

# **Increasing Legal Awareness of Child Neglect Crimes by Parents with Increased Legal Awareness**

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## **Abstract:**

Law enforcement against the phenomenon of child neglect by parents is a complex problem. Awareness and obedience to the law can be used as a strategy for minimizing child neglect. As a solution in creating the next generation of the nation with superior character and producing quality and moral human resources. The core of the problem carried out in this study is first, identifying the phenomenon of child neglect in Bone Regency, and second, identifying law enforcement efforts against the crime of child abuse by increasing legal awareness. The research methods used are normative juridical and empirical juridical. The results of the study show that neglect of children in Bone Regency is in the form of physical,

educational, emotional, and medical neglect caused by the weak influence of the synergy of substance, structure, and culture by Lawrence Friedman's law enforcement theory. Preventive law enforcement efforts for child neglect are carried out by regulations, but repressive efforts from law enforcement are still constrained by public legal awareness of the crime of child neglect. Repressive efforts need strategies to support law enforcement of child neglect crimes by parents in the form of the concept of post-responsibility to realize child protection.

Penegakan hukum terhadap fenomena penelantaran anak oleh orang tuanya menjadi suatu permasalahan yang kompleks. Kesadaran dan ketaatan hukum bisa dijadikan sebagai strategi dalam meminimalisir penelantaran anak. Sebagai solusi dalam menciptakan generasi penerus bangsa yang berkarakter unggul dan menghasilkan sumber daya manusia yang berkualitas dan berakhlak. Inti problem yang dilakukan dalam penelitian ini adalah pertama, mengidentifikasi fenomena penelantaran anak di Kabupaten Bone, dan kedua, mengidentifikasi upaya penegakan hukum terhadap tindak pidana penelantaran anak dengan peningkatan kesadaran hukum. Metode penelitian yang digunakan adalah yuridis normatif dan yuridis empiris. Hasil penelitian menunjukkan bahwa penelantaran terhadap anak di Kabupaten Bone berupa penelantaran fisik, Pendidikan, emosi dan medis yang disebabkan oleh pengaruh lemahnya sinergitas substansi, struktur dan kultur sesuai dengan teori penegakan hukum Lawrence Friedman. Upaya penegakan hukum penelantaran anak secara preventif berjalan sesuai dengan peraturan, namun upaya represif dari penegakan hukumnya masih terkendala kesadaran hukum masyarakat akan tindak pidana penelantaran anak. Upaya represif butuh strategi untuk mendukung *law enforcement* tindak pidana penelantaran anak oleh orang tua berupa konsep *pascta responsibility* untuk mewujudkan perlindungan anak.

**Keywords:** *Criminal; child neglect; legal awareness.*

## **Introduction**

Children's rights are part of human rights in the 1945 Constitution of the Republic of Indonesia and the United Nations Convention on the Rights of the Child.<sup>1</sup> Seen from the perspective of the life of the nation and state, children are the heirs and at the same time the portrait of the nation's future in the future. The

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<sup>1</sup>Liza Shahnaz, and Zainal Abidin Muhja, "The Rights of Children on the Move in Indonesia: Implementation and Challenges." *Malaysian Journal of Law & Society* vol. 30 (2022), p. 99-110.

next generation of the nation's ideals, so that every child has the right to survival, growth, development, participation, civil rights, and freedoms.<sup>2</sup>

Child protection referred to in this case is all forms of activities in ensuring the human rights of children so that they can live, develop participate, and be free from all forms of discriminatory treatment.<sup>3</sup> The family is a place where children receive maintenance and assistance as a natural environment for their growth and well-being.<sup>4</sup> So that children can carry out their responsibilities in society. Children should be treated well in a happy, affectionate, and understanding family environment, and then prepared to face private life in society and raised in an atmosphere of peace, tolerance, and independence.<sup>5</sup>

In addition to children's rights, in their lives, there is still a need for responsibility from parents to children so that children's rights can run well.<sup>6</sup> Parents' responsibility towards children is a manifestation of the rights that children have, if parents can play the role as expected in the regulations and parental affection for children, then children's lives in society will later become children who benefit the family, the surrounding environment and the country in general.<sup>7</sup>

Violence against children has become the center of attention of the government recently, many cases have occurred in Indonesia and not a few of these cases are in the form of child abuse. What is meant by child neglect is an act of not caring for or nurturing, not providing food, clothing, shelter, or affection from both parents for a child. A child can be said to be abandoned if the child does not get the fulfillment of his basic needs reasonably, both spiritually, physically, and socially, the child who is said to be abandoned is not caused because one of the child's parents is gone.<sup>8</sup>

Legal behavior in society that views parental neglect of their children as a

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<sup>2</sup>Andi Alam, M. Fauzan, *Hukum Pengangkatan Anak Perspektif Islam*. (Jakarta: Kencana, 2008).

<sup>3</sup>Sofia Sahlberg, Katarina Karlsson, and Laura Darcy, "Children's rights as law in Sweden—every health-care encounter needs to meet the child's needs." *Health Expectations* vol. 23, no. 4 (2020), p. 860-869.

<sup>4</sup>Alan J. Dettlaff, and Reiko Boyd, "Racial disproportionality and disparities in the child welfare system: Why do they exist, and what can be done to address them?." *The ANNALS of the American Academy of Political and Social Science* vol. 692, no. 1 (2020), p. 253-274.

<sup>5</sup>Darwan Prinst, *Hukum Anak di Indonesia*. (Bandung: PT. Citra Aditya Bakti, 1997).

<sup>6</sup>Asgeir Falch-Eriksen, Karmen Toros, Ingrid Sindi, and Rafaela Lehtme, "Children Expressing Their Views in Child Protection Casework: Current Research and Their Rights Going Forward." *Child & Family Social Work* vol. 26, no. 3 (2021), p. 485-497. <https://doi.org/10.1111/cfs.12831>.

<sup>7</sup>Gatot Supramono, *Hukum Acara Pengadilan Anak*. (Jakarta: Djambatan, 2005).

<sup>8</sup>Irma Soemitro, *Aspek Hukum Perlindungan Anak*. (Jakarta: Bumi Aksara, 1990).

normal thing so many parents have unknowingly neglected their children.<sup>9</sup> This is due to the weak legal system consisting of Structure, Substance, and Culture components that cannot cooperate in the implementation of legal protection for children.<sup>10</sup> In Ardiansyah's research related to handling child neglect, the role of the State, Government, and Regional Governments must be increased. The phenomenon of child neglect, which often occurs, should be the government's concern to find strategies to increase public awareness of child neglect cases that are legally regulated in positive law in Indonesia.<sup>11</sup>

Parents should not treat their children arbitrarily, for this reason, the legal rules regulate responsibility for criminal acts committed by parents who abandon children, abandoned children have the same rights as other children so there is no reason for the community not to accept it wholeheartedly. Children should be able to grow and develop into physically and spiritually healthy human beings, intelligent, happy, morally high, and commendable because in the future they are assets that will determine the quality of the nation's civilization.<sup>12</sup>

According to Barda Nawawi Arief, legal protection for children is an effort to protect the law against various freedoms and human rights as well as interests related to the welfare of children.<sup>13</sup> Child protection is a joint activity that aims to secure, procure, and fulfill the spiritual and physical welfare of children by their needs and human rights.<sup>14</sup>

There is no right word other than to say that child protection is the most important thing in building the greatest investment of a nation's civilization.<sup>15</sup>

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<sup>9</sup>Richard A. Warshak, "Risks and realities of working with alienated children." *Family Court Review* vol. 58, no. 2 (2020), p. 432-455.

<sup>10</sup>Dedy Sumardi, Ratno Lukito, and Moch Nur Ichwan, "Legal pluralism within the space of Sharia: Interlegality of criminal law traditions in Aceh, Indonesia." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* vol. 5, no. 1 (2021), p. 426-449. Anis Widyawati, Pujiyono Pujiyono, Nur Rochaeti, Genjie Ompoy, and Nurul Natasha Binti Muhammad Zaki. "Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions". *Lex Scientia Law Review* vol. 6, no. 2 (2022), p. 327-358. <https://doi.org/10.15294/lesrev.v6i2.58131>.

<sup>11</sup>Ardiansyah Ardiansyah, and Ferdricka Nggeboe. "Kajian Yuridis Penelantaran Anak Oleh Orang Tua Menurut Perspektif Hukum Indonesia." *Legalitas: Jurnal Hukum* vol. 10, no. 1 (2019), p. 146-174.

<sup>12</sup>Alfian Qodri Azizi, Ali Imron, and Bagas Heradhyaksa, "Fulfillment of civil rights of extramarital children and its effect on social dimensions." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* vol. 20, no. 2 (2020), p. 235-252.

<sup>13</sup>Barda Arief, *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*. (Bandung: Citra Aditya Bakti, 2001).

<sup>14</sup>Arif Gosita, *Masalah Korban Kejahatan*. (Jakarta: PT Bhuana Ilmu Populer, 2004).

<sup>15</sup>Göran Therborn, "States, nations, and civilizations." *Fudan Journal of the Humanities and Social Sciences* vol. 14, no. 2 (2021), p. 225-242.

Because if the phenomenon of various forms of violence continues to befall children, it is not impossible that when they reach adulthood, they will become the biggest contributors to crime in a country.<sup>16</sup> Child protection according to regulations is also enshrined in Law No. 23 of 2002 concerning Child Protection, that all activities to guarantee and protect children and their rights so that they can live, grow, develop, and participate, optimally by the dignity and dignity of humanity, and receive protection from violence and discrimination.

Abandoned children as stated in Article 1 Number 6 of Law Number 35 of 2014 concerning Child Protection, that Abandoned Children are children whose needs are not met reasonably, both physically, mentally, spiritually, and socially. In various studies on violations of children's rights, cases of child neglect are included in the category of child abuse, theoretically, reasoning is an act either intentionally or unintentionally allowing children not to meet their basic needs (clothing, food, board). Neglect of children does not recognize the reason for motivation/intention. Whether intentional or not, if a child is left without food, a proper place to live, and proper clothing to protect him from various diseases and dangers, then this incident is said to be neglect and sanctioned.<sup>17</sup>

The phenomenon of child neglect which tends to be understood by the community results in the neglect of children's rights.<sup>18</sup> The government's efforts through the implementation of positive laws that have been enforced so far should be able to overcome child neglect by their parents. However, the government's efforts seem to be a promise of black on white. The crime of child neglect in Bone Regency is still rolling endlessly. Therefore, continuous efforts are needed to ensure law enforcement against the crime of child neglect by parents, in the form of the concept of an agreement or contract for prospective parents.

This concept can be the basis for parents' accountability for their children in the future. This effort can be a strategy to prevent and overcome the occurrence of child neglect crimes. For this reason, this study will identify the phenomenon of child neglect in Bone Regency; and identify law enforcement efforts against child abuse crimes by increasing legal awareness through the Bone Regency Women's Empowerment and Child Protection Office.

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<sup>16</sup>Majda Muhtaj, *Dimensi-Dimensi HAM: Mengurai Hak Ekonomi, Sosial, dan Budaya* (Jakarta: PT. Raja Grafindo Persada, 2013).

<sup>17</sup>Bagong Suyanto, *Masalah Sosial Anak*. (Jakarta: Prenada Media Group, 2016).

<sup>18</sup>Cecilie Sudland, and Cecilie Basberg Neumann, "Should we take their children? Caseworkers' negotiations of 'good enough' care for children living with high-conflict parents." *European Journal of Social Work* vol. 24, no. 4 (2021), p. 683-695.

## Method

In this field research, the author uses normative juridical and empirical juridical approaches. The normative juridical approach is based on the main legal material by examining theories, concepts, legal principles, and laws and regulations related to this research. The empirical juridical approach is research by going directly into the field of the research object to collect primary data obtained directly from the research object through observation and interviews with respondents or related resource persons.

## Discussion

### Forms of Child Neglect

Child neglect is one of the worst forms of treatment and acts of violence experienced by children and this is a violation of human rights against children.<sup>19</sup> Guidance from parents and support from the community to introduce good deeds and bad/deviant deeds as well as the consequences of each of these actions to children is expected to shape the child's mentality and morals to be better so that the child can protect himself from negative environmental influences that may form bad behavior in the child. However, currently, there are still many parents who let their children who are still minors abandoned.<sup>20</sup> Even though he unknowingly violated the law that had been promulgated

Child neglect is the most common form of child abuse. A child may be left starving or dirty or without proper clothing, shelter, supervision, or health care. This can be dangerous for children and adolescents. This can have long-term effects on their physical and mental well-being. The forms of child neglect can be categorized as follows:

1. Physical neglect; This category is the most common case, for example, delays in seeking medical help, inadequate supervision, and the unavailability of a need for a sense of security in the family.
2. Neglect of education; Educational neglect occurs when children seem to receive an appropriate education even though the child cannot perform optimally. Over time, this can result in declining school achievement. There are even parents who allow their children to skip school.

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<sup>19</sup>Michael G. Wessells, and Kathleen Kostelny, "Understanding and ending violence against children: A holistic approach." *Peace and Conflict: Journal of Peace Psychology* vol. 27, no. 1 (2021), p. 3.

<sup>20</sup>Sarah A. Font, and Kathryn Maguire-Jack, "It's not "Just poverty": Educational, social, and economic functioning among young adults exposed to childhood neglect, abuse, and poverty." *Child Abuse & Neglect* vol. 101 (2020).

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3. Emotional abandonment; This happens when parents are unaware of the presence of their children when fighting with their partner or parents give different treatment and affection to their children.
4. Medical neglect; This happens because parents fail to provide medical services for their children even though they are financially adequate. In some cases of the elderly, the parents give traditional medicine first, if they have not recovered then return to the doctor's services.<sup>21</sup>

It was identified from the four types of neglect, and based on the report obtained from the DPA that the most dominant type of child neglect in Bone Regency is physical neglect. The Head of UPT PPA Bone Regency, Agung Rachmadi, S.Sos., M.M. said that only a small part of the cases of child neglect were included in the report, the rest were known through viral social media.<sup>22</sup>

Child neglect is one of the worst forms of treatment and acts of violence experienced by children and this is a violation of human rights against children. The form of legal protection by the State for children has been stated by the establishment of special laws for children, including Law Number 35 of 2014 concerning Child Protection and Law Number 11 of 2012 concerning the Juvenile Criminal Justice System. In addition to protection from the State, no less important is the role of parents and society in shaping children's mentality and morals. However, data related to child violence in terms of child neglect is still a never-ending problem.

Cases of child neglect were obtained at the Bone Regency Women's Empowerment and Child Protection Office by considering the background aspects. Data on the types of reports of several cases of violence against children, including cases of child neglect in 2022 and 2023:

Nu.	Case Type	Data Source						Total
		Unit PPA Polres Bone		Unit PPA DPPPA Bone		UPP		
		M	F	M	F	M	F	
1	Domestic violence							
	Physical					1		1
	Psychic			2	3			5
	Family Neglect		2		1			3
2	Persecution	29	7	1	1			38
3	Abuse			6	6			12
4	Promiscuity			11	11			22

<sup>21</sup> Esterina Fransi Rompas, "Pertanggungjawaban Pidana Terhadap Pelaku Penelantaran Anak Menurut Uu No. 23 Tahun 2002 Jo Uu Ri No. 35 Tahun 2014 Tentang Perlindungan Anak." *Lex Administratum* vol. 5, no. 2 (2017).

<sup>22</sup> Agung Rachmadi, Kepala UPT PPA Kabupaten Bone. Wawancara, 2023.

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5	Custody of the child	1	1	2
6	Child Neglect	3	3	6
<b>Sum</b>				<b>89</b>

Recapitulation of Data on the Number of Victims of Violence Against Children in Bone Regency Based on Types of Violence in 2022

Nu.	Case Type	Data Source						Total
		Unit PPA Polres Bone		Unit PPA DPPPA Bone		UPP		
		M	F	M	F	M	F	
1	Domestic violence Psychic			2				2
	Family Neglect			10	2			12
2	Persecution			4	1			5
3	Rape				5			5
4	Abuse			1	12			13
5	Carrying a Child for Running				4			4
6	Promiscuity				5			5
7	Threats			1	4			5
8	Child Neglect			4	7			11
<b>Sum</b>								<b>62</b>

Data Recapitulation of the Number of Victims of Violence Against Children in Bone Regency Based on the Type of Violence in 2023

This data is reported data, one of which is the Women's Empowerment and Child Protection Office Unit, which received quite significant reporting from 2022 to 2023. However, Agung as the Head of UPPA said that the data was only reported data. Cases of unreported child neglect have become a phenomenon. Several cases of neglect are handled because they know information from the media that goes viral.<sup>23</sup>

One of them is a child who was abandoned by his parents due to financial incapacity, resulting in the child not going to school and being physically abandoned because he spent his time on the streets. UPPA in handling child neglect cases known through viral media, will make observations first. Regarding how the child's condition is, he then approaches his parents persuasively. Through this method, UPPA conducts negotiations to identify problems. Identification of the problem with the parents obtained information that there was an inability of parents to take care of their children because they did not have a fixed income and because their jobs were not permanent.

<sup>23</sup> Agung Rachmadi, Kepala UPT PPA Kabupaten Bone. Wawancara, 2023.

The public's lack of understanding that child neglect is a non-criminal act regulated in laws and regulations as a criminal act with a severe threat of punishment. This shows that the level of public awareness in dealing with the phenomenon of child neglect is still low. It was identified from several parents who were interrogated blamed their circumstances and living conditions, so that the fate of their children did not get clarity. The Women's Empowerment and Child Protection Office is looking for a solution so that the child can become a child of the state under the auspices of the Social Service. However, to be maintained by the state below also found obstacles because it is required that children who can be cared for by the state are children who do not have parents.

This phenomenon does not seem to find the best solution for children, the paradigm that the child can grow by itself becomes a paradigm that is accepted by some people. Because it seems as if parents will escape responsibility due to material inability. It is regulated in the child protection law that this is child neglect which in the regulation is a criminal act that is threatened with strict criminal sanctions. So the author views that a concept is needed to be able to bind parents' responsibilities to their children's lives.

### **Child Neglect Law Enforcement Efforts**

Law enforcement against the crime of child neglect can be carried out through increasing legal awareness using prevention and countermeasures.<sup>24</sup> Problems affected by public legal awareness must be dealt with intensively through:

#### **1. Preventive Efforts**

Based on Lawrence Friedman's theory of law enforcement, the enforceability of the law is influenced by substance. Based on existing regulations, the Bone Regency Women's Empowerment and Child Protection Office has made various preventive efforts such as assistance in the form of legal counseling and socialization of legal products. In identifying problems, from the results of discussions with parties who handle children's problems, the results of problem identification were obtained to reveal several root causes, including; (1) the most dominant is the cultural problem of the community who still considers cases of child neglect as ordinary (apathy); (2) according to the Head of UPT PPA Bone Regency that, the community is still not aware of child neglect cases; (3) financial

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<sup>24</sup>Muh. Rizal, Hambali Thalib, and Agussalim A. Gadjong, "Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Di Unit Pelayanan Perempuan Dan Anak Satuan Reserse Kriminal Kepolisian Resor Gowa." *Journal of Lex Philosophy (JLP)* vol. 4, no. 1 (2023), p. 101-116.

factors or economic incapacity that cause many children to lose their rights.<sup>25</sup>

Public apathy must be overcome by increasing their understanding through strengthening legal counseling assistance or socialization of legal products, both in the form of laws and local regulations. Especially in Bone Regency which has technically regulated matters related to child protection in Regional Regulations (PERDA).

This apathy can be caused by their low understanding of the crime of neglect. The public does not know that child neglect is a criminal offense. So the excuse for parents who abandon their children is the problem of material inability. While the parents are still in the capacity to work, they (parents) should not be justified in abandoning their children due to financial incapacity. The principle of legal protection is that children must get a place where they will get their rights as children, especially from their parents.

## 2. Repressive Efforts

In the form of criminal liability which must then be given by the perpetrator or parent who abandons his child as stated in the laws and regulations, namely Law Number 35 of 2014 concerning Child Protection and the Criminal Code, as follows:

### a. Law Number 35 of 2014 concerning Child Protection

Article 76B that Everyone is prohibited from placing, allowing, involving, or instructing a child to be involved in a situation of mistreatment and neglect.

- 1) Article 77B Every person who violates the provisions as intended in Article 76B, shall be sentenced to imprisonment for a maximum of 5 (five) years and/or a maximum fine of Rp100,000,000.00 (one hundred million rupiah).
- 2) Article 77 of Law Number 23 of 2002 concerning Child Protection, that Every person who deliberately commits an act:
  - a) discrimination against children that results in children experiencing losses, both material and moral, to hinder their social functions; or
  - b) neglect of children that causes children to experience illness or suffering, both physical, mental, and social,
  - c) sentenced to imprisonment for a maximum of 5 (five) years and/or a maximum fine of Rp 100,000,000.00 (one hundred million rupiah).<sup>26</sup>

### b. Criminal Code

- 1) Article 305 of the Criminal Code states that: "Whoever places a child who

<sup>25</sup>Agung Rachmadi, Kepala UPT PPA Kabupaten Bone. Wawancara, 2023.

<sup>26</sup>Republik Indonesia, Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak.

is not yet seven years old to be found or abandons the child to escape from him, is threatened with imprisonment for a maximum of five years and six months.”

- 2) Article 306 of the Criminal Code states; (1) if any of the acts under Article 305 results in serious injuries, the guilty person shall be threatened with imprisonment for a maximum of seven years and six months. (2) if resulting in death, imprisonment for a maximum of nine years.
- 3) Article 307 of the Criminal Code states that: "if the person who commits the crime under Article 305 is the father or mother of the child, then the penalty specified in Articles 305 and 306 may be increased by one-third”
- 4) Article 308 of the Criminal Code states that: "if a mother fears that people will know about the birth of her child, shortly after giving birth, puts her child to be found or abandons her to escape from her, then the maximum penalty in Articles 305 and 306 is reduced by half”.<sup>27</sup>

Based on the legal sanctions that can be given to perpetrators or parents who neglect the children above, when viewed from the perspective of Law Number 35 of 2014 concerning Child Protection, namely criminal sanctions of imprisonment for a maximum of 5 (five) years and then for the sanction of fines given at most 100,000,000 (one hundred million). Furthermore, from the perspective of the Criminal Code above, the prison penalty given to the perpetrator of child neglect is a maximum of 5 (five) years and 6 (six) months and the prison sentence will increase if the elements of the crime committed by the perpetrator are found to be aggravating elements such as causing serious injuries or even violence.

The criminal sanctions accommodated in the UUPA and Criminal Code are a strict reference that should be binding on child neglect, especially for the child's parents. These articles show that child neglect is a serious crime. So the sanctions regulated in the article should be more than enough to be the basis for law enforcement officials to handle child neglect. However, the articles containing the criminal sanctions became ineffective, as Laurence Friedman stated that "whether the rules are effective or not is influenced by culture.

Culture in Bone Regency is one of the major obstacles so the handling of child neglect still cannot be enforced with repressive efforts. The high culture of *Siri* (shame) in Bone Regency is a trigger that causes child neglect. Child neglect is considered normal and not a form of violation, let alone a criminal act. Viewing child neglect as a criminal act is taboo because reporting parents is contrary to traditional values. So that this child neglect has become a phenomenon that continues to occur like a snowball that continues to roll without resolution through law enforcement.

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<sup>27</sup> Republik Indonesia, Kitab Undang-Undang Hukum Pidana (KUHP)

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The following is data on victims of violence against children in Bone Regency from 2020 to 2022.

Number	Agency (Data Source)	Number of Victims of Violence Against Children								
		2022			2021			2020		
		M	F	Sum	M	F	Sum	M	F	Sum
1.	Unit PPA POLRES Bone	29	7	36	20	31	51	-	-	-
2.	UPT PPA DPA Bone Regency	2	25	27	3	13	16	3	16	19
3.	LPP Bone Regency Bone	-	3	3	-	-	-	-	-	-
<b>Sum</b>		31	35	66	23	44	67	3	16	19

Data Recapitulation of the Number of Victims of Violence Against Children in Bone Regency in 2020-2022.

The data is the number of recapitulations for the last three years related to cases of violence against children, including cases of child neglect. What is handled by DP3A is a report that requires follow-up by the Technical Implementation Unit for the Protection of Women and Children.

One of the things that the researcher is concerned about is how to bind the liability into the form of an agreement or contract. Departing from the existing construction in the ASN integrity pacta. The pacta binds ASN as a basis for carrying out the implementation of duties as state civil servants. From this constitution, it is quite natural that prospective parents who are going to get married, are required to enter into a contract in the form of an accountability agreement or pacta responsibility. The pacta can be the basis that binds the responsibility of parents in fulfilling their children's rights.

This pacta can also be a reinforcement of the responsibility of parents who commit neglect so that they can be criminally prosecuted based on the regulations that have been set. Considering the reform of the criminal law in the Criminal Code (Law No. 1 of 2023) which is still in a transition period. The construction of Pacra's responsibility can be supported by the types of basic criminal sanctions that are accommodated in the New Criminal Code Article 65, namely: prison sentences, cover-up crimes, supervision crimes, fines, and social work crimes. Based on the

decision of the Minister of Law and Human Rights that the regulation will be enforced in 2024, it will certainly be a breath of fresh air for the law enforcement system. Especially the crime of child neglect by their parents. With the existence of social work crimes, it can be adapted for parents who abandon their children due to material inability.

To realize the enforcement of the law on the crime of child neglect, synergy is needed to strengthen assistance for parents and prospective parents, with the hope of reducing the rate of child neglect and increasing public awareness of the phenomenon of child neglect. The issue of handling child neglect is the duty of all levels of society to be sensitive and responsive to the fulfillment of children's rights, as mandated in the law. For this reason, the synergy between DP3A and academics is one of the steps taken in strengthening and developing the phenomenon of child neglect.

### **Conclusion**

The forms of child neglect are physical neglect, educational neglect, emotional neglect, and medical neglect. The form of neglect that is rampant in Bone Regency is physical because of the culture inherent in the community that child neglect is considered a normal thing and is not a violation, let alone a crime. Child neglect is often triggered by inadequate supervision and the unavailability of a need for a sense of security in the family. The legal efforts that have been carried out are preventive in the form of socialization assistance and counseling at the sub-district levels related to the protection of children. Preventive efforts such as socialization and legal counseling to increase public awareness and legal compliance. Repressive efforts in the form of imposing criminal witnesses by regulations are still very difficult to implement due to community culture, apathy, and financial problems. So law enforcement related to child neglect still cannot be enforced optimally.

### **References**

- Alam, Andi, M. Fauzan. *Hukum Pengangkatan Anak Perspektif Islam*. Jakarta: Kencana, 2008.
- Ardiansyah, Ardiansyah, and Ferdricka Nggeboe. "Kajian Yuridis Penelantaran Anak Oleh Orang Tua Menurut Perspektif Hukum Indonesia." *Legalitas: Jurnal Hukum* vol. 10, no. 1 (2019): 146-174.
- Arief, Barda. *Beberapa Aspek Kebijakan Penegakan dan Pengembangan Hukum Pidana*. Bandung: Citra Aditya Bakti, 2001.

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DOI: 10.30863/al-bayyinah.v8i2.5483

- Azizi, Alfian Qodri, Ali Imron, and Bagas Heradhyaksa. "Fulfillment of civil rights of extramarital children and its effect on social dimensions." *Ijtihad: Jurnal Wacana Hukum Islam dan Kemanusiaan* vol. 20, no. 2 (2020): 235-252.
- Asiri, Hatija, and Andi Sugirman. "CHILDREN'S RIGHTS BEFORE THE LAW: A ROLE OF LOCAL GOVERNMENT IN THE CHILD PROTECTION SYSTEM." *Al-Bayyinah* 4.2 (2020): 243-260.
- Dettlaff, Alan J., and Reiko Boyd. "Racial disproportionality and disparities in the child welfare system: Why do they exist, and what can be done to address them?." *The ANNALS of the American Academy of Political and Social Science* vol. 692, no. 1 (2020): 253-274.
- Falch-Eriksen, Asgeir, Karmen Toros, Ingrid Sindi, and Rafaela Lehtme. "Children Expressing Their Views in Child Protection Casework: Current Research and Their Rights Going Forward." *Child & Family Social Work* vol. 26, no. 3 (2021): 485-497. <https://doi.org/10.1111/cfs.12831>.
- Font, Sarah A., and Kathryn Maguire-Jack. "It's not "Just poverty": Educational, social, and economic functioning among young adults exposed to childhood neglect, abuse, and poverty." *Child Abuse & Neglect* vol. 101 (2020): 104356.
- Gosita, Arif. *Masalah Korban Kejahatan*. Jakarta: PT Bhuana Ilmu Populer, 2004.
- Lisma, Lisma, and Roykhatun Nikmah. "Child Care and Protection in Perspective of Legislation, Human Rights and Islamic Law." *Al-Bayyinah* 5.1 (2021): 29-42.
- Muhtaj, Majda. *Dimensi-Dimensi HAM: Mengurai Hak Ekonomi, Sosial, dan Budaya*. Jakarta: PT. Raja Grafindo Persada, 2013.
- Nawawi, Jumriani. "Juridic Aspects of the Criminal Action of Child Neglect by Parents." *Al-Bayyinah* 6.1 (2022): 1-10.
- Prinst, Darwan. *Hukum Anak di Indonesia*. Bandung: PT. Citra Aditya Bakti, 1997.
- Rachmadi, Agung. Kepala UPT PPA Kabupaten Bone. Wawancara, 2023.
- Republik Indonesia, Kitab Undang-Undang Hukum Pidana (KUHP)
- Republik Indonesia, Undang-Undang Nomor 35 Tahun 2014 tentang Perlindungan Anak.
- Rizal, Muh, Hambali Thalib, and Agussalim A. Gadjong. "Perlindungan Hukum Terhadap Korban Kekerasan Dalam Rumah Tangga Di Unit Pelayanan Perempuan Dan Anak Satuan Reserse Kriminal Kepolisian Resor Gowa." *Journal of Lex Philosophy (JLP)* vol. 4, no. 1 (2023): 101-116.
- Rompas, Esterina Fransi. "Pertanggungjawaban Pidana Terhadap Pelaku Penelantaran Anak Menurut Uu No. 23 Tahun 2002 Jo Uu Ri No. 35

**Increasing Legal Awareness of Child Neglect Crimes by Parents ...**

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DOI: 10.30863/al-bayyinah.v8i2.5483

- Tahun 2014 Tentang Perlindungan Anak." *Lex Administratum* vol. 5, no. 2 (2017).
- Sahlberg, Sofia, Katarina Karlsson, and Laura Darcy. "Children's rights as law in Sweden—every health-care encounter needs to meet the child's needs." *Health Expectations* vol. 23, no. 4 (2020): 860-869.
- Shahnaz, Liza, and Zainal Abidin Muhja. "The Rights of Children on the Move in Indonesia: Implementation and Challenges." *Malaysian Journal of Law & Society* vol. 30 (2022): 99-110.
- Slack, Kristen S., and Lawrence M. Berger. "Who is and is not served by child protective services systems? Implications for a prevention infrastructure to reduce child maltreatment." *The ANNALS of the American Academy of Political and Social Science* vol. 692, no. 1 (2020): 182-202.
- Soemitro, Irma. *Aspek Hukum Perlindungan Anak*. Jakarta: Bumi Aksara, 1990.
- Sudland, Cecilie, and Cecilie Basberg Neumann. "Should we take their children? Caseworkers' negotiations of 'good enough' care for children living with high-conflict parents." *European Journal of Social Work* vol. 24, no. 4 (2021): 683-695.
- Sumardi, Dedy, Ratno Lukito, and Moch Nur Ichwan. "Legal pluralism within the space of Sharia: Interlegality of criminal law traditions in Aceh, Indonesia." *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam* vol. 5, no. 1 (2021): 426-449.
- Supramono, Gatot. *Hukum Acara Pengadilan Anak*. Jakarta: Djambatan, 2005.
- Suyanto, Bagong. *Masalah Sosial Anak*. Jakarta: Prenada Media Group, 2016.
- Therborn, Göran. "States, nations, and civilizations." *Fudan Journal of the Humanities and Social Sciences* vol. 14, no. 2 (2021): 225-242.
- Warshak, Richard A. "Risks and realities of working with alienated children." *Family Court Review* vol. 58, no. 2 (2020): 432-455.
- Wessells, Michael G., and Kathleen Kostelny. "Understanding and ending violence against children: A holistic approach." *Peace and Conflict: Journal of Peace Psychology* vol. 27, no. 1 (2021).
- Widyawati, Anis, Pujiyono Pujiyono, Nur Rochaeti, Genjie Ompoy, and Nurul Natasha Binti Muhammad Zaki. "Urgency of the Legal Structure Reformation for Law in Execution of Criminal Sanctions". *Lex Scientia Law Review* vol. 6, no. 2 (2022): 327-58. <https://doi.org/10.15294/lesrev.v6i2.58131>.