

Countering the Crime of Child Abuse against Children Carried Out Jointly and Its Juridical Implications in Society

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ABSTRACT

Writing this thesis aims to find out the factors that led to the occurrence of the Crime of Abuse which was carried out jointly by children against children in the Awangpone District, Bone Regency, as well as the efforts made by the Awangpone Sector Police in dealing with the Crime of Abuse which was carried out jointly by children against children in Awangpone District, Bone Regency. This research was conducted at the Awangpone Sector Police Office. The types of data are primary data and secondary data, primary data obtained through direct interviews with competent respondents, in this case Awangpone Sector Police Investigators, as well as perpetrators and victims of the Crime of Abuse committed jointly by children against children in Awangpone District Bone District. Secondary data was obtained through literature from various books, legal regulations, documents and other written data deemed related to this research. The results showed that the factors causing the occurrence of the crime of maltreatment committed jointly by children against children in Awangpone District, Bone Regency, namely, legal awareness factors, low education factors, environmental factors and economic factors influence each other between one factor and another. other. The efforts made by the Awangpone Sector Police in tackling the occurrence of the Crime of Abuse which was carried out jointly by children against children in Awangpone District, Bone Regency are: 1). Preventive Measures, 2). Repressive Measures.

Keywords: Crime, Persecution, Juridical Implications.

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INTRODUCTION

The law on child protection as a study in Indonesia is relatively new, even though the birth of child protection itself was born with the birth of universal child rights recognized in the United Nations general assembly on July 20, 1959 (Declaration of the Right of the *Child*), which in its preamble implies the obligation to provide the best protection for children, and in the era of legal development related to life children/adolescents, in order to achieve welfare for children. One of the authors of criminal law is Hazewinkel Suringa (in Ishaq, 2020: 75) saying that the term *delict* is actually not possible, but because the term *strafbaarfeit* has been recognized by the public and does not cause misunderstandings, he does not mind using the term *strafbaarfeit*.

Violence against children, especially those that occur in the domestic environment and are carried out by those closest to the child, requires legal tools that can protect the rights of children who are victims of violence. These crimes are covert, most cases are often invisible and unreported. This case is revealed usually if someone has suffered a severe illness or even died. Abusers are usually people close to the child, making it difficult to monitor what is happening at home, in institutions, and in schools.

Etymologically, the word criminology comes from the word *Crime* or *Logos*. *Crime* means crime, while *Logos* means science. So according to Abdulsyani (ancient Hashim, 2019:6), that : : "in full criminology can be interpreted as a science that studies evil".

Andi Zainal Abidin Farid (in Abintoro Prakoso, 2017:14), states that: "Criminology is a science that studies the factors that cause crime, and how to overcome it". Criminology has a variegated sense. Many legal experts give different definitions of criminology because each one looks at it from a different point of view. Moeljatno in his book criminal acts (2009: 13), expressed his opinion that "Criminology is a crime in itself, its object is the person who commits (the criminal) and the goal is to understand what the causes are so as to do evil".

While Simon (in Eddy OS Hiariej, 2020: 65) suggests that *strafbaarfeit* is an act that is threatened with criminality, against the law, committed with guilt by the person responsible for his actions. Furthermore, Soesilo (KUHP, 1995) argues that "a criminal act is an act that by law is prohibited or required and if committed or neglected, the person who commits or neglects it is threatened with a criminal offense".

The founder of the state has mandated that the state of the Republic of Indonesia (RI) is a state based on law (*Rechtsstaat*) and not a state on the basis of sheer power (*Machsstaat*), this is further strengthened in the 1945 Constitution (UUD 1945) Article 1 paragraph (3) which reads: "The State of the Republic of Indonesia is a state of law". The consequence of a legal state is that all community activities without exception must not be or are contrary to applicable legal norms and any unlawful acts will be subject to sanctions in accordance with legal provisions.

In the criminal justice system that is adopted, it is explained that there are 4 (four) components, namely the Police as investigators and investigators, the Prosecutor's Office as the Public Prosecutor, the Court as the function of adjudicating

cases and the Advocate as the provider of legal assistance to those involved in legal matters, all of these components have an employment relationship and are separated from one another. It is hoped that all of these components will be able to carry out the mandate as intended in Law Number 3 of 1997 concerning Children's Courts and Law Number 35 of 2014 concerning Child Protection, so that children as victims and perpetrators of criminal acts do not experience psychic / mental disorders that can negatively affect their future.

METHOD

This research is descriptive analysis, which seeks to describe and analyze the problems raised with the aim of describing concretely the criminal acts of abuse committed jointly by children against children in Awangpone District, Bone Regency. The type of research is empirical in an effort to bring up the causal factors and efforts to overcome the Crime of Abuse carried out jointly by children against children in Awangpone District, Bone Regency.

RESULTS AND DISCUSSION

Table 1

Data on Criminal Acts of Abuse committed jointly by children against children in Awangpone District, Bone Regency

Year	Report	Finish
2019	4	4
2020	7	7
2021	9	9
Sum	20	20

Data Source: Awangpone Sector Police Station, 2020

Based on the data mentioned above, it shows that the Criminal Act of Abuse committed jointly by children against children in Awangpone District, Bone Regency experiences an erratic development almost every year. Within a period of 3 years, from 2019 to 2020, there were 20 cases of abuse committed by minors. In 2018 there were 4 cases of mistreatment, then in 2019 there were 7 cases and in 2020 it increased to 9 cases.

The use of restorative justice that is integrated or harmonized into the criminal justice system in order to realize justice that is simple, fast, concise and low-cost and can reduce the accumulation of cases, of course political will is needed from the government and legislative institutions through criminal policies or crime prevention policies. criminal policy) by adopting existing and developing values in Indonesian society. The need for settlement of criminal cases carried out using the restorative justice model is because it is more healing, more resolute and without any party losing face (elegant solution). In addition, the fulfillment of substantive justice for citizens will be realized and the achievement of legal objectives will not only be legal certainty, but also pay attention to justice and legal benefits.

Table 2.
The number of perpetrators of abuse carried out jointly by children against children in Awangpone District in 2018 - 2020

Year	Child Abuser	
	Number of cases	Perp
2019	4	10 People
2020	7	14 People
2021	9	11 People
Sum	20	35 People

Data Source: Awangpone Sector Office, 2020

The 20 cases of child abuse reported at the Awangpone Sector Police Station, during the period 2018 - 2020 there were 35 perpetrators of child abuse, of which more than 1 perpetrator was committed from each case. As in 2018 there were 4 cases of child molestation and the perpetrators were also 10 people, in 2019 there were 7 cases of child abuse and the perpetrators were also 14 people, then in 2020 there were 9 cases of child molestation and the perpetrators were also as many as 11 people, so on average each case was carried out 1 person.

According to Fruin J.A as quoted by Paulus Hadisuprpto, restorative juvenile justice departs from the assumption that responses or reactions to perpetrators of child delinquency will not be effective without the cooperation and involvement of victims, perpetrators and the community. The basic principle is that justice is best served when all parties receive fair and balanced attention, are actively involved in the judicial process and benefit adequately from their interactions with the juvenile justice system.

Legal protection for children can be carried out as an effort to protect the law against various freedoms and children's human rights. Protection of children also includes interests related to the welfare of children. The protection of children in conflict with the law (ABH) is a joint responsibility of law enforcement officials. Not only children as perpetrators, but also children who are victims and witnesses. Law enforcement officials who are involved in handling ABH should not only refer to Law Number 11 of 2012 concerning the Juvenile Criminal Justice System or other laws and regulations related to handling ABH, but prioritize peace over the formal legal process that has come into force 2 years after SPPA Law was promulgated on 1 August 2014 (Article 108 of Law No. 11 of 2012).

CONCLUSION

The results showed that the factors causing the occurrence of the crime of maltreatment committed jointly by children against children in Awangpone District, Bone Regency, namely, legal awareness factors, low education factors, environmental factors and economic factors influence each other between one factor and another. The efforts made by the Awangpone Sector Police in tackling the occurrence of the Crime of Abuse which was carried out jointly by children against children in Awangpone District, Bone Regency are: 1). Preventive Measures, 2). Repressive Measures.

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