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## Law Number 35 of 2014, Article 54, Concerning Child Protection at Kartika 1-2 Medan High School

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### Abstrak

Banyak institusi pendidikan mengalami kekerasan psikis, fisik, bahkan seksual. Setiap satuan pendidikan harus dilindungi dan dicegah. Penelitian ini bertujuan untuk menentukan apakah Pasal 54 Undang-undang Nomor 35 Tahun 2014 tentang perlindungan anak berlaku untuk satuan pendidikan Kartika I-2 di Sekolah Menengah Atas Medan. Pasal 54 menetapkan bahwa anak dan siswa berhak mendapatkan perlindungan hukum dari berbagai bentuk kekerasan yang dilakukan oleh guru, tenaga kependidikan, dan sesama siswa di sekolah. Peneliti menggunakan pendekatan yuridis empiris dalam penelitian ini untuk menjelaskan bagaimana Pasal 54 Undang-undang Perlindungan Anak Nomor 35 Tahun 2014 sebagai siswa diterapkan di Sekolah Menengah Atas Kartika I-2 Medan, baik dari segi upaya pencegahan maupun pencegahan dalam memberikan perlindungan dan segala hal yang menghambat penerapan Undang-undang Perlindungan Anak Nomor 35 Tahun 2014, Pasal 54, baik dari sumber internal maupun eksternal, juga menjelaskan bagaimana Sekolah Menengah Atas Kartika I-2 Medan menangani tantangan. Peneliti mendapatkan data dari data sekunder dan primer. Analisis deskriptif dan kualitatif digunakan dalam data penelitian ini. Sekolah Menengah Kartika I-2 Medan melakukan upaya pre-emptif dengan mengambil keputusan dan membentuk tim pencegahan dan penanganan kekerasan dalam satuan pendidikan (TPPK), upaya pencegahan melalui penerapan program sekolah yang mengutamakan pengawasan dan pencegahan. Faktor internal, seperti faktor individu siswa, orang tua/wali dan pendidik, serta faktor eksternal, seperti perbedaan tata tertib dengan sekolah lain, adalah kendala yang dihadapi Sekolah Menengah Atas Kartika I-2 Medan, ada peraturan baru, tempat tinggal dan lingkungan yang bergaul, kemajuan teknologi dan budaya baru. Sekolah Menengah Kartika I-2 Medan menggunakan program yang sudah ada untuk mengatasi masalah ini.

Kata Kunci : *Siswa, Kekerasan, Sekolah, Upaya Pencegahan, Pergaulan*

## Abstract

Many educational institutions experience psychological, physical, and even sexual violence. Every unit of education must be protected and prevented. This study aims to investigate whether the Kartika I-2 education unit of Medan High School is subject applied to the implementation of Law Number 35 of 2014's Article 54 regarding child protection. As per Article 54, children and students are entitled to legal protection against various forms of violence perpetrated by teachers, education staff and fellow students in the school environment. The researcher used an empirical juridical approach in this study to explain how Child Protection Law Number 35 of 2014, Article 54 as a student is applied in Kartika I-2 High School Medan., both in terms of prevention and prevention efforts in providing protection, and everything that hinders the implementation of Child Protection Law Number 35 of 2014, Article 54, both from internal and external sources, also explained how Kartika I-2 Medan High School handled challenges. Researchers obtain data from primary and secondary data. This study used descriptive analysis and qualitative data analysis. Kartika I-2 Medan High School makes pre-emptive efforts by making decisions and forming a team for prevention and handling of violence in education units (TPPK), prevention efforts through the implementation of school programs that prioritize supervision and prevention. Internal factors, such as individual factors of students, parents/guardians, and educators, as well as external factors, such as differences in rules of conduct with other schools, are obstacles faced by Kartika I-2 Medan High School, there are new regulations, living quarters and social environments, technological advances and new cultures. Kartika I-2 Medan High School uses an existing program to address this problem.

*Keyword: Students, Violence, School, Prevention Efforts, Association*

## INTRODUCTION

Children are the nation's future assets, hence it is important to provide them with education and experience and rights to lead the nation forward. Parents, schools, teachers, education staff, and the environment are very important in maintaining children's development in the community. Most victims of violence are in the age group of 13-17 years, based on information provided by the Ministry of Women's Empowerment and Child Protection's Data and Information Bureau (KEMENPPPA) from January to April 2023. This data is organized by age group and type of violence used (Rahma, Nugroho, Damayanti, & Mulatasih, 2022). A total of 208 children from that age group, 106 girls and 102 boys, were victims of violence. The number of violent incidents experienced was 51 (physical), 84 (psychological), 76 (sexual), 4 (exploitation), 1 (study), and 23 (other) (Twitter, 2023).

Compared to other issues, child law gets the most attention. A total of 20,010 people put child protection issues on the news agenda in various media, especially on the internet news (Siregar, Sitepu, Darma, et al., 2023). 3,676 news stories broadcast child exploitation and neglect in the social sphere. The Child Protection Law No. 35 of 2014 is frequently cited

by the media as being broken by violent offenders.

Given the rise in violent acts, particularly in educational contexts, such as schools, protection of kids from sexual, psychological, and physical abuse as well as other transgressions by educators, other students, or other parties must fall under the purview of education units. There is still a lack of legal protection, especially for children, due to the fact that students do not always inform the school about events that occur outside the school (Noer, 2019). In addressing child protection issues, parents, educators, education staff, and fellow students must actively participate.

The right to child protection requires preventive and repressive measures to avoid problems (Siregar, Sitepu, & Elyani, 2023). Everyone in the school, including the principal, subject matter teachers, guidance counseling teachers, and education personnel, must actively participate in this.

It is mandatory for educational institutions to provide children with security from teachers, staff, other students, and even outside parties such as parents, as per Law No. 35 of 2014's Article 54 on Child Protection (Tang, 2020). However, sexual violence is still common in educational settings. This is evidenced by the arrest of a teacher of a private junior high school in Wonogiri for raping a female student in a classroom during the period February to May 2023.

This is one of the mistakes; as parents in schools, teachers even have to provide legal protection to their students, but violate the teacher's professional code of ethics and Law No. 35 of 2014's Article 54 on Child Protection. This is an error that requires attention, and schools must actively involve teachers, principals, and education personnel in the future education sector. Regulation Number 46 of 2023 by the Minister of Education, Culture, Research, and Technology addresses the prevention and management of violence in educational settings, there must be a team dedicated to preventing and handling violence in schools (Ministry of Education and Culture and Technology, 2023). One of the responsibilities of the government and schools is to protect students during the teaching and learning process in the school environment.

One of the largest and famous schools in Medan is Kartika I-2 High School. Thus, the purpose of the researcher is to observe and investigate how schools, principals, teachers, and educators respond to and deal with sexual, physical, and psychological violence in school environments throughout Indonesia.

## METHOD

The research to be carried out is a type of empirical juridical research also known as direct field research. This is done by studying the legal provisions that apply at the place of research and seeing real events in the surrounding environment. This empirical juridical method will analyze the function of educational units on children as students and create and combine primary, secondary, and tertiary legal materials based on field data. The author will look into how Kartika I-2 High School in Medan complies with Law No. 35 of 2014's Article 54 on child protection, as well as see how children as students can be protected by the education unit law. This writing uses qualitative analysis methods. In Tatang M. Amirin's book, compiling a research plan, qualitative analysis techniques basically use logic, analysis, and logic, along with induction, deduction, analogy, comparison, and other techniques (M.Amirin, 1995). Thus, the investigator will offer an examination of the implementation of Article 54 of Law No. 35 of 2014 pertaining to Child Protection at Kartika I-2 High School in Medan. In carrying out Law No. 35 of 2014's Article 54 on Child Protection, education units have the obligation to provide protection to students. To produce objective research results and answer all research problems, the author will connect the research results with the problems in this study.

## RESULTS AND DISCUSSION

### A. Efforts of Kartika I-2 Medan High School to Provide Protection Rights to Students

In granting protection rights to children attending school, protection rights only apply to cases of violence or violations of protection rights. Control can also reduce or even eliminate such violence (Siregar, 2024). It is undeniable that the problems and problems faced by each agency are different. In reaction to the rising rates of crime and violence, both physical and nonphysical, the Ministry of Education and Culture of Research and Technology released and ratified Permendikburistek No. 46 of 2023 regarding the prevention and handling of violence within educational units (Chanigia & Anggalana, 2023). The Permendikbudristek is the basis for schools to carry out prevention, even handling, in schools.

Preemptive efforts are made at the planning level of the decision-making process. As school principals, they must always obey, follow, and study the latest rules, laws, and Permendikbud, in particular with relation to safeguarding kids while they are in school. This is a result of their duty as principals to deal with everything that has occurred, is occurring, and will occur (Hayati, Armanto, & Kartika, 2023). To ensure that children continue to feel safe and comfortable in school is the responsibility and program of the government.

The principal of Kartika I-2 Medan Senior High School chose and assembled a team for the prevention and handling of violence within the education unit (TPPK) in accordance with Permendikbud No. 46 of 2023 about the prevention and handling of violence within the education unit. This team is responsible for monitoring student progress and handling incidents that occur to students.

Violence is defined as mistreatment, torture, or mistreatment. Violence can also be defined as violent behavior or acts by an individual or group of individuals that result in another person's bodily damage or death (Galih & Hermana, 2023). Committing violence is not just done against others. Here is an explanation of violence:

1. Destruction of goods,
2. Human or animal abuse,
3. Hitting people or houses with stones,
4. Throwing things away.

According to the description, objects of violence can occur in people and animals as well. In English, the word "violence" is equivalent to "invasion", which means an attack or invasion of a person's physical and mental integrity. Violence that causes harm is considered unlawful violence, according to criminologists (Rahman, 2022). Santoso stated that violence can also be defined as assault and battery, which is a legal category that refers to illegal acts involving threats and the use of physical force to others (Anis, 2020). Officially, attacks and killings are considered collective actions.

The results of research at Kartika I-2 High School Medan showed that several interviews showed the presence or absence of violence in schools. During his service at Kartika I-2 Medan High School, there was never any physical or non-physical violence. Because the teacher council always does certain things every day, such as morning apples and mandates, individual and classroom counseling, and communicating and giving advice to students. Violence prevention is very important, especially for students who are going through puberty or looking for their identity. As reported on social media about some schools in Indonesia, there is sexual violence between students and teachers, as well as physical violence that can result in persecution. However, we are grateful that no physical violence has occurred in the school. Within the environment of Kartika I-2 Medan High School, supervising the teacher council as educators, employees as education personnel, and children as students may be a big responsibility.

Kartika I-2 Medan High School consistently complies with, implements and is guided by the applicable rules, especially for students. Basically, schools as educational institutions are responsible for providing protection in various ways. In compliance with Education and

Culture Minister Regulation No. 46 of 2023, protecting or preventing students is more important than dealing with them, because it is teachers and the school community who will act as parents for students. The physical violence and verbal violence that usually occurs in educational settings does not occur at Kartika I-2 Medan High School. It is very important to take precautions against children while they are still students, especially when they are in puberty. Therefore, their development should always be monitored and monitored. Apart from that, parents must also monitor the social environment and development of their children.

Child protection and violence prevention at Kartika I-2 Medan High School continue to be strictly carried out since the issuance of Permendikbudristek No. 46 of 2023 by August 3, 2023, the Minister of Education, Culture, Research, and Technology, Nadiem Anwar Makarim., which explains how to stop and deal with violence in the school environment. This became a strong guideline and companion regulation at Kartika I-2 Medan High School to do everything to prevent and deal with such violence from happening again. In addition, Kartika I-2 Medan High School has formed a Violence Prevention and Handling Team (TPPK) with the following structure:

Table 4.1.

Composition of the Committee for the Violence Prevention and Handling Team in Kartika I-2 High School Medan

Data Source: Kartika I-2 High School Medan (Administration)

No	Name	Elemental Representative	Position in TPPK
1	Liza Aulia, S.Pd	Vice Principal III	Chief
2	Salmilawati, S.Pd	Vice Principal II	Vice Chairman
3	Septi Ariani, S.Pd	Vice Principal I	Member
4	Doharma Situmorang, S.Pd	Vice Principal IV	Member
5	S. Sulaika, S.H	School Committee	Member
6	Indra Muslim, S.Pd	Teacher	Member
7	Khairunnisa, S.Pd	Teacher	Member
8	Suryati Cahyani Siagian, S.Pd	Teacher	Member
9	Hendra Gunawan	Security	Member

The principal's decree 208/SKEP/SMA K I-2/IX/23 establishes a violence prevention and handling team at Kartika I-2 High School Medan, in accordance with instructions from the Regional Education Office Branch I of the North Sumatra Education Office and Permendikbudristek No. 46 of 2023, for schools to form teams and upload them to the school dapodik. "Efforts to prevent and handle violence within the education unit are carried out in principle," according to Paragraph 1 of Article 3 of Permendikbudristek No. 46 of 2023:

- a. Nondiscrimination,
- b. Best interests of the child,
- c. Child participation,
- d. Gender justice and equality,
- e. Equal rights and accessibility for people with disabilities,
- f. Accountability,
- g. Prudence,
- h. Educational Sustainability.

According to Article 4, Paragraph (1), there is a list of goals for managing and avoiding violence in schools: "Targets for the handling and prevention of violence in the educational setting include": (Franciscus Xaverius Wartoyo & Yuni Priskila Ginting, 2023)

- a. Learners,
- b. Educators,
- c. Education Personnel,
- d. Parent/guardian,
- e. School Committee,
- f. Community.

The article 54 on child protection in Law Number 35 of 2014 further explains that "Children in schools must receive protection from physical, sexual assault, psychological abuse, and other offences carried out by teachers, support personnel, other students, or other parties. The community, educators, government representatives, and education professionals all contribute to the protection.

Social control efforts to prevent disruption are known as preventive measures (Sudiatmika, 2024). In her book entitled *The Criminal Law System and the Latent Danger of Corruption*, Nurdjana explained that prevention efforts are efforts to prevent violations of applicable norms, namely to keep the factors of intention and opportunity from meeting so that public security and order are maintained, safe, and controlled (Damaryanti &

Megawati, 2023). Thus, it can be concluded that prevention efforts include all efforts made to prevent violations of the law from occurring before they actually occur. According to the findings of the writer's investigation, some of the preventive measures taken by Kartika I-2 Medan High School are as follows:

1. Morning apples and mandates for teachers and children as learners, gradually and routinely, keep in touch with parents and guardians of learners and personally supervise teachers, education personnel, and learners, give messages to students, talk about education in the future, a better future for future generations, and their future as the next generation of the nation.
2. Students who disobey school policies face mild disciplinary actions, always providing information to protect the child as a student.
3. School programs must continue to operate with students' character and behavior in mind.

Educators and education personnel always do this, but it is also supervised by the principal and also carried out by children as active students. There are many socialization and discussion forums held by various institutions and organizations. These activities involve more than just teachers, education personnel, and the school violence prevention and handling team (TPPK), because prevention and protection basically covers the entire community within the education unit, not just teachers and employees. Learners are also engaged.

The rights of learners as children or vice versa are protection and prevention. Article 4 of Enforcement of Children's Rights Law Number 35 of 2014 establishes legal standards on children's rights and recognizes rights recognized by national law (The Government of Republic of Indonesia, 2014). Therefore, all Indonesian citizens are bound by the UN convention on the rights of the child (Wijaya, 2016).

#### B. Obstacles of Kartika I-2 Medan High School in Providing Protection Rights to Students

New factors, both supporting and inhibiting, will inevitably emerge from every program, policy, and regulation that exists in educational institutions. It is possible that various parties, both inside and outside the education unit, will comment on the sustainability of the rule. The principal, acting as the leader of the education unit, creates and runs the program by mutual consent, both teachers, educators, school committees, and students.

The results showed that several inhibiting factors, according to educators, education staff, and students, can prevent and maintain rules and regulations in schools. These

factors include:

1. Students who are carried into the school environment because of poor interaction with peers. Some learners do not care about the rules, rules, and laws that are told to them.
2. Students' non-openness to school about events or problems they are experiencing can disrupt their focus while learning.
3. Among the students who violated school rules were those who did not listen to the school's advice and mandate.
4. Due to light sanctions, students do not follow and disagree with the rules and regulations.
5. Students do not understand the protection rules and new rules of the Ministry and Service.

The school does not provide disciplinary sanctions with excessive deterrent effects. Conversely, sanctions of an educational nature are given by schools to avoid sanctions that can harm students, such as violence or persecution. Sanctions such as hitting or pinching were still used in ancient times, both with props and with direct hands. However, at this time, such things can no longer be used, due to the Child Protection Law and other laws that require learning sanctions not to commit violence against children as students (Fadli, 2017).

It is difficult for organizational programs and policies to come from outside sources (Riyadi, 2008). Education, including learning, protection, and prevention, is of significant public concern. (Grassela R br Ginting, Hadirin Ndruru, Sri Wenti Buulolo, Firman Yanus Hulu, August Ndruru, Indrawan Jaya Zalukhu, Sonitehe Halawa, Water Ade Putra, Jeremia G Aritonang, 2023). All education units will pay attention to events that occur in other education units. (Suryadi, 2023). Kartika I-2 High School Medan, a final high school, has a positive attitude towards outside conversations and events. All inputs and recommendations from various parties are well received for mutual interest. As shown by research findings from interviews with interviewees working in educational settings, the challenges that come from outside sources, namely:

1. The difference between the rules and programs of the Kartika I-2 Medan School with the lain School compared to outsiders.
2. Outsiders are not aware of the new regulations.
3. Where to Live and Hang Out.
4. New Evolution in Technology and Culture.

Everyone who works in the school, especially the principal, teacher council and education personnel, is responsible for protecting children as students. Starting from

physical, psychic, and sexual violence, various violence. If there is no close supervision and consistent prevention, this can continue. As parents who are in the school environment, teachers are educators. The school is responsible for students who are still wearing the uniform or attributes of Kartika I-2 Medan High School, whether they are at school or not.

Violence, as happened at Kartika I-2 High School Medan, is not the only problem in student accountability and protection. On a school holiday, a class X student of the academic year 2023/2024 had a traffic accident around KM 12 on the border of Jalan Medan Binjai. Before the accident, the boy was given permission by his parents to go to a friend's house to paint his motorcycle. However, as they left, there was a lakalantas that caused the child to die on the spot. Traffic police found the uniform of Kartika I-2 Medan High School that was not removed from the student's motorcycle while inspecting the scene. They then contacted the school to ask if classes took place that day. The school contacted said classes were not running due to red dates or joint leave. However, they did not respond to the news. The vice principal for student affairs and one of the subject teachers were assigned to supervise the students whose homes were not so far from the scene. The subject teacher and vice principal of student affairs followed him from the scene to the hospital and finally to the funeral home, where the principal was already waiting.

The fact that the student is enrolled in Kartika I-2 Medan High School and wears a shirt that shows the school shows how Kartika I-2 Medan High School provides protection to its students. This protection is not limited to effective study days or joint leave; It also includes violence. The school must follow its laws, rules, and responsibilities as an educational institution. While there are barriers that occur, both from within and from without, and violence protection and prevention and other safeguards are in place, there are certainly efforts to overcome or deal with those barriers. Handling challenges in Kartika I-2 Medan High School in accordance with the results of the study, as shown by observations, interviews, and supporting data of the school, consisting of:

1. Always prevent and supervise teachers, education staff, and students.

The main duty and main responsibility of the Principal is to supervise teachers and education personnel. Even so, school principals are still closely monitored and more, starting from the supervision of institutions such as foundations, provincial education offices, the research and technology, culture, and education ministries, among others. When school principals make violence prevention programs routine, they must exercise close supervision. This can begin with class notes that record how educators act during class hours each day, F-3 which includes the condition of learners, which includes the attendance and state of learners on a daily basis, and picket reports

that include the overall state of teachers and education personnel.

The oversight carried out on the program is clearly a recurring and ongoing responsibility. Communication between the principal and the entire community of the educational unit has no boundaries, and the community inside and outside the educational institution continues to share new and open information to the public. In addition to working independently, the Headmaster is assisted by Vice Principals, each of whom is responsible for supervising students as students.

2. Maintaining Communication with Parents, Students and Guidance Teachers, Counseling.

Regular and periodic meetings between the principal and the teacher council, parents/guardians of students, and vice principals make communication easier. Joint meetings attended by educators, education personnel, school committees, and parents/guardians can also help. In compliance with Law Number 35 of 2014's Article 54 on Child Protection, prevention and protection of children as learners, especially from violence. By providing protection to children as students, parents and children can feel comfortable with their learning process. They can also feel comfortable as students. It is very important to have a meeting with the parents or guardians of the students as this allows teachers and parents to communicate, find out more about the student's circumstances, and encourage them to do good things. Because the amount of time spent on education in school is less compared to the amount of time spent on education at home.

3. Encourage students to engage in more positive activities

It is guaranteed that the more positive activities carried out by students at school will result in better relationships outside of school as well, and vice versa. As an educational institution, Kartika I-2 Medan High School continues to provide advice and guidance to students. This institution also continues to encourage students to participate in positive activities. Apart from classes, the school always emphasizes useful extracurricular activities. There, students can choose the extracurricular activities they want to participate in according to their individual interests, talents and passions.

Kartika I-2 Medan High School provides various facilities and equipment for self-development activities which aim to encourage students to develop positive character with the aim of overcoming their own problems, community problems, avoiding violence, and environmental and national problems. carried out in class (intracurricular), with around two hours of face-to-face meetings. Self-development is also usually carried out outside the classroom (extracurricular), including taking part in

socialization activities and seminars outside of school. With help and guidance from the instructor and principal, self-development with positive things is a good decision, especially at the age of the participants. students who are about to become adults. The education unit provides several useful activities for students from Monday to Saturday.

#### 4. Better Learning

Students will prefer to learn rather than do things that should not be done, such as fighting to cause violence that can harm themselves and others, if the quality of education and classroom atmosphere is improved. The following efforts can be made to raise awareness that violence against others is negative and unkind:

- a. Providing Motivation
- b. Motivate yourself
- c. Giving awards
- d. Organizing matches

### CONCLUSION

Research found that at Kartika I-2 Medan High School, There has never been any violence on campus, and The child protection provisions of Law Number 35 of 2014, Article 54, remain in force. As a Kartika I-2 High School, We not only protect students from violence, but also provide all possible protection. Article 54 of Law Number 35 of 2014 and Regulation of the Minister of Education, Culture, Research, and Technology Number 46 of 2023 about dealing and preventing violence in school settings, supports preventing violence against pupils.. The Violence Prevention and Handling Team (TPPK), which consists of educators, school committees, teachers, and students' parents/guardians, adopts and implements the Ministerial Regulation. Preemptive Efforts in Secondary Schools on Kartika I-2 Medan is making planning decisions, such as forming a TPPK and implementing programs to prevent violence and protect students. Kartika I-2 Medan High School takes several preventive measures, such as holding morning assembly and mandates for teachers and children as students, and holding counselors gradually and regularly. Continuous communication with parents and guardians of students, implementation of supervision of educators, education staff, and students, and provision of information with the aim of protecting children as students. Individual student factors are one one obstacle faced by the Kartika I-2 Medan High School in providing protection to its students. Students really care about the rules, regulations and laws that are told to them. However, they may be less open to school about events or problems they are

experiencing, which can interfere with their focus while studying. Parents do not indicate a lack of supervision or mistakes in their child. Some educators are not aware of new regulations, laws, or school programs. External factors faced by Kartika 1-2 Medan High School include differences in school rules and programs compared to other schools, the existence of new regulations that are not known to outsiders, the environment in which they live and socialize, and advances in technology and culture. Kartika 1-2 Medan High School faces this challenge in various ways. For example, they continue to stop violence, supervise teachers, education personnel and students, communicate with teachers and parents/guardians, encourage students to participate in more positive activities, and collaborate with local governments to improve the quality of education.

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