



## **Legal Protection and Criminal Implications of Mistreatment of Minors: Analysis Based on Child Protection Law Number 35 of 2014**

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### **Abstract**

This study discusses the abuse of minors and the legal implications and protections afforded to victims. Child maltreatment is an act of violence involving minors under the age prescribed by law, including physical, emotional, and sexual abuse. The Child Protection Law regulates cases of child abuse and provides a strong legal basis for protecting children's rights. The criminal implications of child maltreatment include various legal consequences imposed on perpetrators, such as imprisonment and fines. The main purpose of these criminal implications is to ensure justice for victims, prevent the repetition of similar crimes, and give an unequivocal message that child maltreatment is unacceptable. Protection of victims of child abuse covers a wide range of aspects, including victims' rights to feel safe, privacy, physical and psychological recovery, uninterrupted education, justice in due process, fair compensation, and effective protection from authorities. Parents also have an important role in providing protection to children who are victims. Cooperation from various parties, including the state, government, community, and family, as well as the implementation of strong laws, are expected to prevent cases of abuse of minors, ensure the protection and recovery of victims, and realize justice.

**Keywords:** Child maltreatment, criminal implications, legal protection, victims' rights, Child Protection Law.

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### **1. Introduction**

Basically, every child is a precious entrustment that needs care, protection, teaching, and affection from the adults around him, especially from their parents. This is a basic right that must be guaranteed for every child to ensure the fulfillment of their needs in all aspects of life, ranging from physical, mental, social, to spiritual needs. In this context, the role of parents as protectors and caregivers of children becomes crucial (Geovani et al., 2021).

However, not always children can grow up in a safe and supportive environment. Therefore, Law No. 23 of 2002 concerning Child Protection exists as a legal instrument aimed at protecting children's rights, including the right to protection from various forms of treatment that harm them (Lubis & Siregar, 2021). Chapter III Article 13 of the law expressly states that every child, while in the care of a parent, guardian, or any other party, has the right to protection from discrimination, economic and sexual exploitation, neglect, cruelty, violence, and abuse (Raj et al., 2006).

One form of child maltreatment that is very serious and requires special attention is the mistreatment of minors. The criminal implications and legal protection of victims of child abuse have a very important primary purpose. The main goal is to ensure that the victim gets the justice he deserves, the perpetrator is punished according to his actions, and last but not least is to prevent the recurrence of similar crimes in the future.

Mistreatment of minors is an act that requires serious attention from a legal and humanitarian perspective. Every child has a fundamental right to protection, care, and affection from the adults around him, especially from their parents or guardians. This is affirmed in Law No. 23 of 2002 concerning Child Protection, which ensures that children have the right to be free from all forms of discrimination, exploitation, and violence.

When children are victims of abuse, the law acts as a tool to provide justice and protection. Perpetrators of child abuse may be subject to criminal sanctions appropriate to the crime committed. The legal process will seek to ensure that the perpetrator is punished fairly.

In addition to criminal sanctions, legal protection also includes aspects of victim welfare. Victims of child abuse have the right to physical and psychological support during the legal process. They also have the right to access to healthcare, education, and social protection in accordance with the law.

It is important to remember that the legal protection of victims of child abuse is not only to provide justice to them, but also to prevent the recurrence of similar crimes in the future. Thus, law enforcement in cases of child abuse is the foundation for the well-being and a better future for every child.

Legal protection of victims of abuse of minors is a very important moral and legal obligation. Child abuse is serious and threatens their basic rights (Pimentel, 2018). In the legal context, perpetrators of child abuse may be subject to criminal sanctions such as imprisonment, fines, or other penalties appropriate to the level of crime committed (Murewanhema et al., 2023).

However, legal protection is not only about law enforcement against perpetrators. It also includes prevention efforts through education to the community, parents, and children themselves. Awareness campaigns, training, and educational programs aim to increase understanding of children's rights and minimize the risk of maltreatment.

With strong legal protection, it is hoped that cases of abuse of minors can be prevented and victims can get proper recovery and justice. In this paper, we will review more about the criminal implications, legal protection, and prevention efforts that involve all parties in maintaining justice and protecting children's rights.

In this case, legal intervention becomes very important. The criminal implications and legal protections for victims of child abuse have the primary objective of ensuring justice for victims, punishing perpetrators, and preventing similar crimes in the future. However, this legal protection also includes prevention efforts through education to the community, parents, and children themselves. Awareness campaigns, training, and educational programs aim to increase understanding of children's rights and minimize the risk of maltreatment.

In this paper, we will discuss in depth various aspects related to legal protection of victims of child abuse. From criminal implications to prevention efforts, each element will be reviewed with the main aim of upholding justice, protecting children's rights, and creating a safe environment for the nation's next generation.

## 2. Methodology

The research method used in this writing is library research. This approach is done by reviewing and analyzing various written documents that are the source of data. The data sources used consist of primary legal materials, secondary legal materials, and tertiary legal materials.

- a) Primary Legal Material: Is a legal document or product that has binding force and provides a legal basis for the community. In this study, primary legal materials include various regulations, laws, and legal decisions relevant to the protection of children from maltreatment.
- b) Secondary Legal Materials: Includes interpretation, analysis, and explanation of primary legal materials. Legal experts and experts provide legal perspectives and views on the issues studied. Secondary legal material can be found in a variety of books, journals, articles, and websites that address issues of child protection and maltreatment.
- c) Tertiary Law Material: Is a legal material that collects and organizes information from various sources relevant to the research topic. Tertiary legal materials can be a collection of legal documents, case summaries, or comprehensive legal analysis.

Literature research makes it possible to gain in-depth insight into the legal protection of victims of child abuse. By collecting, reviewing, and analyzing various legal documents, this study aims to present up-to-date and accurate information on legal aspects related to child abuse cases. Thus, this research method provides a solid foundation for further discussion and analysis in this paper.

## 3. Results and Discussion

### 3.1. Legal Protection of Children in Cases of Abuse

Provisions regarding the behavior of violence against children, especially regarding child abuse, have been regulated in Law Number 35 of 2014 concerning Child Protection which is the result of a revision of Law Number 23 of 2002 (Renninger et al., 2022). This indicates the commitment of the Indonesian government to take this serious problem seriously and sustainably.

Child abuse is an act of violence, whether physical, emotional, or sexual, against a child under the age prescribed by law. This phenomenon is a serious violation of the fundamental rights of children and can have a long-term adverse impact on the development and well-being of victims. The following forms of child maltreatment

- a) Physical Abuse: Is an act that involves the use of physical force that causes injury or pain to a child. This includes punches, kicks, bites, or the use of blunt objects intended to physically harm the child.
- b) Emotional Abuse: This type of maltreatment occurs through the use of abusive words, threats, insults, or degrading behavior aimed at undermining a child's confidence, mental health, and social development. The impact of emotional abuse can be long-term and hinder children's ability to interact socially.
- c) Sexual Violence: Occurs when a child is coerced or sexually exploited. This includes rape, sexual abuse, sexual abuse, or commercial exploitation of children. Sexual violence can have a very heavy psychological and physical impact on victims.

The impact of child abuse can be short-term or long-term. On a short-term level, victims can experience physical injury, traumatization, and emotional distress. More worrying, however, is the long-term impact. Child maltreatment can lead to developmental disorders, mental health problems, and potentially reproductive cycles of violence in the next generation.

In addressing child abuse cases, the legal system has a crucial role. Law No. 35 of 2014 on Child Protection mandates that every child has the right to protection from all forms of violence and abuse. The criminal implications and legal protections for victims of child abuse aim to ensure justice for victims, punish perpetrators, and prevent similar crimes from occurring in the future.

By understanding the different forms of child abuse, as well as their impacts and consequences, communities and relevant institutions can play an active role together in preventing and addressing cases of child abuse. Thus, it is expected that every child can grow and develop in a safe, loving, and supportive environment.

### **3.2. Criminal Implications of Mistreatment of Minors**

Mistreatment, especially against children as victims, in the context of Indonesia's positive criminal law is an act that is expressly regulated and can be considered a criminal offense. Indonesia's positive criminal law not only regulates the interests between individuals, but also establishes the function of the state in protecting each of its citizens, including in cases where a person is a victim of a criminal act.

The criminal implications of maltreatment of minors include a number of legal consequences imposed on perpetrators of crimes. The purpose of these criminal implications is to provide justice to victims, prevent the recurrence of similar crimes, and give a clear message that child abuse is unacceptable and will be punished accordingly.

Perpetrators may be charged with maltreatment involving physical or emotional abuse of a minor. The severity of these crimes can range from mild, moderate, to severe abuse, depending on the degree of injury or psychological impact caused.

If maltreatment involves sexual abuse of minors, the perpetrator may be charged with criminal charges of sexual abuse such as rape, molestation, or lewd acts against children. The law often provides special protections and harsher sanctions in cases of child sexual abuse.

If maltreatment involves child exploitation, such as child trafficking, forced labor, or child prostitution, the perpetrator may be charged with criminal child exploitation. The law prohibits and provides strict sanctions against perpetrators who use children for personal or commercial gain.

With regard to penalties, the law has the authority to impose harsher penalties or increase the level of punishment in cases of maltreatment of minors. It aims to provide additional protection to vulnerable children and sends a strong message that crimes against children will be taken seriously by the justice system.

### **3.3. Protection of Child Abuse Victims**

Child protection is an effort to protect children in order to carry out their rights and obligations safely. Child protection law, both written and unwritten, aims to ensure that children can safely exercise their rights and obligations. Law Number 35 of 2014 concerning Child Protection defines child protection as a form of protection provided to children in certain situations and conditions to provide a guarantee of security against threats that endanger themselves and their lives in the process of growth and development.

According to Law Number 39 of 1999 concerning Human Rights (HAM), the protection provided to children includes the right of children to obtain legal protection from all forms of physical or mental violence, neglect, ill-treatment, and sexual abuse while in the care of parents, guardians, or other parties responsible for care *itu*. In situations where parents, guardians, or caregivers commit any form of physical, mental, neglect, ill-treatment, and sexual abuse, including rape and/or murder of a child who is supposed to be protected, they should be subject to harsher penalties (Mendy, 2023).

The main purpose of legal protection of victims of crime, including child abuse, is to provide attention and protection to the interests of victims. This can be achieved through the criminal justice process as well as through various means of social care. This protection effort is an integral part of criminal law policy and social policy, involving executive, legislative, judicial, and social institutions that play a role in protecting victims.

In the context of legal protection of victims of crime, there are several legal principles that need to be considered. These principles reflect fundamental principles in criminal law, including the principle of justice, the principle of sustainability, and the principle of proportionality. Efforts to protect victims must take into account the suffering or losses experienced by victims.

Legal protection of victims of child abuse is an important step in maintaining justice, ensuring the recovery of victims, and preventing the recurrence of similar acts in the future. This requires the cooperation of various agencies and parties involved in the criminal and social justice system to provide the necessary support to victims of child abuse.

### 3.4. Rights of Victims of Child Abuse

The rights of victims of child abuse are rights recognized and guaranteed by law to protect the interests and welfare of victims. These rights aim to provide protection and redress to victims of child abuse. Here are some of the rights of victims of child abuse (Munro, 2011):

- a) **Right to Feel Safe:** Victims deserve to feel safe and protected from further threats or harm. This includes physical protection, residential security, and prevention policies to reduce the risk to victims.
- b) **Right to Privacy and Confidentiality:** Victims have the right to privacy and confidentiality of their personal information. The identity and personal information of victims must be protected from unauthorized dissemination or misuse by others.
- c) **Right to Physical and Psychological Remedy:** Victims deserve appropriate physical and psychological remedies. This includes access to health services, trauma recovery, psychosocial support, counseling, and interventions needed to restore the victim's health.
- d) **Right to Uninterrupted Education:** Victims have the right to continue their education without interruption. They should have equal access to proper education, including any support services that may be needed to help them cope with the impact of maltreatment on their education.
- e) **Right to Engage in Legal Proceedings:** Victims deserve justice and to be involved in legal proceedings relating to their abuse cases. This includes the right to testify, participate in legal proceedings, and be adequately informed of the progress of their case.
- f) **Right to Compensation:** Victims are entitled to fair and adequate compensation as a result of the abuse they have suffered. Compensation may include financial restitution, recovery of losses, and reimbursement of medical or rehabilitation expenses.
- g) **Right to Effective Protection:** Victims deserve effective protection from the authorities. This includes efforts to prevent repeat abuse, protection from contact or threats by perpetrators, as well as protection in legal proceedings and witness protection if necessary.

Article 20 of Law Number 23 of 2002 concerning Child Protection confirms that those authorized and responsible for child protection include the state, government, society, family, and above all the parents of the child. The role of parents in providing protection to children who are victims of violence is very important, because they can help restore mental stability of children who may be disturbed by the traumatic experience.

The legal settlement process for child abuse cases involves various stages, ranging from investigation by the police, prosecution by prosecutors, to examination in court hearings. Efforts to protect victims' rights, including the right to testify and obtain justice, must be the focus of this entire process to ensure that victims receive appropriate protection and remedy.

### 4. Conclusion

Mistreatment of minors is a serious act of violence and requires strong legal protection. Law No. 23 of 2002 on Child Protection provides a clear legal basis to protect children from all forms of maltreatment. The criminal implications against perpetrators aim to ensure justice for victims, punish perpetrators, and prevent similar crimes in the future.

Legal protection does not only focus on criminal aspects, but also includes prevention efforts through education to the community, parents, and children themselves. Awareness campaigns and educational programs aim to increase understanding of children's rights and minimize the risk of maltreatment.

Protection of victims of child abuse also includes victims' rights, including the right to feel safe, privacy, physical and psychological recovery, uninterrupted education, justice in due process, fair compensation, and effective protection from authorities.

The role of parents in providing protection to children who are victims of violence is very important in restoring children's mental stability. In addition, the legal settlement process for child abuse cases requires attention to the rights of victims, including the right to testify and obtain justice.

With cooperation from various parties, including the state, government, community, and family, as well as the implementation of strong laws, it is hoped that cases of abuse of minors can be prevented, victims can get proper protection and remedy, and justice can be realized.

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