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Research Paper

Effectiveness of Criminal Punishment for Perpetrators of Child Neglect: A Study at the Directorate of General Criminal Investigation, Aceh Regional Police

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Abstract

Child neglect is classified as a form of violence against children under Law Number 35 of 2014 on Child Protection and seriously affects children's physical, mental and social development, yet it receives less public and enforcement attention than physical or sexual abuse. This study examines (1) how criminal law is applied to perpetrators of child neglect in the jurisdiction of the Directorate of General Criminal Investigation of the Aceh Regional Police and how effective it is in preventing neglect, and (2) the measures taken by its investigators to tackle the offence. Using a juridical-empirical approach, the study combined statutory analysis with observation and interviews with officers handling child neglect cases, of which seven were recorded in 2023. The findings show that investigators rely mainly on Articles 76B and 77B of the Child Protection Law, supported by the Criminal Code and the Domestic Violence Law, and apply restorative justice when the perpetrator is a biological parent. Criminal sanctions alone have not prevented neglect: low public awareness, stigma, economic hardship and limited resources for victim recovery weaken their effect. Investigators combine pre-emptive, preventive and repressive measures, but these remain constrained. The study recommends integrating punishment with perpetrator rehabilitation, victim recovery and cross-sector collaboration, and aligning enforcement with the new Criminal Code in force since January 2026.

Keywords: Child neglect; Criminal punishment; Child protection; Restorative justice; Crime prevention; Aceh Regional Police.

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1. Introduction

Child protection is a central concern of the Indonesian legal system. Law Number 35 of 2014, which amends Law Number 23 of 2002 on Child Protection, guarantees that children can live, grow and develop optimally and be protected from violence, discrimination and neglect, and it expressly includes neglect within the definition of violence against children [1]. Neglect deprives children of basic rights such as care, affection, education and adequate living conditions, and the Constitution places on the state the duty to guarantee these rights. International evidence shows

that neglect is associated with depression, drug use and suicide attempts later in life, with effects comparable to those of physical and emotional abuse [2].

The drivers of neglect are varied. In Indonesia, national survey data show that neglected children more often live in households with low economic status, unemployed or poorly educated heads of household, a deceased parent or a single parent [3], and household poverty raises the risk of child abuse more generally [4]. International reviews confirm that poverty and economic insecurity are consistently and strongly associated with neglect [5]. Local studies in Aceh show the same pattern, with neglect after divorce linked to economic hardship, remarriage, parental migration and weak involvement of village authorities [6]. Because its effects are less visible than those of physical or sexual violence, neglect is often treated as a private family matter rather than a serious social problem.

Normatively, child neglect is a criminal offence. Article 76B of the Child Protection Law prohibits placing or leaving a child in a situation of mistreatment and neglect, and Article 77B punishes it with up to five years' imprisonment and/or a fine of up to IDR 100 million [1]. Neglect within the household is also an offence under the Domestic Violence Law [7], and the Criminal Code regulates the abandonment of persons, including children, who depend on the perpetrator's care [8], [9]. Existing scholarship has mapped this framework and its weaknesses, including the absence of a clear definition of neglect, the difficulty of proving criminal liability and the tension between punishment and the child's need for continued care [10]–[13]. Studies of enforcement, however, report that cases often stop at mediation without criminal proceedings [14], and that protection for neglected children has not worked well either preventively or repressively [15].

Few studies have examined how investigators themselves apply these provisions and whether punishment actually prevents neglect, and none has done so for the Aceh Regional Police. Based on observation at its Directorate of General Criminal Investigation, seven child neglect cases were handled in 2023, including the case registered under police report LP/B/44/I/2022/SPKT/POLDA ACEH. Although criminal sanctions are available, their implementation remains weak: the punishment imposed is often not proportionate to the harm suffered by the victim, and perpetrators frequently receive leniency on socio-economic grounds. The entry into force of the new Criminal Code on 2 January 2026 adds a further reason to re-examine this practice [8].

This study therefore asks two questions: (1) how is criminal law applied to perpetrators of child neglect in the jurisdiction of the Directorate of General Criminal Investigation of the Aceh Regional Police, and how effective is it in preventing neglect; and (2) what measures do its investigators take to tackle the offence? By combining statutory analysis with the experience of investigators, the study contributes evidence from Aceh to the debate on whether punishment, restoration or prevention best protects neglected children.

2. Method

This study is juridical-empirical legal research, which examines how legal provisions on child neglect are implemented in practice. The primary legal materials were the Child Protection Law, the Domestic Violence Law, the Criminal Code and Police Regulation Number 8 of 2021 on restorative justice [1], [7], [8], [16]; secondary materials comprised books, journal articles and other scholarly works on child neglect and crime prevention.

Primary data were collected through observation and interviews at the Directorate of General Criminal Investigation of the Aceh Regional Police, which was chosen because it handled the cases that are the focus of this study. The informants were three officers of the Directorate who were involved in handling child neglect cases; they were interviewed on 28 June

2024. The interview data were supported by the Directorate's records of the seven child neglect cases handled in 2023. Informants participated voluntarily after being informed of the purpose of the study, and no identifying information about the children or the perpetrators is reported.

The data were analysed qualitatively using a descriptive-analytical technique. Interview data were categorised according to the research questions (legal basis, sanctions, restorative justice, obstacles, and pre-emptive, preventive and repressive measures) and interpreted against the legal materials and previous studies. Because the study relies on a small number of informants within one directorate and the case records do not show the final outcome of every case, the findings describe enforcement practice rather than measure its effect statistically.

3. Results and Discussion

Application of Criminal Law to Perpetrators of Child Neglect and Its Effectiveness in Preventing Neglect

Investigators at the Directorate of General Criminal Investigation apply several overlapping legal bases to child neglect, summarised in Table 1. The Child Protection Law is the principal basis, because it specifically protects children and provides a stronger ground than the general abandonment offences of the Criminal Code, which do not focus on children's rights [10], [11]. The Domestic Violence Law is used where the neglect occurs within the household [7], [9]. Since 2 January 2026, the abandonment provisions of the colonial-era Criminal Code (Articles 304–308) have been replaced by the chapter on neglect of persons in Law Number 1 of 2023, so cases investigated from that date must refer to the new Code [8].

Table 1. Legal bases applied to child neglect

Legal basis	Prohibited conduct	Maximum penalty
Law No. 35 of 2014, Art. 76B jo. Art. 77B	Placing or leaving a child in a situation of mistreatment and neglect	5 years' imprisonment and/or a fine of IDR 100 million
Law No. 23 of 2004 (Domestic Violence), Art. 9 jo. Art. 49	Neglecting a person within one's household	3 years' imprisonment or a fine of IDR 15 million
Law No. 1 of 2023 (Criminal Code), Art. 429(1)	Leaving a child under 7 years old to escape responsibility for the child	5 years' imprisonment or a category IV fine; heavier if serious injury or death results (Art. 429(2))
Police Regulation No. 8 of 2021	Procedure for resolving cases through restorative justice	Not a sanction; governs termination of the investigation

Source: Statutory provisions (processed).

The punishment imposed is intended to deter, to rehabilitate the perpetrator, to protect the child victim and to deliver justice to all parties. The informants classified the neglect they encountered into physical, emotional, educational and medical neglect, with economic hardship and parents' limited understanding of their obligations as the most common causes. This is consistent with national data on the household factors behind neglect [3] and with evidence that poverty creates a context in which neglect is more likely to occur [5]. The enforcement approach therefore also takes into account the moral responsibility of parents and the child's need for recovery.

The Directorate also applies restorative justice, particularly when the perpetrator is a biological parent, under Police Regulation Number 8 of 2021 [16]. The aim is to restore the family relationship and prevent the child from suffering continued trauma, and investigations are conducted carefully with attention to the child's comfort and psychological protection. Restorative justice is appropriate where continued parental care serves the child's best interests [13], but it carries a risk: when cases end at mediation without follow-up, the child's rights may

not actually be restored [14]. National research on the regulation likewise finds that its implementation is constrained by weak socialisation and limited supervision [17].

According to the informants, the main obstacles to applying criminal law are low public awareness, stigma against victims and limited resources for handling cases and rehabilitating neglected children. The effectiveness of enforcement is therefore shaped by social and economic factors: although the law is enforced, its success in preventing similar cases depends on collaboration among law enforcement, child protection agencies and the community. These findings echo studies elsewhere in Indonesia that found child neglect cases rarely reaching prosecution because of weak reporting by the relevant agencies [15]. In short, criminal sanctions alone are not sufficient: an effective response combines retributive and restorative elements, rehabilitation for perpetrators and recovery for victims, oriented towards the best interests of the child [13], [18].

Measures Taken by Investigators to Tackle Child Neglect in Aceh

The investigators' measures range from inquiry and investigation to cross-sector cooperation with the Indonesian Child Protection Commission (KPAI) and social services. Legal proceedings prioritise the best interests of the child while upholding justice, and investigators work with prosecutors and courts to ensure that appropriate sanctions, whether imprisonment or a fine, are imposed. Investigators also perform an educational function by informing the public about children's rights. These measures follow the established division of crime prevention into penal and non-penal policy [19], [20], operationalised by the police as pre-emptive, preventive and repressive efforts, summarised in Table 2.

Table 2. Measures taken by investigators to tackle child neglect

Approach	Measures taken	Obstacles
Pre-emptive	Instilling religious and moral values with community police officers, religious leaders and the media	Limited resources; social challenges
Preventive	Integrated, periodic legal counselling; urging the public to report suspected neglect	Criminal law addresses symptoms rather than root causes; rigid sanctions
Repressive	Receiving reports, collecting evidence, detention and transfer of case files; coaching of perpetrators; punishment of repeat or serious offenders	Low public awareness; stigma against victims; limited resources for victim rehabilitation

Source: Interviews with officers of the Directorate of General Criminal Investigation, Aceh Regional Police (processed).

Pre-emptive efforts aim to internalise legal and moral norms early. Investigators cooperate with community police officers (Bhabinkamtibmas), religious leaders and the mass media to build collective awareness that rejects violence against and neglect of children. Preventive efforts aim to remove opportunities for the offence by creating supportive social conditions: the police conduct integrated and periodic legal counselling and urge the public to care about and report suspected neglect. The informants noted that these efforts are limited because criminal law addresses symptoms rather than the root causes of neglect, and the available sanctions are rigid.

Repressive efforts are carried out once an offence has occurred, from receiving reports and collecting evidence to detention and transferring the case file to the prosecutor. The informants distinguished between treatment and punishment: perpetrators are coached so that they become aware of their obligations and do not repeat the offence, while repeat offenders or serious cases are punished in accordance with the applicable law.

Overall, the combination of the three approaches has contributed to a more comprehensive response to child neglect in Aceh, but resource limitations and social challenges remain. The same constraints, namely shortages of personnel, infrastructure and budget, together with pre-emptive and preventive work that is not yet optimal, have been identified in the national police's

handling of violence against women and children [21]. Strengthening these efforts requires family-focused social services for neglected children and their families [18], closer involvement of village authorities in Aceh [6], and the alignment of investigative practice with the new Criminal Code [8].

4. Conclusion

Criminal law is applied to perpetrators of child neglect in the jurisdiction of the Aceh Regional Police mainly through Articles 76B and 77B of the Child Protection Law, supported by the Domestic Violence Law and the Criminal Code, with restorative justice used when the perpetrator is a biological parent. Enforcement has shown positive efforts to protect child victims, but its effectiveness in preventing neglect is limited by low public awareness, stigma, economic hardship and limited resources for victim recovery. Success in handling neglect depends not only on the sanctions imposed but also on rehabilitation for perpetrators and recovery for victims. Investigators tackle the offence through pre-emptive, preventive and repressive measures, which together form a more comprehensive response but remain constrained.

Law enforcement agencies should intensify public education on the legal consequences of child neglect, build closer collaboration with child protection agencies, social services and village governments, and align their practice with the new Criminal Code. Parents should be reminded that their responsibility for their children continues until the children marry or become independent. Because this study draws on a small number of informants in one directorate, future research should trace the outcome of each case through prosecution and sentencing and include the perspectives of victims' families and child protection agencies.

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Authors' contributions and responsibilities

Muhammad Musawwir Ginting: conceptualization, investigation, formal analysis, writing – original draft. Siti Rahmah: methodology, supervision, writing – review & editing. Zul Aidy: supervision, validation, writing – review & editing.

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Availability of data and materials

Interview data are not publicly available in order to protect the confidentiality of informants and the parties to the cases, but are available from the corresponding author upon reasonable request.

Competing interests

The authors declare no competing interests.

Ethical approval

This study did not require formal ethical approval because it involved interviews with police officers about their professional duties and did not involve direct contact with children or the

collection of sensitive personal data. All informants gave informed consent before the interviews, and no identifying information about the children or perpetrators in the case records is reported.

Declaration of generative AI use

During the preparation of this work, the authors used Claude (Anthropic) to translate the manuscript from Indonesian into English and to improve its language and structure. After using this tool, the authors reviewed and edited the content as needed and take full responsibility for the content of the publication.

Additional information

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