

CRIMINOLOGICAL REVIEW OF THE CRIMINAL VIOLENCE IN VIOLATION OF CHILDREN IN FAMILY

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ABSTRACT

Child protection is all efforts undertaken to create conditions so that every child can exercise his /her rights and obligations for the proper development and growth of the child, physically, mentally and socially. Child protection is the realization and existence of justice in a society, thus the protection of the child is cultivated in various areas of the life of the state and the society. Child protection activities bring legal consequences both in relation to both written and unwritten laws. Child protection activities are legal actions that bring legal consequences. There is a need for legal guarantees for the child protection activities. The legal certainty needs to be pursued for the sake of continuity of child protection activities and to prevent misconduct that brings undesirable negative consequences in the implementation of child protection activities. Losses of women and children as victims of violence committed by the family, not only material, but also immaterial, among others, in the form of emotional and psychological shocks that directly or indirectly affect the future of life.

Keywords: Criminology, Crime Violence, Child, Family

A. Introduction

Children are the hope of the nation and when it is time to replace the older generation in continuing the wheel of life of the country. They will later determine the welfare of the nation in the future. Children need to be nurtured well so that they are not wrong in their life later. They are expected to carry out activities that can improve their skills and skills and benefit the community. Every component of the nation, whether governmental or non-governmental, has an obligation to seriously pay attention to its growth and development. But the first component that must be guided to the child is the family is the place to form a child's child since childhood.

The child is also part of the easy generation, as one of the human resources, which is the potential and successor of the ideals of the nation's struggle, which has a strategic role and has special characteristics and traits. In maintaining this potential, children need coaching and social protection as a whole, harmonious, harmonious, and balanced.

Domestic violence is not a new thing. But all this time always kept secret or covered up by family, or by victim own. In addition, the culture of society contributes to this. The violence that occurs in the household contains something specific or specific. That particularity lies in the relationship between the perpetrator and the victim, namely the kinship or employment relationship (employer-housekeeper). In addition the locus delicti on domestic violence is more specific, ie inside the house, where the perpetrator and the victim live. In another criminal act, locus delicti can be anywhere, somewhere.

Resting and so on, received by his family members until he grew up and was able to meet his own needs. If a woman or child gets violence from her family, who will bear the harm she suffers. The loss of women or children as victims of violence perpetrated by the family is not only material, but also immaterial, such as emotional and psychological shocks that directly or indirectly affect the future of life.

The scope of the household in this case is:

- a. Husband, wife and child
- b. People who have family relationships, both because of the blood relationships, marriage, dairy, parenting, and guardianship that settle in the household and
- c. People who work to help the household and settle in that household.

When observed carefully, of the many products of legislation, there is already a special regulation on the Elimination of Domestic Violence that is Law No. 23 of 2004, it is appropriate that family members get protection in terms of juridical and non juridical. But that expectation is still limited to hope in dreams and the problems of violence still continue and show increasing scale every year.

The birth of the Law on the Elimination of Domestic Violence is motivated by the current developments which shows that domestic violence in fact often occurs in the life of the community both in the form of physical violence, sexual psychological as well as neglect of the household. The expectation of the Law on the Elimination of Domestic Violence is that the wider

community is more able to exercise their rights and obligations within the scope of their household, in accordance with their religious base. Law enforcers and related authorities in handling victims of domestic violence will be more sensitive and responsive to cases handling domestic violence for the prevention, protection and enforcement of justice.

Society still consider the violence in household of child of one family kitchen. Parents also, not a few, assume that their child is their property and responsibility until he is entitled to do anything, including slamming him for causing the child to die or in the name of educating, fostering, and carrying out his duties as a parent, the child is legally punished, beaten, scolded, pinched, twisted to torture. Children since childhood have been taught to be obedient and obedient to parents by violent means. Parents in applying discipline to children often do not pay attention to the existence of a child as a human being. Children are often shackled by irrational parental rules and without respect for the existence of children with all their rights such as the right of children to play. This is reality. The social hierarchy being taught is an authoritarian, arbitrary hierarchy. Not only in the village but also in the city this is still a lot happening. Not only by parents who said not school, parents who are respected in the community was also there as an aligator (predatory) or oppressors at home.

In Law Number 17 Year 2016 Amendment of Law Number 35 Year 2014 regarding Amendment of Law Number 23 Year 2002 regarding Child Protection specifies that a child is a person who is not yet 18 years of age including a child who is still in the womb. The important thing to note in the legislation relating to children is the consequence of its application is associated with various factors such as economic conditions, socio-political, and cultural community. In various laws and regulations there are different provisions that regulate the child, this is motivated by factors that constitute the basic principles contained in the basis of consideration of the issuance of relevant legislation relating to the conditions and protection of children.

B. Problems

1. What are the factors causing the crime of violence against children in the family?
2. How to overcome the crime of violence against children in the family?

C. Discussion

1. Forms of Violence

The forms of violence experienced by children and women are in the form of sexual abuse in the form of obscenity, or rape, trafficking or trafficking of children and women, murder, bribing, or beating. These events are only a small part of the violence. From these incidents, it is known that the perpetrators of violence against children are not only unidentified victims, but also the perpetrators known to the victim and have blood relation to the victim, or in other words the perpetrator is one of the victim's own family members.

Forms of violence against children and women ranging from neglect to rape and murder, which can be classified into three types:

1. Emotional abuse (emotional / psychological violence) is an act that results in fear, loss of confidence, loss of ability to act, distrust and / or severe psychological suffering to a person. Psychic violence such as disregarding, discriminating, terrorizing, threatening, or openly rejecting the child. Other forms of mental violence, stunned, seduced, diolemli, berated, spit, shaved, forced, threatened, expelled, punished, dried up, locked up, forced to write, and memorized, inspected clean wc / work forced to pull grass / work.
2. Physical abuse (Physical abuse), is an act that results in pain, sickness, or severe injury. Physical violence shows the injury that was found, not because of an accident but the injury is the result of beatings with objects or multiple attacks. Forms of physical violence can be punched, jittered, pinched, grabbed, pinched, bitten, strangled, shaken, dragged, tied, punched, punched, pounded, kicked, stamped, slammed, bumped, slashed, stabbed, hacked, crushed / grounded, burned, ironed, electrocuted, shot, fighting, beaten, told to push up, run, told to walk with knees.
3. Sexual abuse (Sexual violence), including, coercion of sexual intercourse committed to one of the household within the scope of his household with others for certain commercial purposes and / or purposes. Sexual violence refers to any sexual activity, its form may be assault or without assault. The category of aggression raises the suffering of physical injury, the category of sexual violence without assault suffers from emotional trauma. Forms of sexual violence seduced, poked, forcibly embraced, squeezed, forced masturbation, oral sex, raped.

Domestic neglect is the act of any person who abandons a person within the scope of his household, whereas according to applicable law he is obliged to provide life, care, or education to that person. Including domestic abusive acts is the act of any person resulting in economic dependence by limiting and / or prohibiting proper work within or outside the home so that the victim is under the control of the person.

2. Factors That Cause Violence Against Children In The Family

It is not easy to determine the most dominant cause to encourage the crime of violence by parents against their children, since a crime arises as a sequence of processes concerning factors that lead to the commission of a criminal offense by violence influenced by many factors, so that a person commits a criminal offense. A person committing an act of family violence is

influenced by many factors such as education level, psychological circumstances that are not normal, or due to memory pain, unemployment or unemployment, social and cultural environment, economic, the offender is punished for committing a criminal act or crime with very low penalties, so after experiencing such punishment is likely to repeat it. In addition to these things above evil can be viewed from the point of personality of a person like the perpetrator has a typical person always wants to commit a crime.

In the case of the personality of concern is about the behavior in interacting with the environment. Behavior in interacting with the environment, the behavior of a person closely related to the needs of diverse, as well as physical development that so quickly can cause a person experiencing psychic shock, so it can lead to negative things and lead to evil deeds. Crime can be viewed as a wrong direction of personal development, because every individual member of a society has different talents to one another.

If a person has a talent in one area, then the person will easily master the field, because gifted in the midwife. talent is considered good when it comes to things that are positive, for example for the talent to sing, dance, read poetry, music and so forth. On the other hand there are also among the citizens to deceive, persecute, rob, rap, steal, commit violent crime and so the consequences of such acts can cause unrest for other members of the community. The existence of talent that leads to the negative things, is one of the factors that encourage criminal acts of crime.

It is not easy to find the most dominant cause to encourage violent crimes by parents against their children, since crime arises as a sequence of processes concerning factors that lead to the commission of criminal offenses by violence influenced by many factors, so that a person commits a crime. a person committing a criminal act of violence within the family is influenced by many factors such as educational level, psychological circumstances or abnormalities of mental illness. The unemployed or unemployed, social, and cultural, economic, and possibly because the perpetrators of the crime are punished for committing a crime or crime with so low a penalty that after the punishment it is likely to repeat it. In addition to these things above evil can be viewed from the point of personality of a person like the perpetrator has a typical person always wants to commit a crime.

The occurrence of criminal acts committed by parents against their children cannot be seen from the parents only, but situations and conditions that allow parents to commit criminal acts because of environmental conditions, character, economic pressure, such as poverty, unemployment and so forth. There is also the opinion that in understanding the factors of the emergence of evil is not perfect when viewed from and elements of individuals or elements of the environment as living things that together with other individuals.

A person's behavior can be influenced from the individual itself as well as the environment. Every evil is the elements contained in the individual, the society, and the physical state, the individual factors may include individual traits derived from the inheritance of his parents, inner circumstances, sex, age, temperament and health intellect while circumstances that promote crime covering the old state, the state of the economy and the level of civilization.

The background or factors that cause violence against children in the family are:

1. Gender issues.

Speaking of child abuse, it arises in the thinking of a girl and a man who have problems, different needs. Gender is all the differences between men and girls born of culture with all the necessities. Discrimination against children has occurred since in the womb. Example is still many people expect the child born of a mother is a boy. In addition to the above fertile patriarchal culture puts men more important than girls. The burden of girls at home more than boys. Parents, especially mothers and nations, helped to perpetuate this. mothers are required to have values while the responsibility of the child is not only the responsibility of the mother but also the father's responsibility. Girls are then required to replace the role of mother, ironically even some girls are involved in the position of replacing the role of wife in the family.

2. Child's relationship with parents

The child must obey the parents, the boundary between disciplinary action and verbal abuse is so slim that parents often punish a child who commits an offensive punishment such as kicking, slapping, and hitting so hard that the child feels hurt physically. This is not an educational act by parents of an undisciplined child but rather leads to mistreatment of his children by mistakes he makes.

3. Abuse of parental powers

The experience of being persecuted in the family, has forced the child to leave his family. Family violence often occurs in all types of families, whether located or not. If the family is experiencing economic difficulties it is likely that these things become larger than the family is. This is often exacerbated by the large number of family members. Acts of violence and abuse of power, the role of parents occurs because parents experience disappointment in life. Parents feel that every day the burden of life gets heavier. Many parents lose their jobs or have to work hard every day and rarely meet with families and children. From

reality in a along society a father is involved in excessive alcohol use, gambling, and ending out of money. In many ways children are easily subjected to the anger and frustration experienced by parents, especially when the child can not be quiet, unwilling to help the elderly or very physically active. It should also be said that boys and girls have different reactions to family violence that they experience, even though girls are subjected to violence, persecution and even sexually abused children, and girls prefer silence. The consequences when the child reveals his or her abuse may be exclusion and rejection, however, a boy tends to express his anger by venturing another child more easily than his or her age. Boys are more open to talk about his experience.

4. Poverty (Economy)

One of the causes of violence against children in the family is starting from the economic factors experienced by the family so that the child told the work to earn additional livelihood. Many parents who do not realize when sending children to work actually parents have seized the independence of child because children at a young age is not a child's task to make a living. In working children also lose the opportunity to study more strategically, by working children into an environment that naturally has not been well-known to children. Many parents also argue that it is not a mistake to have the child work because it is based on an assumption that the child is still in the womb of the parent and the parent is entitled to manage the children. Given the immature age and the weak position of the child against the employer or employer causes the child to be easily exploited, frightened, threatened, deprived and even willing to do various acts that are very contrary to public appropriateness and moral values. It is tragic because of the powerlessness and the economic stress that the family experiences, so that children become victims of violence.

5. Educational environment that gives birth bias

Abuse of the role of the teacher confronted the pupil, the child punished exceeds the interest for no apparent reason. For example, a person who does not do homework is punished by slapping even the child's physical kick, whereas an educational punishment for a child who does not do enough housework by doing the task

6. Violence in public places

Country street children's perception must be naughty, in the name of the charm charm of children is not allowed to be on the streets. The factors that cause crime in the family basically do not lie from within and outside of a person. In addition to the above factors, the circumstances and conditions at the time of the crime constitute one of the factors that encourage the commission of a crime, which is meant by the situation and condition at the time of committing the crime is one of the factors that encourage the commission of the crime, which is meant by the situation and conditions here are the factors or circumstances that enable the offender to commit a crime.

3. Legal Protection Efforts on Children Victims of Violence that Happen in the Family

Efforts to prevent violence against children in the family (household) or at least reduce the frequency of violence against children in the family continues to be done by various parties, both government and society. The efforts to overcome the child victims of violence in the family are:

1. Preventive efforts

Preventive legal protection is intended for attempts made before the crime takes place. Preventive action in preventing the occurrence of violence against children in the family is to provide understanding and socialize the existence of the law on child protection, so that parents have an understanding of the dangers and sanctions to be imposed on perpetrators who do violence in the household, in addition to socializing legislation about child protection, the role of children, society is also very important in monitoring, assessing the phenomena in the midst of society.

Without participation and the community to monitor such deviant behaviors, law enforcement and justice officials will not be able to do much. This sensitivity and sense of responsibility is highly demanded for the assurance of security, peace and order. If society is not sensitive to the social phenomena surrounding it, then the loss is the society itself.

2. Repressive efforts

Through this effort it is endeavored to take decisive action and violence against perpetrators of domestic violence in order to reduce the frequency of domestic violence cases. this repressive effort is the whole business, the wisdom of action and action taken after the occurrence or the occurrence of the crime with the aim of the crime so as not to happen again.

3. Rehabilitation efforts

Rehabilitation effort means business returns to its original form. This effort is an attempt to change a person who has committed a crime and that person no longer commits a crime and returns to being a good member of society. In rehabilitation efforts such as prisons do, prisoners are not only silent but they work according to the abilities and talents of the prisoners.

4. The efforts and strategies that have been and will also be done in the prevention of violent crime in the household are:

1. Penal Efforts

Attempts to combat violent crime in households by using penal sanctions (penal) or penal facilities are the oldest way, as old as human civilization itself. Until now, the use of penal means is still used and relied upon as one of the means of criminal politics. The use of penal measures (penal sanctions) in governing the community (through legislation) is essentially a part of a policy move.

The use of penal or criminal law in a criminal policy in Indonesia as a means to combat domestic violence crimes for the time being is very appropriate, since the use of penal means focuses on its repressive nature which means the overall policy undertaken after or at the time a crime or a crime. This is held with the aim that the crime does not happen again or at least the smallest quality and quantity.

In the effort to overcome the crime of violence in household, in this case police and its staff always remain consistent doing some preventive and repressive activities. The repressive measures perpetrated by the police as investigators are a preliminary and law enforcement effort against the factual threat and in the domestic violence crime by unauthorized and irresponsible persons.

In accordance with the elements or sub-systems that exist in the criminal justice system that involves elements of police, prosecutor's office, and correctional institutions then the workings of the criminal justice system can be interpreted as the work of each element in the capacity of each function to face and or handle the action criminal violence in the household that occurred. Based on this understanding, the operation of the criminal justice system begins when there is information about the allegation of a happening, is or has been the occurrence of a crime.

It turns out that some of these goals even though something has been achieved, but the success is not satisfactory. It is acknowledged that there have been so many cases of domestic violence settled by the Judiciary through the operation of the criminal justice system by producing many verdicts, but so many of these decisions do not make the people satisfied that justice has been upheld.

2. Non Penal Efforts

Rational efforts to control or cope with domestic crime are certainly not only by using penal means (criminal law), but also by using non-penal means.

These non-businesses such as sponsorship and social education in order to develop social responsibility for the community, the cultivation of mental health of the community through moral education, religion and so forth, the increase of welfare efforts especially when the perpetrators of such crimes are elements of government apparatus (military), patrol and other supervisory activities continuously by police and other security apparatuses.

This non-penal effort can cover a very wide field across the social policy sector. The main purpose of these non-penal efforts is to improve certain social conditions, but indirectly have crime prevention. Viewed from the point of criminal policy overall non-penal preventive activities that actually have a very strategic position and hold the key that must be intensified. Failure to pursue this strategic position will precisely cause fatal to the effort to combat violent crime in the household. A criminal policy should be able to integrate and harmonize all non-penal preventive activities into a system of regular and integrated state activities.

There are two preventive efforts as non-penal approach that can be done by the community in preventing and overcoming the occurrence of domestic violence that is:

1. **Abolitionistic** business is the effort to overcome the crime by first studying the causes of the occurrence of things that are negative, then carried out actions that eliminate or at least reduce the cause.
2. **Moralistic effect**, namely the effort to overcome the intended is to thicken and nurture mentally, public morals and community faith so as to avoid themselves from things that are very negative that can damage the community. This effort can be done by scholars, investigators of experts who understand the problems of domestic violence. These efforts include:
 - a. Increasing the spread of religion more intensively
 - b. Improve education on ethics and character in the community
 - c. Provide information on the dangers and threats of punishment against perpetrators who perpetrate domestic violence
 - d. Law enforcement officers must dare to take firm action against perpetrators of domestic violence
 - e. Enhance good cooperation between the officers dealing with the problem of domestic violence, with the wider community, so that with good cooperation will make good results as well.

Conclusion

1. The factors causing the crime of violence against children in the family are due to gender issues, the relationship of children with parents, abuse of parental role, poverty, violence in public places and no legal protection and factors causing the

emergence of crime family is basically not located inside of self and outside of self, besides factor, factor of situation and condition of on time do crime is one of the factors that encourage the doing of crime, what is meant by situation and condition here are factors or circumstances- circumstances that allow the offender to commit a crime.

2. The way to overcome the crime of violence against children in the family is abolitionistic business is the first cause that learn to cope with the crime by first studying the cause of the crime then carried out actions to eliminate or at least reduce the cause. The moralistic attempts to overcome this problem are to strengthen and nurture mentally, morally society and society's faith so as to avoid negative things that can damage society. These efforts include intensifying the spread of religion more intensively, improving education on ethics and character in the community, providing information on the dangers and the threat of punishment to perpetrators who perpetrate domestic violence, law enforcement officers must dare to take firm action against perpetrators of domestic violence, promoting good cooperation between officers dealing with domestic violence issues, with the wider community, so that good cooperation will result in good results.

Suggestion

1. Given the violence in the victimized household is the child as a weak individual, the parent should not vent his resentment, his anger to the child, since violence against children every year increases need to be taken seriously whether it is government, community and non-governmental organizations which concerns the child's problem.
2. The perpetrators of violence against children in general and domestic violence in particular should be subject to sanctions in accordance with applicable laws and regulations, so they do not repeat them.

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