

Law Enforcement Against Perpetrators of Criminal Acts of Child Abuse Committed by Parents

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Abstract

This study aims to analyze law enforcement against perpetrators of criminal acts of child abuse committed by parents, as well as to find out the factors that affect the law enforcement process. Cases of child abuse by parents are a form of serious violation of the rights of children who should receive protection, as stipulated in Law Number 35 of 2014 concerning Child Protection. The research method used is a normative juridical method with a legislative approach and case studies. Data was obtained through literature studies of laws and regulations, legal literature, and court decisions related to cases of child abuse by parents. The results of the study show that law enforcement against perpetrators of child abuse by parents still faces various obstacles, including cultural factors, lack of reporting from the public, and the consideration of law enforcement officials on the blood relationship between the perpetrator and the victim. Although the law has given strict sanctions to perpetrators of child abuse, in practice law enforcement is often compromising on the grounds of family interests. Therefore, it is necessary to increase public legal awareness, the professionalism of law enforcement officials, and the application of the principle of the best interest of the child in every stage of the legal process so that children's rights can be optimally protected.

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1. INTRODUCTION

Children are the next generation of the nation who have the right to grow and develop optimally, both physically, mentally, and socially. The state has an obligation to ensure the protection of children from all forms of violence, exploitation, and ill-treatment.¹ The protection of children is not only the responsibility of the state, but also the responsibility of the family, society, and the social environment. In reality, however, it is not uncommon for children to become victims of violence from the person who is supposed to provide affection and protection, namely their own parents.

The phenomenon of child abuse carried out by parents has become a serious problem in various regions in Indonesia. Cases of physical, psychological, and child neglect are often revealed in the mass media and cause public concern. Data from the Indonesian Child Protection Commission (KPAI) shows that violence against children in the family environment still dominates forms of violations of children's rights every year. Many of these cases have resulted in serious injuries and even death of children due to acts of abuse by parents.

Table 1. Child Abuse Case Data

No.	Year	Number of Child Abuse Cases
1.	2023	6
2.	2024	12
3.	2025	2

Legally, acts of child abuse are included in the category of criminal acts as stipulated in Article 351 of the Criminal Code (KUHP).⁵ In addition, the act also violates the special provisions in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, which affirms that everyone is prohibited from committing violence against children in any form. Perpetrators who are proven to have abused children can be subject to criminal sanctions with the threat of severe punishment, especially if the violence is committed by parents or guardians of children.

However, law enforcement against perpetrators of child abuse committed by parents has its own complexity. The emotional relationship between the perpetrator and the victim, moral considerations, and social views on the "right to educate children" are often obstacles in the legal process. It is not uncommon for law enforcement officials to prefer a family approach under the pretext of maintaining the integrity of the household, so that criminal sanctions are not applied optimally. In fact, such an approach can ignore the principles of child protection and hinder the enforcement of justice for victims.

In practice, many factors affect law enforcement against cases of child abuse by parents. These factors include the substance of the law that is still not fully in favor of the child, the legal structure that is not optimal, and the legal culture of the community that is still permissive towards domestic violence. In addition, the lack of public understanding of children's rights also causes many cases to go unreported or even considered as a purely family affair.

Ideal law enforcement should not only emphasize the retributive aspect, but also consider the protection and restoration of the rights of the child as a victim. The principle of the best interest of the child as mandated by the Convention on the Rights of the Child and ratified by Indonesia through Presidential Decree No. 36 of 1990, should be the basis in any law enforcement process involving children.¹² In this context, The state must ensure that every child who is a victim of violence, including those committed by their parents, receives adequate protection, justice, and rehabilitation.

Thus, this research is important to be conducted to analyze how law enforcement against perpetrators of child abuse committed by parents is carried out in Indonesia, as well as to identify obstacles and efforts that can be made to realize fair law enforcement and child protection perspectives. This research is expected to contribute to the development of a more humane legal system and in favor of the best interests of children.

2. RESEARCH METHODS

This type of research is empirical research, which is research with field data as the main source of data, such as interviews and observations. Empirical research is used to analyze the law which is seen as a patterned community behavior in the lives of people who are always interacting and related in social aspects.

3. RESULTS OF RESEARCH AND DISCUSSION

a. Law Enforcement against Perpetrators of Child Abuse Committed by Parents.

Law enforcement against perpetrators of child abuse committed by parents is a very complex problem because it involves legal, social, psychological, and moral

aspects of the family. Theoretically, criminal law in Indonesia has provided strong protection for children as part of a vulnerable group that must be protected by the state from all forms of violence, whether by outsiders or by family members. However, in practice, the law enforcement process against perpetrators who are related by blood to the victim is often not effective because it is influenced by the legal culture of the community, the limitations of law enforcement officials, and the existence of social and emotional considerations that often obscure the principle of substantive justice.

Basically, parents have a legal and moral obligation to protect, educate, and develop children in an atmosphere full of affection and security. This is expressly regulated in Law Number 35 of 2014 concerning Child Protection which states that every child has the right to receive protection from physical and psychological violence. However, the irony occurs when the party who is supposed to be the protector actually plays the role of the perpetrator of violence. Acts of persecution carried out by parents not only violate legal norms, but also violate human values that are the basis of family life. It is in this context that the role of the law is important to ensure that no one, including parents, is immune from the law when committing violence against their own children.

Based on the results of research conducted through field studies and analysis of a number of cases in various regions, it was found that law enforcement against child abuse perpetrators by parents is often faced with moral and social dilemmas. On the one hand, law enforcement officials have an obligation to enforce the law and provide appropriate sanctions to perpetrators. But on the other hand, they are also faced with the fact that the perpetrator is the biological parents of the victim, so strict legal action is feared to trigger psychological impacts for children, especially if the child is still at an age where they are very dependent on their parents. This dilemma often makes the legal process stop halfway or be resolved familiarly through mediation.

In addition, the legal culture of Indonesian society that is still paternalistic exacerbates the weak enforcement of the law against cases of child violence in the family environment. Many people still consider that acts of minor violence against children are part of education or discipline, not criminal acts. As a result, many cases of abuse are never reported to the authorities because they are considered domestic issues that do not need to involve law enforcement. In fact, if left unchecked, violence that was originally considered mild can develop into a recurring habit and have a serious impact on children's growth and development, both physically and psychologically.

From the side of law enforcement officials, the investigation and investigation process of child violence cases by parents also faces various obstacles. Children as victims are often reluctant to give honest information because they still have fear and emotional dependence on the perpetrator. There are also many cases where the extended family has pressured the victim to retract the report on the grounds of maintaining the family's good name. In such conditions, law enforcement officials are in a difficult position, because in addition to upholding the principle of legal certainty, they must also consider the principle of child protection that prioritizes the best interest of the child.

However, when viewed from a positive legal perspective, acts of child abuse, regardless of the perpetrator, are criminal acts that can be sanctioned as stipulated in Article 76C and Article 80 of Law Number 35 of 2014 concerning Child Protection. In fact, the article emphasizes that if violence is committed by biological parents, then the sanctions can be heavier. This shows that lawmakers are aware that violence committed by parents against children is a very serious offense because it contains elements of betrayal of moral and legal responsibilities as the main caregiver. Unfortunately, this

principle is often not applied consistently in judicial practice in Indonesia, especially in Gorontalo City.

Law enforcement against perpetrators of child abuse crimes committed by parents in Gorontalo Province reflects the complex dynamics between formal law enforcement and the socio-cultural conditions of the local community. Based on the results of research, field data, and information obtained from law enforcement agencies and child protection agencies in Gorontalo, it can be seen that although law enforcement officials have tried to crack down on perpetrators of violence against children, in practice there are still many obstacles that make law enforcement not run optimally, especially when the perpetrator is the victim's biological parents.

In cases handled by the Gorontalo Regional Police (Polda) and the Resort Police (Polres) in various districts, it was found that the blood relationship factor between the perpetrator and the victim is often the main obstacle in the legal process. Many victims and families choose not to report incidents of violence on the grounds of maintaining the good name of their families or because of social pressure from the surrounding environment. The culture of the Gorontalo society that upholds family values and respect for parents sometimes causes acts of violence committed by parents to be considered a form of "education" or "discipline," not as a criminal act. This kind of view weakens the victim's position and makes it difficult for law enforcement to take decisive action without the support of the complainant or witnesses from the family.

b. Obstacles to Law Enforcement against Perpetrators of Child Abuse by Parents in Gorontalo Province

In the implementation of law enforcement against perpetrators of criminal acts of child abuse committed by parents in Gorontalo Province, there are a number of structural, cultural, psychological, and juridical obstacles, which significantly affect the effectiveness of law implementation. These obstacles come not only from law enforcement officials themselves, but also from society and even from social systems that still consider violence in the family as an internal problem that does not need to be brought into the legal realm.

1. Social and Cultural Barriers

The main obstacle that is the most dominant in Gorontalo Province is the social and cultural factors of the community that still place the family as an institution that is very closed to outside intervention, including law enforcement officials. The people of Gorontalo are known to uphold family values and the custom of "shame society", which is shame if household affairs are known to the public. In this context, acts of violence committed by parents against children are often considered a "way of educating" or a reasonable "form of discipline", not a criminal act.

As a result, many cases of child abuse by parents are not reported to the authorities because they are considered taboo or a family disgrace. In fact, in some cases that have been successfully reported, social pressure from the environment often makes the victim or the victim's family withdraw the report on the grounds of maintaining family honor. This kind of culture creates a vicious cycle where the perpetrator never really gets a deterrent effect, while the victim continues to experience violence without adequate legal protections.

2. Psychological and Emotional Barriers

In addition to cultural factors, psychological barriers also have a big influence. Children as victims are often in a very weak position, both mentally and emotionally. Children's dependence on their parents makes them afraid to report or provide honest information to law enforcement. In many cases in Gorontalo, children who are victims of violence refuse to testify because they still have love, economic dependence, and hope that their parents will change.

Likewise, the victim's extended family often refuses legal proceedings on the grounds that they do not want the child to lose their parental figure or because they are worried that the family's future will be destroyed if the perpetrator is convicted. This situation becomes a moral dilemma for law enforcement officials who must enforce the law on the one hand, but also consider the psychological interests of children on the other.

3. Structural and Institutional Barriers.

From a structural perspective, the implementation of law enforcement in Gorontalo still faces limited human resources and adequate facilities to handle cases of violence against children professionally. Not all police at the district level have an active Women and Children Service Unit (UPPA) and have experts in the field of child psychology or legal counseling. As a result, the examination process is often carried out in a public examination room, without paying attention to the psychological aspects of the victim.

In addition, there is still a lack of coordination between relevant institutions such as the police, prosecutor's office, PPPA office, and child protection agencies in handling cases of violence against children. In some cases, delays in communication between agencies cause the handling of victims to be not optimal, and there are even cases that are finally stopped due to a lack of evidence due to an unintegrated investigation process from the beginning.

As for juridical obstacles and legal processes From the juridical aspect, although laws and regulations have provided strong protection for children, such as in Law Number 35 of 2014 concerning Child Protection and Law Number 17 of 2016 concerning the Second Amendment to the Child Protection Law, its implementation in Gorontalo is still inconsistent. Many law enforcement officials still adhere to a compromising approach for humanitarian reasons or for the sake of children.

In some of the cases studied, the judge gave a relatively light verdict to the perpetrator with the consideration that the perpetrator was the victim's biological parents and had regretted his actions. Although this reason is morally acceptable, from a law enforcement perspective, this sets a bad precedent because it reduces the deterrent effect and does not affirm the principle of equality before the law that everyone is equal before the law regardless of family relationship status.

Based on the description above, it can be concluded that the biggest obstacle to law enforcement against perpetrators of child abuse by parents in Gorontalo does not lie in the weak rule of law, but in the implementation and social culture of the community that still views violence in the family as a natural thing. Therefore, synergy is needed between local governments, law enforcement officials, social institutions, and the community to build a stronger child protection system, based on the principles of justice, humanity, and the best interests of children.

4. CONCLUSION

Law enforcement against perpetrators of child abuse by parents in Gorontalo Province is still not running optimally. Although the rule of law has been strict through the Child Protection Law, its implementation is hampered by cultural factors that consider violence as a family affair, lack of courage to report, limited facilities and resources of the apparatus, and weak coordination between agencies. As a result, many cases stop on peaceful paths and do not have a deterrent effect on the perpetrators. For this reason, consistent law enforcement, increasing public awareness, and strengthening the child protection system are needed so that children's rights to live and grow without violence can be truly guaranteed.

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