

# IMPLEMENTATION OF LAW NUMBER 35 OF 2014 CONCERNING PROTECTION OF CHILD AGAINST CHILD VIOLENCE IN THE SCHOOL ENVIRONMENT

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## Keywords

Article 5  
35 . Act  
Witness protection  
Child protection.

Abstract. The formulation of the problem in this study are 1) What is the role of the law on child protection against child abuse in the school environment? 2) Factors that support and hinder the implementation of child protection in the school environment? In answering these problems, the author uses field research or field research with the approach used is an empirical juridical approach. Data collection methods used were observation, questionnaires and interviews. The results of this study indicate the role of the law on child protection in the school environment. In accordance with article 54 of Law Number 35 of 2014 it has been implemented but violence in schools still occurs both psychologically and physically, both between students and from education staff. The violence that most often occurs in the school environment is psychological violence between students. The factors that support the implementation of child protection in the school environment are by implementing non-violent schools, religious education lessons that teach gentle behavior, prevention by instilling character in both students and education staff. the school environment, namely 1) Lack of knowledge from teachers or education staff that physical and psychological violence is not always effective either because of psychological problems that cause obstacles in managing emotions so that teachers or education staff become more sensitive and reactive, the existence of work pressure or because of the authoritarian pattern which is still commonly used in teaching patterns in Indonesia 2) Students who have traits that tend to be weak usually make stronger students to do violence against weak students so that they feel great. Both of these attitudes can be influenced by family parenting and from the child's environment. The implications of this study are 1) Schools should implement non-violent education, by not only emphasizing cognitive abilities but also paying attention to children's affective abilities and psychomotor abilities so that children are not only knowledgeable but also schools pay attention to children's skills.   psychic.

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## 1. INTRODUCTION

Education is very important in advancing a nation. The progress of a country is greatly influenced by the education in that country. Because a good education will produce quality children of the nation. Education and children are two things that cannot be separated. Each individual begins his education at the age of children. Education today is no longer considered as a complement to human needs, but has been positioned as the main instrument with a level of urgency that is almost the same as the three basic human needs, namely; food, clothing and shelter[1].

In Indonesia, the state's responsibility for providing quality education for every citizen is explicitly regulated in the preamble to the 1945 Constitution, the fourth paragraph and the body of Article 31[2]. In the preamble of the 1945 Constitution, paragraph 4 states that one of the national goals of the State of Indonesia is "to educate the life of the nation". It appears from the statement that efforts to educate the nation's life can only be achieved through education. Furthermore, it is reaffirmed in Article 31 paragraph (1) of the 1945 Constitution, that: "Every citizen has the right to receive teaching" and, in Article 31 paragraph (2) it is stated that: "The government shall endeavor and implement a national teaching system which regulated in one national teaching system"[3].

School is an institution designed for student learning, a place for children to study, in order to educate the younger generation as one of the human resources who are the potential and successors of

the ideals of the nation's struggle.[4]. Especially in elementary school children will be in the school environment for 6 hours. In Article 54 of Law No. 35 of 2014:

- (1) Children within and within the education unit are required to receive protection from acts of physical, psychological violence, sexual crimes, and other crimes committed by educators, education staff, fellow students, and/or other parties.
- (2) The protection as referred to in paragraph (1) is carried out by educators, education staff, government officials, and/or the public

Since 1979 the government has set a regulation to put children in a fairly safe protection institution, namely Law no. 4 concerning Child Welfare which explicitly defines every child as having the right to care and protection from the time he is in the womb until after he is born. The government's next step is to stipulate the Juvenile Court Law (Law No. 3 of 1997) which is expected that children who are in the legal process will still get their rights. Finally, the government stipulates Law no. 35 of 2014 amendments to Law no. 23 of 2002 concerning Child Protection which expressly outlines that children are the nation's successors whose protection must be guaranteed from all forms of violence and discrimination.[5].

However, even though Law no. 35 of 2014 concerning child protection has been ratified, but field implementation has not proceeded as expected. Meanwhile, the child protection law was enacted with the aim of ensuring the fulfillment of children's rights so that they can live, grow, develop, and participate optimally in accordance with human dignity, and receive protection from violence and discrimination.[6], [7]. Violence against children is often identified with visible violence, such as physical and sexual violence. In fact, psychological and social (structural) violence also has permanent adverse effects on children.[8]. Therefore, the term child abuse or mistreatment of children can range from physical (physical) to sexual (sexual abuse); from the psychological dimension (mental abuse) to the social (social abuse) dimension of structural violence[8].

Research shows that the school environment strongly influences adolescent behavior. Students also feel more insecure in schools with high levels of violence. Meanwhile, if at school, students already feel uncomfortable how they will get a proper education, while Indonesia can be categorized as a country that has a great commitment to protecting children in education. This commitment is not only contained in the law alone, but is explicitly stated in the 1945 Constitution[9]. Meanwhile, data on violence against children issued by the Indonesian Child Protection Commission (KPAI) should also be a concern. KPAI states that violence against children increases significantly every year. In 2011 there were 2,178 cases, in 2012 there were 3,512 cases, in 2013 there were 4,311 cases, and 2014 there were 5,066 cases. And it turned out that the education sector made a significant contribution by being in second place out of five cases with the highest violence rate per year 2011 – April 2015. A total of 1,764 cases occurred in the education sector and 87.6 percent of children had been victims of violence in the school environment. These amazing numbers could certainly be bigger in the field considering that not all cases of violence against children are reported[10], [11].

## 2. METHOD

### 2.1 Research Type and Location

The type of research used is field research, namely research that is used to clarify the suitability between theory and practice. In conducting research in connection with the object to be studied, the author chose the research location in Pinrang District, Mattirosompe District, Langnga Village, in Elementary Schools in Langnga Village. The author conducted research in Langnga Village on the basis of the consideration that in Langnga Village there are four elementary schools that are close together which make it easier for the author to obtain a lot of data and compare between the four schools regarding the application of the law on child protection against child violence in the school environment. the object under study and the subject matter, then the specification in this study uses an empirical juridical approach. Research that uses an empirical juridical approach means research that emphasizes the facts that occur in the field regarding "Implementation of Law No. 35 of 2014 concerning Child Protection for Children in the School Environment".

## 2.2 Data source

Sources of data in this study are as follows:

1. Primary data sources are data obtained through field research with related parties in connection with this research;
2. Secondary data sources are data obtained from laws, literature, and documents relevant to the writing material and books related to this research.

## 2.3 Method of collecting data

In this study, several data collection techniques were used, namely:

1. Observation, carried out by the author by observing directly an activity that is being carried out. Through observation, the author can get views on what was actually done, see firsthand the relationship between the perpetrator and the victim. Interpret the messages that the victim wants to convey, and understand the impact of a crime on the victim.
2. Questionnaires, given to children in the neighborhood or to students at SDN in the Langnga village school as a source of information for the author in answering the existing problem formulation by asking questions that are closely related to the problem raised by the author.
3. Interviews were given to principals at public elementary schools throughout Langnga village as a source of information for the author in answering the existing problem formulation by asking questions that are closely related to the problem raised by the author.

## 2.4 Data Processing and Analysis Techniques

The data obtained and collected both in primary data and secondary data were analyzed quantitatively, which is a research method carried out to seek quantitative truth, namely data in the form of numbers. Based on the problem formulation that has been applied, it is hoped that a clear picture can be obtained. The data analysis used is data analysis that seeks to provide a clear and concrete description of the object being discussed.

## 3. RELUST AND DISCUSSION

### 3.1 The Role of the Law on Child Protection Against Child Violence in the School Environment

Specifically stated in Article 54 of Law no. 35/2014 concerning Amendments to Law No. 23/2002 concerning Child Protection, Child Protection, obligations of educators, education staff, state officials or the community to provide protection for children within and within the scope of education units from acts of physical, psychological, sexual violence and other crimes committed by educators, education personnel, fellow students and/or other parties. Those who place, allow, commit, order to commit or participate in committing violence against children, resulting in serious injury or death are also subject to imprisonment and/or fines. To find out the role of the law in the protection of child violence in the school environment, the researchers conducted research in SDN in Langnga sub-district, including SDN 192 Langnga, SDN 52 Langnga, SDN 232 Langnga and SDN 53 Langnga, Mattirosompe District, Pinrang Regency, on July 17 to August. To get the data, the writer chooses the students randomly by taking the 4th, 5th, and 6th graders in the four schools.

Table 1. Number of elementary school students in Langnga village

No.	School name	The number of students			Amount
		4th grade	Grade 5	Grade 6	
1.	SDN 192 Langnga	20	23	21	64
2.	SDN 53 Langnga	21	24	39	84
3.	SDN 232 Langnga	19	18	18	55

4.	SDN 52 Langnga	23	23	21	67
	Amount	83	88	99	270

Of the 270 students in SDN in Langnga village. The author took 10 students from each school so that the sample of this study amounted to 40 people who were chosen randomly or randomly. From the 40 people, they were reclassified based on gender and class. The author distinguishes between male and female students because the level of violence against students is also influenced by the gender of students and is described in the following table.

Table 2. Number of students by gender and class at SDN 192 Langnga

No.	Gender	Class			Amount
		4	5	6	
1.	Man	2	2	0	4
2.	Woman	0	1	5	6
	Amount	2	3	5	10

Based on the data above, it can be seen that the number of boys in grade 4 is 2 people, grade 5 is 2 people and the number of girls in grade 5 is 1 person, grade 6 is 5 people. The total number is 10 people from SDN 192 Langnga.

Table 2. Number of students by Gender and Class

No.	Gender	Class			Amount
		4	5	6	
1.	Man	1	2	2	5
2.	Woman	2	1	2	5
	Amount	3	3	4	10

Based on the data above, it can be seen that the number of boys in class 4 is 1 person, class 5 is 2 people, class 6 is 2 people and the number of girls in class 4 is 2 people, class 5 is 1 person, class 6 is 2 people. The total number is 10 people from SDN 53 Langnga.

Table 2.d Number of students by gender and class at SDN 52 Langnga

No.	Gender	Class			Amount
		4	5	6	
1.	Man	0	0	0	0
2.	Woman	0	0	10	10
	Amount	0	0	10	10

Based on the data above, it can be seen that the number of girls in grade 6 is 10 people. So the total number is 10 people from SDN 52 Langnga. In each school the author asks several questions in the form of a questionnaire that aims to answer the formulation of the problem. The first question is, have the educators ever done psychological violence to you. Students' answers are broken down in the following table:

Table 3. Number of students by elementary school  
Answer

No.	School name	Answer			Amount
		Never	Once	Often	
1.	SDN 192 Langnga	10	0	0	10
2.	SDN 52 Langnga	9	1	0	10
3.	SDN 53 Langnga	8	2	0	10
4.	SDN 232 Langnga	9	1	0	10
Amount		36	4	0	40

Based on the results of the description of the data above, it can be seen that 36 respondents have never received psychological violence from educators and 4 people have experienced psychological violence. From the results of this data, the authors know that there are still educators who commit psychological violence to children. Next, the writer asked whether the educators had ever done physical violence. The answers are broken down in the table as follows:

Table 4. Number of students by elementary school  
Answer

No.	School name	Answer			Amount
		Never	Once	Often	
1.	SDN 192 Langnga	10	0	0	10
2.	SDN 52 Langnga	9	1	0	10
3.	SDN 53 Langnga	6	3	1	10
4.	SDN 232 Langnga	2	8	0	10
Amount		27	12	1	40

### 3.2 Factors that Support and Inhibit the Implementation of Protection Against Child Violence in the School Environment

1. Factors that support the implementation of child protection against child violence in the school environment. In the context of preventing child crime as an effort to protect children, the center of attention is all activities and efforts to protect children in one of its aspects, namely the prevention of child crime which covers various fields of life involving the interests of children

and other community members and involves the participation of children. all parties. Prevention means efforts that are carried out in various ways so that no crime is committed, with the understanding that such protection is by creating good conditions so that children can grow and develop properly. Because basically prevention is better than fixing,

Based on the specific instructions regarding Operation Information on INPRES Number 6 of 1971 regarding juvenile delinquency, the preventive efforts include:

- a. Preventive measures are general
  - 1) Child development efforts are in the form of:
    - a) Providing prenatal education to parents, especially prospective mothers of children,
    - b) Providing religious education, mental and character education as well as sufficient knowledge of intelligence and skills to the individual child in the family,
    - c) Providing children's personal education in schools, communities.
    - d) Providing education to individual children in society.
  - 2) Improvement efforts, efforts to improve the environment and social conditions aimed at achieving favorable situations and conditions for the healthy growth and development of children:
    - a) Improvement efforts in the family,
    - b) Improvement efforts in schools,
    - c) Improvement efforts in society.
  - 3) Efforts to procure vital facilities as a support for efforts for personal development of children and efforts to improve the environment and social conditions.
- b. Special preventive measures
  - 1) Supervision of the attitudes, behavior and actions of children and their environment
  - 2) Intensive guidance and counseling for parents and children so that parents can guide and educate their children seriously and quickly so that children continue to behave naturally.
2. Factors that hinder the implementation of child protection against child violence in the school environment Before knowing the factors that hinder the implementation of child protection in the school environment the author explains the Causes of Violence in the world of education<sup>13</sup> Violence that occurs in the world of education can occur due to several factors, namely:
  - a. From Master  
There are several factors that cause teachers to abuse their students, namely:
    - 1) Lack of knowledge that violence, both physical and psychological, is not effective in motivating students or changing behavior, it even risks causing psychological trauma and injuring students' self-esteem.
    - 2) Partial perception in assessing students. After all, every child has a historical context that cannot be separated from every word and action seen today, including the actions of students who are considered "crossing" boundaries. What is visible on the surface, is a sign / sign of the problem that is hidden behind it. The most important thing is not limited to "handling" the student's visible actions, but finding out what underlies the student's actions/attitudes.
    - 3) There are psychological problems that cause obstacles in managing emotions so that the teacher concerned becomes more sensitive and reactive.
    - 4) The existence of work pressure: targets that must be met by teachers, both in terms of curriculum, materials and achievements that must be achieved by their students while the perceived obstacles to achieving ideal and maximum results are quite large.
    - 5) Authoritarian patterns are still commonly used in teaching patterns in Indonesia.  
The authoritarian pattern puts forward the factor of obedience and obedience to authority figures so that the teaching and learning pattern is one-way (from teacher to student). The implication is that students have less opportunity to think and express themselves. And, this pattern can have a negative impact if the teacher has insecurity who is trying to compensate through the application of power.



- 6) Curriculum content that emphasizes cognitive abilities and tends to ignore affective abilities (Rini, 2008). It is possible for the learning atmosphere to be "dry" and stressful, and the teachers also have difficulty in creating an interesting teaching and learning atmosphere, even though they are required to produce outstanding students.
  - b. From students  
One of the factors that can influence the occurrence of violence, is the attitude of the student. Students' attitudes cannot be separated from the psychological and personality dimensions of the students themselves. The tendency of sadomasochism can unknowingly underlie interactions between students and the teacher, friends or classmates or underclassmen. Feelings that he is weak, not smart, useless, worthless, unloved, lack of attention, fear of being ignored, could make a student clinging to a powerful / authority figure and instead "fishing" that person to actively respond to his / her need albeit in an unhealthy way. For example, it's not surprising that children try to get attention by acting that provokes anger, aggression, or punishment. But, in doing so, the goal is achieved, namely to get attention.
  - c. From Family  
Violence perpetrated by both teachers and students, should also be seen from their historical factors.
1. Parenting
    - a) Children who are educated in an indulgent, highly privileged pattern of love (parents really spoil their children and fulfill all their children's desires), grow up with a lack of internal control and lack of sense of responsibility. Why? By fulfilling all their wants and demands, children do not learn to control impulses, select and prioritize needs, and do not even learn to manage emotions. This is a danger because children feel like they are kings and can do whatever they want and even demand other people do what they want. So the child will force others to meet their needs, in any way as long as the goal is achieved. Children also do not have a sense of responsibility because of the convenience they get, making children not think about action-consequences, reaction actions, if you want something, you have to try.
    - b) Parents who are emotionally or physically uninvolved can create perceptions in children that they are unwanted, ugly, stupid, not good, etc. If this situation is not corrected, it can have a psychological impact, namely the emergence of feelings of inferiority, rejection, etc. Unresolved feeling of emotionally – physically rejected, making children choose to be the shadow of others, clinging to strong identity even though they are often laughed at or insulted, ordered to be ordered. Or, children tend to withdraw from society, become quiet, moody or cowardly to provoke the aggressor to oppress them. On the other hand, parents who are too rigid and authoritarian, do not give their children the opportunity to express themselves, and criticize more, making children feel that they are "not good enough" persons.
  2. Parents experiencing psychological problems If parents experience protracted psychological problems, it can affect the pattern of relationships with children. For example, parents who are stressed for a long time, become sensitive, impatient and easily angry with children, or vent their frustration on children. Over time this condition affects the personal life of the child. He can lose enthusiasm, concentration power, become sensitive, reactive, quick to anger, etc.
  3. dysfunctional family  
A dysfunctional family has a significant impact on the child. Families where one member frequently beats, or physically or emotionally abuses, intimidates other family members; or families who often have open conflicts without any resolution, or prolonged problems experienced by the family to take up psychic and physical energy, to affect interaction, communication and even learning abilities, the work ability of several other family members. Such situations affect the emotional state of the child and further affect the development of his

personality. Often found "problematic" students, after being researched, it turns out that they have a dysfunctional family background.

d. From the Environment

It is undeniable that the violence that has occurred so far has also occurred due to environmental factors, namely:

- 1) The existence of a culture of violence: a person commits violence because he is in a group that is very tolerant of acts of violence. Children who grow up in this environment view violence as a normal thing.
- 2) Experiencing Stockholm syndrome: Stockholm syndrome is a psychological condition where between the victim and the aggressor a positive relationship is built and later on the victim helps the aggressor to realize their wishes. For example, violence that occurs when senior students commit violence against new students during orientation together occurs because senior students imitate the attitudes of their seniors and have experienced violence during orientation in the past.
- 3) Television shows that smell a lot of violence: If someone watches too much violence, it will result in him being compelled to imitate violent behavior on television. Because, in the show, violence is associated with one's success, strength and glory. As a result, there is a premise in the mindset that if you want to be strong and feared, use violence.

#### 4. CONCLUSION

The role of law in protecting children in the school environment In accordance with article 54 of Law Number 35 of 2014 has been implemented in every elementary school in the Langnga village, but violence in schools still occurs, both psychologically and physically, both between students and from education staff. Some of the education staff as one of the providers of protection are also perpetrators of violence against children by continuing to provide light punishment (physical violence) to children who repeatedly commit violence on the grounds of providing a deterrent effect on children. This violence cannot be categorized as violence in the school environment because violence perpetrated by teachers or education personnel is carried out on the grounds that it is a way for children to be educated to be obedient and not to commit the same violence over and over again. And violence between students also still occurs both physically and psychologically because of the psychological and personality dimensions themselves. Violence that often occurs in the school environment is psychological violence between students. The factors that support the implementation of child protection in the school environment are by implementing non-violent schools, religious education lessons that teach gentle behavior, prevention by instilling character in both students and education staff.

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