

## **Legal Protection for Child Violence Victims in School Environment Based on Law No. 35 of 2014 (Study at SMP Negeri 1 Sunggal)**

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### **Abstract**

This study is related to legal protection for victims of child violence in the school environment based on Law no. 35 of 2014 as a case study at SMP Negeri 1 Sunggal. The objectives of this study include explaining the factors causing violence against children at SMP Negeri 1 Sunggal, explaining legal protection against violence against children at SMP Negeri 1 Sunggal, and describing the influence of Law No. 35 of 2014 on efforts to prevent violence against children at SMP Negeri 1 Sunggal. The type of qualitative research used with a descriptive research method that will explain various conditions and situations that arise in society and become objects in the study based on what happened. Samples were taken from 30 students, 1 Principal, 5 BK Teachers and homeroom teachers, and 2 School Employees by purposive sampling. Data will be collected through observation, documentation, and interviews. Then the data will be analyzed based on the Miles and Huberman model (1984), namely activities in qualitative data analysis are carried out interactively through data reduction (data editing), data presentation (data presentation), and verification (drawing conclusions). The results of the study indicate that there are 2 factors causing violence against children in SMP Negeri 1 Sunggal, namely internal and external factors. Legal protection for victims of violence against children in SMP Negeri 1 Sunggal can be achieved through mediation and legal sanctions based on Article 54 of Law Number 35 of 2014. Furthermore, the results of the study also stated that Law Number 35 of 2014 has a good influence because of the firmness of legal sanctions for students who are perpetrators and provides legal protection for students as victims of violence.

**Keywords:** Legal Protection, Law No. 35, Child Victims of Violence



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### **INTRODUCTION**

Children are national assets and as the next generation of the nation who must be protected and their welfare must be guaranteed. That in society a child must receive protection from all forms of violence and crime that can endanger the safety of children. In accordance with the national goals of the Indonesian nation as stated in the preamble to the 1945 Constitution, paragraph 4, namely to protect the entire nation and all of Indonesia's territory, advance public welfare, educate the nation's life and participate in implementing world order. The meaning of this national goal explains that the Indonesian nation will protect all its citizens including children from all threats that can endanger their safety. Children who still need protection from adults are very vulnerable to becoming victims of violence, both physical and non-physical (bullying).

Physical and non-physical violence (bullying) are all forms of actions that injure and harm the physical, mental, and sexual. Diar et al. (2022) stated that child violence occurs in the form of abuse, both physical and psychological. This means that child violence is an act of abuse that can be carried out physically or mentally. Then, Syukurman et al (2023) said that in carrying out physical abuse, violent actions often injure parts of the child's body such as torture, beatings, and abuse using certain objects, causing physical injuries or death to the child. This means that physical violence carried out on the anus causes a number of wounds all over the

body and can cause death to the child. Rachma (2022) said that non-physical violence (bullying) is carried out with curses, insults, negative labels, attitudes and styles that are demeaning, resulting in mental injuries to the child. This means that physical and non-physical violence (bullying) both have bad effects on children.

Physical and non-physical violence (bullying) are phenomena that are no longer foreign in the school environment. Pramono and Hanandini (2022) said that schools are one of the places where acts of violence against children occur, which are often the center of attention. This means that violence against children also occurs in schools. Schools as places to educate children should provide good guarantees not to commit violence, both physical and non-physical (bullying). However, there are many cases of violence in schools such as the case of junior high school students in Cimanggu, Central Java. In a 4-minute video, a student is seen being beaten until he is helpless. The police have arrested 3 suspects who are his own school friends. Another case can also be seen through the hazing tradition at a school in Babelan, Bekasi. From the video circulating, a group of teenagers known as seniors are bullying juniors accompanied by beatings with sandals in turns. This phenomenon of child violence is very detrimental to the goal of Indonesian national education, namely to educate the nation's life.

Physical and non-physical violence (bullying) also occurred at SMP Negeri 1 Sunggal. In the initial observation conducted on February 5, 2024, it was discovered that this school is a school that produces outstanding students with many champions in various extracurricular activities. Observations were conducted by interviewing 5 Guidance and Counseling (BK) teachers, namely Mrs. Herlina Rangkuti, Mrs. Feronika Rismaida, Mrs. Ainun Mardiah, Mrs. Sahnaria Purba and Mr. Parulian Sinambela. It was found that there were 7 cases of child violence that occurred in schools during 2023. From BK records, physical child violence was 85% and non-physical violence was 15%.

## **RESEARCH METHODS**

This study uses a descriptive method that aims to explain and summarize various conditions, situations, or variables that arise in the community that is the object of the study based on what happened. The location of the study was carried out at SMP Negeri 1 Sunggal which is located at Jalan Sei Mencirim, Medan Krio, Sunggal District, Deli Serdang Regency, North Sumatra. The research time was carried out for 3 months from February to April 2024. The research instrument is a tool used to facilitate the work of collecting research data. In this study, the instruments used were: Observation, documentation, and interviews. The data analysis technique was carried out based on the Miles and Huberman (1984) model, namely activities in qualitative data analysis were carried out interactively through data reduction (data editing), data display (data presentation), and verifications (drawing conclusions).

## **RESEARCH RESULTS AND DISCUSSION**

Physical and non-physical violence (bullying) also occurred at SMP Negeri 1 Sunggal. In the initial observation conducted on February 5, 2024, it was discovered that this school is a school that produces outstanding students with many champions in various extracurricular activities. Observations were conducted by interviewing 5 Guidance and Counseling (BK) teachers who are also Homeroom Teachers, namely Mrs. Herlina Rangkuti, Mrs. Feronika Rismaida, Mrs. Ainun Mardiah, Mrs. Sahnaria Purba and Mr. Parulian Sinambela. It was discovered that there were 7 cases of child violence that occurred at the school during 2023. From BK records, physical child violence was 85% and non-physical violence was 15%. For more details, see Table 1 below.

**Table 1. Recapitulation Of Cases Of Child Violence At Sunggal 1 State Middle School**

No	Physique	Amount	Percentage
1	a. Torture	1	1%
	b. Beating	10	10%
	c. Persecution	4	4%
<b>Total</b>			<b>15%</b>
2	<b>Non Physical</b>		
	a. Threaten	20	20%
	b. Insulting	20	20%
	c. Scare	10	10%
	d. Bullying	35	35%
<b>Total</b>			<b>85%</b>

Based on Table 1, it is known that there were 3 cases of physical violence against children, namely 1 (1%) case of torture, 10 (10%) cases of beatings, and 4 (4%) cases of abuse. In the 15 cases of physical violence that occurred, 13 cases were carried out between students. Based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA), for underage perpetrators, who are still considered children, the restorative justice approach is prioritized. This means that for perpetrators of child violence, the punishment given focuses more on dialogue between the perpetrator and the victim in order to be accountable for their actions. This sanction is also supported by the Head Teacher's policy to provide advice because the victim and perpetrator are still in education so they need to be more supervised and guided.

Meanwhile, for the 2 cases of violence between teachers and students that occurred, the Head Teacher also still took a restorative justice approach because the case did not cause students to suffer serious injuries that required serious treatment. Therefore, the imposition of sanctions on teachers is to mediate between parents of students, teachers as perpetrators, and other related parties to jointly seek a fair solution by emphasizing restoration to the original state, and not retaliation. In addition to cases of physical violence, there were 4 cases of non-physical violence, namely 20 (20%) for threatening and insulting actions, 10 (10%) for frightening actions, and 35 (35%) for bullying actions. This means that the most common cases of child violence are non-physical, namely bullying. For the 4 cases of non-physical violence that occurred at SMP N 1 Sunggal, the Principal, BK teacher, and homeroom teacher made a decision to take a restorative justice approach based on Law Number 11 of 2012 concerning the Juvenile Criminal Justice System (SPPA). In this case, the school will facilitate the perpetrators and victims of non-physical violence in order to achieve peace so that they can avoid and drop children from the judicial process that can affect their growth and development.

## Discussion

The results of the analysis of legal protection for victims of child violence in the school environment based on Law No. 35 of 2014 as a study at SMP Negeri 1 Sunggal are as follows:

1. Factors Causing Violence Against Children at SMP Negeri 1 Sunggal. The results of interviews with students, principals, BK teachers, and employees at SMP Negeri 1 Sunggal found that there are 2 factors causing violence against children, namely 85% internal factors and 15% external factors. For internal factors, the cause of violence against children is found in the attitudes of students themselves and their families. Children's attitudes that show emotion will have an aggressive effect that encourages children to commit violence at school. Meanwhile, family factors are associated with parenting patterns in educating children who are very authoritarian. Children are not given space and freedom so that they cause pent-up emotions and always have negative thoughts that trigger violence. External factors that trigger violence against children are the environment, mass media, and the teaching process.

The home and school environment are used as triggers for child violence when parental divorce occurs where the home conditions are filled with conflict so that the home no longer provides a sense of comfort for the child so that the child gets behavioral disorders that make the child like to do violence. Meanwhile, the school environment has a big influence in committing violence when there is a seniority group that often intimidates juniors so that it gives them a fear of refusing orders from their seniors. Factors of child violence triggered by mass media are students who use digital internet media as a medium of entertainment such as games that often show violent actions that use physical force. This action will certainly create violent behavior towards children who like to imitate. Then for female students, digital media is used as a communication medium that often provides a bad response in using words to bully a post such as the fat body of an artist who then responds by commenting "she is like a 2-door refrigerator, a trailer truck, and an atun". This comment has indirectly created violence. Therefore, mass media such as the internet has a lot of bad influence on students with deviant behavior that creates aggressive and anti-social behavior.

2. Legal Protection for Victims of Child Violence at SMP Negeri 1 Sunggal. The results of interviews with students, principals, guidance and counseling teachers, and employees at SMP Negeri 1 Sunggal regarding legal protection for victims of child violence at school through mediation and legal sanctions. This decision is in accordance with Article 54 of Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection.
3. The influence of Law No. 35 of 2014 on efforts to prevent child violence at SMP Negeri 1 Sunggal. The results of interviews with students, principals, guidance and counseling teachers, and employees at SMP Negeri 1 Sunggal regarding the influence of Law No. 35 of 2014 in preventing child violence show that when child violence occurs at school, the school can impose legal sanctions on the perpetrators who do it and is obliged to provide protection to the victims. This is a manifestation of a sense of justice, ensuring security, protecting human rights, regulating the environment, regulating government affairs, encouraging compliance, and strengthening state sovereignty. The interview results also explained that schools can create disciplinary rules to prevent child violence based on Law Number 35 of 2014. Furthermore, violent behavior of children is not only the responsibility of the school, but also the responsibility of the government, parents, and society so that schools can invite interested parties to hold socialization to provide clear information to students about the dangers of violent acts of children, especially in schools. This means that Law Number 35 of 2014 mandates all levels, namely the government, parents, and society to play an active role in supervising children's behavior and providing legal protection in order to realize their responsibilities and obligations towards children who are the nation's generation.

## **CONCLUSION**

Based on the results of the analysis and discussion, the following conclusions can be drawn.

1. There are 2 factors causing violence against children at SMP Negeri 1 Sunggal, namely internal and external factors. Internal factors are known through the personality of students and families, while external factors are known through the environment, mass media, and teaching process.
2. Legal Protection for Victims of Violence against Children at SMP Negeri 1 Sunggal can be achieved through mediation and legal sanctions based on Article 54 of Law Number 35 of 2014. When violence against children occurs at school, the school has the responsibility to mediate with the parents of the victim and the perpetrator in order to reach a peaceful

agreement. However, when the victim of violence does not agree or no agreement is reached, legal protection can be achieved through legal sanctions which will be handed over to the police.

3. Law No. 35 of 2014 has an impact on efforts to prevent child violence at SMP Negeri 1 Sunggal through the imposition of legal sanctions for students who are perpetrators and providing legal protection for students as victims of violence as a manifestation of a sense of justice, ensuring security, and protecting children's rights. In addition, with this law, the parties who are also responsible for child violence are not only intended for schools, but also for parents, the government, and the community so that schools can invite interested parties to conduct socialization so that they can prevent child violence at school.

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