





## Physical Violence Against Children During the Covid-19 Pandemic

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### Abstract

**Introduction:** Children are a vulnerable group that needs to be protected from all acts of crime and violence in accordance with statutory provisions so that their rights are fulfilled, especially during the pandemic. The Covid-19 pandemic also has an impact on acts of violence against children. During the Covid-19 pandemic, there were many acts of violence against children, as obtained from the Women and Children Protection Unit (PPA) of the Ambon Island and Lease Islands City Police, there was an increase in cases of physical violence against children, namely in 2020 there were 5 cases of reports that entered the PPA Polresta then in 2021 it increased to 10 cases against children in the form of physical violence.

**Purposes of the Research:** The research method used is normative research, statutory approach, primary and secondary legal materials and material collection procedures using literature studies.

**Results of the Research:** Factors causing physical violence in children during the Covid-19 pandemic include (1) Environmental factors, where the lack of control functions from the family causes children to mingle incorrectly so that it can result in things that are negative to the child; (2) Age factors, where the age of the child is also very important because many children who are not mature enough according to the statutory category do not understand well about violence and (3) Family factors where children lack attention from both parents so it is very easy for children to seek attention in ways such as committing violence against their fellow friends.

**Keywords :** Physical Abuse; Children; Covid-19 Pandemic

## 1. Introduction

The 1945 Constitution of the Republic of Indonesia "Article 28 B paragraph (2) explicitly states the right of every child to survival, growth and development and the right to protection from violence and discrimination". Therefore, it is necessary to have legal guarantees for child protection activities. It is necessary to seek legal certainty for the sake of the continuity of child protection activities and to prevent abuses that bring undesirable negative consequences in the implementation of child protection programs.<sup>1</sup>

Currently in Indonesia, the protection of children in conflict with the law refers to Law No. 11/2012 on the Juvenile Justice System. Previously, judicial proceedings

<sup>1</sup> Arief Gosita, *Masalah Korban Kejahatan*, Akademika Perssindo, Jakarta, 1993, h. 222

involving children referred to Law No. 3 of 1997 on Juvenile Courts. With the enactment of Law No. 11 of 2012, Law No. 3 of 1997 no longer applies. There are differences in the protection of children provided by Law No. 11 of 2012 with that provided in Law No. 3 of 1997. In Act No. 3 of 1997, any child committing a criminal offence is subject to the same legal process as an adult.”<sup>2</sup>

Children are the next generation of the nation's ideals, therefore commitment and treatment that pay attention to the development and role of children as the next generation of the nation is something that must be held by the government Children who are mentally and physically immature, their needs must be fulfilled, their opinions must be respected, given the right education and conducive to the growth and development of their personal and psychological, so that they can grow and develop into children who can be expected as the nation's successors.<sup>3</sup> Children are often targeted as victims because of their physical condition (for example, disability from birth or accident), cultural background (minority), socio-economic (no ID card, birth certificate, poor) and political parents are vulnerable to various discriminatory treatment.<sup>4</sup>

Children and women are indeed a very vulnerable group to become victims of violence, especially children. Various cases of violence against children occur in the environment around us, be it physical, psychological, or sexual violence. All forms of mistreatment do not know that their actions are wrong and parents have the duty to tell their children.<sup>5</sup>

Children are a vulnerable group that needs to be protected from all acts of crime and violence in accordance with statutory provisions so that their rights are fulfilled, especially during a pandemic. The high case of violence against children in the form of sexual violence can be caused by many things including lack of parental supervision of children, sexual disorientation in adults, uncontrolled sources of information and socio-cultural factors that are still taboo with early childhood sex education.<sup>6</sup> Children are a gift from God Almighty, therefore parents are obliged to protect, love, and take good care of children so that children do not get violence.

Child protection is all efforts made to create conditions so that every child can exercise their rights and obligations for the proper development and growth of children in physical, mental and social development. Parents, family and the neighbourhood where children live are very important in protecting children. Children who are victims of violence suffer losses, not only material in nature, but also immaterial in nature such as emotional and psychological shocks that can affect the child's future life. violence is

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<sup>2</sup> Dony Pribadi, Perlindungan Terhadap Anak Berhadapan Dengan Hukum, *Jurnal Hukum Volkgeist (Mimbar Pendidikan Hukum Nasional)*, Volume 3 Nomor 1 Desember 2018, h.16

<sup>3</sup> Arivia Garis, *Potret Buram Eksploitasi Kekerasan Seksual Pada Anak*. Jakarta: Ford Foundation, h..4

<sup>4</sup> Suyanto Bagong, 2010, *Masalah Sosial Anak*, Jakarta. PT. Fajar Interpretama Mandiri, 2005, hal.23

<sup>5</sup> Nashriana, *Perlindungan Hukum Pidana Anak di Indonesia*, Jakarta: Raja Grafindo Persada, 2011, h. 13

<sup>6</sup> Agustin Mubiar, I. S. A. D. G., Analisis Tipikal Kekerasan Pada Anak Dan Faktor Yang Melatar belakanginya. *Jurnal Imial Pendidikan Dan Tenaga Kependidikan Non Formal*, 13(1), 2018, h. 1–10. <https://doi.org/https://doi.org/10.21009/JIV.1301.1>

often experienced by vulnerable children. A vulnerable child is a child who has a great risk of experiencing disturbances or problems in their development both psychologically (mentally), socially and physically. The vulnerable child is influenced by internal conditions and by external conditions, including children from home.<sup>7</sup>

Matters concerning children and their protection will never stop throughout the history of life, because children are the next generation of the nation and the successors of development, namely the generation that is prepared as the subject of the implementation of sustainable development and the future controllers of a country, including Indonesia.<sup>8</sup> The protection of Indonesian children means protecting the potential of human resources and developing Indonesian human beings as a whole, towards a just and prosperous society, materially and spiritually based on Pancasila and the 1945 Constitution.<sup>9</sup> In essence, children are unable to protect themselves from various kinds of actions that cause physical, mental and social harm in various fields of life. Protection must also be given to children who commit deviant acts or acts that violate the law, especially in the implementation of juvenile criminal justice that is unfamiliar to them. Children must be given the protection from the mistaken implementation of the law and rules that apply to them, which can cause mental, physical and social harm.<sup>10</sup>

The Covid-19 pandemic also has an impact on violence against children. During the pandemic, there have been many acts of violence against children, as obtained from the Women and Children Protection Unit (PPA) of the Ambon Island and Lease Islands Police, there has been an increase in cases of physical violence against children, namely in 2020 there were 5 cases of reports that entered the PPA Polresta, then in 2021 it increased to 10 cases against children in the form of physical violence.

## 2. Research methods

This research uses normative legal research methods. Peter Mahmud Marzuki, argues that normative legal research, which is another name for doctrinal legal research, is also known as library research or document study because this research is conducted or shown only on written regulations or other legal materials.<sup>11</sup>

## 3. Results and Discussion

### A. Overview of Child Abuse

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<sup>7</sup> Gomgom TP Siregar, Irma Cesilia Syarifah Sihombing, *Tinjauan Yuridis Tindak Kekerasan Orang Tua Terhadap Anak*, *Jurnal Rectum*, Volume 2, Nomor 1, Januari 2020, h. 76

<sup>8</sup> Nashriana, *Perlindungan Hukum Pidana bagi Anak di Indonesia*, PT Rajawali, Grafindo Persada, Jakarta, 2014, hal,1

<sup>9</sup> *Ibid*

<sup>10</sup> Maldi Gultom, *Perlindungan Hukum terhadap Anak dalam Sistem Peradilan Anak di Indonesia*, Bandung:Rafika Aditama, 2008, h. 2

<sup>11</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, Jakarta: Kencana, 2016, h. 35

Children in the family are happy carriers, because children give meaning to their parents. The meaning here implies providing content, value, satisfaction, pride, and a sense of self-perfection caused by the success of his parents who have offspring, who will continue all the ideals of hope and existence of his life. The child is also known as a human being who hasn't grown to physical maturity, social maturity, personal maturity, and mental maturity.<sup>12</sup> Children really need to be protected from various forms of crime that can affect their physical, mental and spiritual development. As such, there is a need for regulations that can protect children from various forms of crime.<sup>13</sup>

Law No. 35/2014 on Child Protection explains that violence against children is any act against a child that results in psychological, sexual, and/or neglect, including threats to commit acts, coercion, or unlawful deprivation of liberty. Violence against children usually occurs within their own immediate environment. This is a matter of concern for those who are supposed to be protectors, but instead become a threat to children. So, the community needs to understand physical violence against children thoroughly so that efforts can be made to prevent child abuse.

Violence is termed Violence. Etymologically, violence is a combination of "vis" which means power or strength and "latus" which comes from the word "ferre" which means to carry. Violence in the narrow sense is a physical attack on a person or an attack of destruction of feelings that is very hard, cruel and violent. According to Unicef, physical violence against children is any act that results in physical harm or pain such as slapping, hitting, twisting arms, stabbing, choking, burning, kicking, threats with objects or weapons, and killing. Physical violence against children sometimes occurs because parents are unable to hold back their emotions when their children make mistakes. Many parents pinch and pinch their children just because they are upset, for example when the child does not obey, fights, cries, and so on. When parents are dealing with children, they need to control themselves so that they can restrain their emotions.

Child abuse is an intentional act that causes physical or emotional harm to children. The term child abuse covers a wide range of conduct, from direct physical threats by parents or other adults to the neglect of a child's basic needs. Forms of child abuse include the example of the following;<sup>14</sup>

1. Physical child abuse, which is torture, beatings, and maltreatment of children, with or without the use of certain objects, which cause physical injuries or death to children. Injuries can take the form of abrasions or bruises caused by contact or blunt force, such as bites, pinches, belts or rattan. They may also include burns from hot petrol or patterns from cigarette burns or ironing. Wounds are usually found on the thighs, arms, mouth, cheeks, chest, abdomen, back or buttocks. The incidence of physical child abuse is generally triggered by the child's unacceptable behaviour, such as being naughty or fussy, crying, asking

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<sup>12</sup> Waluyadi, *Hukum Perlindungan Anak*, CV.Mandar Maju, Bandung, 2009, h. 3

<sup>13</sup>Nashriana, *Perlindungan Hukum pidana Terhadap Anak Di Indonesia*, Raja Grafindo, Jakarta, 2011, h.12

<sup>14</sup>Abu Huraerah, *Kekerasan Terhadap Anak Edisi Keempat*, Nuansa Cendikia, Bandung, 2018, h. 46-50

for snacks, defecating, urinating or vomiting in random places, breaking valuable items.;

2. Psychological child abuse, including rebuking, saying harsh and dirty words, showing children pornographic books, pictures and films. A child who is subjected to this treatment generally shows symptoms of maladaptive behaviours, such as withdrawal, shyness, crying if approached, fear of leaving the house and fear of meeting other people. Violence perpetrated against children is considered normal because it is seen as a way of disciplining children and many societies, social and cultural norms do not protect or respect children. So a child who experiences violence is closely related to his or her family and community environment. Because the existence of children is inseparable from family parenting that forms patterned behaviour in individuals, namely habits, and is also inseparable from general behaviour, namely behaviour that becomes a pattern for most people, commonly known as customs.<sup>15</sup>

Abu Huraerah in his book *Violence against Children*, reveals that there are at least several causes of violence against children, including the following;<sup>16</sup>

1. The child has a disability, mental retardation, behavioural disorder, autism, is too naive, has a weak temperament, is ignorant of his/her rights, and is too dependent on adults;
2. Family poverty, many children;
3. Broken home families due to divorce, long-term absence of the mother, or families without a father;
4. Psychologically immature families, inability to educate children, unrealistic parental expectations, unwanted children, children born out of wedlock;
5. Mental illness in one of the parents;
6. Repetition of a history of violence; parents who have been neglected or abused in the past often treat their children in the same way; and
7. Poor community living conditions, underdevelopment

The causes of violence include structural violence, which is a major problem in the lives of children in Indonesia. Its structural nature, mainly due to poverty, other factors such as low levels of education, high unemployment, and mental stress, as well as weak public legal awareness and weak law enforcement strengthen the level of violence against children.<sup>17</sup>

## **B. Factors Causing Physical Violence Against Children During The Covid 19 Pandemic**

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<sup>15</sup>Vita Biljana Bernadethe Levaan & Yana Suryana, *Tinjauan Psikologis Hukum Dalam Perlindungan Anak*, Deepublish, Yogyakarta, 2018, h. 26

<sup>16</sup> *Ibid*, h. 27

<sup>17</sup> *Ibid*



Paulus Hadisuprpto who states that what is meant by Juvenile Delinquency is <sup>18</sup>: “Setiap perbuatan atau tingkah laku seseorang anak di bawah umur 18 tahun dan belum kawin yang merupakan pelanggaran terhadap norma-norma yang berlaku serta dapat membahayakan perkembangan pribadi si anak yang bersangkutan”.

Fuad Hasan in Sudarsono also formulated that "Juvenile Delinquency", is an anti-social act committed by teenagers which when committed by adults qualifies as a criminal offence. Khumaidi Tohar also formulated that what is said as "Juvenile Delinquency" is:<sup>19</sup> “Malicious or immoral behaviour, or youth crime or delinquency, is a social pathology in children and adolescents caused by a form of social neglect so that they develop deviant forms of behaviour.”

Article 1 Letter 2 of Law No.3 of 1997 concerning Juvenile Courts, there are 2 (two) types of child behaviour that can put children in conflict with the law, namely status offences and criminal offences. Status Offence is a delinquent behaviour of children that if committed by adults is not considered a crime, such as disobeying, skipping school or running away from home; while Criminal Offence is a delinquent behaviour of children that if committed by adults is considered a crime or violation of the law.

However, it is too extreme if criminal offences committed by children are referred to as crimes, because basically children have an unstable psychological condition, the process of psychological stability produces critical attitudes, aggressiveness and shows behaviour that tends to act to disturb public order. This is not a crime, but rather a delinquency caused by an unbalanced psychological condition and the perpetrator is not yet aware and understands the actions he has taken.<sup>20</sup>

Sudarsono<sup>21</sup>, stated that the legal norms that are often violated by teenagers in general are articles on;

- a. Violent crimes, consisting of;
  - 1) Murder;
  - 2) Persecution;
  - 3) Rape;
  - 4) Beatings; and
  - 5) Intimidation
- b. Crimes against an object, including;
  - 1) Ordinary theft; and
  - 2) Theft with aggravation
- c. Embezzlement;
- d. Fraud;
- e. Extortion
- f. Homelessness; and Narcotics

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11 <sup>18</sup> Paulus Hadisuprpto, *Delinkuensi Anak Pemahaman dan Penanggulangannya*, Malang: Selaras, 2010, h.

<sup>19</sup> Khumaidi Tohar, Artikel “*Memahami Perilaku Delinkuensi Dan Rasionalisasinya*” Jakarta, 2007, h. 2.

<sup>20</sup> Wagiati Soetodjo, *Hukum Pidana Anak*, Bandung: PT Refika Aditama, 2006, h. 12

<sup>21</sup> Sudarsono. *Kenakalan Remaja*. Rineka Cipta. Jakarta, 1991, h. 32.

Richard J. Gelles argues that maltreatment often experienced by children in the family results from a combination of personal, social and cultural factors including the inheritance of intergenerational violence, social stress, social isolation and the involvement of lower society and family structures.<sup>22</sup>

The factors that cause maltreatment of children in the family are categorised into two categories, namely internal and external factors, which consist of the following:<sup>23</sup>

#### 1. Internal Factors

- a. Severe Illness or Mental Disorder The life of a society full of competition due to the increasing needs of life is one of the main causes of the growth of deviant (abnormal) behaviour. This deviant behaviour is closely related to the state of the individual's soul which makes parents unable to care for and nurture children due to mental disorders based on the amount of emotional stress and depression they experience.
- b. Intergenerational inheritance of violence. Parents who are "gifted" to abuse their children have certain characteristics such as having a childhood background that is also violent, they are also accustomed to receiving beatings and being raised with parental abuse.
- c. Social Stress. Stress caused by various social conditions increases the risk of child abuse in the family. These social conditions include: unemployment, illness, poor housing conditions, larger than average family size, the birth of a new baby, the presence of a disabled person in the home and the death of a family member;
- d. Family Structure. Certain types of families are at increased risk for physical child abuse. For example, single parents are more likely to physically abuse their children than intact parents. Because single-parent families usually have a smaller income than other families, this can be said to be a cause of increased child abuse. Families with chronic arguments or abused wives have higher rates of child abuse than families without problems; and
- e. Factors originating from the child The occurrence of domestic abuse is not only caused by factors originating from the parent or perpetrator but can also be triggered by the condition and conduct of the child. The condition of the child may include: The child suffers from developmental disorders, chronic illnesses, due to the child's dependence on their environment, physical disabilities, mental retardation, impaired behaviours, autism and children who engage in deviant behaviours.

#### 2. External Factors

- a. Economic Factors In everyday life, economic factors play an important role in determining the direction of life. Likewise, the relationship between the

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<sup>22</sup> Richard Gelles, *Child Abuse*, Dalam *Encyclopedia Article from Encarta*, 2004, h. 4-6. <http://Encarta.msn.com/encyclopedia/> diakses pada 3 Maret 2022, Pukul. 10.00 WIT

<sup>23</sup> Rusmil Kusnandi, *Penganiayaan dan Kekerasan Terhadap Anak*, Dalam *Makalah "Penanganan Kekerasan pada Wanita dan Anak*, Bandung, 2004, h. 60

economy and crime has always received a lot of attention and has always been the object of research by experts. Changes and differences in socio-economic welfare lead to many conflicts that encourage people to commit crimes. In this regard, Prof. Noach analyses as follows that changes in a person's welfare can take the form of;

- 1) A deterioration in welfare
  - 2) An increase in welfare
- b. Radio, Television, Video and Film (Electronic Media) Advances in technology and science in the fields of sophisticated communication media tools such as radio, television, video, cassettes and film have greatly influenced the development of crimes in the form of abuse, violence and even murder within the family.
- c. Social Isolation and Underclass Involvement. Parents and surrogate parents who are violent towards their children tend to be socially isolated. Few violent parents participate in community organisations and most have little contact with friends or relatives. This lack of social involvement deprives violent parents of a support system that would help them cope better with family or social stress.
- d. Cultural Practices that Harm Children.  
Parental mistreatment of children is often due to cultural practices that prevail in most societies, such as. For example (a) The status of children is seen as inferior, so that when children cannot fulfil parents' expectations, parents feel that children should be punished (b) Especially for boys, there is a value in society that boys should not be whiny or boys must be resilient. This perception influences and makes it normal for parents to hit, kick, or bully their children in order to make them strong individuals who should not be weak.<sup>24</sup>

There are two factors that cause crime according to B. Bosu, including;<sup>25</sup>

#### 1. Congenital Factors

That a person becomes a criminal because of innate or natural talent, as well as because of indulgence or hobby. Crimes due to innate arises since the child is born into the world such as: offspring / children who come from offspring / parents are criminals will at least be inherited by the actions of their parents, because the fruit falls not far from the tree. Physical growth and increasing age also determine the level of crime. In the theory of education, it is said that when a child is still a child, they generally like to commit crimes of fighting or petty hostility due to games such as marbles or nekeran.

#### 2. Environmental Factors

Socrates said that "man still commits crimes because the knowledge of virtue is not real to him." Socrates pointed out that education carried out at home and at school plays

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<sup>24</sup> Fentini Nugroho, *Studi Eksploratif Mengenai Tindakan Kekerasan Terhadap Anak dalam Keluarga. Dalam Jurnal Sosiologi "Masyarakat"*, Gramedia Pustaka Utama, Jakarta, 2002, h. 41

<sup>25</sup> B. Bosu, *Sendi-sendi Kriminologi*, Usaha Nasional, Surabaya, 1982, h.2



a very important role in determining a person's personality. Because there is a saying that if the teacher pees standing, then the students will pee running, therefore creating a harmonious environment is an obligation for every person, community and country.

The author concludes based on what has been described previously, the factors that influence the incidence of crimes committed by children, namely:

- a) Environmental factors;
- b) Economic or social factors; and
- c) Psychological factor

Based on the results of interviews conducted by the author with Bripka Orpa Jambormias, Kanit of the PPA Unit of the Ambon Island and Lease Islands Police Resort Police Kasubnit Protection of Women and Children (PPA) Resort Police stated that the factors that cause the crime of physical violence against children, namely:

1. The child's own factors:
  - a. the child does not listen to parents;
  - b. the child fights and
  - c. the child is still unstable
2. The child does not understand what he/she is doing, this usually happens because the child follows the wrong association, causing parents' emotions.
3. Economic factors: Child maltreatment due to economic factors often occurs. Depressed family conditions due to economic constraints are a common factor that causes child abuse. Other things that trigger child abuse include the inheritance of violence from generation to generation, then social stress, such as unemployment, disease, poor housing and environment, in addition most child abuse comes from poor families; and
4. Factors from within the parents: This refers more to the family situation, especially parental relationships that are not harmonious. A father will be willing 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 dislike children, are angry and unable to control their emotions can also lead to violence against children. For parents who have children with problems such as: physically or mentally handicapped (idiots) are often unable to control their patience when looking after their children, so they also feel burdened by the presence of these children and it is not uncommon for parents to become disappointed and frustrated.<sup>26</sup>

Based on what has been stated first, the author can conclude that the factors causing physical violence against children during the covid-19 pandemic include :

1. Environmental factors, where the lack of control function from the family causes children to mingle incorrectly so that it can result in things that are negative to the child's self.

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<sup>26</sup> Wawancara dengan Bripka Orpa Jambormias, Kanit Unit PPA Kepolisian Resor Kota Pulau Ambon Dan Pulau-Pulau Lease Kasubnit, Pada Hari Selasa 14 Maret 2023, Pukul 10.00 WIT

2. Age factors, where the age of the child is also very important because many children who are not mature enough according to statutory categories do not understand well about violence.
3. Family elements, in which the child does not get enough attention from both parents, so it is very easy for children to seek attention in ways such as doing violence against fellow friends.

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