



CRIMINOLOGICAL STUDY ON THE CRIME OF CHILD ABUSE IN TERNATE CITY (CASE STUDY 2019 - 2021)

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ABSTRACT

This study aims (1) to find out what factors are causing the occurrence of criminal acts of child abuse in Ternate City. (2) what are the efforts to overcome the occurrence of criminal acts of child abuse.

This research was conducted in the jurisdiction of the City of Ternate to be precise at the South Ternate City Sector Police Office and the North Maluku NGO Daulat Perempuan (Daur Mala) office. The type of research used is empirical, namely research using an approach model by looking at the legal reality in society. In this study, the authors conducted interviews with the Satlantas Sector of Ternate City and also made direct observations in the field of this research using qualitative and quantitative analysis techniques.

The author obtained data by conducting direct interviews by taking data directly from the South Ternate City Sector Police Office and the North Maluku Daulat Perempuan NGO office (Daur Mala) and taking data from the relevant literature, namely literature, books and legislation relating to the problem. The results of the research that have been carried out, it is concluded that (1) That the factors that cause child abuse, the main cause is economic factors, this cause is the main driving force for parents to abuse children and cultural factors of the people of Ternate City who have a strong character. hard at dealing with a problem.

Keywords: *Criminology, Crime, Abuse, Children*

Introduction

The Republic of Indonesia, which is based on Pancasila and the 1945 Constitution, regulates every behavior of its citizens, which cannot be separated from all regulations originating from the law. The rule of law requires that the law must always be enforced, respected and obeyed by anyone without any exceptions. It aims to create security, order, prosperity in the life of society and the state. The position of children as the younger generation who will continue the noble ideals of the nation, future leaders of the nation and as a source of hope for previous generations, needs to have the widest opportunity to grow and develop properly both spiritually, physically and socially. In Law No. 4 of 1979 concerning Child Welfare, It is expressly stated that the child has the right to care and protection from the time he is in his mother's womb. In addition, children have the right to protection against the environment that endangers or hinders their normal growth.¹

¹ Moch. Faisal Salam, 2005, Hukum Acara Peradilan Anak di Indonesia, Bandung, hlm. 1

For children's lives, childhood is often considered endless, the development of a child's age that goes through several phases must certainly get attention from various parties, especially parents. The future of the nation and state in the future is in the hands of today's children. Children are the foundation and hope of parents. Children will also be the successors of this nation. Originally, it must be protected and given love. But the facts speak otherwise. The rise of cases of violence against children in recent years seems to reverse the opinion that children need to be protected. So many children are victims of violence by their parents, the environment and society today. Child abuse is defined as an act by one individual against another that results in physical and/or mental disturbances². Violence against children not only causes physical and mental disorders, it also causes social problems.³

Article 66 of Law Number 39 of 1999 concerning Human Rights stipulates: "every child has the right not to be subjected to persecution, torture, or inhumane punishments." The development of society in the current era of globalization seems to have an impact on the world of crime. One of them is child abuse. The phenomenon of child abuse is certainly very much appear in people's lives, especially in the social environment of children. Various forms of abuse that have occurred, such as child abuse by parents. The rise of parents' actions against the law, greatly disrupt the lives of children and society.

Parents must provide good guidance and guidance so that children can grow and develop as normal and fully intelligent children. Sometimes children experience difficult situations because they do not get good guidance, but get rough treatment from their parents. In essence, children cannot protect oneself from various kinds of actions that cause mental, physical, social harm, in various fields of life and livelihood. Children must be assisted by others in protecting themselves, given the situation and conditions, especially in cases of child abuse.

The problem of violence against children, both physically and psychologically that occurs is indeed very concerning, therefore it is necessary to take child protection efforts to be carried out as early as possible. Law Number 23 of 2002 concerning Child Protection, states; "Every child has the right to be able to live, grow, develop and participate fairly in accordance with human dignity and dignity, and to receive protection from violence and discrimination". Based on the rules above, it is clear that every child has the right to receive treatment that is humane and does not violate the law, for example, does not receive violent treatment (persecution). An example of a case is experienced by a child with the initials A (15 years old) who was abused by his biological mother and his own brother because the child did not sell fish. This case illustrates how a parental abuse of a child leads to death. This incident concludes that violence (maltreatment) requires a discourse in trying to legally prevent various acts of violence (maltreatment) committed by parents against children.⁴

Based on the background above, the formulation of the problem in this study is what are the factors that cause child abuse crimes in Ternate City? And how are the efforts to overcome the crime of child abuse in Ternate City?

RESEARCH METHODS

In this study, it was designed as a type of empirical research which is an approach model in the form of an action to see a legal reality in society is chosen as the author's type of research⁵. In fact, the implementation of positive legal provisions in legal events is also studied in this empirical legal research which aims to ensure the suitability of the results

² A.S. Alam, 2010, Pengantar Kriminologi, Refleksi Books, Ternate, hlm. 1

³ Topo Santoso, 2001, Kriminologi, PT. RAJAGRAFINDO PERSADA, Jakarta, hlm. 9

⁴ Maidin Gultom, 2009, Perlindungan Hukum terhadap Anak dalam sistem Peradilan Pidana Anak di Indonesia

⁵ Jonaedi Efendi, *Metode Penelitian Hukum Normatif dan Empiris*, Jakarta, Prenadamedia Group, 2015, hlm. 150

of its application with the provisions of the Act. In accordance with the title of the study, the location of this research was carried out in the City of Ternate which is located in the area of the Police Sector of the City of South Ternate and the office of the NGO Daulat Perempuan North Maluku (Daur Mala).

Data collection techniques that prospective researchers use in this research are field research, literature study and documentation. The three data collection studies are classified into two parts, namely primary data and secondary data, primary data obtained through field studies while secondary data obtained through library studies and documentation studies.⁶

The research procedure is carried out with the following stages:⁷:

1. Preparation and preparation of research instruments;
2. Identification of problems;
3. Data collection and analysis;
4. Preparation of research results; and
5. Follow up on the planned research output

RESULTS AND DISCUSSION

A. Factors that lead to the emergence of the Crime of Child Abuse in the City of Ternate

The family is the first institution to shape the behavior of children so that children grow up to become the next generation of a good nation. Besides the family as the initial place for the child's socialization process, the family is also the place where the child expects and gets the fulfillment of his needs. The need for emotional satisfaction has been owned by the newborn. The role and responsibility that parents play in nurturing their children is great.⁸

However, the reality is that in the current era of globalization, the phenomenon of child abuse is very widespread and very much appears in people's lives today. Children who are not loved by their parents usually tend to become adults who hate themselves and feel unworthy of love, and are plagued with anxiety. Children's attention and loyalty can be divided because of the behavior of their parents. There is a deep fear in children under the age of six if the attention and affection of their parents is reduced, the child feels anxious about anything that could harm the affectionate relationship between him and his parents.⁹

The problem of crime is an eternal problem in human life, because it develops in line with the development of the level of human civilization. The history of human development is marked by various human efforts to maintain their lives, where violence is a phenomenon in an effort to achieve goals. The occurrence of child abuse in the family by the father or mother (parents) is caused by various factors that influence it. According to Richard J. Gelles, the abuse that is often experienced by children in the family occurs due to a combination of various personal, social and cultural factors which include the inheritance of violence between generations, social stress, social isolation and

⁶ Patrick Alasuutari. (2010). The Rise and Relevance of Qualitative Research. *International Journal of Social Research Methodology*, 13(2), 139–155

⁷ Soerjono Soekanto, 2014, *Pengantar Penelitian Hukum*, Jakarta, Univ Indonesia, Hlm. 6-7

⁸ Romli Atmasmita.1992.Teorii dan Kapita Selekta Kriminologi. Erecsa.Bandung Hal. 71

⁹ Lianny Solihin, "Tindakan Kekerasan Pada Anak dalam Keluarga", *Jurnal Pendidikan Penabur*, No.03, hal. 133 (2004).

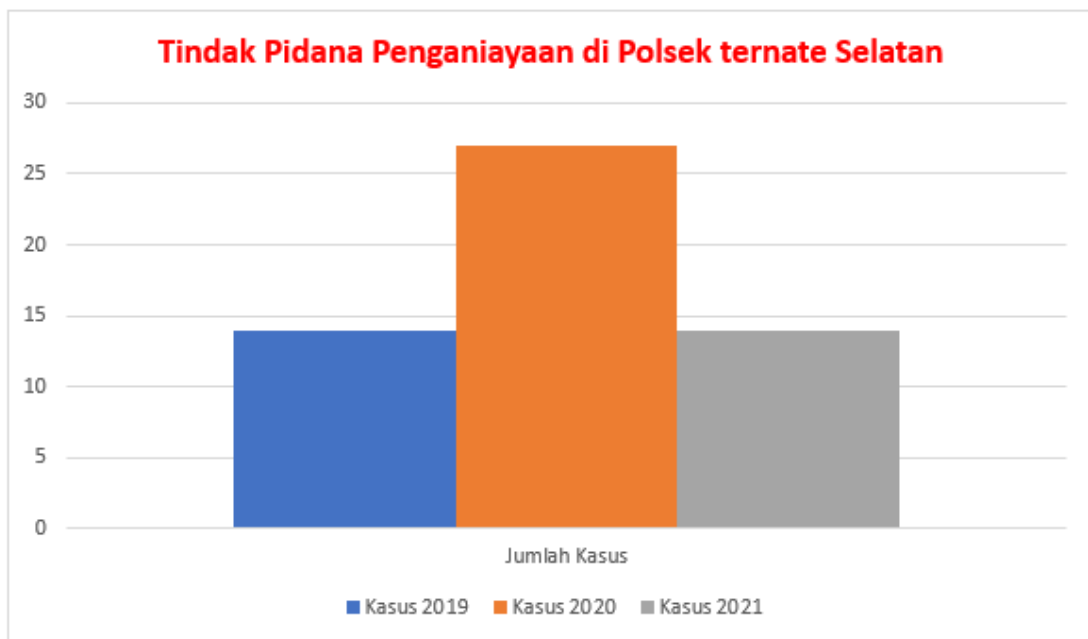
involvement of the lower community and family structure.¹⁰ This act of abuse is an act against the law and an act of a person to a person who harms or causes pain to the body or limbs of a human being.¹¹

In CHAPTER IV, the author will discuss matters relating to the results of the author's research by discussing in accordance with the formulation of the problem to be explained related to the author's title. In addition to conducting research on child abuse, the author also conducted a research interview with the Director of Daur Mala (North Maluku Women's Daulat). Before the author discusses further about the factors that cause child abuse, the author will describe the number of cases of abuse in Ternate City from 2019-2021:

Table 1
Number of Mild Abuse Cases
At Ternate City Police Sector

Child	2019	2020	2021
	14	27	14
Amount			55 Cases

Source of data: Ternate City Sector Police



¹⁰ J. Richard Gelles, 2004, Child Abuse, Dalam Encyclopedia Article from Encarta, halaman 4 sampai 6. <http://Encarta.msn.com/encyclopedia/>5 Juli 2004

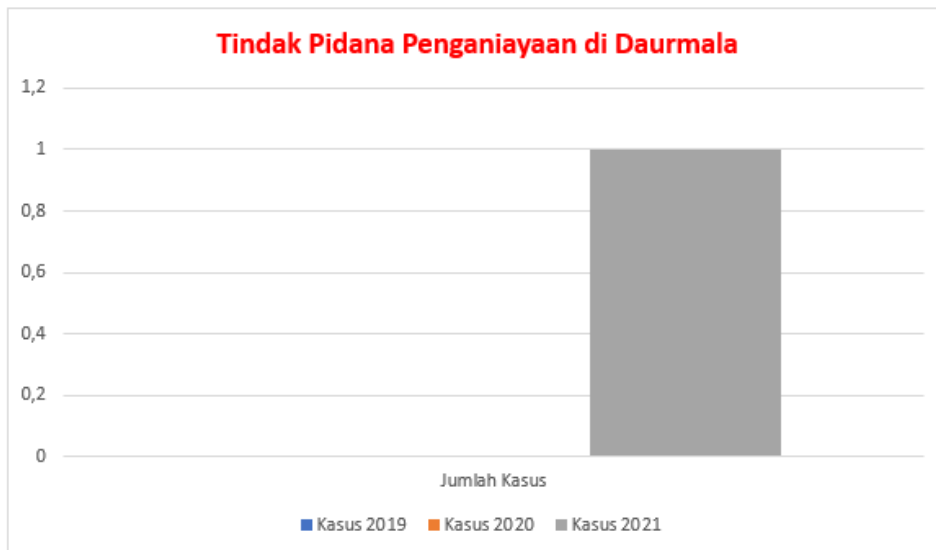
¹¹ Wirjono Projodikoro. 2010. Tindak – tindak Pidana Tertentu di Indonesia. Refika Aditama. Bandung, hlm. 6

Based on the table above, in 2019, the number of cases of criminal acts of minor maltreatment was 14 cases, in this case there was 1 case where the victim was a child. In 2020, the number of cases of minor maltreatment increased from the previous year, which was 27 cases. In 2021 the number of cases of minor maltreatment again decreased from 2019 and 2020, which was as many as 14 cases. In the last three years from 2019-2021 this crime of child abuse has decreased and there have been 13 cases. Then, the authors conducted research at the Daurmala NGO Office, the authors obtained data on criminal acts of child abuse that have been accumulated into a table, as follows:

**Number of Cases of Child Abuse
At the Daurmala NGO Office**

Child	2019	2020	2021
	-	-	1
Amount			1

Data source: Daurmala NGO office



In 2019 and 2020 there is no data regarding cases of child abuse in the City of Ternate at the Daurmala NGO Office, in contrast to the data in 2021 there is only 1 case. Based on the results of interviews conducted by the author with the director of the Daurmala NGO, Mrs. Nurdewa Safar (interview on July 30, 2022 stated that the factors that led to the emergence of criminal acts of child abuse are:

1. The child's own factor: a. children do not hear the words of parents b. children fighting c. child is still unstable
2. The child does not understand what he is doing, this usually happens because the child follows the wrong association, causing parental emotions.
3. Economic factors: Child abuse due to economic factors often occurs. The stress of family conditions caused by economic pressure is a factor that often causes violence against children.

Other things that trigger violence against children include the inheritance of violence between generations, then social stress, such as unemployment, disease, poor housing and environment, besides that most of the violence against children comes from poor families.

4. Factors from within the parents: This refers more to the family situation, especially the less harmonious parental relationship. A father will be able to commit violence against his children solely as an outlet or an attempt to release his annoyance and anger towards his wife.

The attitude of parents who do not like children, angry and unable to control emotions can also cause violence in children. For parents who have children with problems such as: physically or mentally disabled (idiots) they are often unable to control their patience when caring for or caring for their children, so they also feel burdened by the presence of these children and often parents become disappointed and frustrated. feeling frustrated.¹²

In addition, the author also conducted an interview with the South Ternate Police Chief, Suherman, S.Sos., MH (interview on July 30, 2022) he said that there are several factors that influence child abuse, namely parents who do not understand what children want, he also said that the usual factor is because parents do not understand education, it is a culture / culture of society that often commits violence against children so that it can damage children's mentality.

The child's growth and development is very influential on the environment, that the main factor of abuse of children is due to economic factors, besides that he said that children belong to parents who can follow all the wishes of their parents, family factors can also cause parents to abuse children and he also said that cultural factors are hereditary. The author was also given input, he said that the factor causing the crime of child abuse is because parents usually force their children to work, help earn a living but their children have not been able to do the work. In Law no. 23 of 2002 concerning Child Protection Article 4 stipulates that: "Every child has the right to be able to live, grow, develop,

B. Efforts to Combat the Crime of Child Abuse in Ternate City

The crime of child abuse as a form of violent crime is a social phenomenon that is eternal so that it always colors the side of people's lives in social life. Humans in fulfilling their life needs are never perfect and the interests of each individual are different.¹³ Nevertheless, it is the obligation for every human being to always try as much as possible to prevent and overcome with the aim that acts of child abuse that occur can be minimized as low as possible both in terms of quality and in terms of quantity, in order to create a state of law and order in society.¹⁴

Based on the results of an interview with the Head of the South Ternate Police, Suherman, S.Sos., MH (interview on July 30, 2022), said that there were several things that the police did in tackling the problem of child abuse in Ternate City, namely: 1. Preventive efforts Efforts and This activity is focused on increasing knowledge and understanding of every Polri personnel in particular and the community in general, regarding their duties and responsibilities as obligations in the context of creating security and public order. For example, Satbimas conducts counseling and organizes organizational activities and empowers community institutions and fosters community security and order. This effort is a prevention and control effort that includes the process of planning, organizing,¹⁵

¹² Taufik Mohammda, dkk. 2013. *Hukum Perlindungan Anak dan Penghapusan Kekerasan dalam Rumah Tangga*. Jakarta: Rineka Cipta

¹³ Irdhanie, A & Cahyanti Ika Y. (2013). "Adult Romantic Attachment pada Dewasa Muda yang Mengalami Childhood Abuse". *Jurnal Psikologi Klinis dan Kesehatan Mental*. Vol. 02 No. 02, 20- 36.

¹⁴ Kinanti AR kuntoro (2017). Hubungan Parenting Stress, Pengasuhan Dan Penyesuaian Dalam Keluarga Terhadap Perilaku Kekerasan Anak Dalam Rumah Tangga, *Jurnal Manajemen Kesehatan*, Yayasan RS Dr. Soetomo, Vol. 3 No. 1, April 2017: 86--98

¹⁵ Patnani, M. dkk. (2002). "Kekerasan Fisik Terhadap Anak dan Strategy Coping yang dikembangkan Anak". *Indigenous Jurnal Ilmiah Berkala Psikologi*, 2002, Vol.6, No. 1, 40-51.

Meanwhile, according to the director of the Daurmala NGO, Ms. Nurdewa Safar (interview on July 30, 2022) what was done to prevent child abuse was to program door to door for parents at home so they could nurture their children with love. Apart from the above-mentioned countermeasures, achieving these things is not an easy thing. then provide input, as follows: 1. Parents must change their way of thinking, that the child is a gift from Allah SWT that must be guarded and cared for properly until they grow up. 2. Implement education without mistreatment 3. Provide debriefing programs for parents to educate their children

CHAPTER V

CLOSING AND SUGGESTIONS

A. Conclusion

Based on the description of the discussion that has been explained, the author can draw the following conclusions:

1. Factors causing the occurrence of criminal acts of child abuse, from the children themselves, namely: the child's own factor, the child does not hear the words of the parents and the child is still unstable. The next factor, from the factor of parents abusing children, namely: the most important is because of economic factors, this factor is the driving force for parents to abuse their children such as telling children to help earn a living but the child has not been able to do the work. This is due to hereditary factors from the family, and the last one is the cultural factor or the culture of the North Maluku people, especially the Ternate people who have a strong character in responding to a problem.
2. Efforts to overcome the crime of child abuse are preventive efforts, changing the paradigm or way of thinking of parents, providing educational programs for parents, processing perpetrators who abuse children, and finally educating children with love and not forcing children to do something. things they shouldn't do.

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