

Review of Criminology and Islamic Law on Perpetrators Child Abuse

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ABSTRACT

This study examines cases of child abuse by biological parents as a form of domestic violence that requires serious legal intervention and protection of children's fundamental rights. The research aims to understand criminology and Islamic law perspectives on child abuse, identify the factors influencing its occurrence, and determine efforts to address child abuse within the framework of Islamic law. The method used is qualitative research with an empirical juridical approach. From a criminological standpoint, using the Psychogenesis theory, it is explained that criminal behavior is caused by various factors, including family conditions disrupted by divorce or parents being too busy with their careers, as well as the psychological factors of the perpetrators themselves. The results show that criminal behavior is a response to psychological issues arising from family conditions or personality pressures experienced by the perpetrators. Efforts through Islamic law emphasize the protection of children's rights as part of moral and sharia obligations, by strengthening moral and ethical values, upholding children's rights, and protecting children's rights as legal subjects.

Keywords: Criminology, Abuse, Children, Law, Islamic.

ABSTRAK

Penelitian ini mengkaji kasus penganiayaan anak oleh orang tua kandung sebagai bentuk kekerasan dalam keluarga yang memerlukan intervensi hukum serius dan perlindungan terhadap hak-hak dasar anak. Penelitian ini bertujuan untuk memahami perspektif kriminologi dan hukum Islam terhadap penganiayaan anak, mengidentifikasi faktor-faktor yang mempengaruhi terjadinya penganiayaan, serta menentukan upaya penanggulangan penganiayaan anak dalam kerangka hukum Islam. Metode yang digunakan adalah penelitian kualitatif dengan pendekatan yuridis empiris. Dari sudut pandang kriminologi, menggunakan teori Psikogenesis yang menjelaskan bahwa perilaku kriminal disebabkan oleh berbagai faktor, termasuk kondisi keluarga yang terganggu akibat perceraian atau orang tua yang terlalu sibuk dengan karier, serta faktor psikologis dari pelaku itu sendiri. Hasil penelitian menunjukkan bahwa perilaku kriminal merupakan respons terhadap masalah psikologis yang timbul dari kondisi keluarga atau tekanan kepribadian yang dialami pelaku. Upaya penanggulangan melalui hukum Islam menekankan perlindungan hak-hak anak sebagai bagian dari kewajiban moral dan syariah, dengan memperkuat nilai-nilai moral dan etika serta menjunjung tinggi hak-hak anak sebagai subjek hukum.

Kata kunci: Kriminologi, Penganiayaan, Anak, Hukum, Islam

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Introduction

Child abuse is a crime that is very disturbing to society. Children are very vulnerable to violence committed by people around them, in public spaces, even in their own homes. Violence against children predominantly occurs in households which are actually expected to provide a sense of security, and what is very regrettable is that cases of violence against children have so far been considered a normal problem and are not considered criminal acts.¹

Violence is all actions, both verbal (words) and non-verbal (behavior), carried out by someone, either an individual or a group, who has power over someone who is weaker than them. These actions cause pain and suffering both physically, mentally and socially. In practice, not all human behavior reflects goodness and does not violate applicable legal provisions. The law violations in question are included in the form of criminology. Etymologically, criminology comes from the Greek words *crime* and *logos* (science), thus criminology is the science that studies crime. Several Criminal Law experts also expressed the meaning of criminology according to their respective opinions.²

According to Wood, criminology is the overall knowledge obtained based on theory or experience relating to evil acts and criminals and includes society's reaction to these evil acts and criminals. Noach said that criminology is the science of evil acts and disgraceful behavior which concerns people who are involved in evil behavior and disgraceful acts. Walter Reckless said that criminology is an understanding of individual order in behavior in the environment and criminal behavior as well as an understanding of the workings of the Criminal Justice System.³

The emergence of criminology is based on the view that crime is a human problem that has existed since humans existed. Therefore, there needs to be serious handling regarding crime because, *first*, it results in an increase in the quality and quantity of crime, *second*, it gives rise to new crimes, and *third*, a crime is not identified as a crime. This is one of the reasons for the emergence of criminology, a science that specifically discusses crime from its various aspects⁴

The rise in cases of child abuse over the past few years seems to have reversed the opinion that children need to be protected. Nowadays, so many children are victims of family, environmental and community abuse. Abuse is behavior or actions that are intentionally and

¹ Abdul Kadir and Anik Handayaningsih, "Kekerasan Anak Dalam Keluarga," *Wacana* 12, no. 1 (2020): 134.

² Nisa Fadhillah, *Kriminologi Pusaka Media* (Bandar Lampung: Pusaka Media, 2023), h. 1.

³ Fadhillah.

⁴ Nafi Mubarak, *Kriminologi Dalam Perspektif Islam* (Sidoarjo: Dwiputra Pustaka Jaya, 2017), h. 103.

physically, emotionally, or psychologically harmful to someone, usually carried out with the aim of hurting, controlling, or degrading the victim. Forms of abuse can include physical violence, verbal or emotional abuse, sexual abuse, or neglect that causes suffering or harm to the victim.

Violence can happen to anyone and anywhere, but violence often affects weaker parties such as children. A child is basically unable to protect himself from various actions that would harm him, so a child will need help from people who are much more mature than his age, for example his parents. It's ironic indeed, parents who should be able to provide protection to their children can actually become a scary threat that can have a traumatic effect on the child. Sometimes parents use violent actions as an excuse to educate their children so that they no longer repeat actions they consider wrong. These acts of violence are a form of punishment for the child, but not infrequently the harsh punishment given by the parents actually exceeds the limit so that they suffer physical injuries and mental trauma so that the parents' actions amount to criminal acts of violence against the child.

Such as the criminal act of child abuse that occurred in Aras Kabu Village, Beringin District, which was experienced by 4 (four) children who often experienced abuse from their parents, both the mother and the child's biological father. The violence experienced by the child was due to disobeying his parents' orders and the orders were not carried out in accordance with the parents' wishes, thus provoking the anger of his parents and as a form of punishment, the child received beatings using a belt, broom handle, insults and insults, and he Once a plate was thrown in front of him and the glass shards hurt his leg, his parents even put chicken droppings on his face, which could definitely harm the child's health.

Persecution is often carried out in conjunction with a form of criminal offense. Acts of abuse can be carried out with violence or threats of violence or what tools are used, each depending on the case that arises. This act can happen to anyone, both men and women, from children to adults, especially if the abuse occurs within the household, often this act of abuse is called *hidden Crime* (hidden crime) is called that, because both the perpetrator and the victim try to keep the act secret from public view.⁵

According to Law Number 35 of 2014 concerning child protection, a child is someone who is not yet 18 (eighteen) years old, including children who are still in the womb. Child abuse can take the form of physical violence such as punching or kicking, as well as emotional violence such as insulting or threatening. There is also sexual harassment such as sexual exploitation or indecent acts.⁶ Physical neglect such as not providing adequate food or medical care also constitutes abuse. All of these forms can have a negative impact on a child's long-term health and development. Child abuse can be caused by emotional control problems, lack of understanding in education, severe stress, and repeated patterns of violence from the past.

Based on data on cases of violence against children that occurred in 2024 in Indonesia, there were 8,105 cases, with cases involving children as victims of violence in North Sumatra province as many as 527 victims, with victims based on age, 1) 0-5 years as many as 91 people, 2) 6-12 years old with 168 people, and 3) 13-17 years old with 338 people. With the number of cases occurring in Deli Serdang district as many as 81 cases. This proves that the number

⁵ Nova Ardianti Suryani, "Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Penganiayaan Ditinjau Dari Undang-Undang Perlindungan Anak," *Media of Law and Sharia* 2, no. 1 (2020): 136.

⁶ Yoga Prasetya and Muhamad Hasan Sebyar, "Legal Aspects of the Rights of Children from Siri Marriages," *JHK: Jurnal Hukum Keluarga* 01, no. 01 (2024): 9–17.

of abuses against children is quite large, especially in North Sumatra province.⁷

Children who experience abuse often experience mental health problems and have difficulty building healthy relationships in adulthood. In addition, abuse that occurs within the family environment can create patterns of behavior that are repeated from generation to generation. Therefore, it is important to prevent and stop all forms of child abuse in order to protect their overall well-being. Overcoming child abuse requires an approach that includes parent education, health worker training, strong legal protection, and collaboration between agencies to prevent and handle abuse cases effectively and provide better protection for children.

Several previous studies that discuss the criminology of violence against children show different results from this research. Rahmayanti's journal examines motorcycle theft with violence by children, identifying factors such as economic conditions, environment, drugs, parental supervision, hedonism, location, guardianship, and religion.⁸ Rais Rahmat Ismail's journal (2023) analyzes child abuse from a criminological perspective, highlighting causes like economic issues and deviant environmental culture, and suggests rehabilitation and psychological support as solutions.⁹ Abdul Azis' thesis (2023) reviews child sexual abuse in Magelang from sociological and juridical perspectives, identifying internal and external factors, and proposes non-litigation and litigation resolutions. These studies indicate the prevalence of crimes against children in 2023 and cover various forms of criminological offenses.¹⁰ However, none specifically address the criminology of violence by biological parents against their own children, making this research a valuable addition to the literature on the criminology of child abuse.

Therefore, children really need to be protected so that they do not become victims of anyone, whether the action is direct or indirect. It is important to research the problem of abuse perpetrated by parents against children because research can provide an in-depth understanding of the causal factors, long-term impacts, as well as effective strategies in preventing and protecting children who are vulnerable to abuse using an Islamic legal criminological perspective. It is important to examine the problem of abuse perpetrated by parents against children because this involves aspects of social justice and the protection of individual rights guaranteed in Islamic teachings.

Method

This type of research is a type of empirical juridical research, or field research, which examines relevant legal provisions and what actually happens in society. Empirical juridical research is legal studies related to the formulation or enforcement of normative legal provisions in every legal event that occurs in society.¹¹ The nature of the research that the author uses is analytical descriptive, which is a method that aims to describe or provide an overview of the research object being studied through samples or data that have been

⁷ <https://kekerasan.kemendppa.go.id/ringkasan>, "Data Yang Diinput Pada Tanggal 1 Januari 2024 Hingga Saat Ini (Real Time)," 2024.

⁸ Rahmayanti Rahmayanti, "Kajian Kriminologi Terhadap Anak (Pelaku) Tindak Pidana Pencurian Sepeda Motor Dengan Kekerasan," *JURNAL HUKUM, POLITIK DAN ILMU SOSIAL* 2, no. 3 (September 29, 2023): 290–99, <https://doi.org/10.55606/jhps.v2i4.2629>.

⁹ Rais Rahmat Ismail, "Analisis Kekerasan Terhadap Anak Ditinjau Dari Prespektif Kriminologi Kejahatan," *Syntax Literate; Jurnal Ilmiah Indonesia* 8, no. 3 (March 14, 2023): 2051–60, <https://doi.org/10.36418/syntax-literate.v8i3.11399>.

¹⁰ Abdul Aziz, "SKRIPSI TINJAUAN KRIMINOLOGI TINDAK KEKERASAN SEKSUAL TERHADAP ANAK DI KOTA MAGELANG" (MAGELANG: UNIVERSITAS TIDAR, 2023).

¹¹ Bambang Sunggono, *Metodologi Penelitian Hukum* (Jakarta: Raja Grafindo Persada, 2015), h. 109.

collected and make generally accepted conclusions. This research uses two primary and secondary data sources, the primary data source consists of interviews with informants consisting of 4 (four) children who experienced criminal acts of abuse in Aras Village, Kabu District. Beringin and the results of interviews with the village secretary as a community leader in Aras Kabu Village, as well as secondary data sources consisting of books, journals, laws and other legal regulations related to this research.

The data collection technique in this research consists of interviews and document studies, which are data taken and processed from documents.¹² After that is the data analysis stage, the data that has been collected will be processed systematically and analyzed qualitatively. Namely researching and analyzing existing data in the form of descriptions logically and systematically to answer existing problem formulations so that answers are obtained that are in accordance with the research carried out.

Result and Discussion

Review of Criminology and Islamic Law Against Child Abuse

Criminology is a science that studies crime. Etymologically, criminology comes from the words " *Crime* " which means crime and " *logos* " which means knowledge or knowledge, so that criminology is the science of crime or criminals. In criminology there are several schools of thought, and what is meant by school of thought here is the perspective (frame of reference, perspective, paradigm) used by criminologists in seeing, interpreting, responding to and explaining the phenomenon of crime.¹³

According to Abdulsyani, crime can be viewed from three aspects, namely Juridical, Social and Economic. In the juridical aspect, a person will be considered a criminal if he intentionally or unintentionally violates criminal law regulations and is deemed guilty. In the social aspect, a person is considered a criminal if he commits an action that violates the values and norms that apply in society, whether intentionally or not. In the economic aspect, a person is considered a criminal if he causes other people to feel economically disadvantaged.¹⁴

In the book by Nafi' Mubarak entitled "Criminology in an Islamic Perspective" which discusses and examines the thoughts of Islamic scientists regarding the concept of crime and the factors that cause crime to occur, one of these scientists is Al-Ghazali. When talking about the concept of evil, al-Ghazali revealed that when the soul is accustomed to bad behavior, it is difficult to accept the truth even if the truth is shown to it clearly. According to him, the soul is basically good and has a tendency to do good.¹⁵

From the explanation above, it can be understood that evil is something that is not in accordance with true human nature. Because basically, humans have good characteristics that have been determined by the teachings of the Islamic religion, which were established by Allah SWT. and taught by the Prophet Muhammad SAW. According to *Al-Ghazali*, the causes of crime can be seen from a philosophical and spiritual perspective in the Islamic tradition. Some of the main causes of crime according to *Al-Ghazali's* view include:

1. Free will and human choice, *Al-Ghazali* believed that humans have free will which allows them to choose between good and evil. When someone chooses to follow

¹² Sandi Hesti S., "Faktor-Faktor Loyalitas Pegawai Di Dinas Pendidikan Daerah Provinsi Sulawesi Utara," *Jurnal Emba Review* 7, no. 1 (2019): 675.

¹³ Saleh Muliadi, "Aspek Kriminologis Dalam Penanggulangan Kejahatan," *Fiat Justitia Jurnal Ilmu Hukum* 6, no. 1 (2022): 4.

¹⁴ Hasbi Nassarudin, *Kriminologi* (Bandung: Pustaka Setia, 2016).

¹⁵ Mubarak, *Kriminologi Dalam Perspektif Islam*.

their desires without paying attention to moral values or the consequences of their actions, they can tend to commit wrong actions.

2. Uncontrolled desires, *Al-Ghazali* emphasized that uncontrolled desires (lusts) can encourage someone to commit acts that violate moral norms. For example, greed for material possessions or excessive desire for worldly pleasures can lead to unethical actions.
3. Lack of self-control, *Al-Ghazali* taught the importance of self-control in living life. When a person is unable to control the emotions or desires that arise, he can lose wisdom in decision making and tend to carry out actions that are detrimental to himself or others.
4. Ignorance or failure in Understanding Good: According to *Al-Ghazali*, a person's ignorance or confusion about what is good and bad can also be the cause of bad actions. This could be due to a lack of proper education or guidance regarding moral and spiritual values.

From *Al-Ghazali's* view of the causes of crime, he highlights the importance of self-control, a correct understanding of moral values, and the wise use of human free will. Uncontrolled passion and lack of control over emotions are also the main factors that can encourage someone to commit acts that violate moral norms. *Al-Ghazali* emphasized that correct education and a deep understanding of religious teachings can help avoid behavior that is detrimental to oneself and society.

After discussing the various forms of crime, it is important to examine one of the crimes that often occurs in society, namely abuse. Abuse, as a form of crime, involves acts of violence or ill-treatment against a person that may cause physical injury or psychological trauma. This action not only harms the victim but also threatens the safety and welfare of society as a whole. Abuse can occur in a variety of contexts, including personal relationships, work environments, or even institutional contexts. By understanding the characteristics and impact of abuse, we can be more effective in prevention and law enforcement efforts. Therefore, it is important to explore the abuse in depth to identify appropriate solutions to this problem.

Madjloes explains that in Islamic criminal law, acts of abuse refer to actions carried out with the aim of causing injury or disability to someone who is the victim of the act. There are two types of classification used to divide criminal acts of abuse, namely:¹⁶

- a. Viewed from the perspective of intention
 - 1) Intentional abuse

This means that acts that are considered intentional are actions carried out with the aim of breaking the law by the perpetrator. From this explanation it can be concluded that acts of violence are carried out intentionally, with the aim of injuring or hurting other people and are prohibited acts.

- 2) Accidental assault

The fuqaha still have debates regarding abuse carried out intentionally and unintentionally in criminal acts of persecution. In this case, *Syāfi'iyah* and *Hanābilah* argue that acts of persecution can also be divided into three types, namely intentional, unintentional, and syibhul 'amd or similar to deliberate.

- b. Viewed from the perspective of the target or object
 - 1) Molestation of body parts and such

¹⁶ Suryani, "Perlindungan Hukum Terhadap Anak Sebagai Korban Tindak Pidana Penganiayaan Ditinjau Dari Undang-Undang Perlindungan Anak."

The act of damaging body parts and other parts that are considered equivalent to body parts, either through cutting or wounds. Included in this group are cuts or injuries to the hands, feet, fingers, nails, nose, testicles, ears, lips, eye poking, tooth extraction, hair cutting, eyebrows, beard, moustache, female genital lips and tongue..

- 2) Removes the benefits of a limb but the type is still intact

This action damages the function of the body part, but the body part is still intact.

- 3) *Asb-Shajjāj*

Imam Abu Hanifah's opinion states that *Syajjāj* is a wound on the head and face, but limited to bones such as the forehead. However, cheeks that have a lot of flesh are considered not to be *Shajjāj*. On the other hand, other scholars argue that *Syajjāj* refers to injuries to the head and face as a whole without exception.

- 4) *Al-Jirāh*

Injuries to parts of the body other than the face, head and athraf are considered *Jirāhin*, including injuries to the neck, chest, stomach and as far as the hips.

- 5) Actions other than those mentioned above

Madjloes' opinion regarding the classification of criminal acts of abuse, he highlights two main approaches: *first*, based on the perpetrator's intention, namely intentional and unintentional abuse; *secondly*, based on the target or object affected, such as abuse of body parts, detrimental but still intact, as well as other forms such as *Asb-Syajjāj* and *Al-Jirāh*. This classification shows the complexity in assessing and enforcing the law against acts of violence, with a focus on the perpetrator's goals and the impact on the victim. Understanding these differences is important in determining appropriate sanctions and more effective crime prevention efforts in society.

Factors That Influence the Occurrence of Child Abuse

As a science that studies crime, of course criminology studies the causes of crime. Crime originates from humans, it does not happen by itself but there are factors that influence or encourage the occurrence of a crime. In general, the factors that influence child abuse are triggered by two factors, namely, internal factors and external factors.¹⁷

a) Internal Factors (Internal)

- 1) The level of parental knowledge, in general parents do not know and understand the knowledge about children's development needs. For example, a child is not yet ready to do something that his parents think he is capable of. When a child is required to do it, it turns out that the child cannot do it, the parents become angry, shout and even curse so that the child becomes sad and the parents' words usually become a scourge for the child which will damage the child.
- 2) Parental experience, the wrong treatment that parents received when they were children, which becomes a lasting experience that encourages them to do the same thing to their children. The actions that the child receives will be recorded by the child in their subconscious mind which they will carry with them until they grow up. Children who receive harsh treatment from their parents will later become aggressive and cruel when they grow up. Aggressive parents will give birth to aggressive children who will later become cruel and aggressive too. *Mental disorders* are mental disorders related to bad treatment received when they were children.

b) External Factors (External)

- 1) Economic factors, in general domestic violence is triggered by economic factors,

¹⁷ DINI Erniwati and Wahidah Fitriani, "Faktor-Faktor Penyebab Orang Tua Melakukan Kekerasan Verbal Pada Anak Usia Dini," *Yaa Bunayya : Jurnal Pendidikan Anak Usia Dini* 4, no. 1 (2020): 67.

poverty and life stress. The ever-increasing economic demands of life accompanied by feelings of disappointment and anger towards their partners because they cannot meet their needs and are helpless in dealing with economic problems make parents pour out their emotions on those around them. The child is a weak person and has a high feeling of ownership towards the child so that he feels he can behave in an arbitrary way towards the child, as a result all his disappointment and anger is transferred to the child.

- 2) Environmental factors, the environment can increase the burden of care on children and the environment can also cause verbal violence in children. Unsafe or unstable environments, such as households with conflict or violence, often make adults more likely to act violently towards children. Financial problems in the family can also exacerbate the situation, causing stress and pressure that can be transferred to the child in the form of physical or emotional abuse. The social environment around children, such as at school or the community, also has the potential to exacerbate the risk of abuse.

From the research results obtained regarding child abuse that occurred in Aras Kabu Village, Beringin District, this is an effort to understand in depth the dynamics of crimes involving child victims at the local level. From the results of interviews with children who were victims of abuse from their parents, it was found that the four children often experienced abuse from their biological parents, both father and mother.¹⁸ The actions taken by the child are: disobeyed his parents' orders and the orders were not carried out in accordance with the parents' wishes, thus provoking the anger of his parents and as a form of punishment, the child was hit with a belt, broom handle, cursed and insulted, and he was thrown a plate in front of him and The glass shards hurt his feet, and his parents even put chicken droppings on his face, which could certainly harm the child's health.

In the context of non-abuse, this research shows that children who experience this form of treatment by their biological parents often experience serious psychological impacts. For example, children may feel neglected, uncared for, or unappreciated by their parents, and experience direct physical abuse. This can cause them to experience mental disorders, anxiety, or even depression. And this experience leaves deep emotional wounds and affects their personal development and social relationships in adulthood. Therefore, it is important to encourage public awareness and education about this type of abuse, as well as increase support for children experiencing similar situations so that they can recover and grow into strong, self-respecting individuals.

Apart from the several cases above, there is also a similar case that occurred in this sub-district, namely as uploaded on the Mistar news website, a teacher has committed a criminal act of abuse against his students. In the reported case, the act of abuse carried out by a teacher against his student took the form of a beating which resulted in injury to the student. The incident occurred on school grounds where the teacher allegedly used inappropriate physical force to resolve the situation. The parents of the students who were victims revealed that their children suffered injuries as a result of the beating, raising serious concerns about the safety and welfare of students at school. The reaction from the public and the authorities strongly condemned this act, demanding firm handling of the teachers

¹⁸ Ahmad Rusyaid Idris, Muhammad Khusaini, and Syaiful Anwar Al-Mansyuri, "Contemporary Islamic Law in Indonesia: The Fulfillment of Child Custody Rights in Divorce Cases Caused by Early Marriage," *MILRev: Metro Islamic Law Review* 3, no. 1 (April 4, 2024): 1, <https://doi.org/10.32332/milrev.v3i1.8907>.

involved to ensure justice and prevent the recurrence of similar incidents. in the future.¹⁹

Based on analysis of *Prof.'s opinion*. Dr. *Satjipto Rahardjo* explained that parents' actions that cross the line in disciplining their children can be considered abuse in accordance with applicable criminal law. This is important in emphasizing the need for clear boundaries in child discipline to prevent abuse of power by parents.²⁰

From a criminological perspective, child maltreatment by parents reflects a complexity of factors such as economic stress, emotional problems, and internalized parenting styles. The impacts include psychological trauma and serious developmental disorders in children.

If studied using the theory of *Psychogenesis* in criminology, this theory explains that criminal behavior is caused by various psychological factors such as intelligence, personality traits, motivation, wrong attitudes, rationalization, wrong self-internalization, inner conflict, controversial emotions, and psychopathological tendencies. This means that criminal behavior is a response to psychological problems that may arise from family conditions that have been destroyed due to divorce or parents who are too busy with their careers. Another factor that causes crime is the psychological factors of the criminals themselves, which encourage them to commit crimes in response to various kinds of personality pressures they experience, such as pressure due to difficult or frustrating life circumstances.²¹

Referring to Ibnu Khaldun's thoughts on criminology in Islamic law, Ibnu Khaldun argued that "humans are naturally good, so they become evil due to external factors in their actualization process." Considering that humans are born with good conditions, then if at some point a human behaves badly, or in this case commits a criminal act, this can be influenced by two factors, namely: *first*, failure to maintain their nature, and *second*, due to influences from outside the environment.²²

In Islam, this matter is regulated in QS Al-Baqarah (2): 169, as follows:

إِنَّمَا يَأْمُرُكُمْ بِالسُّوءِ وَالْفَحْشَاءِ وَأَنْ تَقُولُوا عَلَى اللَّهِ مَا لَا تَعْلَمُونَ

Meaning: "Indeed (Satan) only orders you to do evil and abominable things and to say what you do not know about Allah."

In this practice, a child experiences physical abuse from his biological parents, this can have a very damaging impact physically and emotionally on the child. Physical abuse such as punching, kicking, or beating can cause real physical injuries, such as bruises, cuts, and even broken bones. However, the impact is not only on the physical body, but also on the child's mental health, such as fear, anxiety and serious emotional disorders. Children who experience physical abuse from their biological parents often experience deep inner conflict, where they feel trapped between love and fear of their parents. This condition can affect their social development, self-confidence and mental health throughout life. Therefore, it is important to identify and treat serious physical abuse of children, as well as provide appropriate protection, support and treatment for victims so that they can recover physically and emotionally.

Abuse perpetrated by parents against children can be influenced by several main factors. *First*, individual factors such as mental disorders or low ability to control emotions

¹⁹ <https://mistar.id/news/hukum-peristiwa/ortu-siswa-korban-penganiayaan-desak-oknum-guru-pelaku-dimutasi/>, "Ortu Siswa Korban Penganiayaan Desak Oknum Guru Pelaku Dimutasi," 2024.

²⁰ Erdianto Effendi, *Hukum Pidana Indonesia : Suatu Pengantar* (Jakarta: Refika Adiatama, 2014).

²¹ Sudarto, *Kriminologi: Pengetahuan Tentang Sebab – Sebab Kejahatan* (Bogor: Poltea, 2017), h. 154.

²² Ibnu Jarir al-Thabari, *Al-Jami' Li Ahkam Al-Qur'an*, 1st ed., vol. 3 (Beirut: Muassasah Al-Risalah, 2006), h. 454.

can influence the way parents react to certain situations with violence. *Second*, environmental factors such as economic stress or tension in the family can worsen the condition and trigger aggressive actions towards children. *Third*, social factors such as culture or norms that justify abuse in disciplining children, as well as a lack of awareness of children's rights, play a role in these cases.²³ The combination of these factors can explain why some parents may commit criminal acts of abuse against their children.

Efforts to Overcome Child Abuse in Islamic Law

Islam strictly prohibits all forms of abuse of children. In the Qur'an of Allah SWT. says in QS al-Isra verse 31 as follows:

وَلَا تَقْتُلُوا أَوْلَادَكُمْ حَشِيَّةً اِمْلَاقٍ نَحْنُ نَزَرُ رُفُهُمْ وَاِيَّاكُمْ اِنَّ قَتْلَهُمْ كَانَ خِطَاً كَبِيْرًا

Meaning: "And do not kill your children because of want; We are the ones who provide sustenance to them and to you. Killing them is truly a great sin."

Every child born on this earth has the duty of a caliph who is responsible for protecting the earth so that it can be enjoyed by future generations. According to Islam, children are a trust that Allah SWT gives to His servants. In the afterlife, parents will be asked to be responsible for educating and caring for their children so that parents are obliged to provide a good education to their children. As in a hadith narrated by Hakim and Baihaqi: Rasulullah SAW. said "There is no more important gift from parents to their children than a good education".²⁴

According to *As-Sayyid Sabiq*, parents are the bearers of the mandate of Allah SWT. is obliged to take care of his children, who are still small and older but have not yet been tamyiz, regardless of the gender of the child, fulfill everything that the child needs and what can support his growth and development, protect him from anything that can hurt and endanger his health., educating them both physically and spiritually as well as their minds so that they can be independent in navigating life and shouldering the burden of responsibility.

In Islam, parents are prohibited from carrying out actions that can harm and endanger the child's life, both physically and psychologically, even if the aim is to solve a problem, because violence is not the best solution in solving a problem. Psychologically, violence as punishment and inappropriate behavior (violence) from parents will only produce feelings of guilt in children and can hinder the growth and development of their souls. Children who live in a family atmosphere full of violence (disharmony) will experience mental disorders.

In order to provide special education and teaching to children regarding prayer, sometimes children need to receive strong warnings. However, what is very unfortunate is when some parties interpret and reduce the meaning contained in it and then use it as an argument that seems to legitimize acts of persecution in resolving various kinds of problems, even though in reality this hadith is only limited to the issue of the command to perform prayers.²⁵

Legal protection for victims of criminal acts is part of the protection of human rights (Human Rights), which can include two things, namely indirect protection, namely, by

²³ Muhamad Hasan Sebyar, "Harmonization of Islamic Legal Institutions and Customary Law in Marriage Dispensation Cases at The Panyabungan Religious Court," *MILRev : Metro Islamic Law Review* 2, no. 2 (2023): 155, <https://doi.org/10.32332/milrev.v2i2.7809>.

²⁴ Nurjanah, "Kekerasan Pada Anak Dalam Perspektif Pendidikan Islam," *Al-Afkar : Journal for Islamic Studies* 1, no. 2 (2018): 28.

²⁵ Maisaroh, "Kekerasan Orang Tua Dalam Mendidik Anak Perspektif Hukum Pidana Islam," *Jurnal Agama Dan Hak Asazi Manusia* 264, no. 2 (2019): 2.

protecting the legal interests of society regarding human rights. And direct protection, namely by guaranteeing legal protection for the suffering of crime victims, which includes the victim's right to receive assistance and exercise their right to access justice and fair treatment.²⁶

Efforts to protect children can be judicial or non-judicial. Juridical protection includes protection in various fields of law, both in the field of civil law and the field of criminal law. Then, non-judicial protection for children can include social protection, health and education. *Preventive efforts* are efforts to carry out enforcement as early as possible by carrying out educational activities that are based on the driving factors and opportunities for violent crime to occur in children, so that it is hoped that it can create awareness, vigilance, and the emergence of anti-violent behavior or norms of life in children. With preventive measures, the focus is on eliminating criminal crimes.²⁷

Based on the results of an interview with Mr. Abdul Rahman as a community leader in Aras Kabu Village, he said that preventive efforts that can be made to deal with acts of abuse or violence against children can be done by:

First, through outreach about child protection, understanding children's rights and the threat of punishment for perpetrators and the consequences of acts of violence on children's health and personality. Socialization and dissemination of this information can be carried out in the form of seminars and workshops as well as through social media, websites, TikTik, radio, even YouTube.

Second, provide outreach and training to the community and collaborate with the surrounding community. One of them is by carrying out counseling in schools that predominantly cater to underage children, for example Kindergarten schools and elementary schools (SD).

Repressive efforts are carried out after a crime or violation occurs with the aim of taking action and imposing sanctions on the perpetrator. The implementation of repressive measures must be in accordance with the methods stipulated in legislation. In the initial stages, repressive handling of violence or abuse against children was carried out through police institutions by taking the following actions: receiving reports; then an investigation and followed by an investigation; and handover of case files.

Conclusion

The criminological review of child abuse generally discusses the study of various factors that influence and encourage violence against children. This includes an in-depth understanding of internal factors such as the history of violence in the family, the psychological condition of the individual, and the dynamics of the relationship between parents and children. The main objective of this review is to identify patterns of violence, analyze their root causes, and formulate effective intervention and prevention strategies. The criminological approach to child abuse emphasizes the need for collaborative efforts between public institutions, communities and families to create a safe and supportive environment for children's development and prevent violence.

Factors that influence child abuse can be grouped into two main categories, namely internal and external. Internal factors include the level of knowledge and experience of parents in caring for children. Meanwhile, external factors include the family's economic

²⁶ Ahmad Rivaldi, "Legal Protection and Children ' s Rights Based on the 1945 Constitution in the Dynamics of Government in Indonesia," *JHK: Jurnal Hukum Keluarga* 01, no. 01 (2024): 1–8.

²⁷ Triana Agus Widiasih., "Perlindungan Hukum Terhadap Korban Kekerasan Pada Anak Serta Upaya Pemulihan Untuk Korban," *Jurnal Analogi Hukum* 3, no. 2 (2023): 248–49.

conditions and the environment around where the child lives. The level of knowledge and experience of parents plays an important role in establishing safe and supportive parenting patterns for children, while economic conditions and the living environment also have the potential to influence the level of risk of child abuse.

If studied using *the theory of psychogenesis* in criminology, the factors that cause perpetrators to commit abuse or violence are caused by inner conflict, controversial emotions when the child cannot do the work that his parents tell him to do and is never satisfied with what the child does, as well as depressive disorders that caused by life pressures and unpleasant experiences, such as the perpetrator's less than harmonious household conditions which often lead to arguments with her husband. Psychological factors are the main cause of criminal acts of abuse. Perpetrators respond to a variety of personality pressures that they experience nature, which ultimately drives them to commit crimes. Then, if studied using criminology in Islamic criminal law, the cause or motive for the perpetrator to carry out the abuse is himself, namely an evil heart because there is an element of satanism in it, so that if the heart is controlled by the devil, he will be tempted to commit a crime.

Efforts to overcome child abuse from an Islamic legal perspective can be strengthened with two main approaches. First, through improving religious and moral education which teaches the principles of raising children in accordance with Islamic law. Second, by increasing public understanding of children's rights, as well as providing counseling services, education for parents, and economic empowerment of families to create a safe and supportive environment for children's development.

Then, based on the results of an interview with Mr. Abdul Rahman as a community leader in Aras Kabu Village, he said that preventive efforts that can be made to deal with acts of abuse or violence against children can be done by; *First*, through outreach about child protection, understanding children's rights and the threat of punishment for perpetrators and the consequences of acts of violence on children's health and personality. Socialization and dissemination of this information can be carried out in the form of seminars and workshops as well as through social media, websites, TikTok, radio, even YouTube. *Second*, provide outreach and training to the community and collaborate with the surrounding community. One of them is by carrying out counseling in schools that predominantly cater to underage children, for example Kindergarten (TK/Paud) and elementary schools (SD). Repressive efforts carried out after a crime or violation occurs with the aim of taking action and imposing sanctions on the perpetrator.

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