



ISSN Print: 2541-5298
ISSN Online: 2541-6464

SRIWIJAYA Law Review

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Website: <http://journal.fh.unsri.ac.id/index.php/sriwijalayawreview>

The Use of Physical Strength in Children's Education: Learning from Indonesian Court's Judgments

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Article	Abstract
<p>Keywords: Children's Rights; Corporal Punishment; Education; Indonesian Criminal Law; Physical Force.</p> <p>Article History Received: Jun 15, 2023; Reviewed: Jan 23, 2024; Accepted: Jan 30, 2024; Published: Jan 31, 2024.</p> <p>DOI: 10.28946/slrev.Vol8.Iss1.3014.pp115-132</p>	<p>This article explores the limitations of using physical force in educating children in Indonesia. It examines the prevalence of violence by parents and teachers in education. Increased public awareness and concern for children's rights have made the use of violence in education a taboo. This research uses a qualitative method with secondary data using literature and analysing court decisions from the human rights perspective. This study aims to determine the limits of tolerance for violence and corporal punishment. The court decisions have been taken as the data to be analysed from various locations where decisions have been issued were taken into consideration to depict the similarities and differences in deciding matters related to corporal punishment towards children. This article examines historical, cultural, and religious factors that influence the use of physical force, including interpretations of Islamic teachings. This paper also presents arguments for and against corporal punishment as an educational tool. This research sheds light on the complexities surrounding the permissibility of physical force in children's education and the conflicting views in society, providing insight into evolving understandings and legal perspectives on the subject.</p>

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INTRODUCTION

Every newborn child is like a blank sheet of paper that has not been marked, often referred to as *tabularasa* (a white sheet of paper)¹. Islam teaches that every child is born in a state of *fitrah*² (purity). Consequently, it becomes the responsibility of parents or educators to delineate what is virtuous or detrimental within the child. It becomes natural for parents to expect their

¹ Nicholas G. Petryszak, "Tabularasa-Its Origins and Implication," 1988.

² Muqaddima and Ahmadie Thaha, *Ibn Khaldun* (Jakarta: Pustaka Firdaus, 1896).

children to be good and valuable personalities in their adulthood, so the right to educate children is part of the authority given to every parent. However, a debate exists in regard to the boundaries within the right to education that can be exercised, particularly in terms of physical force utilization.

In the past five years, data on violence committed by parents against children illustrates that physical force carried out under the guise of education is being questioned and even entering the public domain. There is no specific record on this matter. However, considering the protection of children's rights, data from the Indonesian Child Protection Commission (KPAI) shows there were 2,971 cases related to the fulfilment of children's rights in 2021. When it was sorted from highest to lowest, concern was found over the Family Environment and Alternative Care cluster with 2,281 cases (76.8%); the Education, Leisure Time Utilization, Cultural Activities, and Religion cluster with 412 cases (13.9%); the Basic Health and Well-being cluster with 197 cases (6.6%); and the Civil Rights and Freedom cluster with 81 cases (2.7%).³

Based on data from the Indonesian Child Protection Commission (KPAI) regarding issues within the family environment and alternative care and the education cluster, which ranked first and second, respectively, complaints regarding the neglect of children's rights are prevalent, including patterns of parenting and educational practices. The use of physical violence by parents or teachers has emerged as a prominent issue. Data from the Indonesian Education Monitoring Network (JPPI) states that teachers constitute the majority of perpetrators of violence in schools, with a total of 117 cases reported in 2022, including 65 cases of physical violence and 24 cases of non-physical violence.⁴ Additionally, data from the Ministry of Women's Empowerment and Child Protection in 2021 recorded 229 cases where the relationship between the perpetrator and the victim was that of a teacher and student, alongside 1,043 cases involving the relationship between husband, wife, and child.

The issue of violence within educational institutions has become an increasingly prominent topic, particularly about cases occurring in Islamic boarding schools (*pesantren*). The cases that occurred included the case at the Islamic boarding school in Trenggalek, where the perpetrator was a 17-year-old with the initials MDP, and the victims were two students with the initials GD (14) and LM (15). MDP was a young ustadz assisting a well-known Islamic boarding school in Ponorogo. He was serving a period of service as a religious teacher (ustadz) in the Trenggalek Regency.⁵ Another case occurred at the Darussa'adah Islamic Boarding School where the

³ Zhuhri and Mohammad Farhan, "Kpai Keluarga Menjadi Klaster Tertinggi Kekerasan Terhadap Anak Di 2021," accessed June 11, 2023, <https://mediaindonesia.com/humaniora/466889/kpai-keluarga-menjadi-klaster-tertinggi-kekerasan-terhadap-anak-di-2021>.

⁴ Antara, "Selama Tahun 2022 Guru Menjadi Pelaku Kekerasan Terbanyak Di Sekolah," accessed June 10, 2023, <https://edukasi.okezone.com/read/2023/01/01/624/2738113/selama-tahun-2022-guru-menjadi-pelaku-kekerasan-terbanyak-di-sekolah>.

⁵ Santoso and Bangun, "Lagi-Lagi Kekerasan Di Pesantren Ustadz Muda Aniaya 2 Santri Tangan Korban Sampai Patah," accessed May 11, 2023, <https://www.suara.com/news/2023/01/22/104529/lagi-lagi-kekerasan-di-pesantren-ustadz-muda-aniaya-2-santri-tangan-korban-sampai-patah>.

santri's (student) parent committed violence against the ustadz, who was suspected of having committed violence against the student.⁶

Islamic boarding schools are traditional educational institutions which are typical and unique in Indonesia. This institution is based on parenting patterns which have been built upon religious norms, specifically Islam. This parenting style is based on the permissibility of using a little "force" to educate. This is also understood in the upbringing of many families in Indonesia, a country with the largest Muslim population. This parenting pattern of using brute force becomes interesting when you look at the limitation in which this force is carried out. Previously, the Ari Hanggara case that occurred in 1984, where the victim tragically lost his life due to severe abuse by his stepparents, stood out as a significant case in the historical context of child protection in Indonesia.⁷

This issue can also be seen in various court decisions that describe the attitude of law enforcers. For example, Supreme Court Decision Number 2024 K/Pid.Sus/2009. In this Supreme Court Decision, *judex factie* considers that the provision of corporal punishment, which in this case is an act of brushing off and pinching the victim's child to educate, is still within the limits of decency. This aligns with the Decision of the *Hoge Raad* (Dutch Supreme Court) on 10 February 1902, which became the first decision relating to the right to educate and was later developed into *tuchtrecht* (right to educate). However, Supreme Court Decision No. 2024 K/Pid.Sus/2009, Meulaboh District Court Decision No.83/Pid.B/2013 /PN.Mbo, Madiun District Court Decision 239/PID.SUS/2016/PN.Mjy, Depok District Court Decision Number 115/Pid .Sus/2021/PN Dpk, and Palangka Raya District Court Decision Number 336/Pid.Sus/2020/PN Plk decided that some behaviours of corporal punishment to children cannot be justified. Hence, the perpetrators are still required to be held criminally responsible.

They are related to the case where the *santri*'s parent objected to the attitude of the *Ustadz* at the Darussa'adah Islamic Boarding School, or in the case of the beating by the 17 years-old *Ustadz*, or in the Depok District Court Decision Number 115/Pid.Sus/2021/ PN Dpk and the Palangka Raya District Court Decision Number 336/Pid.Sus/2020/PN Plk, which continues to punish parents who use force, even for educational reasons, is an interesting issue about whether physical force can still be carried out and how far tolerance is given.

RESEARCH METHODS

This research fundamentally examines the permissibility of using force or corporal punishment in educating children, both in the criminal law literature and in the norms that develop in society. Based on existing verdicts, judges still need to determine the boundaries between what is permitted and what is prohibited. This research aims to examine and analyse several court decisions where parents or teachers committed violence and how judges determine whether to allow, meaning to acquit or release the Defendant from punishment or to impose penalties, along with the arguments regarding the limits of tolerance for the use of violence. The research was carried out using a qualitative method design where the researcher is the main instrument

⁶ Syahrial and Muhammad, "Kronologi Orangtua Santri Aniaya Pengajar Ponpes Di Muara Enim Pelaku Diduga?," accessed May 11, 2023, <https://medan.kompas.com/read/2023/03/12/195855478/kronologi-orangtua-santri-aniaya-pengajar-ponpes-di-muara-enim-pelaku-diduga?page=all>.

⁷ Maslan and Rizal, "Duka-Nasional-Kematian-Bocah-Arie-Hanggara," accessed May 11, 2023, <https://news.detik.com/x/detail/intermeso/20220317/Duka-Nasional-Kematian-Bocah-Arie-Hanggara>.

for analysing and discovering the result of the research.⁸ This article also discusses the issue of child protection from a human rights perspective, focusing on relevant human rights instruments and the legal views related to the subject matter in criminal law. Therefore, this research relies on secondary data, such as court verdicts and studies on regulations and human rights instruments, which will be analysed qualitatively and aimed to decipher the social understanding of to what extent education by corporal punishment should be accepted under criminal law. Based on court decisions, the objective is to provide a description and patterns of tolerance limits for physical force. The *locus control* or location where court decisions have been released in accordance with displaying regional variations in cultural practices and customary where the red line could be measured and detected where it is localized in nature, especially the comparison between islands in Indonesia and multiple backgrounds of the family.

ANALYSIS AND DISCUSSION

Physical Punishment (Corporal Punishment)

Etymologically, "corporal" comes from the word "*corpus*", which in Latin means body. In other words, corporal punishment is a punishment against the body where physical force is being used to construct certain norms, which are right and wrong.⁹

Edward L. Vockel defines physical punishment or corporal punishment as "the infliction of physical pain contingent upon the occurrence of a misbehaviour" or a giving of physical pain to a person due to a person's behaviour deviation.¹⁰ There is a difference between physical punishment or corporal punishment and persecution. Although both are forms of violence, they are two different things because they have different goals.¹¹

Corporal Punishment as an Educational Means

The use of violence in the public view is different from the use of corporal punishment in educating children. Although, in practice, these two issues often intersect. Some parties consider that giving corporal punishment is justified if it is used to educate and applied within the customs of certain tribes and ethnical backgrounds. This relates to granting the right to educate (*tuchtrecht*) to parents, extended family, guardians, or teachers based on moral, customary or religious norms.

Several studies have found the utilization of physical force in education in society. Studies conducted by DeMause in 1984, Radbill in 1987, and Newell in 1989, as cited in the writings of Murray A. Straus, showed that the provision of corporal punishment to children in Western society developed quite rapidly in the 17th century.¹² Those who were using corporal

⁸ John W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approach* (Los Angeles: SAGE Publications, 2017).

⁹ Rusmilawati Windari, "Penggunaan Hukuman Disiplin (Corporal Punishment) Pada Anak Di Lingkungan Sekolah Da-Lam Perspektif Hukum Pidana Indonesia," *Jurnal Hukum Prioris* 4, no. 3 (2015): 306.

¹⁰ Edward L. Vockel, "Corporal Punishment: The Pros and Cons," *Journal The Clearing House* 64, no. 4 (1991): 278.

¹¹ Maya Damayanti and Efriyani Djuwita, "Pengaruh Pengalaman Hukuman Fisik Dan Jenis Kelamin Terhadap Mitos Dan Intensi Penggunaan Hukuman Fisik Pada Remaja," *Jurnal Ilmu Keluarga Dan Konseling* 14, no. 1 (2021): 65.

¹² Murray A. Straus and Denise A. Donnelly, *Beating The Devil Out of Them: Corporal Punishment in American Families* (New York: Lexington Books, 1994).

punishment on children considered the culture that developed in society regarding the use of corporal punishment as something different from violence between adults.¹³ Murray A. Straus considers that, in reality, these two things are identical as they both contain the same elements, namely violence. It was only distinguished by the "assumption" that developed in a society that allowed corporal punishment and prohibited violence between adults by law.¹⁴

The use of corporal punishment on children is also due to the dogma of corporal punishment written in religious books. The Bible states, "Do not reject the upbringing of your child he will not die if you beat him with a rattan. Do not withhold education from your children; if you hit them with a stick, they won't die. Do not hesitate to teach your children" (Proverbs 23: 13-14).

Even in the tradition or culture of the community that developed, where the parents in their youth were taught using corporal punishment and considered it a way to educate children to become disciplined; family interference; pragmatism and the notion that corporal punishment provides benefits; and the notion that parents always know what is best for their children.¹⁵ Socio-economic factors are also one of the driving forces behind the use of corporal punishment against children.¹⁶ It is also practice for those parents who assume pragmatism in constructing norms, controlling behaviour, and conditioning their children. Based on research, socio-economic factors influence how parents educate, guide, and communicate with children, as the parents' level of education, especially mothers, which is influenced by socio-economic factors, plays an important role in disciplining children.¹⁷

Islamic perspective

In the Islamic view, the *Hadith* of the Prophet states, " Command your children to pray when they become seven years old and beat them for it (prayer) when they become ten years old" (Reported by Abu Daud, Al-Tirmidhi, Al-Baihaqi, Al-Hakim and Ibn Khuzaimah).

Regarding the *hadith* above, it is necessary to understand that it is obligatory for you to order anyone who is under your responsibility, children, husband or wife, servants, and so on, to perform the obligatory prayers. If one of them still refuses to carry it out, then you should advise if you need to warn him. However, if he is still reluctant and persistent in neglecting to pray, then you must warn him again and even sanction him. If he still refuses, then you keep quiet and leave (not interact) with them because a person who leaves prayer is like a devil who is far from God's grace and becomes the target of God's wrath. Then, looking at Islamic teachings, which are often misinterpreted regarding the permissibility of using violence in education, it is necessary to reassess the permissibility of force. According to Abdullah bin Alawi al-Haddad (an Islamic scholar), The punch in question is a light punch that doesn't hurt, like in the back. Ibn Abbas (a companion of the Prophet) showed that light blows, such as

¹³ Straus and Donnelly.

¹⁴ Straus and Donnelly.

¹⁵ Wing Cheong Chan, "Corporal Punishment of Children by Parents: Is It Discipline or Violence and Abuse?," *Singapore Academy of Law Journal*, 2018, 546.

¹⁶ Tracy L. Dietz, "Disciplining Children: Characteristics Associated With The Use of Corporal Punishment," *Child Abuse & Neglect*, *ScienceDirect* 24, no. 12 (2000): 1531.

¹⁷ Randa Mahmoud Youssef, Medhat Salah-El-Din Attia, and Mohamed Ibrahim Kamel, "Children Experiencing Violence I: Parental Use of Corporal Punishment," *Child Abuse & Neglect*, *National Institute of Health* 22, no. 10 (1998): 968, [https://doi.org/doi: 10.1016/s0145-2134\(98\)00077-5](https://doi.org/doi: 10.1016/s0145-2134(98)00077-5).

hitting the body parts with *miswak* wood, are harmless. The blow aims to be *ta'dib* (educate), not *ta'dzib* (injure) them while hitting the face, which is illegal. The order to use violence does not have mandatory implications but is adapted to the child's condition at the discretion of the parent or educator.

The relationship between parents and children from an Islamic perspective is more characterized by a loving relationship between parents and children; even the Messenger of Allah once reprimanded a man who never kissed his child. Furthermore, the Messenger of Allah advised that anyone who does not love "little children" is not part of us (Muslims). The Messenger of Allah also introduced the basic teachings of Islam to children at the earliest possible age while still providing play time for children. Once upon a time, Rasulullah let his grandson ride on his back while praying or ordered his followers to let their children have a fun time. In Islam, the permissibility of using violence is only one option out of many ways to educate, not the only way to educate the children. Moreover, for the record, as we mentioned before, there are several strict rules using force. Therefore, the best way to educate is to set an example to be a good person.

Pros and Cons

The use of force in educating children is a contentious and debatable issue in society, with some parties supporting the utilization of corporal punishment as a disciplinary instrument while others object to it. Those who agree towards the use of corporal punishment against children are important to note, especially when religious and customary views, as stated above, allow it. In Indonesian legislation, the right to educate children, Law Number 1 of 1974 concerning Marriage (hereinafter referred to as the Marriage Law) mandates the obligation of parents to educate their children until the child is married or can live alone.

Even though persecution in the Criminal Code is prohibited, there is a view that physical force is possible. Based on the right to educate, according to J.M. van Bemmelen, in the form of rights within certain limits in seizing the freedom of children who are not yet adults and the right to punish children in certain circumstances, and aims to educate.¹⁸ In this case, the corporal punishment given is not intended to bring pain but as a way to educate with a justifiable purpose.¹⁹ The decision of the *Hoge Raad* (Dutch Supreme Court) on 10 February 1902 became the first decision relating to the right to educate and was later developed into *tucht recht* in Dutch Civil Code.

Meanwhile, those who are against the infliction of corporal punishment on children consider that giving corporal punishment to children contradicts the basic principles of the Convention on the Rights of the Child, namely the best interests of the child and the survival and development of the child.²⁰ The perspective on objections to the use of force for reasons of education in the perspective of human rights is not only contrary to the basic principles of the Convention on the Rights of the Child, where there is a right not to be tortured for any reason.

¹⁸ J. M. van Bemmelen, *Hukum Pidana 1: Hukum Pidana Material Bagian Umum [Ons Strafrecht 1: Het Materiele Strafrecht Algemeen Deel]*, 2nd ed. (Bandung: Binacipta, 1987).

¹⁹ Bemmelen.

²⁰ Interview with Ms. Rini Hildayani, S.Psi., M.Si., an academic at the Faculty of Psychology, University of Indonesia, who also works as a psychologist, March 2, 2023.

A literature review stated that there are several views on the difference in goals between persecution and the use of physical force to educate. Murray A. Straus argues that “the use of physical force to cause a child to experience pain, but not injury for correction or control of the child’s behaviour.”²¹ Straus considers that causing injury is something that distinguishes corporal punishment from violence.²² He considers that the act of hitting using a tool is not included as part of corporal punishment to educate but is an act of violence.²³ This is because hitting using a tool carries the risk of causing injuries which require medical action, though it is considered normal in society.²⁴ In addition, the Committee on the Rights of the Child in General Comment No. 8 (2006): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment (arts. 19; 28, para. 2; and 37, inter alia), Corporal Punishment formulate that: “any punishment in which physical force is used and intended to cause some degree of pain or discomfort, however light, most involves hitting (“smacking”, “slapping”, “spanking”) children, with the hand or with an implement (a whip, stick, belt, shoe, wooden spoon, etc). Nevertheless, it can also involve, for example, kicking, shaking, or throwing children, scratching, pinching, biting, pulling hair or boxing ears, forcing children to stay in uncomfortable positions, burning, scalding, or forced ingestion (for example, washing children’s mouths out with soap or forcing them to swallow hot spices). In addition, there are other non-physical forms of punishment, for example, punishment which belittles, humiliates, denigrates, scapegoats, threatens, scares, or ridicules the child.”²⁵ Hence, based on this formula, the CRC prohibits using physical violence to educate.

Giving corporal punishment to children, based on a meta-analysis researched by Gershoff and Grogran Kaylor in 2006, has an impact on children's health both physically and psychologically.²⁶ Whilst based on Font and Cage's research in 2017, the utilization of corporal punishment on children also harms children's cognitive abilities.²⁷

Globally, the prohibition of using corporal punishment for children has occurred in several countries outside Indonesia.²⁸ One of the goals of this prohibition is to make violence against children more visible and encourage the community to go against it, which is accompanied by an educational campaign for the community that aims to prohibit violence against children. Based on research conducted by Durrant in 1999, after Sweden enacted regulations regarding prohibiting corporal punishment for 15 years, only 11% of the public supported its use. It was intended solely for social service to support the prohibition and prevention of corporal punishment.²⁹ Besides prohibiting corporal punishment, Sweden also provides various kinds of

²¹ Straus and Donnelly, *Beating The Devil Out of Them: Corporal Punishment in American Families*.

²² Straus and Donnelly.

²³ Straus and Donnelly.

²⁴ Straus and Donnelly.

²⁵ United Nations, “General Comment No. 8 (2006): The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment,” UN Committee on the Rights of the Child (CRC), 2007.

²⁶ Maya Damayanti and Djuwita, “Pengaruh Pengalaman Hukuman Fisik Dan Jenis Kelamin Terhadap Mitos Dan Intensi Penggunaan Hukuman Fisik Pada Remaja.”

²⁷ Maya Damayanti and Djuwita.

²⁸ Elizabeth Thompson Gershoff, “Corporal Punishment by Parents and Associated Child Behaviors and Experiences: A Meta-Analytic and Theoretical Review,” *Psychological Bulletin* 128, no. 4 (2002): 539–79, <https://doi.org/DOI: 10.1037//0033-2909.128.4.539>.

²⁹ Gershoff.

education and assistance to parents, guardians, teachers, or other parties with the right to educate children.

After Sweden banned all forms of corporal punishment against children, several other countries followed suit. These countries are Austria, Croatia, Cyprus, Denmark, Finland, Germany, Israel, Italy, Latvia, and Norway.³⁰ The establishment of regulations prohibiting all forms of physical punishment or corporal punishment towards children is not intended to punish parents or those who have the right to educate children. Instead, it aims to change the public perception and cultural norms regarding corporal punishment to educate children.³¹

It is also encouraged in Indonesian Regulation, Law Number 39 of 1999 concerning Human Rights, which contains two articles which regulate the right to education.

Article 12: "Every person has the right to protection for their personal development, to obtain an education, to educate themselves, and to improve the quality of their life so that they become a human being who has faith, is pious, responsible, noble, happy, and prosperous by human rights. Article 60: "Every child has the right to receive education and teaching in the context of developing their personality according to their interests, talents, and level of intelligence".

The anti-physical punishment stance can also be found in Wing Cheong Chan's journal article titled "Corporal Punishment of Children by Parents: Is It Discipline or Violence and Abuse?". 5 countries imposed a ban on corporal punishment on children in 1996, 28 countries imposed it in 2008, 51 countries imposed it in 2016, and 53 countries imposed it in 2018.³² Among those countries, only Turkmenistan in 2002 and Mongolia in 2016 imposed a ban on corporal punishment on children in Asia.³³

The Right to Educate in Court Decisions

There are several Indonesian court decisions related to the use of violence in terms of education. Among those decisions are:

Supreme Court Decision No. 2024 K/Pid.Sus/2009

The Defendant SR. Frederika Hasugian Fcjm bint R Hasugian (Frederika), on Monday 21 January 2008 at around 07.10 WIB. or at least at another time in 2008 taking place in front of the Santa Theresia Air Molek Elementary School office, Tanjung Gading Village, Pasir Penyuh District, Indragiri Hulu Regency, or at least at another place within the jurisdiction of the Rengat District Court, "who commits cruelty, violence or threats of violence, or child abuse" namely the Defendant committed violence against Leonardo Stefanus bin Antonius Idris aged 13 years and Stefanus was one of the Defendant's students where the Defendant was the school administrator or teacher of Santa Theresia Elementary School and the act the Defendant did in the following ways:

The Defendant walked towards the Santa Theresia Elementary School Teacher's Office at the abovementioned time and place. At that very moment, the Defendant met Stefanus, and Stefanus said, "Good morning, Sister?". Then the Defendant replied, "Good morning." then the Defendant again asked Stefanus, "Are you the one who broke the door and slammed the chairs?". Stefanus answered, "No, Sister", then the Defendant said, "You are lying". Stefanus answered again, "No Sister", and not long after that, Defendant hit Stefanus by slapping and

³⁰ Gershoff.

³¹ Gershoff.

³² Chan, "Corporal Punishment of Children by Parents: Is It Discipline or Violence and Abuse?"

³³ Chan.

pinching his right cheek using Defendant's left hand once. As a result of the acts of violence committed by Defendant Frederika, the victim Stefanus, was crying because of pain in the right cheek, even though children in and around the school must be protected from acts of violence committed by teachers or school administrators.

At the first level decision, through the Rengat District Court No.90/Pid.B/2009/PN.RGT. dated June 24, 2009, the panel of judges declared that the Defendant was not legally and convincingly proven guilty of committing a crime as stated in the indictment of the Public Prosecutor/Prosecutor and acquitted the Defendant Frederika from the indictment of the Public Prosecutor/Prosecutor. Whereas the reason for the Public Prosecutor stated that the *judex facti* was wrong and applied the law incorrectly namely:

“...in interpreting the element of the crime of "violence" committed by the Defendant, as an element that must be supported by the presence of *Visum et Repertum*, which explains the presence of traces of violence on the victim's body. This can be seen in the considerations of the *judex facti* to determine that the element of "committing cruelty, violence or threats of violence or persecution", which is considered not proven is in the considerations of the *judex facti* which states that based on the elucidation of Article 13 paragraph (1) letter d of Law No. 23 of 2002 concerning Child Protection, what is meant by cruel treatment is, for example, actions that are unjust, heinous, cruel or have no compassion for children. Treatment of violence and abuse, for example, acts of injuring and/or injuring children not only physically but also mentally and socially. According to Jurisprudence, what is meant by persecution is intentionally causing bad feelings (suffering), pain, or injury, which must be done intentionally and not with proper intentions or exceeding the permissible limits. In this case, the act of brushing aside and the pinching committed by the Defendant was not included in the act of maltreatment even though the Defendant's pinching caused pain, but this was done with a proper purpose and with good intentions, namely to educate the victim Leonardo Stefanus so that the victim would not repeat his actions, because the relationship Defendant and the victim has a teacher-student relationship. Thus, the Defendant's actions were not intentional to cause pain to the victim, but the Defendant was emotional seeing the messy classroom, and this was done by students whose delinquency had crossed the line; where one of the students who had a naughty record is a victim of Leonardo Stefanus. The Defendant's actions were still within reasonable limits and were not included in the acts of persecution referred to in this article. Thus the *judex facti* itself was inconsistent because, on the one hand, it seemed to pay attention to the explanation of Article 13 paragraph (1) letter d No. 23 of 2002, which has the words "not solely physically but mentally and socially, but on the other hand the *judex facti* states that the act is an act within reasonable limits even though the *judex facti* only considers the statement of the accused who is not sworn in and tries to escape from responsibility, without considering the testimony of other witnesses who were sworn in. Even though the act of hitting with a hard object, slapping, twisting, and kicking is a form of physical violence against children...”

In this case, the cassation panel agreed with the judge's decision on the first instance and rejected the arguments in the public prosecutor's cassation request, thus rejecting this cassation request.

Meulaboh District Court Decision No.83/Pid.B/2013 /PN.Mbo

The Defendant Tgk Muhibbul Nasir Al Waly Al Khalidi Bin Alm Abuya M. Nasir Waly (Defendant) on Sunday, April 7 2013, at Bale Pondok Pesantren Serambi Meukah Gampong Blang Randang, Johan Pahlawan District, Aceh Barat Regency or at least in another place which still belongs to the jurisdiction of the Meulaboh District Court which has the authority to examine and adjudicate this case, commit cruelty, violence or threats of violence, or abuse children, namely Soraya Maulida Sari Binti Taufit Wajidi (Victim's witness) (14 years old / born September 27, 1998) committed by the Defendant under the circumstances and in the following manner:

That the Defendant was the representative of the leadership at the Serambi Meukah Islamic Boarding School, and as the representative of the leadership at the Serambi Meukah Islamic

Boarding School, the Defendant heard the news that several female students at the Serambi Meukah Islamic Boarding School were dating students at the Islamic boarding school. Defendant then recorded the names of the students in a book, after which Defendant took one wooden branch from a pomegranate tree that grows near Kabila/Bale and then, at the time and place as mentioned above, met Indrawati as head of the Seurambi Meukah Islamic Boarding School Girls Dormitory. Indrawati then called Mariana a few minutes later, Mariana went up to Kabilah/Bale together with the Defendant, and at that time, the victim's witness from inside his room saw the Defendant already holding one branch of a pomegranate tree. After that, Mariana summoned several students, including witnesses Fitriani, Rismawati, Aswani and witness Siti Zahara, using a microphone to go up on top of Kabila /Bale. After the summoned people went up on top of Kabila/Bale, Mariana got off from above Kabila/Bale. The Defendant interrogated the students in front of them one by one by asking their names, ages, and whether they were dating. If the student who was asked did not admit that they were dating, then the Defendant immediately struck their leg using a pomegranate branch which had previously been prepared. The Defendant asked again how often he had met the man/boyfriend. The Defendant then ordered the students before him to lift their respective headscarves. Defendant looked at the shape of the breasts of the students from under the clothes one by one, and if the breasts looked big, then Defendant said, "why are the breast so big? it has been touched by a man". If the shape of the breasts is small, then the Defendant said, "natural". The Defendant ordered Fitriani to call 4 Santriwan (Male students) who were suspected of being boyfriends of the victim's Witness friends, but those who were called were not there. After that, they called witnesses Zaroja, Ulfa, Ulya, Agus Aidina, and Roza Tujana. After that, they were also treated in the same way as when they were already on top of Kabila / Bale by the Defendant. After a few minutes later the Defendant ordered the witness Fitriani to call the Victim's Witness, Yuliana, Suci, Ayu Novita Sari, Siti Maya Rosa, Nanda, and Rati to go up on top of Kabila / Bale. After the witness and their friends got on top of Kabila / Bale, the Defendant told them to sit while the Defendant also sat down. Then the Defendant called one by one to sit in front of him, and when it was the turn of the witness to the victim, the Defendant asked, "do you have a boyfriend?" to which the witness-victim replied, "no". then the defendant asked again, "why is your name recorded in this book". the witness-victim replied, "that was a long time ago, now there is no relationship". the defendant asked again, "how many times have you gone to Meulaboh with him? "Which was answered by the witness victim "never". After that, the Defendant asked again, "let me see your breast," while telling the victim witness to lift the headscarf she was wearing. The victim witness lifted her headscarf, and the Defendant looked at the shape of her breasts from under her shirt. After that, the victim witness put her hijab back down, and then the Defendant asked again, "how old are you?". the victim witness answered, "14 years". Then the Defendant told the victim's witness, "why are the breast so big? the man must have touched it". The victim witness answered, "no", then the Defendant slapped the victim witness on the right cheek once using his hand and hit the victim witness' head with his hand once. After that, he hit the victim witness' right thigh with one pomegranate branch twice. After that, the Defendant ordered the victim witness to sit back close to her friends. Then the Defendant called back all the other friends one by one, and they were all beaten and asked the same question as the victim witness and other Santri were told to lift their headscarves to see

the shape of their breasts. After all of them were interviewed and received violence or abuse, the Defendant ordered one of the students from the Serambi Mecca boarding school to collect sewage water, which was close to Kabila/ Bale, with a bucket. After the sewage water was brought up to the kabila/bale, Defendant ordered all 16 students above the kabila/bale to sit and look up. He then ordered all the students to cover their mouths and eyes. After that, the Defendant poured the sewage water over their faces and heads, and each person was splashed with 1dipper, some of which were also two dippers. After that, he ordered all the students to get down from above the kabila/bale and then ordered everyone to sit on the ground. After that, Defendant ordered Nanda and Rosa to collect clean water from the bathing place, after which Defendant ordered Nanda and Rosa to sprinkle clean water all over the students' bodies. The Defendant ordered them to take a bath and return to their respective rooms, or at least the way and/or the actions were carried out by the Defendant against the victim-witness like that. As a result of the Defendant's actions, the victim witnesses experienced: Face: swelling on the right cheek approximately 3 cm in diameter, body: no abnormalities found, body parts: found a reddish bruise measuring 7 x 0.5 cm on the thigh of the right leg - found a reddish bruise measuring 3 x 0.5 cm on the thigh of the right leg. Conclusion: An examination of the patient Soraya, aged 14 years, was carried out and found bruises and swelling, as mentioned above, which were caused by a blunt object. Conclusion: An examination of the patient Soraya, aged 14 years, was carried out and found bruises and swelling, as mentioned above, which were caused by a blunt object. This is by *Visum Et Repertum* No. 353/216/2013 dated 09 April 2013 made and signed by dr. Nita Rahmانيar, doctor at Cut Nyak Dhien Meulaboh Regional General Hospital. Then, the victim witness and his parents/family reported the actions of the Defendant to the authorities for further investigation.

The actions of the Defendant are regulated and punishable by punishment in Article 80 paragraph (1) of the Republic of Indonesia Law No. 23 of 2002 concerning Child Protection. In the consideration section, it is stated that the act committed with violence cannot be said to be a good educator's action, so it cannot justify the Defendant's actions but can be considered as a mitigating factor in the Defendant's self. So, in their decision, the panel of judges stated that Defendant was legally and convincingly proven guilty of committing the crime of child abuse and sentenced to imprisonment for five months.

Palangka Raya District Court Decision No. 336/Pid. Sus/2020/PN Plk

The Defendant is alleged to have committed several acts against the victim (child), including reprimanding the victim with the following words: "come here, you never learn, is this what makes you learn, are you ashamed, is this how to educate you so that you learn." He also cut the victim's hair, causing the child to cry. The victim was then ordered to bathe and eat. The child went to eat at the house on the right, and Rusma Wineta took the child by holding their hand and brought them to their terrace, where Wineta tied the child's hand to a pole on the porch using the child's clothes while shouting at them, "aren't you embarrassed to bathe naked every time, why are you afraid of being embarrassed again if i take you, you should always bathe naked when I am around." Then, the Defendant tied up the victim and wrote the following words on a cardboard sign: "i am like this because i stole, remember my face!!!!" He hung it on the pole on his terrace, right above the victim's head. After that, Wineta reprimanded

the victim again, speaking in front of them and saying, "you never learn, despite the promises you've made many times, you never follow through. is this how it should be? you don't listen unless you're threatened. is this how you should be taught to obey?". Based on *Visum et Repertum* with No. Pol: B/27/II/2020/Polresta dated 27 February 2020 and *Visum et Repertum* with No. VER/32/II/RES.1.6/2020/Rumkit dated 28 February 2020 made by dr. A Doctor at Bhayangkara Hospital Kindergarten III Palangka Raya Biddokkes Polda Central Kalimantan for the Child Victim, it can be stated that at the time of arrival, the victim's general condition was healthy with awareness of *compost mentis*. At the time of examination (anamnesis), it was discovered that the child had been a victim of abuse. Conclusion on the examination of the victim's body were indications of violence or abuse caused by a blunt object with the details of a new bruise on the upper right arm on the inside that is 1 cm long, an old bruise on the lower right arm on the inside that is 1 cm long, abrasion on the right knee, 1.5 cm long scratch on the right front leg, and 2 cm long bruised scar on the right back.

In the verdict, it was stated that Wineta has been proven and convicted guilty of committing the criminal act of "engaging in physical violence within the scope of domestic violence causing pain," as stipulated in Article 44 paragraph (1) in conjunction with Article 5 letter a of the Domestic Violence Prevention and Protection Act (PKDRT) or the Prosecutor's first indictment. Therefore, a prison sentence of 5 months is imposed, with the provision that the sentence does not need to be executed unless there is a different order in the judge's verdict. It is also stated that Wineta before the probation period of 10 months expires, has been found guilty of committing a criminal offence.

Madiun District Court Decision 239/PID.SUS/2016/PN.Mjy

The District Court of Madiun tried the case of the Defendant I, Zafar Mustofa Bin Suwarno, who, together with Defendant II, Nur Halim Bin Mariyadi, on Wednesday, June 15, 2016, at approximately 7:30 PM, or at another time on June 2016, at Pondok Pesantren Darussalam, Ngagel Hamlet, Rt.03 Rw.01, Dolopo Village, Dolopo District, Madiun Regency, or at another location within the jurisdiction of the Madiun District Court, "jointly prohibited from placing, allowing, doing, ordering to do, or participating in committing violence against children". The actions committed by the defendants are as follows: at the time and place, Defendant I serving as the Treasurer and Security Officer of Pondok Pesantren Darussalam, Ngagel Hamlet, Dolopo Village, Dolopo District, Madiun Regency, was responsible for managing finances and maintaining the security and order of the students. As the Education Division representative, Defendant II was responsible for handling educational matters for approximately 50 students. These duties were assigned to them by witness Muhammad Farid Fatony, who serves as the leader and caretaker of Pondok Pesantren Darussalam. On Wednesday, June 15, 2016, at around 19.00 East Indonesia time, Darussalam Islamic Boarding School held an evening prayer in the congregation, which must be attended by the students, including witnesses Fasa Dwi Nugraha, Dimas Aditya Sandi and Johan Bawafi. During this activity, the defendants, apart from participating in the prayer, also supervised the students to follow the activity in an orderly manner, and Defendant I before the evening prayer in the congregation began to receive reports that there were students who did not attend the evening prayer in the congregation after the evening prayer was completed. Defendant I told Defendant II that some students did not attend

the congregational prayers. Then, the defendants agreed to look for these students and give them a punishment. Defenrant I brought a stick and Defendant II followed behind. When they arrived in front of the dormitory, the defendants found the students' whereabouts, witness Nugraha, on the terrace. Witnesses Dimas Aditya Sandi and Johan Bawafi were in the room smoking. Knowing the arrival of the defendants, witness Nugraha, who was on the terrace, fled and witnessed Sandi and Bawafi lock the room from inside, knowing that the defendants were angry. They ordered the bedroom door to be opened while hitting the room door, and Defendant I ordered witness Sandi and witness Bawafi to leave the room. Witnesses Sandi and Bawafi left and fled towards the Madrasah. Seeing this, Defendant I became emotional and tried to chase them with a stick while Defendant II waited in front of the dormitory. Defendant I succeeded in chasing a short distance away, then hit the witness Sandi using a wooden stick, hitting the arm two times and the waist two times, then hit the witness Nugraha 1 time using the wooden stick. He hit witness Bawafi's back one time. Defendant I ordered witnesses Nugraha, Sandi, and Bawafi to walk towards the dormitory and in front of the dormitory, Defendant II was waiting. Upon seeing witnesses Nugraha, Dimas Aditya Sandi, and Bawafi, Defendant II, who is in charge of the Education division, got angry and used his right fist to hit witness Dimas Aditya Sandi in the left eye one time—defendant I hit witness Nugraha and Bawafi with a wooden stick again. Then, the Defendants ordered witnesses Nugraha, Sandi and Bawafi to carry out the evening prayers in congregation and Taraweeh prayers in the yard of the boarding school. After that, witnesses Nugraha and Sandi told their parents what the defendants had done to them and then reported their actions to the authorities.

As a result of the actions of the defendants, witness Nugraha experienced reddish bruises on his back twelve centimetres and eight centimetres that look like lines, according to *Visum Et Repertum* No. 353/410.A/402.213/2016, which was issued from Dolopo Hospital and signed by dr. Ahmad Bayu Alie concluded that a blunt and hard touch caused the wound. This did not threaten death or an obstacle to position or work obligations. Witness Sandi's redness on the chest and blisters on the lower left eyelid one centimetre. His stomach had two reddish bruises on the waist twelve centimetres, on the limbs experienced a reddish bruise on the upper right arm with a diameter of seven centimetres, according to *Visum Et Repertum* No. 353/411.A/402.213/2016 dated 15 June 2016, which was issued from Dolopo Hospital and signed by dr. Ajie. It concluded that a blunt and hard touch caused the wound. This did not pose a threat of death or an obstacle to carrying out his position or work obligations. Witness Bawafi 15 June 2016, did not carry out an examination and only carried out an examination on 3 August 2016 according to the results of *Visum Et Repertum* No. 353/531/402.213/2016, with the conclusion that no abnormalities were found in the patient's limbs. This does not threaten death or obstacles to position or job obligations.

Meanwhile, the witness, Nugraha, was still 15 years and 6 months old at the time of the incident. According to Birth Certificate No. 01070/IST/U/0022/2005, he was born on Monday, 11 December 2000, and is still a *Santri* at the junior high school. Witness Sandi was 15 years old, according to Birth Certificate No. 01423/UM/U/0025/2001, born on Saturday, 30 June 2001 and is still a *Santri*. Witness Bawafi was 14 years old according to the statement from the Leader of Daarussalaam Islamic Boarding School Number 044.004/VIII/2016 dated 04 August 2016, which was signed K.M Farid Fatony and is listed as a student.

The actions of the defendants are regulated and punishable under Article 80 paragraph (1) of the Republic of Indonesia Law Number 35 of 2014 concerning Amendments to Law Number 23 of 2002 concerning Child Protection in conjunction with Article 55 paragraph (1) clause 1 of the Indonesian Criminal Code (KUHP). However, in their considerations, the Panel of Judges stated that even though all elements charged against the defendants have been proven, the Panel of Judges opined that the defendant's actions were solely intended to discipline the witness victims, as their behaviour had disrupted the learning process at Darussalam Islamic Boarding School. If left unpunished, other students might imitate such behaviour (*santri*). Therefore, under Article 14a of the KUHP, the imposed sentence does not need to be served unless a subsequent court decision determines otherwise due to the Defendant committing a criminal offence within the probation period of 6 months.

Depok District Court Decision No. 115/Pid.Sus/2021/PN Dpk

It is stated that this incident began when Defendant Golfried Binawan Gultom, also known as Golfried, returned from work around 6:00. At that time, the victim (child of Golfried and witness Marta, based on the family card with number 3175XXX1011) was about to leave for school. As usual, Golfried was supposed to accompany the victim. At that moment, the victim had just finished bathing and was getting ready for school. The victim asked Golfried where their red school pants were. Golfried replied that he did not know and told the victim to find them independently, which the victim refused. Afterwards, Golfried spoke to the victims, urging them to get ready quickly for fear of being late for school and being scolded by witness Marta. A few moments later, the victim began rummaging through the neatly arranged clothes on the table, causing them to scatter on the floor, and stepped on them. This led to an argument between Golfried and the Victim. Golfried told the victim that he was very tired and not to make him angry, but the victim defied his words, which made him angry. It was because of this that Golfried intended to punish the victim by striking them with a bamboo stick, but when the victim realized his intention, he ran to avoid the blows. Then, Golfried pushed the victim towards the sofa and administered a punishment by striking the victim's legs three times. Specifically, two strikes were aimed at the right leg and one strike at the left leg, causing the victim to cry. After the victim started crying, Golfried immediately comforted them and apologized for his actions, expressing remorse. Based on the Medical Examination Report No. 170.veR/RSHD/IX/2019 dated September 6, 2019, abnormalities were found on the left calf and blue discolouration on the buttocks due to the strikes. There were also swelling and bruises on the left arm due to impact on the sofa, caused by blunt force trauma to the victim's body. It is also known that prior to the incident on September 5, 2019, the victim had been subjected to physical punishment in the form of bare-handed blows, and Golfried had scolded and yelled at the Victim multiple times. This was due to the victim frequently jumping on the bed, damaging the fan, and disrupting the tidied room that the House Assistant had cleaned.

Golfried has been charged by the Public Prosecutor with a single indictment for committing physical violence within the household, as stipulated in Article 44 paragraph (1) in conjunction with Article 5 letter a of the law on the Elimination of Domestic Violence. The Prosecutor, Adhi Prasetya Handono, S.H., demanded a prison sentence of 2 years for Golfried, with the deduction of the period of pretrial detention. In the deliberation, the Panel of Judges,

expressed during the session on Monday, May 31, 2021, found Golfried guilty and convicted of the crime of "committing physical violence within the household," in accordance with the indictment and the Public Prosecutor's demand. As a result, a fine of Rp12,000,000.00 (twelve million rupiahs) was imposed, with a subsidiary punishment of imprisonment for five months.

The Boundary between Persecution and the Right to Education

From the above explanation and the five verdicts, there are interesting notes regarding the relationship between the purpose of using force for abuse and discipline. Of the five verdicts, three concern the aspect of educational discipline within educational institutions, with the legal basis being the provisions in the child protection laws. Meanwhile, the other two verdicts stated that the Defendant was guilty based on domestic violence, specifically the abuse of a child by their father or an adult residing in the same household, who should have been their protector.

The judge makes an ambiguous decision regarding the limitation of educating and punishing effort, which is so thin. Referring to *the Committee on the Rights of the Child* (CRC Committee) dalam *General Comment No 8 (2006)*, all physical and psychological attempts which hurt children physically or mentally are strongly prohibited. Suppose it is linked to religious norms that allow punishing children for educating, so hitting which does not hurt and cutting hair until bald, in the level of the first trial, appeal, or even in cassation. In that case, there are dissenting opinions and differences of view. These caused the judge generally not to have regulation to justify the action unless sociologically derived from social perceptions. In this case, not only the judge but also parental perception, teacher and society likewise influence the perception of the law apparatus in the light of allowable or unallowable the criminal trial could be held. Interesting arguments were found in this decision:

“In the consideration section of the Depok District Court Decision No. 115/Pid.Sus/2021/PN Dpk, the panel of judges stated that although Golfried Binawan Gultom is the parent of the victim and has the right and obligation to educate the victim, it is only appropriate for parents to refrain from using physical punishment that violates the boundaries of decency towards the child, as it will have an impact on the child's future development. Furthermore, although the right to educate and supervise is still recognized in the practice of criminal justice in Indonesia, as stated in the Supreme Court Decision No. 2024 K/Pid.Sus/2009, the imposition of physical punishment must be within the limits of decency, as mentioned in the judge's consideration in the present case.”

Meanwhile, in the verdict of the Madiun District Court Decision No. 239/PID.SUS/2016/PN.Mjy, the panel of judges, argued that the defendant's actions were solely intended to discipline the witnesses/victims, which had disrupted the learning process at Darussalam Islamic Boarding School. However, the defendants were still sentenced, albeit with probationary penalties based on Article 14a of the Indonesian Criminal Code (KUHP). Therefore, the argument that other boarding school officials should have followed their behaviour becomes ambiguous. However, an interesting aspect of all the verdicts is the presence of medical examination reports (*visum et repertum*) that provide evidence of injuries and their severity. In the consideration of the Madiun District Court Decision No. 239/PID.SUS/2016/PN.Mjy, where the medical examination report stated that there were no abnormalities found in the patient's body parts, indicating that it did not pose a mortal danger or hinder the performance of official duties or work, the panel of judges did not consider this for not imposing criminal punishment on the Defendant. Therefore, in all five verdicts, despite the

defendants claiming the right to educate as the basis for their actions, it is still considered a form of physical force or abuse that can be subject to criminal liability.

This differs when considering the views of experts regarding the distinction between physical punishment and abuse. Doriane Lambelet Coleman states that it is not easy to differentiate between physical punishment as a means of education and abuse. She suggests that five other measures can be used as differentiators besides the decency boundary. Apart from the boundary of decency, which distinguishes corporal punishment from abuse, it can be measured by the following parameters:³⁴

- a. **Severity of Pain**
One parameter in determining whether an act constitutes physical punishment or abuse can be measured based on the injuries suffered because of that action.
- b. **The Age and Developmental Stage of The Child**
The use of corporal punishment on children to discipline them should also consider age limits and the child's developmental stage. This will undoubtedly have an impact on the appropriateness of using force on a child in a rational manner.
- c. **Manner of Discipline**
The manner of disciplining is one of the boundaries between using corporal punishment for educational purposes and engaging in abuse. The limitations in this regard pertain to how parents, family members, guardians, or teachers discipline children. Additionally, whether discipline involves corporal punishment using objects or tools such as belts, brooms, or simply bare hands is relevant as it relates to the resulting injuries. The frequency of administering corporal punishment to a child also differentiates between providing corporal punishment and engaging in abusive behaviour.
- d. **Emotional and Developmental Effects**
The boundary between administering corporal punishment and engaging in abuse lies in the consequences it has on the child's emotions and mental development. In addition to physical harm, abuse also has an impact on the child's psychological or mental well-being.
- e. **Perpetrator's Motivation**
The motivation or intention of the perpetrator is one of the factors that differentiate between administering corporal punishment and engaging in abuse. As discussed earlier, the purpose of corporal punishment is to educate or discipline a child, whereas the goal of abuse is to inflict suffering and solely cause pain. However, determining the motivation or intention of the perpetrator can be challenging to assess, as it is an internal factor that originates from within the perpetrator.

According to the mechanism of regulation in Indonesia, for example, given Police Regulation Republic of Indonesia No. 8/2021, Attorney General Regulation number 15/2020 or General Director Regulation on Letter of Decision (*Surat Keputusan*) Legal Judicial Body (Badan Peradilan Umum) No. 1691/DJU/DK/PS.00/12/2020 on 22nd of December 2020 made it possible to dispute settled through mediation in term of injury or loss impact is not crucial. Otherwise, the difference between the law apparatus and society's perceptions in this regard

³⁴ Doriane Lambelet Coleman, "Where and How To Draw The Line Between Reasonable Corporal Punishment And Abuse," *Law and Contemporary Problems* 73, no. 107 (2010): 130–35.

confuses the law enforcer in handling the case. Therefore, regarding the motivation to educate or the intentions of the perpetrator with the justification of disciplining or educating, even if the degree of injury does not fall under the category of severe or serious, it appears that it is still not acceptable to the judges in those verdicts.

CONCLUSION

Courts in Indonesia have rendered different decisions in cases involving violence in education. Some courts find certain forms of corporal punishment acceptable within the bounds of decency, while others hold parents and teachers accountable for using force, even for educational purposes. Overall, using physical force in educating children remains complex and controversial. The boundaries between the permissible and prohibited need to be clearly defined, and court decisions need to be more consistent and clearer. It is important to consider the perspectives of human rights, child protection, and the child's best interests when discussing and defining these boundaries. In conclusion, the issue of the use of physical force in educating children in Indonesia is still a complex and debated topic. Clearer guidelines, from the perspective of children's rights and human rights instruments, are needed to set consistent boundaries and ensure children's well-being. Promoting non-violent alternative methods of discipline and emphasising the importance of a loving and supportive relationship between parents or educators and children is very important. Thus, the result of the research attempted to socialize the significance of research in shaping policy decisions and promoting a safer educational environment for children and teachers, as it constructs a habit of anti-violence education.

There are three recommendations which the authors propose in this research: 1) there must be an adaptive social protection in the form of regional regulation and executive policies in promulgating anti-violence education for children; 2) the state must revitalize judiciary bodies to synchronize the understanding for constituting a new norm through court decisions destined against violence toward children; 3) formulating the boundaries of punishment that are not categorised as criminal action has to be discussed among the teacher union, Islamic boarding school, and law enforcers to result in consensus and applicable solutions that protect teachers and student.

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