

# Children Violence Phenomenon in Pandemic Period and its Legal Protection

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**Abstract.** Violence against children is often termed child abuse. Violent treatment of children can have an impact on children's behavior and result in mental disorders in children. Good children's experiences as well as bad experiences will be recorded in the child's subconscious and will be carried over to adulthood and even throughout his life. If this happens, it will become a chain and culture of violence. During the Covid-19 pandemic, the number of cases of violence against children in Indonesia has increased. Learning from home and working from home make the intensity of the interaction between children and their families tighter. Life pressures, dullness, and boredom experienced by both children and parents are vulnerable to creating conflicts that lead to violence. In the end, the child as the weaker person is in the position of being victimized. By using a descriptive-analytic method, this research presents data and explanations by the reality of existing phenomena. Data collection was carried out by reviewing the literature and reviewing literature data related to legal protection for children. The findings show that the government guarantees and provides protection to child victims of violence.

**Keywords:** Child Violence; Pandemic; Legal Protection

## 1 Introduction

Violence often occurs when conflicts arise between two or more parties. Setiadi in his book *Brief Introduction to Sociology* defines violence in a narrow sense and a broad sense. Violence in the narrow sense refers to actions in the form of attack, destruction, destruction of one's (physical) self or property, or something that potentially belongs to someone else. In this sense, violence refers to physical and personal actions, namely leading to certain people or groups that are carried out deliberately, directly, and actually. Violence in a broad sense refers to physical or psychological acts committed by a person or group of people, whether done intentionally or unintentionally, directly or indirectly, personally or structurally [1]. From this, it can be understood that acts of violence are negative and their effects are damaging or hurting.

Violence occurs both within the community at large and within the smallest individual scope, namely in the family. Domestic violence or violence that occurs in the family environment occupies the largest portion of cases of violence that befell children in the 3-6 year age range. As many as 80% of violence against children is committed by their families,

10% occurs in an educational environment, and the rest are strangers. Every month there are 30 cases of violence that the victims complain about to the counseling agency of the Indonesian Child Welfare Foundation. As many as 60% were victims of minor violence, in the form of verbal abuse or verbal abuse, while the remaining 40% experienced physical to sexual violence [2].

This violent behavior often occurs because adults forget that the adult phase that is currently being experienced goes through the phase of being a child as well. In the history of law, nature is the history of mankind to determine absolute justice and the history of human failure in achieving this [3]. In the process of growth and development, children learn from their existing life experiences, whether they are good experiences or bad experiences.

The Indonesian Child Protection Commission (KPAI) surveyed maternal parenting during the COVID-19 pandemic. The surprising result that this upbringing had something to do with child abused both physically and psychologically. The survey was conducted separately between female parents and male parents. The survey results show that both male and female parents have intentionally or unintentionally abused their children. 25.6% of male parents perpetrated violence while 74.4% female parents [4]. If this happens continuously over a long period, violence against children can harm brain development and also on children's behavior.

Children are often victims because of their weak condition and unable to protect themselves from violence. It is appropriate for children who are the nation's next generation to receive protection from their closest people, society, and even the state. The government needs to take a role in making children a top priority for development. Various efforts need to be directed toward creating quality humans. This can happen when all parties start to play a role and pay more serious attention to the children. This research presents a legal perspective in protecting children from the vulnerability of violence that occurs and provides guarantees from a legal perspective.

## **2 Methodology**

The type of research used is qualitative, namely an approach or search to explore and understand a phenomenon. The method used is descriptive and data collection is carried out by examining the literature related to the phenomenon of violence against children and also legal protection which is an integral part of this research. Furthermore, the researcher analyzes and promises it in descriptive form so that the reader can understand the reality of the study that is presented.

## **3 Result and Discussion**

### **3.1 Children and the Phenomenon of Violence During the Pandemic**

Children are young individuals who have the potential and become the next generation of the nation's ideals. Children have a strategic role in ensuring the existence of the nation and state in the future. Children need to have the widest possible opportunity to grow and develop optimally, both physically, mentally, socially, and spiritually so that they can later carry out their responsibilities as the nation's successor. Children need to get their rights, they need to be protected and prosperous. Therefore, all forms of violence against children need to be prevented and overcome [5].

During the Covid-19 Pandemic children still received services education but in the form of distance learning or PJJ. With the enactment of this PJJ, all family members, both parents, and children, experience long days at home. These drastic changes that occur in daily routines often cause families to experience conflicts between family members because of the feeling of boredom, boredom, and fatigue they experience. As a result, socio-economic pressures arise such as being in debt, low economic capacity, and other factors that cause high levels of stress in parents [6]. This level of stress is what ultimately leads to violence in children. Families with low economic levels have a greater vulnerability to violence against children than families with middle and upper economic levels.

Child Abuse is often identified with violence that looks like physical violence and sexual violence, even though violence that is psychological and social can also have a permanent negative impact on children [7]. Young children are very sensitive to the emotions of others, especially the emotions of their family members. Witnessing scenes of violence and verbal or physical disputes has an immediate negative effect with long-term consequences. Likewise, children who experience parental abuse or neglect are more likely to show negative outcomes that continue into adult life, with ongoing problems with emotional regulation, self-concept, social skills, and academic motivation, as well as serious learning and adjustment problems, including academic failure, major depression, aggressive behavior, difficulties peer, substance abuse, and delinquency.

### **3.2 Forms of Child Violence in the Family**

The family is the smallest institution in society, which consists of people who are bound to love one another and even have blood ties. The family is a place of gathering and shelter for its residents, as well as children at home, they can spend their time playing and enjoying their growth. The reality is found that the family is often a source of violence for many people, especially against children. So often was the violence that Wrightsman called the family The Cradle of Violence [8]. This suggests that a home, which should be the most comfortable place where children are protected, cared for, cherished, and loved, apparently in the home is also born of violence.

The phenomenon of child abuse is a form of behavior that is done on purpose to hurt a child physically or psychologically. Its purpose is to injure, damage, and harm children. According to WHO, child abuse is all forms bad physical treatment or emotional, sexual abuse, neglect or neglect, or commercial or other exploitation, which results in real or potential harm to the child's health, survival, development, or dignity in the context of a relationship, responsibility, trust or power. Based on the KPAI survey, there are various forms of physical violence against children. Such as pulling, hitting, pinching, and twitching. There are 42.5% of mothers who do, while the rest as much as 32.3% are done by fathers. Meanwhile, psychological violence such as being yelled at, compared to other children, being scolded, and being stared at does not escape the happening of children [4].

Violence in children can have long-term adverse effects that affect brain development and also children's behavior. Children are more likely to experience learning and behavior problems when living with parents who struggle with mental health problems or addictive substance abuse. Maternal depression is a major determinant of poor early childhood development. This is related to a family function, parenting style, and parental involvement in child development.

Such actions can be categorized as child abuse or cruel treatment of children. Terry E. Lawson, child psychiatrist divides child abuse into 4 (four) types, namely [9]:

- a. Emotional abuse: occurs when the mother, after knowing that her child asks for attention, ignores the child. The mother leaves the child wet or hungry because the mother is too busy or doesn't want to be disturbed at that time. The mother may neglect the child's need to be hugged or protected. Children will remember all emotional abuse if the emotional abuse is consistent.
- b. Verbal abuse: occurs when the mother, after knowing that her child is asking for attention, tells the child to "shut up" or "don't cry". When the child starts talking, the mother continues to use verbal violence such as, "you are stupid", "you are nagging", "you are rude," and so on.
- c. Physical abuse: occurs when the mother hits the child (when the child needs attention). Hitting a child with hands or wood, leather or metal will be remembered by the child.
- d. Sexual abuse: usually does not occur during the first eighteen months of a child's life. Although there are cases when girls suffer sexual violence by the age of six months.

### **3.3 Legal Protection for Child Victims of Violence**

As a vulnerable group, children should receive legal protection from the government. Protection of children is very important because violations of child protection are violations of human rights (HAM). Violation of children's rights also becomes a barrier to the survival and development of children. Children can experience violence, exploitation, neglect, and mistreatment. Furthermore, children may be at risk of experiencing shorter lives, having poor mental and physical health, experiencing problems related to education (including dropping out of school), having poor parenting skills, becoming homeless, and even becoming carriers of social problems.

Likewise, on the other hand, successful protective measures will increase children's chances of growing healthy physically, mentally, confidently and minimizing acts of abuse or exploitation of others including their children [10]. Children must be protected so that they do not become victims of acts of violence committed by anyone (individuals or groups, private or government organizations) either directly or indirectly [11]. The child protection law regulates a variety of matters including the problem of children in conflict with the law, children from minority groups, children of victims of economic and sexual exploitation, children who are trafficked, children victims of riots, children who become refugees, to children in situations of armed conflict.

The first regulation regarding child protection that was enacted in Indonesia was Law No.23 of 2002 concerning Child Protection. This law is deemed ineffective in protecting children from the rampant crimes against children in society. To complement and accommodate this matter, Law No. 35 of 2014 which reinforces criminal sanctions and fines for perpetrators of crimes against children. In its implementation, it seems that this law has not been able to significantly reduce the rate of crime and violence against children. Furthermore, Law No.17 of 2016 is present which contains not only burdensome criminal sanctions for criminals but also the prevention of acts of violence against children.

Relation to education, In the Law of the Republic of Indonesia Number 20 of 2003 concerning the National Education System, article 1 explains that education is a conscious and planned effort to create an atmosphere of learning and the learning process so that students actively develop their potential to have religious-spiritual strength, self-control, personality, intelligence, noble character, and skills needed by him, society, nation, and state. There is a pandemic period which currently raises a policy created by the government to learn from home, so parents become partners of teachers in educating formal learning. Parents become

facilitators for their children and also guide for their children to learn from home. This responsibility must be carried out with a willing heart for the sustainability of the child's future. With the Child Protection Law, it is hoped that every child in Indonesia can feel protected and that their existence is increasingly considered by parents and the community.

#### **4 Conclusion**

Every child needs to have the widest possible opportunity to grow and develop optimally, whether physically, mentally, or socially. During the Covid-19 pandemic, which has resulted in various social arrangements including education, parents must be able to respond wisely. The role of educating and directing children in the learning process must be carried out consciously and responsibly. Stress management in parents needs to be managed properly so that it does not lead to violence in children which results in behavior changes and disrupts children's mental health. Just as the government also guarantees the right to education and also provides protection to children against violence, so parents should be able to protect and respect their children more.

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