



MALTREATMENT IN THE SOCIAL ENVIRONMENT

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ABSTRACT

The act of persecution whether committed against a person or several people is a prohibited act and this is not justified because according to the Law of the Republic of Indonesia. act is prohibited and is not justified because according to the Criminal Code the act of persecution is categorized as a criminal offense. The act of persecution is categorized as a criminal offense. Maltreatment is an act with the aim of causing pain or injury to another person, the perpetrator wants the result of an act of harm or torture. The perpetrator wants the result of an act of harm or torture. Maltreatment, whether verbal, physical, or psychological, impacts on well-being and creates an environment of psychological, impacts on well-being and creates an unhealthy social environment. This research This study aims to measure the impact of maltreatment on victims and evaluate the effectiveness of legal legal protection in Indonesia. Data was collected through a literature study. This research shows that the impact of maltreatment includes psychological, physical and social. This article also outlines prevention and intervention strategies that involve active participation from various parties, including individuals, families, institutions and the government. This study is expected to serve as a basis for more effective policies and policies and programs that are more effective in creating a social environment that is inclusive and free from maltreatment. and provide legal protection for victims of maltreatment. From the legal side, there are several barriers to the implementation of legal protection, such as lack of reporting and a lack of understanding of the law by relevant parties.

Keywords: Maltreatment, Social Enviroment, Legal Protection , Victim Impact

1. INTRODUCTION

In general, crimes against the body are referred to as maltreatment in the Penal Code. In terms of grammar from a grammatical point of view, persecution is an adjective or adjective derived from the root word “aniaya” which gets the prefix “pe” and the suffix “an” while the persecution itself comes from the word material which is derived from the word aniaya which shows the subject or perpetrator of the persecution. Derived from the word aniaya which indicates the subject or perpetrator of the persecution. Mr. M. H. Tirtaamidjaja made the definition of “persecution” as follows. “persecute” is to intentionally cause pain or injury to another person. However, an act that causes pain or injury to another person cannot be considered as however, an act that causes pain or injury to another person cannot be considered as persecution if the act is done to protect body safety. The Indonesian dictionary states that persecution is the treatment of (torture, oppression, etc.). In other words, to say that a person has committed persecution, then the person must have intent in committing the act. Intentionally in committing an act to cause pain to another person or injury to another person's body or injury to the body of another person or that person in his actions harms the health of another person. In the Criminal Code (Rambe & Sihombing,2024), the crime against the body is referred to as maltreatment, There are many differences among jurists regarding the meaning of the word persecution. understanding of the word persecution. Maltreatment is defined as “an act committed intentionally to inflict pain or injury on the body of another person”. According to experts, there are several definitions of persecution of persecution are as follows:

According to the Hooge Raad (H.R.), maltreatment is any act committed intentionally to inflict pain or injury on another person, and is solely the aim of that person, and the act must not be a means of achieving a permissible aim. and the act must not be a means to a permissible end.

According to Mr. M.H. Tirtaamidjaja Maltreatment is intentionally causing pain or injury to another person. However, an act that causes pain or injury to another person, does not however, an act that causes pain or injury to another person cannot be considered as persecution if the act is done to increase bodily safety.

The Doctrine defines persecution as, any act committed intentionally to inflict pain or injury on another person.

The crime of maltreatment is an act that harms and violates human rights. Human rights, where a person intentionally harms or attacks another person physically or psychologically. another person. This phenomenon has become a serious concern in the context of law and society as well as in education, because it can have a serious impact on victims who experience maltreatment. in the context of law and society as well as in the educational environment, because it can have a serious impact on victims who experience maltreatment. Persecution. In criminal law, maltreatment is considered as a criminal offense that the importance of handling the crime of maltreatment is increasingly illustrated by the increase in police reports and the increase in the number of

maltreatment cases (Rambe et al,2024) . The importance of handling the crime of maltreatment is increasingly illustrated by the increase in police reports and court cases related to the cruel treatment of individuals. These acts can occur in various walks of life and these acts can occur in various walks of life and involve various motives, ranging from personal problems to conflicts between individuals or groups. By therefore, an in-depth understanding of the factors that cause and impact the crime of maltreatment is crucial for shaping enforcement policy. is crucial to shape effective law enforcement policies and better prevention (. prevention. The crime of persecution is one of the crimes that has grown over time. to time. One of them can be seen from the perpetrators who are no longer only adults, but also children. The rise of persecution that occurs from various sources is a sign that it cannot be separated from the uncontrolled behavior of society, both from the lack of education. This is inseparable from the uncontrolled behavior of the community, both from the low level of education and the association of a bad environment

2. RESEARCH METHODE

This research uses a literature study method with a qualitative approach, where the data is taken from relevant journals and articles. Is taken from relevant journals and articles. This approach was used to identify persecution and legal protection for victims. Using this research method is to identify theories or previous research findings related to persecution that exists in the social environment, especially in the community. A review of this literature review can provide the theoretical foundation and context needed to understand the phenomenon of persecution. persecution

3. RESULT AND ANALYSIS

A. Definition of maltreatment

Maltreatment is an act of cruelty that harms either physically and psychological harm to a person. Maltreatment can take many forms, ranging from physical violence, verbal abuse, to social exclusion (Sudaryat, 2021). This phenomenon damages not only the health of the victimized individual, but also creates a far-reaching impact on society as a whole. On society as a whole. It can occur in a variety of contexts, including personal, social, or even systemic level

Persecution is an act committed by the perpetrator caused by several supporting factors ranging from grudges, displeasure with others, misunderstandings and elements of intent, this act of persecution is the easiest action to occur in the social environment. Persecution has now become a common occurrence in society, and is no longer a novelty, and many of these acts have even resulted in the loss of life. Crimes committed against the human body in all its actions so as to cause injury or pain to the body even to the point of causing death, when viewed from the elements of guilt and intent are qualified as maltreatment (mishandeling), which is written in Chapter XX of Book II, Articles 351 to 358.

The world of education is also not free from violence and even persecution (Sudibyo & Kiyamudin, 2019a). Education is a right that can be obtained by everyone and education makes a person more useful not only for themselves but for society and also for the community. There is quality education in a country so that the country will be more advanced than a country that does not have a quality education system, with education it will affect its human resources. By carrying out the obligations of the government so that people get proper education (Neolaka, 2017).

Violence that occurs in the educational environment according to Law No.35 of 2014 can take the form of physical, psychological, sexual, bullying and penalties. Deputy Wasito emphasized that this is a shared responsibility, where the government pays attention and takes serious steps in preventing and handling violence in education units (KEMENKO PMK, 2024).

There is one example of mistreatment that occurred in an educational institution where a coas doctor in Palembang named Muhammad Luthfi Hadyhan (22) was mistreated allegedly because of the picket schedule. picket schedule. He was mistreated by Fadilah alias Datuk (37), who is a driver. The police said the perpetrator was annoyed with the victim for not responding when his employer asked. It is known that the incident occurred at a cafe, on Jalan Demang Lebar Daun, Ilir Barat I Subdistrict, Palembang, on Tuesday, December 10, 2020 at around 10:00 am. (10/12/2024) at around 16:40 WIB. Reported by detikHealth, Indonesian Minister of Health (Menkes) Budi Gunadi Sadikin regretted what happened. According to him, the incident is a bad example that occurred in Indonesian medical education.(detikSumbagsel, 2024).

The law does not provide an explanation of what is meant by because there is no definition in the law, Indonesian criminal jurists in discussing the definition of maltreatment have always been guided by the definition of maltreatment. Indonesian criminal law experts in discussing the definition of maltreatment are always guided by the formulation of the *Memorie Van Toelichting*, which formulates that what is meant by maltreatment is causing suffering to the body or health (Rusli Effendy Rusli, 1989). In the criminal code, persecution is categorized into several forms

1. Ordinary maltreatment, Ordinary maltreatment is set out in Article 351 of the Penal Code, which is essentially all maltreatment that is not serious maltreatment and not light maltreatment. Ordinary maltreatment is divided into several types, namely: Ordinary maltreatment that does not result in serious injury or death and is punishable by imprisonment for 2 years and 8 months or a fine of four thousand five hundred rupiahs. Maltreatment that results in serious injury and is punishable by imprisonment for up to five years. Maltreatment that results in death and is punishable by imprisonment for up to 7 years. Maltreatment that intentionally damages health.
2. Light maltreatment, light maltreatment is regulated in Article 352 of the Criminal Code, light maltreatment in the form of not premeditated maltreatment, not maltreatment committed against mother/father/child/wife, employee on duty,

introduction of substances harmful to life, and does not cause illness or hindrance to carry out work, and livelihood.

3. There are three types of premeditated maltreatment as set out in Article 353 of the Criminal Code, namely premeditated maltreatment which does not result in serious injury or death and is punishable with a maximum imprisonment of 4 years, premeditated maltreatment which results in serious injury and is punishable with a maximum imprisonment of 4 years, and premeditated maltreatment which results in death and is punishable with a maximum imprisonment of 9 years. A person who commits premeditated maltreatment does so willingly and in a calm state of mind (Rosaniati et al., 2021).
4. Serious maltreatment, Serious maltreatment is regulated in Article 354 of the Criminal Code, namely whoever deliberately causes serious injury to another person, shall, being guilty of serious maltreatment, be punished by a maximum imprisonment of 8 years. If the act results in death, the offender shall be punished with a maximum imprisonment of 10 years. The act of serious maltreatment is committed intentionally by the person who commits it.
5. Aggravated maltreatment, Aggravated maltreatment is contained in a combination of Article 354 paragraph 1 of the Criminal Code on serious maltreatment and Article 353 paragraph 2 of the Criminal, Code on premeditated maltreatment. This crime must fulfill the elements of serious persecution and premeditated persecution.

B. Impact of Maltreatment

1. **Physical and Mental Health Harm:** Victims of abuse often suffer physical injuries, including bruises, broken bones, or other serious injuries. Psychological impacts can involve mental trauma, post-traumatic stress disorder (PTSD), anxiety, and depression.
2. **Social Disconnection:** Victims of maltreatment may experience social isolation due to feeling embarrassed or afraid to talk about their traumatic experiences. Relationships with family, friends, and the community may generally suffer.
3. **Cycle of Violence:** Maltreatment can create a cycle of violence, where victims of maltreatment are more likely to become abusers in the future if they do not get adequate support and help.
4. **Economic Impact:** Victims of maltreatment may have difficulty maintaining employment or completing their education due to significant physical or mental impacts.
5. **Childhood Impact:** Children who witness or are victims of maltreatment often experience long-term impacts on their physical, mental and emotional development.
6. **Increase Crime Rates:** Maltreatment can contribute to increased crime rates in society, especially if there is no effective law enforcement and preventative measures in place.
7. **Distrust of Authority:** Victims of maltreatment may lose trust in the legal system and authorities, which may hinder the investigation and prosecution process.
8. **Public Health Impact:** On a broader scale, maltreatment can have a negative impact on public health, burdening health systems and causing significant social and economic costs (Septher & Tamaulina, 2024,).

C. Prevention of Maltreatment

Maltreatment prevention involves proactive measures that aim to prevent the crime from occurring. The following are some strategies and actions that can be taken to prevent maltreatment:

- A. **Community Education and Awareness:** Increase community awareness about the importance of healthy relationships, positive parenting, and non-violent conflict resolution. Organize educational campaigns to educate the community about the signs of maltreatment and how to report it.
- B. **Sexual Education and Gender Equality:** Incorporate inclusive sexual education and teach about gender equality in educational institutions. Promote changes in harmful social norms related to masculinity and femininity.
- C. **Family Support:** Provides support and training to parents to provide support and training to parents to improve parenting skills and reduce family stress. Provide family counseling and support services to help resolve conflicts and stresses.
- D. **Professional Training:** Provide training to social workers, medical personnel, and law enforcement officers on early detection of maltreatment and the judicious handling of such cases. Increase understanding of psychological and mental health issues related to maltreatment.
- E. **Support Systems for Victims:** Establish and maintain support systems for victims of maltreatment, including counseling services, legal protection, and safe havens. Provide easy access to resources and support for victims, including emergency hotlines and shelter facilities.
- F. **Supervision and Law Enforcement:** Ensure effective and strict law enforcement against perpetrators of maltreatment. Improve supervision and monitoring of maltreatment cases to ensure fair and prompt handling (Hernawati, 2021).
- G. **Social Skills Development:** Provide social skills training to children and adolescents to help them cope with conflict in a healthy manner and build positive relationships.
- H. **Cultural and Norm Change:** Promote cultural change and social norms that do not tolerate violence, whether through mass media, public campaigns, or education programs. tolerate violence, whether through mass media, public campaigns, or educational programs.
- I. **Collaboration and Partnerships:** Build partnerships between the government, community institutions, non-governmental organizations, and the private sector to improve coordination in efforts to prevention of maltreatment (Sari & Arcaropeboka, 2023).

D. Criminal Offenses for Perpetrators of Maltreatment

All behavior or something that is done by each individual must be able to be accounted for by each individual. The same applies to every act of persecution that has been committed. Criminal responsibility is the responsibility of each individual for the criminal acts they have committed against other individuals. Precisely what the individual is responsible for is all the criminal acts he has committed, in this case the act of persecution. Therefore, criminal responsibility occurs because there has been an act of persecution committed by someone. Criminal responsibility leads to the punishment of the perpetrator, if he has committed a criminal act and has fulfilled all the elements that have been determined in the existing article, in this case the elements of the crime of persecution which causes the loss of a person's life, but does not have the intention (purpose) to do so. If we look at it from the point of view of the occurrence of a prohibited (required) act, a person must be held criminally responsible for the act. must be held criminally responsible for the act if the act is unlawful (and there is no absence of unlawfulness or *rechtswaardingsgrond* or excuse) for the act. justification) for this. Meanwhile, from the point of view of the ability to be responsible, only individuals who are capable of being responsible are allowed to take responsibility for their actions his actions.

Punishment is one way to restore the deviant behavior of criminals, but not infrequently the punishment aims to curb the freedom of the offender. The purpose of punishment is the reoccurrence of crimes committed by criminals against victims or other people. Therefore, the punishment imposed on the perpetrator of maltreatment resulting in the death of a person based on Article 351 paragraph (3) of the criminal code is shall be punished with a maximum imprisonment of 7 years. Criminal sanctions for perpetrators of maltreatment are contained in Article 351 of the Criminal Code ("KUHP") which reads:

1. Maltreatment shall be punished by a maximum imprisonment of two years and eight months or a maximum fine of three hundred Rupiahs.
2. If the fact results in a serious physical injury, the offender shall be punished by a maximum imprisonment of five years.
3. If the fact results in death, he shall be punished by a maximum imprisonment of seven years.
4. With maltreatment shall be equated intentional damage to health.
5. Attempt to commit this crime shall not be punished (Hiro, 2021).

In the settlement of criminal cases there are victims of persecution, victims are parties who are severely disadvantaged in a criminal act who should receive protection. Victims are placed as evidence that provides information, namely. Freedom in fighting for the freedom to fight for their rights is small and should get the same protection. This is in line with the reality obtained from the regulation of the protection of victims of maltreatment in the Law on Witness and Victim Protection, where this law is more dominant in placing the victim as a witness The victim is in her position as a witness so that her protection is limited to her protection as a victim-witness, not a victim of persecution who has suffered both material and non-material losses. The legal protection of victims of crimes mentioned

above should ideally be regulated in more detail and firmly in legislation to provide guidelines for law enforcement process.

The investigation of the crime of maltreatment in this case the police must be more focused and active in conducting investigations and investigations into the crime of serious maltreatment, so that the percentage of cases of serious maltreatment does not continue to increase. The police must also involve the community to participate in overcoming

CONCLUSION

Social maltreatment is an act involving physical, verbal, or psychological violence perpetrated against a specific individual or group. This phenomenon often arises due to factors such as differences in social status, beliefs, culture, or mindset. Persecution can have a serious impact, both directly on the victim and on the social environment as a whole. social environment as a whole. Persecution in educational institutions also often occurs in various forms, such as bullying, physical, verbal or emotional violence. Educational institutions play an important role in preventing maltreatment through strict policies, character education programs, and adequate supervision. Maltreatment has a wide and deep impact on society, covering economic, social, political and psychological aspects. These impacts can persist long after the end is reached, affecting individual well-being and overall social stability. Efforts to address these impacts require comprehensive interventions, including human and economic security, and social reconciliation. The importance of addressing the crime of maltreatment is further illustrated by the increase in police reports and court cases related to the maltreatment of individuals. Protection of victims of maltreatment both immaterial and material must be fulfilled by law enforcement officials and fulfill all the rights of victims based on the provisions of the law.

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