



LEGAL PROTECTION FOR CHILDREN

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Article Info	Abstract
Article History Received: 2025-05-05 Revised: 2025-05-06 Published: 2025-06-06 Keywords: <i>Legal Protection for Children</i>	The purpose of this study is to determine the forms of violence against children and the legal protection provided to children as victims of crime under Indonesian criminal law. Legal protection for children is a crucial issue that requires serious attention from various parties, including the government, society, and families. Children have fundamental rights that must be protected to ensure their proper growth and development. This paper discusses the concept of legal protection for children, the legal basis underlying child protection in Indonesia, as well as the challenges and solutions that can be implemented to improve legal protection for children.

I. INTRODUCTION

Child protection is all activities to guarantee and protect children and their rights. Their rights to live, grow, develop, and participate, optimally in accordance with human dignity and dignity, and receive protection from violence and discrimination. In addition to the responsibilities of the state, government and local governments, this law also provides a mandate, responsibility and obligation to the community, so that the community can no longer sit idly by and be indifferent in matters of child protection, among the obligations and responsibilities of the community include carrying out community participation activities in the implementation of child protection which is carried out by involving community organizations, academics, and child observers. According to Irma Soetyowati Soemitro, what is meant by children's rights is the right to special protection, opportunities and facilities that enable children to develop healthily and naturally in a free and beneficial state.

So in this case, community organizations, academics and child observers should go directly to the field to carry out prevention by providing a lot of education in terms of child protection, so that cases of crimes against children (especially sexual crimes) which have recently haunted us can be minimized. In addition to this law giving obligations and responsibilities to the state, government, local government and society, this law also gives obligations and responsibilities to

parents in terms of protecting children, caring for, maintaining, educating, and protecting children, growing children according to their abilities, talents, and interests, preventing marriage at a young age and providing character education and instilling moral values in children. Because in reality, parents are the ones closest to the child in their daily lives who directly monitor the physical and psychological growth of the child and monitor the child's daily interactions. In addition to the obligations and responsibilities as above, the state, government, and local governments also guarantee the protection, care, and welfare of children by paying attention to the rights and obligations of parents, guardians, or other people who are legally responsible for children, supervising the implementation of child protection, guaranteeing children to exercise their rights in expressing opinions according to the age and level of intelligence of the child, and the most important obligation and responsibility is to provide basic education of at least 9 (nine) years for all children and provide the widest possible opportunity for children to obtain education and provide free education costs or assistance or special services for children from underprivileged, abandoned children, and children who live in remote areas. Hopefully the great mandate given by this law can be carried out by the state, government and local governments in order to realize their responsibilities and

obligations towards children who are the nation's generation.

The definition of rights can be known and interpreted through several expert figures, including:

- a. Bernard Winscheid said that rights are a will that is equipped with power and which is given by legal order or the legal system to the person concerned.
- b. Lamarîre said that rights are permission for the person concerned to do something.
- c. Van Apeldoorm said that rights are a power that is regulated by law.

The parameters of popular support for those in power, when the vote count process is carried out, can be interpreted as something that is absolutely acquired within a person from the womb. Speaking of rights, of course, cannot be separated from obligations. The two are interconnected, giving rise to cause and effect in a given problem.

The obligations referred to here are what children can do for their parents, or vice versa, what parents can do for their children. Parents' obligations to their children play a primary role in providing child protection within the family. Emphasizing parents' obligations to children's rights and fulfilling them is crucial for their future and ensuring quality and guaranteed child well-being.

In raising and educating children, the first environment for children to grow and develop is their own parents. Therefore, parents as the first teachers in the family circle are very helpful in the process of forming a child's personality and character. With parents, children can adapt more easily to their environment to get to know the world around them and the social life in their environment. With the enactment of Law of the Republic of Indonesia Number 35 of 2014 Amendment to Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, it can help in fulfilling children's rights and can be used as a bridge as an effort to protect children from various threats that can hinder their growth and development. Such as: physical violence, sexual violence, neglect, lack of guidance or teaching from parents, lack of education, lack of affection from parents that results in children having bad relationships, and others.

Article 1 paragraph (1) of the Republic of Indonesia Law Number 35 of 2014 Amendment to the Republic of Indonesia Law Number 23 of 2002 concerning Child Protection explains that children who are not yet 18 years old are the responsibility

and obligation of parents to protect and care for them so that they can grow and develop properly. However, if there are no parents, or their whereabouts are unknown, or for some reason, they cannot carry out their obligations and responsibilities, then the obligations and responsibilities can be transferred to the family in accordance with the provisions of applicable laws and regulations. Child protection is implemented in accordance with existing laws and regulations in a rational, responsible and beneficial manner, effectively and efficiently.

Articles related to children's rights Article Number Article Article 4 "Every child has the right to live, grow, develop, and participate fairly in accordance with human dignity and honor, and to receive protection from violence and discrimination." Article 5 "Every child has the right to a name as a personal identity and citizenship status." Article 6 "Every child has the right to worship according to his/her religion, to think, and to express himself/herself according to his/her level of intelligence and age under the guidance of his/her parents or guardian." Article 7 (1) "Every child has the right to know his/her parents, to be raised, and cared for by his/her own parents." (2) "In the event that for any reason his/her parents cannot guarantee the child's growth and development, or the child is neglected, the child has the right to be cared for or adopted as a foster child or adopted child by another person in accordance with the provisions of applicable laws and regulations." Article 8 "Every child has the right to receive health services and social security in accordance with his/her physical, mental, spiritual, and social needs." "Every child has the right to receive education and teaching in order to develop his/her personality and level of intelligence in accordance with his/her interests and talents." Article 10 "Every child has the right to express and have their opinion heard, to receive, seek, and provide information according to their level of intelligence and age for their self-development in accordance with moral and decency values. Article 11 "Every child has the right to rest and use their free time, socialize with children of the same age, play, recreate, and be creative according to their interests, talents, and level of intelligence for their self-development." Article 12 "Every child with disabilities has the right to receive rehabilitation, social assistance, and maintenance of their social welfare." Article 13 "Every child, while in the care of their parents, guardians, or any other party responsible for their care, has the right to receive

protection from the following treatment: a. discrimination b. exploitation, both economic and sexual c. neglect d. cruelty, violence, and abuse e. injustice f. other mistreatment Article 14 (1) "Every child has the right to be cared for by his/her own parents, unless there are valid reasons and/or legal regulations that show that the separation is in the best interests of the child and is a final consideration." (2) In the event of separation as referred to in paragraph (1), the child still has the right: a) to meet directly and have regular personal contact with both parents b) to receive care, maintenance, education and protection for the growth and development process from both parents in accordance with his/her abilities, talents and interests c) to receive living expenses from both parents d) to receive other child rights Article 15 "Every child has the right to receive protection from:" a. abuse in political activities; b. involvement in armed conflict c. involvement in social unrest involvement in events containing elements of violence e. involvement in war f. sexual crimes Article 16 (1) "Every child has the right to receive protection from being the target of abuse, torture, or inhumane punishment." (2) "Every child has the right to obtain freedom in accordance with the law." (3) "The arrest, detention, or criminal imprisonment of a child shall only be carried out in accordance with applicable law and may only be carried out as a last resort." Article 17 (1) "Every child whose liberty is deprived has the right to:" a. receive humane treatment and be placed separately from adults b. receive legal aid or other assistance effectively in every stage of applicable legal proceedings c. defend themselves and obtain justice before an objective and impartial children's court in a closed session for the public (2) "Every child who is a victim or perpetrator of sexual violence or who is in conflict with the law has the right to confidentiality." Article 18 "Every child who is a victim or perpetrator of a crime has the right to receive legal aid and other assistance." c. defend oneself and obtain justice before an objective and impartial children's court in a closed trial (2) "Every child who is a victim or perpetrator of sexual violence or who is in conflict with the law has the right to confidentiality." Article 18 "Every child who is a victim or perpetrator of a crime has the right to receive legal aid and other assistance." Article 18 "Every child who is a victim or perpetrator of a crime has the right to receive legal aid and other assistance." Article 18 "Every child who is a victim or perpetrator of a

crime has the right to receive legal aid and other assistance."

II. RESEARCH METHODS

The research method used in this journal is a normative research method with a statutory approach and a conceptual approach. Normative research is conducted by reviewing and analyzing applicable positive legal norms, particularly Law of the Republic of Indonesia Number 35 of 2014 concerning Child Protection and its implementing regulations, to assess the extent to which legal protection for children is regulated and implemented effectively. In addition, a conceptual approach is used to explore basic concepts regarding children's rights, parental and state obligations, and the role of society within the framework of child protection. Secondary data is obtained from primary, secondary, and tertiary legal materials, then analyzed systematically to produce sharp and academically accountable legal arguments.

III. RESULTS AND DISCUSSION

A. Child Protection According to Law

Child Protection According to the Law of the Republic of Indonesia Number 35 of 2014 and the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection, it has been explained and explained in detail regarding what is included in the rights of children that must be fulfilled as much as possible. As stated in Article 20 of the Law of the Republic of Indonesia Number 35 of 2014 Amendments to the Law of the Republic of Indonesia Number 23 of 2002 concerning Child Protection which reads: 26 "The state, government, regional government, community, family, and parents or guardians are obliged and responsible for the implementation of child protection." This has been clarified that not only parents as the main role in implementing child protection within the family scope in carrying out obligations towards children but the surrounding community who plays a supporting role must participate in protecting children and fulfilling children's rights. As regulated in Article 26 of the Law of the Republic of Indonesia Number 35 of 2014 Amendments to the Law of the Republic of Indonesia Number 23 of 2002

concerning Child Protection, including the following:

1. Parents are obliged and responsible for: a. caring for, maintaining, educating, and protecting children b. developing children according to their abilities, talents, and interests c. preventing marriage at a young age d. providing character education and instilling moral values in children.
2. In the event that parents are absent, or their whereabouts are unknown, or for some reason are unable to carry out their obligations and responsibilities, the obligations and responsibilities as referred to in paragraph (1) may be transferred to the family, which will be carried out in accordance with the provisions of statutory regulations.⁵

By receiving guidance and education from parents, both formal and informal, they can gain useful knowledge and be useful for the advancement of their children's future lives. Article 9 of the Republic of Indonesia Law Number 4 of 1979 concerning Child Welfare states that "Parents are primarily responsible for the realization of children's welfare, both spiritually, physically, and socially.

Children are valuable assets for the future of a nation. Therefore, protecting their rights is crucial. Legal protection for children encompasses various aspects, from protection against violence and exploitation to the fulfillment of basic rights such as education and health. Children, as creatures of God Almighty and social beings, have the right to life and liberty from the moment they are conceived until birth and receive protection from their parents, family, community, nation, and state. Parents, families, and communities share the responsibility for safeguarding and maintaining these human rights in accordance with the obligations imposed by law. Likewise, in the context of implementing child protection, the state and government are responsible for providing facilities and accessibility for children, especially in ensuring their optimal and directed growth and development. Legal protection for children is an effort to ensure that every child obtains their rights without discrimination. This includes protection against physical and psychological violence, child trafficking, child labor, and other forms of exploitation. In addition, children also have the right to receive adequate education, health services, and welfare.

In order for every child to be able to shoulder these responsibilities, he or she needs to be given the widest possible opportunity to grow and develop optimally, both physically, mentally and socially, and to have good morals, it is necessary to carry out protection efforts and to realize the welfare of children by providing guarantees for the fulfillment of their rights and the existence of non-discriminatory treatment. To realize the protection and welfare of children, it is necessary to have institutional support and laws and regulations that can guarantee its implementation. Various laws only regulate certain matters regarding children and have not specifically regulated all aspects related to child protection. Based on these considerations, it is necessary to establish a Law on Child Protection;

The legal basis of this law is: Article 20, Article 20A paragraph (1), Article 21, Article 28B paragraph (2), and Article 34 of the 1945 Constitution of the Republic of Indonesia; Law Number 4 of 1979 concerning Child Welfare; Law Number 7 of 1984 concerning the Elimination of All Forms of Discrimination against Women; Law Number 3 of 1997 concerning Juvenile Courts; Law Number 4 of 1997 concerning Persons with Disabilities; Law Number 20 of 1999 concerning the Ratification of ILO Convention No. 138 Concerning Minimum Age for Admission to Employment; Law Number 39 of 1999 concerning Human Rights and Law Number 1 of 2000 concerning the Ratification of ILO Convention No. 182 Concerning The Prohibition and Immediate Action for The Elimination of The Worst Forms of Child Labor (ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor). The child protection law of the 1945 Constitution Article 28B paragraph (2) states that every child has the right to survival, growth and development and has the right to protection from violence and discrimination. Law No. 23 of 2002 concerning Child Protection: This law is the main basis for child protection in Indonesia. This law has undergone several changes and improvements to adapt to current developments.

Convention on the Rights of the Child: Indonesia has ratified the Convention on the Rights of the Child through Presidential Decree No. 36 of 1990, which confirms Indonesia's commitment to protecting children's rights.

IV. CONCLUSIONS AND RECOMMENDATIONS

In conclusion, legal protection for children in Indonesia is a shared responsibility between the state, local governments, communities, and especially families, as stipulated in various regulations such as Law Number 35 of 2014 concerning Child Protection and a number of other national and international legal instruments. This protection includes fulfilling children's basic rights, preventing all forms of violence and exploitation, and guaranteeing education, health, and overall welfare. Although regulations are in place, their implementation still requires strengthening, cross-sector synergy, and increased collective awareness to ensure children's rights are truly protected in a tangible and equitable manner.

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