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# Legal Protection for Neglected Children Based on Regional Regulation of Bali Province

## Abstract

*The aims of this research know legal protection for neglected children based on the regional regulation of Bali Province. The problem in this study is how Legal Protection for Neglected Children in the Province of Bali is based on the Regional Regulations of Bali Province Number 6 of 2014. This research uses a normative legal method by taking a statutory approach. The sources of legal materials used are primary and secondary, which are reviewed using literature study techniques and analyzed descriptively and qualitatively. The result can be seen that legal protection for neglected children based on Article 2 of the Regulation Number 6 of 2014 of Bali Province concerning child protection states that every child has the right to be able to live, grow, develop, and participate appropriately following human dignity. Preventive protection is also emphasized, where the state, government, local government, community, family, and parents or guardians are obliged and entirely responsible for child protection. This protection is based on the principle of child protection, namely the principle of non-discrimination, the principle of the child's best interests, the right to live, grow, and develop, and the principle of children's participation.*

**Keywords:** Legal Protection; Neglected Children; Regional Regulation

## 1. INTRODUCTION

Nowadays, many cases report violence against children, including neglect of children by their own families.<sup>1</sup> Problems in life are not only experienced by adults, but children also face many problems in their growth.<sup>2</sup> Children who are victims of violence, in any form, usually experience stress and trauma, and even in severe cases, the resulting trauma can persist for a considerable period of time.<sup>3</sup>

As a result, children not only experience mental disorders, but also cause delays in their growth, including physical development, which can even cause mental disabilities and mental retardation.<sup>4</sup> The impact of neglected on children is very diverse and requires proper handling before children imitate the behavior of parents who neglect them. Several studies mention that many parents who neglect their children also experience something similar when they were child. The, appropriate treatment will break the chain of violence and neglected children case in the future.<sup>5</sup>

However, the factors of neglect do not only come from the problems of the parents themselves, but also external influences that cause parents to abandon their own children. Both from environmental factors, economics, and awareness of parents and society about the importance of children's education. All problems with parents that cannot be resolved properly can trigger anger or discomfort in life, and even take it out on children. In fact, children do not realize what problems their parents are facing. This is where support from

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<sup>1</sup> Komis Simanjutak et al., "Peran Jaksa Dalam Pelaksanaan Diversi Terhadap Pidana Anak," *Jurnal Ius Constituendum* 7, no. 2 (2022), <https://doi.org/10.26623/jic.v7i2.5677>.

<sup>2</sup> Lilien Ristina, "Peran Jaksa Dalam Penerapan Kebijakan Diversi Terhadap Anak Pelaku Tindak Pidana," *Jurnal Ius Constituendum* 3, no. 2 (2018), <https://doi.org/10.26623/jic.v3i2.1038>.

<sup>3</sup> Muhammad Ridwan Lubis and Panca Sarjana Putra, "Pemidanaan Terhadap Anak Yang Berhadapan Dengan Hukum," *Jurnal USM Law Review* 4, no. 1 (2021), <https://doi.org/10.26623/julr.v4i1.3354>.

<sup>4</sup> Ministry of National Education, "Balai Pustaka Big Indonesian Dictionary, Third Edition," *Jakarta: Balai Pustaka*, 2005, 8–17.

<sup>5</sup> Chandra Noviardy Irawan, "Penanganan Tindak Pidana Pembunuhan Yang Dilakukan Oleh Anak Berdasarkan Restorative Justice," *Jurnal USM Law Review* 4, no. 2 (2021), <https://doi.org/10.26623/julr.v4i2.4283>.

all parties is needed so that children, as victims of neglect, and parents, as perpetrators, can return to a normal life filled with love, preventing the cycle from continuing to the next generation.<sup>6</sup>

Neglected children means a child whose needs are not properly met, physically, mentally, spiritually, or socially. Law Number 4 of 1979 concerning child welfare in number 7 explains that neglected children are children whose parents neglect their obligations so that the child's needs cannot be met properly spiritually, physically, and socially. A child is stated to be abandoned or neglected, not just because he no longer has one or both parents. However, neglect is also in the sense when the rights of children to grow and develop normally, to obtain adequate health services, are not fulfilled due to negligence, parental ignorance, incompetence or intentionally.<sup>7</sup>

For example, a child whose birth was unwanted is commonly very vulnerable to being abandoned and even abused (child abuse). At an extreme level, neglected children behavior can be in the form of parents abandoning their children away, whether in forest, in a ditch, in a trash can, and so on either to hide shame or due to the parents' unpreparedness to give birth and care their child in a proper manner.<sup>8</sup>

All parties are obliged to play a role in protecting every child's life, be it the family, society, or the state, which also protects children to get their rights. The Indonesian state constitution guarantees that every child has the right to survival, growth, and development. The children have the right for protection from both violence and discrimination. This is as stated in Article 28B paragraph (2) of the 1945 Constitution. The guaranteed and regulated constitutional rights in the content of the 1945 Constitution refer to individual rights, namely human rights and the rights of citizens which also include the position of children's rights in the constitution.<sup>9</sup>

Every child has the right to legal protection as an effort to protect the freedom of children's rights (Fundamental Rights and Freedom of Children). This is in accordance with research that states the need for guarantees or legal certainty related to the implementation of protection for these children to make no abuse that has negative consequences. Other research states that child protection is defined as an effort to prevent, rehabilitate, and empower children so that they feel free from all forms of violence, exploitation, and neglect of children.<sup>10</sup>

As an effort made to ensure the fulfillment of children's rights and the general principles of child protection in accordance with the provisions of the Convention on the Rights of the Child (CRC), which Indonesia had previously ratified through Presidential

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<sup>6</sup> Hotma Siregar and Atika Rahmi, "Punishment Analysis at School Based on Article 54 of the Child Protection Act in Law Number 35 of 2014," *Budapest International Research and Critics in Linguistics and Education (BirLE) Journal* 2, no. 3 (2019), <https://doi.org/10.33258/birle.v2i3.427>.

<sup>7</sup> Agustri Heriyanto, Erwin Owen Hermansyah, and Dwi Atmoko, "Legal Protection For Children In The Crime Of Theft," *International Journal of Law Reconstruction* 6, no. 1 (2022), <https://doi.org/10.26532/ijlr.v6i1.21546>.

<sup>8</sup> Bagong Suyanto, "Children's Social Problems," *Jakarta: Kencana*, 2013, 389, [https://www.google.co.id/books/edition/Masalah\\_Sosial\\_Anak/zqRPDwAAQBAJ?hl=id&gbpv=0](https://www.google.co.id/books/edition/Masalah_Sosial_Anak/zqRPDwAAQBAJ?hl=id&gbpv=0).

<sup>9</sup> Laurensius Arliman S, "Interstate Marriage in Indonesia Based on International Private Law," *Solution* 17, no. 2 (2018): 140–53, <https://doi.org/10.36546/solusi.v17i2.174>.

<sup>10</sup> Said Abdul Azhim, "Incorrect Upbringing of Children's Education Problems Today & the Solution," 2016, 183.

Decree Number 36 of 1990, the following principle of non-discrimination, the best interest for children, the right to live, grow, and respecting children's participation. The definition of a child according to the Convention on the Rights of the Child is someone under the age of 18 (eighteen) years, unless according to the law that applies to children, the age of adulthood is reached earlier. Indonesia then passed a special regulation regarding child protection regulated in Law Number 35 of 2014 concerning changes to Law Number 23 of 2002, hereinafter known as the Child Protection Act. Article 1 paragraph (1) of the Child Protection Law explains the meaning of a child: someone who is not 18 (eighteen) years old, including when the child is still in the womb.<sup>11</sup>

In formulating the Technical Policy in the field of protection children in Bali Province in 2014 a Regional Regulation of the Province of Bali was stipulated in the form of Regional Regulation of the Province of Bali Number 6 of 2014 on Child Protection. In Article 2 of the Regional Regulation of the Province of Bali Number 6 of 2014 dated 11 August 2014 concerning Child Protection, it is stated that every child has the right to be able to live, grow, develop, and participate fairly in accordance with human dignity and receive protection from violence, discrimination, exploitation and neglect. Article 4 states that the Government of Bali province integrates child protection policies, programs, and activities into regional development plans.<sup>12</sup>

Previous research explains the implementation of the 1945 Constitution article 34 paragraph 1 of neglected children in Jember district & to find out the legal protection of neglected children in Jember, where Jember as a district cares about human rights. The strength of this research is that the case study design was chosen to help researchers determine the implementation of legal protection for neglected children in Jember Regency. The weakness of this research is that it was only taken in the Jember district area so the results cannot be generalized.<sup>13</sup>

Different from other research, namely about the legal protection of children who are victims of neglect and uncover criminal sanctions against perpetrators of neglect of children. The advantage of this study is that it uses a normative method considering that there is still a lack of legal norms, with a legislative approach. Legal protection for neglected children is a right for every citizen, especially children, which can be divided into preventive and repressive protection.<sup>14</sup>

It is also different from the research article about examining the current state of state policy in the field of social protection of homeless and neglected children in wartime conditions. The main normative legal acts regulating the protection of children's rights are

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<sup>11</sup> Fakhruddin Razy, "Protection of Appointed Children's Rights According to Law Number 35 of 2014 Concerning Child Protection," *International Journal of Law and Public Policy (IJLAPP)* 5, no. 1 (2023), <https://doi.org/10.36079/lamintang.ijlapp-0501.413>.

<sup>12</sup> I Wayan Eka Wijaya et al., "Implementasi Kebijakan Gubernur Bali Tentang Komisi Penyelenggara Perlindungan Anak Daerah Dalam Perlindungan Dan Pemenuhan Hak Anak," *Jurnal Magister Hukum Udayana (Udayana Master Law Journal)* 8, no. 4 (2019), <https://doi.org/10.24843/jmhu.2019.v08.i04.p06>.

<sup>13</sup> Hoiron Nisah and Hamam Hamam, "Implementasi Pasal 34 Ayat 1 UUD 1945 Tentang Perlindungan Anak Terlantar Di Dinas Sosial Kabupaten Jember," *Rechtenstudent* 2, no. 2 (2021), <https://doi.org/10.35719/rch.v2i2.59>.

<sup>14</sup> I Putu Gede Fajar Riski Andika, I Nyoman Gede Sugiarta, and Luh Putu Suryani, "Tinjauan Yuridis Terhadap Pelaku Penelantaran Anak Berdasarkan Undang-Undang Perlindungan Anak," *Jurnal Konstruksi Hukum* 2, no. 3 (2021), <https://doi.org/10.22225/jkh.2.3.3637.542-546>.

analyzed. Peculiarities of placement of children who were left without parental care as a result of the invasion of the Russian Federation on the territory of Ukraine in family-type orphanages and foster families were studied. The weakness of this research is that the research is not specific about the subjects in the research. The difference that is an advantage of the research currently being carried out is that this research specifically examines the Bali area. So that it can be an illustration of regulations for other governments regarding applicable laws.<sup>15</sup>

The study results show that child protection is needed throughout their life.<sup>16</sup> The results of other studies show that there are efforts to fulfill child protection rights.<sup>17</sup> Research also shows that children's human rights must be granted from birth.<sup>18</sup> In contrast to this research, the purpose is to determine the legal protection of neglected children based on the regional regulation of Bali Province Number 6 of 2014.

## 2. METHODS

This type of research uses normative legal research methods which is used in legal research conducted by examining existing literature. In this normative legal research, the statute approach is used by looking at consistency and suitability of law. The Law Regulation of Bali Province Number 6 of 2014 concerning Protection Child was employed as the sources of legal materials as primary and secondary data. Primary legal materials included legal principles in the form of habits and legal principles, such as Legislation in broad sense of national and international law, namely Law Number 35 of 2014 concerning Protection Children, the Republic of Indonesia Law Number 11 of 2012 concerning the Juvenile Justice System and Bali Provincial Regulation Number 6 of 2014 concerning Protection Children. While the secondary legal materials were in the form of books, legal journals, papers, and articles. The collection technique in this research used library research. The legal material analysis technique was descriptive qualitative, namely sourced from legal material analyzed or commented by the author based on theory, statutory regulations, and legal principles on the issues to be studied.

## 3. RESULTS AND DISCUSSION

### 3.1 Legal Protection for Neglected Children in Bali Province based on Regional Regulation of Bali Province Number 6 of 2014

In this study, the author refers to Regional Regulation Number 6 of 2014 concerning Child Protection, which came into force on the date of promulgation on August 11, 2014. Article 34 is stated that everyone shall be aware and order the enactment of this Regional Regulation Number 6 of 2014, with its placement in Bali Provincial Gazette. Fourth Part, Right to Protection against Neglect and Discrimination Children, Article 21 which states

<sup>15</sup> S. Simakova and I. Malyshko, "International Legal Regulation of Social Protection of Homeless and Neglected Children in Conditions of War," *Uzhhorod National University Herald. Series: Law* 1, no. 76 (2023), <https://doi.org/10.24144/2307-3322.2022.76.1.9>.

<sup>16</sup> Tri Mulyani and Sukimin Sukimin, "Pelibatan Anak Dalam Kegiatan Kampanye Politik," *Jurnal USM Law Review* 3, no. 2 (2020), <https://doi.org/10.26623/julr.v3i2.2877>.

<sup>17</sup> Ani Triwati and Doddy Kridasaksana, "Pijakan Perlunya Diversi Bagi Anak Dalam Pengulangan Tindak Pidana," *Jurnal USM Law Review* 4, no. 2 (2021), <https://doi.org/10.26623/julr.v4i2.3787>.

<sup>18</sup> Bianca Agnetha and Irma Cahyaningtyas, "Perlindungan Hukum Bagi Anak Yang Lahir Di Penjara Dalam Perspektif Hak Asasi Manusia," *Jurnal USM Law Review* 5, no. 2 (2022), <https://doi.org/10.26623/julr.v5i2.5723>.



that Paragraph (1) Fulfillment right child on Special Protection. Whereas in Paragraph (2), it is stated that further Provisions regarding procedures for fulfilling the child's right to Special Protection as referred to in paragraph (1), are regulated in a Governor Regulation. Neglected children includes passive abuse, that is any state of inadequate attention, whether physical, emotional, or social. Neglected children is where a responsible adult fails to provide for a variety of needs, including physical (failure to provide adequate food, clothing, or hygiene), emotional (failure to provide care or affection), educational (failure to enrolling the child in school), or medical (failure to treat the child or take the child to a doctor) (Boswell, 1998).<sup>19</sup>

Neglected children is something that has been occurred since ancient Greece and Rome. Girls are at higher risk of experiencing abuse and neglect related to their status in society as adults.<sup>20</sup> Cases of child neglect truly provide us with valuable lesson. Based on Law Number 35 of 2014 concerning child protection, Article 1 paragraph (6) states that "Neglected children are children whose needs are not met naturally, physically, mentally, spiritually, and socially". Law Number 4 of 1979 concerning child welfare in number 7 explains that neglected children are children whose parents neglect their obligations for some reason so that the child's needs cannot be properly met spiritually, physically, and socially.<sup>21</sup>

A child is stated to be abandoned, not just because he or she no longer has one parent or both parents. However, neglect her also means in the sense when the rights of children to grow and develop normally, to obtain adequate health services, are not fulfilled due to negligence, parental ignorance, incompetence or intentionality. As in the case of neglect, forty research findings confirm a positive correlation between abuse and the failure of affected by it to attach to subsequent caregivers securely.<sup>22</sup> To fulfill children's rights and protect children from all forms of violence and discrimination, two types of protection can be carried out, among others, juridical child protection (protection in the field of public and civil law) and non-juridical protection of children (protection of the social, educational, and health sectors).<sup>23</sup>

Legal protection for children can be interpreted as an effort to protect the law against various freedoms and human rights of children (fundamental rights and freedoms of children ) as well as various interests related to children's welfare. Thus, the issue of legal protection for children covers a very broad scope. Regarding from this discussion, the scope of legal protection for children includes: (1) Protection of children's freedom; (2) Protection of

<sup>19</sup> Levi Tina Sari, "Interpersonal Group Therapy Terhadap Pengetahuan Dan Perubahan Sikap Perlindungan Diri Dari IMS Pekerja Seks Komersial Jalanan Usia 15-18 Tahun Di Denpasar Bali," *Jurnal Ners Dan Kebidanan (Journal of Ners and Midwifery)* 2, no. 1 (2015), <https://doi.org/10.26699/jnk.v2i1.art.p072-083>.

<sup>20</sup> Ministry of National Education, "Balai Pustaka Big Indonesian Dictionary, Third Edition," *Jakarta: Balai Pustaka*, 2005, 8–17.

<sup>21</sup> P Andreas, "Strategi Penanganan Anak Korban Kekerasan Seksual Oleh Lembaga Perlindungan Anak Provinsi Bali," *Humanis*, 2016.

<sup>22</sup> Sophia Thabane and Madhu Kasiram, "Child Abandonment and Protection of Abandoned Children in Lesotho: Prevention Strategies," *Social Work (South Africa)* 51, no. 1 (2015): 45–62, <https://doi.org/10.15270/51-1-427>.

<sup>23</sup> Jaka Afriana, Anna Permanasari, and Any Fitriani, "Application of STEM Integrated Project Based Learning to Increase Student Science Literacy in View of Gender," *Journal of Educational Innovation IPA* 2, no. 2 (2016): 202, <https://doi.org/10.21831/jipi.v2i2.8561>.

children's human rights: and (3) Legal protection of all interests related to welfare.<sup>24</sup> Children can effort for themselves is one of the principles used in child protection, namely that children are the main capital for the survival of humans, the nation, and their families and their rights must be protected. Children cannot protect their own rights since many parties influence their lives. The state and society are interested in protecting children's rights.<sup>25</sup>

Related to the child's best interests for child protection to be effectively implemented, the principle stating that the child's best interests must be regarded as of paramount importance (obtaining the highest priority) in every decision concerning children. Without this principle, the struggle to protect children will encounter many obstacles, and if this principle is ignored, then society will creates even worse monsters in the future.

Child protection's design of life (*life-circle approach*) refers to the understanding that child protection must start early and be continuous. The fetus in the womb needs to be protected with nutrition, including good iodine and calcium through the mother during the pre-school and school years, quality families, educational institutions, and social/religious institutions are needed. When the age of a child is 15-18 years old, he or she enters a transitional period into the adult world. This period is full of risks because culturally, a person is considered mature and physically perfect enough to carry out his reproductive function. Protection of fundamental rights for pre-adults is also required so that the next generation remains of good quality.<sup>26</sup>

Inter-sectoral is related to the fate of children depends on various factors, both macro and micro, as well as direct and indirect. Poverty, urban planning and all forms of evictions, an education system that emphasizes memorization and irrelevant materials, communities filled with injustice, and so on cannot be handled by the sector, especially the family or the children themselves.

Protection of children is a struggle that requires the contribution of everyone at all levels. Child law actually has a meaning that is not limited to children's issues. More broadly, Law Number 23 of 2002 as amended by Law Number 35 of 2014 (UU Number 35 of 2014), has assisted provide an interpretation, what is part of the law of children in Indonesia starting from rights civil law on children in the field of care, guardianship and adoption also regulates the issue of child exploitation in the economic, social, and sexual fields. The problem regulated in child protection law is how to punish adults who commit crimes against children and also the responsibility of parents, society and the state in protecting children. Thus, the scope of child law is very broad and cannot be simplified only in the field of law violations committed by children.<sup>27</sup>

By looking at the theory of Legal Protection, Satjito Rahardjo stated that legal

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<sup>24</sup> Waluyadi, *Child Protection Law*, Mandar Maju, Bandung, 2009.

<sup>25</sup> Levi Tina Sari, "The Effect of Interpersonal Group Therapy Toward Knowledge and Attitude of Street Sexual Workers 15-18 Years Protection from Sexual Transmitted Infection at Denpasar Bali," *Jurnal Ners Dan Kebidanan (Journal of Ners and Midwifery)* 2, no. 1 (2015).

<sup>26</sup> Ministry of National Education, "Balai Pustaka Big Indonesian Dictionary, Third Edition," Jakarta: Balai Pustaka, 2005, 8-17.

<sup>27</sup> Ahmad Sofian, "Protection of Children in Indonesia Dilemmas and Solutions," 2012, 143.

protection is an effort to protect someone's interests by allocating a human right to act in accordance with their interests. This is to ensure that children can enjoy the rights granted to them by law. This protection relates to children who are also have the right to receive protection and guarantees, such adults, even though its protection is very different. Children who are victims of neglect receive protection as stipulated in Law Number 35 of 2014 for the rights of children that must be protected and fulfilled.

Child protection is beneficial for children, their parents, and the government. Thus, the coordination of child protection cooperation needs to be held in order to prevent an imbalance in child protection activities as a whole. In this regard, Abdul Hakim Garuda Nusantara, said: "The issue of legal protection for children is one side of the approach to protecting Indonesian children. The problem cannot only be approached legally, but needs a broader approach, namely economic, social, and cultural."<sup>28</sup>

Protection of children from various adverse treatments for these children has previously been mentioned in Article 65 of Law Number 39 of 1999 concerning Human Rights, namely children have the right from protection from neglect and to get a proper education

The right of children to get health services relates to the right to live, grow, and develop optimally, including to obtain proper health services based on their physical and mental spiritual needs. This is guaranteed in Article 8 of the Child Protection Law and Article 62 Law Number 39 of 1999 concerning Human Rights ("UU 39/1999"), both for children with families and neglected children without families, all have the same rights and cannot be deprived of them.<sup>29</sup>

In line with that, the government is also obliged to organize comprehensive health efforts for children. However, in the law's perspective, a child is considered incapable of taking legal action, such as making the necessary administrative requirements or making decisions about what health insurance he needs. Therefore, to access the benefits of administering health insurance provided by the government, children need to be cared for. Chapter 1 Point 2 of Regulation of the Minister of Social Affairs Number 21 of 2013 concerning Child Care ("Permensos 21/2013") explains that childcare is an effort to fulfill the need for affection, attachment, safety, and welfare that is permanent and sustainable for the best interests of the child, who carried out either by parents or family up to the third degree or foster parents, adoptive parents, guardians, and residential-based care as a last resort.

The same thing is also regulated in Article 55 paragraph (1) of Law 35/2014 where maintenance, care, and social rehabilitation of neglected children must be carried out by the central government and regional governments, both within institutions (through the system of government institutions and private institutions) and outside institution (family/individual care system). The next right that is entitled to be obtained by children is the right to receive education and teaching in the context of personal development and the level of intelligence

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<sup>28</sup> Maidin Gultom, "Legal Protection of Children and Women," *Refika Aditama*, 2004.

<sup>29</sup> Ministry of National Education, "Balai Pustaka Big Indonesian Dictionary, Third Edition," *Jakarta: Balai Pustaka*, 2005, 8–17.



in accordance with their interests and talents. Children have the right to receive protection in education units from sexual crimes and violence committed by educators, educational staff, fellow students, and/or other parties. Education and teaching in the framework of personal development and level of intelligence, according to their interests and talents.<sup>30</sup>

If the child is abandoned without an identity and the family does not have a permanent place to live or does not have a family that can be contacted or addressed. Suppose a child is found on the streets without having a family to contact or address. In that case, the authorized officer will take him to a temporary social institution where data collection and assessment will be carried out towards children. Then, the child is given physical, spiritual, and social guidance for approximately one month. After this time, the child will be handed over to the Child Welfare Institution (*LKSA*) until permanent family-based care (foster parents, guardians or adoptive parents) is obtained.

In addition, Article 57 of the Child Protection Law also provides the possibility for institutions that organize the care of neglected children or authorized officials to submit requests to the court to designate children as abandoned children. The court's decision will also determine the shelter, maintenance, and care of the abandoned children concerned. Forms of legal protection related to an effort to provide protection for human rights owned by legal subjects, a framework is needed, which can be referred to as a means of legal protection. Early understanding and awareness among the community about ongoing child protection are necessary, so if similar cases involving children arise, the community will be prompt in taking action. Additionally, regulations governing child protection are essential for their effective implementation.

The birth of laws and regulations made by the government has given fresh air to abandoned children through Law Number 4 of 1979 concerning Child Welfare. This law was born based on the 1945 Constitution, which mandated the state to care for poor and abandoned children. However, over time, Law Number 4 of 1979 concerning Child Welfare has not been sufficient to cover all legal actions in an effort to protect the lives of neglected children. Therefore, the issuance of Law Number 23 of 2002 concerning Child Protection in Article 2 explains the implementation of child protection based on Pancasila and the 1945 Constitution and the basic principles of the Convention on the Rights of the Child.<sup>31</sup>

After 2014, there were changes to the Child Protection Act, namely Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection, which emphasized the need for increasing criminal sanctions and fines for perpetrators of crimes on children, especially for crimes sexual activity that aims to provide a deterrent effect, as well as encourage concrete steps to restore the child's physical, psychological, and social well-being. This needs to be done to anticipate that children (victims of crime) will not become perpetrators of the same crime in the future. Based on the facts revealed, the

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<sup>30</sup> Akim Akim et al., "The Shifting of Halal Certification System in Indonesia: From Society-Centric To State-Centric," *Mimbar : Jurnal Sosial Dan Pembangunan* 35, no. 1 (2019), <https://doi.org/10.29313/mimbar.v35i1.4223>.

<sup>31</sup> Rosdalina Bukido and Fence M. Wantu, "Synchronize the Different Law Rules Study of Law Number 16 Year 2019 and Law Number 35 Year 2014," *Journal of Legal, Ethical and Regulatory Issues* 23, no. 2 (2020).

perpetrator also experienced sexual abuse when the perpetrator was still a child, so the perpetrator was obsessed with doing the same thing as he had experienced.

With so many rules made by the state in the form of laws and regulations, it can be used as a preventive measure to prevent child neglect. Preventive efforts provided by the state are in the form of criminal sanctions to give a deterrent effect to perpetrators of child neglect. This can be seen in Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection in Article 76B which states that: "Every person is prohibited from placing, allowing, involving, ordering to involve children in situations of wrong treatment and neglect". Then, for the sanctions contained in Article 77B, stated: "Everyone who violates the provisions referred to in Article 76B, is punished with imprisonment for a maximum of 5 (five) years and/or a fine of up to Rp. 100,000,000.00 (one hundred million rupiah)".

#### 4. CONCLUSION

Legal protection for children can be interpreted as an effort to provide legal protection for various freedoms and fundamental rights of children and the various interests related to children's welfare. Therefore, the issue of legal protection for children covers a very broad scope. Based on this discussion, the scope of legal protection for children includes: (1) Protection of children's freedom; (2) Protection of children's human rights; and (3) Legal protection of all interests related to welfare. In order to provide protection for the fundamental rights possessed by legal subjects, various forms of legal protection are necessary. This requires framework that can be referred to as a means of legal protection.

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