatif dengan analisis data primer dan sekunder. Data primer meliputi undang-undang itu sendiri, peraturan pelaksanaannya, dan putusan pengadilan yang terkait dengan kasus kekerasan terhadap anak. Data sekunder terdiri dari artikel hukum, jurnal akademis, dan laporan Komisi Perlindungan Anak Indonesia (KPAI). Temuan penelitian menunjukkan bahwa UU No. 35 Tahun 2014 memberikan kerangka hukum yang komprehensif untuk melindungi anak dari berbagai bentuk kekerasan. Namun, implementasinya menghadapi tantangan dalam hal penegakan hukum yang konsisten, akses terhadap layanan sosial dan kesehatan mental yang memadai, serta perlunya peningkatan kesadaran masyarakat. Studi kasus seperti kasus Janna Amira Priyanka menggarisbawahi pentingnya meningkatkan perlindungan anak dari kekerasan. Rekomendasi dari penelitian ini mencakup peningkatan kapasitas lembaga penegak hukum, perluasan jaringan layanan sosial, pendidikan dan peningkatan kesadaran masyarakat tentang hak-hak anak, serta peningkatan koordinasi antar lembaga untuk meningkatkan perlindungan anak secara efektif di Indonesia.

ABSTRACT

This study examines the legal protection of children from violence in Indonesia, focusing on the implementation of Law Number 35 of 2014 concerning Child Protection. The research methodology employed is a normative juridical approach with analysis of primary and secondary data. Primary data includes the law itself, its implementing regulations, and court decisions related to child abuse cases. Secondary data comprises legal articles, academic journals, and reports from the Indonesian Commission on Child Protection (KPAI). The findings indicate that Law Number 35 of 2014 provides a comprehensive legal framework for protecting children from various forms of violence. However, its implementation faces challenges in terms of consistent law enforcement, access to adequate social and mental health services, and the need for increased public awareness. Case studies such as that of Janna Amira Priyanka underscore the urgency of improving child protection from violence. Recommendations from this research include enhancing the capacity of law enforcement agencies, expanding social service networks, educating and raising awareness among the public

about children's rights, and improving inter-agency coordination to effectively enhance child protection in Indonesia.

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1. INTRODUCTION

Human rights violations often occur in modern times due to advances in science and technology, globalization, and industrial development that have overshadowed compassion and respect for ethical, moral, and religious values. This makes people more susceptible to harming others for personal gain or specific goals. The significant developments in all aspects of societal life require rational and careful consideration so that modernization aimed at enhancing happiness and peace does not reverse course and potentially lead to increased crime (ERLY PANGESTUTI, 2020). The developments mentioned give rise to troubling societal issues, particularly concerning violence and abuse, with victims often being children. This phenomenon is known as violence against children, which is becoming increasingly common. Violence against children constitutes a violation of human rights (Somaliagustina & Sari, 2018). Children, as creations of the Almighty, have inherent rights from birth, ensuring that no individual or entity has the authority to infringe upon these rights.

Theoretically, child abuse, known as "kekerasan terhadap anak" in Indonesian, refers to physical, mental, or sexual mistreatment typically inflicted by individuals who are supposed to be responsible for the child's well-being (Mahmudi, 2019). All of these actions demonstrate harmful behavior that threatens the health and well-being of children. Any act intended to harm individuals or damage property is often considered an act of violence. Threats, insults, defamation, and continuous use of offensive language also fall into the category of violent acts (Erly pangestuti et al., 2023).

(Rianawati, 2015) Cases like the one involving the child influencer Aghnia Punjabi's daughter, Janna Amira Priyanka, allegedly being a victim of abuse by her caregiver, have captured significant public attention. This abuse case came to light through CCTV footage, which revealed moments of the alleged heinous acts of abuse suffered by Aghnia Punjabi's daughter. Acts of abuse not only endanger the individual victims but also have negative repercussions for others and society as a whole. Violence against children tends to cause trauma and leaves lasting impacts that disrupt their development, ultimately affecting their maturity in the future.

The Republic of Indonesia Law Number 35 of 2014, which amends Law Number 23 of 2002 concerning Child Protection, emphasizes that every child has the right to live, grow, develop, and participate fairly, in accordance with human dignity, as well as to be free from violence and discrimination (Ariani & Asih, 2022). Physical violence against children includes acts of torture,

beating, and abuse, whether using specific tools or not, resulting in physical injuries or even death in children. These injuries can range from scratches or bruises due to punches or blunt objects, such as bites, pinches, belt strikes, or cane marks. Additionally, they may involve burns from hot liquids or marks from cigarettes or irons. Typically, these injuries are found on body parts such as thighs, arms, mouth, cheeks, chest, abdomen, back, or buttocks (Andini, 2019).

According to Article 20 of Law No. 35 of 2014 concerning Child Protection, it states that the state, government, local government, and parents have obligations and responsibilities in implementing protection for children (Disemadi & Wardhana, 2021). Article 15 of Law No. 35 of 2014 asserts that every child has the right to be protected from political abuse, involvement in armed conflict, involvement in social unrest, involvement in incidents involving violence, involvement in wars, and sexual crimes (Suryani, 2021). Efforts are needed to understand various characteristics that could be causes of violence against children, so that children feel comfortable opening up when experiencing violence, whether it's physical, emotional, or sexual. This is aimed at preventing potentially harmful behaviors towards children and incidents of violence against them through appropriate preventive measures.

2. METHODS

This research uses a normative juridical approach. The study will examine Law Number 35 of 2014 concerning Child Protection as the primary basis, along with its implementing regulations such as government regulations and implementing regulations. Furthermore, court decisions related to cases of violence against children will be analyzed to understand the legal implementation of child protection in Indonesia. Secondary data in the form of legal articles, academic journals, and reports from the Indonesian Child Protection Commission (KPAI) will also be used to support this analysis.

3. RESULTS AND DISCUSSION

3.1 What Are The Factors That Lead To Criminal Acts Of Child Abuse?

The occurrence of criminal acts of child abuse is the result of various complex and interconnected factors (Ilyasa, 2022). Criminal acts of child abuse highlight the complexity and escalation of these violence cases, which have serious impacts on children. Environmental pressures, such as increasing economic stress or social tensions within society, also contribute to the rise in violence against children.

In addition, the evolution in laws and policies concerning child protection is relevant in understanding the impact of societal changes on these cases of violence (Nurhuda, 2024). Although efforts to protect children have been regulated by laws such as Law Number 35 of 2014 concerning Child Protection in Indonesia, its implementation and effectiveness still face significant challenges. Child abuse can occur due to various complex factors. One of the main causes is the inability of perpetrators to control their emotions or aggressive behavior towards children (Hidayat, 2021). Other factors that can lead to child abuse include:

1. Stress and Pressure: Perpetrators may experience severe stress or pressure from difficult life situations, such as financial problems, domestic conflicts, or excessive workloads. This stress can trigger abusive behavior towards children as an outlet for the tension they feel (Ardianti, 2022).

2. History of Violence: Perpetrators may have personal experiences with violence or abuse in the past, which can lead them to repeat harmful behavior patterns towards children[17].
3. Mental Health Disorders: Some perpetrators may experience undiagnosed or poorly managed mental health disorders such as bipolar disorder, depression, or personality disorders, which can affect their ability to control emotions and actions.
4. Parenting Limitations: Unpreparedness or lack of parenting skills can lead to increased frustration, raising the risk of child abuse. Parents or caregivers who lack adequate understanding of managing children's behavior positively may resort to harmful physical or verbal responses (Setiawan, 2014).
5. Lack of Knowledge and Awareness: Some perpetrators may not fully understand the negative impact of their behavior on children or may not even realize that their actions could be categorized as abuse.

It's important to remember that child abuse is a serious issue involving many factors. Preventing abuse requires a holistic approach, including education, social support, access to mental health services, and strong legal protection for children (Ariadi, 2024).

3.2 How Is The Legal Protection Of Children From Acts Of Violence As Set Forth In Law Number 35 Of 2014 Concerning Child Protection?

Law Number 35 of 2014 concerning Child Protection is a legal instrument that provides a comprehensive framework to protect children from various forms of violence (AL PARISY, 2024). This law not only regulates the basic rights of every child, such as the right to live, grow, develop, and participate in accordance with human dignity, but also emphasizes the need for violence prevention through education, public campaigns, and policies that support a safe environment for children. Another crucial aspect is regulating fair legal procedures in handling cases of violence against children (Fahlevi, 2015). This includes protection for victims, courts sensitive to the needs of children, and the implementation of strict sanctions against perpetrators of violence. Law Number 35 of 2014 not only provides protection for children who are victims of violence but also aims to prevent further violence.

Furthermore, this law regulates fair legal procedures in handling cases of violence against children, including protection for victims, child-sensitive judicial mechanisms, and strict sanctions for perpetrators of violence (Jamaludin, 2021). Special protection is provided to children involved in armed conflict or other conflict situations, taking into account their specific needs in dealing with trauma and security concerns (Rasiwan & SH, 2024).

Child protection institutions such as the Indonesian Child Protection Commission (KPAI) are also strengthened by this law to actively ensure the implementation of child protection at the national level (KOMISI, n.d.). Law Number 35 of 2014 is not just a legal document but also a crucial instrument in building a child protection system that is fair and humane (JOSUA RIVALDO HAMONANGAN, 2022).

Therefore, Law Number 35 of 2014 aims to create a safer and supportive environment for children, where their rights are respected, they are protected from all forms of violence, and they can grow and develop optimally in a just and humane society.

4. CONCLUSION

Conclusion of the discussion is that violence against children is a serious issue affecting their human rights. This phenomenon arises from various complex factors such as environmental pressures, parenting inadequacies, mental health disorders, and lack of awareness of the negative impacts of such behaviors. In Indonesia, Law Number 35 of 2014 concerning Child Protection serves as the primary legal foundation to protect children from violence. This law not only guarantees children's basic rights but also establishes strong legal protections against perpetrators of violence and strengthens the roles of institutions like the Indonesian Child Protection Commission (KPAI). Effective protection requires a holistic approach involving public education, social support, access to mental health services, and the implementation of policies that support a safe environment for children. Therefore, protecting children is not only the responsibility of individuals or families but also of the state and society as a whole to ensure that every child can grow and develop in a safe and supportive environment for their well-being.

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