

CHILD ABUSE IN KHALED HOSSEINI'S *THE KITE RUNNER*

THESIS

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ENGLISH LANGUAGE AND LETTER DEPARTMENT

FACULTY OF HUMANITIES

MAULANA MALIK IBRAHIM ISLAMIC STATE UNIVERSITY

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CHILD ABUSE IN KHALED HOSSEINI'S *THE KITE RUNNER*

THESIS

Presented to:

Maulana Malik Ibrahim State Islamic University of Malang in Partial Fulfillment
of the Requirements for the Degree of *Sarjana Sastra* (S.S)

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MALANG

2014

STATEMENT OF AUTHENTICITY

This is to state that the thesis under the title *Child Abuse in Khaled Hosseini's The Kite Runner* is truthfully my original work to fulfill the requirement for *Sarjana Sastra* (S.S). It does not incorporate with any materials written or published beforehand by other persons. Except those which are indicated in quotations and bibliography. Due to the fact, I am the only person who is fully responsible for the thesis if there is any opposition and claim from other people.

Malang, June 5, 2014

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APPROVAL SHEET

This is to certify that Fatimatuz Zahro Khoirun Nisa's thesis under the title *Child Abuse in Khaled Hosseini's The Kite Runner* has been approved by the thesis supervisor for further approval by the Board of Examiners.

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MOTTO

يَبْنِيَّ أَقِمِ الصَّلَاةَ وَأْمُرْ بِالْمَعْرُوفِ وَانْهَ عَنِ الْمُنْكَرِ وَأَصْبِرْ عَلَى مَا أَصَابَكَ إِنَّ
ذَلِكَ مِنْ عَزَمِ الْأُمُورِ ﴿١٧﴾

"O My son! Aqim-is-Salât (perform As-Salât), Enjoin (people) for Al-Ma'rûf (Islâmic Monotheism and All that is good), and forbid (people) from Al-Munkar (i.e. disbelief In the Oneness of Allâh, polytheism of All kinds and All that is evil and bad), and bear with patience whatever befall you. Verily! These are some of the important Commandments ordered by Allâh with no exemption.

(Luqman: 17)

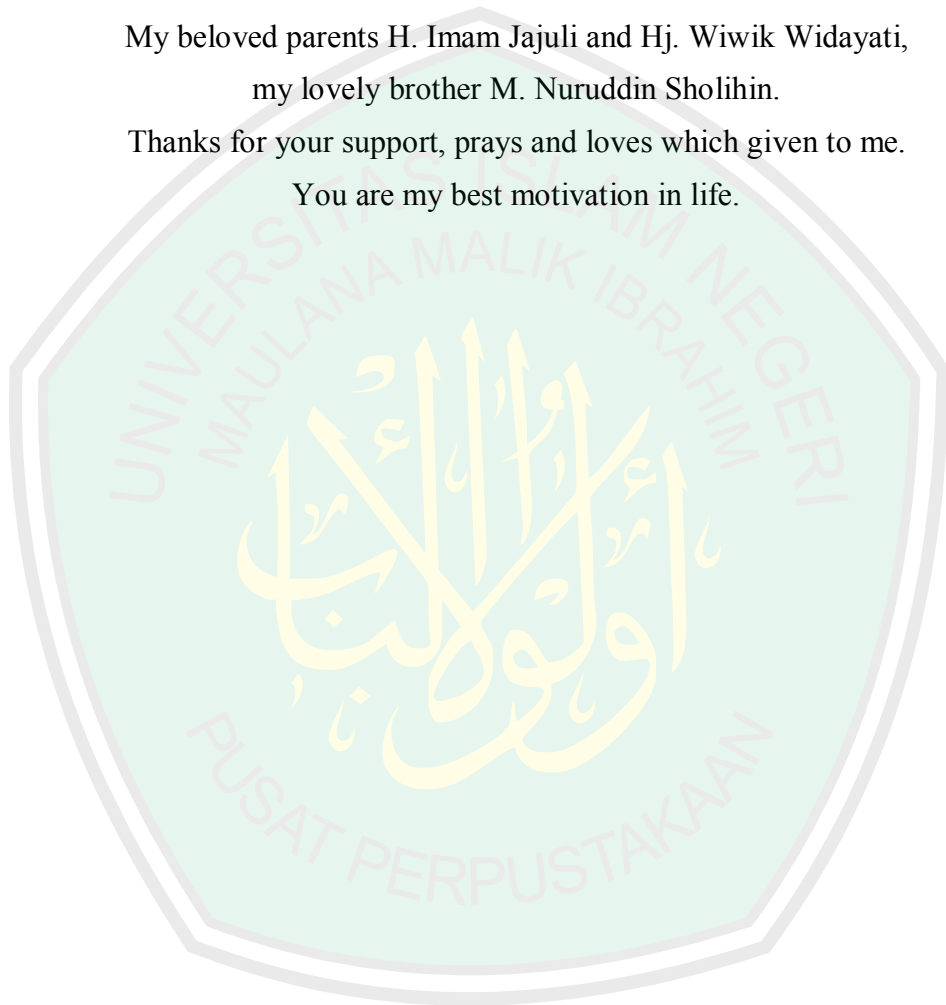
DEDICATION

This Thesis is dedicated to:

My beloved parents H. Imam Jajuli and Hj. Wiwik Widayati,
my lovely brother M. Nuruddin Sholihin.

Thanks for your support, prayers and loves which given to me.

You are my best motivation in life.



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Bismillahirrahmaanirrahiim

Proudly, I would like to express my gratitude to the Lord of the World; the One Who sustains the Heavens and Earths, the One Who has Power of life and death, Allah SWT that there is no worthy to be worshipped but Allah SWT. May Peace and Blessings always be upon to our last Prophet Muhammad SAW, through his guiding we hope to get the light and to be good Moslems.

Allah SWT, who has given me his mercy, supervision and grace to finish the research under the title *Child Abuse in Khaled Hosseini's The Kite Runner* as the requirement to attain the Degree of *Sarjana Sastra* in English Letters and Language Department at Maulana Malik Ibrahim State Islamic University.

This research cannot be finished without some involvement and supports from the people around me. Therefore, I would like to dedicate my best thank for those who always accompany me in completing this research. My sincere gratefulness is always conveyed to my advisor, Mundi Rahayu, S.S, M.Hum, who has spent her valuable moment to read, evaluate and always be patient to give advantageous suggestions for the improvement of this research. For all of my teachers who have given me their best prosperity in teaching me in this green university.

My gratitude is also presented for my most excellent persons my parents H. Imam Jajuli and Hj. Wiwik widayati thanks for prayers, loves and affections, May Allah SWT always safeguards you. My lovely brother M. Nuruddin Sholihin

who is always help me for search references. My gratitude is also present for all the *Pengasuh Ma'had Sunan Ampel Al-Aly* for all knowledge. And also my friends in BSI '09 Laily Maghfuroh and Endra Pratama for our togetherness and great support, Vina laila Mufidah, Illyatul Mawaddah, Siti lavivatul maslukha who always support me when I feel hopeless. Additionally for Family of Ma'had Sunan Ampel Al-Aly Amalia Ilmiati and Mas Indhra Musthofa for the spirit that always given to me, Wilda Rihlasyita, Mbak Lathifah Hanum Indri, Mbak Khilfatin Nabawi, Mbak Romlah who always give me support and hear my sigh, Khadijah's Family Anna Tsuruiya, Qorina Widadiyah, Ilma Fahmi Aziza, Sa'adah Ainin, Evi Muzaiyidah Bukhori, Luluk Amaliyah for all the support and advice and all of the family of MSAA that cannot be mentioned one by one.

Jazakumullah ahsanal jaza' Allah will reward your kindness. I love you all.

At last, I invite the readers' suggestion and criticism to make this thesis better. Moreover, this thesis is expected not only useful for the readers and further researcher who investigate in the same area.

Malang, June 5, 2014

Fatimatuz Zahro Khoirun Nisa'

ABSTRACT

Khoirun Nisa', Fatimatuz Zahro. 2014. *Child Abuse in Khaled Hosseini's The Kite Runner*

Thesis, English language and letters department, The Faculty of Humanities, Maulana Malik Ibrahim State Islamic University of Malang.

Supervisor: Mundi Rahayu, M.Hum

Keywords: Child abuse

The Kite Runner is a novel written by Khaled Hosseini which tells us about Hassan, a Hazara descendant whose father is a helper in Amir's house whom a Pashtun Family. Since childhood, Hassan made friend with Amir, Baba's son. Hassan often gets unpleasant treatment from Amir because of his jealousy. Moreover, there is another child that also often does violence to Hassan, a boy Pashtun-German descendant named Aseef. Child abuse is the recurrent infliction of physical or emotional injury on a dependent minor, though intentional beatings, uncontrolled corporal punishment, persistent ridicule and degradation, or sexual abuse, usually committed by parents or others in charge of the child's care (Barker, 1987: 23). The forms of child abuse are physical child abuse, psychological child abuse, sexual child abuse and social child abuse. Child abuse is important to be analyzed because literary work is a mirror of life which is including the phenomena of child abuse. The problems of child abuse is associated with social interaction the characters, therefore it is refers to social psychology that become the main point of this research.

In this research, the researcher formulates research problems into three parts, those are: (1) What are the forms of child abuse suffered by Hassan in Khaled Hosseini's novel *The Kite Runner* (2) What is the effect of child abuse for Hassan in Khaled Hosseini's novel *The Kite Runner* (3) What are the causes of child abuse suffered by Hassan in Khaled Hosseini's novel *The Kite Runner*. This research is categorized in literary criticism under social psychology approach, because the novel shows the social phenomenon that occurs between characters. In this research the researcher focuses on one character Hassan who is Hazara's descendant who less of fortune and poor treatment from the people around him.

There are four forms of child abuse, they are physical child abuse, psychological child abuse, sexual child abuse and social child abuse. The effect of child abuse that suffered by Hassan are fear, traumatic and pulled out of society. This problem is occurs because of sense of Amir's envy and difference between the Pashtun and Hazara. For the future researcher I hope can analyze other aspects in this novel or apply this theory in another literary work.

ABSTRAK

Khoirun Nisa'. Fatimatuz Zahro. 2014. Perlakuan Kasar Dalam Novel Karangan Khaled Hosseini Berjudul *The Kite Runner*. Skripsi, Jurusan Bahasa dan Sastra Inggris, Fakultas Humaniora, Universitas Islam Negeri Maulana Malik Ibrahim Malang. Dosen Pembimbing: Mundi Rahayu, M.Hum
Kata kunci: Perlakuan kasar terhadap anak.

The Kite Runner adalah sebuah novel yang ditulis oleh Khaled Hosseini. Novel ini bercerita tentang seorang anak laki-laki bernama Hassan seorang keturunan Hazara. Ayah Hassan yang bernama Ali bekerja bersama Hassan sebagai pembantu di sebuah keluarga Pashun. Sejak masa kanak-kanak Hassan berteman dengan Amir, putra dari majikannya. Hassan sering mendapat perlakuan yang tidak menyenangkan dari Amir karena rasa iri Amir terhadap Hassan. Selain itu, juga terdapat anak lain bernama Aseef seorang anak keturunan Pashun-Jerman yang sering melakukan kekerasan terhadap Hassan. Perlakuan kasar terhadap anak merupakan pemberian rasa sakit secara berulang kepada seorang anak baik berupa fisik atau emosi walaupun pemberian tersebut secara tidak sengaja, hukuman fisik yang tidak terkontrol, mengolok-olok dan merendahkan secara terus-menerus, atau perlakuan seksual yang menyimpang, biasanya dilakukan oleh orang tua atau lainnya yang berhubungan dengan pemeliharaan anak tersebut (Barker, 1987: 23). Bentuk dari perlakuan pada anak tersebut antara lain perlakuan secara fisik, psikologis, seksual dan sosial. Banyaknya kasus perlakuan kasar pada anak menyebabkan hal ini penting untuk dianalisa agar mengetahui bentuk dan akibat yang dapat ditimbulkan oleh hal tersebut. Karena pembahasan kekerasan pada anak dalam permasalahan ini berhubungan dengan konflik sosial yang ada, maka pendekatan yang digunakan dalam penelitian ini adalah pendekatan psikologi sosial.

Pada penelitian ini, peneliti merumuskan tiga permasalahan yaitu: (1) Apa saja bentuk dari perlakuan kasar pada anak yang diderita oleh Hassan dalam novel *The Kite Runner* yang ditulis oleh Khaled Hosseini (2) Apa saja akibat dari perlakuan kasar pada anak yang diderita oleh Hassan dalam novel *The Kite Runner* yang ditulis oleh Khaled Hosseini (3) Apa saja penyebab dari perlakuan kasar pada anak yang diderita oleh Hassan dalam novel *The Kite Runner* yang ditulis oleh Khaled Hosseini. Penelitian ini termasuk dari kritik sastra dengan menggunakan pendekatan psikologi sosial, karena dalam novel tersebut menunjukkan adanya kejadian sosial yang muncul antara karakter. Dalam penelitian ini, peneliti hanya fokus pada karakter Hassan dimana dia adalah seorang anak laki-laki keturunan Hazara yang kurang beruntung dan sering mendapat perlakuan buruk dari orang-orang sekitarnya.

Hasil dari penelitian ini adalah adanya bentuk perlakuan kasar terhadap anak yang terbagi menjadi empat macam perlakuan kasar yang berhubungan dengan fisik, psikologis, seksual dan sosial. Akibat yang ditimbulkan oleh perlakuan kasar tersebut adalah adanya rasa takut, trauma dan menarik diri dari lingkungan. Timbulnya permasalahan dalam novel tersebut karena adanya rasa cemburu yang dimiliki oleh Amir serta perbedaan antara Psthun dan Hazara. Melalui hasil dari penelitian ini, diharapkan peneliti selanjutnya dapat menganalisis aspek lain dalam novel tersebut dengan menggunakan teori yang lainnya.



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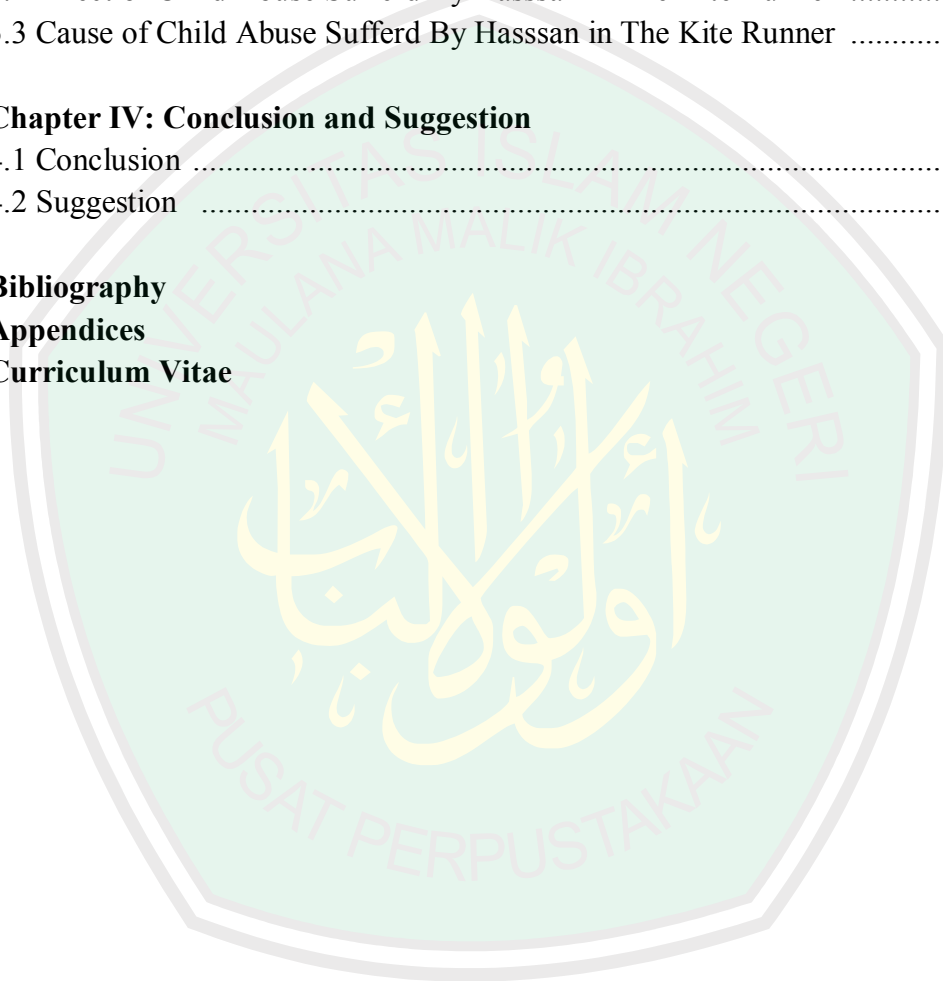
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ABSTRAK

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CHAPTER I

INTRODUCTION

This chapter explains the background of study, statements of the problems, objectives of study, scope and limitation, significance of the study, research methods and also definition of key terms.

1.1 Background

Child is a gift given by God which should be maintained and cared properly. A child also has rights that must be considered for parents or older people because they were also human being. As parents, caregivers and older people should care of them by monitoring and observing their environment.

Children are the next generation for a nation. Their future depend on how the condition of their social environment. A child also has rights of freedom and protection from many kinds of violence or abuse. According to Indonesian law number 39 in 1999 about human rights, a child is recognized and protected by law since they are still in womb. Several children must obtain from parents, society and country. The best education and health are also the priority to be achieved by them.

As we all know that in printing and electronic media, there are many problems of violence that suffered by children. Childhood should be a time of joy and play rather than being a victim of someone who are more powerful than them. This kind of condition sometimes happens in our surrounding, especially in our family. The violence does not only happen to adult but also children. They usually get abuse either from friends, relatives and others. This is such a serious problem that must be solved by all stakeholders.

Violence is a crime committed to physical force resulting in the victim helpless (Weda, 1996: 108). This also occurs in children since relatives and society. The parents and government are lack of supervision and protection. The violence can be in physically, psychologically, sexually and socially (Huraerah, 2007: 47).

In Indonesia, the number of child abuse increase significantly every year. Suyanto (2013: 23) explains that YPAI (Indonesian Children Protection Association) has recorded that in 1994 there was 172 cases about child abuse, but in 1995 being raised in 421 cases and in 1996 jumped into 476 cases. Huraerah (2007:43) also adds that KPAI recorded in 2003 there was 481 cases and 2004 is being 547 cases. This number shows that child abuse in Indonesia very serious problem in Indonesia.

Psychology is the study of human behavior and mental. Since the discussion of the research relates about the interaction of individual that occur in literary work, therefore discussion is closer to social psychology approach. Social psychology refers to how culture and social structure influence the behavior that occurs in individual. The existence of culture within a society is also affects how person doing interaction.

Literary psychology aimed to analyze literary work which is believed as reflections of psychological process and activities. Without appearance of literary work, the understanding of literary work will make the incompatible understanding with the intended meaning, for example in this discussion, child abuse. The existence of psychology can help the researcher understanding about the forms of child abuse and how it impacts toward the victim. Therefore, the existence of psychological discussion becomes interesting to be analyzed.

The object of this research is the novel entitled *The Kite Runner* written by Khaled Hosseini. The condition of individual is a reason why the researcher uses social psychology theory. This novel tells about two children, they are Amir and

Hassan. Amir is Pashtun descendant who is the honorable ethnic in Afghanistan and a son of rich widower, Baba Agha Shahib. Hassan is Hazara descendant. His father is Ali becomes Baba Agha Shahib's helper. In their circumstance, there is a child namely Aseef. Aseef is son of Afghani father and German mother. He disturbs and bullies Hassan and Amir almost every day wherever they meet. This abuse is caused by Hassan who has Hazara ethnic which is the lowest and minority ethnic in Afghanistan that make influence to their social class. In this story, Hazara people, especially Hassan as the character often receive a treatment unpleasantly. Pashtun people assume that Hazara is improper to live in Afghanistan and must be killed. Besides bullied by Aseef, Hassan also got bullying from Amir. He did this because he assumed that his father, Agha Shahib is more love Hassan than himself. Because of that he tries everything to make Hassan out of his house.

In addition, Hassan as a child is lack of the right that should be him. Although Amir and Hassan were together, but they were different, Amir is son of honorable person who has excellent education. This condition did not happen to Hassan, since he was child he could not read and write so he always asked Amir to read story for him. Occasionally, when Hassan did not understand what Amir said, he mocked him.

Hassan is just a helper of Amir. He always does anything that is ordered by Amir. When Amir won the kites' tournament, he asked Hassan to give him the last kite as a gift to Baba. But at that time, Aseef wanted to grab the kite. Because Hassan did not want to give it, Aseef was committing a sodomy that led Hassan's attitude changed since then.

The little part of that story is a condition that happens in our social life that occurred in many people. In this discussion, the researcher will discuss about on how

the ways, effects and causes of child abuse suffered by Hassan. Because of that problem, the researcher will use social psychology as the theory to help the researcher to analyze and understand the discussion.

The aim of social psychology is to understand the aspects of psychic that consist in literary work (Ratna, 2007: 342). Literary work is a media to describe the era or condition of that period, so the existence of Khaled Hosseini's novel *The Kite Runner* less more indicates how the condition of children in Afghanistan especially when they socialize with another children out of his ethnic. By employing social psychology theory, the researcher can see how the condition of children and effects of the interaction that be done.

From those discussions, there are some previous studies that relevant with this research. First is thesis conducted by Miki Yuliandri entitle Refleksi Kekerasan Dalam Novel *Penyair Merah Putih* Student of Padang State University. The second is Kekerasan Terhadap Tokoh Wanita Dalam Novel *Perempuan Kembang Jepun* Karya Lan Fang written by Nunik Retno Wiyanti (2010) Student of Ahmad Dahlan University. The contributions of those previous studies are the researcher knows the forms of abuses that suffered by the victim in the literary work they are sexual and psychological abuse.

However, this research is different from those previous studies. This research uses the novel of *The Kite Runners* to get the data. This research is only focus on discussing about forms, effects and cause of child abuse that suffered by Hassan in social psychological approach.

1.2 Research questions

1. What are the forms of child abuse suffered by Hassan in Khaled Hosseini's novel *The Kite Runner*?

2. What are the effects of child abuse for Hassan in Khaled Hosseini's novel *The Kite Runner*?
3. What are the causes of child abuse suffered by Hassan in Khaled Hosseini's novel *The Kite Runner*?

1.3 Objectives of the study

1. To know the forms of child abuse that suffered by Hassan in Khaled Hosseini's novel *The Kite Runner*.
2. To explore the effects of child abuse that suffered by Hassan in Khaled Hosseini's novel *The Kite Runner*.
3. To investigate the causes of child abuse that suffered by Hassan in Khaled Hosseini's novel *The Kite Runner*.

1.4 Scope and limitation

Actually in this novel, *The Kite Runner*, there are many aspects that can be analyzed by the researcher. But the researcher only focuses on analyzing about child abuse that suffered by Hassan through the lens of social psychology. In this research, researcher will discuss about the forms, effects and causes of child abuse that suffered by Hassan.

1.5 Significance of study

In this research, the researcher expects to get more comprehension about social psychological analysis especially about the child abuse. In addition this research is also proof that in literary work also describe about child abuse that also happen in reality. The researcher also hopes that this research will give benefit for the further research.

1.6 Research method

In this part, the researcher explains about the methodology which is used to analyze this novel they are research design, data source, data collection and data analysis.

1.6.1 Research design

This research is part of literary criticism that applies child abuse theory in the lens of social psychology because this novel describes the treatment of people around Hassan that makes him suffered poor treatment also lost his rights.

1.6.2 Data source

The data which is used in this research is based on a novel written by Khaled Hosseini entitled *The Kite Runner* which consists of 382 pages in 25 chapter published by The Barkely Publishing Group 2003 in New York. The data will be shown based on the dialog, narrative or delineation. Furthermore, the data also relates to child abuse that suffered by Hassan explained in 9 chapters. The data are taken from anything related to the violence that suffered by Hassan and also the treatment that showed child abuse in physical, psychological, sexual and social forms.

1.6.3 Data collection

After finding the data, the researcher does some steps. First, the researcher reads and understands the content of novel carefully until the researcher gets the desire point. Second, the researcher collects the data and information which relate to the analysis that is child abuse. Third, the researcher analyzes the data according to the research questions. The last, the researcher classify the data that collected according to research questions.

1.6.4 Data Analysis

After collecting the data, the researcher analyzes with the steps that explained before. The data is analyzed by using child abuse on social psychology

theory that is explained in the next chapter. From the data that was analyzed, then the researcher conclude the result of the research.

1.7 Definition of key terms

1. Social psychology: the scientific of individual behavior in relation to social situation (oldentorff, 1955). (Santoso, 9: 2010)
2. Child abuse: the recurrent infliction of physical or emotional injury on a dependent minor, though intentional beatings, uncontrolled corporal punishment, persistent ridicule and degradation, or sexual abuse, usually committed by parents or others in charge of the child's care. (Barker, 1987: 23)
3. Neglect: Neglect is attitude and behaviors who do not give proper attention towards the growth process of children, for example ostracized, exiled from the family or not given proper education and health. (Huraerah, 2007: 48)

CHAPTER II

REVIEW OF RELATED LITERATURE

In this part will explain about the theoretical framework in order to have deep understanding about the concept of this research. There are six parts that will be explained in this chapter.

2.1 Psychology in Literary Criticism

The relation between psychology and literature are closed. Psychology literature is a literary review that looked as mental activity which there is projections of the author and surrounding experiences then arrange into a text (Endraswara, 2008: 96). Jatman in Endraswara (2008: 97) argued that literary work and psychology have close link either direct or function. The literary work and psychology have the same object that is human life. Functionally, both of literary work and psychology concern to the study of the human life, but the differences of the psychology is in real life and literary work is in imagination.

The aim of psychology of literature is to understand the aspects of psychology in literary work (Ratna, 2007: 342). Literary work provides an understanding of the characters where the characters in society has changes and deviation especially in the psyche.

There are three ways to understand the relation between psychology and literary work: a) to understand the psychological elements of the author as a writer, b) to understand the psychological elements of fictional characters in literary work, c) to understand the psychological elements of the reader (Ratna, 2007: 343).

Psychological literary criticism gives attention to the problem associated with

psychiatric elements existing in fictional characters in literary work. The psychological literary criticism that aimed in this discussion is a study that puts literature as a dynamic phenomenon in which the theory of literary works will be found (Ratna, 2007: 344).

2.2 Social psychology theory

Psychology is branch of study that discuss about psychiatric. According to Woodworth and Marquis, psychology is the study about activities of individual since they was in the womb to the death in their relation to the world around. Marliany (2010:13) also said that psychology is science of soul. Meaning in this case, soul is not soul itself but a symptom that appear in human life that is meant as mental background or spirit of human as soulless creatures. Psychology also can be understood as the study of human psyche by assessing the behavior and personality, with the view that every human behavior related to mental background.

Social psychology is the study that is trying to understand the origins and causes of individual behavior and through the context of social situation (Ginintasari). According to Gerungan (2004), social psychology tells about human activities related to social situations such as group situations, circumstances and other mass. While according to David O Sears (1994), social psychology is science that systematically understand social behavior as well as to overcome other people and social situations, other people interact with yourself and how we are influenced by the social situation.

From the discussion above, it can be concluded that social psychology is one of social science that explains about human behavior. In this discussion, social psychology has role to differentiate the behavior such kind of confidence, active,

achievement with hurting, injuring and destroying. Those behaviors are often found and experienced by some people around us.

2.3 Child Abuse

Lately, we heard about many kinds of mental or physical violence experienced by children. They were many kinds of news about violence towards children that happen in several part of Indonesia. According to the note of KPAI (Huraerah, 2007: 23-24) there are 481 cases and in 2004 this case is being raise in 547 cases which consist of 221 cases of sexual abuse, 140 cases of physical abuse, 80 cases of psychological abuse, and another cases is 106. Although Indonesia is recognized and known about those cases, but until this time there is no specific data that show about the description that represent those problems (Suyanto, 2013: 25).

For the first time, the term of child abuse and neglect is known in medical world (Suyanto, 2013: 27). Ranuh in Suyanto (2013) said that the beginning of this case was about a doctor who reported an injury case that the form of clinical symptoms such as fractures that occur in a child or infant is accompanied by bleeding without knowing the cause. Then many people gives their attention towards that case when Henrey Kempe wrote in Journal of American Medical Association (Suyanto, 2013: 27) that there was 302 cases about child abuse that consist of 33 people has died and 85 people has permanently brain damage. Then that case was named by battered child syndrome that means any condition caused by lack of care and protection of children by parents or other caregivers. That behavior also means as child abuse. Because of this, it means that not only serious injury but also stone bruise or swollen with the failure of children to thrive both physically and intellectually is also called child abuse.

Barker in Huraerah (2007: 47) also defines that abuse is improper behavior intended to cause physical, psychological, or financial harm to an individual or group. Other definition, according to Gelles in Huraerah (2007: 47) is also defining that child abuse as intentional acts that result in physical or emotional harm to children. The term of child abuse covers a wide range of behavior, from actual physical assault by parents or other adult caretakers to neglect at a child's basic need. While Barker in Huraerah (2007:47) also defines that child abuse is the recurrent infliction of physical or emotional injury on a dependent minor, though intentional beatings, uncontrolled corporal punishment, persistent ridicule and degradation, or sexual abuse, usually committed by parents or others in charge of the child's care.

Moreover, there is also another term which describe about child abuse, maltreatment syndrome, which is the emotional disturbance in children and the presence of inadequate care. The term of child abuse was used to describe many cases that experienced by children under 16 year which got disturbance of elderly or nursemaid and harm the child's physical and mental health and development (Suyanto, 2013: 27-18).

Theoretically child abuse can be defined as physical wounding, mental or sexual which is usually done by people who have responsibility for children's welfare which was indicated by losses and threats to the health and welfare of children (Suyanto, 2013: 28). Children are often treated violence or aggressive behavior from parents or other family or other family members who are older because of the power of children is powerless (Krahé, 2005: 246).

According to Lawson in Huraerah (2007: 47) classified child abuse into several types, there are emotional abuse, verbal abuse, physical abuse and sexual

abuse. While Suharto in Huraerah (2007:57) classified child abuse into physical abuse, psychological abuse, sexual abuse and social abuse. The four of those types will be explained as follow:

1. Physical child abuse is a treatment as mistreating, beating, and another treatment with or without using tool that can injure the child.
2. Psychological child abuse is a treatment as saying profanity words, showing a book, picture or pornography movie to the child.
3. Sexual child abuse is a treatment as pre-treatment sexual contact between children and older people, it can be word, touch and visual picture or treatment of direct sexual contact between children and older people, it can be incest, ravishment and sexual exploitation.
4. Social child abuse is a treatment as neglect and exploitation of children.

The occurrence of child abuse is caused by several factors. According to Siti Fatimah (a children observer from Malaysia) in Suyanto (2012, 33-35) explains that at least there are six conditions that being factors of violence and abuse in family that suffered by the children. The first is economical factor. The financial problem in family causes many kinds of problem that all of which can affect the relative pressure of life who often acted to children. The second is family problem. This point refers to the less harmonious family relationship. It can be occurred from father or mother who releases his anger to their child. The attitudes of parents who do not love their children and cannot control their emotion are also being a cause of this problem. Some problems of children like physical or mental inviable sometimes makes parents impatient when they take care of their children so they feels burdened of this. The third is divorce. When divorce happened to a family, the custody of children will be

given to one of parents. The fourth is birth of child outside of marriage. The fifth is psychological aspect. The last is had no education or adequate religious knowledge.

Some factors that causes of child abuse is also explain by Zulbachri in his paper, he said that those factors are 1) the child has physical disorder, behavioral disorder, autism, weak temperament, ignorance of the rights of the child and too dependent on adult, 2) poverty that happened in that family, 3) broken home family because of divorce which led to the absence of mother or father in the long term, 4) psychological immature family, incompetence of teaching and unwanted child, 5) mentally disorder on one of the parents, 6) the same experience of parents when they were child, 7) the bad condition of the environment.

Basically between men and women are equally potentially being perpetrators of child abuse. Suyanto in his book (2013: 58) explained that according to the data in *Jawa Pos* daily mail that the number of child abuse is around 84,5% and *Memorandum* daily mail is around 89,1% and almost of the perpetrator was man. In this case, there were two reasons why men are dominant in child abuse. The first is the victims of many kinds of abuse were woman. The second is men are potentially made violence because of the behavior of men who tend to be tougher and some of them are doing something without worrying about the consequences. Furthermore age and maturity should be calculated in responding to the perpetrators of child abuse. The acts of violence is often committed by an adult, but as a psychological actually they still immature and unstable (Suyanto, 2013: 59).

Children as the victim of child abuse are not always girls, boys could have the potential to be the victim of child abuse. The ages of children who are being the victim of child abuse have variation, it can be an adolescent around 17-18 years even

children under 5 years old and baby. According to Irwanto in Suyanto (2013: 51) concluded from the mass media in 1994-1996 that the half victims of child abuse were under 13 years old and about 20% were under 10 years old.

From the explanation above, Suharto (1997: 365-366) classified child abuse into four forms. They are physical abuse, psychological abuse, sexual abuse and social abuse that will be explained bellow.

2.3.1 Physical Child Abuse

Physical abuse is any act that cause damage or physical pain such as slapping, hitting, poking, twisting arms, strangling, kicking, threats with an object or weapon, and murder (Harisa, 2012). Physical abuse is easy to be known because it usually has mark in child's body such as bruise, bloody, fracture and other hard effects.

The effect of physical child abuse is not only seen as usual but it also has long-term psychological effects. Neni Sholihat (2012) explained that when a person hit a child then there is no explanation about what have done, they will assume that it may be allowed to do, because a child naturally learn by observing and imitating their parents. Moreover when a person doing physical abuse, it would make him feel that he was not appreciated. At the first giving physical punishment to children can make the child to be good, but when they were adult they will do the same as they felt.

2.3.2 Psychological Child Abuse

Psychological violence includes the behavior that intended to intimidate and persecute, threaten or misuse of authority, limiting out of the house, supervise, take the rights of child, spoil the child, isolate, verbal aggression and constant humiliation

(Harisa, 2012). This type of violence is not easy to recognize by others but can be felt by the victim. The effect of this violence will give discomfort to the victim and the decrease in self-esteem.

The concrete form of this violence is lack of parents beloved and coolness, use harsh words, defalcation, embarrass others in public, ignore or reject the child and made threats with words and so on. Due to the behavior, it makes them not sensitive to others, the victim feel inferior, insecure worthless and weak in making decisions.

2.3.3 Sexual Child Abuse

According to Unicef in Harisa (2012) sexual abuse is like sexual activity that is forced through threats, intimidation or physical force, forcing unwanted sexual act or forcing sex with someone else. Kahné (2005: 256) also defines as sexual contact between a child and an adult that happen because of sexual stimulation that conducted by the tyrant. While Huraerah (2007: 71) defines that sexual abuse is one of sexual intercourse practices by meand of violence, contrary through the doctrine, values of religion and the applicable laws. From those definitions above means that sexual child abuse is an action which adult or teen use child as sexual stimulation. The forms of sexual abuse itself is may be showed as pornography to the child, sexual intercourse against a child, physical contact with the child's genital which are not in medical context.

The most of child sexual abuse is committed by men. As Tackett & Marshall in Kahné (2005: 258) estimated that 75-80% the subject of sexual child abuse is men. Sexual child abuse gained public attention in recent years. It becomes one of the common crimes and has been recognized also that sexual child abuse is something that is very damaging to the children that cannot accepted by society. Filkenhor in

Kahné (2005:256) said that sexual child abuse in childhood should be considered as a risk that is pervasive in the lives of children. This is due to the absence of characteristic in demographic and family that can be a sign that a child has been or will be the victim of sexual child abuse. It can be seen as sexual child abuse when there is different age between the victim and persecutor of age well as the nature and action.

Resna and Darmawan in Huraerah (2007: 71-72) divide sexual violence into 3 part, they are rape, incest and exploitation. Wignjosoebroto in Prasetyo in Fatchurrohman (2002, 3-4) define that rape is attempt to vent sexual desire committed by a man against woman in a way that violates in accordance with the moral and law. Intercourse, any forms of attack or force involve the genital, oral sex and sodomy, female genital mutilation is also included in rape. The rape often occurs where the perpetrator threatens by used its power. Rape can be seen from the discovery of tears, blood and bruises. The effect of rape itself makes the emotion of victims unstable. In this case, the victim of rape should protect and keep away from the perpetrator, the place and the situation where the rape occurs.

The second is incest. According to Indonesian dictionary incest is sexual intercourse between people who are has close relation in violation of customs, laws and religion. It can occur as they liked that then can be established in the marriage. Sometimes it also happens because of forcing that usually calls rape. Incest basically happens because of the existence of problem in household that usually occurs by the culminating of sexual desire.

The last is exploitation. The simple understanding of exploitation is the excessive of using something without sense of justice and welfare. The exploitation in

this context is about sexual exploitation of child. Sexual exploitation of child is sexual abuse by an adult with the cash or goods to the child where the child is treated as the subject or object of sexual. Including in this categories are prostitution and pornography. This often happens because these cases are often occurring in a group. These groups can be from family or others.

The general characteristic of children that suffered child abuse as explained by Zastrow in Suharto in Huraerah (2007: 73-74) are changing the attitude and behavior suddenly just as a child who was originally friendly and cheerful then become withdrawn and isolate themselves. The extreme behavior that becomes comparatively passive or aggressive is also being the characteristic of the victim. Sometimes they avoid certain people because of the fearness they have. In addition there are physical signs such as feeling sick that is not clear which causes drastic weight loss. Another sign that indicates the victim of sexual abuse is the existence of the wounds on the genital such as the presence of blood or blister on the genitals victims.

2.3.4 Social Child abuse

The violence that include in social child abuse are neglect and exploitation. Neglect is attitude and behaviors that does not give proper attention towards the growth process of children, for example ostracized, exiled from the family or not given proper education and health. Exploitation towards child shows the attitude discrimination or child abuse by family or society, for example a child who is forced to do something related to economic, social and political aspect without regards for the rights for protection in accordance with the physical, psychological and social status or forced to do household chores that exceeds its limit (Huraerah, 2007: 48-49).

As well as presented by Oetomo (2012) in his article that there are three cases of parents who bring their children begging and scavenging, the parents who encourage their children to be a little *da'I* in one of television station and the parents who helped realize his child dream as a singer. From all three problems above, it can be taken one conclusion that the economical factor is one reason they exploit children. In addition, based on the data from advance humanity UNICES shows that 1.2 million children are trafficked each year and about 2 million children worldwide are sexually exploited each year.

Asrorunni'am, a chief of KPAI, in *inilahcom* daily mail (2014) said that the current exploitation of children in Indonesia is more varied as being an artist. People often said that it is okay to build children's creativity, but basically it is just similar to exploit children, but with a different shape.

2.4 Children rights

According to presidential decree number 39 in 1990 explained that a person who has age less than 18 years is regarded as a child (Huraerah, 2007: 31). The Indonesian law about human right said that every person have the right to live. They have freedom which entitled to treatment as well as the protection of human dignity under the law.

In Indonesian law number 23 in 2003 about child protection also explained that protection is all activities to ensure and protect children and their rights in order to live, grow, develop and participate optimally in accordance with the dignity of humanity as well as protection from violence and discrimination. Children rights are also part of human right that should be guaranteed, protected and fulfilled by parents,

families, societies and governments. Child protection aims to ensure the fullest rights of children to survive, grow, and participate optimally in accordance with the dignity.

So also with a child, even though they are still children, they are entitled to get what they are entitled to. As was regulated in Indonesian law number 39 also said that every child has their right to know who his parent, grew and raised by his own parents. Moreover, child is entitled to get teaching and education to develop his personal. A child also entitled to get protection from many kinds of exploitation, sexual harassment and subjected to persecution or torture.

2.5 Effects of Child Abuse

In general way society is unconscious that the effect of child abuse is wide (Huraerah, 2007: 56) Suharto in Huraerah (2007: 56-57) explained that child abuse makes children lost very basic things of child life and it makes them have permanent aftereffect such as disabilities, failed of learning, emotional disturbance that can damage the child personality, incapacitation of trust and love another, cringing himself from society, have aggressive attitude even crime, being a tyrant when they were adult, use drugs or alcoholic and bringing death.

Other effects of child abuse, as Gelles in Huraerah (2007: 57) explained that there is psychological effects that can be suffered by children. This effect is also happening until his whole life. Some of psychological effects are the presence of inability to interact with their peers, the intensity of concern and disruption in learning is reduced. In fact, the violence that experienced by children also have consequences which can damage their psychological aspect such as depression, excessive anxiety, dissociative identity disorder and increase the risk of suicide.

Irwanto in Suyanto (2013: 99) also added about the level of effect. The first fatal, in this level is when violence conducted causing death. The second is serious, in this level is when the violence that received by the victims is threatening. This condition is serious enough to long-term cause damage and intensive medical treatment to prevent long-term damage, for example serious fracture and burns. The last is average, in this level when the physical condition is average or medium physical traumatic that expected can be made well by 48 hours.

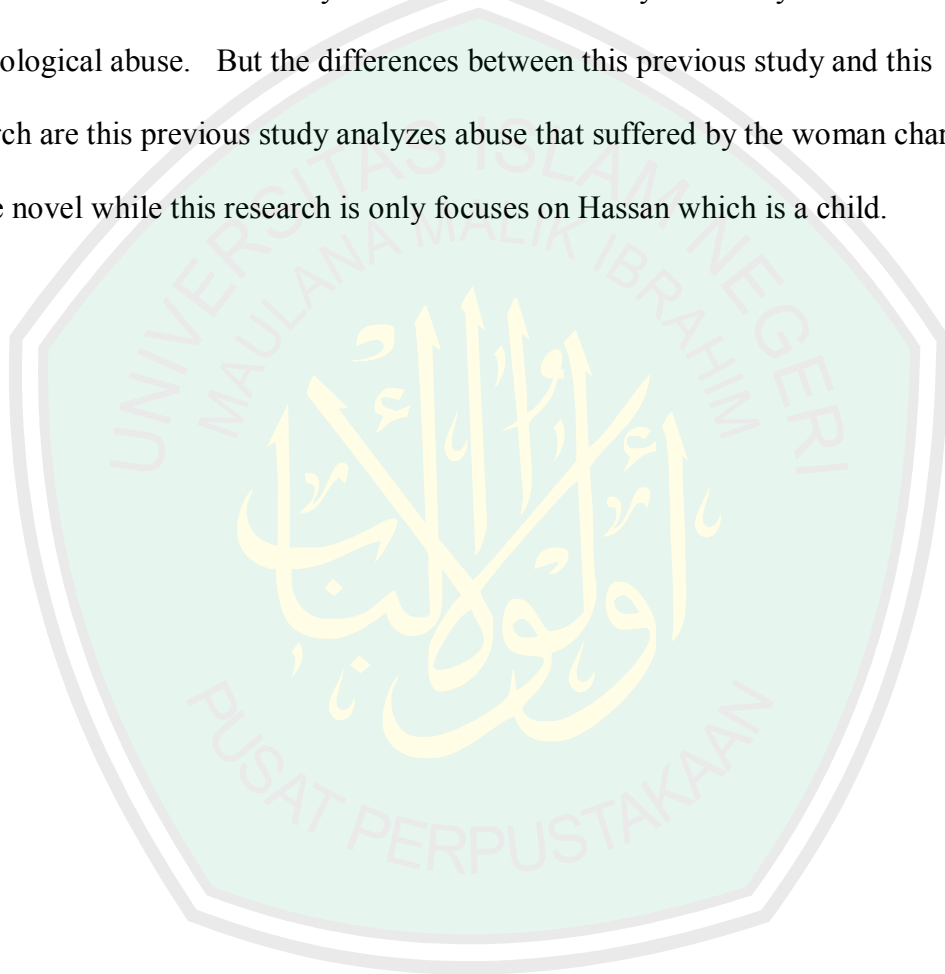
2.6 Previous Studies

The first previous study that similar to this research is conducted by Miki Yuliandri Student of Padang State University entitled *Refleksi Kekerasan Dalam Novel Penyair Merah Putih* Karya Mardhiyan Novita MZ. In his journal, he explains about the violence between the main character and supporting character in the novel *Penyair Merah Putih*. There are two reflections of violence namely physical violence and psychological violence. The cause of this violence is misunderstanding between the main character and supporting character. The effects of this violence are serious physical injure and mental adversity. The difference between this research and this previous study are the kinds of violence that discussed in research is only about the physical and psychological aspects. While this discussion is concern about physical, psychological, sexual and social. The effect of the violence was explained based on the forms of violence but in this research is the all aspect that causing the violence.

The second previous study is thesis conducted by Nunik Retno Wiyanti (2010) student of Ahmad Dahlan University entitle *Kekerasan Terhadap Tokoh Wanita Dalam Novel Perempuan Kembang Jepun* Karya Lan Fang. This research aimed to know the forms of violence that suffered by the woman are physical violence, psychological violence and sexual violence. This research also to know the

effort of the woman that caused by the effect of physical violence, sexual violence and psychological violence. The life goals of the woman character are Matsumi want to be a famous geisha, Lestari wants to care for abandoned children and manage orphanage and Sulis she wanted to work for herself and escape from poverty.

The contributions of those previous studies are the researcher knows the forms of abuses that suffered by the victim in the literary work they are sexual and psychological abuse. But the differences between this previous study and this research are this previous study analyzes abuse that suffered by the woman characters on the novel while this research is only focuses on Hassan which is a child.



CHAPTER III

ANALYSIS

This part will explain the result of analysis that discuss about the forms, effects and causes of child abuse that is suffered by Hassan based on the data in the novel. The first part will explain about the forms of child abuse, the second part will explain about the effects of child abuse, and the last part will explain about the causes of child abuse.

3.1 Forms of Child Abuse Suffered by Hassan in *The Kite Runner*

This part will explain about the type of child abuse that suffered by Hassan. There are four kinds of child abuse that are suffered by children. Those are sexual child abuse, physical child abuse, psychological child abuse and social child abuse. In this part, the researcher will explain every single type of child abuse suffered by Hassan in Khaled Hosseini's novel *The Kite runner*.

Hazara is one of minority ethnich in Afghanistan. His Hazara makes Hassan being the victim of abuse. The abuse that accepted by Hassan done by people around included Amir. Amir is Baba's son whose father is the most rich person in his district. Amir and Hassan have together since their childhood. Hassan assumed that they were friend, but Amir did not. Amir assumed that his father gave more attentions to Hassan rather than to Amir. The attention is not only about boss and helper but also about father and child. His father's attention made Amir felt jealous to Hassan. Finally he tried anything to make his father's attention back.

Aseef is a Pasthun boy who famous with his naughtiness. Aseef and his their friends are always mischievous to another children who were more weak than him. Aseef also dislikes with Hazara. He assumed that the real Afghanistan people was Pasthun. Hazara should not live in Afghanistan. That is why it makes Aseef often gives Hassan some abuses. Aseef also known as “The Ear Eater” because he bit another child’s ear.

The cases explained above are the reasons why Hassan suffered abuse. The forms, causes and effect of child abuse that suffered by Hassan will be explained more detail in the explanation bellow.

3.1.1 Physical child abuse.

Physical child abuse is type of abuse which uses physical contact with the victim. Sometimes the persecutor uses their hand, foot or something that can injure the body’s victim. The effect of this abuse can be seen by the five senses such as kicking, slapping, spitting and etc.

Physical child abuse suffered by Hassan is attacked by Aseef. Aseef attacked Hassan when he want to grab the kite which is won by Amir. In that case, Aseef and his friends attacked Hassan. The attack which is suffered by Hassan is overwhelming. That physical child abuse is described in the data bellow:

Assef motioned with his hand, and the other two boys separated, forming a half circle, trapping Hassan in the alley.

“I’ve changed my mind,” Assef said. “I’m letting you keep the kite, Hazara. I’ll let you keep it so it will always remind you of what I’m about to do.”

Then he charged. Hassan hurled the rock. It struck Assef in the forehead. Assef yelled as he flung himself at Hassan, knocking

him to the ground. Wali and Kamal followed. (*The Kite Runner*: 73)

The data above shows that Aseef wants the kite which is won by Amir. Hassan do not want to give the kite to Aseef because that kite belong to Amir. Hassan should give that kite because that was symbol of victory. Aseef still force Hassan to give the kite. Hassan tries to against Aseef by throwing a rock. That case made Aseef more angry then knocking Hassan to the ground.

The condition above shows that Hassan tried to help himself. Someone who feels in danger will do anything in order to save himself. People usually do something as much as he can do when feels in danger. As Hassan did in the data above, he tried to throw a rock to Aseef. That treatment is an effort to defend himself, but its actually caused Aseef more angry and dropped Hassan to the ground.

The data above also shows that the form of child abuse suffered by Hassan is crashing. Crashing is one of abuse that often done by children. Children do that easily because it does not need any weapon. Sometimes crashing also uses as defense for the victim when they feel in danger. Crashing that happen in children sometimes caused by small problem between children such as snatching toys. It is similar to the case that happens in this part. The event above occurs because Aseef wants the kite which is won by Amir but Hassan thought that it was not right. Finally Aseef pushes Hassan until he fall.

There are many cases about crashing that happen in our social life. This case can be happen in school, environment even at home where children do activities. The involvement of children in their activities, parent should control

their childrens' activities. If crashing abuse occurs to the child without parental control, there is possibility that crashing can be done again.

Another physical child abuse that suffered by Hassan also shown in the statement bellow:

In one of those brief bursts of light, I saw something I'll never forget: Hassan serving drinks to Assef and Wali from a silver platter. The light winked out, a hiss and a crackle, then another flicker of orange light: Assef grinning, kneading Hassan in the chest with a knuckle. (*The Kite Runner*: 100)

The part of novel above shows that Hassan got a hit from Aseef. That case happened when Hassan served guests in Amir's birthday party. One of the guest were Aseef and his friends. The hitting occurred when other guests focused on Amir's birthday party. Aseef came to Hassan and start the hitting.

The abuses above happen because the unequal power between Hassan and Aseef. Aseef is very brave to do abuse to another people especially Hassan. Aseef is included in superior class. Superior here means that Aseef is a child from pasthun and prominent family while Hassan is a Hazara whose father is a helper. Aseef also has overruled that Hazara should not live in Afghanistan. He also has a point of view that Hazara is unworthy to live in Afghanistan and they deserve it. Those things makes Aseef brave to do abuse to Hassan. Hassan will not response what Aseef done to him because Hassan is in weak position. Position here means that the situation of Hassan which is a helper and Hazara.

Although in the descriptions above do not describe about how the condition of Hassan after receiving the treatment, but the effect of that treatment will be appeared in Hassan's body. The parents must concern to solve this case.

When children went home, parents should look at the mark or injury on their children's body. It aimed to prevent the same treatment that will happen in another day. The effect of that case can occur in the following day. It can be a traumatic suffered by the children moreover the children do the same thing to other children as they felt.

3.1.2 Psychological child abuse

This part will explain the psychological child abuse that is occurred in the novel *The Kite Runner* especially for Hassan as the marginalized child. The forms of this child abuse including calling name, ridicule, destruction of property, torture or destruction of a pet, excessive criticism, inappropriate demands or excessive, termination of communication, and everyday labeling or humiliation. This is the data that shows the treatment that include in psychological child abuse.

The background of this abuse happens when Amir reads a book for Hassan. Hassan usually reads the book consistently. One day Amir reads the story randomly. Hassan assumes that the story was great. He never had heard that kind of story. After listening to the story, Hassan asks Amir about something in the story. Amir cannot answer the question and it makes him fool in front of Hassan. That case makes Amir assumes that as a helper who cannot read and write he should not do that. This situation is clearly show in this data follows:

A voice, cold and dark, suddenly whispered in my ear, *What does he know, that illiterate Hazara? He'll never be anything but a cook. How dare he criticize you?* (*The Kite Runner*: 34)

From the data above shows that Amir undirectly humilate Hassan which is shows from the words that used by Amir when he responses Hassan question. The

word implies that as illiteracy helper should not ask that question. As a helper Hassan should not do that to his master. The way of humiliating Hassan in this part is indirectly. Indirect humiliate means that Amir did not reveal in front of Hassan directly, but only says to himself. This humiliation is not felt by Hassan because Amir not expressed the words in front of Hassan directly.

The humiliation that suffered by Hassan also got from Aseef. Aseef did it because he has point of view that Hazara is dirty ethnic. They were not worthy to live in Afghanistan so Afghanistan is free from Hazara. This data shows that Aseef has this opinion:

“I’ll ask the president to do what the king didn’t have the *quwat* to do. To rid Afghanistan of all the dirty, *kasseef* Hazaras.” (*The Kite Runner*: 40)

Aseef’s treatment when do humiliation also supported by a part of novel in the following statement which is mentioned that Afghanistan is land of Pashtun. The statement of Aseef shows in this data follows:

His blue eyes flicked to Hassan. “Afghanistan is the land of Pashtuns. It always has been, always will be. We are the true Afghans, the pure Afghans, not this Flat-Nose here. His people pollute our homeland, our *watan*. They dirty our blood.” He made a sweeping, grandiose gesture with his hands. “Afghanistan for Pashtuns, I say. That’s my vision.” (*The Kite Runner*: 40)

The data above shows that Aseef tells to Hassan that Afghanistan will always be the land of Pashtun. The data also implies that Afghan people have typically Aseef’s appearance not as Hassan who has flat-nose. Aseef also assumes that the existence of Hazara only becomes a pollution for Afghanistan. The hatred that shown by Aseef that already exist in the paragraph before are being the

causes of humiliation in Hassan. Although it has many times Aseef humiliates victim, Hassan never revenge to Aseef. Aseef's hatred also seen in his statement that he will do anything he can throw Hazara away such as do humiliation.

The form of psychological child abuse from those two persons are humiliation. It is included in this category because when someone gets humiliation, he will feel that he relies on with what people said. Humiliation yet to be felt if only happened once. If it is continuously performed and spoken by many people, it will be attached to the victim until he feel that it was right.

This case also discusses about nationality of Hazara. Pashun is disagree if Hazara include in Afghanistan. Their appearance do not has similarities. Their understanding are also different, Pashun follows *Syia'ah* and Hazara follows *Sunni*. They think that this two things cannot be united.

Another psychological child abuse is giving nickname. Nickname is a name that is not a real name that given by parents. The name can be taken from the real name or something inside the character. Some examples of this abuse will be explained in detail as follows.

Hazara is an ethnic in Afghanistan. This ethnic is minority ethnic in this country. Hazara has different appearance with another ethnic. Although they include in Middle East County, the face is nearly mongoloid, so they have different typical face. This data shows that the different appearances being the nickname for Hazara:

“It also said some things I *did* know, like that people called Hazaras *mice-eating*, *flat-nosed*, *load-carrying donkeys*. I had heard some of the kids in the neighborhood yell those names to Hassan”. (*The Kite Runner*: 9)

The data shows that according to the book that Amir reads, he explains that people calling Hazara by *mice-eating*, *flat-nosed*, *load-carrying donkey* that those nicknames are given to Hassan. Those nicknames are usual name that has been known by many people. Another nickname that also used by people around is flat-nose. As the data below shows that they call based on their characteristic of his ethnic:

They called him “flat-nosed” because of Ali and Hassan’s characteristic Hazara Mongoloid features. (*The Kite Runner*: 9)

Hazara is an ethnic that have Mongoloid features so they have flat-nose. Because of that condition, people also called Ali and Hassan by flat-nose. They called it by their characteristic. In the overview above that giving nicknames to Hazaras are very usual thing to do. They assume that it is something that could have been given to them and deserve. Everybody has their own characteristic. That characteristic should not being reason why people call them as their own. It makes them get upset. It also makes him feel that his weakness are fair to be joked.

A child that also humiliates Hassan is Aseef. Aseef is a child that famous with his naughtiness. Aseef really calls Hassan with his proper name. He calls him flat-nose and mention Hassan’s father by *Babalu* which means ghost. This data shows that Aseef gives a nickname to Hassan and his father:

He tipped his chin to Hassan. “Hey, Flat-Nose,” he said. “How is Babalu?” (*The Kite Runner*: 39)

Poor attitude that owned by Aseef is not only suffered by Hassan but also Hassan’s father. He calls Hassan’s father with *Babalu* that means ghost. This

word implies that the existence of Hazara is not considered by him. Aseef also calls Hassan by mentioning his character, flat-nose. The dislikeness of Aseef to Hassan is also seen from his gesture when they talk with Hassan, when he called Hassan by raising his chin.

The data shows that the physical difference also can be object of humiliting. It happens not only in novel. In the dialy life this case also often happens. The subject and victim are various, such as children, teenager or adult people. Sometimes people are not realize that what he was done is part of abuse. Many people assume that this abuse is something common. But the truth, if it happens to somebody, he will lost his confidence. Usually people who are being a victim of this abuse have unusual physical appearance such as flat-nose, dark skin, fat, etc.

The other nickname that used by Psthun people is donkey. That case happens when one day Amir has been sitting together with Hassan out of his office's father. One moment Hassan asks Amir about the meaning of republic, because he hears in the radio about this word many times. When Hassan suggests the meaning, but according to the personal argument of Amir, what was suggested by Hassan was wrong then he told to Hassan donkey or stupid. This statement in the data shows that Amir also gives nickname to Hassan:

I smiled. "*Bas*, you donkey. No one's sending you away." (*The Kite Runner*: 37)

This nickname is famous even before used by Amir. Amir knows this word because people around also use this to call the other Hazara. In this part,

there is no appearance of frightened of Hassan when Amir said it. This is totally different when someone who tries to abuse is like Aseef. In this context, Amir uses the word donkey in the context of joke. However, Hassan does not response what Amir said to him.

Aseef has another name to humiliate Hassan. He always humiliates Hassan everywhere they meet. One of those names is *kunis* that means fag or gay. This data shows that Aseef calls *kunis* as a nickname for Hassan:

“Good morning, *kunis*!” Assef exclaimed, waving. “Fag,” that was another of his favorite insults. (*The Kite Runner*: 39)

In this part, Aseef calls Hassan with *kunis* or gay. Gay is a term that primarily refers to a homosexual person or the trait of being homosexual. Aseef calls Hassan as *kunis* because Hassan and Amir were together when they are playing or going somewhere. This word should not appear from children. This word should not used by Aseef because he still categorized as children. The usage of this words implies that as a child he should has education, knowledge and act as children as usual. Usual here means the children who have children nature such as playing, having friendship and happy. If those things do not happen to the children, they will grow adult early. To reach this goal, parents should give more attention to the balance of education and circumstace.

Aseef also gives Hassan nickname as motherless. The statement that shows this accident is described in the follows:

Assef gritted his teeth. “Put it down, you motherless Hazara.” (*The Kite Runner*: 42)

Hassan does not have mother since he was child, his mother left him after she was born. He thinks that his parent avoid him. If this thing happens to a child, he will assume that his parents do not respect to him. The children who suffer this abuse also feel annoyed because the loneliness in his life. When he thinks about his loneliness, he will feel that he was alone and no one will accompany him. It influence his psychology because his feeling. The effect of its problem is the child can be a thinker, loner even keep away from his friend.

In addition calling with names above, several people including Aseef also calls with the name of their ethnic, Hazara. As well as he tried to attack Aseef when he was with Amir, Hassan held up his slingshot and said that he could give a nickname other than *The Ear Eater* into a *One-Eyed* Aseef to protect himself. Because of this, Aseef became infuriated and he felt humiliated by a skinny Hazara. The anger of Aseef can be seen from the following data:

Someone had challenged their god. Humiliated him. And, worst of all, that someone was a skinny Hazara. (*The Kite Runner*: 42)

The people around us often call other people with the name of region. This case sometimes unconsciously can hurt the people's feeling. Making joke is not a problem that can be seen from the gesture of the people who calls. Sometimes, it depends of the word that used when someone making joke. As what Aseef done above, He calls Hassan by Hazara. In the beginning of the word he adds skinny that mean as he has small body. The use of that word as Aseef done to Hassan often makes people angry because they feels offend when people judge their body

People sometimes use the name of ethnic to call them. As Amir done when he looks for Hassan. When he was in his way, he met Omar. Amir asks to Omar whether he sees Hassan or not. Although Amir has mentioned Hassan's name, Omar still uses Hazara when he talks to Amir. Here is the data that shows the conversation between Amir and Omar in the fellows:

“Thanks. Have you seen Hassan?”

“Your Hazara?”

I nodded. (*The Kite Runner*: 68)

The people around Hassan also call him with his ethnic name. it is unimaginable the feeling of Hassan when he interacts with people around then they call him which is not his name. That child who receives that treatment could be disturbed in his psychology.

Threatening is also one of the psychological child abuse forms. As what Aseef has done that one day he will revenge the treatment that has been carried out by Hassan to him. The data bellow is one of Aseef's threatening to Hassan:

“You should know something about me, Hazara,” Assef said gravely. “I’m a very patient person. This doesn’t end today, believe me.” He turned to me. “This isn’t the end for you either, Amir. Someday, I’ll make you face me one on one.” Assef retreated a step. His disciples followed.

“Your Hazara made a big mistake today, Amir,” he said. They then turned around, walked away. I watched them walk down the hill and disappear behind a wall. (*The Kite Runner*: 42-43)

Aseef threaten Hassan that one day he would face him alone. It can lead Hassan to be depressed because he was overshadowed by Aseef. Hassan will feel uncomfortable because every going out he will feel that there is such a danger

waiting for him. Threatening also causes sense of anxiety in a person. When someone has threatened, then while he was outside the house, he would feel if he were staked in danger and no sense of calm and secure in himself.

Another part of psychological child abuse is teasing. Sometimes, the actor thinks that there is something inside the victim that can be a joke. Because of his ethnic is minority, so Hazara is occupying the last place in Afghanistan. Usually they have low job such as slaver. Because of this condition, it can be showed that some of Hazara have low education. This condition is happened by Hassan and it is becomes reason why Amir teases him when he reads a story to Hassan.

My favorite part of reading to Hassan was when we came across a big word that he didn't know. I'd tease him, expose his ignorance.
(*The Kite Runner*: 28)

Hassan did not know anything about reading and writing, so when Amir read a story to Hassan and he did not know the meaning of the word. He sometimes guessed the meaning of the words that he did not know. When the word that was guessed was wrong, sometimes Amir was laughing at him. while someone was tempting at first tempted parties only consider it as a joke. But not a few people who took seriously against such temptation. If he had considered it seriously, then he will think about it and think that he was like what was said by those who teased.

Making joke also can make disaster, whether big or small disaster. The small disaster categorized as bruised that can be solved by the child itself or parents. The big disaster can be categorized as death. Each people have different acceptance about this disaster, for example Hassan, although he is often mocked

by Amir, he still keep his smile. It depends on the personality of people, but no one can guess how long that acceptance. It only felt by the victim.

The other way of Amir to get rid of Hassan is maligning Hassan. Here is the data that shows in the follow:

The next morning, I waited in my room for Ali to clear the breakfast table in the kitchen. Waited for him to do the dishes, wipe the counters. I looked out my bedroom window and waited until Ali and Hassan went grocery shopping to the bazaar, pushing the empty wheelbarrows in front of them.

Then I took a couple of the envelopes of cash from the pile of gifts and my watch, and tiptoed out. I paused before Baba's study and listened in. He'd been in there all morning, making phone calls. He was talking to someone now, about a shipment of rugs due to arrive next week. I went downstairs, crossed the yard, and entered Ali and Hassan's living quarters by the loquat tree. I lifted Hassan's mattress and planted my new watch and a handful of Afghani bills under it.

I waited another thirty minutes. Then I knocked on Baba's door and told what I hoped would be the last in a long line of shameful lies.

(The Kite Runner: 104)

In the data above shows that Amir tries to malign Hassan. He does it to Hassan because he wants his father's attention back. He feels that his father always pay attention to Hassan whereas Hassan was just a servant child. The honorable father as Baba should not give attention to a Hazara child.

3.1.3 Sexual child abuse

This kind of sexual child abuse has big effect for the victim. Sexual child abuse is sexual activity that forced through threats, intimidation or physical force, forcing unwanted sexual act or forcing sex with someone else.

This incident happened when Hassan tried to chase the Kite that was won by Amir. When he chased Hassan, Aseef also tried to grab that kite. In this part Aseef tried to make the Hassan's mental down. He told him that Amir actually never had opinion that Hassan was his friend. Amir would look only for Hassan when he did not have a friend to play. When Amir came together in a place with his father colleague, Amir would not look for Hassan to introduce that Hassan was his friend. The act of Aseef is showed in the data follows:

"A loyal Hazara. Loyal as a dog," Assef said.

Kamal's laugh was a shrill, nervous sound.

"But before you sacrifice yourself for him, think about this: Would he do the same for you? Have you ever wondered why he never includes you in games when he has guests? Why he only plays with you when no one else is around? I'll tell you why, Hazara. Because to him, you're nothing but an ugly pet. Something he can play with when he's bored, something he can kick when he's angry. Don't ever fool yourself and think you're something more." (*The Kite Runner*: 72)

After making Hassan's mental is down, Aseef and his friends are doing sexual abuse. Aseef does not need the kite anymore, but he will forgive Hassan by giving something that cannot be forgotten. This is the data that shows the sexual abuse that done by Aseef and his friends:

But there were two things amid the garbage that I couldn't stop looking at: One was the blue kite resting against the wall, close to the cast-iron stove; the other was Has-san's brown corduroy pants thrown on a heap of eroded bricks.

"I don't know," Wali was saying. "My father says it's sinful." He sounded unsure, excited, scared, all at the same time. Hassan lay with his chest pinned to the ground. Kamal and Wali each gripped an arm, twisted and bent at the elbow so that Hassan's

hands were pressed to his back. Assef was standing over them, the heel of his snow boots crushing the back of Hassan's neck.

"Your father won't find out," Assef said. "And there's nothing sinful about teaching a lesson to a disrespectful donkey."

"I don't know," Wali muttered.

"Suit yourself," Assef said. He turned to Kamal. "What about you?"

"I ...well..."

"It's just a Hazara," Assef said. But Kamal kept looking away.

"Fine," Assef snapped. "All I want you weaklings to do is hold him down. Can you manage that?"

Wali and Kamal nodded. They looked relieved. Assef knelt behind Hassan, put his hands on Hassan's hips and lifted his bare buttocks. He kept one hand on Hassan's back and undid his own belt buckle with his free hand. He unzipped his jeans. Dropped his underwear. He positioned himself behind Hassan. Hassan didn't struggle. Didn't even whimper. He moved his head slightly and I caught a glimpse of his face. Saw the resignation in it. It was a look I had seen before. It was the look of the lamb. (*The Kite Runner*: 75-76)

In the part of story above clearly described that Aseef did not care about what Wali was said. Aseef assume that it just fine to do sexual abuse to Hazara. It also described that it was proper thing that was accepted by Hazara. Based on the part of the story shows that Wali and Kamal actually hesitate to do that. Finally, Aseef only did the sexual abuse without worrying about the consequences.

The sexual abuse that suffered by Hassan is sodomy. Many forms of sexual violence can lead very serious consequences although it was only once. In the description above is also stated that the person who can do the sexual abuse is a powerful person. As the previous explanation the presence of sexual abuse because the victim does not have strength power to against the perpetrator.

Sodomy is a form of sexual abuse that often suffered by children. The victims of sodomy are various, it can be suffered by children under age, teenager

even adult people. Sometimes the subject of sodomy is adult people, but rarely it is done by teenager. In the case above the subject is Aseef and the victim is Hassan.

The data also shows things happen by the subject and the victim of sexual abuse. At the beginning, the subject will try to make down the mental of victim. The subject will do anything to make his victim give up and do not oppose to the subject. The data above describes that Aseef tries to make down Hassan's mental by saying that Amir actually did not consider as friend as Hassan said. Aseef also said that Hassan was just like a pet owned by Amir which can be played in accordance to the circumstances of his heart. In this such situation, the victim cannot think hardly and clearly because the situation is recessive.

3.1.4 Social child abuse

In social child abuse will explain about the form of child abuse happens in social society. Besides Hazara as a dirty people, they are also not appropriate to be a friend as Aseef says to Amir that he shall not be a friend of Hassan. He should not play and touch him even play together. As a Pashtun, a superior ethnic in Afghanistan, should keep their self esteem. They are not suitable have special relation with Hazara. This condition shows in the statement follows:

“You’re bothering me very much. In fact, you bother me more than this Hazara here. How can you talk to him, play with him, let him touch you?” he said, his voice dripping with disgust. Wali and Kamal nodded and grunted in agreement. Assef narrowed his eyes. Shook his head. When he spoke again, he sounded as baffled as he looked. “How can you call him your ‘friend’?” (*The Kite Runner*: 41)

The description above shows that the people of Hazara are less recognized socially. Their existence is considered as a trash. Hazara people are also not allowed to make a friend. In this case, Aseef took Hassan's rights as a child who still loves to play and have friends.

Hazara is totally different with Pashun, for Hazara is *Syi'ah* while Pashun is *Sunni*. As the writer told in the novel, the major ethnic in this country was Pashun. The different number of population brings Pashun on the superior society. Another reason of this abuse is Hazara has different type of face from another ethnics in Afghanistan.

At that time, Hassan also got neglected while as a child he should get protection and affection from his parents. Here is the data that proves Hassan got neglected as follows:

“And you've always been far too hard on yourself.” He hesitated.
“But there's something else. Something you don't know.”

“Please, Rahim Khan—”

“Sanaubar wasn't Ali's first wife.”

Now I looked up.

“He was married once before, to a Hazara woman from the Jaghori area. This was long before you were born. They were married for three years.”

“What does this have to do with anything?”

“She left him childless after three years and married a man in Khost. She bore *him* three daughters. That's what I am trying to tell you.”

I began to see where he was going. But I didn't want to hear the rest of it. I had a good life in California, pretty Victorian home with a peaked roof, a good marriage, a promising writing career, in-laws who loved me. I didn't need any of this shit.

“Ali was sterile,” Rahim Khan said.

“No he wasn't. He and Sanaubar had Hassan, didn't they? They had Hassan—”

“No they didn't,” Rahim Khan said.

“Yes they did!”

“No they didn't, Amir.”

“Then who—”

“I think you know who.”

I felt like a man sliding down a steep cliff, clutching at shrubs and tangles of brambles and coming up empty-handed. The room was swooping up and down, swaying side to side. “Did Hassan know?” I said through lips that didn’t feel like my own. Rahim Khan closed his eyes. Shook his head. (*The Kite Runner*: 222)

The data above shows that during this time Hassan is the son of Baba who is a stepbrother of Amir but Baba is not telling the truth. As Baba’s son, Hassan is supposed to accept what Amir was. But in fact, Hassan does not know that actually he was son of Baba a stepbrother of Amir. Because of the neglect of Baba, many kinds of bad treatments received by Hassan causing him to die in his adult life. If this problem was solved earlier, he certainly would not be ignored so that the rights which must be accepted can be fulfilled.

3.2 Effect of child abuse Suffered by Hassan in *The Kite Runner*

This part will explain the effect of child abuse suffered by Hassan. Here is the data showing that Hassan got abuse by Amir:

My favorite part of reading to Hassan was when we came across a big word that he didn’t know. I’d tease him, expose his ignorance. One time, I was reading him a Mullah Nasruddin story and he stopped me. “What does that word mean?”

“Which one?”

“‘Imbecile.’”

“You don’t know what it means?” I said, grinning.

“Nay, Amir agha.”

“But it’s such a common word!”

“Still, I don’t know it.” If he felt the sting of my tease, his smiling face didn’t show it. (*The Kite Runner*: 28)

The data shows that that Amir tries to humiliate Hassan but he does not realize it. Hassan still keep his smile although Amir does it to him. Hassan does it

because it was his character. This humiliation is the first humiliation for Hassan. Someone who get first humiliation prefer to ignore than pay attention to it. However, some people consider that what people said is serious thing. It depends on the acceptance of each.

The case above is different when Hassan becomes the victim of Aseef when he encounters with Aseef. Hassan is scary although sometimes Aseef does not catch his feared face. Here the data shows that Hassan feels afraid of Aseef:

Hassan shrugged. To an outsider, he didn't look scared. But Hassan's face was my earliest memory and I knew all of its subtle nuances, knew each and every twitch and flicker that ever rippled across it. And I saw that he was scared. He was scared plenty. (*The Kite Runner*: 42)

The data above shows that Aseef feels afraid of Hassan. Hassan's fear is caused by Aseef's treatments all the time. His fear is also felt by people who have enemy. Someone who is afraid of somebody will decrease the intensity to meet that people even tend to avoid.

There is also another effect of sexual abuse suffered by Hassan. After getting sexual abuse from Aseef, Hassan tries to stay away and reduce the interaction with people around him including Amir. The data below shows that Hassan lessens the interaction:

For a week, I barely saw Hassan. (*The Kite Runner*: 80)

Reducing interaction with people around shows that he gets traumatic. When someone reduces interaction with someone else, he feels traumatic so he

tries to put his mind rest. Besides, Hassan is also reluctant to do another duty except his duty as salver. The data shows that Hassan only does his duties then is back to sleep as follows:

Ali paused with a log in his hand. A worried look crossed his face. "Lately, it seems all he wants to do is sleep. He does his chores—I see to that—but then he just wants to crawl under his blanket. Can I ask you something?" (The Kite Runner: 80-81)

Data show that the effect accepted by Hassan is quite serious. It can be seen that Hassan reduce to socialize with people around him except his father. The change of Hassan revives Amir that there are differences in Hassan's appearance. He is little thin than before and he looks so exhausted. Here is the data the different condition of Hassan's physical appearance:

Hassan looked tired too—he'd lost weight and gray circles had formed under his puffed-up eyes. (The Kite Runner: 86)

People who get traumatic sometimes loses their weight because he bears the problem by himself. They buried that problem because they feel ashamed and confused about how to explain that problem to adult people or parents. They also consider that the problem is shameful and does not deserve to be told. In this case, Hassan as the victim does not want to tell his father about what was happens to him. If he says what really happens, it will add new problem in another day with Aseef. On the other hand, if he does not tell to his father what has happened, then Hassan must bear alone what has happened to him. Someone who is being a victim especially in sexual abuse can be seen from the characteristic that appear in the victim. Another sign of the effects is Hassan looks tired. It means that there is

no spirit in his soul. It also shows that there is something that is thought by Hassan. The dark shape under his eye also shows that Hassan is not in a good condition.

Overall, though Hassan had received any treatment from those who do not like him, he is still not revengeful, even when he becomes the victim of sexual abuse committed by Aseef. However, the biggest impact of this child abuse is visible from the sexual abuse. The sexual abuse changes everything inside Hassan. At the first he was a cheerful kid and hard worker, but now he becomes moody and quiet boy, and he is just doing his job as usual.

3.3 Cause of child abuse Suffered by Hassan in *The Kite Runner*

This part will explain about the causes why Hassan suffers the abuse from Amir and Aseef. The first is Hassan is only a helper in his house and Amir thinks that his father prefers to give more attention to Hassan than himself. Baba often give regards Hassan as he is his son. Baba also quite often gives expensive stuff to Hassan while he is just a son of servant. Because of this, it makes Amir feels jealous so he does anything to get the attention of his father. Amir feels jealous because his father is unfair to him. Here is the data that show that Amir is jealous as follows:

I wished I too had some kind of scar that would be get Baba's sympathy. It wasn't fair. Hassan hadn't done anything to earn Baba's affections; he'd just been born with that stupid harelip. (*The Kite Runner*: 46)

The data shows that Amir hopes his father gives him sympathy. He considers Hassan as nobody, baba should not give more attention as the attention of parents to children in general. Amir also assumes that Hassan is Baba's favorite. Baba always gives the same things to both Hassan and Amir. Here is the data that shows Amir wishes that he is the only favorite of his father:

Baba would buy us each three identical kites and spools of glass string. If I changed my mind and asked for a bigger and fancier kite, Baba would buy it for me—but then he'd buy it for Hassan too. Sometimes I wished he wouldn't do that. Wished he'd let me be the favorite. (*The Kite Runner*: 51)

Baba's affection to Hassan is not only in the form of attention but also love. Sometimes the affection showed when Baba gives goods to Amir which is also owned by Amir. It leads to Amir's jealousy because of Baba's affection and attention. Hassan also has some things that are not owned by Amir such as natural athleticism. It is also one thing that makes Amir jealous. Here is also the data showing their jealousy toward Hassan:

I tripped over a rock and fell—I wasn't just slower than Hassan but clumsier too; I'd always envied his natural athleticism. When I staggered to my feet, I caught a glimpse of Hassan disappearing around another street corner. I hobbled after him, spikes of pain battering my scraped knees. (*The Kite Runner*: 53)

A child always want to get attention from his parents. That child will do anything to get more attention from his parents, especially for children who only have single parent because they only get love from one of his parent. If parents do not give attention to their child, they logically feel empety of parentful affection. The novel shows that Amir and Hassan's parent are single parent. Each person has

different way to express their feeling. Sometimes parents want to give something to another children but it is considered as show off or unfair thing by their child. Actually Baba and Ali have equal love to Amir and Hassan and they have their own way to show their love to both. Besides loving Amir, Baba also loves to Hassan. That love is given because Amir and Hassan are children. But it is misinterpreted by Amir. Amir only wants Baba to love him, not other. Amir only has Baba in his life because his mother has passed away since he was born.

To get Baba's attention is not easy. Baba has different character from Amir. Amir has his mother's character. Baba assumes that Amir does not have a desire to do something. Amir wants to show his father that he is proper to be his child. To get that thing, there are many things that should be sacrificed, one of them is Hassan. The accident that Amir sees when he looks for Hassan is being one of his reasons why he allows that accident to pass. At that time, he thought that it was fine to do like that to Hassan. He was Hazara. It will be okay for Hazara, because he naturally deserve it. The data below shows about the statement before:

Nothing was free in this world. Maybe Hassan was the price I had to pay, the lamb I had to slay, to win Baba. Was it a fair price? The answer floated to my conscious mind before I could thwart it: He was just a Hazara, wasn't he? (The Kite Runner: 77)

The data shows that the presence of envy which causes Hassan as the victim of abuses. Amir also wants to show Baba that actually he deserves better to be his child. He also wants to prove that he has the desire to treat cruelly others like Baba. Amir also wants to prove that his father's assessment is wrong. He is a boy who is able to defend himself and able to face any problems. Amir taught that

the passing of Hassan will make things better, especially the relationship with this father.

I sat on the edge of my bed, turned the notebook in my hands, thought about what Rahim Khan had said about Homaira, how his father's dismissing her had been for the best in the end. *She would have suffered.* Like the times Kaka Homayoun's projector got stuck on the same slide, the same image kept flashing in my mind over and over: Hassan, his head downcast, serving drinks to Assef and Wali. Maybe it *would* be for the best. Lessen his suffering. And mine too. Either way, this much had become clear: One of us had to go. (*The Kite Runner*: 102)

Some quotes from the novel proves that the causes of envy in Amir is the lack of affection and attention from parents to. Lacking of attention from parents to children is one of children's problem who should get love, attention and affection but he did not get it. This problem is supported by Baba's condition in which he was a single parent who raised Amir alone. No woman accompany them except when Amir was under five years old. The absence of woman's love made imbalance affection that should be obtained by Amir. Another thing that makes the cause of Hassan's abuse is Hazara. As well as Aseef told that Afghanistan is land of Pashtun not Hazara. The existence of Hazara in Afghanistan only made it dirty. Here is the data shows about the reason why Aseef bullies Hassan as follows:

His blue eyes flicked to Hassan. "Afghanistan is the land of Pashtuns. It always has been, always will be. We are the true Afghans, the pure Afghans, not this Flat-Nose here. His people pollute our homeland, our *watan*. They dirty our blood." He made a sweeping, grandiose gesture with his hands. "Afghanistan for Pashtuns, I say. That's my vision." (*The Kite Runner*: 40)

Because the Hazaras is considered dirty, Aseef will talk to the president directly that Hazaras should be removed from Afghanistan. Because of Hassan is Hazaras, so Aseef really don't like him and want to remove him because it was his vision. The data that show the statement before is follows:

“I'll ask the president to do what the king didn't have the *quwat* to do. To rid Afghanistan of all the dirty, *kasseef* Hazaras.” (*The Kite Runner*: 40)

The Aseef's dislikeness against Hazara is very high. Because of the number of inequality between Pasthun and Hazara are also caused by hatred between the two dissimilarities. The illustration above describe that when someone already hates one thing, then all of things in that person is wrong, even when he is doing a favor.

In this discussion has been presented clearly that the presence of envy and ethnic differences are being the causes of all bad treatments that happens to Hassan. The existence of envy it also changed the attitude of the previous ordinary Amir to Hassan. For the first time Amir have good relationship with Hassan. They play and do anything together, but because of the causes explained before, it changed Amir to be someone who is able to do have the heart to people who have been kind to him.

CHAPTER IV

CONCLUSION AND SUGGESTION

In this part will explain the finding of discussion in the previous chapter and suggestion for the reader.

4.1 Conclusion

Based on the result, it can be concluded that there are four forms of child abuse that suffered by Hassan. The first is physical child abuse, the example of this abuse is shown when Aseef pushing against Hassan to the ground when Aseef wants to grab the kite. Another physical abuse is happened when Hassan is being a helper on Amir's birthday. Hassan was serving drinks to Aseef then he kneading Hassan in his chest with a knuckle. Both of physical abuse were accepted by Hassan without resistance.

The second is psychological child abuse. There are many forms of this abuse such as giving nickname, ridicule, destruction of property and humiliation. This second child abuse is suffered by Hassan who is committed by Amir. Amir was thought that as a helper boy who is not as smart as Amir and never got proper education, Hassan should not criticize Amir. It is kind of humiliating that showed by Amir who humiliate Hassan's capability on literacy. Another kind of this form is showed by Aseef as indicate by giving nick name to Hassan such as donkey, flat-nose, mice-eating, load-carrying donkey, call him with his ethnic name and threatening. Hassan accepted those kinds of abuse and he never replayed it all.

Another forms of child abuse that suffered by Hassan is sexual abuse done by Aseef and his friends in the form of sodomy. This kind of abuse makes the mental of Hassan down. It is showed by the loss weight of Hassan, the interaction with the people around is rarely. Hassan also accepts this abuse, he does not reply the way of Aseef's treatment.

The last forms of child abuse that suffered by Hassan is social abuse which was characterized by the presence of discrimination expressed by Aseef that Hazara people do not deserve to have a friend. Hazara in this novel is considered as trash. The neglect of Hassan when he was child is also a form of social abuse. Hassan should get his right as a child to know who the father is. Because of this neglect, he lost his right and life.

From those forms of child abuse, the effects that suffered by Hassan is a sense of fear when Hassan meet Aseef. The big effect of child abuse that suffered by Hassan is after he got sodomy. It makes the interaction of Hassan is become rarely. Moreover, he also pulled out of the people around him and the presence of significant decrease which causes him look little thin.

The problems of child abuse suffered by Hassan above is caused by Amir to Hassan who is often care by his father. It makes Amir jealous, so he does everything to get his father's attention. Moreover, the differences between Pasthun and Hazara is also being the background of child abuse that suffered by Hassan, a Hazara boy.

4.2 Suggestion

This literary work is not perfect yet. The researcher hopes to the reader or future researcher whom interested in this discussion or object to explain more and deep in each point in order to get comprehensive explanation about the topic. The future researcher also can apply another theory relates to the discussion to get more information about analyzing this novel.



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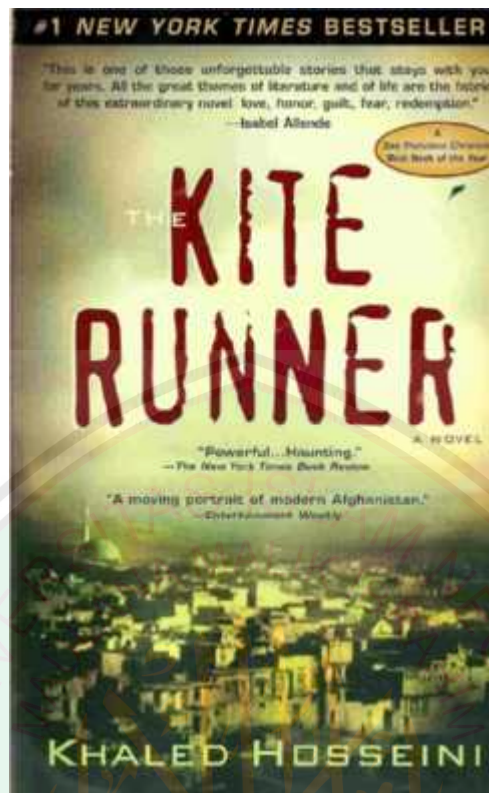
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The Kite Runner

Khaled Hosseini



Amir lives with his father, Baba, in Kabul, Afghanistan. His mother, who had died during childbirth, had left behind a collection of Sufi literature. From early childhood, Amir likes to read stories from her books to his servant and playmate, Hassan. While Amir is privileged and able to go to school, Hassan is busy with housework. However, in their free time they are good friends. To commemorate these happy times, Amir carves their names on a pomegranate tree.

Living in a single-parent home, Amir yearns for his father's attention and gets jealous of Hassan when his father bestows favors on Hassan, favors like arranging cosmetic surgery for his harelip. Amir's desire for his father's affection also stems from his father's indifference toward his son's interest in books. When it is time for the local kite-flying contest, Amir gets excited because he knows that his father will be watching him with genuine interest.

Hassan is excited about the contest, too, and after Amir wins, Hassan runs and catches the prizewinning kite for his friend. Unfortunately, the neighborhood bully, Assef, and his companions stop Hassan and demand the kite from him. Hassan does not surrender the kite and is physically assaulted and raped by Assef. Amir sees the assault but, fearing confrontation with the bully, does nothing—an act of betrayal that will affect Amir into adulthood and forever change his relationship with Hassan.

Both Amir and Hassan know the social gap that defines their identities. In Afghan culture, Amir is a Pashtun and Hassan is a Hazara, which makes him a servant. Religious difference also sets them apart, even though they both are Muslim: Amir is Sunni, and Hassan is Shia. Pashtuns, the majority ethnic group in Afghanistan, make fun of Hazaras, a minority ethnic group, treating

them as pariahs. Children taunt Hassan's father, Ali, as "a slant-eyed donkey," and Assef insults Hassan as a "flat-nosed" Hazara who does not belong in Afghanistan.

Amir is not disturbed with his servant-master friendship until the kite incident. Even as a twelve-year-old kid, he is old enough to know that he has not been good. Hassan's presence reminds him of his own guilt, so he asks his father to get new servants. Baba refuses but, instead, frames Hassan, accusing him of theft; Hassan and his father leave Kabul. A few years later, because of the Russian invasion, Baba and Amir secretly leave Kabul, too. They cross the border into Pakistan after a difficult journey and emigrate to the United States.

Baba adjusts to the cultural and economic challenges of living in the United States and is happy with Amir's educational success. Amir had majored in English to pursue a writing career, his childhood dream. On weekends, he helps his father sell at the local flea market, where he meets Soraya, the daughter of an expatriate Afghan general. Amir and Soraya soon fall in love, and Amir's father makes lavish arrangements for a grand wedding. Baba, who has been suffering from cancer, dies one month after the wedding.

Amir and Soraya are happy together, but they remain childless for many years. Twenty years later Amir is a successful novelist in the United States. An old friend of his father, Rahim Khan, calls Amir on the phone and invites him to Pakistan. Amir meets him and soon learns that Baba had sold his home to Rahim. Rahim had then brought back Hassan and his family to live with him. Unfortunately, in Rahim's absence, Talibs had come to the house and shot Hassan and his wife; their son, Sohrab, ended up in an orphanage.

Rahim also reveals that Hassan was actually Baba's son, and Amir's half-brother. Amir is outraged by this belated discovery, but he also recalls his own guilt. Thus, he embarks on a dangerous journey to Afghanistan to atone his past sins and to rescue Sohrab, his nephew.

Afghanistan is now under the oppressive control of the Taliban. After a great deal of searching, Amir meets a Talib, who agrees to arrange a meeting with Sohrab. Amir goes to the appointed place and recognizes Assef, the neighborhood bully from their younger days, who is now a Talib; Assef practically owns Sohrab. Assef says he will release Sohrab only if Amir will engage in one-on-one physical combat with him, and win. In this mismatched fight, Amir is seriously injured. Sohrab hits Assef in the eye with something fired from his slingshot, and Amir and Sohrab manage to escape.

Sohrab and Amir flee to Pakistan, and Amir is hospitalized. He plans to return to the United States with Sohrab after he recovers from his injuries, but because he is not a legal guardian of the child, he cannot obtain a U.S. visa for him. A lawyer advises Amir that to legally adopt Sohrab, it would be necessary to place Sohrab in an orphanage. When Amir reveals this plan to Sohrab, the child is devastated and feels betrayed; Amir had promised him that he would never send him to an orphanage. Sohrab attempts suicide, and Amir finds his nephew's body in the bathroom, covered with blood. Amir screams for help and vows to become a devout Muslim if God will spare Sohrab's life. Sohrab lives, but he no longer talks or smiles.

Finally, Amir is able to return to the United States with Sohrab after Soraya obtains a humanitarian visa for the child. The couple do their best to make Sohrab happy in his new home, and Amir forbids his father-in-law from ever referring to Sohrab as a Hazara. Later, Sohrab shows signs of a faint smile as Amir runs after a prizewinning kite.



1. Form of Child abuse Suffered by Hassan.

No	Forms	Data
1.	Physical	• Assef motioned with his hand, and the other two boys separated, forming a half circle, trapping Hassan in the alley. “I’ve changed my mind,” Assef said. “I’m letting you keep the kite, Hazara. I’ll let you keep it so it will always remind you of what I’m about to do.” Then he charged. Hassan hurled the rock. It struck Assef in the forehead. Assef yelped as he flung himself at Hassan, knocking him to the ground. Wali and Kamal followed. (<i>The Kite Runner</i>: 73) • In one of those brief bursts of light, I saw something I’ll never forget: Hassan serving drinks to Assef and Wali from a silver platter. The light winked out, a

		hiss and a crackle, then another flicker of orange light: Assef grinning, kneading Hassan in the chest with a knuckle. (<i>The Kite Runner</i> : 100)
2.	Psychological	• A voice, cold and dark, suddenly whispered in my ear, <i>What does he know, that illiterate Hazara? He'll never be anything but a cook. How dare he criticize you?</i> (<i>The Kite Runner</i>: 34) • "I'll ask the president to do what the king didn't have the <i>quwat</i> to do. To rid Afghanistan of all the dirty, <i>kasseeef</i> Hazaras." (<i>The Kite Runner</i>: 40) • His blue eyes flicked to Hassan. "Afghanistan is the land of Pashtuns. It always has been, always will be. We are the true Afghans, the pure Afghans, not this Flat-Nose here. His people pollute our homeland, our <i>watan</i>. They dirty our blood." He made a sweeping, grandiose gesture with his hands. "Afghanistan for Pashtuns, I say. That's my vision." (<i>The Kite Runner</i>: 40) • "It also said some things I <i>did</i> know, like that people called Hazaras <i>mice-eating</i>, <i>flat-nosed</i>, <i>load-carrying donkeys</i>. I had heard some of the kids in the neighborhood yell those names to Hassan". (<i>The Kite Runner</i>: 9) • They called him "flat-nosed" because of Ali and Hassan's characteristic Hazara Mongoloid features. (<i>The Kite Runner</i>: 9) • I smiled. "<i>Bas</i>, you donkey. No one's sending you away." (<i>The Kite Runner</i>: 37) • "Good morning, <i>kunis!</i>" Assef exclaimed, waving. "Fag," that was another of his favorite insults. (<i>The Kite Runner</i>: 39) • He tipped his chin to Hassan. "Hey, Flat-Nose," he said. "How is Babalu?" (<i>The Kite Runner</i>: 39) • Assef gritted his teeth. "Put it down, you motherless Hazara." (<i>The Kite Runner</i>: 42) • Someone had challenged their god. Humiliated him. And, worst of all, that someone was a skinny Hazara. (<i>The Kite Runner</i>: 42) • "Thanks. Have you seen Hassan?" "Your Hazara?" I nodded. (<i>The Kite Runner</i>: 68) • "You should know something about me, Hazara," Assef said gravely. "I'm a very patient person. This doesn't end today, believe me." He turned to me. "This isn't the end for you either, Amir. Someday, I'll make you face me one on one." Assef retreated a step. His disciples followed. "Your Hazara made a

		big mistake today, Amir,” he said. They then turned around, walked away. I watched them walk down the hill and disappear behind a wall. (<i>The Kite Runner</i>: 42-43) • My favorite part of reading to Hassan was when we came across a big word that he didn’t know. I’d tease him, expose his ignorance. (<i>The Kite Runner</i>: 28) • The next morning, I waited in my room for Ali to clear the breakfast table in the kitchen. Waited for him to do the dishes, wipe the counters. I looked out my bedroom window and waited until Ali and Hassan went grocery shopping to the bazaar, pushing the empty wheelbarrows in front of them. Then I took a couple of the envelopes of cash from the pile of gifts and my watch, and tiptoed out. I paused before Baba’s study and listened in. He’d been in there all morning, making phone calls. He was talking to someone now, about a shipment of rugs due to arrive next week. I went downstairs, crossed the yard, and entered Ali and Hassan’s living quarters by the loquat tree. I lifted Hassan’s mattress and planted my new watch and a handful of Afghani bills under it. I waited another thirty minutes. Then I knocked on Baba’s door and told what I hoped would be the last in a long line of shameful lies. (<i>The Kite Runner</i>: 104)
3.	Sexual	• But there were two things amid the garbage that I couldn’t stop looking at: One was the blue kite resting against the wall, close to the cast-iron stove; the other was Hassan’s brown corduroy pants thrown on a heap of eroded bricks. “I don’t know,” Wali was saying. “My father says it’s sinful.” He sounded unsure, excited, scared, all at the same time. Hassan lay with his chest pinned to the ground. Kamal and Wali each gripped an arm, twisted and bent at the elbow so that Hassan’s hands were pressed to his back. Assef was standing over them, the heel of his snow boots crushing the back of Hassan’s neck. “Your father won’t find out,” Assef said. “And there’s nothing sinful about teaching a lesson to a disrespectful donkey.” “I don’t know,” Wali muttered. “Suit yourself,” Assef said. He turned to Kamal. “What about you?” “I ...well...”

		“It’s just a Hazara,” Assef said. But Kamal kept looking away. “Fine,” Assef snapped. “All I want you weaklings to do is hold him down. Can you manage that?” Wali and Kamal nodded. They looked relieved. Assef knelt behind Hassan, put his hands on Hassan’s hips and lifted his bare buttocks. He kept one hand on Hassan’s back and undid his own belt buckle with his free hand. He unzipped his jeans. Dropped his underwear. He positioned himself behind Hassan. Hassan didn’t struggle. Didn’t even whimper. He moved his head slightly and I caught a glimpse of his face. Saw the resignation in it. It was a look I had seen before. It was the look of the lamb. (<i>The Kite Runner</i>: 75-76)
4.	Social	• “You’re bothering me very much. In fact, you bother me more than this Hazara here. How can you talk to him, play with him, let him touch you?” he said, his voice dripping with disgust. Wali and Kamal nodded and grunted in agreement. Assef narrowed his eyes. Shook his head. When he spoke again, he sounded as baffled as he looked. “How can you call him your ‘friend’?” (<i>The Kite Runner</i>: 41) • “And you’ve always been far too hard on yourself.” He hesitated. “But there’s something else. Something you don’t know.” “Please, Rahim Khan—” “Sanaubar wasn’t Ali’s first wife.” Now I looked up. “He was married once before, to a Hazara woman from the Jaghori area. This was long before you were born. They were married for three years.” “What does this have to do with anything?” “She left him childless after three years and married a man in Khost. She bore <i>him</i> three daughters. That’s what I am trying to tell you.” I began to see where he was going. But I didn’t want to hear the rest of it. I had a good life in California, pretty Victorian home with a peaked roof, a good marriage, a promising writing career, in-laws who loved me. I didn’t need any of this shit. “Ali was sterile,” Rahim Khan said. “No he wasn’t. He and Sanaubar had Hassan, didn’t they? They had Hassan—” “No they didn’t,” Rahim Khan said. “Yes they did!” “No they didn’t, Amir.” “Then who—” “I think you know who.” I felt like a man sliding down a steep cliff, clutching

		at shrubs and tangles of brambles and coming up empty-handed. The room was swooping up and down, swaying side to side. “Did Hassan know?” I said through lips that didn’t feel like my own. Rahim Khan closed his eyes. Shook his head. (<i>The Kite Runner</i> : 222)
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2. Effects of Child abuse.

No	Data
1.	- My favorite part of reading to Hassan was when we came across a big word that he didn’t know. I’d tease him, expose his ignorance. One time, I was reading him a Mullah Nasruddin story and he stopped me. “What does that word mean?” “Which one?” “Imbecile.” “You don’t know what it means?” I said, grinning. “Nay, Amir agha.” “But it’s such a common word!” “Still, I don’t know it.” If he felt the sting of my tease, his smiling face didn’t show it. (<i>The Kite Runner</i>: 28) - Hassan shrugged. To an outsider, he didn’t look scared. But Hassan’s face was my earliest memory and I knew all of its subtle nuances, knew each and every twitch and flicker that ever rippled across it. And I saw that he was scared. He was scared plenty. (<i>The Kite Runner</i>: 42) - For a week, I barely saw Hassan. (<i>The Kite Runner</i>: 80) - Ali paused with a log in his hand. A worried look crossed his face. “Lately, it seems all he wants to do is sleep. He does his chores—I see to that—but then he just wants to crawl under his blanket. Can I ask you something?” (<i>The Kite Runner</i>: 80-81) Hassan looked tired too—he’d lost weight and gray circles had formed under his puffed-up eyes. (<i>The Kite Runner</i>: 86)

3. Cause of Child abuse.

No	Data
1.	- I wished I too had some kind of scar that would beget Baba’s sympathy. It wasn’t fair. Hassan hadn’t done anything to earn Baba’s affections; he’d just been born with that stupid harelip. (<i>The Kite Runner</i>: 46) - Baba would buy us each three identical kites and spools of glass string. If I changed my mind and asked for a bigger and fancier kite, Baba would buy it for me—but then he’d buy it for Hassan too. Sometimes I wished he wouldn’t do that. Wished he’d let me be the favorite. (<i>The Kite Runner</i>: 51) - I tripped over a rock and fell—I wasn’t just slower than Hassan but clumsier too; I’d always envied his natural athleticism. When I staggered to my feet, I caught a glimpse of Hassan disappearing around

another street corner. I hobbled after him, spikes of pain battering my scraped knees. (*The Kite Runner*: 53)

- Nothing was free in this world. Maybe Hassan was the price I had to pay, the lamb I had to slay, to win Baba. Was it a fair price? The answer floated to my conscious mind before I could thwart it: He was just a Hazara, wasn't he? (*The Kite Runner*: 77)
- I sat on the edge of my bed, turned the notebook in my hands, thought about what Rahim Khan had said about Homaira, how his father's dismissing her had been for the best in the end. *She would have suffered*. Like the times Kaka Homayoun's projector got stuck on the same slide, the same image kept flashing in my mind over and over: Hassan, his head downcast, serving drinks to Assef and Wali. Maybe it *would* be for the best. Lessen his suffering. And mine too. Either way, this much had become clear: One of us had to go. (*The Kite Runner*: 102)
- His blue eyes flicked to Hassan. "Afghanistan is the land of Pashtuns. It always has been, always will be. We are the true Afghans, the pure Afghans, not this Flat-Nose here. His people pollute our homeland, our *watan*. They dirty our blood." He made a sweeping, grandiose gesture with his hands. "Afghanistan for Pashtuns, I say. That's my vision." (*The Kite Runner*: 40)
- "I'll ask the president to do what the king didn't have the *quwat* to do. To rid Afghanistan of all the dirty, *kasseef* Hazaras." (*The Kite Runner*: 40)

UNDANG-UNDANG (UU) REPUBLIK INDONESIA

Nomor: 23 TAHUN 2002

PERLINDUNGAN ANAK

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA

Menimbang:

- a bahwa Negara Kesatuan Republik Indonesia menjamin kesejahteraan tiap-tiap warga negaranya, termasuk perlindungan terhadap hak anak yang merupakan hak asasi manusia
- b bahwa anak adalah amanah dan karunia Tuhan Yang Maha Esa, yang dalam dirinya melekat harkat dan martabat sebagai manusia seutuhnya;
- c bahwa anak adalah tunas, potensi, dan generasi muda penerus cita-cita perjuangan bangsa, memiliki peran strategis dan mempunyai ciri dan sifat khusus yang menjamin kelangsungan eksistensi bangsa dan negara pada masa depan;
- d bahwa agar setiap anak kelak mampu memikul tanggung jawab tersebut, maka ia perlu mendapat kesempatan yang seluas-luasnya untuk tumbuh dan berkembang secara optimal, baik fisik, mental maupun sosial, dan berakhlak mulia, perlu dilakukan upaya perlindungan serta untuk mewujudkan kesejahteraan anak dengan memberikan jaminan terhadap pemenuhan hak-haknya serta adanya perlakuan tanpa diskriminasi;
- e bahwa untuk mewujudkan perlindungan dan kesejahteraan anak diperlukan dukungan kelembagaan dan peraturan perundang-undangan yang dapat menjamin pelaksanaannya;
- f bahwa berbagai undang-undang hanya mengatur hal-hal tertentu mengenai anak dan secara khusus belum mengatur keseluruhan aspek yang berkaitan dengan perlindungan anak;
- g bahwa berdasarkan pertimbangan tersebut pada huruf a, b, c, d, e, dan f perlu ditetapkan Undang-undang tentang Perlindungan Anak;

Mengingat:

- 1 Pasal 20, Pasal 20A ayat (1), Pasal 21, Pasal 28B ayat (2), dan Pasal 34 Undang-Undang Dasar 1945;
- 2 Undang-undang Nomor 4 Tahun 1979 tentang Kesejahteraan Anak (Lembaran Negara Tahun 1979 Nomor 32, Tambahan Lembaran Negara Nomor 3143);
- 3 Undang-undang Nomor 7 Tahun 1984 tentang Penghapusan Segala Bentuk Diskriminasi terhadap Perempuan (Convention on The Elimination of all Forms of Discrimination Against Women) (Lembaran Negara Tahun 1984 Nomor 29, Tambahan Lembaran Negara Nomor 3277);
- 4 Undang-undang Nomor 3 Tahun 1997 tentang Pengadilan Anak (Lembaran Negara Tahun 1997 Nomor 3, Tambahan Lembaran Negara Nomor 3668);
- 5 Undang-undang Nomor 4 Tahun 1997 tentang Penyandang Cacat (Lembaran Negara Tahun 1997 Nomor 9, Tambahan Lembaran Negara Nomor 3670);
- 6 Undang-undang Nomor 20 Tahun 1999 tentang Pengesahan ILO Convention No. 138 Concerning Minimum Age for Admission to Employment (Konvensi ILO mengenai Usia Minimum untuk Diperbolehkan Bekerja) (Lembaran Negara Tahun 1999 Nomor 56, Tambahan Lembaran Negara Nomor 3835);
- 7 Undang-undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia (Lembaran Negara Tahun 1999 Nomor 165, Tambahan Lembaran Negara Nomor 3886);
- 8 Undang-undang Nomor 1 Tahun 2000 tentang Pengesahan ILO Convention No. 182 Concerning The Prohibition and Immediate Action for The Elimination of The Worst Forms of Child Labour (Konvensi ILO No. 182 mengenai Pelarangan dan Tindakan Segera Penghapusan Bentuk-bentuk Pekerjaan Terburuk untuk Anak) (Lembaran Negara Tahun 2000 Nomor 30, Tambahan Lembaran Negara Nomor 3941);

Dengan persetujuan bersama
DEWAN PERWAKILAN RAKYAT REPUBLIK INDONESIA

MEMUTUSKAN:

Menetapkan:

UNDANG-UNDANG TENTANG PERLINDUNGAN ANAK.

BAB I
KETENTUAN UMUM

Pasal 1

Dalam undang-undang ini yang dimaksud dengan:

- 1 Anak adalah seseorang yang belum berusia 18 (delapan belas) tahun, termasuk anak yang masih dalam kandungan.
- 2 Perlindungan anak adalah segala kegiatan untuk menjamin dan melindungi anak dan hak-haknya agar dapat hidup, tumbuh, berkembang, dan berpartisipasi, secara optimal sesuai dengan harkat dan martabat kemanusiaan, serta mendapat perlindungan dari kekerasan dan diskriminasi.
- 3 Keluarga adalah unit terkecil dalam masyarakat yang terdiri dari suami istri, atau suami istri dan anaknya, atau ayah dan anaknya, atau ibu dan anaknya, atau keluarga sedarah dalam garis lurus ke atas atau ke bawah sampai dengan derajat ketiga.
- 4 Orang tua adalah ayah dan/atau ibu kandung, atau ayah dan/atau ibu tiri, atau ayah dan/atau ibu angkat.
- 5 Wali adalah orang atau badan yang dalam kenyataannya menjalankan kekuasaan asuh sebagai orang tua terhadap anak.
- 6 Anak terlantar adalah anak yang tidak terpenuhi kebutuhannya secara wajar, baik fisik, mental, spiritual, maupun sosial.
- 7 Anak yang menyandang cacat adalah anak yang mengalami hambatan fisik dan/atau mental sehingga mengganggu pertumbuhan dan perkembangannya secara wajar.
- 8 Anak yang memiliki keunggulan adalah anak yang mempunyai kecerdasan luar biasa, atau memiliki potensi dan/atau bakat istimewa.
- 9 Anak angkat adalah anak yang haknya dialihkan dari lingkungan kekuasaan keluarga orang tua, wali yang sah, atau orang lain yang bertanggung jawab atas perawatan, pendidikan, dan membesarkan anak tersebut, ke dalam lingkungan keluarga orang tua angkatnya berdasarkan putusan atau penetapan pengadilan.
- 10 Anak asuh adalah anak yang diasuh oleh seseorang atau lembaga, untuk diberikan bimbingan, pemeliharaan, perawatan, pendidikan, dan kesehatan, karena orang tuanya atau salah satu orang tuanya tidak mampu menjamin tumbuh kembang anak secara wajar.
- 11 Kuasa asuh adalah kekuasaan orang tua untuk mengasuh, mendidik, memelihara, membina, melindungi, dan menumbuhkembangkan anak sesuai dengan agama yang

- dianutnya dan kemampuan, bakat, serta minatnya.
- 12 Hak anak adalah bagian dari hak asasi manusia yang wajib dijamin, dilindungi, dan dipenuhi oleh orang tua, keluarga, masyarakat, pemerintah, dan negara.
- 13 Masyarakat adalah perseorangan, keluarga, kelompok, dan organisasi sosial dan/atau organisasi kemasyarakatan.
- 14 Pendamping adalah pekerja sosial yang mempunyai kompetensi profesional dalam bidangnya.
- 15 Perlindungan khusus adalah perlindungan yang diberikan kepada anak dalam situasi darurat, anak yang berhadapan dengan hukum, anak dari kelompok minoritas dan terisolasi, anak yang dieksploitasi secara ekonomi dan/atau seksual, anak yang diperdagangkan, anak yang menjadi korban penyalahgunaan narkotika, alkohol, psikotropika, dan zat adiktif lainnya (napza), anak korban penculikan, penjualan, perdagangan, anak korban kekerasan baik fisik dan/atau mental, anak yang menyandang cacat, dan anak korban perlakuan salah dan penelantaran.
- 16 Setiap orang adalah orang perseorangan atau korporasi.
- 17 Pemerintah adalah Pemerintah yang meliputi Pemerintah Pusat dan Pemerintah Daerah.

BAB II

ASAS DAN TUJUAN

Pasal 2

Penyelenggaraan perlindungan anak berasaskan Pancasila dan berlandaskan Undang-Undang Dasar 1945 serta prinsip-prinsip dasar Konvensi Hak-Hak Anak meliputi:

- a nondiskriminasi;
- b kepentingan yang terbaik bagi anak;
- c hak untuk hidup, kelangsungan hidup, dan perkembangan; dan
- d penghargaan terhadap pendapat anak.

Pasal 3

Perlindungan anak bertujuan untuk menjamin terpenuhinya hak-hak anak agar dapat hidup, tumbuh, berkembang, dan berpartisipasi secara optimal sesuai dengan harkat dan martabat kemanusiaan, serta mendapat perlindungan dari kekerasan dan diskriminasi, demi terwujudnya anak Indonesia yang berkualitas, berakhlak mulia, dan sejahtera.

BAB III

HAK DAN KEWAJIBAN ANAK

Pasal 4

Setiap anak berhak untuk dapat hidup, tumbuh, berkembang, dan berpartisipasi secara wajar sesuai dengan harkat dan martabat kemanusiaan, serta mendapat perlindungan dari kekerasan dan diskriminasi.

Pasal 5

Setiap anak berhak atas suatu nama sebagai identitas diri dan status kewarganegaraan.

Pasal 6

Setiap anak berhak untuk beribadah menurut agamanya, berpikir, dan berekspresi sesuai dengan tingkat kecerdasan dan usianya, dalam bimbingan orang tua.

Pasal 7

- (1) Setiap anak berhak untuk mengetahui orang tuanya, dibesarkan, dan diasuh oleh orang tuanya sendiri.
- (2) Dalam hal karena suatu sebab orang tuanya tidak dapat menjamin tumbuh kembang anak, atau anak dalam keadaan terlantar maka anak tersebut berhak diasuh atau diangkat sebagai anak asuh atau anak angkat oleh orang lain sesuai dengan ketentuan peraturan perundang-undangan yang berlaku

Pasal 8

Setiap anak berhak memperoleh pelayanan kesehatan dan jaminan sosial sesuai dengan kebutuhan fisik, mental, spiritual, dan sosial.

Pasal 9

- (1) Setiap anak berhak memperoleh pendidikan dan pengajaran dalam rangka pengembangan pribadinya dan tingkat kecerdasannya sesuai dengan minat dan bakatnya.
- (2) Selain hak anak sebagaimana dimaksud dalam ayat (1), khusus bagi anak yang menyandang cacat juga berhak memperoleh pendidikan luar biasa, sedangkan bagi anak yang memiliki keunggulan juga berhak mendapatkan pendidikan khusus

Pasal 10

Setiap anak berhak menyatakan dan didengar pendapatnya, menerima, mencari, dan memberikan informasi sesuai dengan tingkat kecerdasan dan usianya demi pengembangan dirinya sesuai dengan nilai-nilai kesusilaan dan kepatutan.

Pasal 11

Setiap anak berhak untuk beristirahat dan memanfaatkan waktu luang, bergaul dengan anak yang sebaya, bermain, berekreasi, dan berkreasi sesuai dengan minat, bakat, dan tingkat kecerdasannya demi pengembangan diri.

Pasal 12

Setiap anak yang menyandang cacat berhak memperoleh rehabilitasi, bantuan sosial, dan pemeliharaan taraf kesejahteraan sosial.

Pasal 13

- (1) Setiap anak selama dalam pengasuhan orang tua, wali, atau pihak lain mana pun yang bertanggung jawab atas pengasuhan, berhak mendapat perlindungan dari perlakuan:
 - a. diskriminasi;
 - b. eksploitasi, baik ekonomi maupun seksual;
 - c. penelantaran;
 - d. kekejaman, kekerasan, dan penganiayaan;
 - e. ketidakadilan; dan
 - f. perlakuan salah lainnya.
- (2) Dalam hal orang tua, wali atau pengasuh anak melakukan segala bentuk perlakuan sebagaimana dimaksud dalam ayat (1), maka pelaku dikenakan pemberatan hukuman.

Pasal 14

Setiap anak berhak untuk diasuh oleh orang tuanya sendiri, kecuali jika ada alasan dan/atau aturan hukum yang sah menunjukkan bahwa pemisahan itu adalah demi kepentingan terbaik bagi anak dan merupakan pertimbangan terakhir.

Pasal 15

Setiap anak berhak untuk memperoleh perlindungan dari:

- a. penyalahgunaan dalam kegiatan politik;
- b. pelibatan dalam sengketa bersenjata;
- c. pelibatan dalam kerusuhan sosial;
- d. pelibatan dalam peristiwa yang mengandung unsur kekerasan; dan
- e. pelibatan dalam peperangan

Pasal 16

- (1) Setiap anak berhak memperoleh perlindungan dari sasaran penganiayaan, penyiksaan, atau penjatuhan hukuman yang tidak manusiawi.
- (2) Setiap anak berhak untuk memperoleh kebebasan sesuai dengan hukum
- (3) Penangkapan, penahanan, atau tindak pidana penjara anak hanya dilakukan apabila sesuai dengan hukum yang berlaku dan hanya dapat dilakukan sebagai upaya terakhir.

Pasal 17

- (1) Setiap anak yang dirampas kebebasannya berhak untuk:
 - a. mendapatkan perlakuan secara manusiawi dan penempatannya dipisahkan dari orang dewasa;
 - b. memperoleh bantuan hukum atau bantuan lainnya secara efektif dalam setiap tahapan upaya hukum yang berlaku; dan

- c. membela diri dan memperoleh keadilan di depan pengadilan anak yang objektif dan tidak memihak dalam sidang tertutup untuk umum.
- (2) Setiap anak yang menjadi korban atau pelaku kekerasan seksual atau yang berhadapan dengan hukum berhak dirahasiakan.

Pasal 18

Setiap anak yang menjadi korban atau pelaku tindak pidana berhak mendapatkan bantuan hukum dan bantuan lainnya.

Pasal 19

Setiap anak berkewajiban untuk:

- a. menghormati orang tua, wali, dan guru;
- b. mencintai keluarga, masyarakat, dan menyayangi teman;
- c. mencintai tanah air, bangsa, dan negara;
- d. menunaikan ibadah sesuai dengan ajaran agamanya; dan
- e. melaksanakan etika dan akhlak yang mulia.

BAB IV

KEWAJIBAN DAN TANGGUNG JAWAB

Bagian Kesatu

Umum

Pasal 20

Negara, pemerintah, masyarakat, keluarga, dan orang tua berkewajiban dan bertanggung jawab terhadap penyelenggaraan perlindungan anak.

Bagian Kedua

Kewajiban dan Tanggung Jawab

Negara dan Pemerintah

Pasal 21

Negara dan pemerintah berkewajiban dan bertanggung jawab menghormati dan menjamin hak asasi setiap anak tanpa membedakan suku, agama, ras, golongan, jenis kelamin, etnik, budaya dan bahasa, status hukum anak, urutan kelahiran anak, dan kondisi fisik dan/atau mental.

Pasal 22

Negara dan pemerintah berkewajiban dan bertanggung jawab memberikan dukungan sarana dan prasarana dalam penyelenggaraan perlindungan anak.

Pasal 23

- (1) Negara dan pemerintah menjamin perlindungan, pemeliharaan, dan kesejahteraan anak dengan memperhatikan hak dan kewajiban orang tua, wali, atau orang lain yang secara hukum bertanggung jawab terhadap anak.
- (2) Negara dan pemerintah mengawasi penyelenggaraan perlindungan anak.

Pasal 24

Negara dan pemerintah menjamin anak untuk mempergunakan haknya dalam menyampaikan pendapat sesuai dengan usia dan tingkat kecerdasan anak.

Bagian Ketiga

Kewajiban dan Tanggung Jawab Masyarakat

Pasal 25

Kewajiban dan tanggung jawab masyarakat terhadap perlindungan anak dilaksanakan melalui kegiatan peran masyarakat dalam penyelenggaraan perlindungan anak.

Bagian Keempat

Kewajiban dan Tanggung Jawab Keluarga dan Orang Tua

Pasal 26

- (1) Orang tua berkewajiban dan bertanggung jawab untuk
 - a. mengasuh, memelihara, mendidik, dan melindungi anak
 - b. menumbuhkembangkan anak sesuai dengan kemampuan, bakat, dan minatnya; dan
 - c. mencegah terjadinya perkawinan pada usia anak-anak.
- (2) Dalam hal orang tua tidak ada, atau tidak diketahui keberadaannya, atau karena suatu sebab, tidak dapat melaksanakan kewajiban dan tanggung jawabnya, maka kewajiban dan tanggung jawab sebagaimana dimaksud dalam ayat (1) dapat beralih kepada keluarga, yang

dilaksanakan sesuai dengan ketentuan peraturan perundang-undangan yang berlaku.

BAB V

KEDUDUKAN ANAK

Bagian Kesatu

Identitas Anak

Pasal 27

- (1) Identitas diri setiap anak harus diberikan sejak kelahirannya
- (2) Identitas sebagaimana dimaksud dalam ayat (1) dituangkan dalam akta kelahiran
- (3) Pembuatan akta kelahiran didasarkan pada surat keterangan dari orang yang menyaksikan dan/atau membantu proses kelahiran.
- (4) Dalam hal anak yang proses kelahirannya tidak diketahui, dan orang tuanya tidak diketahui keberadaannya, pembuatan akta kelahiran untuk anak tersebut didasarkan pada keterangan orang yang menemukannya.

Pasal 28

- (1) Pembuatan akta kelahiran menjadi tanggung jawab pemerintah yang dalam pelaksanaannya diselenggarakan serendah-rendahnya pada tingkat kelurahan/desa
- (2) Pembuatan akta kelahiran sebagaimana dimaksud dalam ayat (1) harus diberikan paling lambat 30 (tiga puluh) hari terhitung sejak tanggal diajukannya permohonan.
- (3) Pembuatan akta kelahiran sebagaimana dimaksud dalam ayat (1) tidak dikenai biaya.
- (4) Ketentuan mengenai tata cara dan syarat-syarat pembuatan akta kelahiran sebagaimana dimaksud dalam ayat (1), diatur dengan peraturan perundang-undangan.

Bagian Kedua

Anak yang Dilahirkan dari Perkawinan Campuran

Pasal 2

- (1) Jika terjadi perkawinan campuran antara warga negara Republik Indonesia dan warga negara asing, anak yang dilahirkan dari perkawinan tersebut berhak memperoleh kewarganegaraan dari ayah atau ibunya sesuai dengan ketentuan peraturan perundang-undangan yang berlaku.
- (2) Dalam hal terjadi perceraian dari perkawinan sebagaimana dimaksud dalam ayat (1), anak berhak untuk memilih atau berdasarkan putusan pengadilan, berada dalam pengasuhan salah satu dari kedua orang tuanya.
- (3) Dalam hal terjadi perceraian sebagaimana dimaksud dalam ayat (2), sedangkan anak belum mampu menentukan pilihan dan ibunya berkewarganegaraan Republik Indonesia, demi kepentingan terbaik anak atau atas permohonan ibunya, pemerintah berkewajiban mengurus status kewarganegaraan Republik Indonesia bagi anak tersebut.

BAB VI

KUASA ASUH

Pasal 30

- (1) Dalam hal orang tua sebagaimana dimaksud dalam Pasal 26, melalaikan kewajibannya, terhadapnya dapat dilakukan tindakan pengawasan atau kuasa asuh orang tua dapat dicabut.
- (2) Tindakan pengawasan terhadap orang tua atau pencabutan kuasa asuh sebagaimana dimaksud dalam ayat (1) dilakukan melalui penetapan pengadilan.

Pasal 31

- (1) Salah satu orang tua, saudara kandung, atau keluarga sampai derajat ketiga, dapat mengajukan permohonan ke pengadilan untuk mendapatkan penetapan pengadilan tentang pencabutan kuasa asuh orang tua atau melakukan tindakan pengawasan apabila terdapat alasan yang kuat untuk itu
- (2) Apabila salah satu orang tua, saudara kandung, atau keluarga sampai dengan derajat ketiga, tidak dapat melaksanakan fungsinya, maka pencabutan kuasa asuh orang tua sebagaimana dimaksud dalam ayat (1) dapat juga diajukan oleh pejabat yang berwenang atau lembaga lain yang mempunyai kewenangan untuk itu.
- (3) Penetapan pengadilan sebagaimana dimaksud dalam ayat (1) dapat menunjuk orang perseorangan atau lembaga pemerintah/masyarakat untuk menjadi wali bagi yang bersangkutan.
- (4) Perseorangan yang melaksanakan pengasuhan anak sebagaimana dimaksud dalam ayat (3) harus seagama dengan agama yang dianut anak yang akan diasuhnya.

Pasal 32

Penetapan pengadilan sebagaimana dimaksud dalam Pasal 31 ayat (3) sekurang-kurangnya memuat ketentuan:

- a. tidak memutuskan hubungan darah antara anak dan orang tua kandungnya;
- b. tidak menghilangkan kewajiban orang tuanya untuk membiayai hidup anaknya; dan
- c. batas waktu pencabutan

BAB VII

PERWALIAN

Pasal 33

- (1) Dalam hal orang tua anak tidak cakap melakukan perbuatan hukum, atau tidak diketahui tempat tinggal atau keberadaannya, maka seseorang atau badan hukum yang memenuhi persyaratan dapat ditunjuk sebagai wali dari anak yang bersangkutan.
- (2) Untuk menjadi wali anak sebagaimana dimaksud dalam ayat (1) dilakukan melalui penetapan pengadilan.

- (3) Wali yang ditunjuk sebagaimana dimaksud dalam ayat (2) agamanya harus sama dengan agama yang dianut anak.
- (4) Untuk kepentingan anak, wali sebagaimana dimaksud dalam ayat (2) wajib mengelola harta milik anak yang bersangkutan.
- (5) Ketentuan mengenai syarat dan tata cara penunjukan wali sebagaimana dimaksud dalam ayat (1) diatur lebih lanjut dengan Peraturan Pemerintah

Pasal 34

Wali yang ditunjuk berdasarkan penetapan pengadilan sebagaimana dimaksud dalam Pasal 33, dapat mewakili anak untuk melakukan perbuatan hukum, baik di dalam maupun di luar pengadilan untuk kepentingan yang terbaik bagi anak.

Pasal 35

- (1) Dalam hal anak belum mendapat penetapan pengadilan mengenai wali, maka harta kekayaan anak tersebut dapat diurus oleh Balai Harta Peninggalan atau lembaga lain yang mempunyai kewenangan untuk itu.
- (2) Balai Harta Peninggalan atau lembaga lain sebagaimana dimaksud dalam ayat (1) bertindak sebagai wali pengawas untuk mewakili kepentingan anak.
- (3) Pengurusan harta sebagaimana dimaksud dalam ayat (1) dan ayat (2) harus mendapat penetapan pengadilan.

Pasal 36

- (1) Dalam hal wali yang ditunjuk ternyata di kemudian hari tidak cakap melakukan perbuatan hukum atau menyalahgunakan kekuasaannya sebagai wali, maka status perwaliannya dicabut dan ditunjuk orang lain sebagai wali melalui penetapan pengadilan.
- (2) Dalam hal wali meninggal dunia, ditunjuk orang lain sebagai wali melalui penetapan pengadilan.

BAB VIII

PENGASUHAN DAN PENGANGKATAN ANAK

Bagian Kesatu

Pengasuhan Anak

Pasal 37

- (1) Pengasuhan anak ditujukan kepada anak yang orang tuanya tidak dapat menjamin tumbuh kembang anaknya secara wajar, baik fisik, mental, spiritual maupun sosial.
- (2) Pengasuhan anak sebagaimana dimaksud dalam ayat (1) dapat dilakukan oleh perseorangan dan/atau lembaga yang mempunyai kewenangan untuk itu
- (3) Perseorangan sebagaimana dimaksud dalam ayat (2) seyogyanya seagama dengan agama anak yang akan diasuh.
- (4) Dalam hal lembaga sebagaimana dimaksud dalam ayat (2) berlandaskan agama, anak yang diasuh harus seagama dengan agama yang menjadi landasan lembaga yang bersangkutan.
- (5) Dalam hal pengasuhan anak dilakukan oleh lembaga yang tidak berlandaskan agama, maka pelaksanaan pengasuhan anak harus memperhatikan agama yang dianut anak yang bersangkutan.
- (6) Pengasuhan anak oleh lembaga dapat dilakukan di dalam panti atau di luar panti sosial.

Pasal 38

- (1) Pengasuhan anak sebagaimana dimaksud dalam Pasal 37, dilaksanakan tanpa membedakan suku, agama, ras, golongan, jenis kelamin, etnik, budaya dan bahasa, status hukum anak, urutan kelahiran anak, dan kondisi fisik dan/atau mental.
- (2) Pengasuhan anak sebagaimana dimaksud dalam ayat (1), diselenggarakan melalui kegiatan bimbingan, pemeliharaan, perawatan, dan pendidikan secara berkesinambungan, serta dengan memberikan bantuan biaya dan/atau fasilitas lain, untuk menjamin tumbuh kembang anak secara optimal, baik fisik, mental, spiritual maupun sosial, tanpa mempengaruhi agama yang dianut anak.

Bagian Kedua

Pengangkatan Anak

Pasal 39

- (1) Pengangkatan anak hanya dapat dilakukan untuk kepentingan yang terbaik bagi anak dan dilakukan berdasarkan adat kebiasaan setempat dan ketentuan peraturan perundang-undangan yang berlaku
- (2) Pengangkatan anak sebagaimana dimaksud dalam ayat (1), tidak memutuskan hubungan darah antara anak yang diangkat dan orang tua kandungnya.
- (3) Calon orang tua angkat harus seagama dengan agama yang dianut oleh calon anak angkat
- (4) Pengangkatan anak oleh warga negara asing hanya dapat dilakukan sebagai upaya terakhir.
- (5) Dalam hal asal usul anak tidak diketahui, maka agama anak disesuaikan dengan agama mayoritas penduduk setempat.

Pasal 40

- (1) Orang tua angkat wajib memberitahukan kepada anak angkatnya mengenai asal usulnya dan orang tua kandungnya.
- (2) Pemberitahuan asal usul dan orang tua kandungnya sebagaimana dimaksud dalam ayat (1) dilakukan dengan memperhatikan kesiapan anak yang bersangkutan.

Pasal 41

- (1) Pemerintah dan masyarakat melakukan bimbingan dan pengawasan terhadap pelaksanaan pengangkatan anak.
- (2) Ketentuan mengenai bimbingan dan pengawasan sebagaimana dimaksud dalam ayat (1) diatur dengan Peraturan Pemerintah.

BAB IX

PENYELENGGARAAN PERLINDUNGAN

Bagian Kesatu

Agama

Pasal 42

- (1) Setiap anak mendapat perlindungan untuk beribadah menurut agamanya
- (2) Sebelum anak dapat menentukan pilihannya, agama yang dipeluk anak mengikuti agama orang tuanya.

Pasal 43

- (1) Negara, pemerintah, masyarakat, keluarga, orang tua, wali, dan lembaga sosial menjamin perlindungan anak dalam memeluk agamanya.
- (2) Perlindungan anak dalam memeluk agamanya sebagaimana dimaksud dalam ayat (1) meliputi pembinaan, pembimbingan, dan pengamalan ajaran agama bagi anak.

Bagian Kedua

Kesehatan

Pasal 44

- (1) Pemerintah wajib menyediakan fasilitas dan menyelenggarakan upaya kesehatan yang komprehensif bagi anak, agar setiap anak memperoleh derajat kesehatan yang optimal sejak dalam kandungan.
- (2) Penyediaan fasilitas dan penyelenggaraan upaya kesehatan secara komprehensif sebagaimana dimaksud dalam ayat (1) didukung oleh peran serta masyarakat.
- (3) Upaya kesehatan yang komprehensif sebagaimana dimaksud dalam ayat (1) meliputi upaya promotif, preventif, kuratif, dan rehabilitatif, baik untuk pelayanan kesehatan dasar maupun rujukan.
- (4) Upaya kesehatan yang komprehensif sebagaimana dimaksud dalam ayat (1) diselenggarakan secara cuma-cuma bagi keluarga yang tidak mampu.
- (5) Pelaksanaan ketentuan sebagaimana dimaksud dalam ayat (1), ayat (2), ayat (3), dan ayat (4) disesuaikan dengan ketentuan peraturan perundang-undangan yang berlaku.

Pasal 45

- (1) Orang tua dan keluarga bertanggung jawab menjaga kesehatan anak dan merawat anak sejak dalam kandungan.
- (2) Dalam hal orang tua dan keluarga yang tidak mampu melaksanakan tanggung jawab sebagaimana dimaksud dalam ayat (1), maka pemerintah wajib memenuhinya.
- (3) Kewajiban sebagaimana dimaksud dalam ayat (2), pelaksanaannya dilakukan sesuai dengan ketentuan peraturan perundang-undangan yang berlaku.

Pasal 46

Negara, pemerintah, keluarga, dan orang tua wajib mengusahakan agar anak yang lahir terhindar dari penyakit yang mengancam kelangsungan hidup dan/atau menimbulkan kecacatan.

Pasal 47

- (1) Negara, pemerintah, keluarga, dan orang tua wajib melindungi anak dari upaya transplantasi organ tubuhnya untuk pihak lain.
- (2) Negara, pemerintah, keluarga, dan orang tua wajib melindungi anak dari perbuatan
 - a. pengambilan organ tubuh anak dan/atau jaringan tubuh anak tanpa memperhatikan kesehatan anak;
 - b. jual beli organ dan/atau jaringan tubuh anak; dan
 - c. penelitian kesehatan yang menggunakan anak sebagai objek penelitian tanpa seizin orang tua dan tidak mengutamakan kepentingan yang terbaik bagi anak.

Bagian Ketiga

Pendidikan

Pasal 48

Pemerintah wajib menyelenggarakan pendidikan dasar minimal 9 (sembilan) tahun untuk semua anak.

Pasal 49

Negara, pemerintah, keluarga, dan orang tua wajib memberikan kesempatan yang seluas-luasnya kepada anak untuk memperoleh pendidikan.

Pasal 50

Pendidikan sebagaimana dimaksud dalam Pasal 48 diarahkan pada:

- a. pengembangan sikap dan kemampuan kepribadian anak, bakat, kemampuan mental dan fisik sampai mencapai potensi mereka yang optimal;
- b. pengembangan penghormatan atas hak asasi manusia dan kebebasan asasi
- c. pengembangan rasa hormat terhadap orang tua, identitas budaya, bahasa dan nilai-nilainya sendiri, nilai-nilai nasional di mana anak bertempat tinggal, dari mana anak berasal, dan peradaban-peradaban yang berbeda-beda dari peradaban sendiri;
- d. persiapan anak untuk kehidupan yang bertanggung jawab; dan
- e. pengembangan rasa hormat dan cinta terhadap lingkungan hidup.

Pasal 51

Anak yang menyandang cacat fisik dan/atau mental diberikan kesempatan yang sama dan aksesibilitas untuk memperoleh pendidikan biasa dan pendidikan luar biasa.

Pasal 52

Anak yang memiliki keunggulan diberikan kesempatan dan aksesibilitas untuk memperoleh pendidikan khusus.

Pasal 53

- (1) Pemerintah bertanggung jawab untuk memberikan biaya pendidikan dan/atau bantuan cuma-cuma atau pelayanan khusus bagi anak dari keluarga kurang mampu, anak terlantar, dan anak yang bertempat tinggal di daerah terpencil.
- (2) Pertanggungjawaban pemerintah sebagaimana dimaksud dalam ayat (1) termasuk pula mendorong masyarakat untuk berperan aktif.

Pasal 54

Anak di dalam dan di lingkungan sekolah wajib dilindungi dari tindakan kekerasan yang dilakukan oleh guru, pengelola sekolah atau teman-temannya di dalam sekolah yang bersangkutan, atau lembaga pendidikan lainnya.

Bagian Keempat

Sosial

Pasal 55

- (1) Pemerintah wajib menyelenggarakan pemeliharaan dan perawatan anak terlantar, baik dalam lembaga maupun di luar lembaga.
- (2) Penyelenggaraan pemeliharaan sebagaimana dimaksud dalam ayat (1) dapat dilakukan oleh lembaga masyarakat.
- (3) Untuk menyelenggarakan pemeliharaan dan perawatan anak terlantar, lembaga pemerintah dan lembaga masyarakat, sebagaimana dimaksud dalam ayat (2), dapat mengadakan kerja sama dengan berbagai pihak yang terkait.
- (4) Dalam hal penyelenggaraan pemeliharaan dan perawatan sebagaimana dimaksud dalam ayat (3), pengawasannya dilakukan oleh Menteri Sosial.

Pasal 56

- (1) Pemerintah dalam menyelenggarakan pemeliharaan dan perawatan wajib mengupayakan dan membantu anak, agar anak dapat:
 - a. berpartisipasi;
 - b. bebas menyatakan pendapat dan berpikir sesuai dengan hati nurani dan agamanya;
 - c. bebas menerima informasi lisan atau tertulis sesuai dengan tahapan usia dan perkembangan anak;
 - d. bebas berserikat dan berkumpul;
 - e. bebas beristirahat, bermain, berekreasi, berkreasi, dan berkarya seni budaya; dan
 - f. memperoleh sarana bermain yang memenuhi syarat kesehatan dan keselamatan.
- (2) Upaya sebagaimana dimaksud dalam ayat (1) dikembangkan dan disesuaikan dengan usia, tingkat kemampuan anak, dan lingkungannya agar tidak menghambat dan mengganggu perkembangan anak.

Pasal 57

Dalam hal anak terlantar karena suatu sebab orang tuanya melalaikan kewajibannya, maka lembaga sebagaimana dimaksud dalam Pasal 55, keluarga, atau pejabat yang berwenang dapat mengajukan permohonan ke pengadilan untuk menetapkan anak sebagai anak terlantar.

Pasal 58

- (1) Penetapan pengadilan sebagaimana dimaksud dalam Pasal 57 sekaligus menetapkan tempat penampungan, pemeliharaan, dan perawatan anak terlantar yang bersangkutan.
- (2) Pemerintah atau lembaga yang diberi wewenang wajib menyediakan tempat sebagaimana dimaksud dalam ayat (1).

Bagian Kelima

Perlindungan Khusus

Pasal 59

Pemerintah dan lembaga negara lainnya berkewajiban dan bertanggung jawab untuk memberikan perlindungan khusus kepada anak dalam situasi darurat, anak yang berhadapan dengan hukum, anak dari kelompok minoritas dan terisolasi, anak tereksplotasi secara ekonomi dan/atau seksual, anak yang diperdagangkan, anak yang menjadi korban penyalahgunaan narkotika, alkohol, psikotropika, dan zat adiktif lainnya (napza), anak korban penculikan, penjualan dan perdagangan, anak korban kekerasan baik fisik dan/atau mental, anak yang menyandang cacat, dan anak korban perlakuan salah dan penelantaran.

Pasal 60

Anak dalam situasi darurat sebagaimana dimaksud dalam Pasal 59 terdiri atas:

- a. anak yang menjadi pengungsi;
- b. anak korban kerusuhan;
- c. anak korban bencana alam; dan
- d. anak dalam situasi konflik bersenjata.

Pasal 61

Perlindungan khusus bagi anak yang menjadi pengungsi sebagaimana dimaksud dalam Pasal 60 huruf a dilaksanakan sesuai dengan ketentuan hukum humaniter.

Pasal 62

Perlindungan khusus bagi anak korban kerusuhan, korban bencana, dan anak dalam situasi konflik bersenjata sebagaimana dimaksud dalam Pasal 60 huruf b, huruf c, dan huruf d, dilaksanakan melalui:

- a. pemenuhan kebutuhan dasar yang terdiri atas pangan, sandang, pemukiman, pendidikan, kesehatan, belajar dan berekreasi, jaminan keamanan, dan persamaan perlakuan; dan
- b. pemenuhan kebutuhan khusus bagi anak yang menyandang cacat dan anak yang mengalami gangguan psikososial.

Pasal 63

Setiap orang dilarang merekrut atau mempekerjakan anak untuk kepentingan militer dan/atau lainnya dan membiarkan anak tanpa perlindungan jiwa.

Pasal 64

- (1) Perlindungan khusus bagi anak yang berhadapan dengan hukum sebagaimana dimaksud dalam Pasal 59 meliputi anak yang berkonflik dengan hukum dan anak korban tindak pidana, merupakan kewajiban dan tanggung jawab pemerintah dan masyarakat.
- (2) Perlindungan khusus bagi anak yang berhadapan dengan hukum sebagaimana dimaksud dalam ayat (1) dilaksanakan melalui:
 - a. perlakuan atas anak secara manusiawi sesuai dengan martabat dan hak-hak anak;
 - b. penyediaan petugas pendamping khusus anak sejak dini;
 - c. penyediaan sarana dan prasarana khusus;
 - d. penjatuan sanksi yang tepat untuk kepentingan yang terbaik bagi anak;
 - e. pemantauan dan pencatatan terus menerus terhadap perkembangan anak yang berhadapan dengan hukum;
 - f. pemberian jaminan untuk mempertahankan hubungan dengan orang tua atau keluarga; dan
 - g. perlindungan dari pemberitaan identitas melalui media massa dan untuk menghindari labelisasi
- (3) Perlindungan khusus bagi anak yang menjadi korban tindak pidana sebagaimana dimaksud dalam ayat (1) dilaksanakan melalui:
 - a. upaya rehabilitasi, baik dalam lembaga maupun di luar lembaga
 - b. upaya perlindungan dari pemberitaan identitas melalui media massa dan untuk menghindari labelisasi;
 - c. pemberian jaminan keselamatan bagi saksi korban dan saksi ahli, baik fisik, mental, maupun sosial; dan
 - d. pemberian aksesibilitas untuk mendapatkan informasi mengenai perkembangan perkara

Pasal 65

- (1) Perlindungan khusus bagi anak dari kelompok minoritas dan terisolasi sebagaimana dimaksud dalam Pasal 59 dilakukan melalui penyediaan prasarana dan sarana untuk dapat menikmati budayanya sendiri, mengakui dan melaksanakan ajaran agamanya sendiri, dan menggunakan bahasanya sendiri
- (2) Setiap orang dilarang menghalang-halangi anak sebagaimana dimaksud dalam ayat (1) untuk menikmati budayanya sendiri, mengakui dan melaksanakan ajaran agamanya, dan menggunakan bahasanya sendiri tanpa mengabaikan akses pembangunan masyarakat dan budaya.

Pasal 66

- (1) Perlindungan khusus bagi anak yang dieksploitasi secara ekonomi dan/atau seksual sebagaimana dimaksud dalam Pasal 59 merupakan kewajiban dan tanggung jawab pemerintah dan masyarakat
- (2) Perlindungan khusus bagi anak yang dieksploitasi sebagaimana dimaksud dalam ayat (1) dilakukan melalui:
 - a. penyebarluasan dan/atau sosialisasi ketentuan peraturan perundang-undangan yang berkaitan dengan perlindungan anak yang dieksploitasi secara ekonomi dan/atau seksual;
 - b. pemantauan, pelaporan, dan pemberian sanksi; dan
 - c. pelibatan berbagai instansi pemerintah, perusahaan, serikat pekerja, lembaga swadaya masyarakat, dan masyarakat dalam penghapusan eksploitasi terhadap anak secara ekonomi dan/atau seksual.
- (3) Setiap orang dilarang menempatkan, membiarkan, melakukan, menyuruh melakukan, atau turut serta melakukan eksploitasi terhadap anak sebagaimana dimaksud dalam ayat (1).

Pasal 67

- (1) Perlindungan khusus bagi anak yang menjadi korban penyalahgunaan narkoba, alkohol, psikotropika, dan zat adiktif lainnya (napza) sebagaimana dimaksud dalam Pasal 59, dan terlibat dalam produksi dan distribusinya, dilakukan melalui upaya pengawasan, pencegahan, perawatan, dan rehabilitasi oleh

- pemerintah dan masyarakat.
- (2) Setiap orang dilarang dengan sengaja menempatkan, membiarkan, melibatkan, menyuruh melibatkan anak dalam penyalahgunaan, produksi dan distribusi napza sebagaimana dimaksud dalam ayat (1).

Pasal 68

- (1) Perlindungan khusus bagi anak korban penculikan, penjualan, dan perdagangan anak sebagaimana dimaksud dalam Pasal 59 dilakukan melalui upaya pengawasan, perlindungan, pencegahan, perawatan, dan rehabilitasi oleh pemerintah dan masyarakat.
- (2) Setiap orang dilarang menempatkan, membiarkan, melakukan, menyuruh melakukan, atau turut serta melakukan penculikan, penjualan, atau perdagangan sebagaimana dimaksud dalam ayat (1).

Pasal 69

- (1) Perlindungan khusus bagi anak korban kekerasan sebagaimana dimaksud dalam Pasal 59 meliputi kekerasan fisik, psikis, dan seksual dilakukan melalui upaya
- penyebarluasan dan sosialisasi ketentuan peraturan perundang-undangan yang melindungi anak korban tindak kekerasan; dan
 - pemantauan, pelaporan, dan pemberian sanksi
- (2) Setiap orang dilarang menempatkan, membiarkan, melakukan, menyuruh melakukan, atau turut serta melakukan kekerasan sebagaimana dimaksud dalam ayat (1).

Pasal 70

- (1) Perlindungan khusus bagi anak yang menyandang cacat sebagaimana dimaksud dalam Pasal 59 dilakukan melalui upaya:
- perlakuan anak secara manusiawi sesuai dengan martabat dan hak anak
 - pemenuhan kebutuhan-kebutuhan khusus; dan
 - memperoleh perlakuan yang sama dengan anak lainnya untuk mencapai integrasi sosial sepenuhnya mungkin dan pengembangan individu.
- (2) Setiap orang dilarang memperlakukan anak dengan mengabaikan pandangan mereka secara diskriminatif, termasuk labelisasi dan penyetaraan dalam pendidikan bagi anak-anak yang menyandang cacat.

Pasal 71

- (1) Perlindungan khusus bagi anak korban perlakuan salah dan penelantaran sebagaimana dimaksud dalam Pasal 59 dilakukan melalui pengawasan, pencegahan, perawatan, dan rehabilitasi oleh pemerintah dan masyarakat.
- (2) Setiap orang dilarang menempatkan, membiarkan, melibatkan, menyuruh melibatkan anak dalam situasi perlakuan salah, dan penelantaran sebagaimana dimaksud dalam ayat (1).

BAB X

PERAN MASYARAKAT

Pasal 72

- (1) Masyarakat berhak memperoleh kesempatan seluas-luasnya untuk berperan dalam perlindungan anak
- (2) Peran masyarakat sebagaimana dimaksud dalam ayat (1) dilakukan oleh orang perseorangan, lembaga perlindungan anak, lembaga sosial kemasyarakatan, lembaga swadaya masyarakat, lembaga pendidikan, lembaga keagamaan, badan usaha, dan media massa

Pasal 73

Peran masyarakat dilaksanakan sesuai dengan ketentuan peraturan perundang-undangan yang berlaku.

BAB XI

KOMISI PERLINDUNGAN ANAK INDONESIA

Pasal 74

Dalam rangka meningkatkan efektivitas penyelenggaraan perlindungan anak, dengan undang-undang ini dibentuk Komisi Perlindungan Anak Indonesia yang bersifat independen.

Pasal 75

- (1) Keanggotaan Komisi Perlindungan Anak Indonesia terdiri dari 1 (satu) orang ketua, 2 (dua) orang wakil ketua, 1 (satu) orang sekretaris, dan 5 (lima) orang anggota.
- (2) Keanggotaan Komisi sebagaimana dimaksud dalam ayat (1) terdiri dari unsur pemerintah, tokoh agama, tokoh masyarakat, organisasi sosial, organisasi kemasyarakatan, organisasi profesi, lembaga swadaya masyarakat, dunia usaha, dan kelompok masyarakat yang peduli terhadap perlindungan anak.
- (3) Keanggotaan Komisi sebagaimana dimaksud dalam ayat (1) dan ayat (2) diangkat dan diberhentikan oleh Presiden setelah mendapat pertimbangan Dewan Perwakilan Rakyat Republik Indonesia, untuk masa jabatan 3 (tiga) tahun, dan dapat diangkat kembali 1 (satu) kali masa jabatan.
- (4) Ketentuan lebih lanjut mengenai kelengkapan organisasi, mekanisme kerja, dan pembiayaan ditetapkan dengan Keputusan Presiden.

Pasal 76

Komisi Perlindungan Anak Indonesia bertugas:

- a. melakukan sosialisasi seluruh ketentuan peraturan perundang-undangan yang berkaitan dengan perlindungan anak, mengumpulkan data dan informasi, menerima pengaduan masyarakat, melakukan penelaahan, pemantauan, evaluasi, dan pengawasan terhadap penyelenggaraan perlindungan anak;
- b. memberikan laporan, saran, masukan, dan pertimbangan kepada Presiden dalam rangka perlindungan anak

BAB XII

KETENTUAN PIDANA

Pasal 77

Setiap orang yang dengan sengaja melakukan tindakan:

- a. diskriminasi terhadap anak yang mengakibatkan anak mengalami kerugian, baik materiil maupun moril sehingga menghambat fungsi sosialnya; atau
- b. penelantaran terhadap anak yang mengakibatkan anak mengalami sakit atau penderitaan, baik fisik, mental, maupun sosial;
dipidana dengan pidana penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).

Pasal 78

Setiap orang yang mengetahui dan sengaja membiarkan anak dalam situasi darurat sebagaimana dimaksud dalam Pasal 60, anak yang berhadapan dengan hukum, anak dari kelompok minoritas dan terisolasi, anak yang tereksplorasi secara ekonomi dan/atau seksual, anak yang diperdagangkan, anak yang menjadi korban penyalahgunaan narkotika, alkohol, psikotropika, dan zat adiktif lainnya (napza), anak korban penculikan, anak korban perdagangan, atau anak korban kekerasan sebagaimana dimaksud dalam Pasal 59, padahal anak tersebut memerlukan pertolongan dan harus dibantu, dipidana dengan pidana penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).

Pasal 79

Setiap orang yang melakukan pengangkatan anak yang bertentangan dengan ketentuan sebagaimana dimaksud dalam Pasal 39 ayat (1), ayat (2), dan ayat (4), dipidana dengan pidana penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).

Pasal 80

- (1) Setiap orang yang melakukan kekejaman, kekerasan atau ancaman kekerasan, atau penganiayaan terhadap anak, dipidana dengan pidana penjara paling lama 3 (tiga) tahun 6 (enam) bulan dan/atau denda paling banyak Rp 72.000.000,00 (tujuh puluh dua juta rupiah).
- (2) Dalam hal anak sebagaimana dimaksud dalam ayat (1) luka berat, maka pelaku dipidana dengan pidana penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).
- (3) Dalam hal anak sebagaimana dimaksud dalam ayat (2) mati, maka pelaku dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan/atau denda paling banyak Rp 200.000.000,00 (dua ratus juta rupiah).
- (4) Pidana ditambah sepertiga dari ketentuan sebagaimana dimaksud dalam ayat (1), ayat (2), dan ayat (3) apabila yang melakukan penganiayaan tersebut orang tuanya.

Pasal 81

- (1) Setiap orang yang dengan sengaja melakukan kekerasan atau ancaman kekerasan memaksa anak melakukan persetubuhan dengannya atau dengan orang lain, dipidana dengan pidana penjara paling lama 15 (lima belas) tahun dan paling singkat 3 (tiga) tahun dan denda paling banyak Rp 300.000.000,00 (tiga ratus juta rupiah) dan paling sedikit Rp 60.000.000,00 (enam puluh juta rupiah).
- (2) Ketentuan pidana sebagaimana dimaksud dalam ayat (1) berlaku pula bagi setiap orang yang dengan sengaja melakukan tipu muslihat, serangkaian kebohongan, atau membujuk anak melakukan persetubuhan dengannya atau dengan orang lain

Pasal 82

Setiap orang yang dengan sengaja melakukan kekerasan atau ancaman kekerasan, memaksa, melakukan tipu muslihat, serangkaian kebohongan, atau membujuk anak untuk melakukan atau membiarkan dilakukan

perbuatan cabul, dipidana dengan pidana penjara paling lama 15 (lima belas) tahun dan paling singkat 3 (tiga) tahun dan denda paling banyak Rp 300.000.000,00 (tiga ratus juta rupiah) dan paling sedikit Rp 60.000.000,00 (enam puluh juta rupiah).

Pasal 83

Setiap orang yang memperdagangkan, menjual, atau menculik anak untuk diri sendiri atau untuk dijual, dipidana dengan pidana penjara paling lama 15 (lima belas) tahun dan paling singkat 3 (tiga) tahun dan denda paling banyak Rp 300.000.000,00 (tiga ratus juta rupiah) dan paling sedikit Rp 60.000.000,00 (enam puluh juta rupiah).

Pasal 84

Setiap orang yang secara melawan hukum melakukan transplantasi organ dan/atau jaringan tubuh anak untuk pihak lain dengan maksud untuk menguntungkan diri sendiri atau orang lain, dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan/atau denda paling banyak Rp 200.000.000,00 (dua ratus juta rupiah).

Pasal 85

- (1) Setiap orang yang melakukan jual beli organ tubuh dan/atau jaringan tubuh anak dipidana dengan pidana penjara paling lama 15 (lima belas) tahun dan/atau denda paling banyak Rp 300.000.000,00 (tiga ratus juta rupiah).
- (2) Setiap orang yang secara melawan hukum melakukan pengambilan organ tubuh dan/atau jaringan tubuh anak tanpa memperhatikan kesehatan anak, atau penelitian kesehatan yang menggunakan anak sebagai objek penelitian tanpa seizin orang tua atau tidak mengutamakan kepentingan yang terbaik bagi anak, dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan/atau denda paling banyak Rp 200.000.000,00 (dua ratus juta rupiah).

Pasal 86

Setiap orang yang dengan sengaja menggunakan tipu muslihat, rangkaian kebohongan, atau membujuk anak untuk memilih agama lain bukan atas kemauannya sendiri, padahal diketahui atau patut diduga bahwa anak tersebut belum berakal dan belum bertanggung jawab sesuai dengan agama yang dianutnya dipidana dengan pidana penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).

Pasal 87

Setiap orang yang secara melawan hukum merekrut atau memperlak anak untuk kepentingan militer sebagaimana dimaksud dalam Pasal 63 atau penyalahgunaan dalam kegiatan politik atau pelibatan dalam sengketa bersenjata atau pelibatan dalam kerusuhan sosial atau pelibatan dalam peristiwa yang mengandung unsur kekerasan atau pelibatan dalam peperangan sebagaimana dimaksud dalam Pasal 15 dipidana dengan pidana penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).

Pasal 88

Setiap orang yang mengeksploitasi ekonomi atau seksual anak dengan maksud untuk menguntungkan diri sendiri atau orang lain, dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan/atau denda paling banyak Rp 200.000.000,00 (dua ratus juta rupiah).

Pasal 89

- (1) Setiap orang yang dengan sengaja menempatkan, membiarkan, melibatkan, menyuruh melibatkan anak dalam penyalahgunaan, produksi atau distribusi narkoba dan/atau psikotropika dipidana dengan pidana mati atau pidana penjara seumur hidup atau pidana penjara paling lama 20 (dua puluh) tahun dan pidana penjara paling singkat 5 (lima) tahun dan denda paling banyak Rp 500.000.000,00 (lima ratus juta rupiah) dan paling sedikit Rp 50.000.000,00 (lima puluh juta rupiah).
- (2) Setiap orang yang dengan sengaja menempatkan, membiarkan, melibatkan, menyuruh melibatkan anak dalam penyalahgunaan, produksi, atau distribusi alkohol dan zat adiktif lainnya dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan paling singkat 2 (dua) tahun dan denda paling banyak Rp 200.000.000,00 (dua ratus juta rupiah) dan denda paling sedikit Rp 20.000.000,00 (dua puluh juta rupiah).

Pasal 90

- (1) Dalam hal tindak pidana sebagaimana dimaksud dalam Pasal 77, Pasal 78, Pasal 79, Pasal 80, Pasal 81, Pasal 82, Pasal 83, Pasal 84, Pasal 85, Pasal 86, Pasal 87, Pasal 88, dan Pasal 89 dilakukan oleh korporasi, maka pidana dapat dijatuhkan kepada pengurus dan/atau korporasinya.
- (2) Pidana yang dijatuhkan kepada korporasi hanya pidana denda dengan ketentuan pidana denda yang dijatuhkan ditambah $\frac{1}{3}$ (sepertiga) pidana denda masing-masing sebagaimana dimaksud dalam ayat (1).

BAB XIII

KETENTUAN PERALIHAN

Pasal 91

Pada saat berlakunya undang-undang ini, semua peraturan perundang-undangan yang berkaitan dengan perlindungan anak yang sudah ada dinyatakan tetap berlaku sepanjang tidak bertentangan dengan undang-undang ini.

BAB XIV

KETENTUAN PENUTUP

Pasal 92

Pada saat berlakunya undang-undang ini, paling lama 1 (satu) tahun, Komisi Perlindungan Anak Indonesia sudah terbentuk.

Pasal 93

Undang-undang ini mulai berlaku pada tanggal diundangkan.

Agar setiap orang mengetahuinya, memerintahkan pengundangan undang-undang ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Disahkan di Jakarta

pada tanggal 22 Oktober 2002

PRESIDEN REPUBLIK INDONESIA,

ttd.

MEGAWATI SOEKARNOPUTRI

Diundangkan di Jakarta

pada tanggal 22 Oktober 2002

SEKRETARIS NEGARA

REPUBLIK INDONESIA,

ttd.

BAMBANG KESOWO

LEMBARAN NEGARA REPUBLIK INDONESIA TAHUN 2002 NOMOR 109

Salinan sesuai dengan aslinya

SEKRETARIAT KABINET RI

Kepala Biro Peraturan

Perundang-undangan II

ttd

Edy Sudibyo

PENJELASAN
ATAS
UNDANG-UNDANG REPUBLIK INDONESIA
NOMOR 23 TAHUN 2002
TENTANG
PERLINDUNGAN ANAK

UMUM

Anak adalah amanah sekaligus karunia Tuhan Yang Maha Esa, yang senantiasa harus kita jaga karena dalam dirinya melekat harkat, martabat, dan hak-hak sebagai manusia yang harus dijunjung tinggi. Hak asasi anak merupakan bagian dari hak asasi manusia yang termuat dalam Undang-Undang Dasar 1945 dan Konvensi Perserikatan Bangsa-Bangsa tentang Hak-Hak Anak. Dari sisi kehidupan berbangsa dan bernegara, anak adalah masa depan bangsa dan generasi penerus cita-cita bangsa, sehingga setiap anak berhak atas kelangsungan hidup, tumbuh, dan berkembang, berpartisipasi serta berhak atas perlindungan dari tindak kekerasan dan diskriminasi serta hak sipil dan kebebasan.

Meskipun Undang-undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia telah mencantumkan tentang hak anak, pelaksanaan kewajiban dan tanggung jawab orang tua, keluarga, masyarakat, pemerintah, dan negara untuk memberikan perlindungan pada anak masih memerlukan suatu undang-undang mengenai perlindungan anak sebagai landasan yuridis bagi pelaksanaan kewajiban dan tanggung jawab tersebut. Dengan demikian, pembentukan undang-undang ini didasarkan pada pertimbangan bahwa perlindungan anak dalam segala aspeknya merupakan bagian dari kegiatan pembangunan nasional, khususnya dalam memajukan kehidupan berbangsa dan bernegara.

Orang tua, keluarga, dan masyarakat bertanggung jawab untuk menjaga dan memelihara hak asasi tersebut sesuai dengan kewajiban yang dibebankan oleh hukum. Demikian pula dalam rangka penyelenggaraan perlindungan anak, negara dan pemerintah bertanggung jawab menyediakan fasilitas dan aksesibilitas bagi anak, terutama dalam menjamin pertumbuhan dan perkembangannya secara optimal dan terarah.

Undang-undang ini menegaskan bahwa pertanggungjawaban orang tua, keluarga, masyarakat, pemerintah dan negara merupakan rangkaian kegiatan yang dilaksanakan secara terus-menerus demi terlindunginya hak-hak anak. Rangkaian kegiatan tersebut harus berkelanjutan dan terarah guna menjamin pertumbuhan dan perkembangan anak, baik fisik, mental, spiritual maupun sosial. Tindakan ini dimaksudkan untuk mewujudkan kehidupan terbaik bagi anak yang diharapkan sebagai penerus bangsa yang potensial, tangguh, memiliki nasionalisme yang dijiwai oleh akhlak mulia dan nilai Pancasila, serta berkemauan keras menjaga kesatuan dan persatuan bangsa dan negara.

Upaya perlindungan anak perlu dilaksanakan sedini mungkin, yakni sejak dari janin dalam kandungan sampai anak berumur 18 (delapan belas) tahun. Bertitik tolak dari konsepsi perlindungan anak yang utuh, menyeluruh, dan komprehensif, undang-undang ini meletakkan kewajiban memberikan perlindungan kepada anak berdasarkan asas-asas sebagai berikut:

- a. nondiskriminasi;
- b. kepentingan yang terbaik bagi anak;
- c. hak untuk hidup, kelangsungan hidup, dan perkembangan; dan
- d. penghargaan terhadap pendapat anak.

Dalam melakukan pembinaan, pengembangan dan perlindungan anak, perlu peran masyarakat, baik melalui lembaga perlindungan anak, lembaga keagamaan, lembaga swadaya masyarakat, organisasi kemasyarakatan, organisasi sosial, dunia usaha, media massa, atau lembaga pendidikan.

PASAL DEMI PASAL

Pasal 1

Cukup jelas

Pasal 2

Asas perlindungan anak di sini sesuai dengan prinsip-prinsip pokok yang terkandung dalam Konvensi Hak-Hak Anak.

Yang dimaksud dengan asas kepentingan yang terbaik bagi anak adalah bahwa dalam semua tindakan yang menyangkut anak yang dilakukan oleh pemerintah, masyarakat, badan legislatif, dan badan yudikatif, maka kepentingan yang terbaik bagi anak harus menjadi pertimbangan utama.

Yang dimaksud dengan asas hak untuk hidup, kelangsungan hidup, dan perkembangan adalah hak asasi yang paling mendasar bagi anak yang dilindungi oleh negara, pemerintah, masyarakat, keluarga, dan orang tua.

Yang dimaksud dengan asas penghargaan terhadap pendapat anak adalah penghormatan atas hak-hak anak untuk berpartisipasi dan menyatakan pendapatnya dalam pengambilan keputusan terutama jika menyangkut hal-hal yang mempengaruhi kehidupannya.

Pasal 3

Cukup jelas

Pasal 4

Hak ini sesuai dengan ketentuan dalam Pasal 28B ayat (2) Undang-Undang Dasar 1945 dan prinsip-prinsip pokok yang tercantum dalam Konvensi Hak-Hak Anak.

Pasal 5

Cukup jelas

Pasal 6

Ketentuan ini dimaksudkan untuk memberi kebebasan kepada anak dalam rangka mengembangkan kreativitas dan intelektualitasnya (daya nalarnya) sesuai dengan tingkat usia anak. Ketentuan pasal ini juga menegaskan bahwa pengembangan tersebut masih tetap harus berada dalam bimbingan orang tuanya.

Pasal 7

Ayat (1)

Ketentuan mengenai hak anak untuk mengetahui siapa orang tuanya, dalam arti asal-usulnya (termasuk ibu susunya), dimaksudkan untuk menghindari terputusnya silsilah dan hubungan darah antara anak dengan orang tua kandungnya, sedangkan hak untuk dibesarkan dan diasuh orang tuanya, dimaksudkan agar anak dapat patuh dan menghormati orang tuanya.

Ayat (2)

Pengasuhan atau pengangkatan anak dilaksanakan sesuai dengan norma-norma hukum, adat istiadat yang berlaku, dan agama yang dianut anak.

Pasal 8

Cukup jelas

Pasal 9

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 10

Cukup jelas

Pasal 11

Cukup jelas

Pasal 12

Hak dalam ketentuan ini dimaksudkan untuk menjamin kehidupannya sesuai dengan martabat kemanusiaan, meningkatkan rasa percaya diri, dan kemampuan berpartisipasi dalam kehidupan bermasyarakat, berbangsa, dan bernegara.

Pasal 13

Ayat (1)

Huruf a

Perlakuan diskriminasi, misalnya perlakuan yang membedakan suku, agama, ras, golongan, jenis kelamin, etnik, budaya dan bahasa, status hukum anak, urutan kelahiran anak, dan kondisi fisik dan/atau mental.

Huruf b

Perlakuan eksploitasi, misalnya tindakan atau perbuatan memeralat, memanfaatkan, atau memeras anak untuk memperoleh keuntungan pribadi, keluarga, atau golongan.

Huruf c

Perlakuan penelantaran, misalnya tindakan atau perbuatan mengabaikan dengan sengaja kewajiban untuk memelihara, merawat, atau mengurus anak sebagaimana mestinya.

Huruf d

Perlakuan yang kejam, misalnya tindakan atau perbuatan secara zalim, keji, bengis, atau tidak menaruh belas kasihan kepada anak. Perlakuan kekerasan dan penganiayaan, misalnya perbuatan melukai dan/atau mencederai anak, dan tidak semata-mata fisik, tetapi juga mental dan sosial.

Huruf e

Perlakuan ketidakadilan, misalnya tindakan keberpihakan antara anak yang satu dan lainnya, atau kesewenang-wenangan terhadap anak.

Huruf f

Perlakuan salah lainnya, misalnya tindakan pelecehan atau perbuatan tidak senonoh kepada anak.

Ayat (2)

Cukup jelas

Pasal 14

Pemisahan yang dimaksud dalam ketentuan ini tidak menghilangkan hubungan anak dengan orang tuanya.

Pasal 15

Perlindungan dalam ketentuan ini meliputi kegiatan yang bersifat langsung dan tidak langsung, dari tindakan yang membahayakan anak secara fisik dan psikis.

Pasal 16

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Pasal 17

Ayat (1)

Huruf a

Cukup jelas

Huruf b

Yang dimaksud dengan bantuan lainnya misalnya bimbingan sosial dari pekerja sosial, konsultasi dari psikolog dan psikiater, atau bantuan dari ahli bahasa.

Huruf c

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 18

Bantuan lainnya dalam ketentuan ini termasuk bantuan medik, sosial, rehabilitasi, vokasional, dan pendidikan.

Pasal 19

Cukup jelas

Pasal 20

Cukup jelas

Pasal 21

Cukup jelas

Pasal 22

Dukungan sarana dan prasarana, misalnya sekolah, lapangan bermain, lapangan olahraga, rumah ibadah, balai kesehatan, gedung kesenian, tempat rekreasi, ruang menyusui, tempat penitipan anak, dan rumah tahanan khusus anak.

Pasal 23

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 24

Cukup jelas

Pasal 25

Cukup jelas

Pasal 26

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 27

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Ayat (4)

Cukup jelas

Pasal 28

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Ayat (4)

Cukup jelas

Pasal 29



Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Pasal 30

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 31

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Ayat (4)

Cukup jelas

Cukup jelas

Pasal 32

Pasal 33

Ayat (1)

Cukup jelas

Ayat (2)

Pengadilan yang dimaksud dalam ketentuan ini adalah Pengadilan Agama bagi yang beragama Islam dan Pengadilan Negeri bagi yang beragama selain Islam.

Ayat (3)

Cukup jelas

Ayat (4)

Cukup jelas

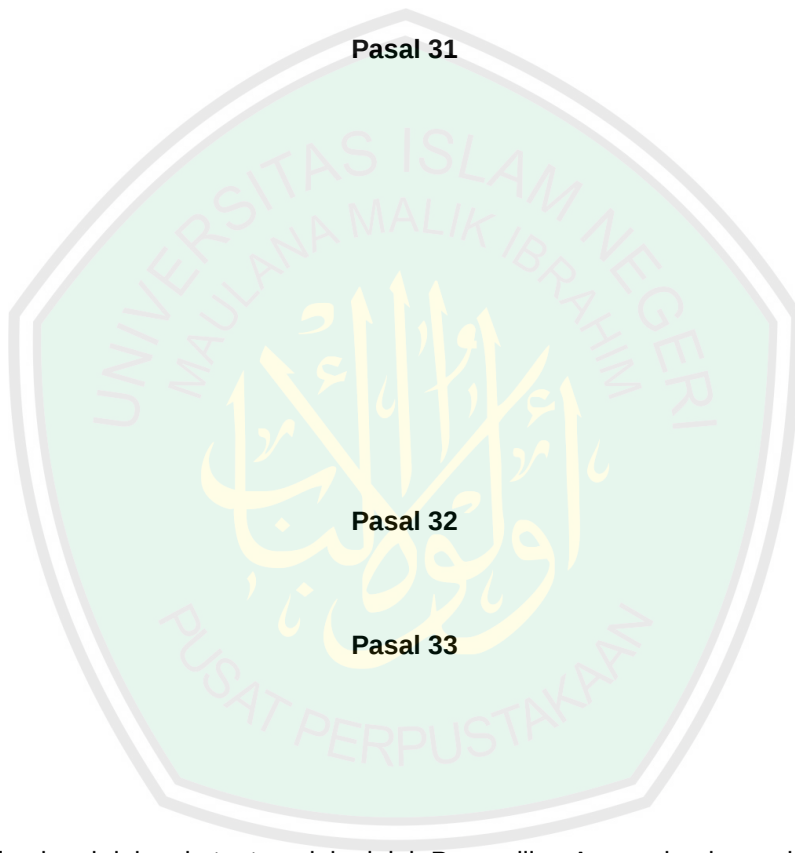
Ayat (5)

Cukup jelas

Pasal 34

Cukup jelas

Pasal 35



Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Pasal 36

Ayat (1)

Lihat penjelasan Pasal 33 Ayat (2)

Ayat (2)

Lihat penjelasan Pasal 33 Ayat (2)

Pasal 37

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Yang dimaksud dengan kata seyogianya dalam ketentuan ini adalah sepatutnya; selayaknya; semestinya; dan sebaiknya.

Ayat (4)

Cukup jelas

Ayat (5)

Cukup jelas

Ayat (6)

Pengasuhan anak dalam panti sosial merupakan upaya terakhir.

Pasal 38

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 39

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Ayat (4)

Cukup jelas

Ayat (5)

Ketentuan ini berlaku untuk anak yang belum berakal dan bertanggung jawab, dan penyesuaian agamanya dilakukan oleh mayoritas penduduk setempat (setingkat desa atau kelurahan) secara musyawarah, dan telah diadakan penelitian yang sungguh-sungguh.

Pasal 40

Ayat (1)

Cukup jelas

Ayat (2)

Yang dimaksud dengan kesiapan dalam ketentuan ini diartikan apabila secara psikologis dan psikososial diperkirakan anak telah siap. Hal tersebut biasanya dapat dicapai apabila anak sudah mendekati usia 18 (delapan belas) tahun.

Pasal 41

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 42

Ayat (1)

Cukup jelas

Ayat (2)

Anak dapat menentukan agama pilihannya apabila anak tersebut telah berakal dan bertanggung jawab, serta memenuhi syarat dan tata cara sesuai dengan ketentuan agama yang dipilihnya, dan ketentuan peraturan perundang-undangan yang berlaku.

Pasal 43

Ayat (1)

Cukup jelas

Ayat (1)

Cukup jelas

Pasal 44

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Ayat (4)

Cukup jelas

Ayat (5)

Cukup jelas

Pasal 45

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Pasal 46

Penyakit yang mengancam kelangsungan hidup dan menimbulkan kecacatan, misalnya HIV/AIDS, TBC, kusta, polio.

Pasal 47

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 48

Cukup jelas

Pasal 49

Cukup jelas

Pasal 50

Cukup jelas

Pasal 51

Cukup jelas

Pasal 52

Cukup jelas

Pasal 53

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 54

Cukup jelas

Pasal 55

Ayat (1)

Yang dimaksud dengan frasa dalam lembaga adalah melalui sistem panti pemerintah dan panti swasta, sedangkan frasa di luar lembaga adalah sistem asuhan keluarga/perseorangan.

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Ayat (4)

Cukup jelas

Pasal 56

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 57

Cukup jelas

Pasal 58

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 59

Cukup jelas

Pasal 60

Cukup jelas

Pasal 61

Cukup jelas

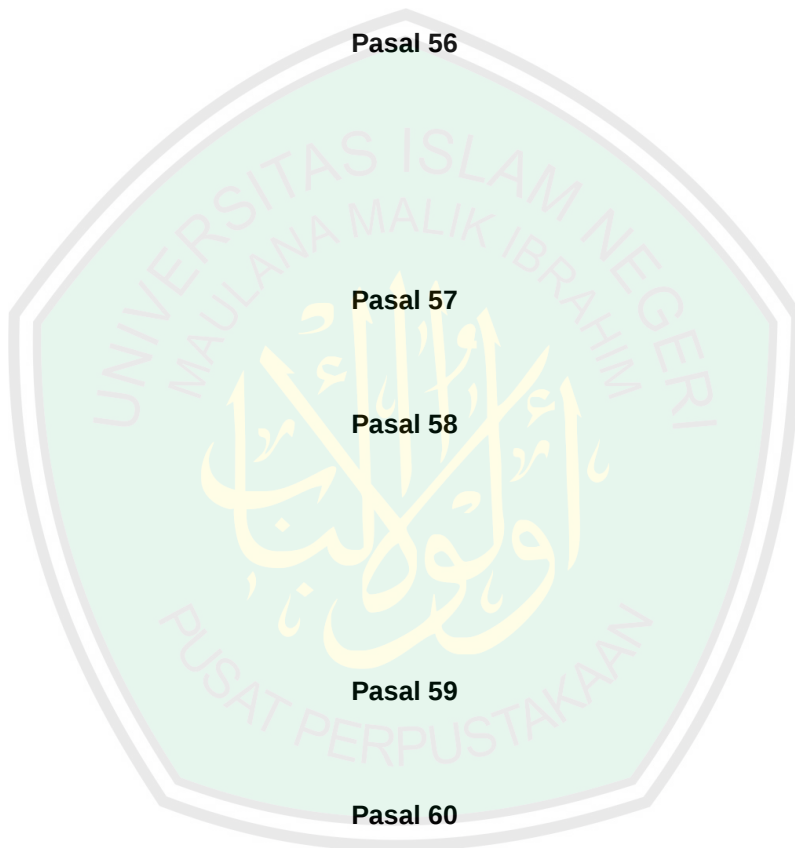
Pasal 62

Yang dimaksud dengan frasa gangguan psikososial antara lain trauma psikis dan gangguan perkembangan anak di usia dini.

Pasal 63

Cukup jelas

Pasal 64



Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Pasal 65

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 66

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Pasal 67

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 68

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 69

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 70

Ayat (1)

Cukup jelas

Ayat (2)



Cukup jelas

Pasal 71

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 72

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 73

Cukup jelas

Pasal 74

Cukup jelas

Pasal 75

Ayat (1)

Cukup jelas

Ayat (2)

Yang dimaksud dengan frasa tokoh masyarakat dalam ayat ini termasuk tokoh adat.

Ayat (3)

Cukup jelas

Ayat (4)

Kelengkapan organisasi yang akan diatur dalam Keputusan Presiden termasuk pembentukan organisasi di daerah.

Pasal 76

Cukup jelas

Pasal 77

Cukup jelas

Pasal 78

Cukup jelas

Pasal 79

Cukup jelas

Pasal 80

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Ayat (4)

Cukup jelas

Pasal 81

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 82

Cukup jelas

Pasal 83

Cukup jelas

Pasal 84

Cukup jelas

Pasal 85

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 86

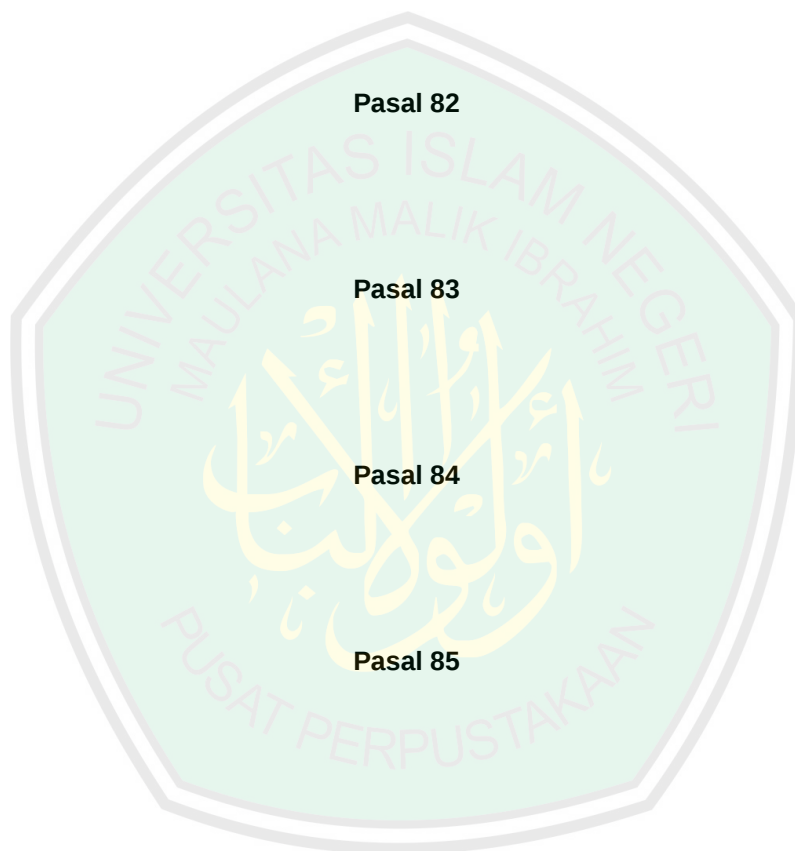
Cukup jelas

Pasal 87

Cukup jelas

Pasal 88

Cukup jelas



Pasal 89

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 90

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 91

Cukup jelas

Pasal 92

Cukup jelas

Pasal 93

Cukup jelas

TAMBAHAN LEMBARAN NEGARA REPUBLIK INDONESIA NO 4235



1. Form of Child abuse Suffered by Hassan.

No	Forms	Data
1.	Physical	• Assef motioned with his hand, and the other two boys separated, forming a half circle, trapping Hassan in the alley. “I’ve changed my mind,” Assef said. “I’m letting you keep the kite, Hazara. I’ll let you keep it so it will always remind you of what I’m about to do.” Then he charged. Hassan hurled the rock. It struck Assef in the forehead. Assef yelled as he flung himself at Hassan, knocking him to the ground. Wali and Kamal followed. (<i>The Kite Runner</i>: 73) • In one of those brief bursts of light, I saw something I’ll never forget: Hassan serving drinks to Assef and Wali from a silver platter. The light winked out, a hiss and a crackle, then another flicker of orange light: Assef grinning, kneading Hassan in the chest with a knuckle. (<i>The Kite Runner</i>: 100)
2.	Psychological	• A voice, cold and dark, suddenly whispered in my ear, <i>What does he know, that illiterate Hazara? He’ll never be anything but a cook. How dare he criticize you?</i> (<i>The Kite Runner</i>: 34) • “I’ll ask the president to do what the king didn’t have the <i>quwat</i> to do. To rid Afghanistan of all the dirty, <i>kasseef</i> Hazaras.” (<i>The Kite Runner</i>: 40) • His blue eyes flicked to Hassan. “Afghanistan is the land of Pashtuns. It always has been, always will be. We are the true Afghans, the pure Afghans, not this Flat-Nose here. His people pollute our homeland, our <i>watan</i>. They dirty our blood.” He made a sweeping, grandiose gesture with his hands. “Afghanistan for Pashtuns, I say. That’s my vision.” (<i>The Kite Runner</i>: 40) • “It also said some things I <i>did</i> know, like that people called Hazaras <i>mice-eating</i>, <i>flat-nosed</i>,

		load-carrying donkeys. I had heard some of the kids in the neighborhood yell those names to Hassan". (<i>The Kite Runner</i>: 9) • They called him "flat-nosed" because of Ali and Hassan's characteristic Hazara Mongoloid features. (<i>The Kite Runner</i>: 9) • I smiled. "Bas, you donkey. No one's sending you away." (<i>The Kite Runner</i>: 37) • "Good morning, <i>kunis!</i>" Assef exclaimed, waving. "Fag," that was another of his favorite insults. (<i>The Kite Runner</i>: 39) • He tipped his chin to Hassan. "Hey, Flat-Nose," he said. "How is Babalu?" (<i>The Kite Runner</i>: 39) • Assef gritted his teeth. "Put it down, you motherless Hazara." (<i>The Kite Runner</i>: 42) • Someone had challenged their god. Humiliated him. And, worst of all, that someone was a skinny Hazara. (<i>The Kite Runner</i>: 42) • "Thanks. Have you seen Hassan?" "Your Hazara?" I nodded. (<i>The Kite Runner</i>: 68) • "You should know something about me, Hazara," Assef said gravely. "I'm a very patient person. This doesn't end today, believe me." He turned to me. "This isn't the end for you either, Amir. Someday, I'll make you face me one on one." Assef retreated a step. His disciples followed. "Your Hazara made a big mistake today, Amir," he said. They then turned around, walked away. I watched them walk down the hill and disappear behind a wall. (<i>The Kite Runner</i>: 42-43) • My favorite part of reading to Hassan was when we came across a big word that he didn't know. I'd tease him, expose his ignorance. (<i>The Kite Runner</i>: 28) • The next morning, I waited in my room for Ali to clear the breakfast table in the kitchen. Waited for him to do the dishes, wipe the counters. I looked out my bedroom window and waited until Ali and Hassan went grocery
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		shopping to the bazaar, pushing the empty wheelbarrows in front of them. Then I took a couple of the envelopes of cash from the pile of gifts and my watch, and tiptoed out. I paused before Baba's study and listened in. He'd been in there all morning, making phone calls. He was talking to someone now, about a shipment of rugs due to arrive next week. I went downstairs, crossed the yard, and entered Ali and Hassan's living quarters by the loquat tree. I lifted Hassan's mattress and planted my new watch and a handful of Afghani bills under it. I waited another thirty minutes. Then I knocked on Baba's door and told what I hoped would be the last in a long line of shameful lies. (<i>The Kite Runner</i>: 104)
3.	Sexual	But there were two things amid the garbage that I couldn't stop looking at: One was the blue kite resting against the wall, close to the cast-iron stove; the other was Hassan's brown corduroy pants thrown on a heap of eroded bricks. "I don't know," Wali was saying. "My father says it's sinful." He sounded unsure, excited, scared, all at the same time. Hassan lay with his chest pinned to the ground. Kamal and Wali each gripped an arm, twisted and bent at the elbow so that Hassan's hands were pressed to his back. Assef was standing over them, the heel of his snow boots crushing the back of Hassan's neck. "Your father won't find out," Assef said. "And there's nothing sinful about teaching a lesson to a disrespectful donkey." "I don't know," Wali muttered. "Suit yourself," Assef said. He turned to Kamal. "What about you?" "I ...well..." "It's just a Hazara," Assef said. But Kamal kept looking away. "Fine," Assef snapped. "All I want you

		weaklings to do is hold him down. Can you manage that?” Wali and Kamal nodded. They looked relieved. Assef knelt behind Hassan, put his hands on Hassan’s hips and lifted his bare buttocks. He kept one hand on Hassan’s back and undid his own belt buckle with his free hand. He unzipped his jeans. Dropped his underwear. He positioned himself behind Hassan. Hassan didn’t struggle. Didn’t even whimper. He moved his head slightly and I caught a glimpse of his face. Saw the resignation in it. It was a look I had seen before. It was the look of the lamb. (<i>The Kite Runner</i>: 75-76)
4.	Social	• “You’re bothering me very much. In fact, you bother me more than this Hazara here. How can you talk to him, play with him, let him touch you?” he said, his voice dripping with disgust. Wali and Kamal nodded and grunted in agreement. Assef narrowed his eyes. Shook his head. When he spoke again, he sounded as baffled as he looked. “How can you call him your ‘friend’?” (<i>The Kite Runner</i>: 41) • “And you’ve always been far too hard on yourself.” He hesitated. “But there’s something else. Something you don’t know.” “Please, Rahim Khan—” “Sanaubar wasn’t Ali’s first wife.” Now I looked up. “He was married once before, to a Hazara woman from the Jaghori area. This was long before you were born. They were married for three years.” “What does this have to do with anything?” “She left him childless after three years and married a man in Khost. She bore <i>him</i> three daughters. That’s what I am trying to tell you.” I began to see where he was going. But I didn’t want to hear the rest of it. I had a good life in California, pretty Victorian home with a peaked roof, a good marriage, a promising writing career, in-laws who loved me. I didn’t

		need any of this shit. “Ali was sterile,” Rahim Khan said. “No he wasn’t. He and Sanaubar had Hassan, didn’t they? They had Hassan—” “No they didn’t,” Rahim Khan said. “Yes they did!” “No they didn’t, Amir.” “Then who—” “I think you know who.” I felt like a man sliding down a steep cliff, clutching at shrubs and tangles of brambles and coming up empty-handed. The room was swooping up and down, swaying side to side. “Did Hassan know?” I said through lips that didn’t feel like my own. Rahim Khan closed his eyes. Shook his head. (<i>The Kite Runner</i>: 222)
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2. Effects of Child abuse.

No	Data
1.	• My favorite part of reading to Hassan was when we came across a big word that he didn’t know. I’d tease him, expose his ignorance. One time, I was reading him a Mullah Nasruddin story and he stopped me. “What does that word mean?” • “Which one?” • “Imbecile.” • “You don’t know what it means?” I said, grinning. • “Nay, Amir agha.” • “But it’s such a common word!” • “Still, I don’t know it.” If he felt the sting of my tease, his smiling face didn’t show it. (<i>The Kite Runner</i>: 28) • Hassan shrugged. To an outsider, he didn’t look scared. But Hassan’s face was my earliest memory and I knew all of its subtle nuances, knew each and every twitch and flicker that ever rippled across it. And I saw that he was scared. He was scared plenty. (<i>The Kite Runner</i>: 42) • For a week, I barely saw Hassan. (<i>The Kite Runner</i>: 80) • Ali paused with a log in his hand. A worried look crossed his face. “Lately, it seems all he wants to do is sleep. He does his chores—I see to that—but then he just wants to crawl under his blanket. Can I ask you something?” (<i>The Kite Runner</i>: 80-81) Hassan looked tired too—he’d lost weight and gray circles had formed under his puffed-up eyes. (<i>The Kite Runner</i>: 86)

3. Cause of Child abuse.

No	Data
1.	• I wished I too had some kind of scar that would beget Baba's sympathy. It wasn't fair. Hassan hadn't done anything to earn Baba's affections; he'd just been born with that stupid harelip. (<i>The Kite Runner</i>: 46) • Baba would buy us each three identical kites and spools of glass string. If I changed my mind and asked for a bigger and fancier kite, Baba would buy it for me—but then he'd buy it for Hassan too. Sometimes I wished he wouldn't do that. Wished he'd let me be the favorite. (<i>The Kite Runner</i>: 51) • I tripped over a rock and fell—I wasn't just slower than Hassan but clumsier too; I'd always envied his natural athleticism. When I staggered to my feet, I caught a glimpse of Hassan disappearing around another street corner. I hobbled after him, spikes of pain battering my scraped knees. (<i>The Kite Runner</i>: 53) • Nothing was free in this world. Maybe Hassan was the price I had to pay, the lamb I had to slay, to win Baba. Was it a fair price? The answer floated to my conscious mind before I could thwart it: He was just a Hazara, wasn't he? (<i>The Kite Runner</i>: 77) • I sat on the edge of my bed, turned the notebook in my hands, thought about what Rahim Khan had said about Homaira, how his father's dismissing her had been for the best in the end. <i>She would have suffered</i>. Like the times Kaka Homayoun's projector got stuck on the same slide, the same image kept flashing in my mind over and over: Hassan, his head downcast, serving drinks to Assef and Wali. Maybe it <i>would</i> be for the best. Lessen his suffering. And mine too. Either way, this much had become clear: One of us had to go. (<i>The Kite Runner</i>: 102) • His blue eyes flicked to Hassan. "Afghanistan is the land of Pashtuns. It always has been, always will be. We are the true Afghans, the pure Afghans, not this Flat-Nose here. His people pollute our homeland, our <i>watan</i>. They dirty our blood." He made a sweeping, grandiose gesture with his hands. "Afghanistan for Pashtuns, I say. That's my vision." (<i>The Kite Runner</i>: 40) • "I'll ask the president to do what the king didn't have the <i>quwat</i> to do. To rid Afghanistan of all the dirty, <i>kasseef</i> Hazaras." (<i>The Kite Runner</i>: 40)

UNDANG-UNDANG (UU) REPUBLIK INDONESIA
Nomor: 23 TAHUN 2002
PERLINDUNGAN ANAK

DENGAN RAHMAT TUHAN YANG MAHA ESA

PRESIDEN REPUBLIK INDONESIA

Menimbang:

- a bahwa Negara Kesatuan Republik Indonesia menjamin kesejahteraan tiap-tiap warga negaranya, termasuk perlindungan terhadap hak anak yang merupakan hak asasi manusia
- b bahwa anak adalah amanah dan karunia Tuhan Yang Maha Esa, yang dalam dirinya melekat harkat dan martabat sebagai manusia seutuhnya;
- c bahwa anak adalah tunas, potensi, dan generasi muda penerus cita-cita perjuangan bangsa, memiliki peran strategis dan mempunyai ciri dan sifat khusus yang menjamin kelangsungan eksistensi bangsa dan negara pada masa depan;
- d bahwa agar setiap anak kelak mampu memikul tanggung jawab tersebut, maka ia perlu mendapat kesempatan yang seluas-luasnya untuk tumbuh dan berkembang secara optimal, baik fisik, mental maupun sosial, dan berakhlak mulia, perlu dilakukan upaya perlindungan serta untuk mewujudkan kesejahteraan anak dengan memberikan jaminan terhadap pemenuhan hak-haknya serta adanya perlakuan tanpa diskriminasi;
- e bahwa untuk mewujudkan perlindungan dan kesejahteraan anak diperlukan dukungan kelembagaan dan peraturan perundang-undangan yang dapat menjamin pelaksanaannya;
- f bahwa berbagai undang-undang hanya mengatur hal-hal tertentu mengenai anak dan secara khusus belum mengatur keseluruhan aspek yang berkaitan dengan perlindungan anak;
- g bahwa berdasarkan pertimbangan tersebut pada huruf a, b, c, d, e, dan f perlu ditetapkan Undang-undang tentang Perlindungan Anak;

Mengingat:

- 1 Pasal 20, Pasal 20A ayat (1), Pasal 21, Pasal 28B ayat (2), dan Pasal 34 Undang-Undang Dasar 1945;
- 2 Undang-undang Nomor 4 Tahun 1979 tentang Kesejahteraan Anak (Lembaran Negara Tahun 1979 Nomor 32, Tambahan Lembaran Negara Nomor 3143);
- 3 Undang-undang Nomor 7 Tahun 1984 tentang Penghapusan Segala Bentuk Diskriminasi terhadap Perempuan (Convention on The Elimination of all Forms of Discrimination Against Women) (Lembaran Negara Tahun 1984 Nomor 29, Tambahan Lembaran Negara Nomor 3277);
- 4 Undang-undang Nomor 3 Tahun 1997 tentang Pengadilan Anak (Lembaran Negara Tahun 1997 Nomor 3, Tambahan Lembaran Negara Nomor 3668);
- 5 Undang-undang Nomor 4 Tahun 1997 tentang Penyandang Cacat (Lembaran Negara Tahun 1997 Nomor 9, Tambahan Lembaran Negara Nomor 3670);
- 6 Undang-undang Nomor 20 Tahun 1999 tentang Pengesahan ILO Convention No. 138 Concerning Minimum Age for Admission to Employment (Konvensi ILO mengenai Usia Minimum untuk Diperbolehkan Bekerja) (Lembaran Negara Tahun 1999 Nomor 56, Tambahan Lembaran Negara Nomor 3835);
- 7 Undang-undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia (Lembaran Negara Tahun 1999 Nomor 165, Tambahan Lembaran Negara Nomor 3886);
- 8 Undang-undang Nomor 1 Tahun 2000 tentang Pengesahan ILO Convention No. 182 Concerning The Prohibition and Immediate Action for The Elimination of The Worst Forms of Child Labour (Konvensi ILO No. 182 mengenai Pelarangan dan Tindakan Segera Penghapusan Bentuk-bentuk Pekerjaan Terburuk untuk Anak) (Lembaran Negara Tahun 2000 Nomor 30, Tambahan Lembaran Negara Nomor 3941);

Dengan persetujuan bersama
DEWAN PERWAKILAN RAKYAT REPUBLIK INDONESIA

MEMUTUSKAN:

Menetapkan:
UNDANG-UNDANG TENTANG PERLINDUNGAN ANAK.

BAB I
KETENTUAN UMUM

Pasal 1

Dalam undang-undang ini yang dimaksud dengan:

- 1 Anak adalah seseorang yang belum berusia 18 (delapan belas) tahun, termasuk anak yang masih dalam kandungan.
- 2 Perlindungan anak adalah segala kegiatan untuk menjamin dan melindungi anak dan hak-haknya agar dapat hidup, tumbuh, berkembang, dan berpartisipasi, secara optimal sesuai dengan harkat dan martabat kemanusiaan, serta mendapat perlindungan dari kekerasan dan diskriminasi.
- 3 Keluarga adalah unit terkecil dalam masyarakat yang terdiri dari suami istri, atau suami istri dan anaknya, atau ayah dan anaknya, atau ibu dan anaknya, atau keluarga sedarah dalam garis lurus ke atas atau ke bawah sampai dengan derajat ketiga.
- 4 Orang tua adalah ayah dan/atau ibu kandung, atau ayah dan/atau ibu tiri, atau ayah dan/atau ibu angkat.
- 5 Wali adalah orang atau badan yang dalam kenyataannya menjalankan kekuasaan asuh sebagai orang tua terhadap anak.
- 6 Anak terlantar adalah anak yang tidak terpenuhi kebutuhannya secara wajar, baik fisik, mental, spiritual, maupun sosial.
- 7 Anak yang menyandang cacat adalah anak yang mengalami hambatan fisik dan/atau mental sehingga mengganggu pertumbuhan dan perkembangannya secara wajar.
- 8 Anak yang memiliki keunggulan adalah anak yang mempunyai kecerdasan luar biasa, atau memiliki potensi dan/atau bakat istimewa.
- 9 Anak angkat adalah anak yang haknya dialihkan dari lingkungan kekuasaan keluarga orang tua, wali yang sah, atau orang lain yang bertanggung jawab atas perawatan, pendidikan, dan membesarkan anak tersebut, ke dalam lingkungan keluarga orang tua angkatnya berdasarkan putusan atau penetapan pengadilan.
- 10 Anak asuh adalah anak yang diasuh oleh seseorang atau lembaga, untuk diberikan bimbingan, pemeliharaan, perawatan, pendidikan, dan kesehatan, karena orang tuanya atau salah satu orang tuanya tidak mampu menjamin tumbuh kembang anak secara wajar.
- 11 Kuasa asuh adalah kekuasaan orang tua untuk mengasuh, mendidik, memelihara, membina, melindungi, dan menumbuhkembangkan anak sesuai dengan agama yang dianutnya dan kemampuan, bakat, serta minatnya.
- 12 Hak anak adalah bagian dari hak asasi manusia yang wajib dijamin, dilindungi, dan dipenuhi oleh orang tua, keluarga, masyarakat, pemerintah, dan negara.
- 13 Masyarakat adalah perseorangan, keluarga, kelompok, dan organisasi sosial dan/atau organisasi kemasyarakatan.
- 14 Pendamping adalah pekerja sosial yang mempunyai kompetensi profesional dalam bidangnya.
- 15 Perlindungan khusus adalah perlindungan yang diberikan kepada anak dalam situasi darurat, anak yang berhadapan dengan hukum, anak dari kelompok minoritas dan terisolasi, anak yang dieksploitasi secara ekonomi dan/atau seksual, anak yang diperdagangkan, anak yang menjadi korban penyalahgunaan narkotika, alkohol, psikotropika, dan zat adiktif lainnya (napza), anak korban penculikan, penjualan, perdagangan, anak korban kekerasan baik fisik dan/atau mental, anak yang menyandang cacat, dan anak korban perlakuan salah dan penelantaran.
- 16 Setiap orang adalah orang perseorangan atau korporasi.
- 17 Pemerintah adalah Pemerintah yang meliputi Pemerintah Pusat dan Pemerintah Daerah.

BAB II ASAS DAN TUJUAN

Pasal 2

Penyelenggaraan perlindungan anak berasaskan Pancasila dan berlandaskan Undang-Undang Dasar 1945 serta prinsip-prinsip dasar Konvensi Hak-Hak Anak meliputi:

- a nondiskriminasi;
- b kepentingan yang terbaik bagi anak;
- c hak untuk hidup, kelangsungan hidup, dan perkembangan; dan
- d penghargaan terhadap pendapat anak.

Pasal 3

Perlindungan anak bertujuan untuk menjamin terpenuhinya hak-hak anak agar dapat hidup, tumbuh, berkembang, dan berpartisipasi secara optimal sesuai dengan harkat dan martabat kemanusiaan, serta mendapat perlindungan dari kekerasan dan diskriminasi, demi terwujudnya anak Indonesia yang berkualitas, berakhlak mulia, dan sejahtera.

BAB III HAK DAN KEWAJIBAN ANAK

Pasal 4

Setiap anak berhak untuk dapat hidup, tumbuh, berkembang, dan berpartisipasi secara wajar sesuai dengan harkat dan martabat kemanusiaan, serta mendapat perlindungan dari kekerasan dan diskriminasi.

Pasal 5

Setiap anak berhak atas suatu nama sebagai identitas diri dan status kewarganegaraan.

Pasal 6

Setiap anak berhak untuk beribadah menurut agamanya, berpikir, dan berekspresi sesuai dengan tingkat kecerdasan dan usianya, dalam bimbingan orang tua.

Pasal 7

- (1) Setiap anak berhak untuk mengetahui orang tuanya, dibesarkan, dan diasuh oleh orang tuanya sendiri.
- (2) Dalam hal karena suatu sebab orang tuanya tidak dapat menjamin tumbuh kembang anak, atau anak dalam keadaan terlantar maka anak tersebut berhak diasuh atau diangkat sebagai anak asuh atau anak angkat oleh orang lain sesuai dengan ketentuan peraturan perundang-undangan yang berlaku

Pasal 8

Setiap anak berhak memperoleh pelayanan kesehatan dan jaminan sosial sesuai dengan kebutuhan fisik, mental, spiritual, dan sosial.

Pasal 9

- (1) Setiap anak berhak memperoleh pendidikan dan pengajaran dalam rangka pengembangan pribadinya dan tingkat kecerdasannya sesuai dengan minat dan bakatnya.
- (2) Selain hak anak sebagaimana dimaksud dalam ayat (1), khusus bagi anak yang menyandang cacat juga berhak memperoleh pendidikan luar biasa, sedangkan bagi anak

yang memiliki keunggulan juga berhak mendapatkan pendidikan khusus

Pasal 10

Setiap anak berhak menyatakan dan didengar pendapatnya, menerima, mencari, dan memberikan informasi sesuai dengan tingkat kecerdasan dan usianya demi pengembangan dirinya sesuai dengan nilai-nilai kesusilaan dan kepatutan.

Pasal 11

Setiap anak berhak untuk beristirahat dan memanfaatkan waktu luang, bergaul dengan anak yang sebaya, bermain, berekreasi, dan berkreasi sesuai dengan minat, bakat, dan tingkat kecerdasannya demi pengembangan diri.

Pasal 12

Setiap anak yang menyandang cacat berhak memperoleh rehabilitasi, bantuan sosial, dan pemeliharaan taraf kesejahteraan sosial.

Pasal 13

- (1) Setiap anak selama dalam pengasuhan orang tua, wali, atau pihak lain mana pun yang bertanggung jawab atas pengasuhan, berhak mendapat perlindungan dari perlakuan:
 - a. diskriminasi;
 - b. eksploitasi, baik ekonomi maupun seksual;
 - c. penelantaran;
 - d. kekejaman, kekerasan, dan penganiayaan;
 - e. ketidakadilan; dan
 - f. perlakuan salah lainnya.
- (2) Dalam hal orang tua, wali atau pengasuh anak melakukan segala bentuk perlakuan sebagaimana dimaksud dalam ayat (1), maka pelaku dikenakan pemberatan hukuman.

Pasal 14

Setiap anak berhak untuk diasuh oleh orang tuanya sendiri, kecuali jika ada alasan dan/atau aturan hukum yang sah menunjukkan bahwa pemisahan itu adalah demi kepentingan terbaik bagi anak dan merupakan pertimbangan terakhir.

Pasal 15

Setiap anak berhak untuk memperoleh perlindungan dari:

- a. penyalahgunaan dalam kegiatan politik;
- b. pelibatan dalam sengketa bersenjata;
- c. pelibatan dalam kerusuhan sosial;
- d. pelibatan dalam peristiwa yang mengandung unsur kekerasan; dan
- e. pelibatan dalam peperangan

Pasal 16

- (1) Setiap anak berhak memperoleh perlindungan dari sasaran penganiayaan, penyiksaan, atau penjatuhan hukuman yang tidak manusiawi.
- (2) Setiap anak berhak untuk memperoleh kebebasan sesuai dengan hukum
- (3) Penangkapan, penahanan, atau tindak pidana penjara anak hanya dilakukan apabila sesuai dengan hukum yang berlaku dan hanya dapat dilakukan sebagai upaya terakhir.

Pasal 17

- (1) Setiap anak yang dirampas kebebasannya berhak untuk:
 - a. mendapatkan perlakuan secara manusiawi dan penempatannya dipisahkan dari orang dewasa;
 - b. memperoleh bantuan hukum atau bantuan lainnya secara efektif dalam setiap tahapan upaya hukum yang berlaku; dan
 - c. membela diri dan memperoleh keadilan di depan pengadilan anak yang objektif dan tidak memihak dalam sidang tertutup untuk umum.
- (2) Setiap anak yang menjadi korban atau pelaku kekerasan seksual atau yang berhadapan dengan hukum berhak dirahasiakan.

Pasal 18

Setiap anak yang menjadi korban atau pelaku tindak pidana berhak mendapatkan bantuan hukum dan bantuan lainnya.

Pasal 19

Setiap anak berkewajiban untuk:

- a. menghormati orang tua, wali, dan guru;
- b. mencintai keluarga, masyarakat, dan menyayangi teman;
- c. mencintai tanah air, bangsa, dan negara;
- d. menunaikan ibadah sesuai dengan ajaran agamanya; dan
- e. melaksanakan etika dan akhlak yang mulia.

BAB IV KEWAJIBAN DAN TANGGUNG JAWAB

Bagian Kesatu Umum

Pasal 20

Negara, pemerintah, masyarakat, keluarga, dan orang tua berkewajiban dan bertanggung jawab terhadap penyelenggaraan perlindungan anak.

Bagian Kedua Kewajiban dan Tanggung Jawab Negara dan Pemerintah

Pasal 21

Negara dan pemerintah berkewajiban dan bertanggung jawab menghormati dan menjamin hak asasi setiap anak tanpa membedakan suku, agama, ras, golongan, jenis kelamin, etnik, budaya dan bahasa, status hukum anak, urutan kelahiran anak, dan kondisi fisik dan/atau mental.

Pasal 22

Negara dan pemerintah berkewajiban dan bertanggung jawab memberikan dukungan sarana dan prasarana dalam penyelenggaraan perlindungan anak.

Pasal 23

- (1) Negara dan pemerintah menjamin perlindungan, pemeliharaan, dan kesejahteraan anak dengan memperhatikan hak dan kewajiban orang tua, wali, atau orang lain yang secara hukum bertanggung jawab terhadap anak.
- (2) Negara dan pemerintah mengawasi penyelenggaraan perlindungan anak.

Pasal 24

Negara dan pemerintah menjamin anak untuk mempergunakan haknya dalam menyampaikan pendapat sesuai dengan usia dan tingkat kecerdasan anak.

Bagian Ketiga Kewajiban dan Tanggung Jawab Masyarakat

Pasal 25

Kewajiban dan tanggung jawab masyarakat terhadap perlindungan anak dilaksanakan melalui kegiatan peran masyarakat dalam penyelenggaraan perlindungan anak.

Bagian Keempat Kewajiban dan Tanggung Jawab Keluarga dan Orang Tua

Pasal 26

- (1) Orang tua berkewajiban dan bertanggung jawab untuk
 - a. mengasuh, memelihara, mendidik, dan melindungi anak
 - b. menumbuhkembangkan anak sesuai dengan kemampuan, bakat, dan minatnya; dan
 - c. mencegah terjadinya perkawinan pada usia anak-anak.
- (2) Dalam hal orang tua tidak ada, atau tidak diketahui keberadaannya, atau karena suatu sebab, tidak dapat melaksanakan kewajiban dan tanggung jawabnya, maka kewajiban dan tanggung jawab sebagaimana dimaksud dalam ayat (1) dapat beralih kepada keluarga, yang dilaksanakan sesuai dengan ketentuan peraturan perundang-undangan yang berlaku.

BAB V KEDUDUKAN ANAK

Bagian Kesatu Identitas Anak Pasal 27

- (1) Identitas diri setiap anak harus diberikan sejak kelahirannya
- (2) Identitas sebagaimana dimaksud dalam ayat (1) dituangkan dalam akta kelahiran
- (3) Pembuatan akta kelahiran didasarkan pada surat keterangan dari orang yang menyaksikan dan/atau membantu proses kelahiran.
- (4) Dalam hal anak yang proses kelahirannya tidak diketahui, dan orang tuanya tidak diketahui keberadaannya, pembuatan akta kelahiran untuk anak tersebut didasarkan pada keterangan orang yang menemukannya.

Pasal 28

- (1) Pembuatan akta kelahiran menjadi tanggung jawab pemerintah yang dalam pelaksanaannya diselenggarakan serendah-rendahnya pada tingkat kelurahan/desa
- (2) Pembuatan akta kelahiran sebagaimana dimaksud dalam ayat (1) harus diberikan paling lambat 30 (tiga puluh) hari terhitung sejak tanggal diajukannya permohonan.
- (3) Pembuatan akta kelahiran sebagaimana dimaksud dalam ayat (1) tidak dikenai biaya.
- (4) Ketentuan mengenai tata cara dan syarat-syarat pembuatan akta kelahiran sebagaimana dimaksud dalam ayat (1), diatur dengan peraturan perundang-undangan.

Bagian Kedua
Anak yang Dilahirkan dari Perkawinan Campuran

Pasal 29

- (1) Jika terjadi perkawinan campuran antara warga negara Republik Indonesia dan warga negara asing, anak yang dilahirkan dari perkawinan tersebut berhak memperoleh kewarganegaraan dari ayah atau ibunya sesuai dengan ketentuan peraturan perundang-undangan yang berlaku.
- (2) Dalam hal terjadi perceraian dari perkawinan sebagaimana dimaksud dalam ayat (1), anak berhak untuk memilih atau berdasarkan putusan pengadilan, berada dalam pengasuhan salah satu dari kedua orang tuanya.
- (3) Dalam hal terjadi perceraian sebagaimana dimaksud dalam ayat (2), sedangkan anak belum mampu menentukan pilihan dan ibunya berkewarganegaraan Republik Indonesia, demi kepentingan terbaik anak atau atas permohonan ibunya, pemerintah berkewajiban mengurus status kewarganegaraan Republik Indonesia bagi anak tersebut.

BAB VI
KUASA ASUH

Pasal 30

- (1) Dalam hal orang tua sebagaimana dimaksud dalam Pasal 26, melalaikan kewajibannya, terhadapnya dapat dilakukan tindakan pengawasan atau kuasa asuh orang tua dapat dicabut.
- (2) Tindakan pengawasan terhadap orang tua atau pencabutan kuasa asuh sebagaimana dimaksud dalam ayat (1) dilakukan melalui penetapan pengadilan.

Pasal 31

- (1) Salah satu orang tua, saudara kandung, atau keluarga sampai derajat ketiga, dapat mengajukan permohonan ke pengadilan untuk mendapatkan penetapan pengadilan tentang pencabutan kuasa asuh orang tua atau melakukan tindakan pengawasan apabila terdapat alasan yang kuat untuk itu.
- (2) Apabila salah satu orang tua, saudara kandung, atau keluarga sampai dengan derajat ketiga, tidak dapat melaksanakan fungsinya, maka pencabutan kuasa asuh orang tua sebagaimana dimaksud dalam ayat (1) dapat juga diajukan oleh pejabat yang berwenang atau lembaga lain yang mempunyai kewenangan untuk itu.
- (3) Penetapan pengadilan sebagaimana dimaksud dalam ayat (1) dapat menunjuk orang perseorangan atau lembaga pemerintah/masyarakat untuk menjadi wali bagi yang bersangkutan.
- (4) Perseorangan yang melaksanakan pengasuhan anak sebagaimana dimaksud dalam ayat (3) harus seagama dengan agama yang dianut anak yang akan diasuhnya.

Pasal 32

Penetapan pengadilan sebagaimana dimaksud dalam Pasal 31 ayat (3) sekurang-kurangnya memuat ketentuan:

- a. tidak memutuskan hubungan darah antara anak dan orang tua kandungnya;
- b. tidak menghilangkan kewajiban orang tuanya untuk membiayai hidup anaknya; dan
- c. batas waktu pencabutan

BAB VII
PERWALIAN

Pasal 33

- (1) Dalam hal orang tua anak tidak cakap melakukan perbuatan hukum, atau tidak diketahui

tempat tinggal atau keberadaannya, maka seseorang atau badan hukum yang memenuhi persyaratan dapat ditunjuk sebagai wali dari anak yang bersangkutan.

- (2) Untuk menjadi wali anak sebagaimana dimaksud dalam ayat (1) dilakukan melalui penetapan pengadilan.
- (3) Wali yang ditunjuk sebagaimana dimaksud dalam ayat (2) agamanya harus sama dengan agama yang dianut anak.
- (4) Untuk kepentingan anak, wali sebagaimana dimaksud dalam ayat (2) wajib mengelola harta milik anak yang bersangkutan.
- (5) Ketentuan mengenai syarat dan tata cara penunjukan wali sebagaimana dimaksud dalam ayat (1) diatur lebih lanjut dengan Peraturan Pemerintah

Pasal 34

Wali yang ditunjuk berdasarkan penetapan pengadilan sebagaimana dimaksud dalam Pasal 33, dapat mewakili anak untuk melakukan perbuatan hukum, baik di dalam maupun di luar pengadilan untuk kepentingan yang terbaik bagi anak.

Pasal 35

- (1) Dalam hal anak belum mendapat penetapan pengadilan mengenai wali, maka harta kekayaan anak tersebut dapat diurus oleh Balai Harta Peninggalan atau lembaga lain yang mempunyai kewenangan untuk itu.
- (2) Balai Harta Peninggalan atau lembaga lain sebagaimana dimaksud dalam ayat (1) bertindak sebagai wali pengawas untuk mewakili kepentingan anak.
- (3) Pengurusan harta sebagaimana dimaksud dalam ayat (1) dan ayat (2) harus mendapat penetapan pengadilan.

Pasal 36

- (1) Dalam hal wali yang ditunjuk ternyata di kemudian hari tidak cakap melakukan perbuatan hukum atau menyalahgunakan kekuasaannya sebagai wali, maka status perwaliannya dicabut dan ditunjuk orang lain sebagai wali melalui penetapan pengadilan.
- (2) Dalam hal wali meninggal dunia, ditunjuk orang lain sebagai wali melalui penetapan pengadilan.

BAB VIII PENGASUHAN DAN PENGANGKATAN ANAK

Bagian Kesatu Pengasuhan Anak Pasal 37

- (1) Pengasuhan anak ditujukan kepada anak yang orang tuanya tidak dapat menjamin tumbuh kembang anaknya secara wajar, baik fisik, mental, spiritual maupun sosial.
- (2) Pengasuhan anak sebagaimana dimaksud dalam ayat (1) dapat dilakukan oleh perseorangan dan/atau lembaga yang mempunyai kewenangan untuk itu
- (3) Perseorangan sebagaimana dimaksud dalam ayat (2) seyogyanya seagama dengan agama anak yang akan diasuh.
- (4) Dalam hal lembaga sebagaimana dimaksud dalam ayat (2) berlandaskan agama, anak yang diasuh harus seagama dengan agama yang menjadi landasan lembaga yang bersangkutan.
- (5) Dalam hal pengasuhan anak dilakukan oleh lembaga yang tidak berlandaskan agama, maka pelaksanaan pengasuhan anak harus memperhatikan agama yang dianut anak yang bersangkutan.
- (6) Pengasuhan anak oleh lembaga dapat dilakukan di dalam panti atau di luar panti sosial.

Pasal 38

- (1) Pengasuhan anak sebagaimana dimaksud dalam Pasal 37, dilaksanakan tanpa membedakan suku, agama, ras, golongan, jenis kelamin, etnik, budaya dan bahasa, status hukum anak, urutan kelahiran anak, dan kondisi fisik dan/atau mental.
- (2) Pengasuhan anak sebagaimana dimaksud dalam ayat (1), diselenggarakan melalui kegiatan bimbingan, pemeliharaan, perawatan, dan pendidikan secara berkesinambungan, serta dengan memberikan bantuan biaya dan/atau fasilitas lain, untuk menjamin tumbuh kembang anak secara optimal, baik fisik, mental, spiritual maupun sosial, tanpa mempengaruhi agama yang dianut anak.

Bagian Kedua Pengangkatan Anak

Pasal 39

- (1) Pengangkatan anak hanya dapat dilakukan untuk kepentingan yang terbaik bagi anak dan dilakukan berdasarkan adat kebiasaan setempat dan ketentuan peraturan perundang-undangan yang berlaku
- (2) Pengangkatan anak sebagaimana dimaksud dalam ayat (1), tidak memutuskan hubungan darah antara anak yang diangkat dan orang tua kandungnya.
- (3) Calon orang tua angkat harus seagama dengan agama yang dianut oleh calon anak angkat
- (4) Pengangkatan anak oleh warga negara asing hanya dapat dilakukan sebagai upaya terakhir.
- (5) Dalam hal asal usul anak tidak diketahui, maka agama anak disesuaikan dengan agama mayoritas penduduk setempat.

Pasal 40

- (1) Orang tua angkat wajib memberitahukan kepada anak angkatnya mengenai asal usulnya dan orang tua kandungnya.
- (2) Pemberitahuan asal usul dan orang tua kandungnya sebagaimana dimaksud dalam ayat (1) dilakukan dengan memperhatikan kesiapan anak yang bersangkutan.

Pasal 41

- (1) Pemerintah dan masyarakat melakukan bimbingan dan pengawasan terhadap pelaksanaan pengangkatan anak.
- (2) Ketentuan mengenai bimbingan dan pengawasan sebagaimana dimaksud dalam ayat (1) diatur dengan Peraturan Pemerintah.

BAB IX PENYELENGGARAAN PERLINDUNGAN

Bagian Kesatu Agama Pasal 42

- (1) Setiap anak mendapat perlindungan untuk beribadah menurut agamanya
- (2) Sebelum anak dapat menentukan pilihannya, agama yang dipeluk anak mengikuti agama orang tuanya.

Pasal 43

- (1) Negara, pemerintah, masyarakat, keluarga, orang tua, wali, dan lembaga sosial menjamin perlindungan anak dalam memeluk agamanya.
- (2) Perlindungan anak dalam memeluk agamanya sebagaimana dimaksud dalam ayat (1) meliputi pembinaan, pembimbingan, dan pengamalan ajaran agama bagi anak.

Bagian Kedua Kesehatan

Pasal 44

- (1) Pemerintah wajib menyediakan fasilitas dan menyelenggarakan upaya kesehatan yang komprehensif bagi anak, agar setiap anak memperoleh derajat kesehatan yang optimal sejak dalam kandungan.
- (2) Penyediaan fasilitas dan penyelenggaraan upaya kesehatan secara komprehensif sebagaimana dimaksud dalam ayat (1) didukung oleh peran serta masyarakat.
- (3) Upaya kesehatan yang komprehensif sebagaimana dimaksud dalam ayat (1) meliputi upaya promotif, preventif, kuratif, dan rehabilitatif, baik untuk pelayanan kesehatan dasar maupun rujukan.
- (4) Upaya kesehatan yang komprehensif sebagaimana dimaksud dalam ayat (1) diselenggarakan secara cuma-cuma bagi keluarga yang tidak mampu.
- (5) Pelaksanaan ketentuan sebagaimana dimaksud dalam ayat (1), ayat (2), ayat (3), dan ayat (4) disesuaikan dengan ketentuan peraturan perundang-undangan yang berlaku.

Pasal 45

- (1) Orang tua dan keluarga bertanggung jawab menjaga kesehatan anak dan merawat anak sejak dalam kandungan.
- (2) Dalam hal orang tua dan keluarga yang tidak mampu melaksanakan tanggung jawab sebagaimana dimaksud dalam ayat (1), maka pemerintah wajib memenuhinya.
- (3) Kewajiban sebagaimana dimaksud dalam ayat (2), pelaksanaannya dilakukan sesuai dengan ketentuan peraturan perundang-undangan yang berlaku.

Pasal 46

Negara, pemerintah, keluarga, dan orang tua wajib mengusahakan agar anak yang lahir terhindar dari penyakit yang mengancam kelangsungan hidup dan/atau menimbulkan kecacatan.

Pasal 47

- (1) Negara, pemerintah, keluarga, dan orang tua wajib melindungi anak dari upaya transplantasi organ tubuhnya untuk pihak lain.
- (2) Negara, pemerintah, keluarga, dan orang tua wajib melindungi anak dari perbuatan
 - a. pengambilan organ tubuh anak dan/atau jaringan tubuh anak tanpa memperhatikan kesehatan anak;
 - b. jual beli organ dan/atau jaringan tubuh anak; dan
 - c. penelitian kesehatan yang menggunakan anak sebagai objek penelitian tanpa seizin orang tua dan tidak mengutamakan kepentingan yang terbaik bagi anak.

Bagian Ketiga Pendidikan

Pasal 48

Pemerintah wajib menyelenggarakan pendidikan dasar minimal 9 (sembilan) tahun untuk semua anak.

Pasal 49

Negara, pemerintah, keluarga, dan orang tua wajib memberikan kesempatan yang seluas-luasnya kepada anak untuk memperoleh pendidikan.

Pasal 50

Pendidikan sebagaimana dimaksud dalam Pasal 48 diarahkan pada:

- a. pengembangan sikap dan kemampuan kepribadian anak, bakat, kemampuan mental dan fisik sampai mencapai potensi mereka yang optimal;
- b. pengembangan penghormatan atas hak asasi manusia dan kebebasan asasi
- c. pengembangan rasa hormat terhadap orang tua, identitas budaya, bahasa dan nilai-nilainya sendiri, nilai-nilai nasional di mana anak bertempat tinggal, dari mana anak berasal, dan peradaban-peradaban yang berbeda-beda dari peradaban sendiri;
- d. persiapan anak untuk kehidupan yang bertanggung jawab; dan
- e. pengembangan rasa hormat dan cinta terhadap lingkungan hidup.

Pasal 51

Anak yang menyandang cacat fisik dan/atau mental diberikan kesempatan yang sama dan aksesibilitas untuk memperoleh pendidikan biasa dan pendidikan luar biasa.

Pasal 52

Anak yang memiliki keunggulan diberikan kesempatan dan aksesibilitas untuk memperoleh pendidikan khusus.

Pasal 53

- (1) Pemerintah bertanggung jawab untuk memberikan biaya pendidikan dan/atau bantuan cuma-cuma atau pelayanan khusus bagi anak dari keluarga kurang mampu, anak terlantar, dan anak yang bertempat tinggal di daerah terpencil.
- (2) Pertanggungjawaban pemerintah sebagaimana dimaksud dalam ayat (1) termasuk pula mendorong masyarakat untuk berperan aktif.

Pasal 54

Anak di dalam dan di lingkungan sekolah wajib dilindungi dari tindakan kekerasan yang dilakukan oleh guru, pengelola sekolah atau teman-temannya di dalam sekolah yang bersangkutan, atau lembaga pendidikan lainnya.

Bagian Keempat Sosial

Pasal 55

- (1) Pemerintah wajib menyelenggarakan pemeliharaan dan perawatan anak terlantar, baik dalam lembaga maupun di luar lembaga.
- (2) Penyelenggaraan pemeliharaan sebagaimana dimaksud dalam ayat (1) dapat dilakukan oleh lembaga masyarakat.
- (3) Untuk menyelenggarakan pemeliharaan dan perawatan anak terlantar, lembaga pemerintah dan lembaga masyarakat, sebagaimana dimaksud dalam ayat (2), dapat mengadakan kerja sama dengan berbagai pihak yang terkait.
- (4) Dalam hal penyelenggaraan pemeliharaan dan perawatan sebagaimana dimaksud dalam ayat (3), pengawasannya dilakukan oleh Menteri Sosial.

Pasal 56

- (1) Pemerintah dalam menyelenggarakan pemeliharaan dan perawatan wajib mengupayakan dan membantu anak, agar anak dapat:
 - a. berpartisipasi;

- b. bebas menyatakan pendapat dan berpikir sesuai dengan hati nurani dan agamanya;
 - c. bebas menerima informasi lisan atau tertulis sesuai dengan tahapan usia dan perkembangan anak;
 - d. bebas berserikat dan berkumpul;
 - e. bebas beristirahat, bermain, berekreasi, berkreasi, dan berkarya seni budaya; dan
 - f. memperoleh sarana bermain yang memenuhi syarat kesehatan dan keselamatan.
- (2) Upaya sebagaimana dimaksud dalam ayat (1) dikembangkan dan disesuaikan dengan usia, tingkat kemampuan anak, dan lingkungannya agar tidak menghambat dan mengganggu perkembangan anak.

Pasal 57

Dalam hal anak terlantar karena suatu sebab orang tuanya melalaikan kewajibannya, maka lembaga sebagaimana dimaksud dalam Pasal 55, keluarga, atau pejabat yang berwenang dapat mengajukan permohonan ke pengadilan untuk menetapkan anak sebagai anak terlantar.

Pasal 58

- (1) Penetapan pengadilan sebagaimana dimaksud dalam Pasal 57 sekaligus menetapkan tempat penampungan, pemeliharaan, dan perawatan anak terlantar yang bersangkutan.
- (2) Pemerintah atau lembaga yang diberi wewenang wajib menyediakan tempat sebagaimana dimaksud dalam ayat (1).

Bagian Kelima Perlindungan Khusus

Pasal 59

Pemerintah dan lembaga negara lainnya berkewajiban dan bertanggung jawab untuk memberikan perlindungan khusus kepada anak dalam situasi darurat, anak yang berhadapan dengan hukum, anak dari kelompok minoritas dan terisolasi, anak tereksplorasi secara ekonomi dan/atau seksual, anak yang diperdagangkan, anak yang menjadi korban penyalahgunaan narkotika, alkohol, psikotropika, dan zat adiktif lainnya (napza), anak korban penculikan, penjualan dan perdagangan, anak korban kekerasan baik fisik dan/atau mental, anak yang menyandang cacat, dan anak korban perlakuan salah dan penelantaran.

Pasal 60

Anak dalam situasi darurat sebagaimana dimaksud dalam Pasal 59 terdiri atas:

- a. anak yang menjadi pengungsi;
- b. anak korban kerusuhan;
- c. anak korban bencana alam; dan
- d. anak dalam situasi konflik bersenjata.

Pasal 61

Perlindungan khusus bagi anak yang menjadi pengungsi sebagaimana dimaksud dalam Pasal 60 huruf a dilaksanakan sesuai dengan ketentuan hukum humaniter.

Pasal 62

Perlindungan khusus bagi anak korban kerusuhan, korban bencana, dan anak dalam situasi konflik bersenjata sebagaimana dimaksud dalam Pasal 60 huruf b, huruf c, dan huruf d, dilaksanakan melalui:

- a. pemenuhan kebutuhan dasar yang terdiri atas pangan, sandang, pemukiman, pendidikan, kesehatan, belajar dan berekreasi, jaminan keamanan, dan persamaan perlakuan; dan
- b. pemenuhan kebutuhan khusus bagi anak yang menyandang cacat dan anak yang mengalami gangguan psikososial.

Pasal 63

Setiap orang dilarang merekrut atau memperlakui anak untuk kepentingan militer dan/atau lainnya dan membiarkan anak tanpa perlindungan jiwa.

Pasal 64

- (1) Perlindungan khusus bagi anak yang berhadapan dengan hukum sebagaimana dimaksud dalam Pasal 59 meliputi anak yang berkonflik dengan hukum dan anak korban tindak pidana, merupakan kewajiban dan tanggung jawab pemerintah dan masyarakat.
- (2) Perlindungan khusus bagi anak yang berhadapan dengan hukum sebagaimana dimaksud dalam ayat (1) dilaksanakan melalui:
 - a. perlakuan atas anak secara manusiawi sesuai dengan martabat dan hak-hak anak;
 - b. penyediaan petugas pendamping khusus anak sejak dini;
 - c. penyediaan sarana dan prasarana khusus;
 - d. penjatuhannya sanksi yang tepat untuk kepentingan yang terbaik bagi anak;
 - e. pemantauan dan pencatatan terus menerus terhadap perkembangan anak yang berhadapan dengan hukum;
 - f. pemberian jaminan untuk mempertahankan hubungan dengan orang tua atau keluarga; dan
 - g. perlindungan dari pemberitaan identitas melalui media massa dan untuk menghindari labelisasi
- (3) Perlindungan khusus bagi anak yang menjadi korban tindak pidana sebagaimana dimaksud dalam ayat (1) dilaksanakan melalui:
 - a. upaya rehabilitasi, baik dalam lembaga maupun di luar lembaga
 - b. upaya perlindungan dari pemberitaan identitas melalui media massa dan untuk menghindari labelisasi;
 - c. pemberian jaminan keselamatan bagi saksi korban dan saksi ahli, baik fisik, mental, maupun sosial; dan
 - d. pemberian aksesibilitas untuk mendapatkan informasi mengenai perkembangan perkara

Pasal 65

- (1) Perlindungan khusus bagi anak dari kelompok minoritas dan terisolasi sebagaimana dimaksud dalam Pasal 59 dilakukan melalui penyediaan prasarana dan sarana untuk dapat menikmati budayanya sendiri, mengakui dan melaksanakan ajaran agamanya sendiri, dan menggunakan bahasanya sendiri
- (2) Setiap orang dilarang menghalang-halangi anak sebagaimana dimaksud dalam ayat (1) untuk menikmati budayanya sendiri, mengakui dan melaksanakan ajaran agamanya, dan menggunakan bahasanya sendiri tanpa mengabaikan akses pembangunan masyarakat dan budaya.

Pasal 66

- (1) Perlindungan khusus bagi anak yang dieksploitasi secara ekonomi dan/atau seksual sebagaimana dimaksud dalam Pasal 59 merupakan kewajiban dan tanggung jawab pemerintah dan masyarakat
- (2) Perlindungan khusus bagi anak yang dieksploitasi sebagaimana dimaksud dalam ayat (1) dilakukan melalui:
 - a. penyebarluasan dan/atau sosialisasi ketentuan peraturan perundang-undangan yang berkaitan dengan perlindungan anak yang dieksploitasi secara ekonomi dan/atau seksual;
 - b. pemantauan, pelaporan, dan pemberian sanksi; dan
 - c. pelibatan berbagai instansi pemerintah, perusahaan, serikat pekerja, lembaga swadaya masyarakat, dan masyarakat dalam penghapusan eksploitasi terhadap anak secara ekonomi dan/atau seksual.
- (3) Setiap orang dilarang menempatkan, membiarkan, melakukan, menyuruh melakukan, atau turut serta melakukan eksploitasi terhadap anak sebagaimana dimaksud dalam ayat (1).

Pasal 67

- (1) Perlindungan khusus bagi anak yang menjadi korban penyalahgunaan narkoba, alkohol, psikotropika, dan zat adiktif lainnya (napza) sebagaimana dimaksud dalam Pasal 59, dan terlibat dalam produksi

dan distribusinya, dilakukan melalui upaya pengawasan, pencegahan, perawatan, dan rehabilitasi oleh pemerintah dan masyarakat.

(2)

Setiap orang dilarang dengan sengaja menempatkan, membiarkan, melibatkan, menyuruh melibatkan anak dalam penyalahgunaan, produksi dan distribusi napza sebagaimana dimaksud dalam ayat (1).

Pasal 68

- (1) Perlindungan khusus bagi anak korban penculikan, penjualan, dan perdagangan anak sebagaimana dimaksud dalam Pasal 59 dilakukan melalui upaya pengawasan, perlindungan, pencegahan, perawatan, dan rehabilitasi oleh pemerintah dan masyarakat.
- (2) Setiap orang dilarang menempatkan, membiarkan, melakukan, menyuruh melakukan, atau turut serta melakukan penculikan, penjualan, atau perdagangan sebagaimana dimaksud dalam ayat (1).

Pasal 69

- (1) Perlindungan khusus bagi anak korban kekerasan sebagaimana dimaksud dalam Pasal 59 meliputi kekerasan fisik, psikis, dan seksual dilakukan melalui upaya
 - a. penyebarluasan dan sosialisasi ketentuan peraturan perundang-undangan yang melindungi anak korban tindak kekerasan; dan
 - b. pemantauan, pelaporan, dan pemberian sanksi
- (2) Setiap orang dilarang menempatkan, membiarkan, melakukan, menyuruh melakukan, atau turut serta melakukan kekerasan sebagaimana dimaksud dalam ayat (1).

Pasal 70

- (1) Perlindungan khusus bagi anak yang menyandang cacat sebagaimana dimaksud dalam Pasal 59 dilakukan melalui upaya:
 - a. perlakuan anak secara manusiawi sesuai dengan martabat dan hak anak
 - b. pemenuhan kebutuhan-kebutuhan khusus; dan
 - c. memperoleh perlakuan yang sama dengan anak lainnya untuk mencapai integrasi sosial sepenuhnya dan pengembangan individu.
- (2) Setiap orang dilarang memperlakukan anak dengan mengabaikan pandangan mereka secara diskriminatif, termasuk labelisasi dan penyetaraan dalam pendidikan bagi anak-anak yang menyandang cacat.

Pasal 71

- (1) Perlindungan khusus bagi anak korban perlakuan salah dan penelantaran sebagaimana dimaksud dalam Pasal 59 dilakukan melalui pengawasan, pencegahan, perawatan, dan rehabilitasi oleh pemerintah dan masyarakat.
- (2) Setiap orang dilarang menempatkan, membiarkan, melibatkan, menyuruh melibatkan anak dalam situasi perlakuan salah, dan penelantaran sebagaimana dimaksud dalam ayat (1).

BAB X PERAN MASYARAKAT

Pasal 72

(1)	Masyarakat berhak memperoleh kesempatan seluas-luasnya untuk berperan dalam perlindungan anak
(2)	Peran masyarakat sebagaimana dimaksud dalam ayat (1) dilakukan oleh orang perseorangan, lembaga perlindungan anak, lembaga sosial kemasyarakatan, lembaga swadaya masyarakat, lembaga pendidikan, lembaga keagamaan, badan usaha, dan media massa

Pasal 73

Peran masyarakat dilaksanakan sesuai dengan ketentuan peraturan perundang-undangan yang berlaku.

BAB XI KOMISI PERLINDUNGAN ANAK INDONESIA

Pasal 74

Dalam rangka meningkatkan efektivitas penyelenggaraan perlindungan anak, dengan undang-undang ini dibentuk Komisi Perlindungan Anak Indonesia yang bersifat independen.

Pasal 75

- (1) Keanggotaan Komisi Perlindungan Anak Indonesia terdiri dari 1 (satu) orang ketua, 2 (dua) orang wakil ketua, 1 (satu) orang sekretaris, dan 5 (lima) orang anggota.
- (2) Keanggotaan Komisi sebagaimana dimaksud dalam ayat (1) terdiri dari unsur pemerintah, tokoh agama, tokoh masyarakat, organisasi sosial, organisasi kemasyarakatan, organisasi profesi, lembaga swadaya masyarakat, dunia usaha, dan kelompok masyarakat yang peduli terhadap perlindungan anak.
- (3) Keanggotaan Komisi sebagaimana dimaksud dalam ayat (1) dan ayat (2) diangkat dan diberhentikan oleh Presiden setelah mendapat pertimbangan Dewan Perwakilan Rakyat Republik Indonesia, untuk masa jabatan 3 (tiga) tahun, dan dapat diangkat kembali 1 (satu) kali masa jabatan.
- (4) Ketentuan lebih lanjut mengenai kelengkapan organisasi, mekanisme kerja, dan pembiayaan ditetapkan dengan Keputusan Presiden.

Pasal 76

Komisi Perlindungan Anak Indonesia bertugas:

- a. melakukan sosialisasi seluruh ketentuan peraturan perundang-undangan yang berkaitan dengan perlindungan anak, mengumpulkan data dan informasi, menerima pengaduan masyarakat, melakukan penelaahan, pemantauan, evaluasi, dan pengawasan terhadap penyelenggaraan perlindungan anak;
- b. memberikan laporan, saran, masukan, dan pertimbangan kepada Presiden dalam rangka perlindungan anak

BAB XII KETENTUAN PIDANA

Pasal 77

Setiap orang yang dengan sengaja melakukan tindakan:

- a. diskriminasi terhadap anak yang mengakibatkan anak mengalami kerugian, baik materiil maupun moril sehingga menghambat fungsi sosialnya; atau
- b. penelantaran terhadap anak yang mengakibatkan anak mengalami sakit atau penderitaan, baik fisik, mental, maupun sosial;
dipidana dengan pidana penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).

Pasal 78

Setiap orang yang mengetahui dan sengaja membiarkan anak dalam situasi darurat sebagaimana dimaksud dalam Pasal 60, anak yang berhadapan dengan hukum, anak dari kelompok minoritas dan terisolasi, anak yang dieksploitasi secara ekonomi dan/atau seksual, anak yang diperdagangkan, anak yang menjadi korban penyalahgunaan narkotika, alkohol, psikotropika, dan zat adiktif lainnya (napza), anak korban penculikan, anak korban perdagangan, atau anak korban kekerasan sebagaimana dimaksud dalam Pasal 59, padahal anak tersebut memerlukan pertolongan dan harus dibantu, dipidana dengan pidana penjara

paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).

Pasal 79

Setiap orang yang melakukan pengangkatan anak yang bertentangan dengan ketentuan sebagaimana dimaksud dalam Pasal 39 ayat (1), ayat (2), dan ayat (4), dipidana dengan pidana penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).

Pasal 80

- (1) Setiap orang yang melakukan kekejaman, kekerasan atau ancaman kekerasan, atau penganiayaan terhadap anak, dipidana dengan pidana penjara paling lama 3 (tiga) tahun 6 (enam) bulan dan/atau denda paling banyak Rp 72.000.000,00 (tujuh puluh dua juta rupiah).
- (2) Dalam hal anak sebagaimana dimaksud dalam ayat (1) luka berat, maka pelaku dipidana dengan pidana penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).
- (3) Dalam hal anak sebagaimana dimaksud dalam ayat (2) mati, maka pelaku dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan/atau denda paling banyak Rp 200.000.000,00 (dua ratus juta rupiah).
- (4) Pidana ditambah sepertiga dari ketentuan sebagaimana dimaksud dalam ayat (1), ayat (2), dan ayat (3) apabila yang melakukan penganiayaan tersebut orang tuanya.

Pasal 81

- (1) Setiap orang yang dengan sengaja melakukan kekerasan atau ancaman kekerasan memaksa anak melakukan persetubuhan dengannya atau dengan orang lain, dipidana dengan pidana penjara paling lama 15 (lima belas) tahun dan paling singkat 3 (tiga) tahun dan denda paling banyak Rp 300.000.000,00 (tiga ratus juta rupiah) dan paling sedikit Rp 60.000.000,00 (enam puluh juta rupiah).
- (2) Ketentuan pidana sebagaimana dimaksud dalam ayat (1) berlaku pula bagi setiap orang yang dengan sengaja melakukan tipu muslihat, serangkaian kebohongan, atau membujuk anak melakukan persetubuhan dengannya atau dengan orang lain

Pasal 82

Setiap orang yang dengan sengaja melakukan kekerasan atau ancaman kekerasan, memaksa, melakukan tipu muslihat, serangkaian kebohongan, atau membujuk anak untuk melakukan atau membiarkan dilakukan perbuatan cabul, dipidana dengan pidana penjara paling lama 15 (lima belas) tahun dan paling singkat 3 (tiga) tahun dan denda paling banyak Rp 300.000.000,00 (tiga ratus juta rupiah) dan paling sedikit Rp 60.000.000,00 (enam puluh juta rupiah).

Pasal 83

Setiap orang yang memperdagangkan, menjual, atau menculik anak untuk diri sendiri atau untuk dijual, dipidana dengan pidana penjara paling lama 15 (lima belas) tahun dan paling singkat 3 (tiga) tahun dan denda paling banyak Rp 300.000.000,00 (tiga ratus juta rupiah) dan paling sedikit Rp 60.000.000,00 (enam puluh juta rupiah).

Pasal 84

Setiap orang yang secara melawan hukum melakukan transplantasi organ dan/atau jaringan tubuh anak untuk pihak lain dengan maksud untuk menguntungkan diri sendiri atau orang lain, dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan/atau denda paling banyak Rp 200.000.000,00 (dua ratus juta rupiah).

Pasal 85

- (1) Setiap orang yang melakukan jual beli organ tubuh dan/atau jaringan tubuh anak dipidana dengan

pidana penjara paling lama 15 (lima belas) tahun dan/atau denda paling banyak Rp 300.000.000,00 (tiga ratus juta rupiah).

- (2) Setiap orang yang secara melawan hukum melakukan pengambilan organ tubuh dan/atau jaringan tubuh anak tanpa memperhatikan kesehatan anak, atau penelitian kesehatan yang menggunakan anak sebagai objek penelitian tanpa seizin orang tua atau tidak mengutamakan kepentingan yang terbaik bagi anak, dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan/atau denda paling banyak Rp 200.000.000,00 (dua ratus juta rupiah).

Pasal 86

Setiap orang yang dengan sengaja menggunakan tipu muslihat, rangkaian kebohongan, atau membujuk anak untuk memilih agama lain bukan atas kemauannya sendiri, padahal diketahui atau patut diduga bahwa anak tersebut belum berakal dan belum bertanggung jawab sesuai dengan agama yang dianutnya dipidana dengan pidana penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).

Pasal 87

Setiap orang yang secara melawan hukum merekrut atau memperlakui anak untuk kepentingan militer sebagaimana dimaksud dalam Pasal 63 atau penyalahgunaan dalam kegiatan politik atau pelibatan dalam sengketa bersenjata atau pelibatan dalam kerusuhan sosial atau pelibatan dalam peristiwa yang mengandung unsur kekerasan atau pelibatan dalam peperangan sebagaimana dimaksud dalam Pasal 15 dipidana dengan pidana penjara paling lama 5 (lima) tahun dan/atau denda paling banyak Rp 100.000.000,00 (seratus juta rupiah).

Pasal 88

Setiap orang yang mengeksploitasi ekonomi atau seksual anak dengan maksud untuk menguntungkan diri sendiri atau orang lain, dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan/atau denda paling banyak Rp 200.000.000,00 (dua ratus juta rupiah).

Pasal 89

- (1) Setiap orang yang dengan sengaja menempatkan, membiarkan, melibatkan, menyuruh melibatkan anak dalam penyalahgunaan, produksi atau distribusi narkotika dan/atau psikotropika dipidana dengan pidana mati atau pidana penjara seumur hidup atau pidana penjara paling lama 20 (dua puluh) tahun dan pidana penjara paling singkat 5 (lima) tahun dan denda paling banyak Rp 500.000.000,00 (lima ratus juta rupiah) dan paling sedikit Rp 50.000.000,00 (lima puluh juta rupiah).
- (2) Setiap orang yang dengan sengaja menempatkan, membiarkan, melibatkan, menyuruh melibatkan anak dalam penyalahgunaan, produksi, atau distribusi alkohol dan zat adiktif lainnya dipidana dengan pidana penjara paling lama 10 (sepuluh) tahun dan paling singkat 2 (dua) tahun dan denda paling banyak Rp 200.000.000,00 (dua ratus juta rupiah) dan denda paling sedikit Rp 20.000.000,00 (dua puluh juta rupiah).

Pasal 90

- (1) Dalam hal tindak pidana sebagaimana dimaksud dalam Pasal 77, Pasal 78, Pasal 79, Pasal 80, Pasal 81, Pasal 82, Pasal 83, Pasal 84, Pasal 85, Pasal 86, Pasal 87, Pasal 88, dan Pasal 89 dilakukan oleh korporasi, maka pidana dapat dijatuhkan kepada pengurus dan/atau korporasinya.
- (2) Pidana yang dijatuhkan kepada korporasi hanya pidana denda dengan ketentuan pidana denda yang dijatuhkan ditambah 1/3 (sepertiga) pidana denda masing-masing sebagaimana dimaksud dalam ayat (1).

BAB XIII

KETENTUAN PERALIHAN

Pasal 91

Pada saat berlakunya undang-undang ini, semua peraturan perundang-undangan yang berkaitan dengan perlindungan anak yang sudah ada dinyatakan tetap berlaku sepanjang tidak bertentangan dengan undang-undang ini.

BAB XIV KETENTUAN PENUTUP

Pasal 92

Pada saat berlakunya undang-undang ini, paling lama 1 (satu) tahun, Komisi Perlindungan Anak Indonesia sudah terbentuk.

Pasal 93

Undang-undang ini mulai berlaku pada tanggal diundangkan.

Agar setiap orang mengetahuinya, memerintahkan pengundangan undang-undang ini dengan penempatannya dalam Lembaran Negara Republik Indonesia.

Disahkan di Jakarta
pada tanggal 22 Oktober 2002
PRESIDEN REPUBLIK INDONESIA,

ttd.
MEGAWATI SOEKARNOPUTRI

Diundangkan di Jakarta
pada tanggal 22 Oktober 2002
SEKRETARIS NEGARA
REPUBLIK INDONESIA,

ttd.
BAMBANG KESOWO

LEMBARAN NEGARA REPUBLIK INDONESIA TAHUN 2002 NOMOR 109

Salinan sesuai dengan aslinya
SEKRETARIAT KABINET RI
Kepala Biro Peraturan
Perundang-undangan II

ttd
Edy Sudibyo

PENJELASAN

ATAS

**UNDANG-UNDANG REPUBLIK INDONESIA
NOMOR 23 TAHUN 2002**

TENTANG

PERLINDUNGAN ANAK

UMUM

Anak adalah amanah sekaligus karunia Tuhan Yang Maha Esa, yang senantiasa harus kita jaga karena dalam dirinya melekat harkat, martabat, dan hak-hak sebagai manusia yang harus dijunjung tinggi. Hak asasi anak merupakan bagian dari hak asasi manusia yang termuat dalam Undang-Undang Dasar 1945 dan Konvensi Perserikatan Bangsa-Bangsa tentang Hak-Hak Anak. Dari sisi kehidupan berbangsa dan bernegara, anak adalah masa depan bangsa dan generasi penerus cita-cita bangsa, sehingga setiap anak berhak atas kelangsungan hidup, tumbuh, dan berkembang, berpartisipasi serta berhak atas perlindungan dari tindak kekerasan dan diskriminasi serta hak sipil dan kebebasan.

Meskipun Undang-undang Nomor 39 Tahun 1999 tentang Hak Asasi Manusia telah mencantumkan tentang hak anak, pelaksanaan kewajiban dan tanggung jawab orang tua, keluarga, masyarakat, pemerintah, dan negara untuk memberikan perlindungan pada anak masih memerlukan suatu undang-undang mengenai perlindungan anak sebagai landasan yuridis bagi pelaksanaan kewajiban dan tanggung jawab tersebut. Dengan demikian, pembentukan undang-undang ini didasarkan pada pertimbangan bahwa perlindungan anak dalam segala aspeknya merupakan bagian dari kegiatan pembangunan nasional, khususnya dalam memajukan kehidupan berbangsa dan bernegara.

Orang tua, keluarga, dan masyarakat bertanggung jawab untuk menjaga dan memelihara hak asasi tersebut sesuai dengan kewajiban yang dibebankan oleh hukum. Demikian pula dalam rangka penyelenggaraan perlindungan anak, negara dan pemerintah bertanggung jawab menyediakan fasilitas dan aksesibilitas bagi anak, terutama dalam menjamin pertumbuhan dan perkembangannya secara optimal dan terarah. Undang-undang ini menegaskan bahwa pertanggungjawaban orang tua, keluarga, masyarakat, pemerintah dan negara merupakan rangkaian kegiatan yang dilaksanakan secara terus-menerus demi terlindunginya hak-hak anak. Rangkaian kegiatan tersebut harus berkelanjutan dan terarah guna menjamin pertumbuhan dan perkembangan anak, baik fisik, mental, spiritual maupun sosial. Tindakan ini dimaksudkan untuk mewujudkan kehidupan terbaik bagi anak yang diharapkan sebagai penerus bangsa yang potensial, tangguh, memiliki nasionalisme yang dijiwai oleh akhlak mulia dan nilai Pancasila, serta berkemauan keras menjaga kesatuan dan persatuan bangsa dan negara.

Upaya perlindungan anak perlu dilaksanakan sedini mungkin, yakni sejak dari janin dalam kandungan sampai anak berumur 18 (delapan belas) tahun. Bertitik tolak dari konsepsi perlindungan anak yang utuh, menyeluruh, dan komprehensif, undang-undang ini meletakkan kewajiban memberikan perlindungan kepada anak berdasarkan asas-asas sebagai berikut:

- a. nondiskriminasi;
- b. kepentingan yang terbaik bagi anak;
- c. hak untuk hidup, kelangsungan hidup, dan perkembangan; dan
- d. penghargaan terhadap pendapat anak.

Dalam melakukan pembinaan, pengembangan dan perlindungan anak, perlu peran masyarakat, baik melalui lembaga perlindungan anak, lembaga keagamaan, lembaga swadaya masyarakat, organisasi kemasyarakatan, organisasi sosial, dunia usaha, media massa, atau lembaga pendidikan.

PASAL DEMI PASAL

Pasal 1

Cukup jelas

Pasal 2

Asas perlindungan anak di sini sesuai dengan prinsip-prinsip pokok yang terkandung dalam Konvensi Hak-Hak Anak.

Yang dimaksud dengan asas kepentingan yang terbaik bagi anak adalah bahwa dalam semua tindakan yang menyangkut anak yang dilakukan oleh pemerintah, masyarakat, badan legislatif, dan badan yudikatif, maka kepentingan yang terbaik bagi anak harus menjadi pertimbangan utama.

Yang dimaksud dengan asas hak untuk hidup, kelangsungan hidup, dan perkembangan adalah hak asasi yang paling mendasar bagi anak yang dilindungi oleh negara, pemerintah, masyarakat, keluarga, dan orang tua.

Yang dimaksud dengan asas penghargaan terhadap pendapat anak adalah penghormatan atas hak-hak

anak untuk berpartisipasi dan menyatakan pendapatnya dalam pengambilan keputusan terutama jika menyangkut hal-hal yang mempengaruhi kehidupannya.

Pasal 3

Cukup jelas

Pasal 4

Hak ini sesuai dengan ketentuan dalam Pasal 28B ayat (2) Undang-Undang Dasar 1945 dan prinsip-prinsip pokok yang tercantum dalam Konvensi Hak-Hak Anak.

Pasal 5

Cukup jelas

Pasal 6

Ketentuan ini dimaksudkan untuk memberi kebebasan kepada anak dalam rangka mengembangkan kreativitas dan intelektualitasnya (daya nalarnya) sesuai dengan tingkat usia anak. Ketentuan pasal ini juga menegaskan bahwa pengembangan tersebut masih tetap harus berada dalam bimbingan orang tuanya.

Pasal 7

Ayat (1)

Ketentuan mengenai hak anak untuk mengetahui siapa orang tuanya, dalam arti asal-usulnya (termasuk ibu susunya), dimaksudkan untuk menghindari terputusnya silsilah dan hubungan darah antara anak dengan orang tua kandungnya, sedangkan hak untuk dibesarkan dan diasuh orang tuanya, dimaksudkan agar anak dapat patuh dan menghormati orang tuanya.

Ayat (2)

Pengasuhan atau pengangkatan anak dilaksanakan sesuai dengan norma-norma hukum, adat istiadat yang berlaku, dan agama yang dianut anak.

Pasal 8

Cukup jelas

Pasal 9

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 10

Cukup jelas

Pasal 11

Cukup jelas

Pasal 12

Hak dalam ketentuan ini dimaksudkan untuk menjamin kehidupannya sesuai dengan martabat kemanusiaan, meningkatkan rasa percaya diri, dan kemampuan berpartisipasi dalam kehidupan bermasyarakat, berbangsa, dan bernegara.

Pasal 13

Ayat (1)

Huruf a

Perlakuan diskriminasi, misalnya perlakuan yang membedakan suku, agama, ras, golongan, jenis kelamin, etnik, budaya dan bahasa, status hukum anak, urutan kelahiran anak, dan kondisi fisik dan/atau mental.

Huruf b

Perlakuan eksploitasi, misalnya tindakan atau perbuatan memperlak, memanfaatkan, atau memeras anak

untuk memperoleh keuntungan pribadi, keluarga, atau golongan.

Huruf c

Perlakuan penelantaran, misalnya tindakan atau perbuatan mengabaikan dengan sengaja kewajiban untuk memelihara, merawat, atau mengurus anak sebagaimana mestinya.

Huruf d

Perlakuan yang kejam, misalnya tindakan atau perbuatan secara zalim, keji, bengis, atau tidak menaruh belas kasihan kepada anak. Perlakuan kekerasan dan penganiayaan, misalnya perbuatan melukai dan/atau mencederai anak, dan tidak semata-mata fisik, tetapi juga mental dan sosial.

Huruf e

Perlakuan ketidakadilan, misalnya tindakan keberpihakan antara anak yang satu dan lainnya, atau kesewenang-wenangan terhadap anak.

Huruf f

Perlakuan salah lainnya, misalnya tindakan pelecehan atau perbuatan tidak senonoh kepada anak.

Ayat (2)

Cukup jelas

Pasal 14

Pemisahan yang dimaksud dalam ketentuan ini tidak menghilangkan hubungan anak dengan orang tuanya.

Pasal 15

Perlindungan dalam ketentuan ini meliputi kegiatan yang bersifat langsung dan tidak langsung, dari tindakan yang membahayakan anak secara fisik dan psikis.

Pasal 16

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Pasal 17

Ayat (1)

Huruf a

Cukup jelas

Huruf b

Yang dimaksud dengan bantuan lainnya misalnya bimbingan sosial dari pekerja sosial, konsultasi dari psikolog dan psikiater, atau bantuan dari ahli bahasa.

Huruf c

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 18

Bantuan lainnya dalam ketentuan ini termasuk bantuan medik, sosial, rehabilitasi, vokasional, dan pendidikan.

Pasal 19

Cukup jelas

Pasal 20

Cukup jelas

Pasal 21

Cukup jelas

Pasal 22

Dukungan sarana dan prasarana, misalnya sekolah, lapangan bermain, lapangan olahraga, rumah ibadah, balai kesehatan, gedung kesenian, tempat rekreasi, ruang menyusui, tempat penitipan anak, dan rumah tahanan khusus anak.

Pasal 23

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 24

Cukup jelas

Pasal 25

Cukup jelas

Pasal 26

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 27

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Ayat (4)

Cukup jelas

Pasal 28

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

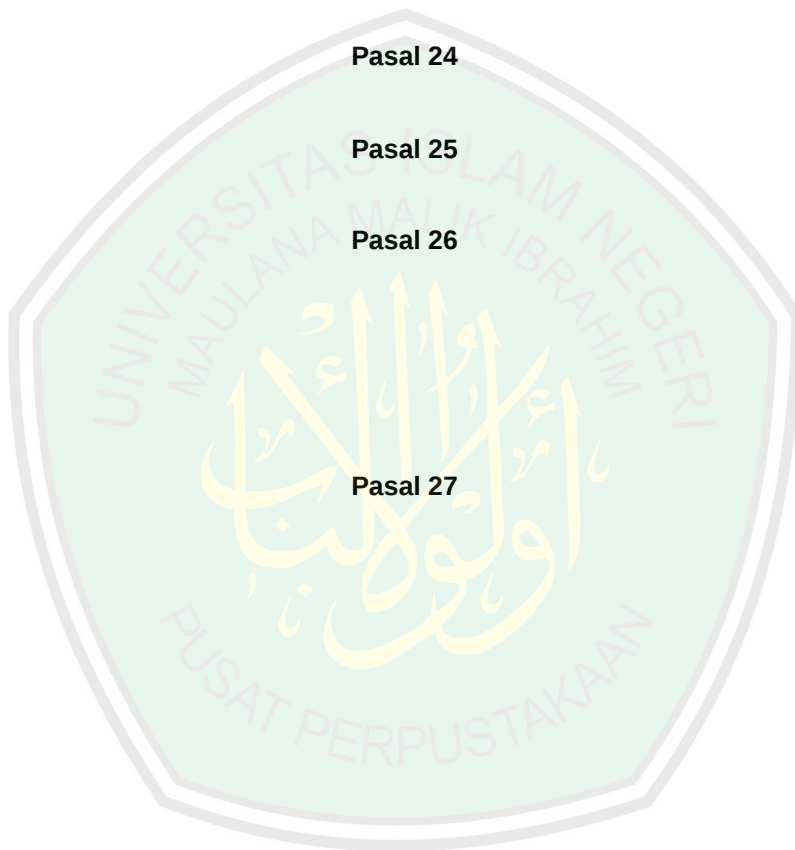
Ayat (3)

Cukup jelas

Ayat (4)

Cukup jelas

Pasal 29



Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Ayat (3)
Cukup jelas

Pasal 30

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 31

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Ayat (3)
Cukup jelas

Ayat (4)
Cukup jelas

Cukup jelas

Pasal 32

Pasal 33

Ayat (1)
Cukup jelas

Ayat (2)
Pengadilan yang dimaksud dalam ketentuan ini adalah Pengadilan Agama bagi yang beragama Islam dan Pengadilan Negeri bagi yang beragama selain Islam.

Ayat (3)
Cukup jelas

Ayat (4)
Cukup jelas

Ayat (5)
Cukup jelas

Pasal 34

Cukup jelas

Pasal 35

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Ayat (3)
Cukup jelas

Pasal 36

Ayat (1)
Lihat penjelasan Pasal 33 Ayat (2)

Ayat (2)
Lihat penjelasan Pasal 33 Ayat (2)

Pasal 37

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Ayat (3)
Yang dimaksud dengan kata seyogianya dalam ketentuan ini adalah sepatutnya; selayaknya; semestinya; dan sebaiknya.

Ayat (4)
Cukup jelas

Ayat (5)
Cukup jelas

Ayat (6)
Pengasuhan anak dalam panti sosial merupakan upaya terakhir.

Pasal 38

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 39

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Ayat (3)
Cukup jelas

Ayat (4)
Cukup jelas

Ayat (5)
Ketentuan ini berlaku untuk anak yang belum berakal dan bertanggung jawab, dan penyesuaian agamanya dilakukan oleh mayoritas penduduk setempat (setingkat desa atau kelurahan) secara musyawarah, dan telah diadakan penelitian yang sungguh-sungguh.

Pasal 40

Ayat (1)
Cukup jelas

Ayat (2)

Yang dimaksud dengan kesiapan dalam ketentuan ini diartikan apabila secara psikologis dan psikososial diperkirakan anak telah siap. Hal tersebut biasanya dapat dicapai apabila anak sudah mendekati usia 18 (delapan belas) tahun.

Pasal 41

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Pasal 42

Ayat (1)

Cukup jelas

Ayat (2)

Anak dapat menentukan agama pilihannya apabila anak tersebut telah berakal dan bertanggung jawab, serta memenuhi syarat dan tata cara sesuai dengan ketentuan agama yang dipilihnya, dan ketentuan peraturan perundang-undangan yang berlaku.

Pasal 43

Ayat (1)

Cukup jelas

Ayat (1)

Cukup jelas

Pasal 44

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Ayat (4)

Cukup jelas

Ayat (5)

Cukup jelas

Pasal 45

Ayat (1)

Cukup jelas

Ayat (2)

Cukup jelas

Ayat (3)

Cukup jelas

Pasal 46

Penyakit yang mengancam kelangsungan hidup dan menimbulkan kecacatan, misalnya HIV/AIDS, TBC, kusta, polio.

Pasal 47

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 48

Cukup jelas

Pasal 49

Cukup jelas

Pasal 50

Cukup jelas

Pasal 51

Cukup jelas

Pasal 52

Cukup jelas

Pasal 53

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 54

Cukup jelas

Pasal 55

Ayat (1)
Yang dimaksud dengan frasa dalam lembaga adalah melalui sistem panti pemerintah dan panti swasta, sedangkan frasa di luar lembaga adalah sistem asuhan keluarga/perseorangan.

Ayat (2)
Cukup jelas

Ayat (3)
Cukup jelas

Ayat (4)
Cukup jelas

Pasal 56

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 57

Cukup jelas

Pasal 58

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 59

Cukup jelas

Pasal 60

Cukup jelas

Pasal 61

Cukup jelas

Pasal 62

Yang dimaksud dengan frasa gangguan psikososial antara lain trauma psikis dan gangguan perkembangan anak di usia dini.

Pasal 63

Cukup jelas

Pasal 64

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Ayat (3)
Cukup jelas

Pasal 65

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 66

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Ayat (3)
Cukup jelas

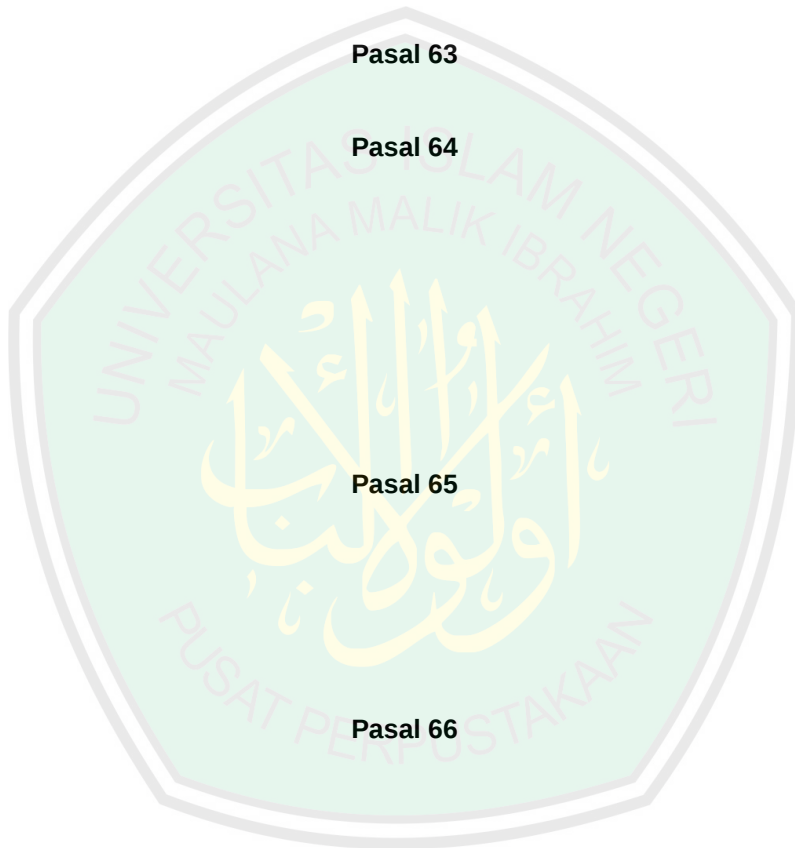
Pasal 67

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 68

Ayat (1)



Cukup jelas

Ayat (2)
Cukup jelas

Pasal 69

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 70

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 71

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 72

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 73

Cukup jelas

Pasal 74

Cukup jelas

Pasal 75

Ayat (1)
Cukup jelas

Ayat (2)
Yang dimaksud dengan frasa tokoh masyarakat dalam ayat ini termasuk tokoh adat.

Ayat (3)
Cukup jelas

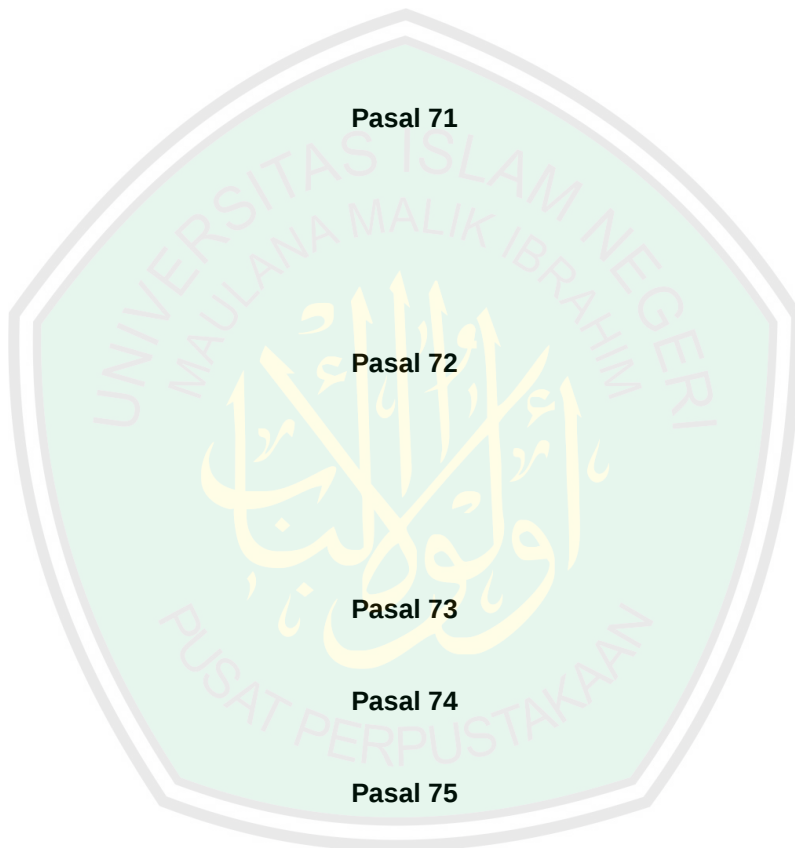
Ayat (4)
Kelengkapan organisasi yang akan diatur dalam Keputusan Presiden termasuk pembentukan organisasi di daerah.

Pasal 76

Cukup jelas

Pasal 77

Cukup jelas



Pasal 78

Cukup jelas

Pasal 79

Cukup jelas

Pasal 80

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Ayat (3)
Cukup jelas

Ayat (4)
Cukup jelas

Pasal 81

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 82

Cukup jelas

Pasal 83

Cukup jelas

Pasal 84

Cukup jelas

Pasal 85

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 86

Cukup jelas

Pasal 87

Cukup jelas

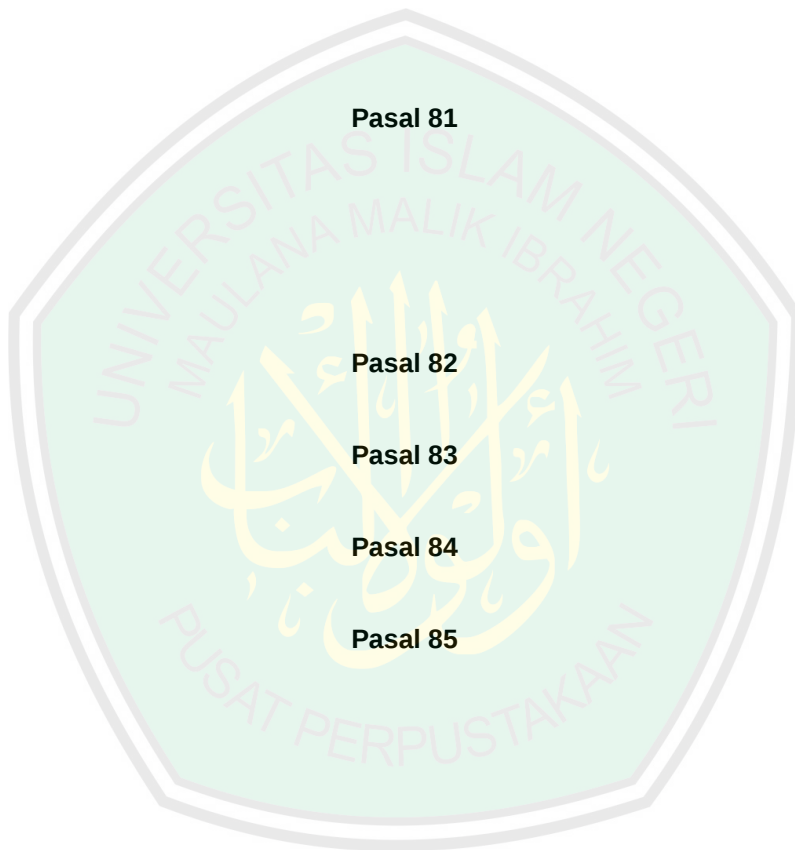
Pasal 88

Cukup jelas

Pasal 89

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas



Pasal 90

Ayat (1)
Cukup jelas

Ayat (2)
Cukup jelas

Pasal 91

Cukup jelas

Pasal 92

Cukup jelas

Pasal 93

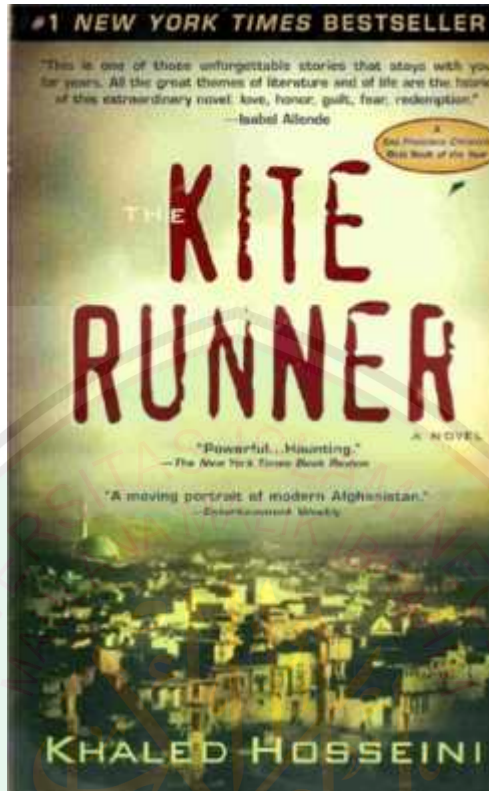
Cukup jelas

TAMBAHAN LEMBARAN NEGARA REPUBLIK INDONESIA NOMOR 4235



The Kite Runner

Khaled Hosseini



Amir lives with his father, Baba, in Kabul, Afghanistan. His mother, who had died during childbirth, had left behind a collection of Sufi literature. From early childhood, Amir likes to read stories from her books to his servant and playmate, Hassan. While Amir is privileged and able to go to school, Hassan is busy with housework. However, in their free time they are good friends. To commemorate these happy times, Amir carves their names on a pomegranate tree.

Living in a single-parent home, Amir yearns for his father's attention and gets jealous of Hassan when his father bestows favors on Hassan, favors like arranging cosmetic surgery for his harelip. Amir's desire for his father's affection also stems from his father's indifference toward his son's interest in books. When it is time for the local kite-flying contest, Amir gets excited because he knows that his father will be watching him with genuine interest.

Hassan is excited about the contest, too, and after Amir wins, Hassan runs and catches the prizewinning kite for his friend. Unfortunately, the neighborhood bully, Assef, and his companions stop Hassan and demand the kite from him. Hassan does not surrender the kite and is physically assaulted and raped by Assef. Amir sees the assault but, fearing confrontation with the bully, does nothing—an act of betrayal that will affect Amir into adulthood and forever change his relationship with Hassan.

Both Amir and Hassan know the social gap that defines their identities. In Afghan culture, Amir is a Pashtun and Hassan is a Hazara, which makes him a servant. Religious difference also sets them apart, even though they both are Muslim: Amir is Sunni, and Hassan is Shia. Pashtuns, the majority ethnic group in Afghanistan, make fun of Hazaras, a minority ethnic group, treating them as pariahs. Children taunt Hassan's father, Ali, as "a slant-eyed donkey," and Assef insults Hassan as a "flat-nosed" Hazara who does not belong in Afghanistan.

Amir is not disturbed with his servant-master friendship until the kite incident. Even as a twelve-year-old kid, he is old enough to know that he has not been good. Hassan's presence reminds him of his own guilt, so he asks his father to get new servants. Baba refuses but, instead, frames Hassan, accusing him of theft; Hassan and his father leave Kabul. A few years later, because of the Russian invasion, Baba and Amir secretly leave Kabul, too. They cross the border into Pakistan after a difficult journey and emigrate to the United States.

Baba adjusts to the cultural and economic challenges of living in the United States and is happy with Amir's educational success. Amir had majored in English to pursue a writing career, his childhood dream. On weekends, he helps his father sell at the local flea market, where he meets Soraya, the daughter of an expatriate Afghan general. Amir and Soraya soon fall in love, and Amir's father makes lavish arrangements for a grand wedding. Baba, who has been suffering from cancer, dies one month after the wedding.

Amir and Soraya are happy together, but they remain childless for many years. Twenty years later Amir is a successful novelist in the United States. An old friend of his father, Rahim Khan, calls Amir on the phone and invites him to Pakistan. Amir meets him and soon learns that Baba had sold his home to Rahim. Rahim had then brought back Hassan and his family to live with him. Unfortunately, in Rahim's absence, Talibs had come to the house and shot Hassan and his wife; their son, Sohrab, ended up in an orphanage.

Rahim also reveals that Hassan was actually Baba's son, and Amir's half-brother. Amir is outraged by this belated discovery, but he also recalls his own guilt. Thus, he embarks on a dangerous journey to Afghanistan to atone his past sins and to rescue Sohrab, his nephew.

Afghanistan is now under the oppressive control of the Taliban. After a great deal of searching, Amir meets a Talib, who agrees to arrange a meeting with Sohrab. Amir goes to the appointed place and recognizes Assef, the neighborhood bully from their younger days, who is now a Talib; Assef practically owns Sohrab. Assef says he will release Sohrab only if Amir will engage in one-on-one physical combat with him, and win. In this mismatched fight, Amir is seriously injured. Sohrab hits Assef in the eye with something fired from his slingshot, and Amir and Sohrab manage to escape.

Sohrab and Amir flee to Pakistan, and Amir is hospitalized. He plans to return to the United States with Sohrab after he recovers from his injuries, but because he is not a legal guardian of the child, he cannot obtain a U.S. visa for him. A lawyer advises Amir that to legally adopt Sohrab, it would be necessary to place

Sohrab in an orphanage. When Amir reveals this plan to Sohrab, the child is devastated and feels betrayed; Amir had promised him that he would never send him to an orphanage. Sohrab attempts suicide, and Amir finds his nephew's body in the bathroom, covered with blood. Amir screams for help and vows to become a devout Muslim if God will spare Sohrab's life. Sohrab lives, but he no longer talks or smiles.

Finally, Amir is able to return to the United States with Sohrab after Soraya obtains a humanitarian visa for the child. The couple do their best to make Sohrab happy in his new home, and Amir forbids his father-in-law from ever referring to Sohrab as a Hazara. Later, Sohrab shows signs of a faint smile as Amir runs after a prizewinning kite.

